



New South Wales

Maitland Local Environmental Plan 1993 (Amendment No 99)

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*. (N07/00005/PC)

KRISTINA KENEALLY, MP
Minister for Planning

2009 No 175

Clause 1 Maitland Local Environmental Plan 1993 (Amendment No 99)

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1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 99)*.

2 Aims of plan

The aims of this plan are to amend *Maitland Local Environmental Plan 1993*:

- (a) to rezone certain land at Largs from Zone 1 (b) Secondary Rural Land to Zone 2 (a) Residential, and
- (b) to enable satisfactory arrangements to be made for designated State public infrastructure as a consequence of the intensive development of that land, and
- (c) to revise the definition of *designated State public infrastructure* to exclude rail infrastructure.

3 Land to which plan applies

- (1) In respect of the aims referred to in clause 2 (a) and (b), this plan applies to Lots 1 and 9, DP 32519, Lot 10, DP 624768 and Lot 80, DP 1112497, Largs, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 99)" deposited in the office of Maitland City Council.
- (2) In respect of the aim referred to in clause 2 (c), this plan applies to the land to which *Maitland Local Environmental Plan 1993* applies.

Schedule 1 Amendment of Maitland Local Environmental Plan 1993

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

Insert in alphabetical order in clause 5 (1):

Designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) land required for regional open space,
- (d) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

[2] Clause 5 (1), definition of “The map”

Insert in appropriate order:

Maitland Local Environmental Plan 1993 (Amendment No 99)

[3] Clause 55

Omit the clause. Insert instead:

55 Arrangements for designated State public infrastructure

- (1) The objective of this clause is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.
- (2) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.
- (3) Subclause (2) does not apply to:
 - (a) any lot identified in the certificate as a residue lot, or

2009 No 175

Maitland Local Environmental Plan 1993 (Amendment No 99)

Schedule 1 Amendment of Maitland Local Environmental Plan 1993

- (b) any lot created by a subdivision previously consented to in accordance with this clause (whether before or after its substitution by *Maitland Local Environmental Plan 1993 (Amendment No 99)*), or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (4) *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.
- (5) This clause does not apply to land in an urban release area if all or any part of the land is in a special contributions area (as defined by section 93C of the Act).

**[4] Clause 55A Arrangements for designated State public infrastructure—
St John’s College site, Morpeth**

Omit clause 55A (3).