

Gateway Determination

Planning proposal (Department Ref: PP-2022-1446): to review the land uses permissible in RU2 Rural Landscape, RU3 Forestry and RU5 Village zones and amend zones and minimum lot sizes for a number of villages.

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 review the land uses permissible in RU2 Rural Landscape, RU3 Forestry and RU5 Village zones and amend zones and minimum lot sizes for a number of villages should proceed subject to the following conditions:

1. The planning proposal should be updated prior to public exhibition to:
 - (a) remove the proposed provision to prohibit 'open cut mining' in the RU2 Rural Landscape and RU3 Forestry zones from the Explanation of Provisions; and
 - (b) include proposed Land Zoning and Minimum Lot Size maps.
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; 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
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:
 - Mining, Exploration and Geoscience; and
 - Department of Primary Industries.

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 40 days to comment on the planning 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.

5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The local environmental plan should be completed on or before 4 May 2023.

Dated 21st day of July 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