



Explanatory Statement

1. What is the name of the (draft) Planning Proposal?

The draft Plan is named, **18/2024/6/1 – Old Maitland Road/ Government Road Precinct Reclassification**

2. What is the aim of the Planning Proposal?

The aim of the Planning Proposal is to...

This Planning Proposal will achieve the intended outcomes by amending Cessnock LEP 2011 as below:

This Planning Proposal will achieve the intended outcomes by amending Cessnock LEP 2011 as below: The proposal seeks to reclassify Site 1, a portion of Public Reserve, from Community Land to Operational Land under Schedule 4 of Cessnock LEP 2011. The proposal also seeks to remove the public reserve status from the subject land.

3. Where does the Planning Proposal apply?

The Planning Proposal applies to land at:

- LOT: 312 DP: 566724 Old Maitland Road CESSNOCK

4. What are the effects of the Planning Proposal?

The Planning Proposal will result in the site being classified as Operational Land. The classification of operational land means the site can be sold by Council.

5. Why is the Planning Proposal Draft?

The Plan is a “draft” because it has not yet been formally made. After considering the views of interested persons, Council will decide whether or not to make the Plan.

Council has been granted delegation from the Minister to make the Plan in accordance with Section 23 of the *Environmental Planning and Assessment Act 1979* ('The Act'). This means that after public exhibition Council will have the authority to make the Plan under Section 59(2)-(4) of the Act.





PLANNING PROPOSAL

AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011

File No. 18/2024/6/1

Land Reclassification

Old Maitland Road Cessnock

TABLE OF CONTENTS

PART 1: OBJECTIVES AND OUTCOMES	4
PART 2: EXPLANATION of PROVISIONS.....	5
PART 3: JUSTIFICATION	6
Section A: Need for the Planning Proposal	6
Section B: Relationship to Strategic Planning Framework.....	7
Section C: Environmental, Social and Economic Impact	6
Section D: Infrastructure (Local, State and Commonwealth)	7
Section E: State and Commonwealth Interests	8
PART 4: MAPS	9
PART 5: COMMUNITY CONSULTATION.....	10
PART 6: PROJECT TIMELINE.....	11
Appendix 1: Council Report and Minutes (dates)	12
Appendix 2: Executive Leadership Team Resolution	13
Appendix 3: Title Search – Lot 312 DP 566724	14
Appendix 4: Gateway Determination	15

Tables

Table 1: Relevant State Environmental Planning Policies	3
Table 2: Relevant Section 9.1 Ministerial Directions.....	4
Table 3: Indicative project timeline.	11

Figures

Figure 1: Site 1.....	5
Figure 2: Current Land zoning.....	5

Appendices

Appendix 1: Council Report and Minutes (dates)	12
Appendix 2: Executive Leadership Team Resolution – reclassify Lot 312 DP 566724 – 14.07.2023.....	13
Appendix 3: Title Search – Lot 312 DP 566724	14

Version 1A

8 January 2025

Contact: Alex Worthing

Strategic Planner

Telephone: 02 4993 4295

Email: alex.worthing@cessnock.nsw.gov.au**Revision History**

Revision	Description	Date
1	Draft for Council Endorsement	20/11/2024
2	Draft for Submission to DPHI	21/11/2024
3	Draft for Consultation	13/12/2024

PART 1: OBJECTIVES AND OUTCOMES

This proposal seeks to:

- Amend the Cessnock Local Environmental Plan (LEP) 2011 to reclassify land at Site 1 (portion of Public Reserve at Old Maitland Road Cessnock) from Community to Operational and remove the Public Reserve status from the subject land.

PART 2: EXPLANATION of PROVISIONS

This Planning Proposal will achieve the intended outcomes by amending Cessnock LEP 2011 as below:

The proposal seeks to reclassify Site 1, a portion of Public Reserve, from Community Land to Operational Land under Schedule 4 of Cessnock LEP 2011. The proposal also seeks to remove the public reserve status from the subject land.



Figure 1: Site 1 – Approximately 1.2-hectare portion of LOT: 312 DP: 566724, Old Maitland Road, Cessnock.

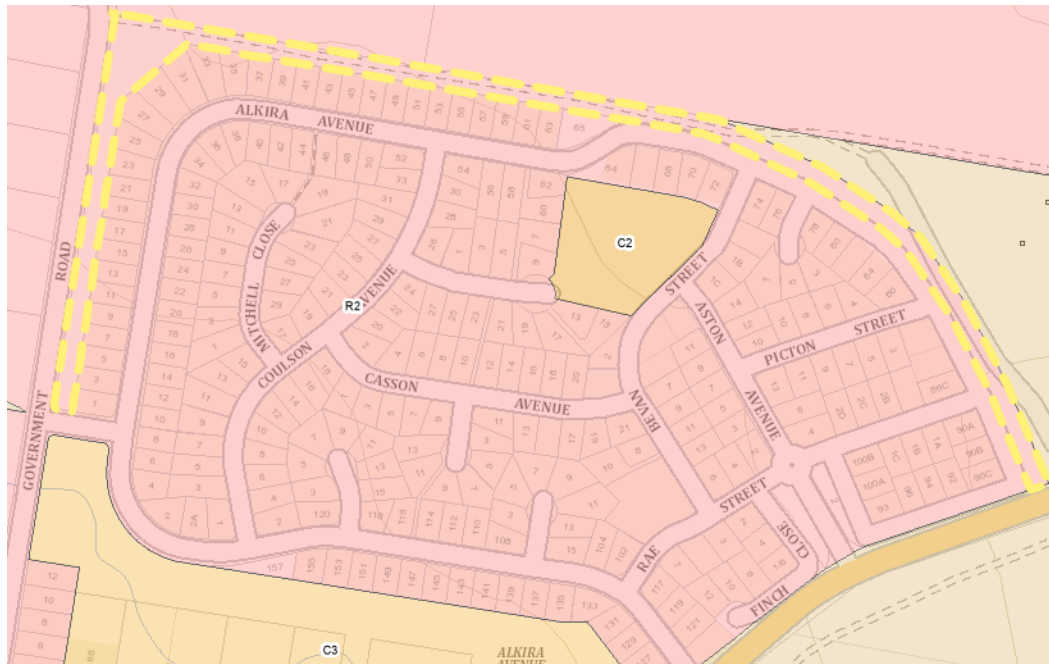


Figure 2: Current Land zoning, Site 1 – R2 Low Density Residential. No changes are proposed to the current zone.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

Section A: Need for the Planning Proposal

1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

This Planning Proposal seeks to implement resolutions of the elected Council and the Executive Leadership Team:

- At Ordinary Council Meeting held 20th November 2024, it was resolved that;
 - Council reclassify part Lot 312 DP 566724 (Old Maitland Road, Cessnock) from Community Land to Operational Land pursuant to Section 30 of the *Local Government Act, 1993*; and
 - Council requests a Gateway determination for a Planning Proposal from the NSW Department of Planning, Housing and Infrastructure pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* to Reclassify part of Lot 312 DP 566724 (Old Maitland Road, Cessnock) from Community Land to Operational land; and
 - Council requests authorisation under Section 3.31 of the *Environmental Planning and Assessment Act 1979* to act as the local plan-making authority to make the Local Environmental Plan.
- At Executive Leadership Team Meeting held 14th July 2023, it was resolved that part of Lot 312 DP566724 be reclassified, subject to Council authorisation.

Council has entered into a Deed of Agreement with Land Specialists Estates NSW PTY LTD (Land Specialists), whereby it has agreed to make the subject land available for purchase by Land Specialists. This Deed requires the reclassification of the subject land from community to operational land as a prerequisite to sale. Land Specialists intends to undertake residential subdivision on the adjacent land to the north and requires secondary access via the subject land.

2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a planning proposal is the only way to reclassify the subject land from Community to Operational and amend Schedule 4, Part 2 of Cessnock LEP 2011.

Section B: Relationship to Strategic Planning Framework

3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Hunter Regional Plan 2041

The Hunter Regional Plan (HRP) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2036. The HRP sets the following regionally focused goals:

- The leading regional economy in Australia
- A biodiversity-rich natural environment
- Thriving communities
- Greater housing choice and jobs

The Planning Proposal is consistent with the following directions and/or actions of the HRP:

Objective 3: Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities

Performance outcomes:

3. Neighbourhoods provide local access to education, jobs, services, open space and community activities
4. Neighbourhoods encourage healthy lifestyles with opportunities to experience and engage in the cultural, entertainment, sport and recreation, and educational and activities.
5. Neighbourhoods establish or reinforce local identity.
6. Public spaces are designed to invite community interactions and economic, social and cultural activity. They enable a sense of social inclusion, wellbeing, comfort and belonging.

The Planning Proposal facilitates the sale of surplus Council land, reducing maintenance burden for Council's Open Space and Communities team. This assists the continued and improved use of recreation facilities that are important to the local community, aligning it to Objective 3.

Greater Newcastle Metropolitan Plan

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens, which together make up Greater Newcastle. The plan also helps to achieve the vision set in the Hunter Regional Plan 2036 for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Planning Proposal is consistent with the Greater Newcastle Metropolitan Plan:

Outcome 2: Enhance environment, amenity and resilience for quality of life

As with the relationship to Objectives within the HRP 2041, this Planning Proposal will allow for the sale of surplus Council land, reducing the maintenance burden for Council's Open Space and Communities team. This assists the continued and improved use of recreation facilities that are important to the local community.

4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Cessnock Local Strategic Planning Statement 2036 (LSPS)

The Cessnock Local Strategic Planning Statement 2036 (LSPS) establishes a 20-year vision for land use planning in the Cessnock LGA. The LSPS sets out the important character and values, which are to be preserved and establishes planning principles to manage land use planning in the future.

The following planning priorities and principles are relevant to the proposal.

- Action 17 Continue to implement Council's adopted plans for access and mobility, recreation and open space, traffic and transport and community.

Community Strategic Plan - Our People, Our Place, Our Future

The Cessnock Community Strategic Plan 2027 (CSP) was prepared in 2013 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community needs.

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The Planning Proposal is consistent with the following themes of the CSP:

- Objective 5.3.3 Our Council is financially sustainable.

5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

A 20-year Economic Vision for Regional NSW

The Economic Vision for Regional NSW seeks to drive sustainable, long term economic growth in regional NSW. The planning proposal is consistent with the principles of this strategy.

State Emergency Management Plan (EMPLAN)

The State Emergency Management Plan (EMPLAN) provides a coordinated and comprehensive approach to emergency management in NSW. The Plan identifies the importance of land use planning in prevention of impacts of hazards on the community.

NSW Department of Planning and Environment Practice Note: PN 16-001
Classification and reclassification of public land through a local environmental plan:

The following response is provided for PN16-001, with respect to the proposed reclassification of Site 1, Portion of Lot 312 DP 566724 :	
The current and proposed classification of the land	As outlined in the Planning Proposal, the site is currently classified as Community land. The proposal is to reclassify the site to Operational and remove the public reserve status from the portion of land identified as Site 1 in Part 2 of the Planning Proposal. The remaining portion of this lot will remain Community land.
Whether the land is a public reserve	The Planning Proposal intends to remove the public reserve status from the subject portion of land
the strategic and site-specific merits of the reclassification and evidence to support this	This is outlined throughout the Planning Proposal. Specifically, Section A Part 1 of the Planning Proposal outlines the history of the proposal.
whether the planning proposal is the result of a strategic study or report	Refer to Section A Part 1 of the Planning Proposal.
whether the planning proposal is consistent with council's community plan or other local strategic plan	Refer to Section B Part 3 and 4 of the Planning Proposal.
A summary of council's interests in the land, including: - how and when the land was first acquired (e.g., was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) - if council does not own the land, the land owner's consent; - the nature of any trusts, dedications etc;	The site is vested to Council as a public reserve. Lot: 312 DP: 566724 was created in 1974 by registration of subdivision plan where Lot 312 was dedicated as "Public Reserve".
whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why;	The public reserve status for this portion of land is proposed to be discharged as the intention of this reclassification is to dispose of the land via sale to Land Specialists Estates NSW PTY LTD, as described in Part 3 Section A of this Planning Proposal.
the effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged);	The effect of the loss of public open space is expected to be negligible, due to this land providing no recreational value.
evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g., electronic title searches, notice in a Government Gazette, trust documents);	A title search for the land is provided in Appendix 3.
current use(s) of the land, and whether uses are authorised or unauthorised;	The site is currently owned by Council and does not have an identified use or purpose.
current or proposed lease or agreements applying to the land, together with their duration, terms and controls;	There are no leases or use agreements applying to the land.

current or proposed business dealings (e.g., agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time)	Council has entered into a Deed of Agreement with Land Specialists Estates PTY LTD, as described in Part 3 Section A. Through this deed, Council has agreed to carry out the steps necessary to facilitate the sale of the land to the Land Specialists.
any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	The subject land is currently zoned R2 Low Density Residential. No change is proposed to this zoning.
how council may or will benefit financially, and how these funds will be used;	The subject land portion is proposed to be sold at market value to Land Specialists Estates Pty Ltd. Funds will be credited to Council's Property Investment Fund reserve and allocated in accordance with the adopted Council policies.
how council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal	Funds will be credited to the Property Investment Fund reserve and allocated in accordance with the adopted Council policies.
Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot; and	Land Reclassification (part lots) Map will be created, as described in Part 4 of the Planning Proposal.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Consultation with government agencies has not been undertaken yet. This will be undertaken in accordance with the Gateway Determination (Appendix 4).

6 Is the planning proposal consistent with applicable SEPPs?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Housing) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Planning Systems) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Primary Production) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP

SEPP	Consistency and Implications
State Environmental Planning Policy (Resilience and Hazards) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Resources and Energy) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP
State Environmental Planning Policy (Transport and Infrastructure) 2021	Nothing in this Planning Proposal impacts on the operation of this SEPP

7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction		Consistency and Implications
Planning Systems		
1.1	Implementation of Regional Plans	Consistent. As described in Section B of this Planning Proposal.
1.2	Development of Aboriginal Land Council Land	N/A
1.3	Approval and Referral Requirements	N/A. This Proposal will not introduce any development provisions.
1.4	Site Specific Provisions	N/A. This Proposal will not introduce any site-specific controls.
1.4A	Exclusion of Development Standards from Variation	N/A. This Proposal will not affect the application of Clause 4.6.
Planning Systems – Place-based		
Design and Place		
Biodiversity and Conservation		
3.1	Conservation Zones	N/A. This Proposal does not apply to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP.
3.2	Heritage Conservation	Consistent. This Proposal does not apply to any identified items, areas, objects or places of environmental heritage significance or indigenous heritage significance.
3.5	Recreation Vehicle Areas	Consistent. This Proposal does not enable land to be developed for the purpose of a recreation vehicle area.
3.6	Strategic Conservation Planning	Consistent. This Proposal does not apply to land identified as avoided land or a strategic conservation area
Resilience and Hazards		
4.1	Flooding	Consistent. This Proposal does not apply to land mapped as Flood Prone Land.
4.2	Coastal Management	N/A

4.3	Planning for Bushfire Protection	Can be made Consistent. This Proposal applies to land mapped as bush fire prone land. Council will consult with the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.
4.4	Remediation of Contaminated Land	Consistent. Contamination and remediation have been considered and there is no known contamination affecting the subject land.
4.5	Acid Sulphate Soils	N/A
4.6	Mine Subsidence and Unstable Land	Consistent. This Proposal does not apply to land that is within a declared mine subsidence district.
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Consistent. This Proposal does not propose to change any requirements relating to this direction.
5.2	Reserving Land for Public Purposes	Consistent, pending the approval of the Planning Secretary to remove the reserve status of the subject land.
5.3	Development Near Regulated Airports and Defence Airfields	N/A
5.4	Shooting Ranges	N/A
Housing		
6.1	Residential Zones	Consistent. The subject land is currently zoned R2 Low Density Residential. The effect of this Proposal will be to facilitate the sale of this land to enable the necessary access to an adjacent proposed residential subdivision.
6.2	Caravan Parks and Manufactured Home Estates	Consistent. This Proposal will not alter the permissibility of caravan parks or manufactured home estates.
Industry and Employment		
7.1	Business and Industrial Zones	N/A
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	N/A
Primary Production		
9.1	Rural Zones	N/A
9.2	Rural Lands	N/A
9.3	Oyster Aquaculture	N/A

Section C: Environmental, Social and Economic Impact

8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The subject land contains a small area mapped as Biodiversity Values Map under the Biodiversity Conservation Act 2016. The remainder of the proposed area contains larger trees that could contribute to biodiversity habitat for threatened species such as the Regent Honeyeater (*Anthochaera Phrygia*). Therefore, any future development would require a biodiversity development assessment report, but would likely be undertaken as a streamlined assessment in accordance with the Biodiversity Assessment Method.

9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No.

10 Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will facilitate the sale of land that has been identified as surplus to Council needs and has no known community purpose. This will reduce the maintenance burden on Council and assists the continued and improved use of recreation facilities that are important to the local community.

Section D: Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

This planning proposal will not create additional demand for public infrastructure.

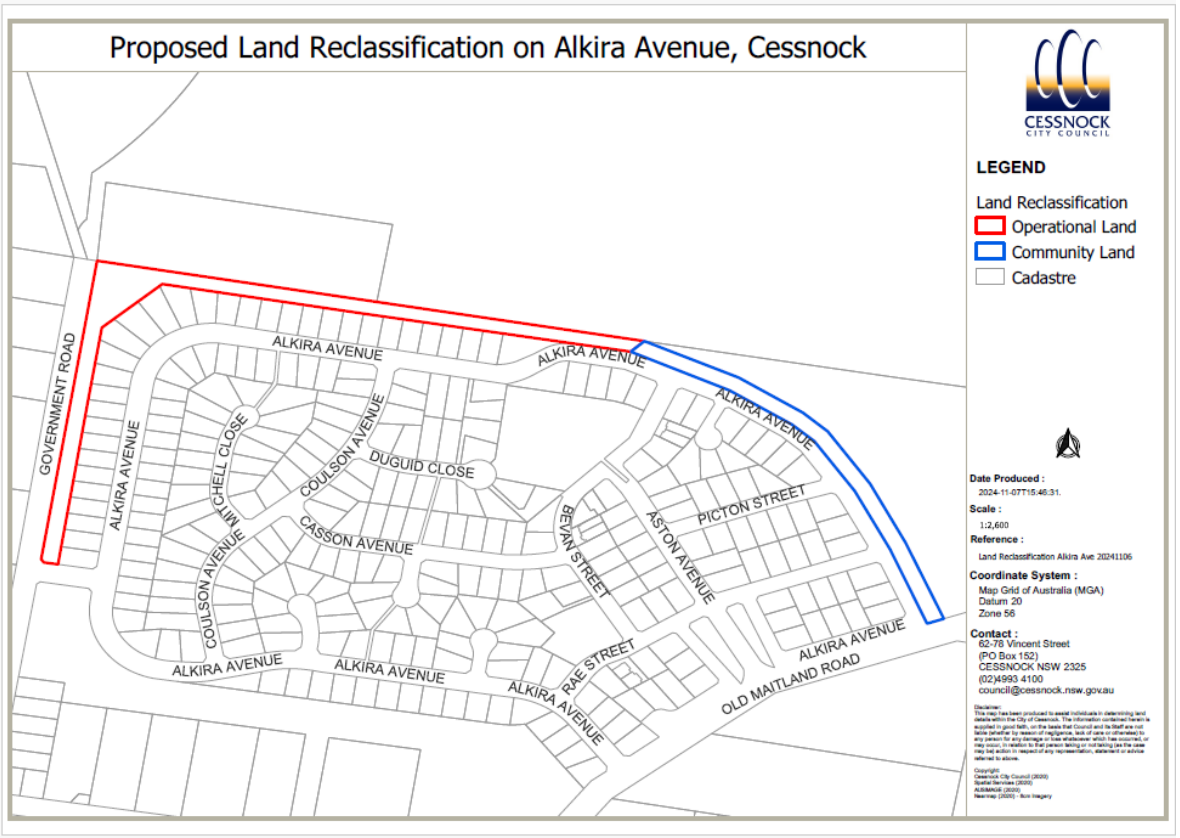
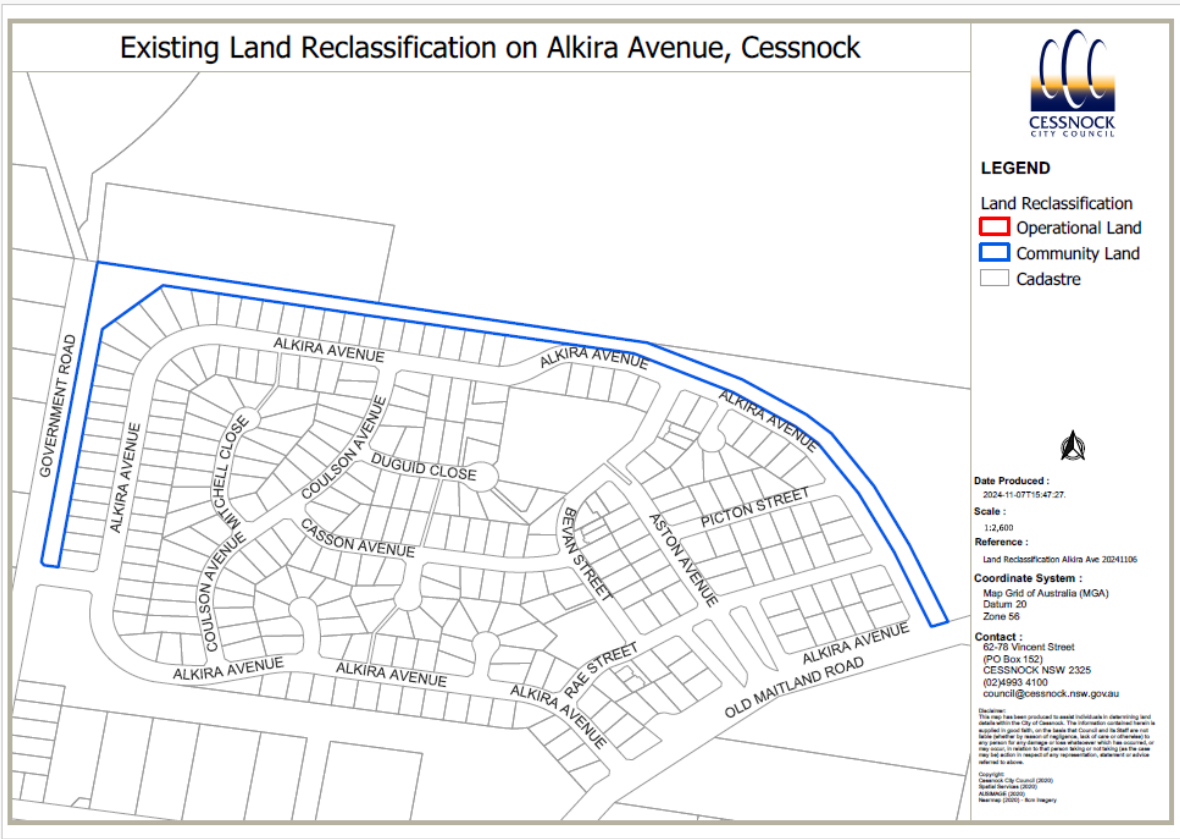
Section E: State and Commonwealth Interests

12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

The views of NSW Rural Fire Service and Department of Climate Change, Energy, the Environment and Water – Biodiversity, Conservation and Science Directorate will be sought, in accordance with the Gateway Determination (Appendix 4).

PART 4: MAPS

Proposed reclassification maps



PART 5: COMMUNITY CONSULTATION

Community consultation will be carried out in accordance with the Gateway determination (Appendix 4) and Council's Community Participation Plan.

PART 6: PROJECT TIMELINE

Table 3: Indicative project timeline.

Stage	Timeframe and/or date
Consideration by council	November 2024
Gateway determination	December 2024
Agency Consultation	January 2025
Commencement and completion of public exhibition period	January/February 2025
Public Hearing	April 2025
Post-exhibition review	May 2025
Submission to the Department for finalisation (where applicable)	July 2025
Gazettal of LEP amendment	September 2025

Appendix 1: Council Report and Minutes (dates)

Report to Ordinary Meeting of Council – 20/11/2024

Minutes of Ordinary Meeting of Council – 20/11/2024

All Council reports and minutes are accessible from Council's website:
<http://www.cessnock.nsw.gov.au/council/meetings>.

ELT Resolutions _ Protocol v2 & Panel Review 7-6-2023 _ 14 July 2023

Good afternoon [REDACTED]

Thanks for attending ELT today, please find below updated resolutions for your review and further action.

LISTED MATTERS - COMMITTEE NO. ELTCLM37/2023			
SUBJECT: DRAFT INTERNAL LAND REVIEW PROTOCOL			
MOTION	Moved: Maginnity	Seconded: Mickleson	
RECOMMENDATION			
That the Executive Leadership Team;			
1. Revoke the Internal Land Review Protocol 2020 Revision 1 and adopts the Internal Land Review Protocol Revision 2.			
2. Request the Principal Property Specialist prepare a short presentation to be presented at the August MAT Meeting.			

LISTED MATTERS - COMMITTEE NO. ELTCLM38/2023			
SUBJECT: INTERNAL LAND REVIEW MEETING MINUTES - 7 JUNE 2023			
MOTION	Moved: Mickleson	Seconded: Maginnity	
RECOMMENDATION			
1. That the Minutes of the Internal Land Review panel meeting of 7 June 2023 be adopted by the Executive Leadership Team.			
2. Subject to a future subdivision excising the lot portion adjoining Council's Works Depot boundary, schedule the process to reclassify and rezone lot 312 in DP533724. Commencement of the LEP amendment process is subject to Council authorisation and the proponent entering into a conditional purchase contract.			
3. Authorise Council Officer actions and approve amendment of Authority fields to effect AO assignment and transfers detailed in Attachment A of the minutes. ELT note that no budget for land management expenses is currently allocated.			

Regards



[REDACTED] Executive Assistant to the General Manager
62-78 Vincent St | PO Box 152 | Cessnock NSW 2325
p 02 4993 4208
www.cessnock.nsw.gov.au



Integrity, Respect, Teamwork, Accountability and Excellence

I acknowledge Aboriginal people as the traditional custodians of the land on which Cessnock City Council offices and operations are located, and pay my respects to Elders past, present and future.

Appendix 3: Title Search – Lot 312 DP 566724

10/3/24, 10:10 AM

Order — Property Information



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 312/566724

SEARCH DATE	TIME	EDITION NO	DATE
3/10/2024	10:09 AM	-	-

VOL 12346 FOL 56 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 312 IN DEPOSITED PLAN 566724
AT CESSNOCK
LOCAL GOVERNMENT AREA CESSNOCK
PARISH OF CESSNOCK COUNTY OF NORTHUMBERLAND
TITLE DIAGRAM DP566724

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF GREATER CESSNOCK

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- 2 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING REGISTRATION OF INSTRUMENTS NOT AUTHORISED BY THE PROVISIONS OF THE LOCAL GOVERNMENT ACT, 1919 RELATING TO PUBLIC RESERVES
- 3 DP700484 EASEMENT TO DRAIN WATER APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

dda1311027

PRINTED ON 3/10/2024

Obtained from NSW LRS on 03 October 2024 10:09 AM AEST
* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. GlobalX hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900. Note: Information contained in this document is provided by GlobalX Pty Ltd, ABN 35 099 032 596, www.globalx.com.au an approved NSW Information Broker.

© Office of the Registrar-General 2024

Appendix 4: Gateway Determination



Department of Planning, Housing and Infrastructure

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

PP-2024-2550 (IRF24/39302)