



New South Wales

## **Maitland Local Environmental Plan 1993 (Amendment No 92)**

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*. (NEW0000158/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2007 No 131

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 92)

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### **Maitland Local Environmental Plan 1993 (Amendment No 92)**

under the

Environmental Planning and Assessment Act 1979

#### **1 Name of plan**

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 92)*.

#### **2 Aim of plan**

This plan aims to amend *Maitland Local Environmental Plan 1993* to provide for the following:

- (a) the efficient and economic development of land to which that plan applies that is identified as an urban release area,
- (b) the integration of environmental, economic and social matters that are to be considered before granting consent for development within an urban release area,
- (c) the provision and coordination of essential infrastructure for utility services and transport and traffic management to support urban development within an urban release area,
- (d) the matters that are to be considered before granting consent to development near Aberglasslyn House,
- (e) the identification of certain land to which this plan applies as the Aberglasslyn Urban Release Area,
- (f) the rezoning of land within the Aberglasslyn Urban Release Area from Zone 1 (a) Prime Rural Land and Zone 1 (b) Secondary Rural Land to Zone 2 (a) Residential.

#### **3 Land to which plan applies**

- (1) To the extent that this plan amends the provisions of the *Maitland Local Environmental Plan 1993* relating to urban release areas, it applies to land to which that plan applies that is identified on the map (within the meaning of that plan) as an urban release area.

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- (2) To the extent that this plan makes provision with respect to development near Aberglasslyn House, it applies to land shown edged heavy black, hatched and lettered “Heritage Control Area” on Sheet 2 of the map marked “Maitland Local Environmental Plan 1993 (Amendment No 92)” deposited in the office of Maitland City Council.
  - (3) To the extent that this plan identifies the Aberglasslyn Urban Release Area, it applies to land shown edged heavy black and lettered “Aberglasslyn Urban Release Area” on Sheet 2 of the map marked “Maitland Local Environmental Plan 1993 (Amendment No 92)” deposited in the office of Maitland City Council.
  - (4) To the extent that this plan rezones land, it applies to land shown edged heavy black and lettered “2 (a)” on Sheet 1 of the map marked “Maitland Local Environmental Plan 1993 (Amendment No 92)” deposited in the office of Maitland City Council.

**4 Amendment of Maitland Local Environmental Plan 1993**

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

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Maitland Local Environmental Plan 1993 (Amendment No 92)

Schedule 1 Amendments

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### 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):

Maitland Local Environmental Plan 1993 (Amendment No 92)—  
Sheets 1 and 2

**[2] Clause 5 (1)**

Insert in alphabetical order:

*Urban release area* means an area of land that is shown edged heavy black and lettered “Urban Release Area” on the map.

**[3] Clause 31 What controls apply with respect to heritage items or conservation areas?**

Insert in alphabetical order in the list of definitions:

*Aberglasslyn House Heritage Control Area* means the land shown edged heavy black, hatched and lettered “Heritage Control Area” on Sheet 2 of the map marked “Maitland Local Environmental Plan 1993 (Amendment No 92)” deposited in the office of Maitland City Council.

**[4] Clause 39A**

Insert after clause 39:

**39A Development within the Aberglasslyn House Heritage Control Area**

- (1) This clause applies to the Aberglasslyn House Heritage Control Area.
- (2) Despite any other provision of this plan, the Council must not grant consent to an application to carry out development on land within the Aberglasslyn House Heritage Control Area unless:
  - (a) the Council has assessed the effect that the development will have on the heritage significance of Aberglasslyn House and its setting and is satisfied, as a result of that assessment, that the development is not incompatible with that heritage significance, and

- (b) a development control plan applying to the Aberglasslyn House Heritage Control Area has been prepared that provides for the following:
  - (i) a subdivision layout,
  - (ii) amelioration of visual impacts of the development on the curtilage of Aberglasslyn House,
  - (iii) an overall landscaping strategy, including the extent, location and form of landscaping,
  - (iv) detailed urban design controls, including building envelopes, building materials and colours.

**[5] Part 12**

Omit the Part. Insert instead:

**Part 12 Urban release areas**

**53 Aims of Part**

This Part aims:

- (a) to allow for future urban development and the conservation of ecological and riparian corridors and areas of visual significance on land within urban release areas, and
- (b) to require satisfactory arrangements to be made for the provision of utility infrastructure and regional transport infrastructure before the subdivision of such land, and
- (c) to ensure that development on such land occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan including specific controls has been prepared for the land.

**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.

**55 Restriction on certain subdivisions—regional transport infrastructure**

- (1) This clause applies to land within an urban release area but does not apply to an urban release area if the whole or any part of it is within a special contributions area (as defined by section 93C of the Act).

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Schedule 1 Amendments

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- (2) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that arise from development on land to which this clause applies, but only if the land is developed intensively for urban purposes.
- (3) Despite any other provision of this plan, the Council must not grant consent to the subdivision of land to which this clause applies if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of *Maitland Local Environmental Plan 1993 (Amendment No 92)*, unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation to that lot.
- (4) Subclause (3) does not apply to any lot:
  - (a) identified in the certificate as a residue lot, or
  - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.

### 56 Public utility infrastructure

- (1) The Council must not grant consent to development on land within an urban release area unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (2) In this clause, **public utility infrastructure** includes infrastructure for any of the following:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage.
- (3) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause.

**57 Development control plan**

- (1) The Council must not grant consent to development on land within an urban release area unless a development control plan that provides for the matters specified in subclause (2) has been prepared for the land.
- (2) The development control plan referred to in subclause (1) must provide for all of the following matters:
  - (a) a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,
  - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,
  - (c) 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 and private domain,
  - (d) a network of passive and active recreational areas,
  - (e) stormwater and water quality management controls,
  - (f) amelioration of natural and environmental hazards, including bushfire, flooding and site contamination,
  - (g) detailed urban design controls for significant development sites,
  - (h) measures to encourage higher density living around transport, open space and service nodes,
  - (i) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
  - (j) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.