



New South Wales

Maitland Local Environmental Plan 1993 (Amendment No 59)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.
(N00/00163/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

Sydney, 23 January 2001

2001 No 47

Clause 1

Maitland Local Environmental Plan 1993 (Amendment No 59)

Maitland Local Environmental Plan 1993 (Amendment No 59)

1 What is this plan called?

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 59)*.

2 What are the aims of this plan?

- (1) This plan aims:
 - (a) to rezone part of the land to which this plan applies from Zone 6 (a) Public Recreation to Zone 6 (b) Private Recreation under *Maitland Local Environmental Plan 1993*, and
 - (b) to reclassify the land referred to in paragraph (a) and the remainder of the land to which this plan applies from community to operational land within the meaning of the *Local Government Act 1993*.
- (2) This plan incidentally makes further provision for the classification or reclassification of public land as operational land as a consequence of major changes to the statutory scheme in section 30 (Reclassification of community land to operational) of the *Local Government Act 1993*.

3 Where does this plan apply?

This plan applies:

- (a) to the extent that it rezones and reclassifies certain land, to Lot 21 in a resubdivision of land, between Banks and Grant Streets, East Maitland, as shown edged heavy black on Sheets 2 and 3 of the map marked “Maitland Local Environmental Plan 1993 (Amendment No 59)” deposited in the office of the Maitland City Council, and
- (b) to the extent that it reclassifies other land, to Lot 2, DP 30473 and Lot 103, DP 626693, Hillview Street, Rutherford and Lot 104, DP 623458, East Mall, Rutherford, as shown edged heavy black on Sheet 1 of that map.

4 How does this plan affect other environmental planning instruments?

Maitland Local Environmental Plan 1993 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 How are terms defined in this plan?

Insert at the end of the definition of *The map* in clause 5 (1) the following words:

Maitland Local Environmental Plan 1993 (Amendment No 59)—Sheet 3

[2] Clause 51

Omit the clause. Insert instead:

51 Classification and reclassification of public land as operational land

- (1) The public land described in Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*, subject to this clause.
- (2) Land described in Part 1 of Schedule 4 is land that was classified, or reclassified, as operational land before the application of the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.
- (3) Land described in Part 2 of Schedule 4:
 - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.

- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those specified opposite the land in Column 3 of Part 3 of Schedule 4.
- (5) In this clause, *the relevant amending plan*, in relation to land described in Part 3 of Schedule 4, means the local environmental plan cited at the end of the description of the land.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 4, the Governor approved of subclause (4) applying to the land.

[3] Schedule 4 Classification and reclassification of public land as operational land

Insert before the matter relating to No 2 Dunmore Road, Largs, the following heading:

Part 1 Land classified, or reclassified, before the application of amendments made to s 30 of LGA 1993

[4] Schedule 4

Omit the heading of “**Largs**” where secondly occurring.

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Schedule 1 Amendments

[5] Schedule 4

Insert at the end of Schedule 4 the following Parts:

Part 2 Interests not changed

Part 3 Interests changed

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
East Maitland		
Between Banks and Grant Streets	Lot 21 in a resubdivision, as shown edged heavy black on Sheet 2 of the map marked "Maitland Local Environmental Plan 1993 (Amendment No 59)"— <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ 20002	Nil.
Rutherford		
East Mall	Lot 104, DP 623458, as shown edged heavy black on Sheet 1 of the map marked "Maitland Local Environmental Plan 1993 (Amendment No 59)"— <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ 20002	Nil.
Hillview Street	Lot 103, DP 626693, as shown edged heavy black on Sheet 1 of the map marked "Maitland Local Environmental Plan 1993 (Amendment No 59)"— <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ 20002	Nil.

Maitland Local Environmental Plan 1993 (Amendment No 59)

Amendments

Schedule 1

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
Hillview Street	Lot 2, DP 30473, as shown edged heavy black on Sheet 1 of the map marked "Maitland Local Environmental Plan 1993 (Amendment No 59)"— <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ 20005	Nil.

BY AUTHORITY