

# Maitland Local Environmental Plan 1993

[1993-465]



New South Wales

## Status Information

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### Authorisation

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New South Wales

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# Maitland Local Environmental Plan 1993



New South Wales

## Part 1 General provisions

### 1 What is this plan called?

This plan is called *Maitland Local Environmental Plan 1993*.

### 2 What are the objectives of this plan?

The objectives of this plan are:

- (a) To ensure the natural environment remains safe from detrimental impacts of development.
- (b) To minimise adverse environmental, social and economic impacts resulting from urban development and to encourage building designs which are aesthetic and energy efficient.
- (c) To provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production.
- (d) To provide a diversity of housing available throughout the City.
- (e) To ensure the retail hierarchy of regional, district and neighbourhood shopping centres is maintained.
- (f) To encourage functional and economically viable industrial development, which does not adversely affect the environment or the amenity of nearby residents.
- (g) To provide a range of community facilities to serve the population.
- (h) To conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City for future generations.
- (i) To ensure an efficient and safe road network is maintained with minimum intrusion on business centres, open space and residential areas.
- (j) To provide open space and a range of recreational facilities to meet the needs of the population.

(k) To protect attractive landscapes and preserve places of natural beauty, including wetlands, waterways and the floodplain.

(l) To ensure residents are not put at risk in the event of flooding.

### 3 Where does this plan apply?

The plan applies to all land in the City of Maitland as shown on the map.

### 4 How does this plan affect other environmental planning instruments?

(1) *Maitland Local Environmental Plan 1986* is repealed.

(2) The *Hunter Regional Environmental Plan 1989 (Heritage)* is amended:

(a) by omitting from clause 3 the word “This” and by inserting instead the matter “(1) Except as provided by subclause (2), this”,

(b) by inserting at the end of clause 3 the following subclause:

(2) This plan does not apply to land to which *Maitland Local Environmental Plan 1993* applies.

(c) by omitting from Schedules 1, 2, 3, 4 and 5 any item or conservation area listed under the heading “Maitland” and by omitting that heading, wherever occurring.

### 5 How are terms defined in this plan?

(1) The following definitions are used in this plan:

**Abattoir** means a building or place used for the slaughter of animals, whether or not animal by-products are processed, manufactured or distributed, and includes a knackery.

**Aerodrome** has the meaning ascribed to it in the *Air Navigation Regulations* made pursuant to the *Air Navigation Act 1920* of the Commonwealth.

**Advertising** means the use of a building or place for the display of symbols, messages or other devices for promotional purposes, whether or not the display involves the erection of a structure or the carrying out of a work.

**Agriculture**, except in the expression *intensive agriculture*, means:

(a) the cultivation of crops, including cereals, fruit, vegetable or flower crops, or

(b) the keeping or breeding of livestock, bees or poultry and other birds, or

(c) the cultivation of plants in a wholesale plant nursery,

for commercial purposes.

**Animal establishment** means a building or place used for the breeding, boarding, training or keeping, of or caring for, animals for commercial purposes, and includes a riding school.

**Appointed day** means the day on which this plan takes effect.

**Aquaculture** means the cultivation of the resources of the sea or inland waters for the propagation or rearing of marine, estuarine or freshwater fish or plants or other organisms.

**Bed and breakfast accommodation** means a dwelling which:

- (a) provides temporary overnight accommodation for the short-term traveller,
- (b) offers at least breakfast for guests,
- (c) does not accommodate more than 4 guests,
- (d) does not contain facilities in rooms for the preparation of meals by guests, and
- (e) is not used in whole or in part for the permanent or long-term accommodation of any person other than the person or persons who operate and manage the accommodation facility and who normally reside in the dwelling.

**Boarding house** means a building or place which is not licensed to sell liquor, where accommodation, together with meals and laundry facilities, is provided, but only to residents.

**Brothel** means premises habitually used for the purpose of prostitution, or that have been used for that purpose and are likely to be used again for that purpose and includes premises used by only one prostitute for the purpose of prostitution.

**Bulky goods sales room or showroom** means a building or place used for the sale by retail or auction, the hire or the display of items (whether goods or materials) which are of such a size, shape or weight as to require:

- (a) a large area for handling, storage or display, or
- (b) direct vehicular access to the site of the building or place by members of the public, for the purpose of loading items into their vehicles after purchase,

and which may also be used for the sale of motor powered or motor drawn vehicles and agricultural or industrial plant or machinery but is not used for any sale of foodstuffs or clothing.

**Bushfire hazard reduction** means the reduction or modification (by burning, mechanical or manual means) of material that constitutes a bushfire hazard.

**Business premises** means a building or place in which there is carried on an



occupation, profession, light industry or trade which provides a service directly and regularly to the public, but does not include a building or place elsewhere defined in this clause.

**Camp or caravan site** means a site used for the purpose of:

- (a) placing movable dwellings within the meaning of the [Local Government Act 1993](#) for permanent accommodation, or for the temporary accommodation of tourists, or
- (b) the erection, assembly or placement of cabins for the temporary accommodation of tourists.

**Car park** means a building or place used for parking vehicles, and any manoeuvring space and access thereto, whether operated for gain or not.

**Child care centre** means a building or place used for the purpose of supervising or caring for six or more children under the age of six years and includes facilities known as a long day care centre, preschool, occasional care centre, children's neighbourhood centre, or multipurpose child care centre, but does not include a home based child care establishment.

**City** means City of Maitland.

**Classified road** means a road or work declared under Section 4 of the [State Roads Act 1986](#) to be:

- (a) a main road,
- (b) a secondary road,
- (c) a State Highway,
- (d) a tourist road,
- (e) a State work,
- (f) a freeway, or
- (g) a controlled access road.

**Club** means a building used by persons associated or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the [Registered Clubs Act 1976](#).

**Communications facility** means a building, structure, work, or place used primarily for the purpose of transmitting or receiving signals for the purposes of communication, and includes radio masts and towers and satellite disks, and the like.

**Community centre** means a building or place owned, leased or subleased by the Council and used to provide facilities comprising or relating to any one or more of the following:

- (a) a public library,
- (b) public health services,
- (c) rest rooms,
- (d) meeting rooms,
- (e) indoor recreation,
- (f) child minding, or
- (g) any other like facility.

**Community facility** means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, but does not include a building or place elsewhere defined in this plan.

**Convenience store** means:

- (a) a shop which sells a variety of small consumer goods, and
- (b) is located no closer than 400 metres from commercially zoned land.

**Council** means the Council of the City of Maitland.

**Depot** means a building or place used only for the storage of any plant, machinery, materials or goods used or intended to be used by the owner or occupier of the building or place, but does not include a building or place elsewhere specifically defined in this clause.

**Dual occupancy** means a building containing two, but not more than two, dwellings on a single allotment of land where one of the dwellings is occupied by the owner of the land.

**Dwelling** means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

**Dwelling house** means a building containing one, but not more than one, dwelling.

**Educational establishment** means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or a childcare centre.

**Entertainment facility** means a building or place used for the purpose of sport, entertainment, exhibitions or displays, and includes:

- (a) sports stadiums, showgrounds, racecourses and the like, and
- (b) theatres, cinemas, music halls, concert halls, open air theatres, and drive-in theatres and the like.

**Exhibition home** means a dwelling that is not intended for immediate permanent occupation and is used for purposes associated with the sale of the dwelling and similar dwellings, and includes those areas in the dwelling that are used for purposes ancillary to the sale (such as a sales office or a materials display area).

**Exhibition village** means a group of exhibition homes and any ancillary buildings (being buildings not intended for permanent occupation and used only for purposes associated with the sale of the exhibition homes, such as sales or home finance offices and materials display areas) and ancillary facilities (such as cafes, car parks and public toilets).

**Extractive industry** means an industry or undertaking, not being a mine, which depends for its operations on the winning of extractive material from the land upon which it is carried on.

**Extractive material** means sand, gravel, clay, turf, soil, rock, stone and similar substances.

**Floor space ratio** means the ratio of the gross floor area of a building to the area of the site on which the building is or is proposed to be erected.

**Forestry** includes arboriculture, silviculture, forest protection, the cutting, dressing and preparation, otherwise than in a sawmill, of wood and other forest products and the establishment of roads required for the removal of wood and forest products and for forest protection.

**Foundation height** is the distance measured from natural ground level to the top of the ground floor of a building.

**Generating works** means a building or place used for the purpose of making or generating gas, electricity or other forms of energy.

**Gross floor area** means the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls, excluding:

- (a) lift towers, and
- (b) car parking needed to meet any requirements of the Council and any internal vehicular access thereto.

**Group home** has the same meaning as in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

**Hazardous industry** means an industry which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (such as measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk, in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Hazardous storage establishment** means any establishment at which goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (such as measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk, in relation to the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

**Home activity** means an activity, pursuit, occupation or profession, carried on for personal gain in a building or a room or a number of rooms forming part of, attached to, or on the same parcel of land as, a dwelling house where:

- (a) only goods made or produced on the premises and goods ancillary thereto are displayed and sold on the premises or only services are provided or based, and
- (b) the activity, pursuit, occupation or profession does not involve the practice or employment on the premises of any person who is not a resident of the dwelling, and
- (c) the carrying on of the activity, pursuit, occupation or profession does not:
  - (i) interfere with the amenity of the locality by reason of traffic generation, insufficient car parking, or the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise,
  - (ii) involve exposure to view from any adjacent premises or from any public place of any unsightly matter,
  - (iii) require the provision of any essential service main of a greater capacity than that available in the locality,
  - (iv) involve the exhibition of any notice, advertisement or sign (other than a

notice, advertisement or sign (not exceeding 1 metre by 0.6 metres) exhibited on that dwelling house or dwelling to indicate the name and occupation of the resident, or a description of the activity, pursuit, occupation or profession).

**Home based child care establishment** means a dwelling providing care for up to seven children (including the caregiver's own children), in the premises where the caregiver resides.

**Hospital** means a building or place used as a:

- (a) hospital,
- (b) sanatorium,
- (c) health centre,
- (d) nursing home, or
- (e) home for aged persons, infirm persons, incurable persons or convalescent persons,

whether public or private, and includes a shop or dispensary used in conjunction therewith.

**Hotel** means any premises specified in a hotelier's licence granted under the [Liquor Act 1982](#).

**Housing for seniors or people with a disability** means residential accommodation intended to be used permanently as housing for the accommodation of seniors or people with a disability as defined in [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) and includes ancillary facilities.

**Industry** means the manufacturing, assembling, altering, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, processing or adapting of any goods or any articles, and excludes any other use elsewhere defined in this clause.

**Institution** means a mental hospital or a penal or reformatory establishment.

**Intensive agriculture** means any form of agriculture which requires waste, including faeces, to be disposed of on land which is not simultaneously used for the nurturing of livestock and poultry.

**Land** includes:

- (a) the sea or an arm of the sea,
- (b) a bay, inlet, lagoon, lake or body of water, whether inland or and whether tidal or non-tidal, and

(c) a river, stream or watercourse, whether tidal or non-tidal.

**Landscaped area** means that part of a site which is not occupied by any building and includes areas used for swimming pools, open-air recreation areas, gardens, lawns, shrubs or trees and available for use and enjoyment by the occupants of any building erected on the site, but does not include areas used for driveways, parking areas, drying yards, or garbage storage areas.

**Light industry** means an industry, not being an offensive or hazardous industry, in which the processes carried on, or the transportation involved or the machinery or materials used, do not interfere unreasonably with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise, but does not include an activity elsewhere defined in this clause.

**Marina** means a pontoon, jetty, pier or the like, used or intended to be used to provide moorings for boats used for pleasure or recreation, and includes:

- (a) slipways, and
- (b) facilities for the repair, maintenance and fuelling of, or the provision of accessories and parts for boats, or for boating enthusiasts, and
- (c) any associated facilities for the storage or provision of food.

**Materials recycling depot** means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof.

**Medium density housing** means 2 or more dwellings on a site where each dwelling has an individual entrance and direct private access to private open space at natural ground level for the exclusive use of the occupants of the dwelling, and includes semi-detached dwellings, duplexes, villas, terraces, town-houses, cluster housing, integrated housing development, mobile home parks and the like.

**Mining** means the winning of any material to which the [Mining Act 1992](#) or the [Petroleum \(Onshore\) Act 1991](#) applies and the storage and primary processing of the material obtained.

**Motel** means premises, not being a hotel, used for the temporary or short term accommodation of travellers.

**Natural ground level** means the level of land as if no development has taken place.

**Offensive industry** means an industry which, when in operation and when all

measures proposed to minimise its impact on the locality have been employed (including, for example, measures to isolate the industry from existing or likely future development on other land in the locality), would emit a polluting discharge (including noise) in a manner which would have a significant adverse impact on the locality or on existing or likely future development on other land in the locality.

**Office premises** means a building or place used for the purpose of administration, clerical, technical, professional or like activities (except dealing with members of the public on a direct and regular basis or otherwise than by appointment), but does not include a building or place elsewhere defined in this clause.

**Passenger transport terminal** means any building or place used for the assembly and dispersal of passengers travelling by any form of passenger transport, including any required facilities for parking, manoeuvring, storage or routine servicing of any vehicle forming part of that undertaking.

**Place of assembly** means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purpose of gain or not, but does not include a place of worship, an institution or an educational establishment.

**Place of worship** means a building or place used for the purpose of religious worship, whether or not the building or place is also used for counselling, social events or religious training by a congregation or religious group.

**Plant nursery** means a building or place used for both the growing and selling by retail of plants, whether or not landscape supplies (including earth products) and other landscape and horticultural products are also sold.

**Prostitution** has the same meaning as in the [Summary Offences Act 1988](#).

**Public building** means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes.

**Recreation area** means:

- (a) a children's playground,
- (b) an area used for sporting activities or sporting facilities, or
- (c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by:
  - (i) the Council, or
  - (ii) a body of persons associated for the purposes of the physical, cultural or

intellectual welfare of persons within the community,

but does not include a racecourse or a showground.

**Recreation facility** means a building or place used for sporting activities, recreation or leisure activities, whether or not operated for the purpose of gain, but does not include a building or place elsewhere defined in this clause.

**Refreshment room** means a restaurant, cafe, tea room, eating house or the like.

**Residential flat building** means a building containing two or more dwellings, and includes dwellings located above business premises, but does not include development elsewhere defined in this plan.

**Restricted premises** means a building or place used or intended for use as a shop in which:

- (a) any classified publications (other than unrestricted publications) within the meaning of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* are available for sale or rental to the public, or
- (b) a business is conducted involving selling or disposing of products to which section 578E of the *Crimes Act 1990* applies, or
- (c) a business is conducted, an object of which is the display or exhibition of any article that is primarily concerned with sexual behaviour, but which is not printed matter.

**Road** means a public thoroughfare used for the passage of humans, vehicles or animals.

**Roadside stall** means a place used for the purpose of offering for sale by retail agricultural goods produced on the allotment on which the place is located or on allotments in the locality, but only where the building, structure or device used for offering produce for sale is of a temporary nature (that is, capable of being erected or dismantled in 24 hours).

**Road transport terminal** means a building or place used mainly for the bulk handling of goods for transport by road, and includes facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles.

**Rural industry** means:

- (a) the handling, selling, treating, processing or packing of rural products, and
- (b) the regular servicing or repairing of plant or equipment used for the purposes of agriculture, aquaculture or a rural industry in the locality.



**Rural tourist accommodation** means accommodation provided for tourists as a use of land ancillary to an agricultural operation undertaken on the land (or contiguous land in the same ownership) in a manner which is compatible with and complementary to the agricultural operation.

**Rural worker's dwelling** means a dwelling:

- (a) located on land on which a dwelling house is or is intended to be located, and
- (b) used as the principal place of residence by persons employed in agriculture, aquaculture, intensive agriculture or a rural industry conducted on that land.

**Sawmill** means a mill handling, cutting and processing timber from logs or baulks.

**Service station** means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oils and other petroleum products, whether or not the building or place is also used for any one or more of the following:

- (a) the hire of trailers,
- (b) the sale by retail of spare parts and accessories for motor vehicles,
- (c) the washing and greasing of motor vehicles,
- (d) the repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration),
- (e) the retail sale or hire of other goods within an ancillary area.

**Shop** means a building or place used for the purpose of selling items, whether by retail or auction, for hiring of items or for displaying items for the purpose of selling or hiring them (whether the items are goods or materials).

**Stock and sale yard** means a building or place used for the purpose of offering livestock or poultry for sale.

**Storey** means:

- (a) the space between two floors,
- (b) the space between one floor and the ceiling or roof above, and
- (c) a foundation area over 1.5 metres in height.

A storey includes garages, workshops, storerooms and the like.

Storeys which exceed 4.5 metres in height are counted as two storeys.

**Tavern** means premises licensed for the sale of liquor but which do not provide overnight accommodation on a commercial basis.

**The Act** means the [Environmental Planning and Assessment Act 1979](#).

**The map** means the map marked “Maitland Local Environmental Plan 1993”, as amended by the maps (or, if any sheets or maps are specified, by the specified sheets of the maps) marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Maitland Local Environment Plan 1993 (Amendment No 1)*

*Maitland Local Environmental Plan 1993 (Amendment No 2)*

*Maitland Local Environmental Plan 1993 (Amendment No 5)*

*Maitland Local Environmental Plan 1993 (Amendment No 8)*

*Maitland Local Environmental Plan 1993 (Amendment No 10)*

*Maitland Local Environmental Plan 1993 (Amendment No 11)*

*Maitland Local Environmental Plan 1993 (Amendment No 13)*

*Maitland Local Environmental Plan 1993 (Amendment No 14)*

*Maitland Local Environmental Plan 1993 (Amendment No 22)*

*Maitland Local Environmental Plan 1993 (Amendment No 25)*

*Maitland Local Environmental Plan 1993 (Amendment No 33)*

*Maitland Local Environmental Plan 1993 (Amendment No 35)*

*Maitland Local Environmental Plan 1993 (Amendment No 36)*

*Maitland Local Environmental Plan 1993 (Amendment No 37)*

*Maitland Local Environmental Plan 1993 (Amendment No 38)*

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*Maitland Local Environmental Plan 1993 (Amendment No 42)*

*Maitland Local Environmental Plan 1993 (Amendment No 44)*

*Maitland Local Environmental Plan 1993 (Amendment No 46)*

*Maitland Local Environmental Plan 1993 (Amendment No 48)*

*Maitland Local Environmental Plan 1993 (Amendment No 49)*  
*Maitland Local Environmental Plan 1993 (Amendment No 50)*  
*Maitland Local Environmental Plan 1993 (Amendment No 51)*  
*Maitland Local Environmental Plan 1993 (Amendment No 54)*  
*Maitland Local Environmental Plan 1993 (Amendment No 55)*  
*Maitland Local Environmental Plan 1993 (Amendment No 56) RZ 95008*  
*Maitland Local Environmental Plan 1993 (Amendment No 57)*  
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*Maitland Local Environmental Plan 1993 (Amendment No 64)*  
*Maitland Local Environmental Plan 1993 (Amendment No 69)*  
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*Maitland Local Environmental Plan 1993 (Amendment No 77)*  
*Maitland Local Environmental Plan 1993 (Amendment No 79)*  
*Maitland Local Environmental Plan 1993 (Amendment No 80)*  
*Maitland Local Environmental Plan 1993 (Amendment No 81)*  
*Maitland Local Environmental Plan 1993 (Amendment No 82)*  
*Maitland Local Environmental Plan 1993 (Amendment No 83)*  
*Maitland Local Environmental Plan 1993 (Amendment No 84)*

*Maitland Local Environmental Plan 1993 (Amendment No 86)—Sheets 1 and 2*

*Maitland Local Environmental Plan 1993 (Amendment No 89)*

*Maitland Local Environmental Plan 1993 (Amendment No 90)*

*Maitland Local Environmental Plan 1993 (Amendment No 91)*

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

*Maitland Local Environmental Plan 1993 (Amendment No 93)*

*Maitland Local Environmental Plan 1993 (Amendment No 97)*

**Tourist accommodation** means a building or buildings substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons, such as restaurants, convention areas and the like, but does not include a building or place elsewhere defined in this clause or a building or place used for a purpose elsewhere defined in this clause.

**Transport depot** means a building or place used for the parking or storage of motor powered or motor drawn vehicles used in connection with a passenger transport undertaking, business, industry or shop.

**Turf farming** means the commercial cultivation, and removal from land, of turf.

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

**Utility undertaking** means any undertaking carried on by or by authority of any Government department, or in pursuance of any Commonwealth or State Act, for the purpose of:

- (a) railway, road, water or air transport, or wharf or river undertakings,
- (b) the provision of sewerage or drainage services,
- (c) the supply of water, hydraulic power, electricity or gas,
- (d) telecommunications facilities,
- (e) firefighting facilities, or
- (f) paramedical facilities.

**Vehicle body repair workshop** means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel beating or spray painting.

**Vehicle repair station** means a building or place used for the purpose of carrying

out repairs or the sale and fitting of accessories to vehicles or agricultural machinery, not being a vehicle body repair workshop.

**Veterinary hospital** means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premise for treatment.

**Warehouse or distribution centre** means any building or place used mainly for:

- (a) storing goods, or
- (b) handling or displaying items (whether goods or materials) which have been produced or manufactured for sale, other than retail sale, to the public from the building or place.

**Wetlands conservation** means the management of wetland, which is consistent with practices authorised by the National Parks and Wildlife Service.

- (2) In this plan a reference to a map is a reference to a map deposited in the office of the Council.
- (3) Headings to provisions of this plan form part of this plan.
- (4) Notes in the text of this plan do not form part of this plan.

## **6 Who is the consent authority for this plan?**

The Council is the consent authority for the purposes of this plan.

## **7 How does this plan affect covenants etc?**

- (1) If any agreement, covenant or similar instrument prohibits a use allowed by this plan, then it shall not apply to that use (to the extent necessary to allow that use).
- (2) In accordance with section 28 of the *Environmental Planning and Assessment Act 1979*, the Governor approved of subclause (1) before this plan was made.

## **8 What subdivision controls apply?**

- (1) Land to which this plan applies shall not be subdivided except with the consent of the Council.
- (2) Nothing in this plan shall prevent the Council from granting consent to a subdivision for any of the following:
  - (a) widening or opening of a public road,
  - (b) making an adjustment to a boundary between allotments, being an adjustment that does not involve creating any additional allotment,

- (c) rectifying an encroachment upon an allotment,
- (d) creating a public reserve,
- (e) consolidating allotments, or
- (f) excising from an allotment land which is, or is intended to be, used for public purposes, including drainage purposes, bushfire brigade or other rescue service purposes or public conveniences.

**Note—**

Clause 13 (4) prevents the erection of a dwelling house on an allotment of land in Zone 1 (a), (b), (c) or (d) created by a subdivision under subclause (2) (a), (b), (c), (d) or (f), except an allotment with a minimum area of 40 hectares created by a subdivision consolidating allotments.

**9 What zones apply in this plan?**

The following zones apply as identified on the map:

- 1 (a) Prime Rural Land
- 1 (b) Secondary Rural Land
- 1 (c) Rural Small Holdings
- 1 (d) Rural Residential
- 2 (a) Residential
- 2 (b) Flood Liable Residential
- 3 (a) General Business
- 3 (b) Support Business
- 3 (c) Special Business
- 4 (a) General Industrial
- 4 (b) Light Industrial
- 5 (a) Special Uses
- 5 (b) Special Uses Railways
- 6 (a) Public Recreation
- 6 (b) Private Recreation
- 6 (c) Proposed Recreation

7 (a) Environmental Protection Wetlands

7 (b) Environmental Protection Buffer

7 (c) Environmental Protection General

## **Part 2 Rural zones**

### **10 What rural zones apply in this plan?**

The following rural zones apply as identified on the map:

1 (a) Prime Rural Land

1 (b) Secondary Rural Land

1 (c) Rural Small Holdings

1 (d) Rural Residential

The following development control table gives the objectives of the zone, description of the zone and what development is prohibited or may be carried out in each zone. Development consent must be obtained from the Council.

The Council must not grant development consent if the proposed development does not satisfy the objectives of the zone in which it is intended to be carried out.

### **Zone 1 (a) Prime Rural Land**

#### **(1) Objectives of the zone**

- (a) To identify the City's most valuable agricultural land and other rural land requiring development control to prevent alienation from agricultural use and land degradation.
- (b) To discourage further subdivision and encourage consolidation of existing agricultural landholdings.
- (c) To permit appropriate agriculture-related land uses and certain non agriculture-related land uses which will not adversely affect agricultural productivity.
- (d) To control development that could:
  - (i) have an adverse impact on the rural character of the land in the zone,
  - (ii) create unreasonable or uneconomic demands for the provision or extension of public amenities and services, or

- (iii) be subjected to physical limitations such as erosion hazard, bushfire risk and flooding.

**(2) Description of the zone**

This zone identifies land which is of prime agricultural value.

**(3) Development allowed without development consent**

Agriculture; Bushfire Hazard Reduction; Home Based Child Care Establishment; Works authorised under the [Hunter Valley Flood Mitigation Act 1956](#) and carried out by a public authority.

**(4) Development allowed only with development consent**

Abattoir; Animal Establishment; Aquaculture; Bed and Breakfast Accommodation; Communications Facility; Dual Occupancy; Dwelling House if consent is permitted by Clause 13; Extractive Industry; Forestry; Home Activity; Intensive Agriculture; Marina; Mining; Plant Nursery; Recreation Area; Refreshment Room; Road; Roadside Stall; Rural Industry; Rural Tourist Accommodation; Rural Worker's Dwelling if consent is permitted by Clause 14; Turf Farming; Utility Undertaking; Vehicle Repair Station; Wetlands Conservation.

**(5) Development which is prohibited**

Any development other than development included in Item 3 or 4.

**Zone 1 (b) Secondary Rural Land**

**(1) Objectives of the zone**

- (a) To provide for agricultural uses and animal establishments.
- (b) To permit appropriate agriculture-related land uses and certain non agriculture-related land uses which will not adversely affect agricultural productivity.
- (c) To control development that could:
  - (i) have an adverse impact on rural character,
  - (ii) create unreasonable or uneconomic demands for the provision or extension of public amenities and services, or
  - (iii) be subjected to physical limitations such as erosion hazard, bushfire



risk and flooding.

- (d) To prevent the establishment of traffic generating development along classified roads.

**(2) Description of the zone**

This zone contains all rural land which is either not of prime agricultural value or has not been set aside for rural residential development.

**(3) Development allowed without development consent**

Agriculture; Bushfire Hazard Reduction; Home Based Child Care Establishment; Works authorised under the [Hunter Valley Flood Mitigation Act 1956](#) and carried out by a public authority.

**(4) Development allowed only with development consent**

Any development other than development included in Item 3 or 5.

**(5) Development which is prohibited**

Boarding House; Brothel; Bulky Goods Sales Room or Showroom; Business Premises; Dwelling House (other than dwellings for which consent is permitted by Clause 13); Exhibition Home; Exhibition Village; Hotel; Industry; Light-Industry; Motel; Medium Density Housing; Office Premises; Passenger Transport Terminal; Public Building; Residential Flat Building; Restricted premises; Serviced Apartment; Service Station; Shop; Tavern; Vehicle Body Repair Workshop; Warehouse or Distribution Centre.

**Zone 1 (c) Rural Small Holdings**

**(1) Objectives of the zone**

- (a) To identify land suitable for low density residential development with a rural character.
- (b) To permit selected non-residential land uses which will not adversely affect residential amenity or rural character.
- (c) To control the intensity of rural residential development consistent with the physical limitations of the land and the costs and limitations of the provision of public amenities and services.
- (d) To prevent the establishment of traffic generating development along

main and arterial roads.

**(2) Description of the zone**

The zone comprises land identified as being suitable for rural residential development and which is in close proximity to a service centre.

**(3) Development allowed without development consent**

Agriculture; Bushfire Hazard Reduction; Home Based Child Care Establishment.

**(4) Development allowed only with development consent**

Bed and Breakfast Accommodation; Boarding House; Child Care Centre; Club; Communications Facility; Community Centre; Community Facility; Convenience Store; Dual Occupancy; Dwelling House; Education Establishment; Exhibition Home; Forestry; Home Activity; Plant Nursery; Public Building; Recreation Area; Road; Utility Undertaking; Wetlands Conservation.

**(5) Development which is prohibited**

Any development other than development included in Item 3 or 4.

**Zone 1 (d) Rural Residential**

**(1) Objectives of the zone**

- (a) To encourage development for the purpose of closer rural settlement on land which is suitable for such a purpose.
- (b) To ensure that the semi-rural character and environmental values of the locality are protected.
- (c) To encourage rural residential subdivision which does not create unreasonable and uneconomic demands for the provision or extension of services and facilities.
- (d) To enable a range of activities and land uses associated with the residential occupation of the land.
- (e) To prevent the establishment of traffic generating development along main and arterial roads.

**(2) Description of the zone**

The zone comprises land identified as being suitable for rural residential development and that is in proximity to a service centre.

**(3) Development allowed without development consent**

Bushfire Hazard Reduction; Home Based Child Care Establishment.

**(4) Development allowed only with development consent**

Agriculture; Bed and Breakfast Accommodation; Boarding House; Child Care Centre; Communications Facility; Community Centre; Community Facility; Dual Occupancy; Dwelling House; Education Establishment; Exhibition Home; Forestry; Home Activity; Public Building; Recreation Area; Road; Utility Undertaking; Wetlands Conservation.

**(5) Development which is prohibited**

Any development other than development included in Item 3 or 4.

**11 What are the minimum allotment sizes for rural land?**

Council may grant consent to the subdivision of land in a rural zone only where the allotments to be created will have the following minimum areas:

On land zoned 1 (a)	40 hectares
On land zoned 1 (b)	40 hectares
On land zoned 1 (c)	4000 m <sup>2</sup> with an average lot size of not less than 5500 m <sup>2</sup>
On land zoned 1 (d)	2000 m <sup>2</sup>

**11A Where is subdivision prohibited in Zone 1 (c)?**

Despite any other provision in this plan, the Council must not grant consent to the subdivision of so much of the land within Zone 1 (c) at Bolwarra Heights as is shown edged heavy black on the map marked “*Maitland Local Environmental Plan 1993 (Amendment No 67)*”.

**12 Are smaller allotments permitted in Zone 1 (a), 1 (b), 1 (c) or 1 (d)?**

Notwithstanding Clause 11, land within Zone 1 (a), 1 (b), 1 (c) or 1 (d) may, with the consent of Council, be subdivided so as to create an allotment of any size where Council is satisfied that the allotment is to be used for a purpose (other than agriculture, intensive agriculture or a dwelling house) for which development consent has been given and the size of the allotment is appropriate for that use.

**13 What are the requirements with respect to the erection of dwelling houses in rural zones?**

(1) In this clause:

**Separate parcel** means an allotment of land in existence on 1 January 1991 or the aggregation of two or more adjoining or adjacent allotments of land if they were in common ownership of 1 January 1991.

**Established cropping enterprise** means an agricultural activity which uses an area of prime agricultural land for the cultivation of crops such as lucerne, corn, or fodder.

**Established horticultural enterprise** means an agricultural activity which uses an area of prime agricultural land for commercial vegetable production.

(2) The Council may consent to the erection of a dwelling house on:

(a) a separate parcel in Zone 1 (a) where:

(i) the separate parcel has a minimum area of 40 hectares, or

(ii) the separate parcel contains an established cropping establishment which has a cultivated area in excess of 15 hectares and which has been in operation for a minimum period of 2 years immediately prior to the application being made, or

(iii) the separate parcel contains an established horticultural enterprise which has a cultivated area in excess of 8 hectares and which has been in operation for a minimum period of 2 years immediately prior to the application being made, or

(b) a separate parcel in Zone 1 (b) where the separate parcel has a minimum area of 4000 m<sup>2</sup>.

(3) Notwithstanding subclause (2), Council may consent to the erection of a dwelling house on land in Zone 1 (a), 1 (b), 1 (c) or 1 (d) if:

(a) the land comprises an allotment the subdivision of which was approved by Council after 14 April 1972, or

(b) the dwelling house is to replace an existing habitable dwelling house.

(4) Subclause (3) (a) does not apply to an allotment created before or after the commencement of this subclause by a subdivision consented to by the Council for a purpose set out in clause 8 (2) (a), (b), (c), (d) or (f), except an allotment with a minimum area of 40 hectares created by a subdivision consolidating allotments.

**14 Are rural workers' dwellings permitted in rural zones?**

Council may grant consent to the erection of an additional dwelling house that is a rural

worker's dwelling on land in Zone 1 (a) or 1 (b) where:

- (a) the land has a minimum area of 40 hectares,
- (b) Council is satisfied that the nature of the agricultural activity being undertaken on the land requires the rural worker to be on site as a permanent resident, and
- (c) the land on which the dwelling is to be erected is not capable of being excised by way of transfer of a new or existing title.

#### **15 What provisions apply to advertising in rural zones?**

Nothing in this plan prevents Council from granting consent to advertising on land in Zone 1 (a), 1 (b), 1 (c) or 1 (d) if the advertising is directing the travelling public to tourist areas or tourist facilities, or is advertising an activity carried out on the land upon which the advertisement is erected.

### **Part 3 Residential zones**

#### **16 What residential zones apply in this plan?**

The following residential zones apply as identified on the map:

- 2 (a) Residential
- 2 (b) Flood Liable Residential

The following development control table gives the objectives of the zone, description of the zone and what development is prohibited or may be carried out in each zone. Development consent must be obtained from the Council.

The Council must not grant development consent if the proposed development does not satisfy the objectives of the zone in which it is intended to be carried out.

#### **Zone 2 (a) Residential**

##### **(1) Objectives of the zone**

- (a) To provide for housing and associated facilities in locations of high amenity and accessibility.
- (b) To enable development for purposes other than residential only if it is compatible with the character of the living area and has a domestic scale and character.
- (c) To ensure that development does not create unreasonable demands, in the present or in the future, for the provision or extension of public amenities or services.

**(2) Description of the zone**

The 2 (a) Residential zone is characterised by detached houses. Some small scale medium density housing development will be scattered throughout the zone. These developments will typically consist of dual occupancies, duplexes, townhouses and villas up to 2 storeys. Scope is also provided to allow smaller lots and semi-detached houses in specially designed subdivisions.

**(3) Development allowed without development consent**

Dwelling House; Home Based Child Care Establishment.

**(4) Development allowed only with development consent**

Agriculture; Bed and Breakfast Accommodation; Boarding House; Bushfire Hazard Reduction; Camp and Caravan Sites; Child Care Centre; Communications Facility; Community Centre; Community Facility; Convenience Store; Dual Occupancy; Education Establishment; Exhibition Home; Exhibition Village; Forestry; Group Home; Home Activity; Hospital; Hotel; Housing for Aged or Disabled Persons; Motel; Medium Density Housing; Place of Worship; Public Building; Road; Recreation Area; Recreation Facility; Residential Flat Building; Serviced Apartment; Tavern; Tourist Accommodation; Utility Undertaking.

**(5) Development which is prohibited**

Any development other than development included in Item 3 or 4.

**Zone 2 (b) Flood Liable Residential**

**(1) Objectives of the zone**

(a) To minimise the public and private costs of flood damage, and the risks to life from flooding, by encouraging the development of non-residential uses in flood-prone residential areas and by ensuring that any new development incorporates flood precaution measures.

(b) To limit the expansion of urban development on flood-prone areas.

**(2) Description of the zone**

This zone comprises the older residential areas of the City which are significantly affected by flooding and includes the localities of South Maitland

and Horseshoe Bend.

**(3) Development allowed without development consent**

Agriculture; Home Based Child Care Establishment.

**(4) Development allowed only with development consent**

Any development not included in Item 3 or 5.

**(5) Development which is prohibited**

Abattoir; Boarding House; Brothel; Camp or Caravan Sites; Dual Occupancy; Dwelling House except a dwelling used in conjunction with an animal establishment; Exhibition Home; Exhibition Village; Extractive Industry; Group Home; Hazardous Industry; Hazardous Storage; Housing for Aged or Disabled Persons; Industry; Intensive Agriculture; Medium Density Housing; Mining; Offensive Industry; Residential Flat Building; Restricted premises; Roadside Stall; Sawmill; Stock and Saleyard; Shop; Tourist Accommodation.

**17 Is development in residential zones advertised?**

- (1) All development in residential zones that requires development consent, with the exception of dwelling houses, dual occupancies, and duplex development, shall be advertised by the Council in a local newspaper and owners of land adjoining the proposed development notified by the Council of the development application.
- (2) Where in the opinion of Council the development is considered to be of a minor nature, advertising of the development may not be required.

**18 Is strata subdivision of dual occupancies allowed?**

Strata subdivision of dual occupancy is allowed in residential and commercial zones.

**19 May non-residential development be carried out in the 2 (b) zone?**

Where land within Zone 2 (b) adjoins:

- (a) land within zone 3 (a), 3 (b) or 6 (a), a person may, with the consent of Council, carry out development on the land within zone 2 (b), for any purpose for which development may be carried out (whether or not with the consent of the Council) on land within the adjoining zone, or
- (b) land on which development for any purpose (other than residential development) is being carried out—a person may, with the consent of Council, carry out development on the land for that purpose or any other like purpose.

## **20 What general provisions apply to advertising in residential zones?**

Nothing in this plan prevents Council from granting consent to advertising on any premises within Zone 2 (a) or 2 (b):

- (a) where the advertising only indicates the purpose for which the premises are lawfully used, and
- (b) Council is satisfied that the advertising will not interfere with the amenity of the area.

## **Part 4 Business zones**

### **21 What business zones apply in this plan?**

The following business zones apply as identified on the map:

- 3 (a) General Business
- 3 (b) Support Business
- 3 (c) Special Business

The following development control table gives the objectives of the zone, description of the zone, and what development may be carried out in each zone. Development consent must be obtained from Council.

The Council must not grant development consent if the proposed development does not satisfy the objectives of the zone in which it is intended to be carried out.

### **Zone 3 (a) General Business**

#### **(1) Objectives of the zone**

- (a) To provide opportunities for the development of commercial uses which do not reduce the commercial viability of the core retail areas of the City.
- (b) To ensure that the size and function of both retail and commercial facilities are established in accordance with Council's preferred hierarchy of commercial centres for the City.
- (c) To permit non-commercial development within the zone where such development is compatible with the commercial character of the locality.
- (d) To ensure that there is adequate provision for car parking facilities within the zone.
- (e) To minimise conflicts between pedestrians and vehicular movement systems within the zone.



- (f) To preserve the historic character of the City by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.

**(2) Description of the zone**

The 3 (a) General Business zone comprises the core retail areas of Maitland, being Central Maitland, Rutherford, Green Hills, East Maitland, as well as the neighbourhood centres of Telarah, Lorn, Metford, Tenambit, Thornton, Morpeth and Woodberry.

**(3) Development allowed without development consent**

Nil.

**(4) Development allowed only with development consent**

Any development other than development included in Item 5.

**(5) Development which is prohibited**

Brothel; Hazardous Industry; Hazardous Storage; Industry; Light Industry; Materials Recycling Depot; Offensive Industry; Restricted premises; Vehicle Body Repair Workshop; Vehicle Repair Station.

**Zone 3 (b) Support Business**

**(1) Objectives of the zone**

- (a) To provide for low intensity commercial and retail activities which do not prejudice the commercial viability of the core retail areas of the City.
- (b) To permit non-commercial development within the zone where such development is compatible with the commercial character of the locality.
- (c) To ensure that the size and function of both retail and commercial facilities are established in accordance with Council's preferred hierarchy of commercial centres for the City.
- (d) To preserve the historic character of the City by protecting heritage items and by encouraging compatible development within and adjoining historic buildings and precincts.

**(2) Description of the zone**

The 3 (b) Support Business zone contains fringe commercial land at Green

Hills, Central Maitland, and Melbourne Street which is capable of supporting commercial activities which may not be able to be accommodated in the 3 (a) General Business zone.

**(3) Development allowed without development consent**

Nil.

**(4) Development allowed only with development consent**

Any development other than development included in Item 5.

**(5) Development which is prohibited**

Brothel; Hazardous Industry; Hazardous Storage; Industry; Light Industry; Offensive Industry; Restricted premises; Sawmill.

**Zone 3 (c) Special Business**

**(1) Objectives of the zone**

- (a) To promote tourism in the City.
- (b) To provide for entertainment, tourist accommodation and services for the travelling public.

**(2) Description of the zone**

The 3 (c) Special Business zone contains land with a highway frontage which is removed from commercial areas.

**(3) Development allowed without development consent**

Nil.

**(4) Development allowed only with development consent**

Bed and Breakfast Accommodation; Business premises; Bulky Goods Salesroom and Showroom; Camp or Caravan Sites; Car Park; Communications Facility; Convenience Store; Entertainment Facility; Hotel; Motel; Passenger Transport Terminal; Recreation Facility; Refreshment Room; Road; Service Station; Tourist Accommodation; Utility Undertaking; Vehicle Repair Station.

## **(5) Development which is prohibited**

Any development other than development included in Item 4.

### **22 What floor space ratios apply in business zones?**

- (1) A maximum floor space ratio of 2:1 applies in Zone 3 (a), except where a different floor space ratio is specified in a development control plan.
- (2) A maximum floor space ratio of 1:1 applies in Zone 3 (b) and 3 (c).

## **Part 5 Industrial zones**

### **23 What industrial zones apply in this plan?**

The following industrial zones apply as identified on the map:

- 4 (a) General Industrial
- 4 (b) Light Industrial

The following development control table gives the objectives of the zone, description of the zone and what development is prohibited or may be carried out in each zone. Development consent must be obtained from the Council.

The Council must not grant development if the proposed development does not satisfy the objectives of the zone in which it is intended to be carried out.

### **Zone 4 (a) General Industrial**

#### **(1) Objectives of the zone**

- (a) To set aside certain land for the purpose of general industry within convenient distance of the urban centres of the City.
- (b) To allow commercial and retail development for:
  - (i) use ancillary to the main use of land within the zone,
  - (ii) the display and sale of bulky goods, and
  - (iii) the day-to-day needs of occupants and employees of the surrounding industrial area.
- (c) To ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and service distribution.

## **(2) Description of the zone**

The 4 (a) General Industrial zone caters for a range of industrial development. Traffic generating development is restricted along main roads. Premises of a commercial and retailing nature are limited in the industrial zone, however bulky goods retailing is allowed. Industrial development is allowed only if it does not adversely affect adjacent residential areas.

## **(3) Development allowed without development consent**

Nil.

## **(4) Development allowed only with development consent**

Any development other than development included in Item 5.

## **(5) Development which is prohibited**

Boarding House; Business Premises; Camp or Caravan Sites; Dwelling used in conjunction with other prohibited development; Education Establishment; Entertainment Facility; Exhibition Home; Exhibition Village; Hotel; Housing for Aged or Disabled Persons; Medium Density Housing; Motel; Place of Worship; Public Building; Residential Flat Building; Roadside Stall; Serviced Apartment; Shop; Tavern; Tourist Accommodation; Veterinary Hospital.

## **Zone 4 (b) Light Industrial**

### **(1) Objectives of the zone**

- (a) To set aside certain land for the purpose of light industry within convenient distances of the urban centres of the City.
- (b) To allow commercial and retail development that does not undermine the commercial and retail functions of existing and future urban centres.
- (c) To ensure that industrial development creates areas which are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.

### **(2) Description of the zone**

The 4 (b) Light Industrial zone caters for a range of industrial development, however offensive or hazardous industries are not permitted. Traffic generating development is restricted along main roads. Premises of a commercial and retailing nature are limited in the zone, however bulky

goods retailing is allowed. Industrial development is allowed only if it does not adversely affect adjacent residential areas.

**(3) Development allowed without development consent**

Nil.

**(4) Development allowed only with development consent**

Any development other than development included in Item 5.

**(5) Development which is prohibited**

Camp or Caravan Sites; Dual Occupancy; Dwelling used in conjunction with other prohibited development; Entertainment Facility; Exhibition Home; Exhibition Village; Hazardous Industry; Hazardous Storage; Hotel; Housing for Aged or Disabled Persons; Intensive Agriculture; Medium Density Housing; Motel; Offensive Industry; Residential Flat Building; Roadside Stall; Sawmill; Serviced Apartment; Shop; Stock and Saleyards; Tavern; Tourist Accommodation.

## **Part 6 Special use zones**

### **24 What special use zones apply in this plan?**

The following special use zones apply as identified on the map:

5 (a) Special Uses

5 (b) Special Uses Railways

The following development control table gives the objectives of the zone, description of the zone and what development is prohibited or may be carried out in each zone. Development consent must be obtained from the Council.

The Council must not grant development consent if the proposed development does not satisfy the objectives of the zone in which it is intended to be carried out.

### **Zone 5 (a) Special Uses**

**(1) Objectives of the zone**

To identify land required for the provision of public services and community facilities and major non-commercial land uses.

**(2) Description of the zone**

The 5 (a) Special Uses zone contains land used for community and government purposes. Specific special uses are indicated on the map.

**(3) Development allowed without development consent**

Nil.

**(4) Development allowed only with development consent**

The particular development indicated on the map and any development ordinarily incidental or ancillary thereto; Road; Utility Undertaking.

**(5) Development which is prohibited**

Any development other than development included in Item 4.

**Zone 5 (b) Special Uses Railways**

**(1) Objectives of the zone**

- (a) To recognise existing railway land and to enable future development for railway and associated purposes.
- (b) To prohibit advertising structures and hoardings on railway land.

**(2) Description of the zone**

The 5 (b) Special Uses Railways zone contains land used for railway purposes.

**(3) Development allowed without development consent**

Nil.

**(4) Development allowed only with development consent**

Any development for railway purposes authorised under the [Transport Administration Act 1988](#).

**(5) Development which is prohibited**

Any development other than development included in Item 4.

## **Part 7 Recreation zones**

### **25 What open space zones apply in this plan?**

The following open space zones apply as identified on the map:

- 6 (a) Public Recreation
- 6 (b) Private Recreation
- 6 (c) Proposed Recreation

The following development control table gives the objectives of the zone, description of the zone and what development is prohibited or may be carried out in each zone. Development consent must be obtained from the Council.

The Council must not grant development consent if the proposed development does not satisfy the objectives of the zone in which it is intended to be carried out.

### **Zone 6 (a) Public Recreation**

#### **(1) Objectives of the zone**

- (a) To identify existing publicly owned land that is used or is capable of being used for active or passive recreation purposes.
- (b) To encourage the development of public open space in a manner which maximises the satisfaction of the community's diverse recreational needs.
- (c) To enable development associated with, ancillary to, or supportive of, public recreation uses.
- (d) To encourage the development of open space as a major urban landscape element.

#### **(2) Description of the zone**

The 6 (a) Public Recreation zone contains open space used for both active and passive recreation. Land in this zone is either owned by the Council, or under the care, control and management of Council or is in private or public authority ownership and is yet to be acquired by Council or dedicated to Council for open space.

#### **(3) Development allowed without development consent**

Works (other than buildings) for the purposes of landscaping, gardening and

bushfire hazard reduction; Family Day Care Establishment.

**(4) Development allowed only with development consent**

Agriculture; Animal Establishment; Camp or Caravan Sites; Child Care Centre; Club; Communications Facility; Community Centre; Community Facility; Dwelling House; Entertainment Facility; Forestry; Road; Recreation Area; Recreation Facility; Refreshment Room; Utility Undertaking; Wetlands Conservation.

**(5) Development which is prohibited**

Any development other than development included in Item 3 or 4.

**Zone 6 (b) Private Recreation**

**(1) Objectives of the zone**

The objectives of this zone are to identify and set aside certain private land where private recreation activities are or may be developed.

**(2) Description of the zone**

The 6 (b) Private Recreation zones contains privately owned land used for recreational purposes, such as bowling clubs, golf courses, tennis courts and the like.

**(3) Development allowed without development consent**

Works (other than buildings) for the purposes of landscaping, gardening and bushfire hazard reduction.

**(4) Development allowed only with development consent**

Aerodrome; Agriculture; Animal Establishment; Bed and Breakfast Accommodation; Camp or Caravan Sites; Child Care Centre; Club; Communications Facility; Community Centre; Community Facility; Dwelling House; Educational Establishment; Entertainment Facility; Forestry; Home Activity; Home Based Child Care Establishment; Hotel; Plant Nursery; Recreation Area; Recreation Facility; Refreshment Room; Road; Tavern; Tourist Accommodation; Utility Undertaking; Wetlands Conservation.

**(5) Development which is prohibited**

Any development other than development included in item 3 or 4.



## **Zone 6 (c) Proposed Recreation**

### **(1) Objectives of the zone**

- (a) To identify land which is suitable for future public recreational use and which can be brought into public ownership generally as a consequence of development contributions from residential development.
- (b) To provide additional land to meet the objectives specified in respect of land within Zone 6 (a).
- (c) To ensure that there is provision for adequate open space areas to meet the needs of all residents and provide opportunities to enhance the total environmental quality of the City.
- (d) To set aside certain lands (being lands that the Council proposes to acquire) for the purposes of active and passive recreation.
- (e) To restrict development on lands which will be required for future open space purposes.

### **(2) Description of the zone**

The 6 (c) Proposed Recreation zone contains land which the Council seeks to acquire for the purpose of providing additional recreational facilities for local residents.

### **(3) Development allowed without development consent**

Works (other than buildings) for the purposes of landscaping, gardening and bushfire hazard reduction.

### **(4) Development allowed only with development consent**

Agriculture; Communications Facility; Community Facility; Forestry; Recreation Area; Road; Wetlands Conservation.

### **(5) Development which is prohibited**

Any development other than a development included in Item 3 or 4.

## **26 What requirements are there for the acquisition of private land in Zone 6 (a) or 6 (c)?**

- (1) If you own land zoned 6 (a) Public Recreation or 6 (c) Proposed Recreation, you may request the Council to acquire the land. The request must be in writing. In cases where the land could reasonably be required to be dedicated pursuant to section 94 of the

Act, the Council may refuse to acquire the land. In all other cases, the Council shall make arrangements for the acquisition of the land on receipt of the request.

- (2) The Council need not take any action with respect to acquiring land within Zone 6 (a) or 6 (c) for 90 days (or for such other period as may be agreed between the owner and the Council before that period expires) after receiving a notice requiring acquisition of land if the Council, within 14 days after receiving the notice, notifies the owner that it is reviewing the zoning of the land.
- (3) The Council need not acquire the land pursuant to the notice if the land is rezoned, or the Council decides or has decided to prepare a local environmental plan to rezone the land, before the period of 90 days (or the agreed period) expires.
- (4) Subclauses (2) and (3) apply to a notice received after the commencement of *Maitland Local Environmental Plan 1993 (Amendment No 64)*.

**26A What must Council consider before consenting to development of land within Zone 6 (a) or 6 (c)?**

The Council may consent to the development of land within Zone 6 (a) or 6 (c) only if the Council has considered:

- (a) the need for the development,
- (b) the impact of the proposed development on the existing or the likely future use of the land, and
- (c) the need to retain the land for its existing or likely future use.

## **Part 8 Environmental protection**

**27 What environmental protection zones apply in this plan?**

The following environmental protection zones apply as identified on the map:

- 7 (a) Environmental Protection Wetlands
- 7 (b) Environmental Protection Buffer
- 7 (c) Environmental Protection General

The following development control table gives the objectives of the zone, description of the zone and what development is prohibited or may be carried out in each zone. Development consent must be obtained from the Council.

The Council must not grant development consent if the proposed development does not satisfy the objectives of the zone in which it is intended to be carried out.

### **Zone 7 (a) Environmental Protection Wetlands**

**(1) Objectives of the zone**

- (a) To protect wetland areas from development that could adversely affect their preservation and conservation.
- (b) To preserve wetland areas as habitats for indigenous and migratory wildlife.
- (c) To enhance and rehabilitate wetland areas.

**(2) Description of the zone**

The 7 (a) Environmental Protection Wetlands zone contains all wetlands identified in *State Environmental Planning Policy No 14—Coastal Wetlands* and Schedule 2 to the *Hunter Regional Environmental Plan 1989*, and other important wetland in the City of Maitland.

**(3) Development allowed without development consent**

Nil.

**(4) Development allowed only with development consent**

Agriculture; Bushfire Hazard Reduction; Communications Facility; Utility Undertaking; Recreation; Wetlands Conservation.

**(5) Development which is prohibited**

Any development other than development included in Item 4.

**Zone 7 (b) Environmental Protection Buffer**

**(1) Objectives of the zone**

- (a) To provide a natural buffer between incompatible land uses to provide environmental protection or maintain scenic quality.
- (b) To protect watercourses and other areas of environmental significance from the adverse effects of industrial and urban development.
- (c) To permit selected land uses which will not adversely affect the role of the buffer.

**(2) Description of the zone**

The 7 (b) Environmental Protection Buffer applies to land which acts as a

natural buffer, for example, land between urban development and wetlands, and vegetation adjacent to the New England Highway.

**(3) Development allowed without development consent**

Nil.

**(4) Development allowed only with development consent**

Agriculture; Animal Establishment; Bushfire Hazard Reduction; Recreation Area; Recreation Facility; Road; Utility Undertaking; Wetlands Conservation.

**(5) Development which is prohibited**

Any development other than development included in Item 4.

**Zone 7 (c) Environmental Protection General**

**(1) Objectives of the zone**

- (a) To conserve sites which provide valuable habitat or corridors for wildlife or provide valuable examples of flora or floristic associations of significance.
- (b) To protect sensitive areas that are or may suffer degradation if not managed appropriately.
- (c) To protect and enhance the landscape and scenic qualities of Maitland City and to ensure that adequate consideration is given to the visual impact of development.
- (d) To permit selected land uses which will not adversely affect floristic values, fauna habitat, visual amenity and other environmental values.

**(2) Description of the zone**

The 7 (c) Environmental Protection General zone applies to land that plays a special environmental role in the Maitland City area and includes, for example, habitat areas in the Four Mile Creek catchment at Thornton.

**(3) Development allowed without development consent**

Bushfire Hazard Reduction in accordance with a bush fire management plan approved by the Bush Fire Co-ordinating Committee.

**(4) Development allowed only with development consent**

Agriculture; Bed and Breakfast Accommodation; Dwelling House; Educational Establishment; Recreation Area; Recreation Facility; Road; Tourist Accommodation; Utility Undertaking.

**(5) Development which is prohibited**

Any development other than development included in Item 3 or 4.

**28 What restrictions apply to the development of wetlands?**

(1) In this clause:

**clearing**, in relation to land, means the destruction or removal in any manner of native plants growing on the land, but does not include:

- (a) the destruction or removal of noxious weeds within the meaning of the *Noxious Weeds Act 1993*, by means not likely to be significantly detrimental to the native ecosystem, or
- (b) the incidental destruction or removal of native plants lying adjacent to any such noxious plants occurring unavoidably during the process of destroying or removing those noxious plants, or
- (c) the destruction or removal of native plants, within 3 metres of the boundary between the lands owned or occupied by different persons, for the purpose of erecting or maintaining a dividing fence between those lands, or
- (d) the destruction or removal of native plants, within 0.5 metres of the boundary between the lands owned or occupied by different persons, for the purpose of enabling a survey to be carried out along that boundary by a surveyor registered under the *Surveyors Act 1929*.

**native plants** means plants indigenous to the State of New South Wales, including trees, shrubs, ferns, vines, herbs and grasses indigenous to the State.

(2) In respect of land within Zone 7 (a) or 7 (b), a person shall not:

- (a) clear that land,
- (b) construct a levee on that land,
- (c) drain that land, or
- (d) fill that land,

except with the consent of the Council.

- (3) Applications for development of land within Zone 7 (a) will be advertised for public comment.
- (4) In considering whether to grant consent required by this clause, the Council shall take into consideration:
  - (a) the environmental effects of the proposed development, including the effect of the proposed development on:
    - (i) the growth of native plant communities,
    - (ii) the survival of native wildlife populations,
    - (iii) the provision and quality of habitats for both indigenous and migratory species,
    - (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including salinity and water quality,
  - (b) whether adequate safeguards and rehabilitation measures have been, or will be, taken to protect the environment,
  - (c) whether carrying out the development would be consistent with the aim of this policy,
  - (d) the objectives and major goals of the “National Conservation Strategy for Australia” (as set forth in the second edition of a paper prepared by the Commonwealth Department of Home Affairs and Environment for comment at the National Conference on Conservation held in June 1983 and published in 1984 by the Australian Government Publishing Service) in so far as they relate to wetlands and the conservation of “living resources generally”,
  - (e) whether any feasible alternatives exist to the carrying out of the proposed development (either on other land or by other methods) and if so, the reasons given for choosing the proposed development,
  - (f) any representations made by the Director of National Parks and Wildlife in relation to the development application,
  - (g) any wetlands surrounding the land to which the development application relates and appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those surrounding wetlands, and
  - (h) any public comment received.
- (5) Where Council receives an application for consent required by this clause, the Council shall forward a copy of the application to the Director of National Parks and Wildlife for

comment.

### **28A Development of environmentally sensitive land—Zone 7 (c)**

The Council may grant consent to the carrying out of development on land zoned 7 (c) Environmental Protection General only if it has considered the manner in which the development is to be undertaken and is satisfied that the development:

- (a) will minimise the risk of soil erosion and other land degradation,
- (b) will have a low visual impact, and
- (c) will not result in a significant impact on threatened species, as defined in the *Threatened Species Conservation Act 1995*, or locally important native vegetation.

### **29 How are trees preserved?**

- (1) A person shall not carry out or cause to be carried out the ring-barking, cutting down, lopping, topping, removing, injuring, or wilful destruction of any tree with a height of 3 metres or more or having a branch spread of 3 metres or more in diameter, except with the written consent of the Council.
- (2) The Council shall not grant consent for any action referred to in subclause (1) unless it has made an assessment of the importance of the tree or trees in relation to:
  - (a) soil stability and prevention of land degradation,
  - (b) scenic or environmental amenity, and
  - (c) vegetation systems and natural wildlife habitats.
- (3) This clause does not apply to trees in a State Forest or on other Crown timber lands within the meaning of the *Forestry Act 1916* or to trees required to be lopped in accordance with the *Electricity (Overhead Line Safety) Regulation 1991*.

### **30 What provisions apply with respect to the conservation of minerals and extractive materials?**

- (1) This clause applies to land shown hatched on the map and marked “Clay Conservation”.
- (2) Notwithstanding the provisions of this plan, a person shall not carry out development on land to which this clause applies without the consent of the Council.
- (3) In determining an application for consent to development on land to which this clause applies, the Council shall have regard to the conservation value of any existing or probable resources of mineral or extractive materials on or under the land.
- (4) Before determining an application for development on land to which this clause

applies, the Council shall take into consideration any relevant submission made to the Council by the chief executive of the Department of Mineral Resources.

## Part 9 Heritage conservation

### 31 What controls apply with respect to heritage items or conservation areas?

In order to conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City, a number of provisions apply with respect to heritage items and conservation areas.

The definitions used with respect to heritage conservation are:

**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.

**Alter**, in relation to a heritage item or a building or work in a heritage conservation area, means:

- (a) make structural changes to the outside of the heritage item, building or work, and
- (b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, not including changes that result from maintenance of the existing detail, fabric, finish or appearance of the outside of the heritage item, building or work.

**Conservation instrument** has the meaning ascribed to that expression in the [Heritage Act 1977](#).

**Demolition** means the damaging, defacing, destruction, pulling down or removal of a heritage item, building or work, in whole or in part.

**Heritage conservation area** means an area described in Column 1 of Schedule 1 and shown on the heritage map in a manner specified opposite that description in Column 2 of that Schedule.

**Heritage item** means a building, work, relic, tree or place of heritage significance, being an item described in Column 1 of Schedule 2 and shown by heavy black edging and hatching on the Heritage map and lettered in the manner specified opposite that description in Column 3 of that Schedule.

**Heritage item of local significance** means a heritage item classified by the word *Local* in Column 2 of Schedule 2 opposite that item.

**Heritage item of regional significance** means a heritage item classified by the word *Regional* in Column 2 of Schedule 2 opposite that item.



**Heritage item of State significance** means a heritage item classified by the word *State* in Column 2 of Schedule 2 opposite that item.

**Heritage map** means the series of maps marked *Maitland Local Environmental Plan—Heritage Conservation*, as amended by the maps (or, if any sheets or maps are specified, by the specified sheets of the maps) marked as follows:

**Editorial note—**

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

*Maitland Local Environmental Plan 1993 (Amendment No 70)—Sheet 8*

**Heritage significance** means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

**Maintenance**, in relation to a heritage item or to a building or work within a heritage conservation area, means the continuous protective care of the fabric of the heritage item, building or work and its setting.

**Relic** means any deposit, object or material evidence (terrestrial or underwater) relating to the use or settlement of the City of Maitland which is more than 50 years old.

## **32 What controls apply with respect to the development of heritage items?**

- (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item:
  - (a) demolish or alter the building or work,
  - (b) damage or move the relic or excavate for the purpose of exposing a relic,
  - (c) damage or despoil land on which the building, work or relic is situated or land which comprises the place,
  - (d) erect a building on or subdivide land on which the building, work or relic is situated or on the land which comprises the place, or
  - (e) damage any tree on the land on which the building, work or relic is situated or on the land which comprises the place,except with the consent of the Council.
- (2) The Council shall not grant consent to a development application required by this clause unless it has made an assessment of:
  - (a) the significance of the item as a heritage item,
  - (b) the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the item and its site,

- (c) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained,
  - (d) whether the item constitutes a danger to the users or occupiers of that item or to the public, and
  - (e) measures to be taken to conserve heritage items including any conservation plan prepared by the applicant.
- (3) This clause does not apply to any development which, in the opinion of the Council, is of a minor nature or does not adversely affect the heritage significance of the heritage item concerned.

**33 What controls apply with respect to development within heritage conservation areas?**

- (1) A person shall not, in respect of a heritage conservation area:
- (a) demolish or alter a building or work within the area,
  - (b) damage or move a relic, or excavate for the purpose of exposing a relic within the area,
  - (c) damage or despoil a place within the area,
  - (d) erect a building on or subdivide land within the area, or
  - (e) damage any tree within the area,
- except with the consent of the Council.
- (2) The Council shall not grant consent to a development application required by this clause unless it has made an assessment of the extent to which the carrying out of the development in accordance with the consent would affect the heritage significance of the heritage conservation area.
- (3) The Council shall not grant a consent required by this clause to the erection of a new building or the alteration of the exterior of an existing building, unless the Council has made an assessment of:
- (a) the pitch and form of the roof,
  - (b) the style, size, proportion and position of the openings for windows and doors, and
  - (c) whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings within the heritage conservation area.
- (4) This clause does not apply to any development which, in the opinion of the Council, is of a minor nature or does not adversely affect the heritage significance of the heritage

conservation area concerned.

**34 What controls apply with respect to heritage items of State significance?**

- (1) The Council shall not grant consent to a development application required by clause 32 in respect of a heritage item of State significance unless the concurrence of the Director of Planning is obtained.
- (2) In deciding whether to grant concurrence required by subclause (1), the Director shall take into consideration:
  - (a) any views of the Heritage Council sent to the Director within 28 days of the Director's giving written notice to that Council of the proposed development,
  - (b) the heritage significance of the item to the State,
  - (c) the extent to which the carrying out of the development would affect the heritage significance of the item and its site,
  - (d) whether the setting of the item, and in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained,
  - (e) measures to be taken to conserve and preserve the item including, where appropriate, any conservation plan, and
  - (f) whether the item constitutes a danger to the users or occupiers of that item or to the public.

**35 (Repealed)**

**36 Are heritage applications advertised?**

- (1) Except as provided by subclause (3), the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of:
  - (a) the demolition of a building or work that is a heritage item,
  - (b) the demolition of a building or work within a heritage conservation area, and
  - (c) the use of a building, work or land referred to in clause 37 for a purpose which, but for that clause, would be prohibited under this plan,in the same way as those provisions apply to and in respect of designated development.
- (2) If an application is made to the Council for consent to demolish a building or work that is a heritage item, other than a heritage item of State significance, the Council shall not grant consent to that application until 28 days after the Council has notified the Secretary of the Heritage Council of its intention to do so.

- (3) This clause does not apply to the partial demolition of a building or work which, in the opinion of the Council, is of a minor nature and does not adversely affect the heritage significance of the building or work.

**37 What incentives apply to heritage conservation?**

- (1) Nothing in this plan prevents the Council from granting consent to an application for:
- (a) the use, for any purpose, of a building, work or place that is a heritage item or an item subject to a conservation instrument,
  - (b) the use, for any purpose, of a building, work or place that is within a heritage conservation area,
  - (c) in the case of a heritage item or item subject to a conservation instrument which is a building or work, the use, for any purpose, of land:
    - (i) on which the building or work is situated, or
    - (ii) adjoining the land on which the building or work is situated,

if it is satisfied that:

- (d) the proposed use would have little or no adverse impact on the amenity of the area, and
  - (e) the conservation of the heritage item, building, work or place within a heritage conservation area or item subject to a conservation instrument depends on the Council granting that consent.
- (2) When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item or an item subject to a conservation instrument, the Council may:
- (a) for the purpose of determining the floor space ratio, and
  - (b) for the purpose of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the floor space of the buildings erected on the land the floor space of the item, but only if the Council is satisfied that the conservation of the building depends upon the Council making that exclusion.

**38 What controls apply with respect to development in the vicinity of heritage items?**

The Council shall not grant consent to an application to carry out development on land in the vicinity of a heritage item unless it has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.

### **39 What controls apply with respect to items to which a conservation instrument applies?**

Clauses 32, 33 and 36 (other than clause 36 (1) (c)) shall not apply to a heritage item or to a building, work, relic, tree or place which is within a heritage conservation area if that heritage item or building, work, relic, tree or place is subject to a conservation instrument.

#### **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.

## **Part 10 Flooding**

### **40 What restrictions apply to development of land affected by the [Hunter Valley Flood Mitigation Act 1956](#)?**

- (1) The Council shall not consent to the carrying out of development for any purpose within 20 metres of:
  - (a) any work to which the [Hunter Valley Flood Mitigation Act 1956](#) extends, or
  - (b) the bank of any part of the **lower river** within the meaning of that Act, except with the concurrence of the Director of Public Works.
- (2) In considering whether to grant concurrence as referred to in subclause (1), the Director of Public Works shall take into consideration the likely effect of the proposed

development in relation to the flooding of land in the vicinity of the land on which the proposed development is to be carried out.

**41 What restrictions apply to development of land within floodways?**

- (1) Notwithstanding the other provisions of this plan, the Council may only grant consent to development on land shown hatched on the map and marked “floodway” for purposes which, in the opinion of the Council, after having regard to any relevant comments of the Council’s Flood Plain Management Committee, will not result in either:
  - (a) detrimental changes to the flow of floodwater, or
  - (b) possible harm to human life, animal welfare, or property.
- (2) Applications for consent for development in the floodway, must be accompanied by a report setting out:
  - (a) any likely dangers to human life, and
  - (b) the likely impact the development may have on the character of floodwaters in the event of a major flood.

**Part 11 Special provisions**

**42 Can schools be developed for community uses?**

Council may grant development consent to the community use of the facilities and sites of schools, colleges and other educational establishments and to the commercial operation of those facilities and sites.

**43 What restrictions apply to development on classified roads?**

- (1) This clause applies to land:
  - (a) having frontage to a classified road,
  - (b) to which the sole means of vehicular access is a classified road, or
  - (c) to which there is vehicular access from a road which intersects with a classified road, where the point of access is within 90 metres of the intersection of the road and the classified road.
- (2) The Council shall not grant consent to development on land to which this clause applies unless it has made an assessment of:
  - (a) whether the development, by its nature or intensity or the volume and type of traffic likely to be generated, is likely to constitute a traffic hazard or to materially reduce the capacity and efficiency of the classified road to carry traffic,

- (b) whether the development is of a type that justifies a location in proximity to a classified road,
- (c) whether the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on the classified road will not be impeded, and
- (d) the extent to which the development might prejudice future improvements or realignment of the classified road, as may be indicated to the Council from time to time by the Roads and Traffic Authority.

**44 What restrictions apply to the filling of land?**

Land to which this plan applies shall not have its natural ground level altered by way of clearing or filling except with the consent of the Council.

**45 What restrictions apply to development in the flight path of Rutherford Airport?**

- (1) A person shall not erect a building on land that is within the flight path of Rutherford airport to a height above the obstacle height limitation surface for that airport for the time being determined by the Commonwealth Department of Transport and Communications without the consent of the Council.
- (2) The Council shall not grant consent as referred to in subclause (1) unless it is satisfied, after taking into consideration any relevant submission made to the Council by officers of the Commonwealth Department of Transport and Communications, that the building will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity.
- (3) In granting consent as referred to in subclause (1), the Council shall give consideration to any noise exposure forecasts prepared by officers of the Commonwealth Department of Transport and Communications and to whether the proposed use of the building will be adversely affected by exposure to aircraft noise.
- (4) For the purposes of this clause, the flight path of an airport shall include such land as may be determined for the time being to be included in that flight path by the chief executive of the Commonwealth Department of Transport and Communications.

**46 Are minor variations of zoning boundaries permitted?**

- (1) This clause applies to land which is within 20 metres of a boundary between any 2 zones.
- (2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the boundary.

- (3) The Council shall not consent to development referred to in subclause (2) unless the development is desirable, in the opinion of the Council, due to design, ownership, servicing or other planning considerations.

**47 What special provisions apply to the temporary use of land?**

Notwithstanding any other provision of this plan, the Council may grant consent to the carrying out of development on land for any purpose (not being designated development) for a maximum period of 28 days, whether consecutive or non-consecutive, in any one year.

**48 Is development for certain additional purposes permitted on specific land?**

- (1) Nothing in this plan prevents a person, with the consent of the Council, from carrying out development on land referred to in Schedule 3 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application to or in respect of development to which this clause applies, of such of the provisions of this plan as are not inconsistent with that subclause or with a consent granted by the Council in respect of the development.

**49 What savings provisions apply with respect to activities of government instrumentalities?**

Nothing in this plan shall be construed as restricting or prohibiting or enabling the Council to restrict or prohibit:

- (a) the use of existing buildings of the Crown by the Crown,
- (b) the carrying out by persons carrying on railway undertakings on land comprised in their undertakings of:
- (i) any development required in connection with the movement of traffic by rail, including the construction, reconstruction, alteration, maintenance and repair of ways, works and plant, and
  - (ii) the erection within the limits of a railway station of buildings for any purpose, but excluding:
  - (iii) the construction of new railways, railway stations and bridges over roads,
  - (iv) the erection, reconstruction and alteration of buildings for purposes other than railway undertaking purposes outside the limits of a railway station and the reconstruction or alteration so as materially to affect the design thereof of railway stations or bridges,
  - (v) the formation or alteration of any means of access to a road, and



- (vi) the erection, reconstruction and alteration of buildings for purposes other than railway purposes where such buildings have direct access to a public place,
- (c) The carrying out by persons carrying on public utility undertakings, being water, sewerage, drainage, electricity or gas undertakings, of any of the following development, being development required for the purpose of their undertakings, that is to say:
  - (i) development of any description at or below the surface of the ground,
  - (ii) the installation of any plant inside a building or the installation or erection within the premises of a generating station or substation established before the appointed day of any plant or other structures or erections required in connection with the station or substation,
  - (iii) the installation or erection of any plant or other structures or erections by way of addition to or replacement or extension of plant or structures or erections already installed or erected, including the installation in an electrical transmission line of substations, feeder-pillars or transformer housing, but not including the erection of overhead lines for the supply of electricity or pipes above the surface of the ground for the supply of water, or the installation of substations, feeder-pillars or transformer housings of stone, concrete or brickworks,
  - (iv) the provision of overhead service lines in pursuance of any statutory power to provide a supply of electricity,
  - (v) the erection of service reservoirs on land acquired or in process of being acquired for the purpose thereof before the appointed day, provided reasonable notice of the proposed erection is given to the Council, or
  - (vi) any other development except:
    - (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration, so as materially to affect the design or external appearance thereof, of buildings, or
    - (ii) the formation or alteration of any means of access to a road,
- (d) The carrying out by persons carrying on public utility undertakings, being water transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by water, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
  - (ii) the formation or alteration of any means of access to a road,

- (e) The carrying out by persons carrying on public utility undertakings, being wharf or river undertakings, on land comprised in their undertakings, of any development required for the purposes of shipping or in connection with the embarking, loading, discharging or transport of passengers, live-stock or goods at a wharf or the movement of traffic by a railway forming part of the undertaking, including the construction, reconstruction, alteration, maintenance and repair of ways, buildings, works and plant for those purposes, except:
  - (i) the construction of bridges, the erection of any other buildings, and the reconstruction or alteration of bridges or of buildings so as materially to affect the design or external appearance thereof, or
  - (ii) the formation or alteration of any means of access to a road,
- (f) The carrying out by persons carrying on public utility undertakings, being air transport undertakings, on land comprised in their undertakings, within the boundaries of any aerodrome, of any development required in connection with the movement of traffic by air, including the construction, reconstruction, alterations, maintenance and repair of ways, buildings, wharves, works and plant required for that purpose, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
  - (ii) the formation or alteration of any means of access to a road,
- (g) The carrying out by persons carrying on public utility undertakings, being road transport undertakings, on land comprised in their undertakings, of any development required in connection with the movement of traffic by road, including the construction, reconstruction, alteration, maintenance and repair of buildings, works and plant required for that purpose, except:
  - (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof, or
  - (ii) the formation or alteration of any means of access to a road,
- (h) The carrying out of any development required in connection with the construction, reconstruction, improvement, maintenance or repair of any road, except the widening, realignment or relocation of such road,
- (i) The carrying out of any forestry work by the Forestry Commission, School Forest Trust or Community Forest Authorities empowered under relevant Acts to undertake afforestation, roading, protection, cutting and marketing of timber, and other forestry purposes under such Acts or upon any Crown land temporarily reserved from sale as a timber reserve under the [Forestry Act 1916](#),
- (j) The carrying out by a Rural Lands Protection Board of any development required for

the improvement and maintenance of travelling stock and water reserves, except:

- (i) the erection of buildings and the reconstruction or alteration of buildings so as materially to affect the design or purpose thereof,
  - (ii) any development designed to change the use or purpose of any such reserve,
- (k) The carrying out or causing to be carried out by a Council engaged in flood mitigation works or by officers of the Department of Water Resources of any work for the purposes of soil conservation, irrigation, afforestation, reforestation, flood mitigation, water conservation or river improvement in pursuance of the provisions of the [Water Act 1912](#), the [Irrigation Act 1912](#), the [Farm Water Supplies Act 1946](#), or the [Rivers and Foreshores Improvement Act 1948](#), except:
- (i) the erection of buildings, the installation or erection of plant or other structures or erections and the reconstruction or alteration of buildings so as materially to affect the design or external appearance thereof,
  - (ii) the formation or alteration of any means of access to a road.
- (l) The use of land for the purpose of construction and development of roads, drainage and public infrastructure services.

**50 What provisions apply with respect to development adjoining the waste disposal facility?**

- (1) This clause applies to land shown hatched on the map and marked *Waste Disposal Buffer*.
- (2) Notwithstanding any other provisions of this plan, a person shall not carry out development on land to which this clause applies without the consent of the Council.
- (3) The Council shall not permit any development of such land which will support human habitation located within a distance of 500 metres from either the existing or future tipping face of the waste disposal depot.
- (4) Before determining an application for development of such land, the Council shall notify the Directors-General of the Environmental Protection Authority and the Department of Health of the application and shall take into consideration any relevant submission made to the Council by those chief executives within 28 days after the notification.

**51 Classification and reclassification of public land as operational**

- (1) The public land described in Schedule 4 is classified, or reclassified, as operational land for the purposes of the [Local Government Act 1993](#), subject to this clause.
- (2) Land described in Part 1 of Schedule 4 is land that was classified, or reclassified, as

operational land before the application of the amendments made by the *Local Government Amendment (Community Land Management) Act 1998* to section 30 of the *Local Government Act 1993*.

- (3) Land described in Part 2 of Schedule 4:
  - (a) to the extent (if any) that the land is a public reserve, does not cease to be a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants by which it was affected before its classification, or reclassification, as the case requires, as operational land.
- (4) Land described in Columns 1 and 2 of Part 3 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve on the commencement of the relevant amending plan and, by the operation of that plan, is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land except those specified opposite the land in Column 3 of Part 3 of Schedule 4.
- (5) In this clause, ***the relevant amending plan***, in relation to land described in Part 3 of Schedule 4, means the local environmental plan that inserted the description of the land into that Part of that Schedule.
- (6) Before the relevant amending plan inserted the description of land into Part 3 of Schedule 4, the Governor approved of subclause (4) applying to the land.

#### **51A Anambah Business Park**

- (1) This clause applies to Part Lots 1-4, DP 1018518 and Part Lot 5, DP 655567, Rutherford, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 93)*".
- (2) The Council must not grant consent to development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.
- (3) The development control plan referred to in subclause (2) must provide for all of the following matters:
  - (a) a vegetation management plan for land within Zone 7 (c) Environment Protection General,
  - (b) a staging plan for the timely and efficient release of land that makes provision for necessary infrastructure and environmental management,
  - (c) an overall 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,
- (d) an overall landscaping strategy for the protection and enhancement of remnant vegetation and the frontage to the New England Highway, and detailed landscaping requirements for both the public and private domain,
  - (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 structures (including advertising structures) fronting the New England Highway,
  - (h) measures to respond to the safety requirements of the adjoining aircraft facility, including building heights, material use and vegetation management.

**52 Certain development at Mountvale Road, Rutherford (Heritage Green)**

- (1) This clause applies to Part Lot 1223, DP 1017710, Lot 222, DP 773532 and Lot 224, DP 773532, Rutherford as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 75)*".
- (2) Despite any other provision of this plan, a person may, with the consent of the consent authority:
  - (a) erect not more than 450 dwellings, in a maximum of 6 community parcels, on the land to which this clause applies, and
  - (b) carry out on that land development for commercial purposes or retail purposes, or both.
- (3) The consent authority must not grant consent as referred to in subclause (2) unless the consent authority is satisfied that:
  - (a) the commercial or retail component of the proposed development is required as an integral part of a major tourist recreation facility, being a golf course, and
  - (b) appropriate steps, including the preparation of a conservation management plan, have been taken to identify and preserve any sites or artifacts of Aboriginal significance, and
  - (c) the land to which this clause applies will be consolidated into one allotment prior to any subdivision under a community scheme.
- (4) The consent authority must not consent to a development referred to in this clause unless it has considered:
  - (a) an analysis of noise and air quality associated with rail and industrial activities,

vegetation, fauna, surface and ground water quality, and hydrological regimes and an assessment of any changes likely to result from the proposed development on these considerations, and

- (b) a description of the measures to be undertaken to guard against actual and potential disturbances from rail and industrial development, and to vegetation, fauna, water quality and hydrological regimes, resulting from the carrying out of the development and whether those measures are satisfactory.

(5) In this clause:

**community parcel** has the same meaning as in the *Community Land Development Act 1989*.

**community scheme** has the same meaning as in the *Community Land Development Act 1989*.

#### **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.

#### **52B Certain development at St Helena Close, Lochinvar**

- (1) This clause applies to Lot 1, DP 997240 and Lot 100, DP 1093291, being 9 and 15 St Helena Close, Lochinvar, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 96)*".

- (2) Despite any other provision of this plan, a person may subdivide land to which this clause applies that is within Zone 1 (b) so as to create no more than 190 allotments for dwellings, but only with development consent.
- (3) Development consent must not be granted for development referred to in subclause (2) unless a development control plan providing for the matters specified in subclause (4) has been prepared for the land to which this clause applies.
- (4) A development control plan referred to in subclause (3) must provide for the following matters:
  - (a) the integration of dwellings with tourist accommodation on the land,
  - (b) a staging plan that provides for the commercial and retail components of tourist accommodation on the land to be completed at the same time as, or before, all dwellings on the land,
  - (c) 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, with consideration of future urban areas and necessary connections,
  - (d) the protection and enhancement of riparian areas and remnant vegetation,
  - (e) an overall landscaping strategy that aims to protect and enhance visually prominent locations and land fronting the New England Highway,
  - (f) detailed urban design controls for all buildings within the curtilage of St Helena cottage or visible from the New England Highway.
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to development on land to which this clause applies.

## **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, designated State public 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 that is in an urban release area and shown hatched on the map, but does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).
- (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 land became, or became part of, an urban release area, 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.

#### **55A Arrangements for designated State public infrastructure—St John’s College site, Morpeth**

- (1) This clause applies to the land shown edged heavy black on the map marked “*Maitland Local Environmental Plan 1993 (Amendment No 97)*” deposited in the office of the Council.
- (2) Development consent must not be granted for the subdivision of land to which this



clause applies 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 land.

(3) In this clause:

**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) rail infrastructure and land,
- (d) land required for regional open space,
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

(4) Subclause (2) does not apply to:

- (a) any lot identified in the certificate as a residue lot, or
- (b) any lot 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, or
- (c) a subdivision for the purpose only of rectifying an encroachment on any existing lot.

(5) [\*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.

(6) Clauses 56 and 57 apply to land to which this clause applies in the same way as they apply to land within an urban release area.

## **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.

#### **58-60 (Repealed)**

## Schedule 1 Heritage conservation areas

(Clause 31)

<b>Column 1</b>	<b>Column 2</b>
<b>Description of heritage conservation area</b>	<b>Manner shown on heritage map</b>
Central Maitland Heritage Conservation Area	Shown by black edging and lettered <i>Central Maitland Heritage Conservation Area</i>
Lorn Heritage Conservation Area	Shown by black edging and lettered <i>Lorn Heritage Conservation Area</i>
East Maitland Heritage Conservation Area	Shown by black edging and lettered <i>East Maitland Heritage Conservation Area</i>
Morpeth Heritage Conservation Area	Shown by black edging and lettered <i>Morpeth Heritage Conservation Area</i>
Bolwarra Heritage Conservation Area	Shown by black edging and lettered <i>Bolwarra Heritage Conservation Area</i>
Regent Street Heritage Conservation Area	Shown by black edging and lettered <i>Regent Street Heritage Conservation Area</i>

## Schedule 2 Heritage items

(Clause 31)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Description of heritage item</b>	<b>Significance</b>	<b>Manner lettered on heritage map</b>
<b>Aberglasslyn</b>		
Aberglasslyn Lane	Aberglasslyn House (1860)	State
		No 1
		Sheet 3
Aberglasslyn Road	Aberglasslyn Cottage	Local
		No 2
		Sheet 3
<b>Bishops Bridge</b>		
Ravensfield Road	Stone Quarry (Brown's)	Regional
		No 3
		Sheet 1
<b>Bolwarra</b>		
Addison/Westbourne Rds	War Memorial	Local
		No 4
		Sheet 8
Bayswater Road	<i>Bolwarra House</i>	Local
		No 5
		Sheet 8
Kensington Road 59	<i>Gowan Brae</i>	Regional
		No 6
		Sheet 8

Kensington Road 34	Bolwarra Stone Barn	Regional	No 7	Sheet 8
Paterson Road 4	Residence	Local	No 8	Sheet 8
Paterson Road 6	Residence	Local	No 9	Sheet 8
Paterson Road 8	Residence	Local	No 10	Sheet 8
Westbourne Avenue 2	<i>Dareel</i>	Local	No 11	Sheet 8
Westbourne Avenue 11	<i>Virginia House</i>	Local	No 12	Sheet 8
Westbourne Avenue 20	<i>Shenstone</i>	Local	No 13	Sheet 8
<b>Duckenfield</b>				
Duckenfield Road	Berry Park	Regional	No 14	Sheet 18
Duckenfield Road	Berry House	Regional	No 15	Sheet 18
Off Duckenfield Road	Duckenfield House Remains	Local	No 16	Sheet 18
Edithville/Martins Wh Rds	Hedge Rows	Local	No 17	Sheet 18
<b>East Maitland</b>				
Banks Street 14	Former Cottage of Cont Inn	Regional	No 18	Sheet 13
Banks Street 18	Literary Institute	Regional	No 19	Sheet 13
Banks Street 36	Mathew Talbot Hostel	Regional	No 20	Sheet 13
Banks Street 40	Red Lion Inn	Regional	No 21	Sheet 13
Banks Street 49/51	Residential Row	Local	No 22	Sheet 12
Banks Street	St. Peter's Rectory	Regional	No 23	Sheets 12, 14
Banks Street 67	Georgian House	Local	No 24	Sheet 12
Banks & William Streets	St. Peter's Church Group	State	No 25	Sheets 12, 14
Burg Street 57a	House	Local	No 26	Sheets 14, 15
Brunswick Street 55	House	Local	No 27	Sheet 15
Cumberland/ Lindsay Sts	Courthouse	State	No 28	Sheet 13
Cumberland/ Lindsay Sts	Fm Police Cottage/ Lockup	State	No 29	Sheet 13

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Cumberland/ Lindsay Sts	Police Barracks	State	No 30	Sheet 13
Cumberland/ Lindsay Sts	Former Police Station	State	No 31	Sheet 13
Cumberland/ Lindsay Sts	Gaol	State	No 32	Sheet 13
Cumberland/ Lindsay Sts	Sergeants Residence	State	No 33	Sheet 13
Cumberland/ Lindsay Sts	Outbuildings & Stables	State	No 34	Sheet 13
Cumberland/ Lindsay Sts	Parklands	State	No 35	Sheet 13
Day Street 20	Former Post Office	State	No 36	Sheet 13
Day Street 9	<i>Roseneath</i>	Regional	No 37	Sheet 13
Elizabeth Street 1	House	Local	No 38	Sheet 13
Fitzroy Street 23	Former Manse	Local	No 39	Sheet 12
George Street 40	House	Local	No 234	Sheet 13
George Street 121	House	Local	No 40	Sheet 15
Off George Street	Burial Ground <i>Gleve Gully</i>	State	No 41	Sheet 14
High Street 35/45	Houses	Local	No 233	Sheet 13
High Street 58	House	Local	No 42	Sheets 13, 15
High Street 60	House	Local	No 43	Sheets 13, 15
High Street 62	House	Local	No 44	Sheets 13, 15
High Street 64	House	Local	No 45	Sheets 13, 15
High Street 66	House	Local	No 46	Sheets 13, 15
High Street 74	House	Local	No 47	Sheet 15
High Street 80	House	Local	No 48	Sheet 15
High Street 82	House	Local	No 49	Sheet 15
High Street 84	House	Local	No 50	Sheet 15
High/Hunter Streets	Former High School Group	Regional	No 51	Sheet 13
Hiland Cresnet	Cemetery	Regional	No 52	Sheet 13
John Street 26/28	House	Local	No 53	Sheet 13

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King Street 34/40	Terraces	State	No 54	Sheets 13, 15
King Street 42/44	<i>Goonnoobah &amp; Woodlands</i>	State	No 55	Sheets 13, 15
King Street 43	House	Local	No 56	Sheets 13, 15
King Street 45	House	Local	No 57	Sheets 13, 15
King Street 46/48	House	Local	No 58	Sheet 15
King Street 49	House	Local	No 59	Sheets 13, 15
King Street 50	<i>Villa Maria</i>	Local	No 60	Sheet 15
King Street 51	House	Local	No 61	Sheets 13, 15
King Street 53	House	Local	No 62	Sheets 13, 15
King/ Newcastle Road	St. Josephs Church	Local	No 63	Sheet 14
Lawes & William Sts	<i>Joss House</i>	Local	No 64	Sheet 13
Lawes & Melbourne Sts	Former Hotel & Stables	Regional	No 65	Sheet 13
Lindsay Street 18/20	<i>Nenagh</i>	Local	No 66	Sheet 13
Lindsay Street 42	House	Local	No 67	Sheet 13
Melbourne Street	Former AJS Bank	Regional	No 68	Sheet 12
Melbourne Street	George & Dragon Hotel	Local	No 69	Sheet 13
Melbourne Street 82	Shop	Local	No 70	Sheets 12, 13
Melbourne Street 84	Shop	Local	No 71	Sheets 12, 13
Mill Street 3	Fm Chaol Chisholm Barracks	State	No 72	Sheet 12
Morpeth Road 18	<i>Hillside</i>	Local	No 73	Sheet 13
Nerang Street 67	House	Local	No 74	Sheet 13
Newcastle Road	Former Smith's Flour Mill	State	No 75	Sheet 12
Newcastle Road	Lands Office	Regional	No 76	Sheet 12
Newcastle Road	Public School	Regional	No 77	Sheet 13
Newcastle Road	<i>Englefield</i>	Local	No 78	Sheet 12
Newcastle Road 46	Former Rose Inn	Local	No 79	Sheet 12
Newcastle Road 64	Hanks House	Local	No 80	Sheet 12

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Pitnacree Road 3	<i>Ekelene</i>	Local	No 81	Sheet 13
Pitnacree Road 7	Timber House	Local	No 82	Sheet 13
Pitnacree Road 38	House	Local	No 83	Sheet 13
Pitnacree Road	Pender & Forster Sawmill	Local	No 84	Sheet 13
Ray Terrace Rd 55	House	Local	No 85	Sheet 15
Rous Street 40/42	House	Local	No 86	Sheet 14
Victoria Street 86	Two Storey Residence	Local	No 235	Sheet 15
Victoria Street 88	Two Storey Residence	Local	No 236	Sheet 15
Wallis Street 12	<i>Oldholme</i>	State	No 87	Sheet 14
<b>Farley</b>				
Owlpen Lane 60	<i>Owlpen</i>	Local	No 88	Sheet 1
<b>Gosforth</b>				
Anambah Road	<i>Anambah House</i>	State	No 89	Sheet 1, 3
<b>Largs</b>				
John Street 7/9	Fm Cath Sch & Presbytery	Local	No 90	Sheet 7
Morpeth Road	Largs Public School	Regional	No 91	Sheet 7
<b>Lochinvar</b>				
Cantwell Road	<i>Victoria House</i>	Local	No 92	Sheet 2
New England Hwy	<i>Kaludah</i>	Regional	No 93	Sheet 1
New England Hwy	<i>St. Helena</i> Cottage	Regional	No 94	Sheets 1, 2
New England Hwy	Holy Trinity Church	Regional	No 95	Sheet 2
New England Hwy	Catholic Cemetery	Regional	No 96	Sheet 2
New England Hwy	<i>Windermere</i>	Regional	No 97	Sheet 2
Railway Lane	Police Station	Local	No 98	Sheet 2
Station Lane	<i>Clifton</i>	Local	No 99	Sheet 1
<b>Lorn</b>				
Belmore Road 38	Two Storey Brick House	Local	No 100	Sheet 9

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Belmore Road 42	<i>Rosecliffe</i>	Local	No 101	Sheet 9
Belmore Road 54	Brick House	Local	No 102	Sheet 9
Belmore Road 68	<i>Nameerah</i>	Local	No 103	Sheet 9
Belmore Road 72	<i>Niara</i>	Local	No 104	Sheet 9
Belmore Road 92	<i>Warrane and Grounds</i>	Local	No 105	Sheet 9
Brisbane Street 6	House	Local	No 106	Sheet 9
Nillo Street 14	<i>Nillo House</i>	Local	No 107	Sheet 9
Roxburgh Street 33	<i>Ingleburn</i>	Local	No 108	Sheet 9
Roy Street 5/5A	<i>Lorn House</i>	Regional	No 109	Sheet 9
<b>Louth Park</b>				
Louth Park Road	Jewish Cemetery	Regional	No 110	Sheet 11
<b>Luskintyre</b>				
Hunter River	Luskintyre Bridge	Regional	No 111	Sheet 1
<b>Maitland</b>				
Various locations	Government Railway	Regional	No 112	Sheets 1, 3, 5, 6, 10/13, 15, 18
Ballard Street 16	<i>The Hermitage</i>	Local	No 113	Sheet 10
Bloomfield Street	Bk Cottage (& timber Annex)	Local	No 114	Sheet 11
Bourke Street 28	House	Regional	No 115	Sheet 10
Bourke Street 28	House	Regional	No 115	Sheet 10
Bourke Street 30/32	House	Regional	No 116	Sheet 10
Bourke Street 40	House	Regional	No 117	Sheet 10
Bourke Street 41	House	Regional	No 118	Sheet 10
Bourke Street 51	House	Regional	No 119	Sheet 10
Bourke Street 60	House	Regional	No 120	Sheet 10
Bourke Street 81	House	Regional	No 121	Sheet 10
Bourke Street	Grand Central Hotel	Regional	No 122	Sheet 10
Bulwer Street 41	Brick Cottage	Local	No 123	Sheet 10
Bulwer Street 50	Brick Cottage	Local	No 124	Sheet 10



Carrington Street 43-49	Terrace	Local	No 125	Sheet 10
Carrington Street 78/ 80	<i>Villa Lemarne</i> (c 1856)	Local	No 126	Sheet 10
Carrington Street 85	Georgian House	Local	No 127	Sheet 10
Carrington Street 111	Two Storey House	Local	No 128	Sheet 10
Cathedral Street	Former St. Johns Cathedral	State	No 129	Sheet 10
Cathedral Street	Bishops Residence	Regional	No 130	Sheet 10
Church/Banfield Streets	Former Jewish Synagogue	State	No 131	Sheet 10
Church Street	St. Mary's Church & Rectory	State	No 132	Sheet 10
Church Street	Grand Junction Hotel	Regional	No 133	Sheet 10
Church Street	<i>Brough House</i>	Regional	No 134	Sheet 10
Church Street	<i>Grossman House</i>	Regional	No 135	Sheet 10
Church Street	Maitland Public School	Local	No 136	Sheet 10
Cross & Devonshire St	St. Paul's Church Group	Regional	No 137	Sheet 11
Cross Street 15	<i>Rose Mary</i>	Local	No 138	Sheet 11
Devonshire Street 26-30	Brick Terrace	Local	No 139	Sheet 10
Elgin Street 18/22	Offices	Local	No 140	Sheet 10
Elgin Street 43	Former Hotel	Local	No 141	Sheet 10
Elgin Street 45A & 45B	Shops	Local	No 142	Sheet 10
Elgin Street 71	<i>Somerset</i>	Local	No 143	Sheet 10
Elgin Street 87	<i>St. Elmo</i>	Local	No 144	Sheet 10
Free Church Street	Presbyterian Church Group	Regional	No 145	Sheet 10
Hannan Street 13	Georgian House	Local	No 146	Sheet 9
Hannan Street 14	<i>Hannan House</i>	Local	No 147	Sheet 9
High Street 1 & 3	Wallis House Group	State	No 148	Sheet 12

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High Street	Maitland Town Hall	State	No 149	Sheet 10
High Street	Technical College	State	No 150	Sheet 10
High Street 48	Georgian Cottage	Local	No 151	Sheet 12
High Street 226	Fm Cohens W/house Facade	Regional	No 152	Sheet 10
High Street	St John's Pro Cathedral	Local	No 153	Sheet 10
High Street 303	McLaughlins Bakery	Local	No 154	Sheet 10
High Street 315	Former NAB Bank	State	No 155	Sheet 10
High Street	Former AJS Bank	Regional	No 156	Sheet 10
High Street	Maitland Mercury	Regional	No 157	Sheet 10
High Street 349/351	Methodist Church	Regional	No 158	Sheet 10
High Street	Post Office	Regional	No 159	Sheet 10
High Street	Fm Congregational Church	Regional	No 160	Sheet 10
High Street 437	ANZ Bank	Regional	No 161	Sheet 10
High Street 473	<i>Barden &amp; Ribee</i> Shop	State	No 162	Sheets 9, 10
High Street	Court House	State	No 163	Sheet 9
High Street 224	Former CBC Bank	Local	No 164	Sheet 10
High Street 255	Two Storey Shop	Local	No 232	Sheet 10
High Street 534/540	Hampton Court	Local	No 165	Sheets 5, 9
High Street 541	Dr Sollings House	Local	No 166	Sheet 9
New England Highway & Ledsam Street	<i>Roads End</i>	Local	No 167	Sheet 5
New England Highway	The Family Hotel	Regional	No 227	Sheet 5
Little Bourke Street	Timber Settlers Cottage	Local	No 168	Sheet 10
Parrallel Street	Maitland Park War Memorial	Regional	No 169	Sheet 11
Radford Street 7	Two Storey House	Local	No 170	Sheet 10
Regent Street 16	House	Regional	No 171	Sheet 5
Regent Street 30	<i>Benhome</i>	Regional	No 172	Sheet 5

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Regent Street 34	<i>Cintra</i> & Stables	State	No 173	Sheet 5
Regent Street 76	<i>Helyhurst</i>	Local	No 174	Sheet 5
Regent Street	Victorian Villa	Regional	No 175	Sheet 5
Robin Street 9	Brick Cottage	Local	No 176	Sheet 10
Russell Street 19-21	Slab Cottage	Local	No 177	Sheet 10
Rose Street 69	Timber Cottage	Local	No 178	Sheet 11
Sempill Street 65	<i>Riverview</i>	Local	No 179	Sheet 9
Sempill Street	Police Station and Residence	Regional	No 180	Sheet 9
Station Street	Railway Station	Regional	No 181	Sheet 10
St. Andrews Street 34	<i>Springfield</i>	Local	No 237	Sheet 10
Victoria Street 5	Masonic Hall	Regional	No 182	Sheet 10
Victoria Street 7	Terrace	Local	No 183	Sheet 10
Victoria Street 9	Training College	Regional	No 184	Sheet 10
Victoria Street	Convent	Regional	No 185	Sheet 10
New England Highway	Maitland Hospital Group	Regional	No 186	Sheet 5
<b>Maitland Vale</b>				
Rosebrooke Road	<i>Eelah</i>	Regional	No 187	Sheet 3
Campbells Road	<i>Maitland Vale</i>	Local	No 188	Sheet 3
<b>Melville Road</b>				
Melville Ford Road	<i>Melville House</i>	Regional	No 189	Sheets 1, 3
<b>Mindaribba</b>				
Tocal Road	<i>Mindaribba</i>	Regional	No 190	Sheet 3
Tocal Road	<i>Bellevue</i>	Local	No 191	Sheet 3
<b>Morpeth</b>				
Close Street	Former Bakery	Local	No 192	Sheet 17
Edward Street	Grandstand	Local	No 193	Sheet 17
George and James Street	Roman Catholic Church	Regional	No 194	Sheet 17
Green Street	Slab Cottage	Local	No 238	Sheet 17

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High and Edward Street	<i>Kiora</i>	Local	No 195	Sheet 17
High and George Streets	Police Station	Regional	No 196	Sheet 17
High and Tank Street	St. James Parish Hall	Regional	No 197	Sheet 17
High Street 50	State School	Local	No 198	Sheet 17
High Street 85	Former Cinema	Local	No 199	Sheet 17
High Street 110	School of Arts	Regional	No 200	Sheet 17
James Street	Former Roman Catholic School and Convent Group	Regional	No 201	Sheet 17
John Street 5	Georgian Cottage	Local	No 202	Sheet 17
McFarlanes Road	Former <i>Morpeth House</i>	Local	No 203	Sheet 18
Morpeth Road	<i>Closebourne</i>	State	No 204	Sheet 17
Morpeth Road	<i>Morpeth House</i>	Regional	No 205	Sheet 17
Northumberland Street	Morpeth Bridge	Regional	No 206	Sheet 17
Robert Street 7	<i>White's</i> Factory	Local	No 207	Sheet 17
Off Swan Street	Former Queens Wharf & Railway Station	Local	No 208	Sheet 17
Swan Street	Former Bond Store Group	Regional	No 209	Sheet 17
Swan Street	Former Courthouse	Regional	No 210	Sheet 17
Swan Street	Post Office and Residence	Regional	No 211	Sheet 17
Swan Street	Former Campbells' Store	Regional	No 212	Sheet 17
Swan Street	Former CBC Bank	Regional	No 213	Sheet 17
Swan Street	Marlborough House	Regional	No 214	Sheet 17
Swan Street 67/69	Villa	Local	No 215	Sheet 17
Swan Street 127	Commercial Hotel	Local	No 216	Sheet 17
Tank Street	St. James Group	Regional	No 217	Sheet 17
Tank Street	General Cemetery	Regional	No 218	Sheet 17

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**Oakhampton**

Oakhampton Road	Former School	Local	No 219	Sheet 6
Oakhampton Road	<i>Lyndon Oakes</i>	Local	No 220	Sheet 6, 8
Oakhampton Road	Oakhamp Meth Cemetery	Regional	No 221	Sheet 6
Oakhampton Road	Timber Cott/ Lot 4 DP 939730	Local	No 222	Sheet 6, 8
Scobies Lane	Walka Water Works	State	No 223	Sheet 6, 8

**Oswald**

Oswald Road	General Cemetery	Regional	No 224	Sheet 1
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**Phoenix Park**

Largs Road	Old Campbells House	Local	No 225	Sheet 16
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**Rutherford**

New England Highway	Cemetery	Regional	No 226	Sheet 4
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**Telarah**

Junction Street	S/Maitland Railway Yards	Regional	No 228	Sheet 5
South Street	Campbell's Hill Cemetery	Regional	No 229	Sheet 5
Thomas Street	<i>Byrn Glas</i> (1904)	Local	No 230	Sheet 5

**Woodville**

Paterson Road	Dunmore House	Regional	No 231	Sheet 3
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**Schedule 3 Additional uses of land**

(Clause 48)

Lot 11, DP 561385, Louth Park Road, Louth Park: Subdivision creating 3 lots and the erection of a dwelling house on each lot so created. R6/87.

Lot 250, DP 620745, Louth Park Road, Louth Park: Subdivision creating 6 lots and the erection of a dwelling house on each lot so created. R10/87.

Lot 2, DP 533727, Sharkeys Lane, Lorn: Subdivision creating 2 lots (one with an area of at least 900m<sup>2</sup> and the erection of a dwelling house on the smaller of the two lots. R19/89.

Part lot 2 and part lot 3, DP 2577, New England Highway, Rutherford: Retail and wholesale butcher shop. R9/90.

Lot 6, DP 702764, Louth Park Road, Louth Park: Subdivision creating 5 lots and the erection of a dwelling house on each lot so created. R4/91.

Lot 1, DP 721804, Scotch Creek Road, Millers Forest: Processing of sand and gravel for use by the water filtration industry. R3/91.

Lot 1, DP 790534, Wollombi Road Farley: Erection of a dwelling house. R103/62.

Lot 67, DP 703751, Wollombi Road: Subdivision creating 5 lots each with a minimum area of 2.5 hectares and the erection of a dwelling-house on each lot so created. R103/62.

Lot C, DP 155362, Johnson Street Maitland: A warehouse. R11/89.

Portions 15 and 16, Tocal Road, Mindaribba: Resubdivision into 2 allotments and the erection of a dwelling on each allotment. R7/91.

Lot 2, DP 605272, Raymond Terrace Road, Millers Forest: Subdivision into 2 allotments and the erection of a dwelling on each allotment created. R11/91.

Lot 1, DP 797522, and Lot 65, DP 810466, Oakhampton Road, Oakhampton: The erection of a dwelling on the allotment created by the amalgamation of those lots. R12/91.

Lot A, DP 164365, and Part DP 976482, Sharkeys Lane, Lorn: A road transport terminal. R1/92.

Lot 667, DP 568399, Cantwell Road Lochinvar: Subdivision creating 2 allotments and the erection of a dwelling on each lot. R4/92.

DP 156976; Lots 46 and 47 Section D, DP 192940; Lots 1 to 5 and Part 6, Section C, DP 192940; and Lot 1, DP 584084: Subdivision creating 5 allotments and the erection of a dwelling on the 4 smaller sized lots with the largest sized lot being utilised as a wetland and recreation area. R2/93.

Lots 101 to 104 and Lot 143, DP 813190: Subdivision creating 7 allotments and the erection of a dwelling on each allotment. R103/62.

Land within DP 447038, Swan Street, Morpeth: Erection of a dwelling-house. R8/92

Part Lots 26–29, Lots 30–33 and Part Lots 35–39 and 60, DP 976249, Lot 200, DP 615601, Lots 101 and 102, DP 635079, Lot 1, DP 577409, Lot 112, DP 804336 and Part Lot 258, DP 813454, Louth Park Road, Louth Park, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 1)*": Community titles subdivision creating no more than 165 lots in accordance with the [Community Land Development Act 1989](#). R8/91.

Lot 1, DP 150582, William Street, East Maitland: A warehouse. R3/93.

Lot 2, DP 205370, Aberglasslyn Road, Aberglasslyn: Subdivision creating 2 lots and the erection of a dwelling-house on the vacant allotment so created. R5/93

Lot 1 DP 634523, Station Lane, Lochinvar: Subdivision creating 2 allotments and the erection of a dwelling-house on the vacant lot created. R7/92.

Part Portion 66, New England Highway, Harpers Hill, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 7)*": Subdivision creating 2 lots and the erection of a dwelling house on the vacant lot so created. RZ 93007.

Lot 1, DP 783137 and lot 12, DP 591006, Morpeth Road, East Maitland, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 12)*": Subdivision creating 2 allotments and the erection of a dwelling-house above the 1 in 100 year flood line on the vacant allotment so created. RZ 93009.

Lot 2, DP 239754, Winders Lane, Lochinvar, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 16)*": Subdivision creating 2 lots and the erection of a dwelling-house on the vacant lot so created. RZ 93008.

Part lot 43 and lot 44, DP 976474, Hunter Street, Largs, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 15)*": Subdivision creating 2 vacant allotments and the erection of a dwelling-house on each vacant allotment so created. RZ 93011.

Lot 4, DP 818231, Duckenfield Road, Duckenfield: Subdivision creating 3 lots, the erection of a dwelling-house on each of 2 of the vacant lots so created and the use of the third lot for a flood-free stock refuge. RZ 94002.

Lot 324, DP 831201, No 49 Station Lane, Lochinvar, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 18)*": Subdivision creating 2 lots and the erection of a dwelling house on the vacant lot so created. RZ 94010.

Part of Lot 14, DP 571495, Oswald Road, Oswald, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 19)*": Subdivision creating 2 lots and the erection of a dwelling-house in the vacant lot so created. RZ 94012.

Part of Lot 1, DP 239754, Winders Lane, Lochinvar, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 20)*": Subdivision creating 2 lots and the erection of a dwelling-house in the vacant lot so created.

Part Portions 42 and 44, Parish of Alnwick, McFarlnes Road, Berry Park, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 21)*": Subdivision creating 2 lots, one lot having a maximum area of 1ha, and the erection of a dwelling-house on the vacant lot so created. RZ 94011.

Lot 6, DP 210081, Melville, Ford and Dickenson Roads, Melville, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 27)*": Subdivision creating 2 lots, with one lot having a maximum area of 2ha, and the erection of a dwelling-house on each lot so created. RZ 94007.

Lot 21, DP 734775, Lots A and B, DP 151567, Lot 1, DP 711706 and Lots 4, 6 and 16, DP 572214, being Nos 58-60 Church Street, Nos 31-43 Ken Tubman Drive and No 47 St. Andrew Street, Maitland, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 31)*": Business premises; office premises. RZ 95001.

Lot 3, DP 509046, Aberglasslyn Road, Rutherford, as shown edged in heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 29)*": Erection of a dwelling house. RZ 95006.

Lot 1, DP 740055, New England Highway, Lochinvar, as shown edged in heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 32)*": Subdivision creating 3 lots and the erection of one dwelling house on each of the 2 vacant lots created. RZ 95005.

Lot 8, Old North Road, Lochinvar, as shown edged in heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 43)*": Subdivision creating 2 lots and the erection of a dwelling house on the vacant lot created. RZ 95011.

Lots 2 and 3, DP 752474, Tocal Road, Tocal, as shown edged in heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 47)*": Erection of a public building. RZ 97001.

Lot 196 DP 246309, Maitland Vale Road, Maitland as shown edged in heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 45)*": Subdivision creating 3 lots (two of which are vacant and each smaller than the third) and the erection of one dwelling house on each of the 2 smaller vacant lots created. (RZ 95010.)

So much of Lot 8411, DP 850392, Arthur Street, Rutherford, as is within Zone 2 (a) and shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 49)*": Business premises, being a medical centre. RZ 95013.

Lot 1, DP 780655, Aberglasslyn Lane, Aberglasslyn, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 52)*": Erection of a dwelling house, subject to the Council being satisfied that the dwelling house and any other buildings on the land will be appropriately designed, sited and landscaped, having regard to their visual relationship with Aberglasslyn House and its surroundings. RZ 96010.

Land in DP 972609, Aberglasslyn Road, Rutherford, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 53)*": Subdivision creating three lots each having an area of not less than 1.3 hectares and the erection of a dwelling house on each vacant allotment created, subject to the Council being satisfied that:

The new dwelling on the most northern proposed lot will be sited at least 185 metres from the railway line.

The new dwelling on the other vacant lot will be located in excess of 200 metres from the railway line.

Both dwellings will be constructed using materials and building orientation to reduce the impact of noise levels on the bedroom section of the dwellings. RZ 96007.

Lot 4, DP 787532, Molly Morgan Drive, East Maitland, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 58)*": Shop. RZ 20004.

Lot 8415, DP 884390 and Lots 1-3, Section D, DP 23700, corner of the New England Highway and Arthur Street, Rutherford, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 61)*": Refreshment room; business or office premises with a maximum gross floor area of 460 square metres. RZ 99004

Part of Lot 1, DP 708953, and known as part of No 78 Junction Street, Telarah, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 62)*": Storage ancillary to the operation of the adjoining industrial land use, subject to the provision and maintenance



of a 20-metre landscape buffer around the eastern and southern boundary of the site. RZ 20007.

Lot 6, DP 7792, No 253 Newcastle Road, East Maitland, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 68)*": A physiotherapy and hydrotherapy clinic. RZ 01009.

Lot 4, DP 997875 and Lot 648, DP 1007014, corner of Junction Street and Mount Dee Road, Telarah, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 85)*": Educational establishment. RZ 05008.

Lot 4010, DP 1023182, 35 Paterson Road, Bolwarra, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 88)*": Refreshment room. RZ05001.

## **Schedule 4 Classification and reclassification of public land as operational**

(Clause 51)

### **Part 1 Land classified, or reclassified, before the application of amendments made to s 30 of LGA 1993**

#### **Largs**

Dunmore Road No 2 being Lot 1, DP 831701

Dunmore Road No 46, being Lot 7, DP 831701

#### **Maitland**

Bent Street Portion 185, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 24)*".

Elgin Street No 73, being Lot 119 and part of Lot 118, DP 76097, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 23)*".

#### **Rutherford**

Melbee and Arthur Streets Part of Lot 841, DP 774734, as shown edged heavy black on the map marked "*Maitland Local Environment Plan 1993 (Amendment No 8)*".

New England Highway and Arthur Street Lot 8411, DP 850392 and Lot 83, DP 734577, as shown edged heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 49)*". RZ 95013

#### **Telarah**

South Street Part of Lot 15, DP 587731, as shown edged in heavy black on the map marked "*Maitland Local Environmental Plan 1993 (Amendment No 48)*".

## Part 2 Interests not changed

## Part 3 Interests changed

Column 1	Column 2	Column 3
Locality	Description	Trusts etc not discharged
<b>East Maitland</b>		
Between Banks and Grant Streets	Lot 21 in a resubdivision, as shown edged heavy black on Sheet 2 of the map marked " <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> "— <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ 20002	Nil.
<b>Rutherford</b>		
East Mall	Lot 104, DP 623458, as shown edged heavy black on Sheet 1 of the map marked " <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> "— <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ 20002	Nil.
Hillview Street	Lot 103, DP 626693, as shown edged heavy black on Sheet 1 of the map marked " <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> "— <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ 20002	Nil.
Hillview Street	Lot 2, DP 30473, as shown edged heavy black on Sheet 1 of the map marked " <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> "— <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ 20005	Nil.
<b>Woodberry</b>		
12 Frewin Avenue	Lot 383, DP 241451, as shown edged heavy black on the map marked " <i>Maitland Local Environmental Plan 1993 (Amendment No 80)</i> ". RZ 04011	Nil.