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Our ref: PP_2011_MAITL_005_00 (11/22122)
Your ref: RZ06008 (845927)

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

Dear Mr Evans,

Re: Planning Proposal to rezone 11.4 ha of land at Louth Park from R2 Rural Landscape to R5 Large Lot Residential with a minimum lot size of 4000m²

I am writing in response to your Council's letter dated 29 November 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 rezone 11.4 ha of land at Louth Park from R2 Rural Landscape to R5 Large Lot Residential with a minimum lot size of 4000m².

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.

It is noted that Council is proposing to delete the subject area from its Urban Release Area Map. This approach is not supported and Council is to amend the planning proposal to remove references to this aspect prior to proceeding to exhibition.

Council is required to prepare additional mapping to support the planning proposal and to include these maps with the public exhibition material. The additional maps required are:

- Acid Sulfate Soils Map identifying the categories of acid sulphate soils present on site;
- Proposed Minimum Lot Size (MLS) map; and
- An aerial photograph with the proposed zone boundary clearly identified.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.5 Rural Lands, and 4.3 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 Dylan Meade of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



Sam Haddad
Director General
Plan Making & Urban Renewal

16/2/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2011_MAITL_005_00): to rezone 11.4 ha of land at Louth Park from R2 Rural Landscape to R5 Large Lot Residential with a minimum lot size of 4000m².

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan 2011 to rezone 11.4 ha of land at Louth Park from R2 Rural Landscape to R5 Large Lot Residential with a minimum lot size of 4000m² should proceed subject to the following conditions:

1. It is noted that Council is proposing to delete the subject area from its Urban Release Area Map. This approach is not supported and Council is to amend the planning proposal to remove references to this aspect and retain the site as an identified Urban Release Area in the LEP prior to proceeding to exhibition.
2. Council is to ensure that all mapping provided for public exhibition purposes clearly identifies the subject site. Council is also required to prepare additional mapping to support the planning proposal and is to include these maps with the public exhibition material. The additional maps required are:
 - Acid Sulfate Soils Map identifying the categories of acid sulphate soils present on site;
 - Proposed Minimum Lot Size (MLS) map; and
 - An aerial photograph with the proposed zone boundary clearly identified.
3. 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)*.
4. In relation to Section 117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.
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 **12 months** from the week following the date of the Gateway determination.

Dated *16th* day of *February* 2012.

Sam Haddad
Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure