



qB170925

11/10776

Department Generated Correspondence (Y)

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

Our ref: PP_2011_MAITL_002_00 (11/09418)
Your ref: RZ10011 (808482)

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

Dear Mr Evans,

Re: Planning Proposal to include 'caravan park' as an additional permitted use on Lot 1 DP 719330 Mount Dee Road Maitland

I am writing in response to your Council's letter dated 30 May 2011 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 2011 to 'include' caravan park as an additional permitted use on Lot 1 DP 719330 Mount Dee Road Maitland.

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

The inclusion of 'caravan park' for purposes of short term stay tourist accommodation as an additional permitted use on land at Mount Dee Road, Maitland is not supported. The preferred approach to achieve Council's objective is to rezone the land from 1(a) Prime Rural Land to 1(b) Secondary Rural Land under Maitland LEP 1993 or from RU1 Primary Production to RU2 Rural Landscape under draft Maitland LEP 2011.

It is noted that the site is flood affected and the proposed use of the site for short term tourist accommodation is an appropriate flood compatible outcome for the land. Council should consider when preparing the rezoning map for the site, retaining a portion of the existing zoning for land that is not required for purposes of a caravan park. Where Council does prefer a split zone on the site, a copy of the relevant draft maps, together with the revised planning proposal, should be provided to the Department's Regional Team prior to exhibition commencing.

It is noted that Council's preference is to amend the draft Maitland LEP 2011 given that the draft instrument has been exhibited and is in the process of being finalised. However, due to the uncertain timing of finalisation of the Plan the planning proposal may be delayed pending the gazettal of the Maitland LEP 2011. To ensure clarity for the community regarding Council's intentions, and to ensure the planning proposal can proceed irrelevant of the timing of the 2011 Plan, Council should exhibit the planning proposal as an amendment to both the Maitland LEP 1993 and the Maitland LEP 2011 and provide supplementary information with the exhibition material to explain the relationship between the two plans.

Council is to review the consistency of the amended planning proposal, as required by the Gateway Determination, with the relevant S117 Directions. Council is to amend the planning proposal prior to finalisation and submission of the Plan under s59 of the EP&A Act, to justify any inconsistencies with relevant S117 Directions or satisfy the Director General that the inconsistencies are of minor significance.

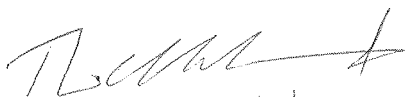
The preparation of a Contamination Report to satisfy the requirements of State Environmental Planning Policy No. 55 Remediation of Land, is required and should be included in the Report with the planning proposal for exhibition purposes.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway Determination. Council should aim to amend the planning proposal and commence preparation of the Contamination Report immediately. 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 Susan Blake of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



Tom Gellibrand 27/6/11
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_MAITL_002_00): to include 'caravan park' as an additional permitted use on Lot 1 DP 719330 Mount Dee Road Maitland.

I, the Deputy Director General, Plan Making & Urban Renewal 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 2011 to include 'caravan park' as an additional permitted use on Lot 1 DP 719330 Mount Dee Road Maitland should proceed subject to the following conditions:

1. Council is to rezone the land from 1(a) Prime Rural Land to 1(b) Secondary Rural Land under Maitland LEP 1993 or from RU1 Primary Production to RU2 Rural Landscape under draft Maitland LEP 2011, as the inclusion of 'caravan park' as an additional permitted use on land at Mount Dee Road, Maitland is not supported.
2. Council is to amend the planning proposal to reflect the requirements of Condition 1, above, and is to prepare existing and proposed draft zoning maps to reflect the current and intended future use of the land, prior to the commencement of community consultation. In addition, Council is to review the consistency of the amended planning proposal with the relevant S117 Directions and justify any inconsistencies with relevant S117 Directions or satisfy the Director General that the inconsistencies are of minor significance.
3. The preparation of a Contamination Report is required to satisfy the requirements of State Environmental Planning Policy No. 55 Remediation of Land, and is to be included in the Report with the planning proposal for exhibition purposes.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 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:
 - Department of Trade & Investment, Regional Infrastructure & Services (Primary Industries)
 - Office of Environment and heritage
 - Roads and Traffic Authority
 - South Maitland Railway Pty Ltd
 - State Emergency Service

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 **9 months** from the week following the date of the Gateway determination.

Dated 27th day of June 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure