

Gateway Determination

Planning proposal (Department Ref: PP-2021-4391): *identify Wills Hill Road, Lovedale as an item of local heritage significance under Schedule 5.*

I, Director, Central Coast and Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to the *Cessnock Local Environmental Plan 2011* to identify Wills Hill Road, Lovedale as an item of local heritage significance should proceed subject to the following 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 Guidelines* (Department of Planning and Environment, 2021) and 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 Guidelines* (Department of Planning and Environment, 2021).
2. Public exhibition must commence within two months following the date of the gateway determination.
3. Consultation is required with Heritage NSW under section 3.34(2)(d) of the EP&A Act. Heritage NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 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 EP&A 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. 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 EP&A 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 EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

6. The local environmental plan should be completed on or before 8 December 2022.

Dated 2nd day of March 2022.

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal stroke extending to the right.

**Dan Simpkins
Director
Central Coast and Hunter Region
Department of Planning and
Environment**

**Delegate of the Minister for Planning
and Homes**