

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

Our ref: IRF21/4949

Dear Ms Jackson

**Planning proposal PP-2021-3697 to amend Cessnock Local Environmental Plan 2011**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 30 March 2022 in respect of the planning proposal to rezone land for residential and environmental conservation purposes at Gingers Lane, Sawyers Gully.

As delegate of the Minister for Planning, I have determined that the planning proposal should not proceed for the following reasons:

- The planning proposal is considered premature and has not demonstrated sufficient strategic or site-specific merit to progress a rezoning and amend development standards in advance of a structure plan being prepared and endorsed by Council for the Sawyers Gully Precinct.
- Council should consider relodging a new planning proposal for the site once an endorsed structure plan for the Sawyers Gully Precinct is complete.
- The planning proposal is inconsistent with actions in the *Hunter Regional Plan 2036* and the *Greater Newcastle Metropolitan Plan 2036* as it locates rural residential development on land that is likely to be needed for urban development.
- The planning proposal is inconsistent with draft Hunter Regional Plan 2041, the draft Hunter Expressway Strategy and Council's Urban Growth Management Plan principles and sets an undesirable precedent of bringing forward development that is out of sequence with the strategic planning framework.
- Several site-specific matters still require resolution including odour impacts, biodiversity, Aboriginal cultural heritage, land contamination, cumulative impacts from traffic and transport including cumulative impacts from the Sawyers Gully Precinct and Hunter Expressway, flooding, and social impacts.

In accordance with Council's resolution, the Department encourages Council to progress the area-wide investigations and structure plan for the Sawyers Gully Precinct prior to the rezoning of the site.

The planning proposal is categorised as 'complex' which has an end-to-end timeframe of 420 working days. In this regard, an endorsed structure plan, supporting technical studies and the planning proposal should be sufficiently detailed and completed to a standard that enables achievement of these timeframes.

Should you have any enquiries about this matter, I have arranged for Glenn Horal to assist you. Mr Horal can be contacted on 4345 4409

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. McDonald', is positioned above the typed name.

11 August 2022

**Malcolm McDonald**  
**Executive Director, Local and Regional Planning**  
**Planning & Land Use Strategy**

Encl: Gateway determination