



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

Dear Ms Jackson

Planning proposal PP_2020_CESSN_005_00 to amend the *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 the additional information received on the 1 October 2021 in respect of the above planning proposal.

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.

The planning proposal would increase density in the commercial precinct by removing the height of building and floor space controls that apply to parts of the precinct from the *Cessnock Local Environmental Plan 2011*, relying instead on the provisions of the *Cessnock Development Control Plan 2010*.

The Department has consulted with Biodiversity Conservation Division regarding this approach. At this stage, changes which permit an increase in residential density in the precinct are not supported due to flash flooding and evacuation concerns. Council is encouraged to review its *Cessnock City Floodplain Risk Management Study and Plan* to examine hazard management strategies that would accommodate further residential density in the commercial precinct.

As delegate of the Secretary, I have agreed the planning proposal's inconsistencies with section 9.1 Ministerial directions 1.1 Business Zones and 4.2 Mine Subsidence and Unstable Land is justified in accordance with the terms of the directions.

In relation to section 9.1 Ministerial direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public for the purposes of SP2 Local Road and RE1 Local Open Space and no further approval is required in relation to this direction.

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 determination for Council to be authorised as the local plan-making authority.

The amending local environmental plan is to be finalised within nine months of the date of the Gateway determination. Council should commence exhibition of the planning proposal within three months of the Gateway determination.

Council's request to draft the local environmental plan should be made to the Department at mapinstrument.drafting@dpie.nsw.gov.au and a copy of the request forwarded to the regional office.

The NSW Government is committed to reducing the time taken to complete local environmental plans by tailoring the steps in the process to the complexity of the planning 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 Pryor, Planning Officer, Central Coast and Hunter to assist you. Ms Pryor can be contacted on 9274 6367.

Yours sincerely



09/12/2021

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

Encl: Gateway determination