



4934 9700

31 October 2013

NSW Department of Planning & Infrastructure
PO Box 1226
NEWCASTLE NSW 2300
Attn: Mr Ben Holmes



Dear Ben

**RE: REQUEST FOR 73A AMENDMENT – MAITLAND LEP 2011, SCHEDULE 1
(ST HELENA SITE DESCRIPTION)**

A site description error has been noted in the Maitland Local Environmental Plan 2011 that can be resolved by applying Clause 73A(1)(a) of the Environmental Planning & Assessment Act, 1979. The error is of a minor nature, simply involving a Lot & DP description error as a result of a plan of consolidation being processed since the inception of the Maitland Local Environmental Plan in 2011. It relates to the additional permitted use for St Helena, as contained under Schedule 1 of the MLEP 2011.

Currently, Clause 3 of Schedule 1 of the MLEP 2011 reads:

3 Use of certain land at St Helena Close, Lochinvar

- (1) This clause applies to Lot 1, DP 997240 and Lot 100, DP 1093291, being 9 and 15 St Helena Close, Lochinvar.
- (2) Development for the purpose of a cellar door premises, entertainment facility, function centre, markets, restaurant or cafe, or shop is permitted with consent.

The site description should be amended and the following wording should replace the current wording:

3 Use of certain land at St Helena Close, Lochinvar

- (1) This clause applies to Lot 10, DP1177217 and Lot 200, DP1111493, being 9 and 15 St Helena Close, Lochinvar.

- (2) Development for the purpose of a cellar door premises, entertainment facility, function centre, markets, restaurant or cafe, or shop is permitted with consent.

Deposited Plans have been included with this letter which illustrate the sequence of changes for the land since DP1111493 was registered in 2007, having created Lots 200 and 201. DP1111493 was for the purposes of subdivision, and therefore superceded Lot 1 DP997240 and Lot 100 DP1093291. Lot 200 DP1111493 remains as the current property description for the land occupied by St Helena Cottage. Since 2007, however, DP1132799 has been registered for the purpose of a private road, described as Lot 1 DP1132799. Furthermore, in 2012, DP1177217 was registered which had the purpose of consolidating both Lot 1 DP1132799 and Lot 201 DP1111493, resulting in Lot 10 DP1177217.

Given that Lot 10 DP1177217 and Lot 200 DP1111493 are the current property descriptions for the subject land, Clause 3 of Schedule 1 in the MLEP 2011 should be corrected to properly reflect this.

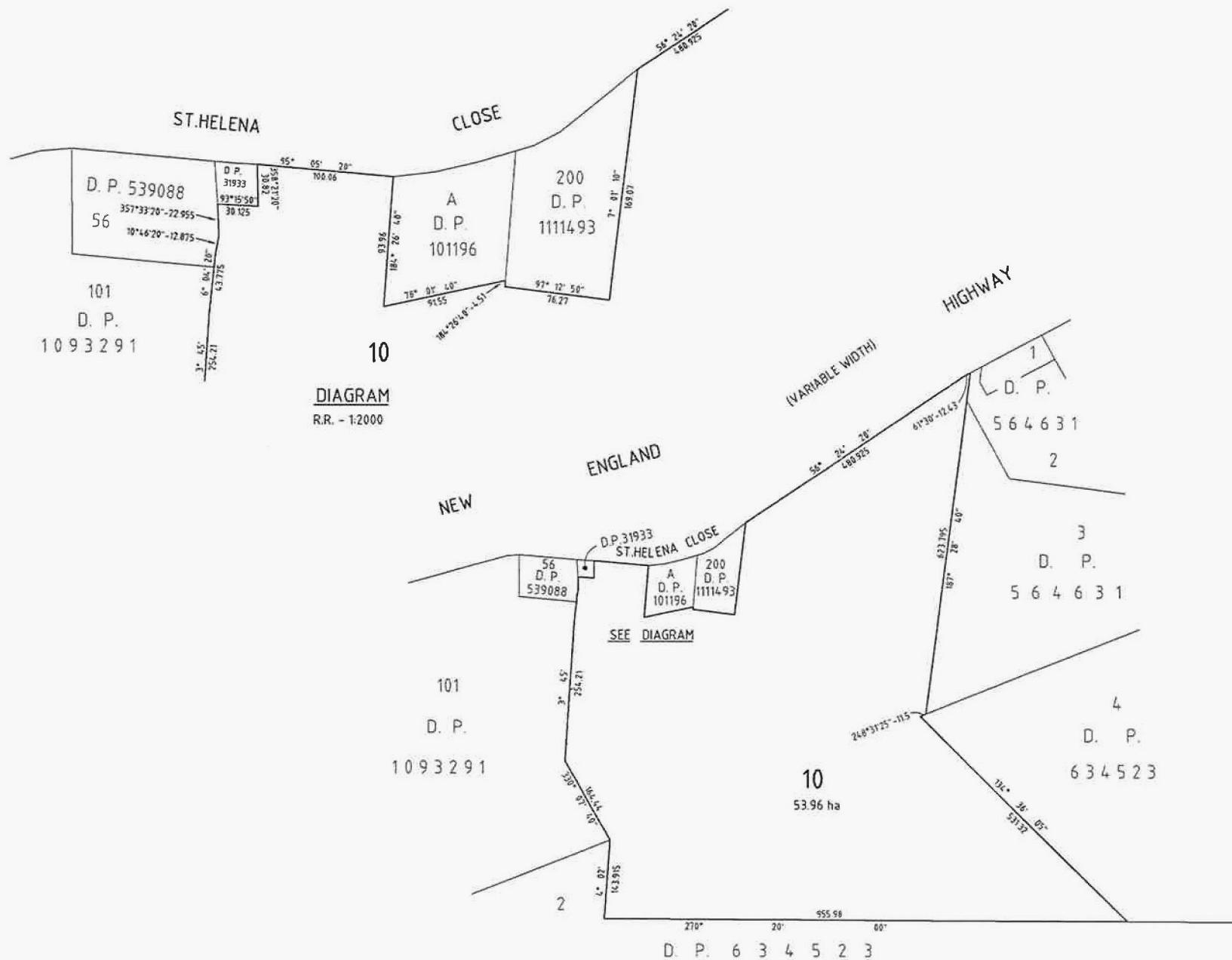
We ask that the Department progress this matter as a 73A(1)(a) amendment. As stated in the information provided, the matter is inconsequential and purely an error in the description of both properties.

If you require any further information or need assistance with this matter, please do not hesitate to contact the undersigned on 4934 9729.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Josh Ford', written over a horizontal line.

Josh Ford
Strategic Town Planner



Surveyor: MICHAEL ANTHONY TAYLOR
 Date of Survey: 30th June 2009
 Surveyor's Ref: 11829DP-4a 2009M710018371COMP.

PLAN OF CONSOLIDATION OF LOT 1, D.P. 1132799 AND
 LOT 2, D.P. 1111493

LGA: MAITLAND
 Locality: LOCHINVAR
 Subdivision No: _____
 Lengths are in metres. Reduction Ratio 1:5000

Registered
 7.8.2012

DP1177217

PLAN FORM 6

WARNING: Creasing or folding will lead to rejection

ePlan

DEPOSITED PLAN ADMINISTRATION SHEET

SHEET 1 OF 1 SHEET(S)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.



WILLIAM O'SHEA
DIRECTOR
CHRISTIAN ROBERT BURNS
DIRECTOR

DP1177217

Registered: 7.8.2012
Title System: TORRENS
Purpose: CONSOLIDATION

PLAN OF CONSOLIDATION OF LOT 1,
D.P. 1132799 AND LOT 201, D.P. 1111493

Mortgagee under Mortgage No. AD342145

Signed at Sydney this 28th day of June 2012 for National

Australia Bank Limited ABN 12 004 044 937

by ANTHONY GREGORY AMASI

its duly appointed Attorney under Power of
Attorney No. 39 Book 4512

Level 2 Attorney

Witness/Bank Officer

SUDESH DEWAN
BUSINESS BANKING
OFFICER

Use PLAN FOR 6A

for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I In approving this plan certify
(Authorised Officer)

that all necessary approvals in regard to the allocation of the land shown
herein have been given

Signature:

Date:

File Number:

Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and
Assessment Act 1979 have been satisfied in relation to:

the proposed set out herein
(insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority:

Date of Endorsement:

Accreditation no:

Subdivision Certificate no:

File no:

*Delete whichever is inapplicable

LGA: MAITLAND
Locality: LOCHINVAR
Parish: GOSFORTH
County: NORTHUMBERLAND

Survey Regulation, 2006

I, MICHAEL ANTHONY TAYLOR OF ADW JOHNSON PTY LIMITED
7/335 HILLSBOROUGH ROAD, WARNERS BAY NSW 2282
a surveyor registered under the Surveying Act, 2002, certify that the
~~survey represented in this plan is accurate, has been made in~~
accordance with the Surveying Regulation, 2006 and was completed
on: 30th June 2009

The survey relates to: LOT 10

(Specify the land actually surveyed or specify any land shown in the
plan that is not the subject of the survey)

Signature: *Michael Taylor* Dated: 3-7-09
Surveyor registered under the Surveying Act, 2002

Datum Line:
Type: ~~Urban~~ Rural

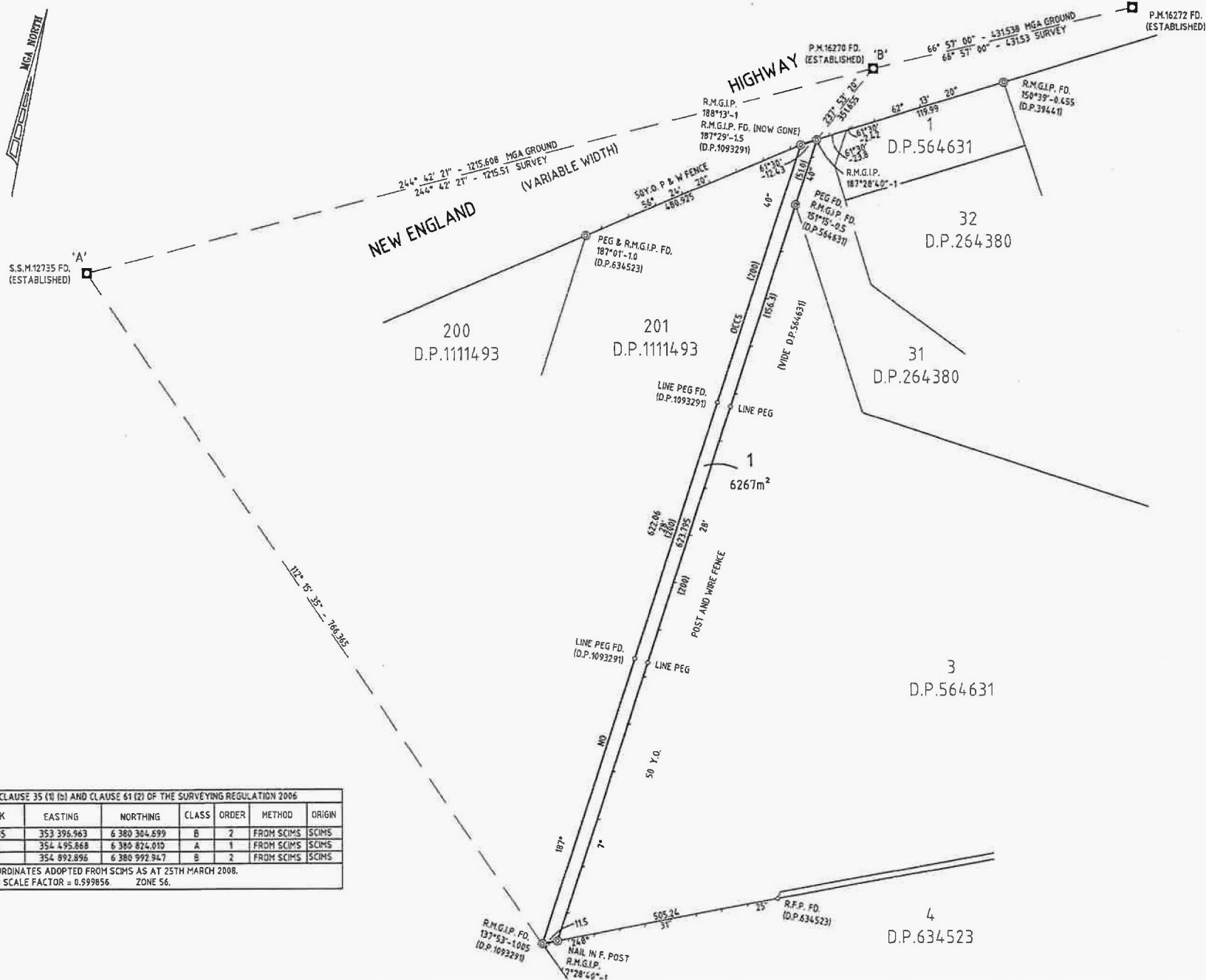
Plans used in the preparation of this survey/compilation

D.P.1132799
D.P.1111493

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 11829DP-4a 2009M7100(837)COMP.

* OFFICE USE ONLY



CLAUSE 35 (1) (b) AND CLAUSE 61 (2) OF THE SURVEYING REGULATION 2006						
MARK	EASTING	NORTHING	CLASS	ORDER	METHOD	ORIGIN
S.S.M.12735	353 396.963	6 380 304.699	B	2	FROM SCIMS	SCIMS
P.M.16270	354 495.868	6 380 874.010	A	1	FROM SCIMS	SCIMS
P.M.16272	354 892.896	6 380 992.947	B	2	FROM SCIMS	SCIMS

MGA CO-ORDINATES ADOPTED FROM SCIMS AS AT 25TH MARCH 2008.
COMBINED SCALE FACTOR = 0.999856 ZONE 56.

Surveyor: MICHAEL ANTHONY TAYLOR
Date of Survey: 14TH APRIL 2008
Surveyor's Ref: 11829DP-3b

PLAN OF RESERVED PRIVATE ROAD 10.06 WIDE
BEING PART OF LESLIE DUGUID 2000 ACRE GRANT
6-7-1833 SERIAL No. 30 PAGE 200

LGA: MAITLAND
Locality: LOCHINVAR
Subdivision No: _____
Lengths are in metres. Reduction Ratio to 2000

Registered
24.6.2009



DP1132799 P

PLAN FORM 6

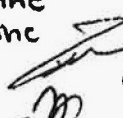
WARNING: Creasing or folding will lead to rejection

DEPOSITED PLAN ADMINISTRATION SHEET

SHEET 1 OF 1 SHEET(S)

SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

Executed by Thornton Land
Company Pty Limited
ACN 074 352 962 pursuant
to section 127 of the
Corporations Act in the
presence of:

 GRAHAM BURNS
DIRECTOR

 HILTON GRUGEON
DIRECTOR



DP1132799 S

Registered:  24.6.2009

Title System: OLD SYSTEM

Purpose: PA82590

PLAN OF RESERVED PRIVATE ROAD 10.06
WIDE BEING PART OF LESLIE DUGUID 2000
ACRE GRANT 6-7-1833 SERIAL No. 30 PAGE
200

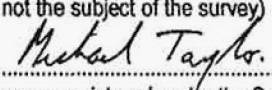
LGA: MAITLAND
Locality: LOCHINVAR
Parish: GOSFORTH
County: NORTHUMBERLAND

Survey Regulation, 2006

I, MICHAEL ANTHONY TAYLOR
OF ASQUITH & DE WITT PO BOX 179 CHARLESTOWN 2290
a surveyor registered under the Surveying Act, 2002, certify that the
survey represented in this plan is accurate, has been made in
accordance with the Surveying Regulation, 2006 and was completed
on: 14TH APRIL 2008

The survey relates to: LOT 1

(Specify the land actually surveyed or specify any land shown in the
plan that is not the subject of the survey)

Signature:  Dated: 6/8/08
Surveyor registered under the Surveying Act, 2002

Datum Line: 'A' - 'B'
Type: Urban / Rural

Plans used in the preparation of this survey / compilation

D.P.1111493
D.P.564631
D.P.264380
D.P.634523
D.P.1093291
D.P.39441

(if insufficient space use Plan Form 6A annexure sheet)

SURVEYOR'S REFERENCE: 11829DP-3b

Use PLAN FOR 6A

for additional certificates, signatures, seals and statements

Crown Lands NSW/Western Lands Office Approval

I in approving this plan certify
(Authorised Officer)
that all necessary approvals in regard to the allocation of the land shown
herein have been given

Signature:
Date:
File Number:
Office:

Subdivision Certificate

I certify that the provisions of s.109J of the Environmental Planning and
Assessment Act 1979 have been satisfied in relation to:

the proposed set out herein
(insert 'subdivision' or 'new road')

* Authorised Person/General Manager/Accredited Certifier

Consent Authority:
Date of Endorsement:
Accreditation no:
Subdivision Certificate no:
File no:

*Delete whichever is inapplicable

* OFFICE USE ONLY

SIGNATURES, AND SEALS ONLY.

H.R. GRILLON
26/06/00G.R. BURNS
26/06/00

ELIZABETH ENDERLE
Mortgage under Mortgage No. AC244513
Signed at Sydney this 3rd day of April
Australia Bank Limited ABN 12 004 044 937
by LYNETTE IRENE DABBY
its duly appointed Attorney under Power of Attorney No. 549 Book 3634

Manager
Geraldine Miguel
252 George Street, Sydney NSW

Department Of Lands Approval

I, _____, in approving this plan certify that all (Authorised Officer)
necessary approvals in regard to the allocation of the land shown hereon have been given.

Signature: _____

Date: _____

File Number: _____

Office: _____

Subdivision Certificate

I certify that provisions of s.108A of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed

Subdivision

(insert "subdivision" or "new road") set out herein

A. Authorised Officer/General Manager / Associated Officer

Council Authority: Maitland City Council

Date of endorsement: 23.8.06

Assessment No.:

Subdivision Certificate no. 051674

File no. DP-05-1674

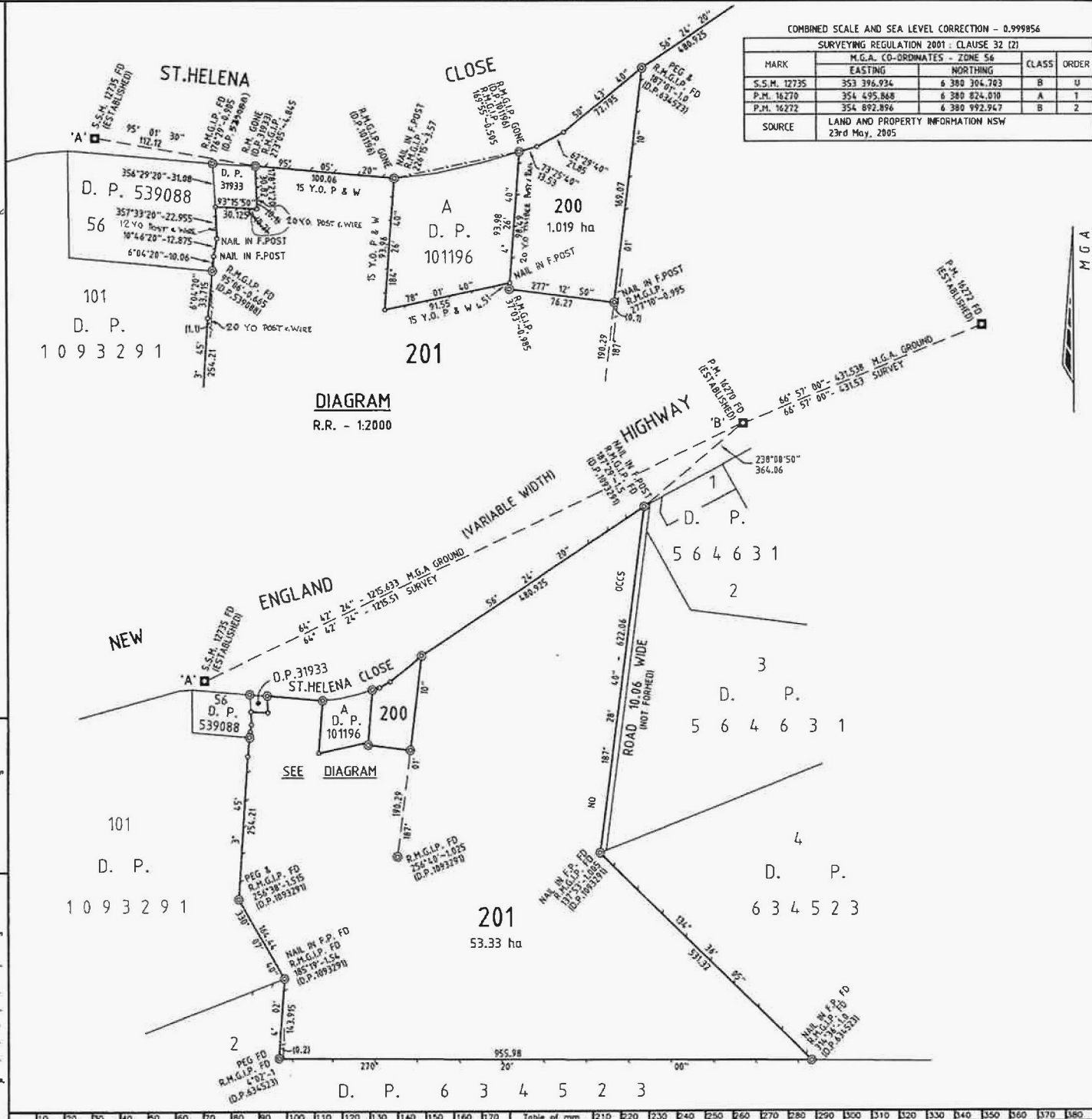
Notes:

When the plan is to be lodged electronically in the Land Titles Office, it should include a signature in an electronic or digital format approved by the Registrar General

a Delete whichever is inapplicable.

SURVEYORS REFERENCE: 11829-2 (D)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION



DP1111493

Registered: 31.5.2007

Title System: TORRENS

Purpose: SUBDIVISION

Ref. Map: U3680-8

U3672-2

Last Plan: DP 997240, DP1093291

PLAN OF SUBDIVISION OF LOT 1
D.P.997240 AND LOT 100
D.P.1093291

Lengths are in metres. Reduction Ratio 1:5000

LGA: MAITLAND

Locality: LOCHINVAR

Parish: GOSFORTH

County: NORTHUMBERLAND

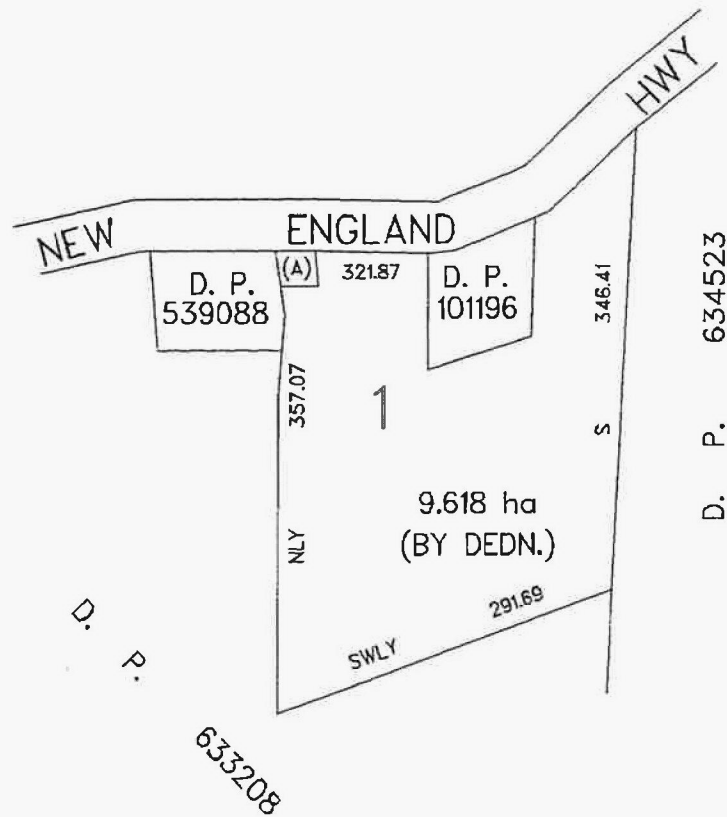
This is sheet 1 of my plan in _____ sheets.
(Delete if inapplicable)

MICHAEL ANTHONY TAYLOR
Surveying Regulation, 2001
of Asquith & deWitt P.O. Box 179 CHARLESTOWN, 2290
a surveyor registered under the Surveying Act, 2002 hereby
certify that the survey represented in this plan is accurate, has been
made in accordance with the Surveying Regulation, 2001
and was completed on 10/10/2005
The survey relates to LOTS 200 & 201
(here specify the land actually surveyed, or specify any land shown
in the plan that is not the subject of the survey)
Signature: Michael Taylor Date: 2/7-7-06
Surveyor registered under the Surveying Act, 2002
Datum Line: 'A'-'B' (M.G.A.)
Type: Urban / Rural

Plans used in preparation of survey/compilation:

D.P.39441	D.P.633208
D.P.539088	D.P.634523
D.P.555990	D.P.101196
D.P.564631	D.P.1093291

PANEL FOR USE ONLY for statements of intention
to dedicate public roads, to create public reserves,
drainage reserves, easements, restrictions on the
use of land or positive covenants.



(A) D. P. 31933

D P 9 9 7 2 4 0

Registered:  16-3-1995

Title System: OLD SYSTEM

Purpose: LIMITED FOLIO CREATION

Ref. Map: U3672-2#

Last Plan: -----

C A. 6 3 7 4 3

PLAN OF LAND COMPRISED IN

DEED BK. 3344 NO. 219

Lengths are in metres.

Reduction Ratio 1: N.T.S.

L.G.A.: MAITLAND

LOCALITY: LOCHINVAR

PARISH: GOSFORTH

COUNTY: NORTHUMBERLAND

THIS PLAN WAS PREPARED SOLELY TO
IDENTIFY THE LAND IN THE ABOVE DEED
AND THE BOUNDARIES HAVE NOT BEEN
INVESTIGATED BY THE REGISTRAR GENERAL

THIS PLAN IS NOT A CURRENT
PLAN IN TERMS OF SEC. 327AA
LOCAL GOVERNMENT ACT, 1919.

G.D.B. ---

N 0 0 1 D 1 D

Alma Priestley
Jm Priestley
O Priestley



[Signature] W. R. T. Ross
DIRECTOR

DIRECTOR
COLUMBIAN RIVER MOUNTAIN

Suncorp-Metway Limited
ACN 010 831 722
 By its duly constituted
 attorney under Power
 of Attorney Book
 3859 No. 372

Phillip Reginald Payne Level 1

WITNESS: LOUISE JARRET STEPHENS
Hansen

Department Of Lands Approval

_____ in approving this plan certify that all
(Authorized Officer)

Signature: _____

Note : $\left(\frac{d}{dx} \right)^n f(x) = y$ if n is a positive integer, then $f(x)$ is called as n^{th} derivative of y . If $n=0$, then $f(x)$ is called as 0^{th} derivative of y .

To Number :

Office _____

Subdivision Certificate

I certify that provisions of s.105W of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to the proposed

Subdivision

Robert "subdivision" (name read)

 Authorized Person/General Manager / Accredited Carrier

Council with the Maitland City

Date of endorsement : 18.10.05

~~Administrative Data~~

Subdivision Certificate no. 051672

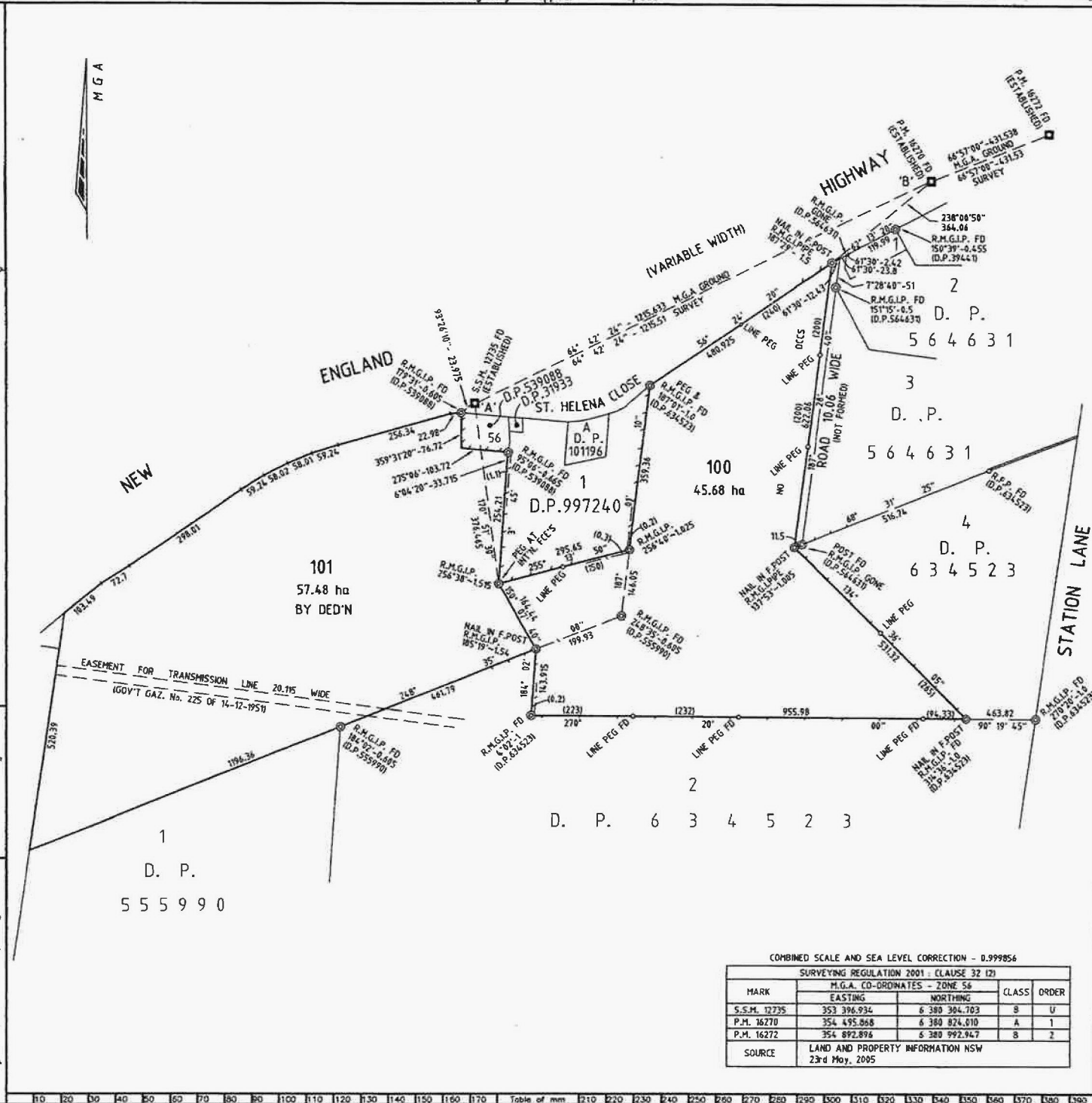
File no. RA 05-1613

Notes:

When the time is to be entered electronically in the Lead Time Office

It should include a signature in an approved by the Registrar General

SURVEYORS REFERENCE: 11829-1 (C)



DP1093291

Registered:  3rd 15-2-2006

Title System: TORRENS

Purpose:	SUBDIVISION
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Ref. Map: U3672-2⁴ U3680-8[±]

Last Plot: DP 633208 DP 634523

PLAN OF SUBDIVISION OF LOT 28
D.P.633208 AND LOT 3 D.P.634523

Lengths are in metres. Reduction Ratio 1: 6000

LGA: MAITLAND

Locality: LOCHINVAR

Parish: GOSFORTH

County: NORTHUMBERLAND

This is sheet 1 of my plan in _____ sheets.
(Delete if inapplicable)

MICHAEL ANTHONY TAYLOR
Asquith & deWitt P.O.Box 179 CHARLESTOWN 2294

The survey relates to LOT 180

(Here specify the land actually surveyed, or specify any land shown on the plan that is not the subject of the survey.)
Michael T. Lee

Signature Michael Taylor Date 17/4/2005
Surveyor registered under the Surveying Act, 2002
Datum: Ibm 'A' - 'B' (MGA)

Plans used in preparation of survey/simulation.

D.P.39441	D.P.633208
D.P.538822	D.P.434522

D.P.539088 D.P.634523
D.P.555990

PANEL FOR USE ONLY for statements of intention to dedicate public roads, to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

COMBINED SCALE AND SEA LEVEL CORRECTION - 0.999856					
SURVEYING REGULATION 2001 : (CLAUSE 32 (2))					
MARK	M.G.A. CO-ORDINATES - ZONE 56		CLASS	ORDER	
	EASTING	NORTHING			
S.S.M. 12735	353 396.934	6 380 304.703	S	U	
P.M. 16270	354 495.868	6 380 824.810	A	1	
P.M. 16272	354 892.896	6 380 992.947	S	2	
SOURCE	LAND AND PROPERTY INFORMATION NSW 23rd Nov. 2005				