

Gateway Determination

Planning proposal (Department Ref: PP-2022-3559): to rezone land from RU2 Rural Landscape to R5 Large Lot Residential at Anambah House, Anambah Road, Anambah.

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

1. The following should be prepared and exhibited with the planning proposal:
 - a. a revised traffic impact assessment;
 - b. Heritage NSW's response to the request to amend the state heritage register curtilage for Anambah House;
 - c. a height of buildings map which identifies the maximum building height of 8.5m;
 - d. a current and proposed heritage map;
 - e. a current and proposed lot size map; and
 - f. draft heritage provisions for *Maitland Development Control Plan 2011*.
2. The planning proposal should be amended to refer to the correct updated titles of State Environmental Planning Policies and section 9.1 Ministerial directions; and
3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and
 - (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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Biodiversity and Conservation Division;
 - Transport for NSW;
 - Hunter Water Corporation; and
 - Heritage NSW.
 - Murrumbidgee Local Aboriginal Land Council; and
 - Owner of Rutherford Aerodrome – Royal Newcastle Aero Club.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the proposal.

5. 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).
6. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority 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 applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the Local Environmental Plan is to be 12 months from the date of the Gateway determination.

Dated 11th day of October 2022.



Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes