

Gateway Determination

Planning proposal (Department Ref: PP_2021_MAITL_001_00): to rezone land adjoining Anambah House, Anambah Road, Anambah from RU2 Rural Landscape to R5 Large Lot Residential to enable large lot residential development.

I, Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *Maitland Local Environmental Plan 2011* to rezone land adjoining Anambah House from RU2 Rural Landscape to R5 Large Lot Residential should proceed subject to the following conditions:

1. Prior to exhibition, a visual impact assessment for Anambah House will be undertaken that addresses the following issues:
 - a. clearly define the curtilage for Anambah House;
 - b. minimise the impact of proposed development on significant view lines to and from Anambah House;
 - c. identify subdivision layout and lot sizes; and
 - d. identify dwelling envelopes where required.
2. The planning proposal is to include a Height of Buildings Map that identifies the maximum height of 8.5 meters.
3. Draft heritage provisions for *Maitland Development Control Plan 2011* are to be prepared and concurrently exhibited with the planning proposal.
4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018); and
 - (c) public exhibition is to commence by 1 October 2021.
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial directions:
 - Biodiversity and Conservation Division;
 - Transport for NSW;
 - Hunter Water Corporation;

- Heritage NSW;
- Mindaribba Local Aboriginal Land Council; and
- Owner of Rutherford Aerodrome – Royal Newcastle Aero Club.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Ministerial directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
8. The time frame for completing the LEP is to be **15 months** following the date of the Gateway determination.

Dated 10th day of May 2021.



Dan Simpkins
Director
Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces