

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-1184):** to permit a depot on 406 Wilderness Road, Lovedale.

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 permit a depot on 406 Wilderness Road, Lovedale, should proceed subject to the following conditions:

1. The planning proposal is to be updated, prior to public exhibition, to identify this item in *Schedule 1 Additional permitted uses* in *Cessnock Local Environmental Plan 2011* sequentially as item number 13.
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* and must be made publicly available for a minimum of 28 days;
  - (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*; and
  - (c) the planning proposal must be placed on public exhibition by 27 November 2023.
3. Consultation is required prior to public exhibition with the following government agency under section 3.34(2)(d) of the Act to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
  - NSW Rural Fire Service.

The NSW Rural Fire Service 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 40 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 planning proposal must be placed on public exhibition within three months of the date of the Gateway determination.
  7. The LEP should be completed within ten months of the date of the Gateway determination.

Dated 19 day of April 2024.

A handwritten signature in black ink, appearing to read 'J. Gray', is centered on the page.

**Jeremy Gray**  
**Director, Hunter and Northern**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning**  
**and Public Spaces**