



## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_MAITL\_001\_00):** to rezone the land east of Cessnock Road to permit residential development.

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry 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 east of Cessnock Road to permit residential development and introduce environmental management should proceed subject to the following conditions:

1. Prior to exhibition of the planning proposal an Aboriginal cultural heritage assessment report is undertaken in line with relevant guidelines and code of practice.
2. Prior finalisation of the local environmental plan:
  - (a) comments in Transport for NSW's correspondence to Maitland City Council dated 15 May 2020 are addressed; and
  - (b) consideration is given to a phase 2 contamination report.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act and this consultation should occur concurrently with the public exhibition. The consultation is required to comply with the requirements of relevant section 9.1 Directions:
  - Heritage NSW;
  - Mindaribba Local Aboriginal Land Council;
  - Biodiversity Conservation Division; and
  - NSW Rural Fire Service.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 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 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act, subject to the following:
  - the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
  - there are no outstanding written objections from public authorities.
7. The time frame for completing the planning proposal are:
  - (a) public exhibition commenced by 16 August 2021; and
  - (b) local environmental plan amendment is finalised by **12 months** following the date of the Gateway determination.

Dated 1<sup>st</sup> day of December 2020.



**Dan Simpkins**  
**Director, Central Coast and Hunter Region**  
**Planning and Assessment**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**