

Gateway Determination

Planning proposal (Department Ref: PP-2023-2054): Amend Clause 7.11B of the Cessnock LEP 2011 to remove Lot 32 DP 1288606, 49C Aberdare Road, Aberdare.

I, the Director, Hunter and Northern NSW, 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 remove lot 32 DP 1288606, 49C Aberdare Road, Aberdare from Clause 7.11B Food and Drink Premises at Aberdare Road, Aberdare, should proceed subject to the following Gateway conditions.

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.

The LEP should be completed on or before 9 months of the date of this Gateway determination.

Gateway Conditions

1. 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 Guideline (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working 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 Guideline (Department of Planning and Environment, August 2023).
2. 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
 - 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 30 working days to comment on the proposal.

Dated 16 April 2024

A handwritten signature in black ink, appearing to read 'J. Gray', is centered on a light gray rectangular background.

Jeremy Gray
Director, Hunter and Northern
Planning, Land Use Strategy, Housing &
Infrastructure
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces