



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

Our ref: PP_2015_MAITL_004 (15/14612)
Your ref: RZ14001 (1132191)

Att: Rob Corken

Dear Mr Evans,

Planning Proposal to amend Maitland Local Environmental Plan 2011

I am writing in response to your Council's letter 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 rezone land at Lot 3, DP 237264, 30 Swan Street, Morpeth, from RU1 Primary Production to part Zone R1 General Residential and part E2 Environmental Conservation; and amend the lot size map from a minimum lot size of 40 hectares to 450 square metres within the Zone R1 General Residential.

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. I have also agreed that the planning proposal's inconsistencies with S117 Directions - 1.2 Rural Zones, 1.5 Rural Lands, 4.1 Acid Sulfate Soils, and 4.3 Flood Prone Land, are of minor significance. No further approval is required in relation to these Directions.

In making this determination I note that there are a number of proposals for development within the Morpeth Area and encourage Council to consider the cumulative impacts of their decisions on its heritage significance.

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. 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 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 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 Susan Blake from the Hunter office to assist you. Ms Blake can be contacted on (02) 4904 2720.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'D. Rowland', with a stylized, flowing script.

13 November 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Gateway Determination

Planning Proposal (Department Ref: PP_2015_MAITL_004_00): to rezone approximately 7924 square metres of land at 30 Swan Street, Morpeth; and amend the lot size map.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act* (1979) that an amendment to the Maitland Local Environmental Plan (LEP) 2011 to rezone land from RU1 Primary Production to part Zone R1 General Residential and part E2 Environmental Conservation; and amend the lot size map from a minimum lot size of 40 hectares to 450 square metres within the Zone R1 General Residential at Lot 3, DP 237264, 30 Swan Street, Morpeth, 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 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 LEPs (Planning & Infrastructure 2013)*.
2. No consultation is required with public authorities under section 56(2)(d) of the *Environmental Protection and Assessment Act* (1979).
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 13th day of November 2015.



David Rowland
General Manager
Hunter and Central Coast Region
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_2015_MAITL_004_00	<i>Planning Proposal to rezone land from RU1 Primary Production to part Zone R1 General Residential and part E2 Environmental Conservation; and amend the lot size map from a minimum lot size of 40 hectares to 450 square metres within the Zone R1 General Residential at Lot 3, DP 237264, 30 Swan Street, Morpeth.</i>

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 13 November 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment