

Gateway Determination

Planning proposal (Department Ref: PP-2024-868): to rezone part of Lot 245 DP 1271509, 1823 Wine Country Drive, Cessnock to SP2 Infrastructure – sewerage system.

I, the Director, Hunter and Northern Region 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 rezone part of Lot 245 DP 1271509, 1823 Wine Country Drive, Cessnock to SP2 Infrastructure – sewerage system 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 within 9 months of the date of the Gateway determination.

Gateway Conditions

1. The planning proposal is to be updated prior to agency and community consultation to:
 - correct the property description throughout from Lot 695 DP 1263808 to Lot 245 DP 1271509; and
 - under Section A question 1, change 'RU1 General Residential to 'R1 General Residential'.
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 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).

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:

- Hunter Water
- NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity Conservation and Science
- NSW Environmental Protection Authority
- NSW Rural Fire Service

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).

Dated 6 August 2024



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

Delegate of the Minister for Planning and
Public Spaces