



Contact: Ben Holmes
Phone: (02) 4904 2709
Fax: (02) 4904 2701
Email: Ben.Holmes@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2013_MAITL_002_00 (13/09467)
Your ref: R212003 (947357)

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

Dear Mr Evans,

Planning proposal to amend Maitland Local Environmental Plan 2011

I am writing in response to your Council's letter dated 8 May 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 149 Aberglasslyn Road, Aberglasslyn from RU2 Rural Landscape to R1 General Residential, reduce the minimum lot size for the subject land to 450sqm and insert a clause under Maitland Local Environment Plan (LEP) 2011 to allow the subdivision of split-zoned lots that do not satisfy the minimum lot size.

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.

While I support the planning proposal, it is considered that the proposal to amend the zoning and minimum lot size for land at Aberglasslyn and to include a provision to allow the subdivision of split-zoned lots require different timeframes for community consultation and finalisation. Consequently, Council is to split the planning proposal into two separate amendments to reflect the above position. I understand that Council supports this approach. Council is advised that this letter and attached Gateway determination refer to PP_2013_MAITL_002_00, being the proposal to include a provision within Maitland LEP 2011 to allow the subdivision of split-zoned lots that do not satisfy the minimum lot size.

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 not to issue an authorisation for Council to exercise delegation to make this plan because the subdivision of split-zoned lots that do not satisfy the minimum lot size is a state-wide issue and a consistent approach is preferred to drafting the provision.

The amending 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 for the department 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 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 regional office of the department on 02 4904 2709.

Yours sincerely,



6-6.13

Neil McGaffin
Executive Director
Rural and Regional Planning

Gateway Determination

Planning proposal (Department Ref: PP_2013_MAITL_002_00): to amend Maitland LEP 2011 to allow the subdivision of split-zoned lots that do not satisfy the minimum lot size.

I, the Executive Director, Rural and Regional Planning 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 allow the subdivision of split-zoned lots that do not satisfy the minimum lot size should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to split the planning proposal into two separate amendments. PP_2013_MAITL_002_00, the proposal subject to this Gateway determination, is to reflect the proposed provision to allow the subdivision of split-zoned lots that do not satisfy the minimum lot size. PP_2013_MAITL_001_00 is to reflect the amendment to the zoning and minimum lot size for land at Aberglasslyn.
2. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to clearly advise the intention of the proposed provision and the zones the proposed provision will affect. Depending on the applicable zones, Council may need to consult with additional State agencies, such as the Office of Environment and Heritage.
3. 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).
4. Consultation is required with the Department of Primary Industries (DPI) - Agriculture under section 56(2)(d) of the EP&A Act. DPI 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.
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 timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

6th

day of

June

2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure