



Department of Planning, Housing and Infrastructure

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

Our ref: PP-2024-868 (IRF24/1676)

By email: council@cessnock.nsw.gov.au
Olivia.Lewis-Curnoe@cessnock.nsw.gov.au

Dear Mr Liddell

Planning proposal PP-2024-868 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 rezone part of Lot 245 DP 1271509, 1823 Wine Country Drive, Cessnock to SP2 Infrastructure – sewerage system.

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 Act 6.1 Residential Zones and 7.1 Business and Industrial Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.3 Planning for Bushfire Protection. Council should ensure this occurs prior to the local environmental plan (LEP) being made.

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 proposed LEP is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to mapinstrument.drafting@dpie.nsw.gov.au. The relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

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 Ms Sandra Bush to assist you. Sandra can be contacted on 5778 1409.

Yours sincerely

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

06/08/24

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

Encl: Gateway determination