

Gateway Determination

Planning proposal (Department Ref: PP-2021-6586): Recreation Land Use Zones

I, the Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 recreation zones land use tables and rezone certain land to reflect current recreational land uses, should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be amended to:
 - (a) update the third objective to describe the nature of the proposed amendments to the Land Zoning, Minimum Lot Size and Land Reservation Acquisition Maps;
 - (b) remove item 62 from the planning proposal;
 - (c) amend the reason for the LEP amendment for items 36, 45 and 54 to reflect the affectation that is most prevalent; and
 - (d) update references to any environmental (E) zones to conservation (C) zones.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021); and
 - (c) exhibition must commence within **3 months** following the date of the Gateway determination.
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - (a) Biodiversity and Conservation Division;
 - (b) Subsidence Advisory NSW;
 - (c) Hunter Water Corporation;

- (d) Mindaribba Local Aboriginal Land Council; and
- (e) NSW Rural Fire Service.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 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 EP&A 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 Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act.
- 6. The LEP should be completed on or before **31 December 2022**.

Dated 30th day of March 2022.



Dan Simpkins
Director
Central Coast & Hunter Region
Department of Planning and Environment

**Delegate of the Minister for Planning and
Homes**