



New South Wales

Maitland Local Environmental Plan 1993 (Amendment No 81)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (NEW0000118/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2006 No 68

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 81)

Maitland Local Environmental Plan 1993 (Amendment No 81)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 81)*.

2 Aims of plan

This plan aims to amend *Maitland Local Environmental Plan 1993*:

- (a) to rezone land within the Gillieston Heights Urban Release Area to partly Zone 1 (a) Prime Rural Land, partly Zone 2 (a) Residential, partly Zone 3 (a) General Business and partly Zone 7 (c) Environmental Protection General, and
- (b) to introduce a new Part containing provisions for urban release areas, including specific provisions applying to the Gillieston Heights Urban Release Area.

3 Land to which plan applies

- (1) To the extent that this plan rezones land, it applies to land known as the Gillieston Heights Urban Release Area, as shown edged heavy black and lettered "1 (a)", "2 (a)", "3 (a)" or "7 (c)" on Sheet 1 of the map marked "Maitland Local Environmental Plan 1993 (Amendment No 81)" deposited in the office of Maitland City Council.
- (2) To the extent that this plan aims to introduce a new Part, it applies generally to land the subject of urban release area provisions and, in particular, to land known as the Gillieston Heights Urban Release Area, as shown edged heavy black and lettered "Gillieston Heights Urban Release Area" on Sheet 2 of that map.

4 Amendment of Maitland Local Environmental Plan 1993

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

Schedule 1 Amendments

(Clause 4)

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

Insert in appropriate order in the definition of *The map* in clause 5 (1):

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[2] **Part 12**

Insert after Part 11:

Part 12 Urban release areas

Division 1 Preliminary

53 Aims of Part

The aims of this Part are as follows:

- (a) to implement the Council's vision for specific urban release areas,
- (b) to promote an integrated approach to the planning, management, development and economic use of land in urban release areas,
- (c) to ensure that there is adequate infrastructure to meet growth in urban release areas and that new development contributes to the cost of providing such infrastructure,
- (d) to provide an overall planning framework for urban release areas that can be supplemented by more detailed planning provisions in development control plans and master plans,
- (e) to promote future development which encourages the use of public transport and reduces reliance on, and the consequential environmental impacts of, private vehicle use,
- (f) to encourage the incorporation into new development of measures to promote energy efficiency, water conservation, waste minimisation and the minimisation of vibration and noise,
- (g) to encourage development which increases housing availability and choice associated with a mix of land uses, the availability of services and accessibility by public transport,

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- (h) to encourage a high level of residential amenity, while not precluding a mix of land uses,
- (i) to reinforce and consolidate primary retail uses into core areas within urban release areas that are centrally located and readily accessible,
- (j) to encourage development for community and civic facilities,
- (k) to promote quality development, utilising the highest urban design and safety maximisation principles.

54 Relationship between Part and remainder of plan

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.

Division 2 Gillieston Heights Urban Release Area

55 Application of Division

This Division applies to land edged heavy black and lettered "Gillieston Heights Urban Release Area" on the map.

56 Definition

In this Division:

Gillieston Heights Master Plan means the document titled *Gillieston Heights Master Plan*, as adopted by the Council on 26 April 2005, a copy of which is available for inspection at the offices of the Council.

57 Aim of Division

The aim of this Division is to provide for the development of the land to which this Division applies in accordance with the Gillieston Heights Master Plan and, in particular:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance, and
- (b) to require that, prior to the subdivision of the land, satisfactory arrangements have been made for the provision of essential infrastructure, including transport infrastructure and waste water infrastructure, and
- (c) to ensure that development occurs in a logical and cost-effective manner and in accordance with a staging plan, and

- (d) to ensure that urban development does not occur until a development control plan has been adopted by the Council, and
- (e) to encourage medium density development to be carried out in proximity to public transport routes and interchanges and near commercial areas and neighbourhood open space, and
- (f) to ensure that land use is appropriate, having regard to site location and attributes, and
- (g) to relate the density of development to transport access and the provision of open space, and
- (h) to create a range of housing opportunities and choice, and
- (i) to create livable neighbourhoods that are safe and provide convenient access to facilities, and
- (j) to promote a full and diverse range of social, community and recreational resources, and
- (k) to promote high quality urban design and high environmental standards that value and enhance the natural and built environment, and
- (l) to allow for neighbourhood commercial and retail uses to service the local community, and
- (m) to identify a suitably located school site.

58 Gillieston Heights Master Plan to be considered

- (1) The Council must not grant consent to development on land to which this Division applies unless it is satisfied that the development promotes the Gillieston Heights Master Plan.
- (2) The Council must not grant consent to development on land to which this Division applies unless it is satisfied that the development will not adversely affect future development in accordance with the Gillieston Heights Master Plan.

59 Essential infrastructure

- (1) The Council must not grant consent to development on land to which this Division applies unless it is of the opinion that satisfactory arrangements exist for the provision of the following infrastructure to facilitate development in accordance with the Gillieston Heights Master Plan:
 - (a) a supply of water,
 - (b) a system for the disposal and management of sewage,

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- (c) the provision of roads, traffic and transport management on and in the vicinity of the land to which this division applies, to the satisfaction of the Roads and Traffic Authority.
- (2) Subclause (1) does not apply to development involving the provision, extension, augmentation, maintenance or repair of any infrastructure referred to in that subclause.

60 Development control plan required

The Council must not grant consent to development on land to which this Division applies unless a development control plan applies to land to which this Division applies that promotes the Gillieston Heights Master Plan and provides for the following:

- (a) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and logical movement system for vehicles, public transport, pedestrians and cyclists, including an off-road shared path along the frontage of Cessnock Road (Main Road No 195),
- (b) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public domain and private land,
- (c) stormwater and water quality management controls,
- (d) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination,
- (e) identification of any significant development sites within the Gillieston Heights Urban Release Area that require detailed urban design controls,
- (f) measures to encourage higher density living around transport, open space and service nodes,
- (g) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
- (h) a suitably located school site that includes provisions for appropriate traffic management facilities and parking,
- (i) amelioration measures to protect future residential development from fumes, vibration and noise generated by traffic in accordance with the relevant Department of Environment and Conservation criteria and any relevant Australian Standards,

- (j) improvements and additions to road infrastructure in the vicinity of the Gillieston Heights Urban Release Area to cater for the likely additional vehicular traffic generated, including, to the satisfaction of the Roads and Traffic Authority, the establishment of a 20 metre buffer zone on land fronting Cessnock Road (Main Road No 195) north of Russell Street, with no direct access to the land from Cessnock Road.