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Our ref: PP_2012_MAITL_003_00 (12/09726)
 Your ref:

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

Dear Mr Evans,

Planning Proposal to rezone land at Anambah Road, Anambah, from RU2 Rural Landscape to R1 General Residential and R5 Large Lot Residential, amend the minimum lot size and identify the land as an urban release area

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 abovementioned planning proposal to amend the Maitland Local Environmental Plan 2011.

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

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Lands and 4.1 Acid Sulfate Soils 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 12 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,


Sam Haddad
 Director-General

10/7/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_MAITL_003_00): to rezone land at Anambah Road, Anambah, from RU2 Rural Landscape to R1 General Residential and R5 Large Lot Residential, amend the minimum lot size and identify the land as an urban release area

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan 2011 to rezone land at Anambah Road, Anambah, from RU2 Rural Landscape to R1 General Residential and R5 Large Lot Residential, amend the minimum lot size and identify the land as an urban release area should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to consider applying the B1 Neighbourhood Centre zone to land identified on the endorsed structure plan as the site's commercial precinct.
2. Prior to public exhibition, Council is to consider the use of E4 Environmental Living zone for the portion of the proposed R5 Large Lot Residential land that is flood prone. Council is also to ensure that inconsistencies with S117 Direction 4.3 Flood Prone Land are resolved prior to finalisation of the planning proposal.
3. Prior to public exhibition, Council is to consider the use of a development control plan to provide the lot size controls for the urban release area as an alternative to, or in conjunction with, the minimum lot size map. Council should consult the Department's Regional Office to progress this aspect of the planning proposal.
4. Council is to amend the planning proposal accordingly, to reflect the outcomes of the above Conditions and provide a copy to the Department's Regional Team.
5. It is noted that a number of detailed studies are proposed to be undertaken for the site to address additional issues that have been raised, including matters related to flora and fauna, contamination, noise and vibration, heritage and traffic and transport. Council needs to ensure that the planning proposal is amended to reflect the outcome of the studies prior to finalisation.
6. 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 must be made publicly available for **28 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)*.
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Rural Fire Service
 - NSW Aboriginal Land Council
 - NSW Department of Primary Industries (Minerals and Petroleum)
 - NSW Department of Primary Industries (Office of Water)
 - Hunter Water Corporation
 - Office of Environment and Heritage

- Transport for NSW – Roads and Maritime Services

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.

8. Further to Condition 7 above, it is noted that Council has undertaken preliminary consultation with the Department of Primary Industries regarding the nearby quarry. Council is to carry out further consultation during the exhibition process to confirm that the proposal does not inhibit the extraction of State or regionally significant materials.
9. Further to Condition 7 above, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to the commencement of community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department's Regional Team.
10. 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).
11. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

10th

day of

July

2012.



Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure