



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

Our ref: PP\_2015\_MAITL\_001\_00 (15/08934)

Att: Steve Daniels

Dear Mr Evans,

### **Planning Proposal to amend Maitland Local Environmental Plan 2011**

I am writing in response to your Council's letter dated 22 May 2015 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 the expansion of an existing funeral home and mortuary at 46-48 Banks Street East Maitland.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 3.1 - Residential Zones and 6.1 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department for administrative purposes.

Council is encouraged to notify directly during the public exhibition period, the adjoining and surrounding residential property owners, of the proposed expansion of the funeral home and mortuary to ensure that concerns about residential amenity are adequately considered.

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 section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Paul Maher from the Hunter office to assist you. Mr Maher can be contacted on (02) 4904 2719.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', written in a cursive style.

12 June 2015

**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Housing, Growth and Economics**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2015\_MAITL\_001\_00):** to allow the expansion of an existing funeral home and mortuary onto the adjoining property under Schedule 1 Additional Permitted Uses.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan (LEP) 2011 to allow the expansion of an existing funeral home and mortuary should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 ( Planning & Infrastructure 2013)*.
2. Consultation is required with the Roads and Maritime Services under section 56(2)(d) of the EP&A Act. Roads and Maritime Services 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.
3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.
5. Provide a locality map identifying the site for public exhibition.

Dated 12<sup>th</sup> day of June 2015.



**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Housing, Growth and Economics**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**



**WRITTEN AUTHORISATION TO EXERCISE DELEGATION**

Maitland City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

<b>Number</b>	<b>Name</b>
PP_2015_MAITL_001_00	Planning proposal to allow the expansion of an existing funeral home and mortuary onto the adjoining property under Schedule 1 Additional Permitted Uses.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

Dated                    12<sup>th</sup> June                    2015

**David Rowland  
General Manager  
Hunter and Central Coast Region  
Housing, Growth and Economics  
Department of Planning and Environment**