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Department Generated Correspondence (Y)

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Our ref: PP_2011_MAITL_003_00 (11/18327)
Your ref: RZ09005 (834250)

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

Dear Mr Evans,

Re: Planning Proposal to rezone 175 ha of land as Stage 1 of the Farley Investigation Area from RU2 Rural Landscape to R1 General Residential and E3 Environmental Management, and include the land as an Urban Release Area

I am writing in response to your Council's letter dated 30 September 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 LEP 2011 to rezone 175 ha of land as Stage 1 of the Farley Investigation Area from RU2 Rural Landscape to R1 General Residential and E3 Environmental Management, and include the land as an Urban Release Area.

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.

The Department understands that Council is in the preliminary stages of planning for this release area and detailed planning is yet to occur. However, given the scale of the proposed Farley Urban Release Area (175 hectares) Council is strongly encouraged to demonstrate that planning for the site will occur in an holistic and integrated manner. Prior to proceeding to exhibition therefore, Council should consider preparing an indicative Development Control Plan or Site Master Plan demonstrating that key strategic planning issues can be adequately addressed.

Once completed, this additional information should be placed on public exhibition with the planning proposal to better inform the community about future planning for the Farley Release Area.

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

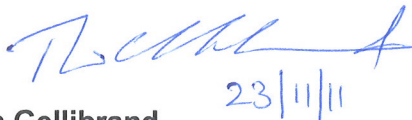
In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of the Local Planning Direction.

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 upon the completion of the additional work required. 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,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_MAITL_003_00): to rezone 175 ha of land as Stage 1 of the Farley Investigation Area from RU2 Rural Landscape to R1 General Residential and E3 Environmental Management, and include the land as an Urban Release Area.

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 LEP 2011 to rezone 175 ha of land as Stage 1 of the Farley Investigation Area from RU2 Rural Landscape to R1 General Residential and E3 Environmental Management, and include the land as an Urban Release Area should proceed subject to the following conditions:

1. Council is to prepare an acid sulphate soils study in accordance with the requirements of S117 Direction 4.1 Acid Sulfate Soils to assess the appropriateness of the changes in land use given the possible presence of acid sulphate soils within the release area. This study is to be placed on public exhibition with the planning proposal.
2. Council is to prepare a preliminary site investigation contamination study in accordance with clause 6(1) of *State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land*. This study is to be placed on public exhibition with the planning proposal.
3. Council is to ensure that appropriate mapping is provided for public exhibition purposes and in particular, the subject site is to be clearly identified in all supporting mapping placed on public exhibition. In addition, Council is to prepare and exhibit the following additional maps to support the planning proposal:
 - a. Flood prone land map;
 - b. Acid Sulfate Soils Map identifying categories of acid sulfate soils present on the site; and
 - c. An aerial photograph showing all proposed zone boundaries and highlighting vegetation areas proposed to be protected through zoning.
4. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.
5. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

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

- Australian Rail and Track Corporation
- Mindaribba Aboriginal Land Council
- Catchment Management Authority – Hunter/Central Rivers
- Office of Environment and Heritage
- Heritage Branch – Office of Environment and Heritage
- Department of Primary Industries (Agriculture)
- Hunter Water Corporation
- NSW Rural Fire Service
- Roads and Traffic Authority

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.

7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 23rd day of November 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure