



Planning & Infrastructure

Office of the Director-General

Ms Lea Rosser
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Contact: Katrine O'Flaherty
Phone: 02 4904 2707
Fax: 02 4904 2701
Email: katrine.o'flaherty@planning.nsw.gov.au
Our ref: 12/08836
Your ref: 18/2006/9/1

Attention: Mr Bo Moshage

Dear Ms Rosser

Planning Proposal PP_2011_CESSN_001_00 – Gateway Determination alteration and extension

I refer to your notification under s56 of the Environmental Planning and Assessment Act 1979, received on 14 May 2012, for the Planning Proposal PP_2011_CESSN_001_00 to rezone land at Wyndham Street Greta.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 22 December 2010 for PP_2011_CESSN_001_00.

The Gateway Determination is amended to rezone Lot 2 DP 808354 and Lot 2 DP 1151267 from RU2 Rural Landscape to R2 Low Density Residential, R5 Large Lot Residential and E2 Environmental Conservation as described in Council's Planning Proposal dated 18 April 2012.

The Executive Director, as delegate of the Director General has determined that the proposal's inconsistency with s117 direction 1.2 Rural Lands is justified under clause 5c due to its identification within the Lower Hunter Regional Strategy. Consistency with several other s117 Directions is not able to be demonstrated at this stage and must be addressed prior to the proposal being finalised.

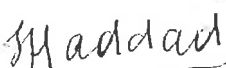
The Proposal may proceed subject to the following conditions;

1. Prior to exhibition the Planning Proposal must be amended and a copy of the amended proposal provided to the Regional Office for review. Amendments that are required are;
 - Removal of the reference to the transfer of land zoned E2 Environmental Conservation to the State Government or Council, as these arrangements have not yet been finalised. The proposal should only indicate that the land is to be managed for environmental protection in perpetuity.
 - Clarification that the Central Hunter Ironbark-Spotted Gum-Grey Box Forest is now listed as an Endangered Ecological Community under the Threatened Species Conservation Act 1995.

- Incorporation of comments regarding Council's consideration of the proposal's relationship with surrounding land uses and potential for additional development opportunities in the surrounding area.
 - Clear indication that the area will be mapped as an urban release area in relation to Part 6 of the LEP.
2. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
 3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows;
 - (a) the planning proposal is classified as low impact as described in 'A Guide to Preparing LEPs' (Department of Planning 2009) and must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of 'A Guide to Preparing LEPs' (Department of Planning 2009).
 4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - Department of Primary Industries (Agriculture)
 - Office of Environment and HeritageEach public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
 5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 6. The timeframe for completing the LEP is to be 12 months from the week following the date of the amended Gateway determination. Council should aim to commence the exhibition of the Planning Proposal within four weeks from the week following this revised determination. Council's request for the Department to draft and finalise the LEP should be made six weeks prior to the projected publication date.

If you have any questions in relation to this matter, please contact Katrine O'Flaherty, of the Department of Planning and Infrastructure's Newcastle Office on 02 4904 2707.

Yours sincerely


Sam Haddad
Director General

16/1/2012