

Gateway Determination

Planning proposal (Department Ref: PP-2023-2724): Implementation of Maitland Local Housing and Rural Land Strategies 2041

I, the Director of Hunter and Northern 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* to amend provisions and maps in accordance with specific actions outlined in the Maitland Local Housing Strategy and the Maitland Rural Land Strategy should proceed subject to the following conditions:

1. 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 30 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).
 - (c) public exhibition must commence within three months of the Gateway determination.
2. Consultation is required prior to public exhibition 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:
 - Rural Fire Service
 - Department of Primary Industries
 - DPE Office of Water
 - MEG
 - Biodiversity Conservation Division – Flooding
 - LALC
 - Transport for NSW
 - Port Stephens Council
 - Singleton Council
 - Cessnock City Council
 - Newcastle City Council
 - Dungog Shire Council.

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.

3. 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).
4. 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.
5. The LEP should be completed within 12 months of the date of the Gateway determination.

Dated 09 May 2024



Jeremy Gray
Director, Hunter and Northern
Department of Planning, Housing and
Infrastructure
Delegate of the Minister for Planning and
Public Spaces

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2023-2724)

I, Manager, 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(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 9 May 2024 for the proposed amendment to the Maitland Local Environmental Plan 2011 as follows:

1. Delete condition 2 and replace with a new condition 2:
 - “2. 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:
 - Rural Fire Service
 - Department of Primary Industries
 - DPE Office of Water
 - MEG
 - Biodiversity Conservation Division – Flooding
 - LALC
 - Transport for NSW
 - Port Stephens Council
 - Singleton Council
 - Cessnock City Council
 - Newcastle City Council
 - Dungog Shire Council.

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.”

2. Insert new condition 6:
 - “6. Prior to agency and community consultation, the planning proposal is to be updated to include a savings provision to ensure that any development application for a caravan park not determined before the commencement of the LEP would be determined as if the plan had yet to commence.”

Dated 3 day of June 2024.



Craig Diss
Manager, Hunter and Northern Region
Local Planning & Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces