



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

Our ref: PP_2016_MAITL_004_00 (16/14928)
Your ref: RZ16001 (1253913)

Att: Rob Corken

Dear Mr Evans,

Planning Proposal: Amendment 22 Maitland Local Environmental Plan 2011

I am writing in response to your Council's request for a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to reinstate and expand the heritage conservation area around Aberglasslyn House under Maitland LEP 2011.

As delegate of the Minister for Planning, 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 3.1 Residential Zones is of minor significance.

Council may still need to obtain the department's approval to comply with the requirements of other relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 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 timeframes outlined in this determination are not met.

Should you have any questions regarding this matter, I have arranged for Mr Ken Phelan from Hunter office to assist you. Mr Phelan can be contacted on (02) 4904 2705.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R. Hodgkins', with a stylized flourish at the end.

Robert Hodgkins
A/Director Regions, Hunter and Central Coast
Planning Services

22/12/16

Gateway Determination

Planning Proposal (Department Ref: PP_2016_MAITL_004_00): to reinstate and expand the heritage conservation area around Aberglasslyn House under Maitland LEP 2011.

I, the A/Director Regions, Hunter and Central Coast at the Department of Planning and Environment 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 (LEP) 2011 to reinstate and expand the heritage conservation area around Aberglasslyn House under Maitland LEP 2011 should proceed subject to the following conditions:

1. Prior to exhibition Council is to amend the planning proposal to;
 - a) refer to the Hunter Regional Plan 2036 and section 117 Direction 5.10 Implementation of Regional Plans and include Council's assessment of consistency with that direction;
 - b) refer to the use of the E3 Environmental Management zone for areas of heritage significance and comment on its consistency with the policy of Maitland City Council and likely future usage and consistency with state policy; and
 - c) More clearly identify the proposed changes specifically on the mapping included in the planning proposal.
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 & Environment 2016).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act;

- Office of Environment and Heritage (State Heritage item)

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material prior to public exhibition and any advice incorporated into an updated Planning Proposal and associated mapping. The 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.

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 12 months from the week following the date of the Gateway determination.

Dated 22nd day of December 2016.



Robert Hodgkins
A/Director Regions, Hunter and
Central Coast
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning