

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-1138):** to increase the number of permanent residential dwellings permissible at 1184 Wine Country Drive, Rothbury from 300 to 640.

I, the 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* (the Act) that an amendment to the *Cessnock Local Environmental Plan 2011* to increase the number of permanent residential dwellings permissible at 1184 Wine Country Drive, Rothbury from 300 to 640 should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
  - a) remove the proposed clause 7.11(4) to amend the definition of 'integrated tourism development' under current clause 7.11(3);
  - b) remove the new proposed clause 7.11(3) and replace with updated intended outcomes and objectives for the proposal to enable consideration of relevant legal drafting by Parliamentary Counsel;
  - c) update the intended outcomes of the planning proposal in clause 3.1 to recognise that the golf course is required as an early component of the development;
  - d) clarify references to the site as Lovedale Integrated Tourist Development;
  - e) clarify the need for the planning proposal in Part 3.3.1;
  - f) address the draft Hunter Regional Plan 2041, including the place outcomes for the Hunter Valley Vineyards Regionally Significant Growth Area;
  - g) amend Table 2 to correct the reasons *State Environmental Planning Policy (Biodiversity and Conservation) 2021* does not apply and provide an appropriate title for the Table 2 that reflects its contents; and
  - h) attach a project timeline highlighting key steps in the process including:
    - i. additional investigations prior to exhibition;
    - ii. dates for public exhibition;
    - iii. assessment;
    - iv. submission to parliamentary Counsel; and
    - v. finalisation of the LEP amendment.
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 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).
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:
- Transport for NSW;
  - NSW Rural Fire Service; and
  - Department of Primary Industries.
- 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 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. 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.
6. The LEP should be completed on or before 1 November 2023.

Dated        31<sup>st</sup>        day of        October        2022.



**Dan Simpkins**  
**Director, Central Coast and Hunter**  
**Planning and Land Use Strategy**  
**Department of Planning and Environment**

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