

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

Dear Mr Glen

Planning proposal PP_2018_CESSN_001_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 in May and June 2018 in respect of the planning proposal to reclassify from "community" to "operational" six Council owned sites, and to rezone and amend the lot size map for one of the sites at Stephen Street, Cessnock.

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

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with section 9.1 Direction 1.5 Rural Lands are justified in accordance with the terms of the Directions. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of other relevant section 9.1 Directions:

- 4.2 Mine subsidence and unstable land (site 4 at Cessnock Street, Aberdare);
- 4.3 Flood prone land (site 1 at William Street Cessnock and site 6 at Quorrobolong Road, Cessnock);
- 4.4 Planning for Bushfire Protection (site 3 at Aberdare Street Kitchener, site 4 at Cessnock Street, Aberdare and site 6 at Quorrobolong Road, Cessnock); and
- 6.2 Reserving land for public purposes (site 5 at Stephen Street Cessnock).

Council should ensure this occurs prior to the plan being made.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the Department's practice note, *Classification and reclassification of public land through a local environmental plan*. Because the proposal involves Council owned land, I have elected not to issue Council with delegations to finalise this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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 02 4904 2700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, flowing script.

27/7/2018

Monica Gibson
Director Regions, Hunter
Planning Services

Encl: Gateway Determination