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Our ref: PP_2010_MAITL_013_00 (10/16861)
Your ref: RZ08002 (755298)

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

Dear Mr Evans,

Re: Planning Proposal to rezone land at New England Highway, Lochinvar

I am writing in response to your Council's letter dated 3 August 2010 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 1993 to rezone approximately 650 hectares of land at New England Highway, Lochinvar currently zoned 1(b) Secondary Rural and 2(a) Residential to a mix of residential, environmental and business zones.

As delegate of the Minister for Planning, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

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 within four (4) weeks from the week following this determination. 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 Katrine O'Flaherty 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_2010_MAITL_013_00): to rezone approximately 650 hectares of land at New England Highway, Lochinvar currently zoned 1(b) Secondary Rural and 2(a) Residential to a mix of residential, environmental and business zones.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Maitland Local Environmental Plan 1993 to rezone approximately 650 hectares of land at New England Highway, Lochinvar currently zoned 1(b) Secondary Rural and 2(a) Residential to a mix of residential, environmental and business zones should proceed subject to the following conditions:

1. Areas likely to be affected by noise and vibration are to be deferred from the planning proposal if the level of information required to determine appropriate zoning is not available prior to exhibition.
2. The planning proposal is to explain that the subject land will be identified as an Urban Release Area to ensure that satisfactory arrangements for the provision of designated state infrastructure are met prior to the development of the site.
3. The maps to be exhibited with this proposal should clearly identify the proposed zones and their location.
4. Consistency with Section 117 Directions is to be demonstrated at the time that the proposal is submitted to the Department for finalisation.
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:
 - Aboriginal Land Council
 - Area Health Services
 - Department of Education and Training
 - Department of Environment, Climate Change and Water
 - Department of Primary Industry (Agriculture)
 - Department of Primary Industry (Mining)
 - Energy Australia
 - Hunter Water Corporation
 - NSW Fire Brigades
 - NSW Rural Fire Service
 - Rail Corporation of NSW
 - Roads and Traffic Authority
 - State Emergency Service

- State Rail
- State Transit Authority of NSW
- Telstra

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. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated *24th* day of *September* 2010.



24/9/10

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