



Contact: Ben Holmes
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Ben.Holmes@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle, NSW, 2300

Our ref: PP_2013_MAITL_003_00 (13/10111)

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 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 facilitate various housekeeping amendments including: correcting errors and mapping anomalies; rezoning, amending the minimum lot size and maximum building height for certain land in the Maitland local government area; correcting property descriptions, addresses, names and the heritage significance for various heritage items; adding new heritage items and permitting home-based child care with consent (and removing home-based child care from item 2 permitted without consent) in various zones under Maitland Local Environmental Plan (LEP) 2011.

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.

In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction and creation of land for public purposes on the basis of the sites previous zoning and ownership. No further approval is required in relation to this Direction.

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 because the proposal is considered to be a matter of local significance.

The amending LEP is to be finalised within 6 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.

Should you have any queries in regard to this matter, please contact Ben Holmes of the regional office of the department on 02 4904 2700.

Yours sincerely,



Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery

16-7-13.

Gateway Determination

Planning proposal (Department Ref: PP_2013_MAITL_003_00): to facilitate various housekeeping amendments to Maitland LEP 2011.

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 facilitate various housekeeping amendments including: correcting errors and mapping anomalies; rezoning, amending the minimum lot size and maximum building height for certain land in the Maitland local government area; correcting property descriptions, addresses, names and the heritage significance for various heritage items; adding new heritage items and permitting home-based child care with consent (and removing home-based child care from item 2 permitted without consent) in various zones should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - correct the reference to heritage item numbers for St Peter's Church group at Bank Street, East Maitland, being heritage item I21; the George and Dragon Hotel at Melbourne Street, East Maitland, being heritage item I68; and St Helena Cottage at St Helena Close, Lochinvar, being heritage item I103. Council is to ensure the proposal references correct heritage item numbers, consistent with Schedule 5 – Environmental Heritage under Maitland LEP 2011;
 - correctly advise that land identified in item 12 at John Arthur Avenue, Thornton is classified as 'operational' land, rather than 'community' land;
 - identify the land (via a list of the Lot and DP numbers) affected by the proposed changes to building height in item 16; and
 - include location maps and where applicable, existing and proposed land zoning, lot size and height of buildings maps and other applicable maps, which are at an appropriate scale and clearly identify the subject sites.
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 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).
3. Consultation is required with the Office of Environment and Heritage (OEH) under section 56(2)(d) of the EP&A Act. OEH 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. 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 **6 months** from the week following the date of the Gateway determination.

Dated 10th day of July 2013.



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

Delegate of the Minister for Planning and 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_003_00	Planning proposal to facilitate various housekeeping amendments including: correcting errors and mapping anomalies; rezoning, amending the minimum lot size and maximum building height for certain land in the Maitland local government area; correcting property descriptions, addresses, names and the heritage significance for various heritage items; adding new heritage items and permitting home-based child care with consent (and removing home-based child care from item 2 permitted without consent) in various zones under Maitland Local Environmental Plan (LEP) 2011.

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 10th July 2013

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

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_MAITL_003_00
Date Sent to Department under s56	June 2013
Date considered at LEP Review Panel	04/07/2013
Gateway determination date	10/07/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: