

Mr Ken Liddell
General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Our ref: IRF23/2224

Via email: council@cessnock.nsw.gov.au

Dear Mr Liddell,

Planning proposal PP-2023-1296 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) in respect of the planning proposal to reclassify and rezone various sites in Bellbird and Abermain.

As delegate of the Minister for Planning and Public Spaces, I have determined that 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 EP&A Act 5.2 Reserving Land for Public Purposes and 6.1 Residential Zones is justified in accordance with the terms of the Direction.

In relation to Direction 5.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes on the basis that the changes seek to only formalise the existing situations and that the amendment will also enable vehicle safety improvements for the land at Carmichael Park, Bellbird, that will benefit the local community.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Direction 4.4 Planning for Bushfire Protection and 4.6 Mine Subsidence and Unstable Land.

I have determined not to authorise Council to be the local plan-making authority as the proposal involves Council owned land that may need the approval of the Governor of NSW to extinguish its public reserve status.

The amending local environmental plan (LEP) is to be finalised on or before 6 months of the Gateway determination date. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Clay Logan to assist you. Clay can be contacted on 6650 7158.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the date.

27/05/2024

Jeremy Gray
Director, Hunter and Northern
Local Planning and Council Support

Encl: Gateway determination