

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

Via email: [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)

Attn: Keren Brown

Dear Ms Jackson

**Planning proposal PP-2021-5189 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 in September and November 2021 in respect of the planning proposal to reclassify 101 Maitland Street and part of 107 Lang Street, Kurri Kurri from "Community" to "Operational" land.

As delegate of the Minister for Planning and Homes, I have determined the planning proposal should be resubmitted once the conditions in the enclosed Gateway determination have been addressed.

If the planning proposal is not resubmitted and considered adequate by the timeframe in the enclosed Gateway determination, it will be deemed as withdrawn.

The planning proposal requires clarification on the future intent of the site in the context of Council's recreational and Kurri Kurri strategies, and also *Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan*. In particular, matters requiring clarification include:

- whether seeking a future urban outcome for the site is Council policy, and if so the consideration of provision of public open space and how Council may or will benefit financially, and how these funds will be used, along with how Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification;
- what uses will be pursued under the existing RE1 Public Recreation zone as part of the proposed reclassification and removal of public reserve status of the site;

- whether provision of a playground for the site is Council policy, and if so, how this may be provisioned as part of the proposed reclassification and removal of public reserve status of the site; and
- clarification in the explanation of provisions section the intention to remove the public reserve status of the site.

The site will retain its RE1 Public Recreation zone, despite references made in the planning proposal to 'infill development' and use of the site for 'urban purposes', which would be consistent with Council's resolution of 15 May 2019 and the 'opportunities framework' in Council's Kurri Kurri Commercial Centre Masterplan.

There is a lack of sufficient detail in the planning proposal to clarify Council's future intent for the site. Particularly, how any potential intention for 'infill development' aligns with the retention of a RE1 Public Recreation zone.

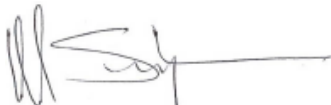
The Department's *Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan* states all planning proposals classifying or reclassifying public land must address a number of matters for Gateway consideration.

This includes current or proposed business dealings. For example, any agreements for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time.

The Practice Note also requires the planning proposal to state how Council may or will benefit financially, and how these funds will be used, along with how Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.

Should you have any enquiries about this matter, I have arranged for Ms Chris Ferry, Planning Officer, Central Coast and Hunter Region to assist you. Ms Ferry can be contacted on 4927 3203 or email [christine.ferry@dpie.nsw.gov.au](mailto:christine.ferry@dpie.nsw.gov.au).

Yours sincerely



14/03/2022

**Dan Simpkins**  
**Director, Central Coast and Hunter Region**  
**Local and Regional Planning**

Encl: Gateway determination