

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

Our ref: IRF22/2562

Dear Mr Evans

Planning proposal PP-2022-682 to amend Maitland Local Environmental Plan 2011

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to allow an additional permitted use for land at 19 Scotch Creek Road, Millers Forest.

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

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 1.1 Implementation of Regional Plans, 4.1 Flooding, 4.5 Acid Sulfate Soils and 9.1 Rural Zones 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 4.3 Planning for Bushfire Protection. 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 amending local environmental plan (LEP) is to be finalised on or before 26 May 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

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 Ms Elle Clementine to assist you. Ms Clementine can be contacted on 9274 6470.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D Starreveld', with a stylized flourish at the end.

13/9/2022

Dan Starreveld
Manager, Local and Regional Planning
Planning and Land Use Strategy

Encl: Gateway determination