

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-2183):** to rezone land from RU1 Primary Production and RU2 Rural Landscape to part RU1 Primary Production, R1 General Residential, C2 Environmental Conservation and E3 Environmental Management, amend minimum lot sizes and apply the Urban Release Area map to Kezia Road, Oakhampton (Aberglasslyn Urban Release Area Stage 4).

I, the Director, Agile Planning at the Department of Planning and Environment, 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 Maitland Local Environmental Plan 2011 to rezone land from RU1 Primary Production and RU2 Rural Landscape to part RU1 Primary Production, R1 General Residential, C2 Environmental Conservation and E3 Environmental Management, amend minimum lot sizes and apply the Urban Release Area map to Kezia Road, Oakhampton (Aberglasslyn Urban Release Area Stage 4) should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to exhibition, as follows:
  - a. Update Part 1 to remove reference to Schedule 4; and
  - b. Update Part 2 to provide a clear summary of the proposed amendments in a table.
2. Prior to public exhibition, prepare a Flood and Risk Impact Assessment that considers impacts on up and downstream landowners, hazard risk and evacuation routes for endorsement by the Department.
3. Prior to public exhibition, prepare a Traffic Impact Assessment for endorsement by the Department.
4. 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 complex 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 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 Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 5 months following the date of the gateway determination.

5. 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 EP&A Act:
  - Transport for NSW

- NSW Rural Fire Service
- NSW State Emergency Service
- Hunter Water Corporation
- Mindaribba Local Aboriginal Land Council
- Department of Primary Industry – Fisheries
- Natural Resource Access Regulator
- NSW Environment and Heritage
- Relevant infrastructure providers for telephone, NBN, gas and electricity.

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.

6. 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).
7. The LEP should be completed on or before 3 May 2024.

Dated 3rd day of May 2023.



**Louise McMahon**  
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**Delivery, Coordination, Digital and**  
**Insights**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
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