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

Our ref: PP_2012_CESSN_003_00 (12/11090)
 Your ref:

Dear Miss Rosser,

Planning proposal to amend Cessnock Local Environmental Plan (LEP) 2011

I am writing in response to your Council's request that a proposal to amend the Cessnock Local Environmental Plan (LEP) 2011 to facilitate various housekeeping amendments including amendments to land application, heritage, land zoning and lot size maps, amendment to the land use table for zones B7 Business Park and IN2 Light Industrial, amendment to Clause 7.7 Subdivision of land at Lovedale Road Keinbah and Schedule 5 Environmental Heritage to be progressed under Section 73A of the Environmental Planning and Assessment Act 1979 ("EP&A Act").

As delegate of the Minister for Planning and Infrastructure, I have determined that the matter should be progressed via a planning proposal, subject to the conditions in the attached Gateway determination.

It is noted that the planning proposal aims to rezone land for residential, open space and rural purposes, remove heritage items from the Schedule 5 Environmental Heritage and permit additional uses in its business and industrial zones. Consequently Council must address Section 117 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 apply, and other relevant directions which apply to the proposal. Council is to amend the planning proposal to address the proposals consistency with these directions. If the planning proposal is inconsistent with a direction, Council should seek the Director General's agreement that any inconsistency is of minor significance.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 Katrine O'Flaherty of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

SHaddad

Sam Haddad
Director-General

22/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_CESSN_003_00): to amend the Cessnock Local Environmental Plan (LEP) 2011 to facilitate various housekeeping amendments.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that a proposed Section 73A amendment to Cessnock Local Environmental Plan (LEP) 2011 to facilitate various housekeeping amendments including amendments to land application, heritage, land zoning and lot size maps, amendment to the land use table for zones B7 Business Park and IN2 Light Industrial, amendment to Clause 7.7 Subdivision of land at Lovedale Road Keinbah and Schedule 5 Environmental Heritage 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.



Planning & Infrastructure

Dated

22nd day of

August

2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure