



Office of the Director General

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

Contact: Dylan Meade
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Dylan.Meade@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2012_MAITL_007_00 (12/18698)

Dear Mr Evans,

Planning proposal to amend Maitland Local Environmental Plan 2011

I am writing in response to your Council's request for 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 Maitland Local Environmental Plan (LEP) 2011 to reclassify land at Eales Road, Berry Park from 'community land' to 'operational 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.

In regards to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land used for public purposes. No further approval is required in relation to this Direction.

Council is reminded of its obligations for undertaking a public hearing in relation to the proposed reclassification of land in accordance with the department's Practice Note *PN09-003, Classification and reclassification of public land through a local environmental plan*.

As part of the consultation process, Council is to write to the National Trust of Australia and the Eales family notifying them of the exhibition of the planning proposal. The National Trust of Australia should also be advised of Council's intention to sell the site.

Council is advised that the *Guide to Preparing Planning Proposals* was recently updated and it now requires a project timeline to be included within the planning proposal. A timeline provides a mechanism to monitor the progress of the plan and minimise delays in the plan making process. Council should include a project timeline within any future planning proposal, when it requests a Gateway determination.

The amending LEP is to be finalised within 9 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. 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 NSW 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

14/12/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_MAITL_007_00): to amend Maitland Local Environmental Plan 2011 to reclassify land from 'community land' to 'operational land'.

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 Local Environmental Plan (LEP) 2011 to reclassify Lot 9, DP 1114951 Eales Road, Berry Park from 'community land' to 'operational land' should proceed subject to the following conditions:

1. As part of the consultation process, Council is to write to the National Trust of Australia and the Eales family notifying them of the exhibition of the planning proposal. The National Trust of Australia should also be advised of Council's intention to sell the site.
2. 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage – Heritage Branch

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.

4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 14th day of December 2012.


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