

Gateway Determination

Planning proposal (Department Ref: PP-2023-1296): *Reclassification and rezoning of various sites in Bellbird and Abermain*

I, the Director Hunter and Northern at the Department of Planning, Housing and Infrastructure, 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 reclassify and rezone various sites in Bellbird and Abermain should proceed subject to the following conditions.

The LEP should be completed within 6 months of the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation the planning proposal is to be updated to:
 - (a) include existing and proposed LEP zoning maps for each site;
 - (b) include an existing and proposed LEP minimum lot size map for the land at Abermain applying a nil minimum lot size; and
 - (c) include a proposed LEP part reclassification map for the land at Bellbird.
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 20 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).
 - (c) a copy of practice note PN 16-001 Classification and reclassification of public land through a Local Environmental Plan is to be included in the public exhibition material.
3. Prior to exhibition 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 EP&A Act:
 - NSW Rural Fire Service; and
 - Subsidence Advisory NSW.

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 20 days to comment on the proposal.

4. Council must arrange a public hearing in respect of the planning proposal to reclassify community land as operational land in accordance with the requirements of section 3.34(2)(e) of the *Local Government Act 1993*.
5. Council must ensure that all relevant obligations in relation to the reclassification of public land through an LEP are undertaken in accordance with the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2023), LEP Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan and Practice Note No. 1 (Revised) May 2000 – Public Land Management.

Dated 27 of May 2024.

A handwritten signature in black ink, appearing to read 'J. Gray', is positioned above the printed name and title.

Jeremy Gray
Director, Hunter and Northern
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces