



Office of the Director General

Ms Lea Rosser
General Manager
Cessnock City Council
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CESSNOCK NSW 2325

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Our ref: PP_2012_CESSN_004_00 (12/13904)
Your ref:

Dear Ms Rosser,

Planning proposal to amend Cessnock Local Environmental Plan 2011

I am writing in response to your Council's request dated 23 August 2012 for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Cessnock Local Environmental Plan (LEP) 2011 to make various minor housekeeping amendments.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

The planning proposal seeks to include a local provision to reflect the existing approval to subdivide land uses at The Vintage below the minimum lot size, similar to the former Clause 17 of Cessnock LEP 1989. The proposed clause includes additional land uses to those contained under Clause 17. Council has not provided details of the approved subdivision associated with The Vintage, and the planning proposal has not considered the integration of these additional uses as part of a larger tourist facility. Council is therefore to remove reference to additional land uses that were not contained in the original Clause 17 and limit the subdivision of land at The Vintage to that provided by the former Clause. Council is to include an assessment of the consistency or otherwise of the proposed clause with the SEPP Rural Lands 2008, relevant local and regional strategies and applicable S117 directions.

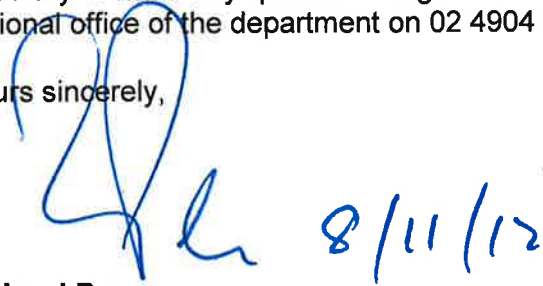
It is recommended that Council review the need to prohibit 'hardware and building supplies' and 'public administration buildings' in IN2 Light Industrial and IN3 Heavy Industry zones. It is considered that restriction of these uses may limit appropriate future development.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 NSW 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,

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '8/11/12' written in a similar style.

Richard Pearson
A/Director General

Gateway Determination

Planning proposal (Department Ref: PP_2012_CESSN_004_00): to amend Cessnock Local Environmental Plan 2011 to make various minor housekeeping amendments.

I, the Acting 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 an amendment to the Cessnock Local Environmental Plan (LEP) 2011 to make various minor housekeeping amendments should proceed subject to the following conditions:

1. Council is to amend the planning proposal to :
 - (a) remove all additional land uses proposed to be included in the clause to allow subdivision of land at The Vintage, Pokolbin, that were not included under the previous provisions of Clause 17 of the Cessnock LEP 1989.,
 - (b) include an additional item that amends model clause 7.1 Acid Sulphate Soils to reflect the revised model clause,
 - (c) include an additional item that amends urban release area map 1720_COM_URA_009A_040_20111202 to address an error at Heddon Greta which incorrectly mapped certain land as being within the release area, and
 - (d) include mapping of the changes required in relation to proposed heritage amendments and the inclusion of the Memorial Gates at Sawyers Gully,

A copy of the revised planning proposal and maps should be placed on exhibition and forwarded to the department's regional team.

2. 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)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
4. 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).
5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

8 day of

November

2012.



Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure