

The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

COPY

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Our ref: PP_2012_MAITL_002_00 (12/05537)
Your ref: RZ11003 (865583)

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

Dear Mr Evans,

Planning Proposal to rezone land at Anambah Road, Anambah from RU2 Rural Landscape to R5 Large Lot Residential and E3 Environmental Management

I am writing in response to your Council's letter dated 16 March 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Maitland Local Environmental Plan 2011 to rezone land at Anambah Road, Anambah from RU2 Rural Landscape to R5 Large Lot Residential and E3 Environmental Management.

As Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council is yet to prepare a site contamination assessment in accordance with the provisions of State Environmental Planning Policy No 55 – Remediation of Land. Council is to undertake a contamination investigation of the site prior to commencing public exhibition to ensure that the site is capable of supporting future residential development. The study is to be placed on public exhibition with the planning proposal.

Given the land has been identified as proposed urban release under the Lower Hunter Special Infrastructure Contributions Scheme, Council is to identify the land as an Urban Release Area under Part 6 of the Maitland LEP 2011 and ensure that satisfactory arrangements for the provision of state public infrastructure are met prior to the development of the site. The planning proposal is to be amended to reflect this requirement for the provision of state infrastructure prior to the commencement of public exhibition.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to this Direction.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to undertaking community consultation, take into account any comments made and amend the planning proposal (if necessary) as per the requirements of the Local Planning Direction.

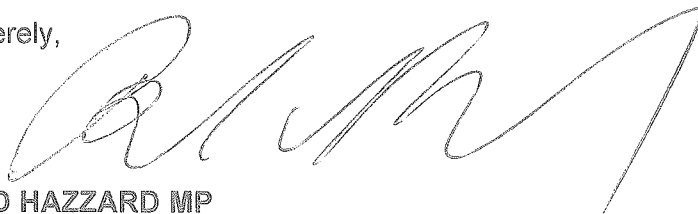
It is also noted that consistency with several S117 Directions is not able to be demonstrated prior to public exhibition. Consistency with outstanding S117 Directions including 1.2 Rural Zones and 1.5 Rural Lands must be addressed prior to the finalisation of the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Katrine O'Flaherty of the Regional Office of the Department on 02 4904 2707.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brad Hazzard', written over a horizontal line.

HON BRAD HAZZARD MP
Minister

20 MAY 2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_MAITL_002_00): to rezone land at Anambah Road, Anambah from RU2 Rural Landscape to R5 Large Lot Residential and E3 Environmental Management

I, the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan 2011 to rezone land at Anambah Road, Anambah from RU2 Rural Landscape to R5 Large Lot Residential and E3 Environmental Management should proceed subject to the following conditions:

1. Council is to undertake a contamination assessment of the site prior to commencing public exhibition in accordance with the provisions of State Environmental Planning Policy No 55 – Remediation of Land. The assessment is to be placed on public exhibition with the planning proposal.
2. Council is to identify the land as an Urban Release Area under Part 6 of the Maitland LEP 2011 to ensure that satisfactory arrangements for the provision of state public infrastructure are met prior to the development of the site. The planning proposal is to be amended to reflect state infrastructure provision prior to the commencement of public exhibition.
3. Consistency with outstanding S117 Directions including 1.2 Rural Zones and 1.5 Rural Lands must be addressed prior to the finalisation of the planning proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Department of Primary Industries – Agriculture
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. Further to Condition 4 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made and amend the planning proposal, if necessary as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
8. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

20th

day of

May

2012.



Hon Brad Hazzard MP
Minister for Planning and Infrastructure