



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

Our ref: PP_2013_MAITL_006_00 (13/15195)
Your ref: 10/008

Dear Mr Evans

Planning proposal to amend Maitland Local Environmental Plan 2011

I am writing in response to your Council's letter dated 4 September 2013 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 rezone lot 195 DP 1153110, Wallis Street, East Maitland from RU1 Primary Production to R1 General Residential and E3 Environmental Management, and to change the minimum lot size for the proposed R1 zoned portion from 40 hectares to 450 m².

As delegate of the Minister for Planning and Infrastructure, 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 inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction. Council may still need to obtain the Director General's agreement to satisfy relevant S117 Directions, and Council should ensure this occurs, if required, prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months. 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 at least 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 section 54(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 Ben Holmes of the department's Newcastle office on 4904 2709.

Yours sincerely,

Michael Leavey 23/9/13
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery



Gateway Determination

Planning proposal (Department Ref: PP_2013_MAITL_006_00): to rezone lot 195 DP 1153110, Wallis Street, East Maitland from RU1 Primary Production to R1 General Residential and E3 Environmental Management, and to change the minimum lot size for the proposed R1 zoned portion from 40 hectares to 450 m².

I, the Regional Director, Hunter & Central Coast Region at the 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 the Maitland Local Environmental Plan (LEP) 2011 to rezone lot 195 DP 1153110, Wallis Street, East Maitland from RU1 Primary Production to R1 General Residential and E3 Environmental Management, and to change the minimum lot size for the proposed R1 zoned portion from 40 hectares to 450 m², should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - (a) replace references to DP 755237 with the correct DP, DP 1153110;
 - (b) replace references to the site being currently zoned RU2 Rural Landscape with the correct RU1 Primary Production zone;
 - (c) amend the Explanation of Provisions to note that the site will be mapped as an Urban Release Area;
 - (d) amend the existing zoning map in Appendix 2 of the planning proposal so that the land identified as the site corresponds with the land subject to the planning proposal; and
 - (e) clarify that the Director General endorsed Maitland Urban Settlement Strategy is the 2008 version, which did not specifically identify any urban extension sites.
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 a minimum of 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 & Infrastructure 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Department of Primary Industries (Agriculture) and update Council's consideration of S117 Directions 1.2 Rural Zones and 1.5 Rural Lands as well as SEPP (Rural Lands) 2008.
 - Office of Environment and Heritage (OEH) and include Council's consideration of S117 Direction 2.1 Environment Protection Zones and S117 Direction 2.3 Heritage Conservation. Consultation should also occur with the local Aboriginal Land Council and the National Trust.

Each public authority 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.

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.

Dated 23rd day of September 2013.



Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure