

Gateway Determination

Planning proposal (Department Ref: PP-2026-722): *Facilitate a Concrete Works as an additional permitted use with development consent at Lot 32 DP 1085798, 1416 George Booth Drive, Buchanan*

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 facilitate a Concrete Works as an additional permitted use with development consent at Lot 32 DP 1085798, 1416 George Booth Drive, Buchanan should proceed subject to the following:

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 the applicable Ministerial Direction – Local Plan Making priorities 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 nine months from the date of Gateway determination.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) include justification for the need to enable a subdivision below the minimum lot size and clarify that no additional dwelling entitlements will be created;
 - (b) remove the draft local provision and replace it with a plain English explanation of intent;
 - (c) include a draft Additional Permitted Use Map; and
 - (d) include an Aboriginal Cultural Heritage Assessment for the subject site.
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, Housing and Infrastructure, July 2026) 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, Housing and Infrastructure, July 2026).

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable Ministerial Directions under section 9.1 of the Act:
- Development Coordination Authority - Environment, Biodiversity and Heritage Advisory (biodiversity)
 - Development Coordination Authority – Hazards and Resources Advisory (bushfire)
 - Transport for NSW
 - Subsidence Advisory NSW
 - NSW State Emergency Service
 - NSW National Parks and Wildlife Service
 - Department of Primary Industries and Regional Development – Agriculture and Biosecurity
 - NSW Resources – Mining, Exploration and Geoscience
 - Mindaribba Local Aboriginal Land Council
 - NSW Environment Protection Authority

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 10 September 2026



Craig Diss
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