

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

Our ref: IRF21/4458

Attn: Mr. Iain Rush, Senior Strategic Planner

Dear Ms Jackson

Planning proposal PP-2021-6586 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 9 November 2021 in respect of the planning proposal to amend the recreation zones land use tables and rezone selected land to reflect current recreational land uses.

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

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act: 1.1 Business and Industrial Zones, 1.5 Rural Lands, 3.1 Residential Zones, 4.3 Flooding and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the direction.

In relation to Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction/creation of land for public purposes on the basis that the amendments reflect historical and current use of the land.

No further approval is required in relation to the above directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act being: 2.1 Environment Protection Zones, 2.6 Remediation of Contaminated Land, 4.2 Mine Subsidence and Unstable Land and 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the LEP being made.

I have considered the nature of Council's planning proposal and have determined not to condition the Gateway determination for Council to be the local plan-making authority. This is due to Council being the owner of land subject to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before **31 December 2022**.

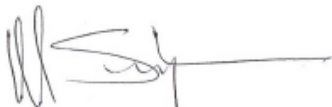
The Department's Local Environmental Plan Making Guideline (Department of Planning, Industry and Environment, 2021) outlines four (4) different planning proposal categories based on the degree of strategic consistency and level of complexity. Each category is supported by target timeframes for key milestones. This proposal is categorised as 'standard'.

The Department will actively case manage the amendment with Council to assist with meeting these milestones to allow for the timely amendment of the LEP. 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.

All related files for the LEP amendment must be submitted to the Department via the Planning Portal Website at www.planningportal.nsw.gov.au/reporting/online-submission-planning-data. Council is reminded to update the Planning Portal and notify the Department's Central Coast and Hunter Region Office when the plan-making milestones are achieved.

Should you have any enquiries about this matter, I have arranged for Ms Kylie Dorsett, Senior Planning Officer, from the Department of Planning and Environment to assist you. Ms Dorsett can be contacted on 9995 6666.

Yours sincerely



30/03/2022

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

Encl: Gateway determination