



22 December 2022

Glenn Hornal
NSW Department of Planning and
Environment
PO Box 1226
Newcastle NSW 2300

**Subject Request for Alteration of Gateway determination for extension of
time to complete PP-2021-4570**

Dear Mr Hornal,

I refer to recent discussions with DPE in regard to the progress of PP-2021-4570, Planning Proposal to allow Additional Permitted Uses at 56-76 Mandalong Rd, Morisset. Council received a Gateway Determination on 18 November 2021, with a completion timeframe of 15 months.

The planning proposal has taken longer to prepare than standard plan-making processes due to the coordination of the planning proposal with other ongoing activities and processes, and some delays beyond Council control.

The initial timeframes for the planning proposal allowed for an extended time prior to exhibition to coordinate the review of the broader Morisset Structure Plan and the Planning Proposal, and complete studies intended to inform both. This included a 'Transport Scoping study' and 'Growth and Resilience study' for Morisset. Council's review of the Morisset Structure Plan has now developed into the delivery of a joint Place Strategy in collaboration with DPE as envisaged in the Hunter Regional Plan, and the end date has been extended to 2023. There has also been delays in finalising the above-mentioned studies, particularly the 'Growth and Resilience study' now nearing completion.

The traffic situation at the subject site is also related to other ongoing processes. Primary access to the site is planned via the Gateway Boulevard/ Mandalong Road roundabout. The NSW Government recently committed funding to the upgrade of Mandalong Road. Council has therefore been in discussions with TfNSW related to both the upgrade of Mandalong Rd and other pending DAs at the same site.

Our Ref: RZ/6/2021 Your Ref: PP-2021-4570

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Response from government agencies, has also taken longer than the standard timeframes allows for. We are still awaiting comments from NSW Rural Fire Service.

Public exhibition, assessment and finalisation

The planning proposal was placed on public exhibition between 18.10.2022 and 15.11.2022, consistent with Gateway requirements. Four submissions were received, focusing on traffic and economic impact on Morisset town centre.

In order to adequately respond to the submissions and fully inform the planning proposal, additional time for the plan-making process is necessary:

- The University of Newcastle has been engaged to complete a peer review of the proponent Economic Impact Assessment (EIA) based on their insight from their ongoing Growth and Resilience study for the Morisset Place strategy. The University has confirmed they will complete the review by the end of January.
- Council will continue to work with Transport for NSW to find an agreed position on the planning proposal and the development applications related to the site. TfNSW has just been provided with a preliminary intersection design through the related DA, to demonstrate that appropriate infrastructure upgrades could be developed as requested by them.
- Council will also continue to seek comments from RFS.

Although the deadlines set in the Gateway Determination, considered additional time prior to exhibition, time allocated for processes after the exhibition is limited. The Local Environmental Plan Making Guideline was published after the Gateway Determination, and the benchmark timeframes for the different stages therefor not applied. It is however to be noted that by using the standard benchmark timeframe for stage 5 and 6 of standard planning proposals (95+55 working days) from the deadline for the exhibition commencing in the Gateway determination - 18 October 2022, the "standard" finalisation end date would be 25 May 2023.

The Christmas holiday season extends the time required to complete the planning proposal and report to Council. The summer break in Council meetings was not considered in the timeframes set in the original Gateway determination, and office closures now affect the delivery of the peer-review and discussions with government agencies.

Conclusion

In order to allow sufficient time to complete the peer review of the EIA, review the Planning Proposal and complete the remainder of the LEP amendment process, it is requested that a 4-month extension be provided to the Gateway Determination.

A revised draft Timeline demonstrates how this may be achieved:

Stage	Timeframe and / or date
Gateway determination	18 Nov 2021
Post-gateway/pre-exhibition phase	Nov 2021 – Sep 2022
Public exhibition period (28 days)	18 Oct 2022- 15 Nov 2023
Consideration of submissions	Nov-Dec 2022
Post-exhibition review and additional studies*	Nov 2022-Feb 2023
Council resolution to support or reject Planning Proposal	27 March 2023
Finalisation (55 working days)**	16 June 2023

* Further details in attachment

** Includes finalisation of the LEP, final GIS mapping, legal drafting and the LEP being made (if proposal is supported)

Further details on time management, planned activities and processes in attachment. The proposed timeline is based on the information we have available about the ongoing assessment and timeframes for Council's procedures in stage 5, and standard benchmark timeframes for stage 6 from the LEP Making guideline.

If any opportunities arise to shorten any of these processes and finalise the proposal earlier, we will take advantage of these.

Should you require further information, please contact me on +61 2 4921 0797.

Yours faithfully,



Karin Holen Coon
Strategic Landuse Planner
Integrated Planning