



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

Our ref: PP_2016_MAITL_002_00 (15/13135)
Your ref: RZ15006

Att: Steve Daniels

Dear Mr Evans,

Planning Proposal to amend Maitland Local Environmental Plan 2011

I am writing in response to Council's letter dated 17 March 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal for a 'Housekeeping' Local Environmental Plan to rectify minor zonings, property descriptions and mapping anomalies and to make a minor change to the land use table.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination. At this time, I have determined that, items 4-6 of the planning proposal should not proceed, as they involve rezoning flood affected land from a rural to a residential zone without adequate justification. I am prepared to reconsider these matters if further information is provided, and the inconsistencies with Section 117 direction 4.3 Flood Prone Land can be addressed.

In terms of the remaining items, I have agreed that the planning proposal's inconsistencies with Section 117 directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones are of minor significance. Further I support the amendment to land reserved for public purposes, consistent with direction 6.2 Reserving Land for Public Purposes, in relation to Item 25. No further approval is required in relation to these directions.

The Minister delegated 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.

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 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.

Attached for your assistance is a simplified guide to the plan making process and reporting requirements to ensure that the LEP Tracking System is kept updated.

Should you have any questions regarding this matter, I have arranged for Ben Holmes from the Hunter office to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

17/5/2016

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2016_MAITL_002_00): *Housekeeping Local Environmental Plan to rectify minor zoning, property description, and mapping anomalies and make a minor change to the land use table.*

I, the Director Regions, Hunter and Central Coast at the Department of Planning and Environment 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 (LEP) 2011 to rectify minor zoning, property description, and mapping anomalies and make a minor change to the land use table should proceed subject to the following conditions:

1. Council is to amend the planning proposal and draft maps prior to consultation to:
 - (a) address the accuracy of the Flood Planning Line on the Flood Planning Map, for items 1-3 as per Council's advice;
 - (b) exclude the rezoning of items 4-6. Further justification of these sites is required, in particular, the extent to which flooding affects the land;
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 local environmental plans (Department of Planning and Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act, and amendments to the proposal to reflect the advice provided by these agencies prior to exhibition;
 - Office of Environment and Heritage
 - Hunter Water Corporation
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 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 12 months from the week following the date of the Gateway determination.

Dated 17th May 2016



Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Maitland City Council is authorised to exercise the functions of the Minister for Planning 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_2016_MAITL_002_00	Planning proposal to rectify minor zoning, property descriptions and make a minor change to the land use table.

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 17th May 2016

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment