

Gateway Determination

Planning proposal (Department Ref: PP-2023-2554): *Additional Permitted Use – Educational Establishment, Port of Lot 1 DP 1261532, 24 Hunter Street, Horseshoe Bend*

I, the Director 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 *Maitland Local Environmental Plan 2011* for an additional permitted use (educational establishment) on Part of Lot 1 DP1261532, 24 Horseshoe Bend should proceed subject to the following conditions.

The choose an item 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.

The LEP should be completed on or before 6 months of the date of this Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation, the planning proposal is to be amended to:
 - (a) Remove reference to a multi-purpose facility in the explanation of provisions; and
 - (b) Include a completed NSW Coastal Design Guidelines 2023 assessment checklist for planning proposals.
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 20 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 EP&A Act:

- Biodiversity and Conservation Division – Flooding
- NSW Heritage
- NSW State Emergency Service
- Environment Protection Authority.

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 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).

Dated 5 day of April 2024.



Jeremy Gray
Director, Northern Region
Planning and Land Use Strategy
Department of Planning, Housing and
Infrastructure
Delegate of the Minister for Planning and
Public Spaces