



Ms Lotta Jackson
General Manager
Cessnock City Council
PO Box 152
CESSNOCK NSW 2325

Attn: Hannah McCauley

Dear Ms Jackson

Planning proposal PP_2020_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* (the Act) and additional information received on 16 September 2020 in respect of the above planning proposal.

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

The reclassification of item 7, Molly Worthington Netball Courts (Lot 5 and Lot 7 DP 1140055 101 Maitland Street and 107 Lang Street, Kurri Kurri) is considered premature at this time. The proposal for this site is deemed inconsistent with Practice Note PN 16-001. An alternative site for the public open space facilities should be secured prior to progressing with any reclassification and rezoning.

The planning proposal should be updated prior to public exhibition to include an assessment and justification for the proposed new zones as suitable for sites 3, 5 and 6. This is particularly the case for site 5. This site is proposed to be rezoned R3 Medium Density Residential, despite the surrounding R2 Low Density Residential and would be physically separated by the railway line to the existing R3 Medium Density Residential zones.

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

- 4.2 Mine Subsidence and Unstable Land;
- 4.4 Planning for Bushfire Protection; and
- 6.2 Reserving land for Public Purposes.

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

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority as the local environmental plan requires the Governor's approval.

The amending local environmental plan is to be finalised within 24 months of the date of the Gateway determination. Council should commence the exhibition of the planning proposal within nine months of the Gateway determination. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

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 Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Amy Blakely, Planning Officer, Central Coast and Hunter Region to assist you. Ms Blakely can be contacted on 02 4904 2723.

Yours sincerely



10/11/2020
Monica Gibson
Executive Director
Local and Regional Planning

Encl: Gateway determination