

## Gateway Determination

***Planning proposal (Department Ref: PP-2022-1725): to rezone part 259 and 261 Averys Lane, Buchanan to enable residential development.***

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 rezone part 259 and 261 Averys Lane, Buchanan to enable residential development should proceed subject to the following conditions:

1. The planning proposal should be updated prior to public exhibition to:
  - (a) include the current and proposed Lot Size Maps, Land Reservation Acquisition Maps and Urban Release Area Maps; and
  - (b) include a Phase 1 preliminary contamination assessment.
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 is to commence by 7 November 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:
  - Transport for NSW;
  - NSW Rural Fire Service; and
  - Biodiversity Conservation Division.

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 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A 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 LEP should be completed on or before 15 May 2023.

Dated        2<sup>nd</sup>        day of        August        2022.

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

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

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