



MAITLAND CITY COUNCIL



PNC000356

Our Ref. RZ08002 (755298)

Your Ref.

Phone Enquiries: 4934 9729

3 August 2010

NSW Department of Planning
Hunter Regional Office
PO Box 1226
NEWCASTLE NSW 2300
Attn: Ms Katrine O'Flaherty



Dear Ms O'Flaherty

RE: Section 55 Request for Gateway Determination - Lochinvar Investigation Area

At its meeting 27 July 2010, Council resolved:

THAT

1. *The draft local environmental plan for the Lochinvar Investigation Area as detailed in the attached planning proposal be endorsed as an amendment to the Maitland Local Environmental Plan 1993.*
2. *Pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, the Planning Proposal be submitted to the Department of Planning for a Gateway Determination, noting that further investigations are required to determine the impacts from the Maitland to Minimbah Third Track project.*
3. *Written representations be made to the Minister for Planning and the Department of Planning noting the substantial planning work undertaken for the Lochinvar Investigation Area, requesting that this be recognised during the assessment of the Maitland to Minimbah Third Track project.*
4. *A further report be presented to Council following the public exhibition period, to demonstrate compliance with the Gateway determination and to provide details of any submissions received throughout that process.*

The subject planning proposal has been, until Council's recent resolution, assessed under the former relevant sections of the NSW Environmental Planning and Assessment Act, 1979. Council's previous resolution, made in accordance with the former Section 54 of the EP&A Act 1979, was dated 25 November 2008.

The purpose of Council's recent resolution dated 27 July 2010 was to forward the proposal to the Department of Planning for a Gateway determination, in accordance with Section 55 (formerly Section 64) of the EP&A Act, 1979. This resolution has a dual purpose in that it will also enable a transfer of the rezoning proposal across to the new Gateway system, thereby ensuring the Department's timeframes for transitional arrangements for LEPs are met.

In accordance with the new plan making requirements, Council has prepared a planning proposal supporting this amendment, addressing all relevant criteria as outlined in the Department's guidelines. The following information is included:

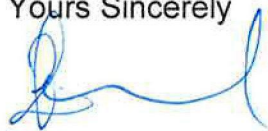
- One (1) hard copy of the planning proposal;
- One (1) hard copy of the Section 55 Council report and minutes;
- One (1) CD including the planning proposal, Section 55 Council report and minutes;
- One (1) CD version of the environmental studies for the rezoning; and
- One (1) CD version of the Draft Aboriginal archaeology study for the rezoning.

The Lochinvar Investigation Area is identified in the endorsed Maitland Urban Settlement Strategy 2008, and is identified in the Lower Hunter Regional Strategy 2006 as a 'Proposed Urban Area' and a 'Major Release Site' (LHRS 2006:12, 25). Council adopted the Lochinvar Structure Plan in 2007 (partly funded by the Department), which has assisted in determining the likely locations for particular land uses within the site, subject to further investigations.

Given the above information, Council requests that this proposal to amend the Maitland LEP for the purpose of rezoning land within the Lochinvar Investigation Area proceed to a gateway determination.

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 49349729.

Yours Sincerely



JOSH FORD
STRATEGIC TOWN PLANNER