

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-1461):** comprehensive review of Special Uses 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 comprehensively review the special uses zones land use tables and rezone selected land to reflect current land uses should proceed subject to the following conditions:


1. The planning proposal is to be updated prior to public exhibition to:
  - a. transfer relevant sections relating to proposed rezoning of The Vintage and Lovedale Integrated Tourist Development from SP3 Tourist to SP1 Special Activities to a separate planning proposal that;
    - i. clarifies references to the site as Lovedale Integrated Tourist Development;
    - ii. considers LEP Practice Notes PN09-006 and PN11-002. In particular, consideration of alternative zoning options for The Vintage and Lovedale Integrated Tourism Development and evidence to demonstrate the land uses or site characteristics justifying an appropriate zone; and
  - b. provides additional justification and outline how Council intends for serviced apartments to be assessed against *State Environmental Planning Policy No. 65 – Design Excellence of Residential Apartments* and the *Apartment Design Guide*;
  - c. remove assessment against the Hunter Regional Plan 2036 and replace it with an assessment against the *Hunter Regional Plan 2041*; and
  - d. assess consistency with all relevant section 9.1 Ministerial directions.
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 6 months following the date of the Gateway determination.

3. Consultation is required with NSW Rural Fire Service 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:

The NSW Rural Fire Service 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 LEP should be completed on or before 1 February 2024.

Dated                                  day of                                  2022



22/12/22

**Dan Simpkins**  
**Director Central Coast and Hunter**  
**Department of Planning and Environment**

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