

Gateway Determination

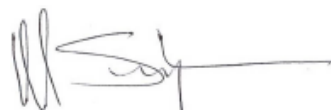
Planning proposal (Department Ref: PP_2020_CESSN_005_00): to amend planning controls that apply to the Cessnock Commercial Precinct

I, the Director, Central Coast and Hunter at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Cessnock Local Environmental Plan 2011* to amend the planning controls that apply to the Cessnock Commercial Precinct should proceed subject to the following conditions:

1. Council is to amend the planning proposal prior to consultation to:
 - (a) remove the proposed changes to the height of buildings and floor space ratio planning controls in the local environmental plan;
 - (b) identify in the explanation of provisions the land proposed to be acquired would also be rezoned;
 - (c) include an assessment against the *Cessnock Local Strategic Planning Statement*; and
 - (d) update the project timeline and summarise references in the document to the planning proposal (PP_2017_CESSN_002_00) into a background section.
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 must be made publicly available for a minimum of **28 days**;
 - (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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); and
 - (c) public exhibition should commence within **3 months** following the date of the Gateway determination.
3. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
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.

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 local environmental plan is to be **9 months** following the date of the Gateway determination.

Dated 9th day of December 2021.



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