



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

Our ref: IRF22/650

Dear Ms Jackson

Planning proposal PP-2022-620 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 enable a dwelling entitlement on land at Black Hill Road, Black Hill.

As delegate of the Minister for Planning and Homes, 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 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 the Direction.

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 4.3 Planning for Bushfire Protection, 8.1 Mining, Petroleum Production and Extractive Industries and 9.2 Rural Lands. Council should ensure this occurs prior to the 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 local environmental plan (LEP) is to be finalised on or before 18 May 2023. 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 and Environment 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 and Environment, 2021) 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 Glenn Hornal to assist you. Mr Hornal can be contacted on 4345 4409.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Starreveld', with a long horizontal flourish extending to the right.

4 August 2022

Dan Starreveld
Manager, Local and Regional Planning
Planning and Land Use Strategy

Encl: Gateway determination