

MINUTES

Lochinvar Reference Group Meeting 20th October 2010 – Eighteenth meeting

1. **Meeting opened:** 4:00pm

Present:

Clr Henry Meskauskas (ClrHM)
Ian Higgins (IH)
John Whittle (JW)
Jim Aird (JA)
Alan Wells (AW)
Steve Barlow (SB)
Monica Gibson (MG)
Josh Ford (JF)

Apologies:

Leanne Harris (LH)
Clr Stephen Mudd (Clr SM)

2. **Business arising from previous meeting**

- Nil.

3. **Gateway Determination & Status of draft LEP**

- JF explained that Council has received the Gateway Determination from the Department of Planning, which allows (subject to satisfying conditions) the exhibition of the Draft LEP for the rezoning of the Lochinvar URA.
- Clr HM questioned how Council had arrived at the determination of the 500m area of affectation noted in the planning proposal for the Lochinvar URA, in relation to the Maitland to Minimbah Third Track proposal.
- JA stated that he had received a letter from ARTC explaining that air quality impacts identified in the environmental assessment for the Third Track proposal should only be taken to be relevant during the construction phase of the project.
- JF responded to the above points relating to the Third Track proposal by explaining that Council has referred to technical guidelines issued by the Department of Environment, Climate Change and Water (DECCW) and the Department of Planning (DoP) which identify that impacts from rail noise and vibration can typically occur up to 500m from rail corridors. JF highlighted that Council's intention is to, where appropriate and informed by environmental studies, seek to rezone land within the Lochinvar URA to urban purposes, as identified in the Lochinvar Structure Plan 2007. It was explained that it is not Council's intention to sterilise land within the URA, but to pursue sensible and responsible zoning outcomes for the site.

- AW asked JF whether the Lochinvar Structure Plan 2007 (LSP 2007) will be exhibited with the exhibition materials for the Draft LEP. JF stated that the LSP 2007 forms an integral part of the rezoning proposal and that the LSP 2007 will be included so that the public can view the substantial planning work undertaken to inform the Draft LEP to date.
- IH asked whether the 500m area of affectation is adequate, or whether existing properties are already above the threshold for noise impacts, and asked who determines the required distance for impacts from noise. MG responded by explaining that there are technical guidelines administered by DECCW which would be used to assess against the noise levels measured in area of affectation, and that there would need to be testing against ARTCs anticipated noise levels, which would likely include factoring in the proposed noise attenuation methods recommended in the Director General's conditions (issued by DoP for the Third Track proposal) to fully determine the extent of noise impacts.
- IH again stressed concerns over noise levels and requirements to attenuate the Lochinvar URA from noise and vibration impacts from the Third Track proposal.

4. Status of Infrastructure Servicing Strategies

- SB informed the group that Hunter Water Corporation (HWC) have been stating for the past 6 weeks that the sewer servicing strategy would be finalised, while the water servicing strategy has been more difficult given HWC's own infrastructure planning issues about the proposed location of a water reservoir nearby the Lochinvar URA.
- AW reiterated that the water reservoir location has not yet been determined by HWC, which was impacting on decisions relating to water servicing for the Lochinvar URA. HWC have also indicated that there is the potential for water recycling/reuse within the Lochinvar URA.
- SB highlighted that the Gateway Determination for the rezoning of the Lochinvar URA listed a 12 month timeframe for making the LEP. Both SB and AW asked whether it was likely that the LEP would be made within this timeframe. MG explained that the Gateway Determination outlined a number of steps and timeframes within the overall 12 month timeframe, which includes a 28 day exhibition period and submission of the draft LEP to the Department of Planning 6 weeks prior to the 12 month date outlined on the Gateway Determination. MG highlighted that the Gateway Determination stated that the LEP would form an amendment to the Maitland LEP 1993, rather than the proposed Maitland LEP 2011.
- SB asked what length of time would be afforded to public agencies for consultation. JF explained that the Gateway Determination stipulates a timeframe of 21 days in which to allow public agencies to provide comments on the Draft LEP.

5. Status of Maitland to Minimbah Third Track Proposal

- JF explained that DoP are currently reviewing ARTCs report which contains responses to submissions received from the public and government agencies during the consultation period for the Third Track proposal.
- Clr HM provided some observations from submissions he viewed on DoPs website regarding submissions associated with the Third Track proposal.

6. Maitland Mercury Article 23/9/10

- Clr HM raised concerns over the Maitland Mercury article from the 23.09.10 and the message it would send to the community, given that this was not the LRG's views, but views of some individuals within the LRG
- JW and IH explained that after the last LRG meeting Clr HM asked for representatives in the LRG to provide him with names of residents who had concerns so that he could talk to them to discuss their issues. JW and IH explained that the publishing of a newsletter was an appropriate mechanism to generate discussion about the future of Lochinvar. It was observed that one parent from a school that the newsletter was issued to had contacted the Mercury.
- IH noted that there had been a strong response from residents who had concerns regarding the Lochinvar URA and issues with the proposed Third Track and the existing rail corridor. IH stated that a number of residents had raised concerns over submissions that had been forwarded to Council in 2007 regarding the Lochinvar Structure Plan, with some residents alleging that they had never received a response from Council to their submissions. MG expressed concern that there was a notion that some residents issues have not been addressed, but Clr HM explained that the LSP 2007 was put before Council in 2007 and submissions were reviewed as part of the Council report where it was resolved to adopt the LSP 2007.
- AW stated that he was disappointed in the Maitland Mercury article, while Clr HM explained that it appeared to undo much of the work done in the past to alleviate the concerns of residents.
- IH highlighted that some residents had issues with the LSP boundaries changing in 2006/2007. Clr HM stated that the LSP 2007 had been adopted and there was certainty over the boundaries of the Lochinvar URA.
- JF explained that resolutions have been passed where submissions were put before Council regarding both the LSP 2007 and Lochinvar URA. Decisions were made by Council, including assessment of environmental studies and advice provided from government agencies. It was explained that both DECCW and DoP will need to provide concurrence to rezone land near the rail corridor based on the potential impacts of noise and vibration generated from the existing track, and if approved, the Third Track proposal.
- MG explained that Council does not have jurisdiction in resolving noise, vibration or air quality issues associated with the existing rail line, and if approved, the Third

Track proposal. Issues concerning the existing operations of the rail corridor need to be taken up with DECCW and ARTC.

- MG highlighted that Council staff need to consider the final details of discussions with DoP prior to exhibition, and noted that every landowner in the URA and adjoining landowners will be notified of exhibition.

5. General Business

- Nil.

6. Next meeting time

- Following the exhibition period, to be determined.

7. Meeting Closed: 5.05pm