

Gateway Determination

Planning proposal (Department Ref: PP_2018_CESSN_003_00): *rezone part of Lots 1000 and 1009 DP 1234890, amend the Lot Size Map to apply a minimum lot size of 450m² and to amend the permitted uses on the subject site.*

I, the Director, Central Coast and Hunter Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the *Cessnock Local Environmental Plan 2011* to rezone part of Lots 1000 and 1009 DP 1234890, amend the Lot Size Map to apply a minimum lot size of 450m² and to amend the permitted uses on the site should proceed subject to the following conditions:

1. Update the planning proposal prior to public exhibition to:
 - a. Include reference in the Part 2: Explanation of Provisions section the Item 5 of Schedule 1 in the *Cessnock Local Environmental Plan 2011*;
 - b. include an assessment against the Local Strategic Planning Statement;
 - c. include an assessment against section 9.1 Ministerial direction 2.6 Remediation of Contaminated Land; and
 - d. map the site as an urban release area.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial directions:
 - Biodiversity Conservation Division
 - NSW Rural Fire Service
 - Department of Primary Industries

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 21 day of July 2020.



Dan Simpkins
Director, Central Coast and Hunter
Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces