



Planning

10/23689

Attention: Bo Moshage

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

Dear Ms Rosser

Subject: Cessnock LEP Amendment – Bellbird Heights

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 *Environmental Planning and Assessment Act 1979* now apply.

Furthermore I have, as the delegate of the Minister, determined under clause 56(2)(b) of the *Environmental Planning and Assessment Act 1979* that the matter should be resubmitted for further studies and revision of the planning proposal.

These studies include additional investigation into;

- mine subsidence and site contamination, as identified within the preliminary investigation reports and council's planning proposal
- the need for and nature of mechanisms to address incompatibility between the proposed residential development and the current mine operations identified by Industry and Investment NSW and the Council.
- the necessary environmental offsets for the proposed development, including the offsets to be achieved both on and off the site.

It is expected that this investigation will assist to clarify the recommended zones and zone boundaries, and facilitate the revision of the planning proposal. Once the planning proposal is resubmitted, a determination will be made on what further agency consultation, if any, is required.

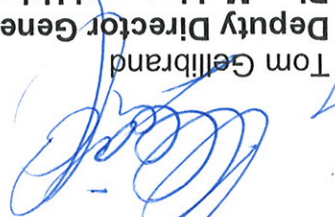
The Department expects that the further investigations and any revised planning proposal will be referred to the Cessnock Planning Panel before resubmission to the Department. The investigations and revision are expected to be completed within 6 months from the date of this letter with finalisation of any subsequent local environmental plan within 12 months.

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 Ms Katrine O'Flaherty of the Department's Hunter & Central Coast Regional Team on 4904 2707.

Yours sincerely



Tom Gellibrand

**Deputy Director General
Plan Making and Urban Renewal**

(as delegate of the Minister and Director General)

24.12.10.