



New South Wales

Maitland Local Environmental Plan 1993 (Amendment No 91)

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*. (NEW0000151/PC)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 246

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 91)

Maitland Local Environmental Plan 1993 (Amendment No 91)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 91)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies from Zone 1 (b) Secondary Rural Land to Zone 2 (a) Residential under the *Maitland Local Environmental Plan 1993*, and
- (b) to ensure that certain development on the land to which this plan applies that is in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.

3 Land to which plan applies

This plan applies to land in the City of Maitland, being Lots 1, 2 and 3, DP 1015170 and part of Lot 1, DP 577474, Aberglasslyn Road, Aberglasslyn, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 91)" 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.

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 91)

[2] Clause 52A

Insert after clause 52:

52A Certain development at Aberglasslyn Road, Aberglasslyn

- (1) This clause applies to Lots 1, 2 and 3, DP 1015170 and part of Lot 1, DP 577474, Aberglasslyn Road, Aberglasslyn, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 91)".
- (2) The objective of this clause is to ensure that development for the purpose of residential accommodation, places of public worship, hospitals, educational establishments or other noise sensitive buildings in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.
- (3) Development consent must not be granted to development:
 - (a) on such of the land to which this clause applies as is within a rail corridor, and
 - (b) that the consent authority considers is, or is likely to be, adversely affected by rail noise or vibration,unless the consent authority is satisfied that the proposed development incorporates all practical mitigation measures for rail noise or vibration recommended by Rail Corporation New South Wales for development of that kind.
- (4) For the purposes of this clause, *development that is within a rail corridor* means development on land comprising, or within 60 metres of, an operating railway line or land reserved for the construction of a railway line.