

Gateway Determination

Planning proposal (Department Ref: PP-2021-7357): Cessnock Conservation Zone Framework

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 conservation zone framework should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to community consultation to:
 - a) amend references to environmental (E) zones to conservation (C) zones;
 - b) remove references in the explanation of provisions to changing the permissibility of 'extensive agriculture' in the C2 Environmental Conservation and C3 Environmental Management zones;
 - c) include further justification for the following proposed amendments:
 - i. prohibiting 'recreation areas' in all conservation zones;
 - ii. including 'camping grounds' and 'tourist and visitor accommodation' as permitted with consent in the C3 Environmental Management zone;
 - iii. including 'eco-tourist facilities' as permitted with consent in the C2 Environmental Conservation and C3 Environmental Management zones; and
 - iv. removing 'water reticulation systems' as permitted with consent in the C4 Environmental Living zone, as the prohibition would result in an outcome inconsistent with clauses 2.158 and 2.160 of State Environmental Planning Policy (Transport and Infrastructure) 2021;
 - d) include reference to all relevant State Environmental Planning Policies;
 - e) address the Local Environmental Plan Making Guidelines (December 2021), including consistency with applicable State and regional studies or strategies;
 - f) update the explanation of provisions to differentiate between mandated land uses and land uses that may be permitted with or without consent in accordance with the *Standard Instrument (Local Environmental Plans) Order 2006*; and
 - g) update the timeline to reflect the categorisation of the planning proposal as 'complex'.
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 complex 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 30 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
- a) public exhibition must commence **by 14 July 2022**.
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 Act:
- Biodiversity Conservation Division;
 - Hunter Water Corporation;
 - Subsidence Advisory NSW;
 - Mindaribba Local Aboriginal Land Council;
 - NSW Rural Fire Service; and
 - NSW Local Land Services.
- 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 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 local environmental plan should be completed **by 3 April 2023**.

Dated 12th day of May 2022.



Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes