



Department of Planning and Environment

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

Our ref: IRF22/2059

Attn: Leonie Bryson

Dear Mr Evans,

Planning proposal PP-2021-2820 to amend Maitland Local Environmental Plan 2011

I am writing in response to the planning proposal forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) seeking to enable residential development at 107 Haussman Drive, Thornton.

The planning proposal has not sufficiently demonstrated how the boundary of the R1 General Residential zone avoids or minimises the impacts on vegetation or environmental values. The NSW Biodiversity Assessment Method (BAM) is the pathway to determine if areas of environmental value should be avoided or conserved. This assessment needs to be undertaken before the planning proposal can progress.

This may also have implications for the bushfire report and the advice of NSW Rural Fire Service regarding compliance with Planning for Bushfire Protection. Confirmation from the agency is required on the need for secondary access to the site, and for landowner support if this is required to be located on adjoining properties.

Confirmation from Subsidence Advisory NSW is also required to determine consistency with section 9.1 Ministerial direction 4.6 and whether additional studies or measures, including grouting, are required to support future residential uses.

The above matters were not appropriately addressed in the planning proposal submitted to the Department of Planning and Environment. As delegate of the Minister for Planning and Homes, I have determined the planning proposal should be resubmitted after matters outlined in the enclosed Gateway Determination have been addressed.

If the planning proposal is not resubmitted and considered adequate before the timeframe specified in the enclosed Gateway determination, a decision will be made to not proceed with the planning proposal under section 3.32(2(d) of the Act.

While not a final plan, the Department has done an assessment of the planning proposal against the draft Hunter Regional Plan 2041. In particular, assessing the merits against the objectives to create a 15-minute region and nimble neighbourhoods of diverse housing.

The site is well-positioned to a range of day-to-day needs and services, along with public transport. Furthermore, there is an active planning proposal (PP-2022-1187) opposite the site which seeks a range of employment uses. This will further reinforce accessibility for future residents to local employment opportunities without the need to commute by private vehicle.

The draft regional plan recognises that in order to achieve the many public interest intentions of the draft plan, new developments will have to be different. There needs to be greater diversity of housing to improve affordability. As the proposed minimum lot size of 450m² is the same as the adjoining R1 General Residential zoned areas, it is not consistent with this strategy or objective.

Given the proposed opportunities for a 15-minute neighbourhood outlined above, a density of only 8 dwellings/ha will be a significant missed opportunity and substantially below an optimum density for the site.

In our assessment of the planning proposal, the following matters were identified as likely to be required to be addressed prior to public exhibition (unless addressed beforehand):

- a revised transport assessment that considers Transport for NSW's road and intersection planning for the area; and
- advice from Hunter Water Corporation on the location and capacity of sewer and water in relation to the site.

These above matters could be further considered as part of the resubmitted planning proposal. However, they are not required or been conditioned in the Gateway determination.

The Department offers its assistance in resolving these matters and recommends Council seeks pre-lodgement advice to confirm the matters listed in the Gateway resubmit have been adequately addressed.

As you would be aware the Department of Planning and Environment is committed to reducing the time taken to complete planning proposals and is taking an active management approach to align planning proposals with the timeframes outlined in the *Local Environmental Plan Making Guideline* (December 2021).

Should you have any enquiries about this matter, I have arranged for Mr Thomas Holmes, Senior Planning Officer, Central Coast and Hunter to assist you. Mr Holmes can be contacted on 9860 1583.

Yours sincerely



26/08/2022

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Land Use Strategy

Encl: Gateway determination