



PGS000907



Our Ref: RZ15001 (1297401)

Phone Enquiries: 4934 9700  
Mark Roser

06 April 2017

NSW Department of Planning and Environment  
Hunter Regional Office  
PO BOX 1226  
NEWCASTLE NSW 2300

Att: Katrine O'Flaherty

**Re:**  
**Request for Gateway Determination; Amendment to Maitland Local Environmental Plan 2011 - Rezoning of Part Lot 42 DP 846326 Mt Vincent Rd East Maitland**

At its ordinary meeting 28 March 2017, Council resolved that:

- 1. Council prepare and submit, in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal to the Department of Planning and Environment seeking a gateway determination for that area of Lot 42 DP 846326 identified as Category 1 Residential in the Maitland Urban Settlement Strategy 2012.**
- 2. If the planning proposal is given a gateway determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Act and the directions of the gateway determination, be undertaken.**
- 3. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details of any submissions received and proposed responses as a result of the process.**
- 4. Council, in accordance with the Independent Planning Consultants report, not support the Planning Proposal for Lot 1012 DP 1103899 at this stage.**
- 5. The applicant be invited to make a submission to the next review of the Maitland Urban Settlement Strategy.**

The attached planning proposal supports the amendment to the Maitland Local Environmental Plan 2011 in relation to the subject land.

Council requests that the Department now consider the proposal and issue a Gateway Determination pursuant to s56 of the Environmental Planning and Assessment Act, 1979. A 12 month LEP timeframe would be appropriate for this amendment.

Council does not request delegation for this matter.

Please find attached:

- One (1) copy of the planning proposal;
- One (1) copy of the Council Report;
- One (1) copy of the Council Meeting Minutes

If you have any questions, or require further information to assist in your assessment of this planning proposal, please contact Mark Roser Senior Strategic Town Planner on (02) 4934 9848 or [Mark.Roser@maitland.nsw.gov.au](mailto:Mark.Roser@maitland.nsw.gov.au)

Yours Sincerely

A handwritten signature in black ink, appearing to be 'MR', written over the text 'Yours Sincerely'.

**Mark Roser**  
**Senior Strategic Planner**

## **10.7 PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879**

<b>FILE NO:</b>	RZ 15001
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. MUSS MAP - Subject Land</li> <li>2. Independant Planner Report</li> <li>3. Copies of Amended Planning Proposals (under separate cover)</li> <li>4. Independant Planner Comments</li> <li>5. Submitted Planning Proposals (under separate)</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	Bernie Mortomore - Group Manager Planning, Environment & Lifestyle Ian Shillington - Manager Urban Growth
<b>AUTHOR:</b>	Mark Roser - Strategic Town Planner
<b>MAITLAND +10</b>	Outcome 7. Diverse and affordable housing
<b>COUNCIL OBJECTIVE:</b>	7.2.1 To ensure land and housing choice is consistent with forecast demographic demand

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### **EXECUTIVE SUMMARY**

*At its meeting of 22 October 2013, Council considered a report on the review of the Maitland Urban Settlement Strategy (MUSS) 2012 edition. Amongst other things, the report addressed submissions received requesting inclusion in the MUSS as potential future urban development sites.*

*Specifically, a submission was received for the inclusion of Lot 42 DP 846326 & Lot 1012 DP 1103899 Mt Vincent Road, East Maitland in the MUSS as a future urban area. The subject land immediately adjoins the northern boundary of the Council owned and operated Waste Disposal Management Facility (WDMF). Consequentially, for transparency and impartiality, an independent planning consultant (IPC) was engaged to assess the submission. In accordance with the IPC assessment and recommendations Council resolved at its 22 October 2013 meeting to include Lot 42 DP 846326 in the MUSS as part Category 1 and part Category 2 Residential, & Lot 1012 DP 1103899 as Category 2 Residential. A map of the Category 1 and Category 2 delineation of the subject land is appended to this report as Attachment 1.*

*Subsequent to the nomination of the subject lands in the MUSS, the proponent has submitted to Council Planning Proposals for both Lot 42 and Lot 1012 to rezone the lands for residential purposes. In accordance with previous actions the Planning Proposals were forwarded to an IPC for assessment and recommendations. The IPC has assessed and provided recommendations with regard to a pathway forward for the consideration of the submitted Planning Proposals. A copy of the IPC's report, unedited, is appended to this report as Attachment 2.*

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PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879 (Cont.)

*In accordance with the IPC report it is recommended to:*

- *Not support the Planning Proposal for Lot 1012 DP 1103899 at this stage; and*
- *Submit a Planning Proposal to the Department of Planning and Environment for a gateway determination for that area of Lot 42 DP 846325 described as Category 1 Residential in the MUSS 2012.*

*As detailed in the initial Independent Planners Report of February 2013, the premise of identifying both Category 1 and Category 2 over the subject lands was the proximity of the WDMF. The Category 2 area corresponds with "best practice guidelines" of 250m buffers around waste management facilities and also encapsulates the majority of the existing Ecologically Endangered Community (EEC). Thus providing a short to medium term interim measure whilst further investigations were undertaken into the long term operations of the WDMF and investigations into the management of the EEC. Investigations into the long term operation of the WDMF have been undertaken resulting in approvals and applications for the ongoing, long term use of the site as a WDMF being an essential piece of public infrastructure to support the growth of Maitland.*

#### **OFFICER'S RECOMMENDATION**

**THAT**

- 1. Council prepare and submit, in accordance with Section 55 of the EPA Act 1979, a Planning Proposal to the Department of Planning and Environment seeking a gateway determination for that area of Lot 42 DP 846326 identified as Category 1 Residential in the Maitland Urban Settlement Strategy 2012.**
- 2. If the Planning Proposal is given a gateway determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Act and the directions of the gateway determination, be undertaken.**
- 3. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details of any submissions received and proposed responses as a result of the process.**
- 4. Council, in accordance with the Independent Planning Consultants report, not support the Planning Proposal for Lot 1012 DP 1103899 at this stage.**
- 5. The applicant be invited to make a submission to the next review of the Maitland Urban Settlement Strategy.**

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PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879 (Cont.)

## REPORT

The purpose of this report is to provide Council with:

- A copy of the Independent Planners review of the submitted Planning Proposals for Lot 42 DP 846326 and Lot 1012 DP 1103899, unedited;
- Copies of the submitted Planning Proposals for both Lot 42 and Lot 1012;
- A summary of the Independent Planners review of the Planning Proposals including recommendations;
- A summary of the operations and future use of the WMDF;
- Recommendations pertaining to future rezoning and development of Lot 42 and Lot 1012: and
- A Planning Proposal for part Lot 42 DP 846326 to be submitted for Gateway Determination.

## BACKGROUND

As part of the Bi-annual Review of the MUSS 2012 edition, Council considered a submission for the inclusion of Lot 42 DP 846326 and Lot 1012 DP 1103899 in the MUSS as a future urban area. Given the proximity of the subject land to the Council owned and operated WMDF, and past legal proceedings, Council engaged an Independent Planning Consultant (IPC) to provide a transparent and independent assessment of the proposal. Based on knowledge at the time the IPC report concluded that there was a shortfall in the supply of developable residential land in the immediate locality, with the majority of new residential development occurring within the Thornton North Urban Release Area for the eastern sector. The IPC's report acknowledged that whilst there is an opportunity to provide residential housing close to existing services and infrastructure, the proximity of the WMDF is a constraint to developing all of the site in the short term.

The report states, *"After examining best practice guidelines used by the EPA and DOP&I, an interim 250m buffer could be applied to the surrounds of the Waste Management Facility (i.e. Lot 2220) by Maitland Council in the short term as an interim measure whilst further investigations are undertaken into the long term operation of the facility and adoption of appropriate waste management strategies by Council. Any buffer should be from the boundaries of Lot 2220 only rather than the boundary of both lots - ..."*

At the time of the IPC report (Feb 2013), the WMDF had an estimated life of approximately 5-8 years based on a Section 96 application to align the EPA license conditions with the development consent conditions and increase the height of the final landform. The identification of the Category 2 area of the Lot 42 corresponds with the 250m best practice buffer. The 250m buffer covered the majority of Lot 1012 and therefore the entire site was recommended as Category 2.

In March 2015, Council received planning proposals for both Lot 42 and Lot 1012 Mt Vincent Road East Maitland, to rezone the lands for residential purposes. In

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PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879 (Cont.)

accordance with previous actions Council engaged an Independent Planning Consultant to undertake a review of the submitted planning proposals and supporting information. The review included:

- Consistency with the MUSS including adopted policy position;
- Consistency with Council reports and resolutions regarding the MUSS 2012 edition review; and
- Assessment of supporting information with the planning proposals.

In April 2016 Council received the IPC's report on the review of the planning proposal for both Lot 42 and Lot 1012. The IPC report is appended to this report as Attachment 1.

#### Review of Lot 42 DP 846326 Mt Vincent Road East Maitland

The key issues identified from the IPC's report for Lot 42 are summarised below:

- Lot 42 is in close proximity to existing infrastructure including the Greenhills Commercial Precinct, bus network and other infrastructure;
- Lot 42 is in close proximity to the WMDF, which may cause conflict with future residents;
- The subject site is identified as Category 1 and Category 2 lands in the MUSS. It has not been identified as urban infill or urban extension under the MUSS. Justification has not been provided in regards to the progression of Category 2 lands and its impact on land supply within the LGA as outlined in the MUSS;
- The applicant has undertaken some preliminary studies to support the initial lodgment of the Planning Proposal. The preliminary rezoning concept is likely to be impacted by the outcomes of the additional studies and input from Government Agencies;
- The submitted Planning Proposal does have some inconsistencies with the supporting documentation;
- The consideration of a Planning Proposal for Category 2 land is inconsistent with the MUSS;
- The subject land has a number of environmental constraints which require further detailed investigations prior to determining the extent and location of possible zones within the site and potential lot yields.

The recommendation provided by the IPC for the Category 1 area of Lot 42 is as follows:

*The Planning Proposal be updated to address the following for Council's consideration and determination to proceed to gateway determination for the land that is identified as Category 1 in the MUSS.*

- *Amend the Planning Proposal to be consistent with the supporting documentation;*
- *Address the relevant SEPP's including SEPP 33 if required and SEPP 44;*
- *Address the inconsistencies with the Ministerial Directions;*

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PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879 (Cont.)

- *Address the Lower Hunter Regional Strategy including environmental issues and the draft Lower Hunter Regional Strategy (adopted Hunter Regional Plan 2036)*
- *Identify the proposed timeframe as outlined in the guidelines for preparing Planning Proposals.*

The IPC's report also recommends additional investigative studies will be required to support the Planning Proposal, however, these studies can be provided post gateway determination.

With regard to that part of Lot 42 identified in the MUSS as Category 2, the Independent Planners report concludes and recommends a clear pathway forward for the future consideration of this area. The IPC's report recommends the following for that area of Lot 42 identified as Category 2:

*"A submission would be required to address the following for Council's consideration and determination for reclassification of the land under the MUSS. This would form part of the review of the MUSS and once reclassified to Category 1 could then proceed to the preparation of a planning proposal:*

- *Provide strategic justification to change the classification of the Category 2 land to Category 1, e.g. its impact on the current land supply as outline in the MUSS and how it meets the development sequencing requirements of the MUSS.*
- *Outline the proposal in relation to the staging of the development and its proximity and impacts from the Waste Disposal Management Facility."*

#### Review of Lot 1012 DP 1103879 Mt Vincent Road East Maitland

The key issues identified from the submitted documents, background information and the MUSS for the review of the planning proposal for Lot 1012 are summarised below from the IPC's report:

- Lot 1012 is in close proximity to existing infrastructure including the Greenhills Commercial Precinct, bus network and other infrastructure;
- Lot 1012 is in close proximity to the WMDF, which may cause conflict with future residents;
- The subject site is identified as Category 2 lands in the MUSS. It has not been identified as urban infill or urban extension under the MUSS. Justification has not been provided in regards to the release of Category 2 lands and its impact on land supply within the LGA as outlined in the MUSS;
- The subject land has a number of environmental constraints which require further detailed investigations prior to determining the extent and location of possible zones within the site and potential lot yields;
- Preliminary studies have not been submitted to support the initial lodgment of the Planning Proposal or a request to change the Category from Category 2 to Category 1 under the MUSS;
- The definition of Category 2 in the MUSS relates to the timing and sequencing of consideration of rezoning land being 5-10 years. The MUSS does not permit the rezoning of Category 2 land. The progression of land from Category 2 to Category 1 can occur during the review of the MUSS where justification for the

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PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879 (Cont.)

change in category is provided. Progressing the Category 2 land prior to the review of the MUSS is contrary to Council's adopted position through the MUSS.

The recommendations provided by the IPC for Lot 1012 are as follows:

*"The submitted Planning Proposal is for Category 2 lands and therefore as outline above is inconsistent with the MUSS. Council would need to consider the reclassification of this holding from Category 2 to Category 1 prior to considering a Planning Proposal." - " a submission would be required to address the following for Council's consideration and determination for reclassification of the land under the MUSS. This would form part of the review of the MUSS and once reclassified to Category 1 could then proceed to the preparation of a Planning Proposal:"*

- *Provide a strategic justification to change the classification of the Category 2 land to Category 1, e.g. its impact on the current land supply as outlined in the MUSS and how it meets the development sequencing requirements of the MUSS;*
- *Outline the proposal in relation to the staging of the development and its proximity and impacts from the Waste Disposal Management Facility.*

#### **ASSESSMENT/CONSIDERATIONS**

Prior to formally progressing the matter in accordance with the above recommendations, Council provided the proponent with a copy of the IPC's report and an opportunity to comment on and discuss the next steps in the process. In June 2016, the proponent informed Council that amendments to the Planning Proposals, in line with the IPC's recommendations, were being undertaken and a final report would be provided to Council when completed.

On 11 November 2016 Council received copies of amended Planning Proposals for both Lots 42 and 1012 Mt Vincent Road East Maitland addressing the recommendations of the IPC's report. A copy of the submitted Planning Proposals for the subject lands are appended to this report as Attachment 3. The Planning Proposal for Lot 42 included amendments and additional information pertaining to the issues and recommendations in the IPC report. The Planning Proposal also includes that part of Lot 42 described as Category 2 in the MUSS, contrary to the recommendations of the IPC. Similarly, the Planning Proposal received for Lot 1012, is for land described as Category 2 land within the MUSS, being contrary to the recommendations of the IPC's report. This information was forwarded to the Independent Planning Consultant for comment. A copy of the IPC's comments is appended to this report as Attachment 4.

Based on the conclusions and recommendations of the Independent Planners review it is clear that the consideration of a Planning Proposal, for those areas of the subject lands classified as Category 2 land, is not consistent with the adopted policy position of the MUSS, nor the recommendations of the IPC report. The elevation from

PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879 (Cont.)

Category 2 to Category 1 needs to occur through a submission to the MUSS review process prior to the consideration of a Planning Proposal for the land. This has been a consistent approach by Council in managing and maintaining the sequential release of residential land as outlined in the provisions of the MUSS. Council also has an adopted policy position of maintaining a maximum 10 – 15 year supply of vacant zoned residential land to assist in managing the sequential release of residential land. A review of the MUSS 2012 edition is scheduled to occur in the latter half of 2017.

#### Land Supply

An analysis of currently available residential land in the immediate locality (East Maitland) reveals approximately 18.7ha of vacant zoned residential land. This includes “Mahers Paddock” where a DA for 100 residential lots is with Council for determination, “The Glebe” which has a Master Plan for the site for 40 lots, and a further potential 20 lots of urban infill existing across the locality of East Maitland/Ashtonfield. This equates to a 14 years supply of residential land.

#### Site History

In August 2016, Council received notification from the Department of Planning and Environment of a “Site Compatibility Certificate” application for seniors housing on Lot 42. In accordance with the provisions of SEPP (Housing for Seniors or People with a Disability 2004) the Department of Planning and Environment referred the application to Council for comment. The proposal consisted of 134 serviced self-care dwellings on that area of Lot 42 described as Category 1 land within the MUSS. Access to the site is proposed off Wilton Drive.

Council addressed the consistency of the proposal with the criteria in cl.25(5)(b) of the SEPP and drew attention to the site issues of:

- Flooding
- Shallow Mine Workings
- Flora/Fauna
- Traffic/transport
- Bushfire
- Contamination
- Odour and air quality
- Noise

Council provided a formal submission to the Department advising that there were no objections to the issuing of a Site Compatibility Certificate (SCC) for Seniors Housing over Lot 42 as detailed in the application and accompanying plans. Council further advised that site studies pertaining to the above issues would need to be submitted with any future DA for the proposal. The SCC has been issued for that part of Lot 42 consistent with the area shown as Category 1 in the MUSS. The proposed footprint of

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PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879 (Cont.)

the senior housing development is consistent with the area described as Category 1 Residential.

Similarly, in 2015 Council received notification from the Department of Planning and Environment of a "Site Compatibility Certificate" application for Seniors Housing over Lot 1012 for 130 serviced self-care dwellings on Lot 1012. In Council's response to the Department a number of concerns were raised resulting in Council not supporting the proposal.

It is understood from discussions with the Department Planning and Environment that similar concerns were raised with the proponent, particularly the loss of established EEC being identified as both habitat and a connective corridor to wider vegetation communities in the locality, shallow mine workings and the proximity of the WDMF to potential residential development. The Department has advised Council that the proponent has subsequently withdrawn the Site Compatibility Certificate application over Lot 1012.

Council also has a development application for the development of a "manufactured home estate" on Lot 1012. This application is currently being determined by Council.

#### Current and Future Use of the Waste Disposal Management Facility

The establishment of the WDMF commenced in 1993 under DA 91-117 and operates as a Solid Waste Class 1 Landfill. In August 2016 Council approved a Section 96(2) application to modify a number of the existing development consent conditions that were originally imposed upon the approval of the WMF to reflect current/best practice operating procedures at that time, and the requirements under the site's Environment Protection Licence (EPL 6116), both of which changed over time, to reflect more up to date operating guidelines and best practices.

A further S96(2) application was lodged with Council in December 2014 and is yet to be determined. The modification to the consent proposes to increase the landfill volume by 320,000m<sup>2</sup>, generally lifting the mound by (5) metres. The ongoing management and operation of the landfill will continue in a manner consistent with the original approval DA 91-117.

In August 2016 Council approved DA 15-2127 for a Community Recycling Centre Ancillary to the Existing Waste Management Facility.

In July 2016 DA 16-1805 was lodged with Council and is yet to be determined. The DA is for the long term use of the site as a Waste Transfer and Recycling Facility. The EIS supporting the application describes the development as involving:

- Small vehicle waste and recycling facility
- Material segregation facility
- New gatehouse to support the existing weighbridges

PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879 (Cont.)

- Administration and education building
- Wheel wash facility
- Vegetation management and recycling storage facility

### **CONCLUSION**

The progression of a Planning Proposal for that area of Lot 42 described as Category 1 Residential potentially providing for approximately 100 lots, is consistent with the Independent Planners review and recommendations. These additional lots will increase supply in the immediate locality (East Maitland) above Council's adopted 10 - 15 year supply of residential zoned land, however, the "lag time" created through the rezoning process will see current residentially zoned land developing in the short term to medium term providing an opportunity for the subject land to "fill the gap" as land is developed over the next 5 to 10 years.

The consideration of that area of the subject lands described as Category 2 is not consistent with the IPC's recommendations or the adopted principles of the MUSS. However, the consideration of the progression of the Category 2 land can form part of the 5 yearly review of the MUSS later in the year.

It is therefore recommended to adopt the recommendations of the Independent Planning Consultants report and prepare and submit a planning proposal for that part of Lot 42 being described as Category 1 - residential under the MUSS 2012.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

### **POLICY IMPLICATIONS**

This matter has no specific policy implications for Council.

### **STATUTORY IMPLICATIONS**

There are no statutory implications under the Local Government Act 1993 with this matter.

28 MARCH 2017

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## 10.7 PLANNING PROPOSAL - MT VINCENT ROAD LOT 42 DP846326 AND LOT 1012 DP1103879

<b>FILE NO:</b>	<b>RZ 15001</b>
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. MUSS MAP - Subject Land⇒</li> <li>2. Independant Planner Report⇒</li> <li>3. Copies of Amended Planning Proposals (under separate cover)⇒</li> <li>4. Independant Planner Comments⇒</li> <li>5. Submitted Planning Proposals (under separate)⇒</li> </ol>
<b>RESPONSIBLE OFFICER:</b>	<b>Bernie Mortomore - Group Manager Planning, Environment &amp; Lifestyle</b> <b>Ian Shillington - Manager Urban Growth</b>
<b>AUTHOR:</b>	<b>Mark Roser - Strategic Town Planner</b>
<b>MAITLAND +10</b>	<b>Outcome 7. Diverse and affordable housing</b>
<b>COUNCIL OBJECTIVE:</b>	<b>7.2.1 To ensure land and housing choice is consistent with forecast demographic demand</b>

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### EXECUTIVE SUMMARY

*At its meeting of 22 October 2013, Council considered a report on the review of the Maitland Urban Settlement Strategy (MUSS) 2012 edition. Amongst other things, the report addressed submissions received requesting inclusion in the MUSS as potential future urban development sites.*

*Specifically, a submission was received for the inclusion of Lot 42 DP 846326 & Lot 1012 DP 1103899 Mt Vincent Road, East Maitland in the MUSS as a future urban area. The subject land immediately adjoins the northern boundary of the Council owned and operated Waste Disposal Management Facility (WDMF). Consequentially, for transparency and impartiality, an independent planning consultant (IPC) was engaged to assess the submission. In accordance with the IPC assessment and recommendations Council resolved at its 22 October 2013 meeting to include Lot 42 DP 846326 in the MUSS as part Category 1 and part Category 2 Residential, & Lot 1012 DP 1103899 as Category 2 Residential. A map of the Category 1 and Category 2 delineation of the subject land is appended to this report as Attachment 1.*

*Subsequent to the nomination of the subject lands in the MUSS, the proponent has submitted to Council Planning Proposals for both Lot 42 and Lot 1012 to rezone the lands for residential purposes. In accordance with previous actions the Planning Proposals were forwarded to an IPC for assessment and recommendations. The IPC has assessed and provided recommendations with regard to a pathway forward for the consideration of the submitted Planning Proposals. A copy of the IPC's report, unedited, is appended to this report as Attachment 2.*

28 MARCH 2017

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*In accordance with the IPC report it is recommended to:*

- *Not support the Planning Proposal for Lot 1012 DP 1103899 at this stage; and*
- *Submit a Planning Proposal to the Department of Planning and Environment for a gateway determination for that area of Lot 42 DP 846325 described as Category 1 Residential in the MUSS 2012.*

*As detailed in the initial Independent Planners Report of February 2013, the premise of identifying both Category 1 and Category 2 over the subject lands was the proximity of the WDMF. The Category 2 area corresponds with "best practice guidelines" of 250m buffers around waste management facilities and also encapsulates the majority of the existing Ecologically Endangered Community (EEC). Thus providing a short to medium term interim measure whilst further investigations were undertaken into the long term operations of the WDMF and investigations into the management of the EEC. Investigations into the long term operation of the WDMF have been undertaken resulting in approvals and applications for the ongoing, long term use of the site as a WDMF being an essential piece of public infrastructure to support the growth of Maitland.*

#### **OFFICER'S RECOMMENDATION**

##### **THAT**

1. Council prepare and submit, in accordance with Section 55 of the EPA Act 1979, a Planning Proposal to the Department of Planning and Environment seeking a gateway determination for that area of Lot 42 DP 846326 identified as Category 1 Residential in the Maitland Urban Settlement Strategy 2012.
2. If the Planning Proposal is given a gateway determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Act and the directions of the gateway determination, be undertaken.
3. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details of any submissions received and proposed responses as a result of the process.
4. Council, in accordance with the Independent Planning Consultants report, not support the Planning Proposal for Lot 1012 DP 1103899 at this stage.
5. The applicant be invited to make a submission to the next review of the Maitland Urban Settlement Strategy.

#### **COUNCIL RESOLUTION**

##### **THAT**

1. Council prepare and submit, in accordance with Section 55 of the EPA Act
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28 MARCH 2017

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1979, a Planning Proposal to the Department of Planning and Environment seeking a gateway determination for that area of Lot 42 DP 846326 identified as Category 1 Residential in the Maitland Urban Settlement Strategy 2012.

2. If the Planning Proposal is given a gateway determination to proceed, consultation with the community and government agencies in accordance with Section 57 of the Act and the directions of the gateway determination, be undertaken.
3. A further report be presented to Council following the public exhibition process, to demonstrate compliance with the gateway determination and to provide details of any submissions received and proposed responses as a result of the process.
4. Council, in accordance with the Independent Planning Consultants report, not support the Planning Proposal for Lot 1012 DP 1103899 at this stage.
5. The applicant be invited to make a submission to the next review of the Maitland Urban Settlement Strategy.

**Moved Clr B Geoghegan, Seconded Clr K Wethered**

**CARRIED**

The Mayor in accordance with Section 375A of the Local Government Act 1993 called for a division.

The division resulted in 12 for and 0 against, as follows:

For:	Clr R Aitchison	Against:
	Clr L Baker	
	Clr P Blackmore	
	Clr B Burke	
	Clr P Garnham	
	Clr B Geoghegan	
	Clr A Humphery	
	Clr N Penfold	
	Clr P Penfold	
	Clr S Procter	
	Clr K Wethered	
	Clr B Whiting	