



Planning



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10/17014

Department Generated Correspondence (Y)

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Our ref: PP_2010_MAITL_005_00 (10/14912)
Your ref: RZ 07/001

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

Dear Mr Evans

Re: Planning Proposal to rezone land on the New England Highway.

I am writing in response to the Council's letter dated 2 July 2010 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 1993 to rezone approximately 265 hectares of land on the New England Highway, Rutherford from 1(b) Secondary Rural to 4(b) Light Industrial and 7(c) Environmental Protection (General).

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

In addition to the government agencies nominated as requiring consultation in the Gateway Determination, Council should consider consultation with local bus service providers and the operators of the nearby aerodrome.

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 within four (4) weeks from the week following this determination. 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 Katrine O'Flaherty of the Regional Office of the Department on 02 4904 2718.

Yours sincerely,

19/8/10
Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_MAITL_005_00): to rezone approximately 265 hectares of land on the New England Highway, Rutherford from 1(b) Secondary Rural to 4(b) Light Industrial and 7(c) Environmental Protection (General) under the Maitland LEP 1993.

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 1993 to rezone approximately 265 hectares of land from 1(b) Secondary Rural to 4(b) Light Industrial and 7(c) Environmental Protection (General) 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 (Department of Planning 2009)* and 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)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Aboriginal Land Council
 - Catchment Management Authority
 - Department of Environment, Climate Change and Water
 - Department of Primary Industry (Agriculture)
 - Rail Corporation of NSW
 - Roads and Traffic Authority
 - State Rail

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.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

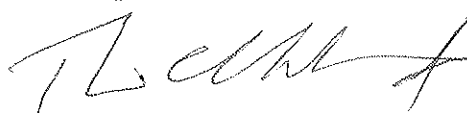
Dated

19th

day of

August

2010.



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