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Our ref: PP_2010_MAITL_018_00 (10/25174)
Your ref: RZ10014 (780401)

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

Dear Mr Evans,

Re: Planning Proposal to amend the Maitland Local Environmental Plan 1993 to facilitate the provision of a small neighbourhood activity centre within the Aberglasslyn Urban Release Area through rezoning of the subject site from 2(a) Residential and 1(b) Secondary Rural, to 3(a) General Business.

I am writing in response to your Council's letter dated 15 December 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 facilitate the provision of a small neighbourhood activity centre within the Aberglasslyn Urban Release Area through rezoning of the subject site from 2(a) Residential and 1(b) Secondary Rural, to 3(a) General Business.

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 Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction *1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones and 4.3 Flood Prone Land* are of minor significance. No further approval is required in relation to this Direction.

It is noted that Council's preference is to amend the Maitland LEP 1993. However, given that the Maitland LEP 2011 has been exhibited and is on schedule for notification by June 2011, the planning proposal may amend Maitland LEP 2011 as opposed to the Maitland LEP 1993. Council is to provide supplementary information with the exhibition material, which provides an explanation as to how the planning proposal will amend either the existing LEP or the draft Principal LEP.

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 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 Dylan Meade 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_018_00: to amend the Maitland Local Environmental Plan 1993 to facilitate the provision of a small neighbourhood activity centre within the Aberglasslyn Urban Release Area through rezoning of the subject site from 2(a) Residential and 1(b) Secondary Rural, to 3(a) General Business.

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 facilitate the provision of a small neighbourhood activity centre within the Aberglasslyn Urban Release Area through rezoning of the subject site from 2(a) Residential and 1(b) Secondary Rural, to 3(a) General Business 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 2009) and **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).
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 **6 months** from the week following the date of the Gateway determination.

Dated 2nd day of February 2011.



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