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13/04848

Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Plan Making and Urban Renewal

PLANNING PROPOSAL PP 2011 CESSN 002 00 (AVERY'S VILLAGE) GATEWAY DETERMINATION EXTENSION

PURPOSE

- To recommend that the Minister's delegate alter the Gateway Determination for PP_2011_CESSN_002_00.

RECOMMENDATION

It is RECOMMENDED that the Executive Director, as the Minister's delegate:

- agree** pursuant to s56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination to extend the time to complete the Planning Proposal for Avery's Village; and
- sign** the letter to Council (**Tag Council**).

CURRENT POSITION

- Council has prepared a Planning Proposal to rezone land for residential development of up to 750 lots and the conservation of environmentally significant land.
- The original Proposal was transitioned from the former provisions of Part 3 and a Gateway Determination issued on the 10 December 2010 (**Tag A**). Council was initially given 9 months to complete the Planning Proposal, however this timeframe has been extended a number of times. Delays had been caused by the split of responsibilities between Council and the Cessnock Planning Panel, time taken to resolve outstanding issues such as negotiating the vegetation offset package and Council's decision to exhibit the Planning Proposal in conjunction with a draft s94 plan and draft Development Control Plan.
- The Department has previously advised Council that delaying LEP amendments with the preparation and exhibition of s94 plans and development control plans is not supported.
- An amended Gateway Determination, issued on 8 August 2011, **Tag B**, extended the timeframe for completing the Planning Proposal, requiring it to be finalised by 10 March 2012.
- Council has again requested that the period to complete the proposal be extended, **Tag C**. Council advises the Planning Proposal was deferred for two weeks at a recent Council meeting to allow further consultation with the Kurri Kurri Golf Course and Heddon Greta Drive In. It is understood the Planning Proposal will be reconsidered at the next meeting on 27 March 2013.
- It is recommended that the Gateway Determination be extended by 6 months to provide sufficient time to exhibit the vegetation offset Voluntary Planning Agreement (VPA), to obtain the Parliamentary Counsel opinion and to reproduce the LEP maps to comply with the Department's SI technical requirements.
- This proposal is included on the master list of planning proposals to be delegated back to Councils, when approved.

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Neil McGaffin
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20, 3.13

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

Our ref: 13/04848
Your ref: 18/2006/3/1

Att: Mr Scott Christie

Dear Ms Rosser

Planning Proposal PP_2011_CESSN_002_00 - Gateway Determination extension

I refer to Council's request received on 8 March 2013 seeking an extension of time to complete the Planning Proposal PP_2011_CESSN_002_00, known as Avery's Village.

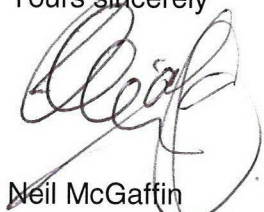
I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 10 December 2010 for PP_2011_CESSN_002_00.

The Gateway Determination is amended by extending the time for the completion of the Planning Proposal by an additional 6 months. The Planning Proposal is now due for completion by 10 September 2013.

I strongly encourage Council to finalise the draft plan within the revised timeframe.

If you have any questions in relation to this matter please contact Mr Trent Wink of the Department's Newcastle Office on 02 4904 2716.

Yours sincerely



Neil McGaffin
Executive Director
Rural & Regional Planning

20.3.13