



IRF22/530

Plan finalisation report – PP-2021-5854

Draft Maitland LEP 2011 Amendment Number 34
11 Metford Road East Maitland 2323 Lot 1 DP1274406

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DP1274406

11 Metford Road East Maitland 2323 Lot 1

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Draft Maitland Local Environmental Plan 2011 (Amendment No. 34).

The planning proposal seeks to amend the provisions for land at 11 Metford Road, East Maitland to include the land in Schedule 1 of *Maitland Local Environmental Plan 2011* to allow the additional permitted use of 'Animal boarding or training establishment' with development consent.

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to land at 11 Metford Road East Maitland 2323 Lot 1 DP1274406
Type	Site
Council / LGA	Maitland City Council
LGA	Maitland

The land subject to the planning proposal is 11 Metford Road East Maitland, Lot 1 DP 1274406 with an area of 5,723m². Land uses include Council-owned administration building, animal holding facilities and associated infrastructure.



Figure 1 Subject site

1.1.3 Purpose of plan

The planning proposal seeks to include the site in Schedule 1 of *Maitland Local Environmental Plan 2011* to allow the use of an 'animal boarding or training establishment' with development consent. There are no mapping amendments.

1.1.4 State electorate and local member

The site falls within the Maitland state electorate. Jenny Aitchison MP is the State Member.

The site falls within the Paterson federal electorate. Meryl Swanson MP is the Federal Member.

To the Central Coast and Hunter Team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 27/10/2021 (**Attachment B**) determined the planning proposal should proceed subject to conditions.

Council has met all the Gateway determination conditions.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the planning proposal was publicly exhibited by Council from 9/12/2021 to 27/01/2022, as required by Schedule 1 of the *Environmental Planning and Assessment Act 1979*.

A total of 0 community submissions were received. The planning proposal was not amended post exhibition due to community submission.

3.1 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with NSW Rural Fire Service.

NSW Rural Service noted that any requirements for bushfire mitigation be addressed at the development application stage and there are no objections to the planning proposal.

Council was not required to address matters raised in the submission from NSW Rural Fire Service.

4 Department's assessment

The planning proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to community consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Ministerial directions, SEPPs, Regional Plan and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment C**), the planning proposal submitted to the Department for finalisation:

- remains consistent with the *Hunter Regional Plan 2036*.
- remains consistent with the Council's Local Strategic Planning Statement.
- remains consistent with all relevant Section 9.1 Ministerial directions.
- remains consistent with all relevant SEPPs.

Following the analysis undertaken by Council and consultation where appropriate with the relevant public authorities the consistency with section 9.1 Ministerial directions 4.1 Flooding and 4.3 Planning for Bushfire Hazard is resolved.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage.

Table 2 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 3 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 4 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Rural Fire Service	Confirmation that conditions imposed on their concurrence apply when a development application is determined.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment D)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 29/03/2022, Parliamentary Counsel provided the final Opinion that the draft LEP (Attachment LEP) could legally be made. The Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

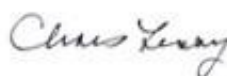
- It is consistent with the Gateway determination and all relevant Ministerial directions, SEPPs, and regional and local strategies.



Dan Starreveld
Manager, Local and Regional Planning



04/04/2022
Dan Simpkins
Director, Central Coast and Hunter Region



Assessment officer
Chris Ferry
Planning Officer, Central Coast and Hunter Region
4927 3203

Attachments

Attachment	Document
A	Planning Proposal
B	Gateway Determination
C	Gateway Determination Report
D	Consultation with Council on the Draft Instrument
PC	Parliamentary Council Opinion
LEP	Final LEP