

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

Our ref: IRF22/3305

Dear Mr Evans

**Planning proposal PP-2022-3559 to amend *Maitland Local Environmental Plan 2011***

I am writing in response to the planning proposal Council has forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) on 05/10/2022 in respect of the planning proposal to rezone land from RU2 Rural Landscape to R5 Large Lot Residential at Anambah House, Anambah Road, Anambah.

As delegate of the Minister for Planning and Homes, I have determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I understand an application to amend the state registered heritage curtilage was made to Heritage NSW on 24 August 2022. This will need to inform the proposed amendments to the local environmental plan which are not currently included in the planning proposal.

As such, the following should be prepared and exhibited with the planning proposal:  
a revised traffic impact assessment;

- Heritage NSW's response to the request to amend the state heritage register curtilage for Anambah House;
- a height of buildings map which identifies the maximum building height of 8.5m;
- a current and proposed heritage map;
- a current and proposed lot size map; and
- draft heritage provisions for *Maitland Development Control Plan 2011*.

I also understand work is underway to ensure flood free access can be provided to the proposed development. The planning proposal states flood free access requirements will need to be put in place prior to finalisation of the planning proposal. If details are not provided of how this access to be provided, it is recommended the planning proposal not proceed. This is recommendation in the planning proposal is supported by the Department.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act for 1.1 Implementation of Regional Plans; 4.4 Remediation of Contaminated Land; 6.2 Caravan Parks and Manufactured Home Estates; 9.1 Rural Zones; and 9.2 Rural Lands is justified in accordance with the terms of the directions. No further approval is required in relation to the directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act for 3.2 Heritage Conservation; 4.1 Flooding; 5.1 Integrated Land Use and Transport; 5.3 Development Near Regulated Airports and Defence Airfields; and 3.1 Residential Zones. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

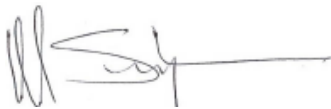
The proposed LEP is to be finalised on or before 11 October 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Mark Parker, Principal Planning Officer, Central Coast and Hunter Region to assist you. Mr Parker can be contacted on 9995 5286.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Simpkins', followed by a horizontal line extending to the right.

11/10/2022  
**Dan Simpkins**  
**Director, Central Coast and Hunter Region**  
**Planning and Land Use Strategy**

Encl: Gateway determination