



Mr David Evans
General Manager
Maitland City Council
PO Box 220
MAITLAND NSW 2320

Dear Mr Evans

Planning proposals PP_2016_MAITL_001_00, PP_2020_MAITL_001_00 and PP_2020_MAITL_002_00

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* in respect of PP_2020_MAITL_001_00 and PP_2020_MAITL_002_00 for the rezoning of land either side of Cessnock Road south of Gillieston Heights.

These planning proposals will replace planning proposal PP_2016_MAITL_001_00 that was issued a Gateway determination on 23 March 2016.

PP_2016_MAITL_001_00 - Hydro (Gillieston Heights)

As delegate of the Minister for Planning and Public Spaces, I have determined in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 23 March 2016 (since altered) for PP_2016_MAITL_001_00 to not proceed.

The Alteration of Gateway determination is enclosed.

PP_2020_MAITL_002_00 - Hydro (Gillieston Heights) - Western Precinct

As delegate of the Minister for Planning and Public Spaces, I have determined PP_2020_MAITL_002_00 should both proceed subject to the conditions in the enclosed Gateway determination.

As delegate of the Secretary, I have agreed the planning proposal's inconsistencies with the section 9.1 Ministerial directions: 1.2 Rural Zones and 1.5 Rural Lands are justified in accordance with the terms of the directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial directions:

- 2.1 Environmental Protection Zones;
- 2.3 Heritage Conservation;
- 2.6 Remediation of Contaminated Land;
- 3.4 Integrating Land Use and Transport; and
- 4.4 Planning for Bushfire Protection.

Council should ensure this occurs prior to the plan being made.

I understand Council has requested to be authorised as the local plan-making authority. There remain several inter-related matters that will required to be resolved prior to finalisation of the local environmental plan. There are also several potential inconsistencies with section 9.1 Ministerial directions outlined above. I have not conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the local environmental plan should be made 6 weeks prior to the projected publication date.

PP_2020_MAITL_001_00 - Hydro (Gillieston Heights) - Eastern Precinct

As delegate of the Minister for Planning and Public Spaces, I have determined PP_2020_MAITL_001_00 should both proceed subject to the conditions in the enclosed Gateway determination.

As delegate of the Secretary, I have agreed the planning proposal's inconsistencies with the section 9.1 Ministerial directions: 1.2 Rural Zones and 1.5 Rural Lands are justified in accordance with the terms of the directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial directions:

- 2.3 Heritage Conservation;
- 2.6 Remediation of Contaminated Land;
- 3.4 Integrating Land Use and Transport; and
- 4.4 Planning for Bushfire Protection.

Council should ensure this occurs prior to the plan being made.

It is noted Council has requested to be authorised as the local plan-making authority. I have considered the nature of this planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the local environmental plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning, Industry and Environment.

The NSW Government is committed to reducing the time taken to complete local environmental plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr James Shelton, Senior Planning Officer, Central Coast and Hunter Region to assist you. Mr Shelton can be contacted on 4904 2713.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Simpkins', with a long horizontal stroke extending to the right.

1/12/2020

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl:

Gateway alteration (PP_2016_MAITL_001_00)

Gateway determination (PP_2020_MAITL_001_00) – Eastern Precinct

Gateway determination (PP_2020_MAITL_002_00) – Western Precinct