

## Gateway Determination

**Planning proposal (Department Ref: PP\_CESSN\_2020\_002\_00):** to rezone land in Nulkaba from R5 Large Lot Residential zone to RU5 Village zone and amend the minimum lot size.

I, the Director, Central Coast and Hunter Region 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 rezone the land from R5 Large Lot Residential zone to RU5 Village zone and change the minimum lot size from 2000m<sup>2</sup> to 750m<sup>2</sup> should proceed subject to the following conditions:

1. Prior to exhibition the planning proposal is to be updated to:
  - a) include the findings of a flood study prepared for the site;
  - b) refer to *State Environmental Planning Policy (Koala Habitat Protection) 2019*;
  - c) address consistency with section 9.1 Ministerial direction 2.6 Remediation of Contaminated Land; and
  - d) include maps that show the existing and proposed local environmental plan zoning and lot size controls in the context of the site's surrounds.
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, 2018) and be made publicly available for a minimum of **14 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
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 Directions:
  - Biodiversity and Conservation Division
  - NSW Rural Fire Service

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 24 day of August 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**