



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

Dear Mr Evans

Planning proposal [PP-2021-4400] to amend *Maitland Local Environmental Plan 2011*

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* (the Act) in respect of the planning proposal to include additional permitted uses at 5-13 Louth Park Road, South Maitland.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Ministerial directions 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions, are justified in accordance with the terms of the directions. No further approval is required in relation to these directions.

Given the location adjacent to the New England Highway, I considered the merits in amending the planning proposal for a single additional permitted use for a highway service centre. This definition in the *Maitland Local Environmental Plan 2011* references both a service station and take away and food premises.

Given the nature of different traffic generating uses between a service station and take away and food premises it is reasonable to consider these as two additional permitted uses. This will enable more detailed consideration of how traffic of the proposed uses will interact with the New England Highway.

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

- 2.3 Heritage Conservation;
- 2.6 Remediation of Contaminated Land;
- 3.4 Integrating Land Use and Transport; and
- 4.3 Flood Prone Land.

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

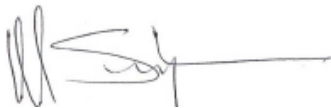
I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal by March 2022. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six 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 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 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 Robin Ward Senior Planning Officer, Central Coast and Hunter Region to assist you. Mr Ward can be contacted on 02 6448 8502.

Yours sincerely



16/07/2021

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

Encl: Gateway Determination