

Gateway Determination

Planning proposal (Department Ref: PP-2022-1649): to rezone land from RU4 Primary Production Small Lots to SP3 Tourist to facilitate a new tourism node within the Cessnock Vineyards District.

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 be resubmitted.

1. The resubmitted planning proposal must address the following matters:
 - a. update all sections of the planning proposal to make it consistent with the revised planning proposal objectives and outcomes as well as supporting studies, such as the economic study;
 - b. remove any reference to including the draft Cessnock Vineyards District Local Character Statement in the local environmental plan;
 - c. any proposed new definitions need to be included within the proposed local clause(s) as the Department doesn't support the inclusion of additional terms in the local environmental plan dictionary as this is an amendment to the Standard Instrument – Principle Local Environmental Plan;
 - d. remove assessment against the Hunter Regional Plan 2036 and replace it with assessment against the *Hunter Regional Plan 2041*, including strategies or objective performance indicators. It should also demonstrate why the planning proposal should proceed before a place strategy is adopted;
 - e. assessment of all land constraints, including but not limited to biodiversity, bushfire, flooding, contamination, and land use conflict;
 - f. update assessment of all relevant section 9.1 Ministerial directions;
 - g. outline the issues will be addressed by the proposed development control plan;
 - h. include the rezoning of The Vintage and Lovedale Integrated Tourist Development and justify the proposed zones against the LEP Practice Notes PN09-006 and PN11-002. In particular:
 - i. analyse 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
 - ii. appropriateness of 'open' or 'closed' SP3 Tourist zone and impact on permissibility of residential land uses;
 - i. include land zoning and minimum lot size maps for the area proposed to be zoned SP3 Tourist informed by an economic feasibility study and subsequent assessment of constraints including, but not limited to, bushfire, flooding, biodiversity, contamination, and potential for land use conflict; and
 - j. audit land zoned RU4 Primary Production Small Lots to determine if there are any currently operating animal boarding or training establishments.

2. The planning proposal must be resubmitted by 1 July 2023.

Dated 22 day of December 2022

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal line extending to the right.

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

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