



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

Dear Mr Evans

**Planning proposal PP\_2021\_MAITL\_001\_00 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 rezone land adjoining Anambah House, Anambah Road, Anambah from RU2 Rural Landscape to R5 Large Lot Residential to enable large lot residential development.

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

A visual impact assessment for Anambah House is still required to be prepared prior to exhibition. Draft heritage provisions for the *Maitland Development Control Plan 2011* are to be prepared and concurrently exhibited with the planning proposal. Given the uncertainty of timing to prepare this work and the need for Council's agreement, I have extended the timeframe for the planning proposal to 15 months.

The planning proposal should be updated to include a height of building map that identifies a maximum building height of 8.5 metres. It should also be updated to reference consistency with the *State Environmental Planning Policy (Primary Production and Rural Development) 2019*.

As delegate of the Secretary, I have also agreed the planning proposal's inconsistencies section 9.1 Ministerial directions 1.2 Rural Zones; 1.5 Rural Lands; 2.6 Remediation of Contaminated Land; 3.2 Caravan Parks and Manufactured Home Estates; 4.3 Flood Prone Land; 5.10 Implementation of Regional Plans are justified in accordance with the terms of the directions.

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;
- 3.1 Residential Zones;
- 3.4 Integrated Land Use and Transport; and
- 3.5 Development Near Licensed Aerodromes.

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

I note Council has requested to be authorised as the local plan-making authority. I have considered the nature of the planning proposal and have conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 15 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible, once the additional studies are completed.

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 Mark Parker, Principal Planning Officer, Central Coast and Hunter Region to assist you. Mr Parker can be contacted on 9995 5286.

Yours sincerely



10/05/2021

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

Encl: Gateway determination  
Plan-making reporting template