

Gateway Determination

Planning proposal (Department Ref: PP-2022-682): to allow an additional permitted use for 19 Scotch Creek Road, Millers Forest.

I, the Manager Local and Regional Planning 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 allow an additional permitted use for 19 Scotch Creek Road, Millers Forest should proceed subject to the following conditions:

1. The planning proposal be updated prior to public exhibition to:
 - a) provide labels and/or a legend explaining the blue and red boundary lines on Figure 1;
 - b) amend the Explanation of provisions to reference the number 12 instead of 10 before 'Use of certain land at 19 Scotch Creek Road, Millers Forest';
 - c) reference updated Ministerial direction numbering and consistency with direction 1.4 Site specific provisions; and
 - d) amend the project timeline.
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 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).
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 Act:
 - NSW Rural Fire Service

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. 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 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 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 on or before 26 May 2023.

Dated 13th day of September 2022.



Dan Starreveld
Manager, Local and Regional Planning
Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Minister for Homes