



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

Our ref: 13/14010
Your ref: 103/155- Rob Corken

Dear Mr Evans

Planning Proposal: Melbourne Street Precinct, East Maitland

I refer to Council's request of 22 August 2013 for a Gateway determination for Planning Proposal PP_2013_MAITL_005_00 to rezone land in the Melbourne Street Precinct, East Maitland, from B6 Enterprise Corridor to B4 Mixed Use.

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.

Please note that additional information will be required to address consistency with s117 Direction 4.3 Flood Prone Land and this will need to be addressed prior to the proposal being exhibited. This relates to the intensification of residential development potential, additional uses that would be made permissible and uses permissible without consent. Council is reminded that any inconsistencies with s117 directions need to be agreed to prior to the plan being submitted to be made.

It is also recommended that Council consider including more detail in the planning proposal to explain the land use differences between the B6 and B4 zones.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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. Council's cooperation in completing the attached reporting template and returning it to the Department to assist in tracking progress of the proposal would be appreciated.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 at least 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.

Should you have any questions regarding this matter, please contact Ken Phelan of the Department's Newcastle office on 4904 2705.

Yours sincerely

Handwritten signature of Michael Leavey in blue ink.

Michael Leavey
Regional Director

Hunter & Central Coast Region
Planning Operations and Regional Delivery

13/9/13

Gateway Determination

Planning Proposal PP_2013_MAITL_005_00: to rezone various lots in the Melbourne Street Precinct, East Maitland, from B6 Enterprise Corridor to B4 Mixed Use.

I, the Regional Director of the 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 the Melbourne Street Precinct, East Maitland from B6 Enterprise Corridor to B4 Mixed Use subject to the following conditions:

1. Community consultation is required under sections 56(2c) 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. Additional information regarding the proposal's consistency, or otherwise with s117 direction 4.3 Flood Prone Land, is required to be included in the planning proposal prior to exhibition.

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act;

- Roads and Maritime Services

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. Council exhibit the following documents as part of the public exhibition of the proposal:

- (a) Maitland Centres Strategy, 2009;
- (b) 'Integrating Land Use and Transport, The Right Place for Business and Services- Planning Policy', Department of Urban Affairs and Planning and Transport NSW;
- (c) The current flood prone land map covering the area with the proposal overlaid; and
- (d) A timeline for completion of the proposal

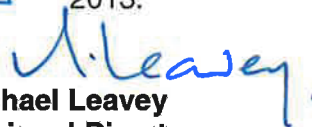
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The land use zoning map in the planning proposal is to be amended, prior to exhibition, to:

- (a) zone the New England Highway corridor Special Purposes; and
- (b) correct the zone reference to 'B4 Mixed Use'

7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated **13th** 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



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_015_00	Planning Proposal to rezone the Melbourne Street Precinct, East Maitland, from B6 Enterprise Corridor to B4 Mixed Use

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 13 September 2013

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