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Department Generated Correspondence (Y)

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Our ref: PP\_2011\_MAITL\_001\_00 (11/02489)

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

Dear Mr Evans,

**Re: Planning Proposal to rezone approximately 7.5 hectares of land at Anambah Road, Anambah from 1(a) Prime Rural Land and 1(b) Secondary Rural to 2(a) General Residential**

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 ("EP&A Act") in respect of the planning proposal to amend the Maitland Local Environmental Plan 1993 to rezone approximately 7.5 hectares being part of Lot 71 DP 714785, Anambah Road, Anambah from 1(a) Prime Rural Land and 1(b) Secondary Rural to 2(a) General Residential, to facilitate the development of up to 50 dwellings.

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

It is noted that the Maitland LEP 2011 is well advanced and on track for finalisation and notification by June 2011. Should the planning proposal fail to be finalised ahead of the draft LEP 2011, the proposal would either cease to exist as it would propose to amend a repealed Instrument, or would require re-exhibition as an early amendment to Maitland LEP 2011. Therefore, Council are to exhibit the proposal as both an amendment to the Maitland LEP 1993 and as an amendment to the Maitland LEP 2011, to ensure the proposal can progress regardless of the timing of council's Principal Plan. The planning proposal is also to provide an explanation as to the relationship of the proposal to the progress of councils Comprehensive LEP.

The Department has determined this site is to be identified as an urban release area and, therefore, a 'satisfactory arrangements' clause in relation to state infrastructure is required to be added to the planning proposal. The planning proposal is to explain that the subject land is identified as an urban release area and is therefore subject to Infrastructure contributions. Further guidance should be included on the application of the draft Lower Hunter Infrastructure Contributions Scheme and the proposed satisfactory arrangements clause, to ensure the community are fully informed.

It is noted that the site is partly zoned 1(a) Prime Rural Land. Council are to seek advice of Industry and Investment NSW that the land is no longer required for agricultural purposes in order to ensure consistency with the rural planning principles in SEPP Rural Lands 2008.

The planning proposal is to provide further information for exhibition purposes about the staging of the release of land in area 21 and surrounding sites, and background as to why the release of the subject land has been brought forward.

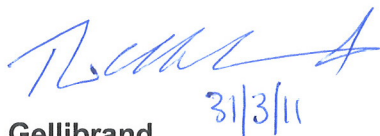
The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils, 4.3 Flood Prone land, 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this 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 2700.

Yours sincerely,



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_MAITL\_001\_00):** to rezone approximately 7.5 hectares of land at Anambah Road, Anambah from 1(a) Prime Rural Land and 1(b) Secondary Rural to 2(a) General Residential

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan 1993 to rezone approximately 7.5 hectares being part of Lot 71 DP 714785, Anambah Road, Anambah from 1(a) Prime Rural Land and 1(b) Secondary Rural to 2(a) General Residential, to facilitate the development of up to 50 dwellings should proceed subject to the following conditions:

1. The subject land is to be identified as an urban release area for the purposes of clause 55 of the Maitland LEP 1993, and a satisfactory arrangements clause in relation to state infrastructure is to be included in the planning proposal.
2. Council is to exhibit the proposal as an amendment to the Maitland LEP 2011 in addition to the proposed amendment to Maitland LEP 1993. This is to include a proposed draft zoning map prepared in accordance with the Department's Standard Technical Requirements for LEP Maps for the site
3. 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Aboriginal Land Council
  - Catchment Management Authority – Hunter / Central Rivers
  - Department of Environment, Climate Change and Water
  - Department of Industry and Investment (Agriculture)
  - Department of Planning – Heritage Branch
  - Hunter Water Corporation
  - NSW Rural Fire Service
  - Roads and Traffic Authority

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.

5. 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).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 31<sup>st</sup> day of March 2011.



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**  
**Delegate of the Minister for Planning**