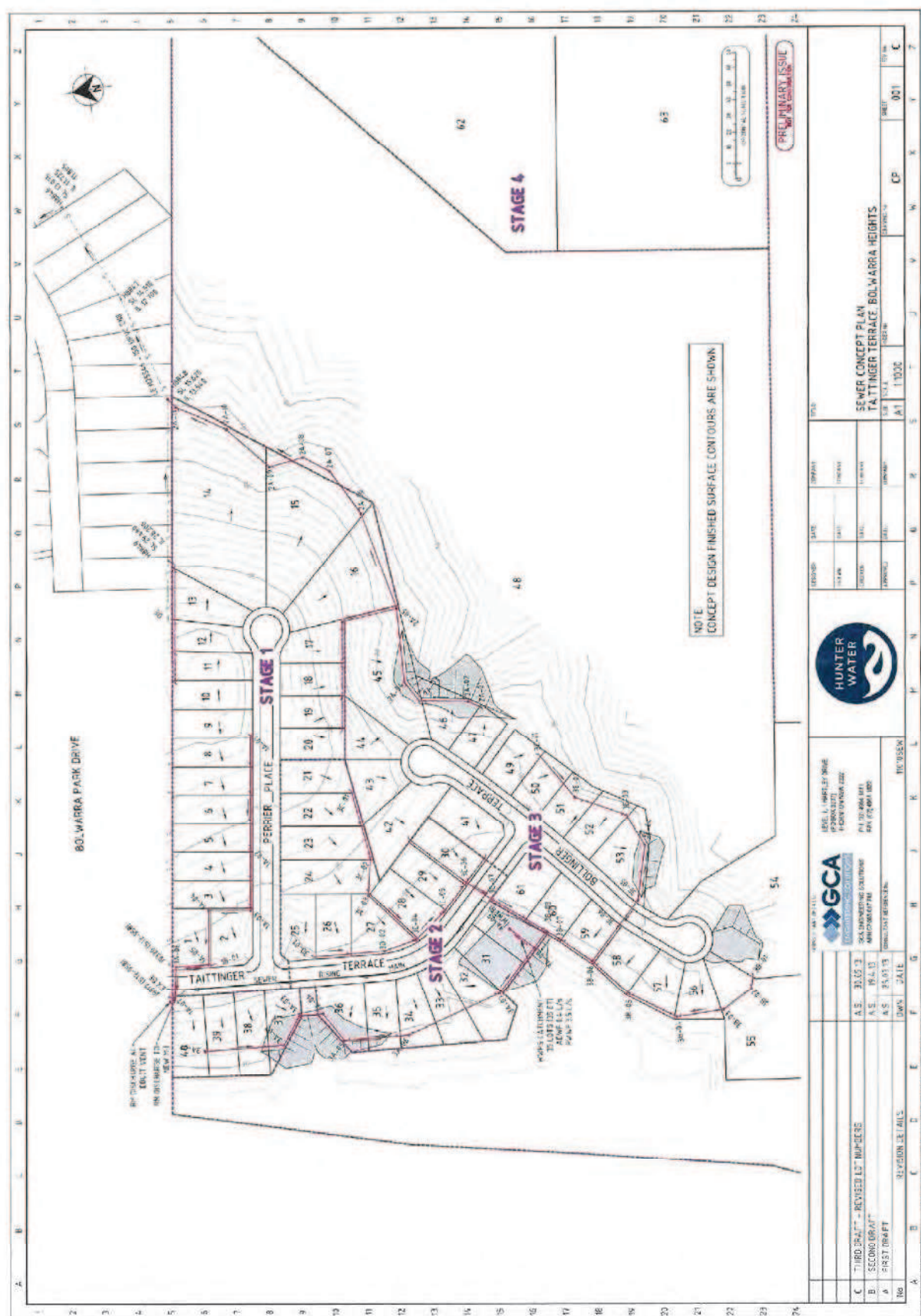
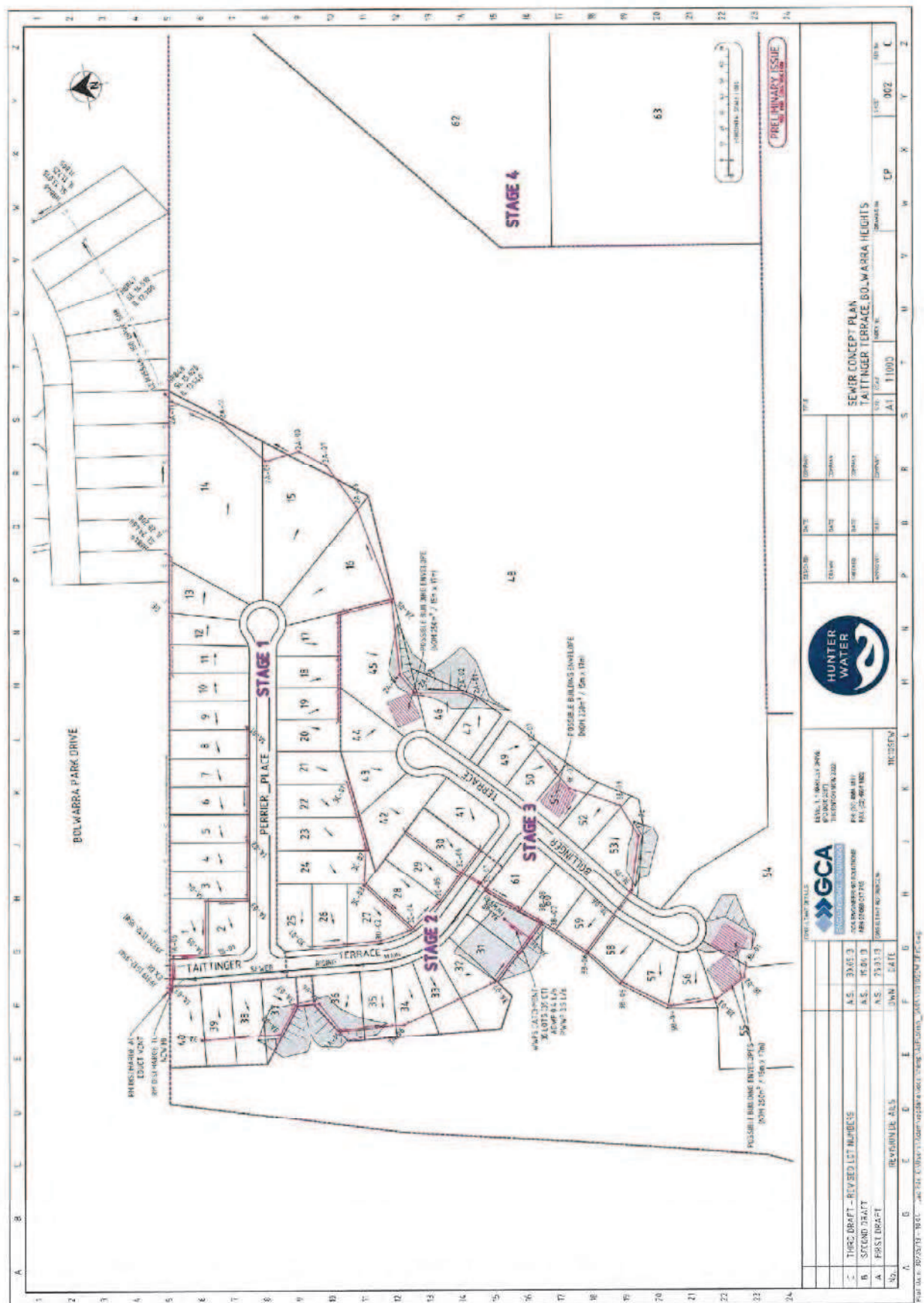


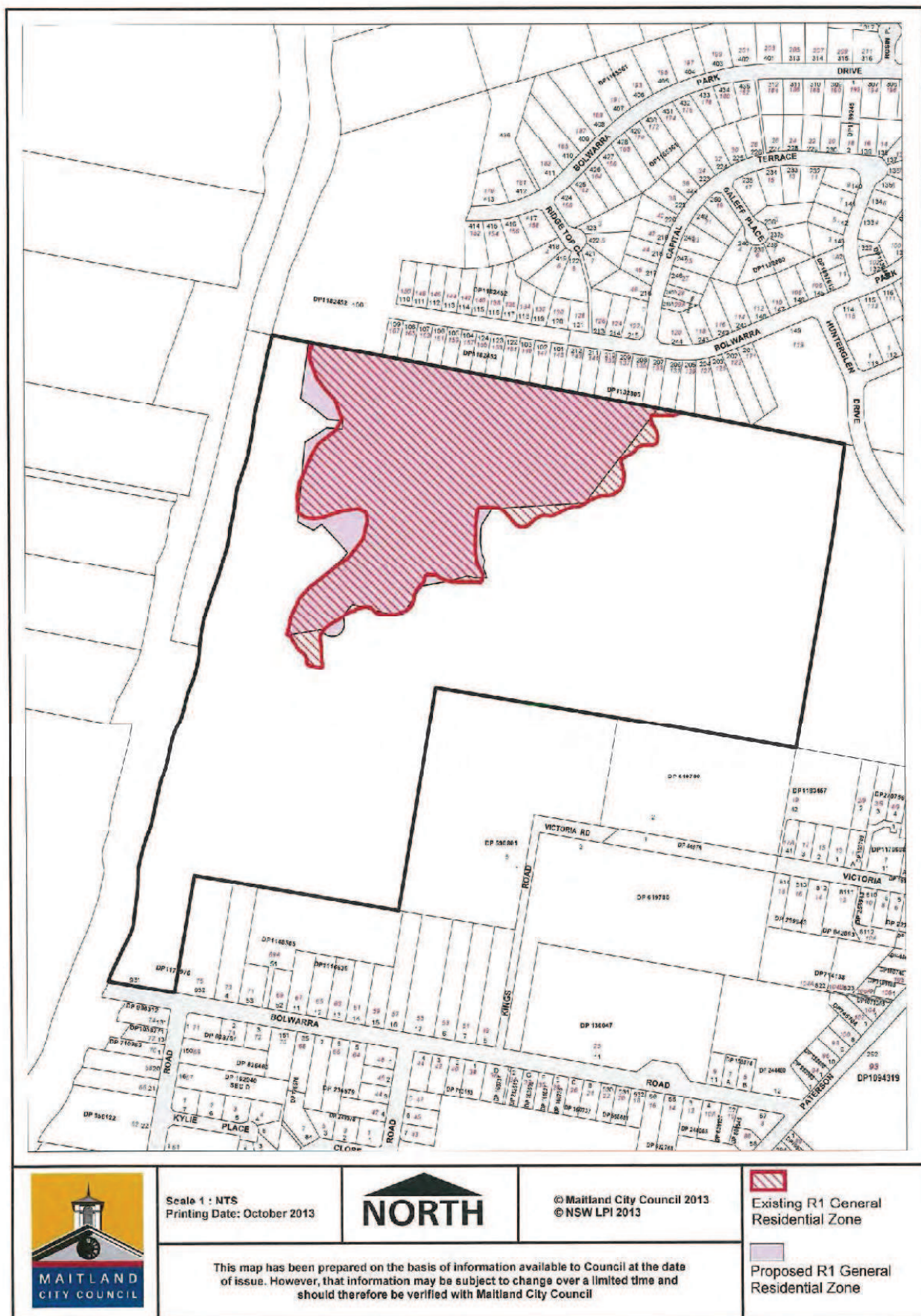
AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA
(Cont.)

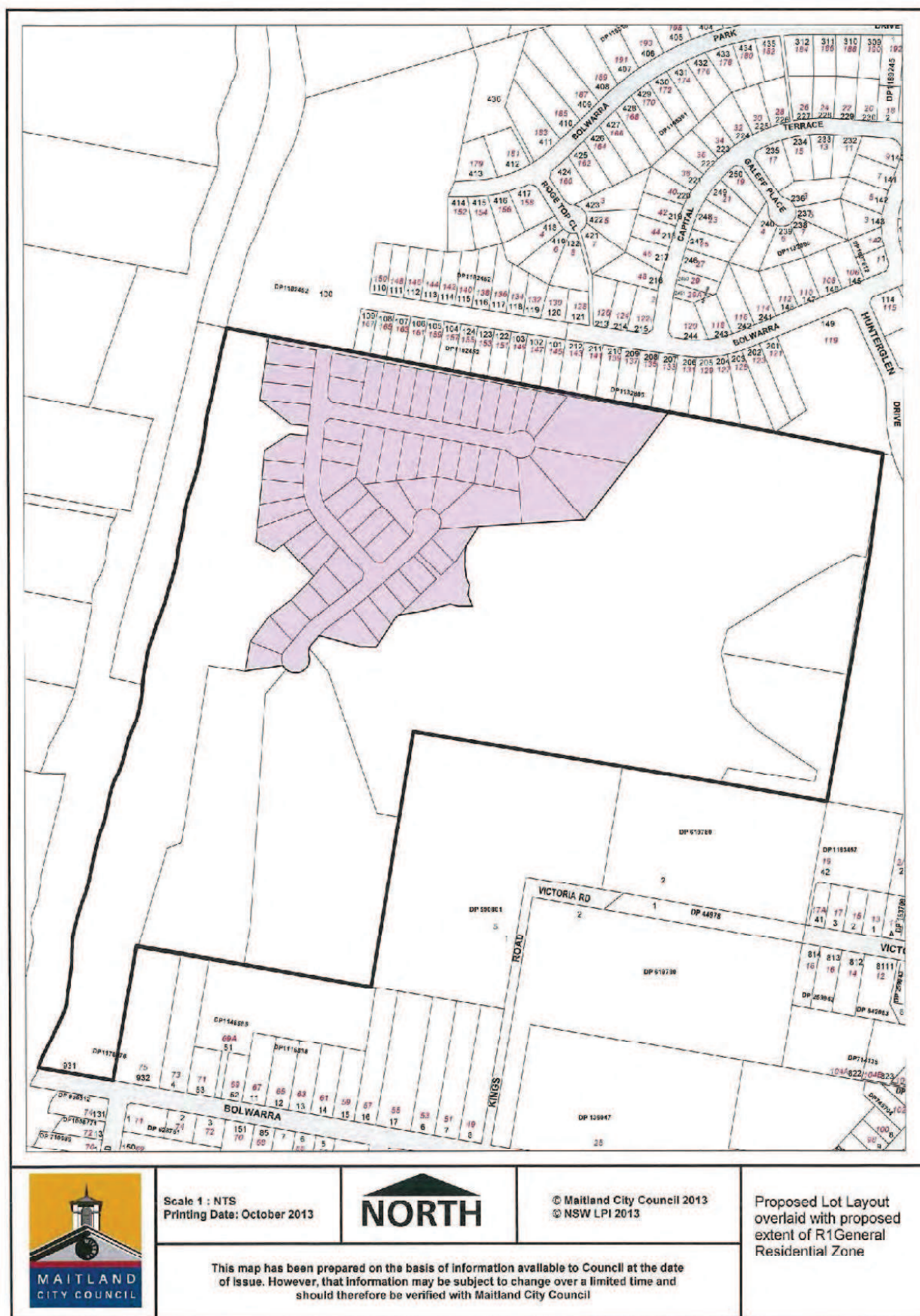


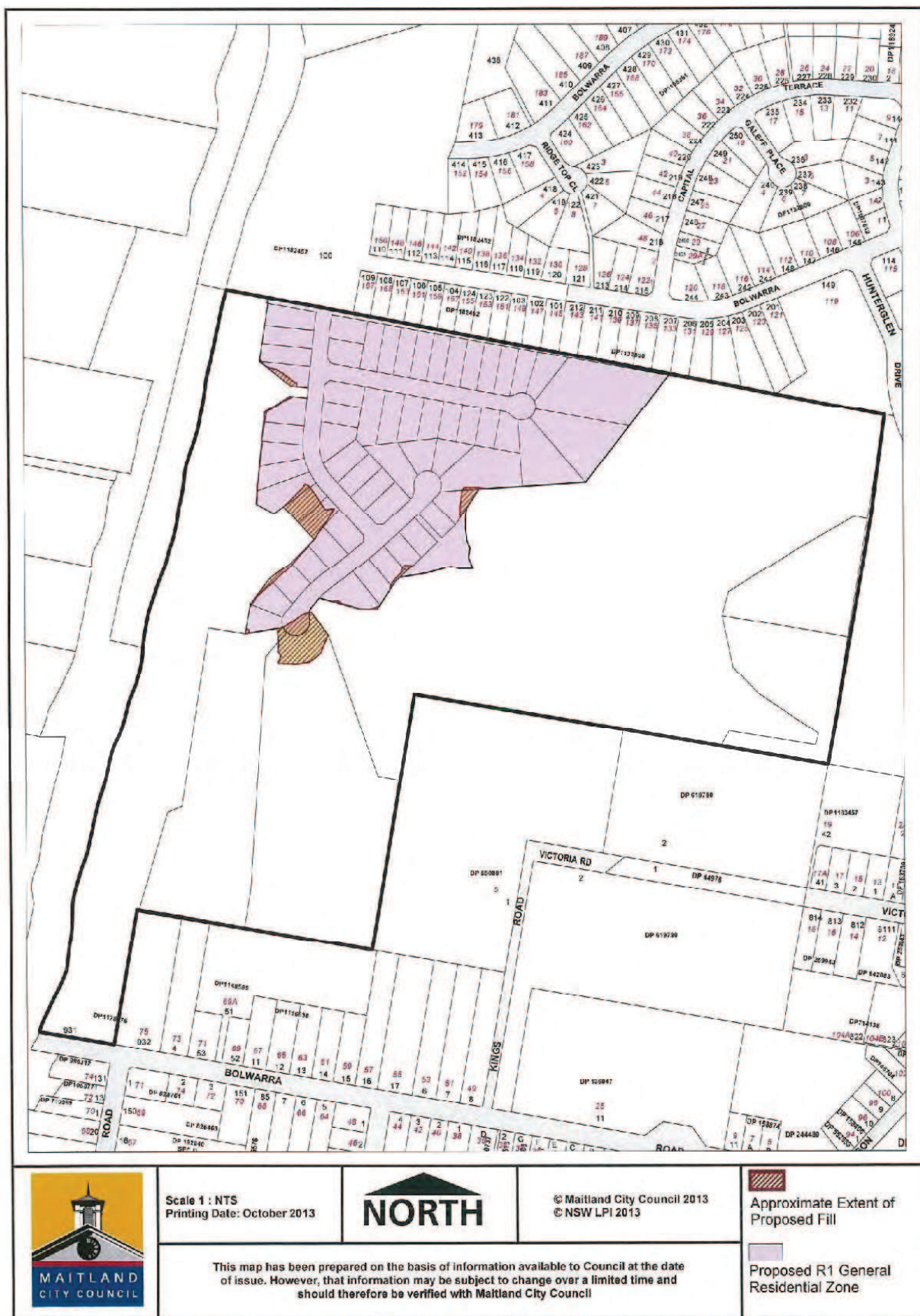
AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA
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AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA
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(Cont.)

Appendix THREE
NSW Department of Planning & Infrastructure
Correspondence

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA
(Cont.)Planning &
Infrastructure

Mr Brad Everett
Land Use Director
Hunter Land
PO Box 3042
THORNTON NSW 2322

13/07450

Dear Mr Everett

I refer to your letter dated 29 April 2013, concerning the Bolwarra Urban Release Area (URA) and contributions towards state infrastructure.

I note your request to review whether development within the Bolwarra URA should be subject to the requirement to contribute towards state infrastructure, as per clause 6.1 of the *Maitland Local Environmental Plan (LEP) 2011*.

I have reviewed the documentation regarding the Bolwarra URA. I have also reviewed documentation regarding the Rathluba and Largs precincts.

As a result of this review, I have formed the position that development within the Bolwarra URA should not be subject to the requirement to contribute towards state infrastructure. This is primarily due to the relatively low number of residential lots proposed for development in the precinct.

Accordingly, any referrals from Maitland Council requesting satisfactory arrangement certification under clause 6.1 of the Maitland LEP in relation to the Bolwarra precinct will be processed in accordance with the above position.

Please note that the Department is preparing guidelines on the use of satisfactory arrangement clauses for potential URA's. This should improve the consistency in approach and methodology regarding satisfactory arrangements processes.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'af'.

Andrew Jackson
Executive Director
Infrastructure and Planning Strategies

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website planning.nsw.gov.au

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA
(Cont.)

Planning, Environment and Lifestyle Reports

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA

Correspondence issued by DOPI

Meeting Date: 22 October 2013

Attachment No: 2

Number of Pages: 3

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA
(Cont.)

Our Ref. RZ07003 (769411)

Your Ref.

Phone Enquiries: 4934 9729

10 February 2011

NSW Department of Planning
Hunter Regional Office
PO Box 1226
NEWCASTLE NSW 2300
Attn: Ms Susan Blake

Dear Ms Blake

**RE: Request for Extension of Time for Finalisation of LEP Amendment -
Bolwarra Investigation Area**

The Department of Planning notified Council on 10 February 2011 that a request for extension of time to finalise the subject LEP amendment be confirmed, given that the timeframe for finalising the LEP had expired. The Gateway determination issued by the Department identified that the amendment should be completed 6 months from the week following the date of the Gateway determination (2 August 2010). Council forwarded the Section 57 report including planning proposal, draft LEP map and Gateway determination on 26 November 2010, as a formal request for the Department to finalise the plan. The target completion date was yesterday, 9 February 2011. Council was notified by the Department on 28 January 2011 that the site was required to be mapped as an URA, just 12 days prior to the target completion date. This is deemed unreasonable, given that discussions about the status of the site as an URA should have taken place well before this time. The status of the site as an URA triggers significant implications for the land, such as the provisions of Clause 55 of the MLEP 1993 relating to state public infrastructure, and as noted by the Department, State Infrastructure Contribution (SIC) requirements.

Council is now required to seek an extension of time in which to ask the Department to finalise the LEP, however wishes to outline the reasons for the request being made:

- A senior planner (Mr James Shelton) from the Department of Planning's regional office contacted the undersigned on 28 January 2011 to inform Council that the Department's Infrastructure Co-ordination team advised that the Bolwarra Investigation Area needed to be mapped as an Urban Release Area. While it is understood that this was a direction issued by the Department, Council wishes to express that this was an unexpected

Ph: (02) 4934 9700 Fax: (02) 4933 3209 DX21813 Maitland Email: mcc@maitland.nsw.gov.au www.maitland.nsw.gov.au
All correspondence should be addressed to: General Manager P.O. Box 220 Maitland NSW 2320
Administration Building 285-287 High Street Maitland NSW 2320

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA
(Cont.)

requirement to be placed on the LEP so far into the Gateway process and a requirement that has subsequently stalled the making of the LEP. Without this requirement the LEP would more than likely have been gazetted within the required timeframe;

- After this time (28 January 2011) there were obvious concerns from Council over the potential need to re-exhibit the amendment (re-exhibition would have not been completed before the target completion date in any case), given the implications of the site being mapped as an URA and associated requirements under Clause 55 of the MLEP 1993;
- Council subsequently informed the applicant, who required clarification over this request, including the financial implications for this direction (notably any SIC requirements), particularly given that finalisation of the amendment was imminent, and prior to this direction from the Department, was more than likely to be gazetted within the target completion timeframe.

Given the Department's request to map the site as an URA so late in the rezoning process, Council respectfully requests that the Department acknowledge the delay caused in having the amendment finalised and permit an extension of four (4) weeks, or a suitable timeframe that the Department feels it can finalise the LEP amendment. It needs to be highlighted that the issue of mapping the URA has arisen in the latter stages of the rezoning process, nearing finalisation of the plan. There should be some allowance made by the Department to expedite the amendment given that the issue has potential implications for Council, the landowner and the community.

If you have any questions, or require further information to assist in your assessment of this planning proposal, please contact Josh Ford, Strategic Town Planner on 4934 9729 or in his absence Ms Monica Gibson on 4934 9825.

Yours Sincerely



Josh Ford
Strategic Town Planner

Cc Mr Tony Proust, Senior Planner RPSHSO

AMENDMENT TO MAITLAND LOCAL ENVIRONMENTAL PLAN 2011 - FORMER BOLWARRA URBAN RELEASE AREA
(Cont.)**Planning &
Infrastructure**

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Yours sincerely

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Andrew Jackson
Executive Director
Infrastructure and Planning Strategies

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