

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-1187):** *rezone land at Brickworks Road, Thornton to B5 Business Development and C3 Environmental Management and remove certain land from the Mineral Resources Area Map.*

I, the Director, Central Coast and Hunter Region at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 at Brickworks Road, Thornton to B5 Business Development and C3 Environmental Management and remove certain land from the Mineral Resources Area Map should proceed subject to the following conditions:

1. Geotechnical studies into the removal of uncontrolled fill material from the site are to be completed prior to exhibition and the planning proposal updated.
2. The planning proposal boundary is to be amended to include all the land which is to be removed from the Mineral Resources Area Map.
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 of the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 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).
4. 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 Conservation Division;
  - Transport for NSW;
  - Hunter Water Corporation;
  - NSW Environment Protection Authority; and
  - NSW Rural Fire Service.

Consultation is also required with the following organisations:

- Mindaribba Local Aboriginal Land 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.

5. 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).
6. 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.
7. The LEP should be completed on or before 30 April 2023.

Dated 29<sup>th</sup> day of April 2022.



**William Oxley**  
**Acting Director**  
**Central Coast and Hunter Region**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and Homes**