



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

Our ref: 15/17650

Attention: Ian Shillington

Dear Mr Evans

Planning proposal to amend Maitland Local Environmental Plan 2011

I am writing in response to your Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to permit seniors housing with development consent as an additional permitted use at 24 Edward Street, Morpeth.

As delegate of the Minister for Planning, I have now determined the planning proposal should not proceed for the reasons outlined in the attached Gateway determination.

The planning proposal is not supported at this time because it does not adequately demonstrate that the site may be developed for seniors housing without adversely affecting key heritage values of the Morpeth Heritage Conservation Area. The proposal is also inconsistent with Council's strategic plan for the town - the Morpeth Management Plan (MMP).

In making this determination I note that there are several other proposals for urban development within the conservation area which may adversely affect those same heritage values and may have difficulty in demonstrating consistency with the MMP.

Given the various proposals before the Council this would seem to be an appropriate opportunity for Council to review the directions of the MMP, and to determine whether its guidance remains relevant for current and future proposals. I would ask that any such review occur in consultation with the community and the Office of Environment and Heritage.

Should you have any questions regarding this matter, I have arranged for Ben Holmes of the Department's Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely

Marcus Ray
Deputy Secretary
Planning Services

Encl: Gateway determination

09/06/2016



Gateway Determination

Planning proposal (Department Ref: PP_2016_MAITL_003_00): to permit seniors housing as an additional permitted use at 24 Edward Street, Morpeth.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the *Maitland Local Environmental Plan 2011* to permit seniors housing as an additional permitted use at 24 Edward Street, Morpeth, should not proceed for the following reasons:

1. The planning proposal does not adequately demonstrate that the site may be developed without undermining the heritage values of the Morpeth Heritage Conservation Area.
2. Insufficient evidence has been provided to demonstrate that the proposal will be consistent with the Lower Hunter Regional Strategy which requires development opportunities created by land use zonings (permitting seniors housing) are compatible with the underlying heritage values of the place (Morpeth).

Dated 9th day of June 2016.

**Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning