



Department of Planning, Housing and Infrastructure

Mr Ken Liddell
General Manager
Cessnock City Council
62-78 Vincent Street
Cessnock NSW 2325

IRF24/753

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

Attention: Keren Brown

Dear Mr Liddell

Planning proposal PP-2023-2054 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) to remove 49C Aberdare Road, Aberdare, from clause 7.11B of the Cessnock LEP 2011.

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 section 9.1 Ministerial Direction 4.6 Mine Subsidence and Unstable Land is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The amending local environmental plan (LEP) is to be finalised on or before 9 months of the date of this 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 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 and Environment, 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 Ms Pia Gilfillan to assist you. Ms Pia Gilfillan can be contacted on 02 4927 3135.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', written over a light gray rectangular background.

16/4/2024

Jeremy Gray
Director, Hunter and Northern
Planning, Land Use Strategy, Housing & Infrastructure
Department of Planning, Housing and Infrastructure