

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

Our ref: PP_2013_MAITL_004_00
Your ref: RZ13004

Attention: Josh Ford

Dear Mr Evans,

Planning Proposal to amend Maitland Local Environmental Plan 2011

I refer to 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 amend Clause 4.2A to apply to dual occupancies in relevant rural and environmental zones.

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.

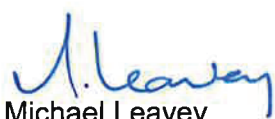
The Minister delegated his plan making powers to councils in October 2012 and it is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council's cooperation 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 Paul Maher of the Department's Newcastle office, on 4904 2719.

Yours sincerely



Michael Leavey
Regional Director
Hunter & Central Coast Region

8/8/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_MAITL_004_00): to amend Clause 4.2A to apply to dual occupancies in relevant rural and environmental zones.

I, the Regional Director of the Hunter & Central Coast Region of 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 2011 to amend Clause 4.2A to include dual occupancy in the dwelling entitlement provisions should proceed subject to the following conditions:

1. 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)*.
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 8th day of August 2013.



Michael Leavey
Regional Director
Hunter & Central Coast Region
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_004_00	Planning Proposal to amend Maitland LEP 2011 Clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental zones' to apply to dual occupancy.

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 8th August 2013


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