



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

Dear Mr Glen

**Planning proposal PP\_2018\_CESSN\_002\_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 15 May 2018 in respect of the planning proposal to amend the IN2 Light Industrial Zone Land Use Table, to delete sub-clause 4.1(4A)(a) regarding (T1) battle axe block lot size restrictions, and to correct four mapping anomalies.

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

The Gateway determination includes a condition to remove Lot 142 DP264038, Mcblane Street, Weston from the planning proposal. This condition reflects the need for further investigation of this site to be undertaken and the likelihood of this work delaying the remainder of the proposal. Council may wish to include this site in a future planning proposal once this work has been completed.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with section 9.1 Directions 1.2 Rural zones and 1.5 Rural lands is of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 9.1 Directions which are unresolved, these include 4.3 Flood prone land and 4.4 Planning for Bushfire Protection. Council should ensure that these are resolved prior to community consultation.

It is noted that 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 15 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The 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 section 3.32(2)(d) of the Act 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 to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. O'Flaherty', written in a cursive style.

09/07/2018

**Katrine O'Flaherty**  
**Acting Director Regions, Hunter**  
**Planning Services**

Encl: Gateway determination  
Local plan-making authority reporting template