

Cessnock LEP 2011 Minor Amendments

Proposal Title : **Cessnock LEP 2011 Minor Amendments**

Proposal Summary : **To correct a number of minor errors and anomalies within the Cessnock LEP 2011.**

PP Number : **PP_2012_CESSN_003_00** Dop File No : **12/11090**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions :

Additional Information : **The Director General as delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act that an amendment to the Cessnock Local Environmental Plan 2011 be undertaken to address seven minor housekeeping matters, to correct errors or anomalies within the LEP, subject to the following conditions;**

- 1. Community consultation is not required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").**
- 2. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act.**
- 3. 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).**
- 4. The timeframe for completing the LEP is to be 3 months from the week following the date of the Gateway determination.**
- 5. The Department will arrange for the legal drafting of the LEP and refer it to Council consistent with section 59 (1) when a draft is available.**

Supporting Reasons : **Although minor, the planning proposal will address seven clear errors or anomalies within the Cessnock LEP 2011 and resolve uncertainty for several individuals within the LGA that arise due to these anomalies.**

Panel Recommendation

Recommendation Date : **16-Aug-2012**

Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The request should proceed as a planning proposal subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to amend the planning proposal to address the proposal's consistency with Directions 1.1 Business and Industrial Zones, 1.2 Rural Zones, 1.5 Rural Lands, 2.3 Heritage Conservation, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, and 6.2 Reserving Land for Public Purposes, and any other applicable direction as determined by Council.**
- 2. Prior to undertaking public exhibition, Council is to amend the planning proposal to include proposed lot size, land zoning and heritage maps which clearly identify the subject site. These maps should be placed on public exhibition with the planning proposal.**
- 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:

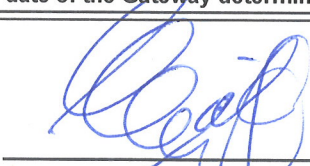
- Local Heritage Society

Each 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 6 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGiffin

Date:

21.8.12