



Planning

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

10/23494

Attention: Bo Moshage

Dear Madam

I refer to Council's letter of 12 November 2010, requesting that the above draft LEP be converted into a planning proposal under the current Part 3 process.

I am writing to notify you that I have determined, as the delegate of the Director General, under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Furthermore, as the delegate for the Minister of Planning, I have determined under clause 122(2) of Schedule 6 of the *EP&A Act 1979* that all conditions precedent up to s.56(8) of the *EP&A Act 1979* are dispensed with for the making of this draft LEP. The draft LEP may be submitted to the Director General subject to the Planning Proposal being placed on public exhibition for 28 days and Council meeting its requirements under Section 57 of the Act.

As state agency consultation occurred under the former plan-making provisions, further consultation with these agencies is not required. However, council should continue to liaise with Department for Environment, Climate Change and Water regarding biodiversity offsets for the site and resolve any issues prior to forwarding the plan to the Department under section 59 of the Act.

The amending local environmental plan (LEP) is to be finalised within 9 months of the date of this letter. Council should reconsider the need to prepare a VPA / Section 94 Contributions Plan and a DCP for the subject site before publicly exhibiting the planning proposal to ensure the above timeframe can be met. Under section 57(2) of the Act, I am satisfied that the planning proposal is in a form that can be made publicly available for community consultation.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet

these commitments, the Minister may take action under 54(2) (d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Dylan Meade of the Department's Hunter & Central Coast Regional Team on 4904 2718.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Tom Gellibrand', with a stylized flourish at the end.

10/12/10

Tom Gellibrand

Deputy Director General

Plan Making & Urban Renewal

(as delegate of the Minister and the Director General)