

Mr Ken Liddell
General Manager
Cessnock City Council
PO Box 152
Cessnock NSW 2325

Our ref: IRF23/1759

Dear Mr Liddell

Planning proposal PP-2023-1184 to amend *Cessnock Local Environmental Plan 2011*

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to permit a depot on 406 Wilderness Road, Lovedale.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, that any inconsistencies of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act 1.1 Implementation of Regional Plans; 1.4 Site Specific Provisions; 3.2 Heritage Conservation; 4.1 Flooding; and 9.1 Rural Zones are justified in accordance with the terms of the directions.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of the relevant applicable direction of the Minister under section 9.1 of the EP&A Act 4.3 Planning for Bushfire Protection after consultation with NSW Rural Fire Service. Council should ensure this occurs prior to the public exhibition of the planning proposal.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised within 10 months of the Gateway determination being issued. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Clay Logan to assist you. Mr Logan can be contacted on 6650 7158.

Yours sincerely



19/04/2024

Jeremy Gray
Director
Hunter and Northern

Encl: Gateway determination