



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

Our ref: PP_2013_MAITL_007_00 (13/17918)
Your ref: RZ13006

Dear Mr Evans,

Planning proposal to amend Maitland Local Environmental Plan 2011

I refer to Council's letter of 24 October 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 amend the Bolwarra Urban Release Area.

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.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.3 Flood Prone Land is of minor significance. No further approval is required in relation to this Direction.

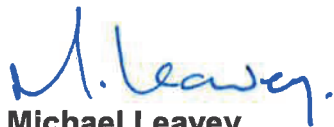
The Minister delegated his plan making powers to councils in October 2012. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan. Council's cooperation in completing the attached reporting template and 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 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 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 queries in regard to this matter, please contact Ben Holmes of the Department's Newcastle Office on 02 4904 2709.

Yours sincerely,



Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations and Regional Delivery

19/11/13

Gateway Determination

Planning proposal Department Ref: PP_2013_MAITL_007_00: to amend the Bolwarra Urban Release Area.

I, the Regional Director, 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 amend the Bolwarra Urban Release Area should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to update the planning proposal to replace references to lot 9 DP 1116838 with the correct lot and DP, lot 931 DP 1178976.
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**;
 - (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)*; and
 - (c) Council's flood study (2010) is to be included in the material exhibited with the planning proposal.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Office of Environment and Heritage
 - Mindarriba Local Aboriginal Land Council

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. 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**.

Dated 19th day of November 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**



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_007_00	Planning Proposal to amend the Bolwarra Urban Release Area

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 19 November 2013

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