



New South Wales

# **Maitland Local Environmental Plan 2011 (Amendment No 5)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

**BERNIE MORTOMORE, EXECUTIVE MANAGER PLANNING, LIFESTYLE AND ENVIRONMENT, MAITLAND CITY COUNCIL**  
As delegate for the Minister for Planning and Infrastructure

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### **1 Name of Plan**

This Plan is *Maitland Local Environmental Plan 2011 (Amendment No 5)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to the land to which *Maitland Local Environmental Plan 2011* applies that is in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone E3 Environmental Management and Zone E4 Environmental Living.

## Schedule 1 Amendment of Maitland Local Environmental Plan 2011

**[1] Clause 4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones**

Omit “in rural and environmental” from clause 4.2A (1) (b).

Insert instead “and dual occupancies in certain rural and environment”.

**[2] Clause 4.2A (3)–(5)**

Omit the subclauses. Insert instead:

- (3) Development consent must not be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies unless the land:
- (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land, or
  - (b) is a lot created before this Plan commenced and on which the erection of a dwelling house or dual occupancy was permissible immediately before that commencement, or
  - (c) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or
  - (d) would have been a lot or a holding referred to in paragraph (a), (b) or (c) had it not been affected by:
    - (i) a minor realignment of its boundaries that did not create an additional lot, or
    - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or
    - (iii) a consolidation with an adjoining public road or public reserve or for another public purpose.

**Note.** A dwelling cannot be erected on a lot created under clause 9 of *State Environmental Planning Policy (Rural Lands) 2008* or clause 4.2.

- (4) Development consent must not be granted under subclause (3) unless:
- (a) no dwelling house or dual occupancy has been erected on the land, and
  - (b) if a development application has been made for development for the purpose of a dwelling house or dual occupancy on the land—the application has been refused or it was withdrawn before it was determined, and
  - (c) if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.
- (5) Development consent may be granted for the erection of a dwelling house or dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.

**[3] Clause 4.2A (7)**

Omit the subclause.