



Planning & Infrastructure

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

Our ref: PP_2013_MAITL_009_00(13/19618)
Your ref: RZ13001(986670)

Dear Mr Evans

Planning Proposal to amend Maitland Local Environmental Plan 2011

I refer to Council's letter of 13 November 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 land at Ryan's Road, Gillieston Heights

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 inconsistencies with S117 Direction's 1.2 Rural Zones and 1.5 Rural Lands are of minor significance. No further approval is required in relation to these Direction's. Council may still need to obtain the agreement of the Director General to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The Minister delegated his 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.

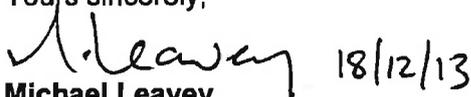
The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly 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.

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, please contact Paul Maher of the department's Newcastle office on 4904 2719.

Yours sincerely,

18/12/13

Michael Leavey
Acting General Manager, Hunter & Central Coast Region



Gateway Determination

Planning Proposal (Department Ref: PP_2013_MAITL_009_00): to rezone land at Ryan's Road Gillieston Heights

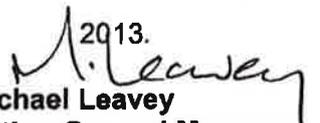
I, the Acting General Manager, Hunter & Central Coast Region at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan (LEP) 2011 to rezone part of the site from RU2 Rural Landscape to R1 General Residential to create 40 – 50 residential lots 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 & 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 (Department of Planning & Infrastructure 2013)*.
2. 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:
 - Roads and Maritime Services
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Department of Trade & Investment, Regional Infrastructure & Services Division of Resources and Energy – Mineral
 - Office of Environment & Heritage
 - Energy Australia
 - Hunter Water
 - Mindaribba Local Aboriginal Land Council

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.

2. 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).
3. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.
4. Prior to undertaking public exhibition, Council is to amend the planning proposal to identify the subject site as an Urban Release Area.

Dated 18th day of December 2013.


Michael Leavey
Acting General Manager
Hunter & Central Coast Region
Delegate of the Minister for Planning and
Infrastructure



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Maitland City Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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:

Number	Name
PP_2013_MAITL_009_00	Planning proposal to rezone land at Ryan's Road Gillieston Heights from RU2 Rural Landscape to R1 General Residential to create 40 – 50 residential lots.

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 18 December 2013


Michael Leavey
Acting General Manager
Hunter & Central Coast Region