



Mr Stephen Glen
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Dear Mr Glen

Planning proposal (PP_2018_CESSN_003_00) to amend *Cessnock Local Environmental Plan 2011*

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* and additional information received on 30 January and 1 July 2020 in respect of the planning proposal to rezone part of Lots 1000 and 1009 DP 1234890, amend the Lot Size Map to apply a minimum lot size of 450m² and to amend the permitted uses on the subject site.

As delegate of the Minister for Planning and Public Spaces, I have determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Ministerial direction 6.3 Site Specific Provisions is justified in accordance with the terms of the direction. No further approval is required in relation to this direction.

Given there have been site specific provisions relating to multi dwelling housing previously applied in this location, it is strongly recommended Council consider strategically the outcomes being sought for the surrounding area to minimise the need for any further site specific provisions. Unnecessarily restrictive site specific planning controls should be discouraged where possible.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial directions:

- 1.3 Mining, Petroleum Production and Extractive Industries;
- 2.6 Remediation of Contaminated Land;
- 4.3 Flood Prone Land; and
- 4.4 Planning for Bushfire Protection.

Council should ensure this occurs prior to the plan being made.

On 17 April 2020, the Minister for Planning and Public Spaces approved the removal clause 6 from *State Environmental Planning Policy 55 - Remediation of Land* and transfer requirements to section 9.1 Ministerial direction 2.6 Remediation of Contaminated Land. As such, the planning proposal should be updated to address this direction prior to exhibition.

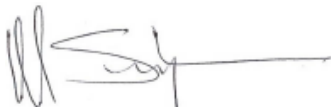
It is noted Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW 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 section 3.32(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr James Shelton, Senior Planner, Central Coast and Hunter Region to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely



21/07/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination
Authorised plan-making reporting template