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Our ref: PP_2012_MAITL_005_00 (12/11299)

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

Dear Mr Evans,

Planning proposal to amend Maitland Local Environmental Plan (LEP) 2011

I am writing in response to your Council's letter dated 27 June 2012 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Maitland Local Environmental Plan (LEP) 2011 to rezone land in the Louth Park urban investigation area from RU2 Rural Landscape to R5 Large Lot Residential and to amend the minimum lot size provisions for the subject land.

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 Zones, 1.5 Rural Lands, and 4.1 Acid Sulphate 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 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation. 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 Dylan Meade of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,


Sam Haddad
Director-General

8/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_MAITL_005_00): to amend the Maitland Local Environmental Plan (LEP) 2011 to rezone land at Louth Park urban investigation area for residential purposes

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 Maitland LEP 2011 to rezone land in the Louth Park urban investigation area from RU2 Rural Landscape to R5 Large Lot Residential and to amend the minimum lot size provisions for the subject land should proceed subject to the following conditions:

1. As part of the material placed on public exhibition Council is to include a Development Control Plan (DCP) to justify the proposed minimum lot size provisions and detail the outcomes of structure planning for the investigation area. If the DCP identifies opportunities to increase residential yield through changes to the land use zone or minimum lot size map, the planning proposal should be updated to reflect this change.
2. Council is to consult the Mine Subsidence Board in accordance with Section 117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments prior to undertaking exhibition of the planning proposal.
3. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection, and amend the planning proposal, if necessary, to take into consideration any comments prior to undertaking exhibition of the planning proposal.
4. 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Department of Primary Industries (Agriculture)
 - NSW Rural Fire Services
 - Mine Subsidence Board

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.

6. 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).
7. The timeframe for completing the LEP is to be **18 Months** from the week following the date of the Gateway determination.

Dated

8th

day of

August

2012.

SHaddadi

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