

Gateway Determination

Planning proposal (Department Ref: PP-2024-2550): *Reclassify Part of Lot 312 DP 566724, Old Maitland Road, Cessnock from Community to Operational land*

I, the Acting Director 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 Part of Lot 312 DP 566724, Old Maitland Road, Cessnock from Community to Operational land should proceed subject to the following Gateway conditions.

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

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be amended to:
 - (a) update the explanation of provisions to confirm that the public reserve status, or if any other covenants, will be extinguished.; and
 - (b) update the project timeline to reflect the date of the Gateway determination and timeframe to complete the LEP.
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 must be made publicly available for a minimum of 28 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).
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:
 - NSW Rural Fire Service
 - Department of Climate Change, Energy, the Environment and Water – Biodiversity, Conservation and Science Directorate
 - Mindaribba Local Aboriginal Land Council

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.

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. Council must ensure that all relevant obligations in relation to the reclassification of public land through the LEP are undertaken in accordance with the LEP Making Guidelines, Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan.

Dated 13 December 2024



Craig Diss
A/Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces