

The Council of the City of Maitland

# Maitland Local Environmental Plan 1993

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Incorporates Amendments Gazetted up to March 2007.

## List of Amendments to Maitland Local Environmental Plan 1993

The following is a list of all amendments made to Maitland Local Environmental Plan 1993 after the original gazettal of the document on 3rd September, 1993.

- Maitland Local Environmental Plan 1993 (Amendment No. 1) - Clause 5(1) and Schedule 3 Clause 48.  
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. RZ 8/91.
- Maitland Local Environmental Plan 1993 (Amendment No. 2) - Clause 5(1)  
Part lots 1, 3 and 6 and Lots 2, 4 and 5, DP 828556, located off Chisholm Road, East Maitland. RZ 92005.
- Maitland Local Environmental Plan 1993 (Amendment No. 3) - Schedule 3 Clause 48  
Lot 1, DP 634523, Station Lane, Lochinvar. RZ 7/92.
- Maitland Local Environmental Plan 1993 (Amendment No. 4) - Schedule 3 Clause 48  
Land within DP 447038, Swan Street, Morpeth. RZ 8/92
- Maitland Local Environmental Plan 1993 (Amendment No. 5) - Clause 5(1)  
Part Portion 219, Parish of Maitland, County of Northumberland, off Turnbull Drive, East Maitland.  
RZ 92006
- Maitland Local Environmental Plan 1993 (Amendment No. 6) - Schedule 3 Clause 48  
Lot 2, DP 205370, Aberglasslyn Road, Aberglasslyn. RZ 5/93.
- Maitland Local Environmental Plan 1993 (Amendment No. 7) - Schedule 3 Clause 48  
Part Portion 66, New England Highway, Harpers Hill. RZ 93007.
- Maitland Local Environmental Plan 1993 (Amendment No. 8) - Clause 5(1)  
Part Lot 841, DP774734, Off Melbee & Arthur Street, Rutherford.
- Maitland Local Environmental Plan 1993 (Amendment No. 9) - Schedule 3 Clause 48  
Lot 1 DP 150582, William Street, East Maitland. RZ 3/93.
- Maitland Local Environmental Plan 1993 (Amendment No. 10) - Clause 5(1)  
Part DP 156976, part DP 600938 and part of Lots 46 & 47, Section D, DP 192940, Paterson Road, Bolwarra.  
RZ 93002.
- Maitland Local Environmental Plan 1993 (Amendment No. 11) - Clause 5(1)  
Lots 19/22 & 25, DP 746311, Bungaree Street, Maitland. RZ 93012.
- Maitland Local Environmental Plan 1993 (Amendment No. 12) - Clause 5(1)  
Lot 1, DP 783137 and Lot 12, DP 591006, Morpeth Road, East Maitland. RZ 93009.
- Maitland Local Environmental Plan 1993 (Amendment No. 13) - Clause 5(1)  
Part Lot 1, DP559519, Government Road, Thornton.
- Maitland Local Environmental Plan 1993 (Amendment No. 14) - Clause 5(1)  
Parts of Lot 1, DP 1 1988, Shamrock Hill Lane, East Maitland. RZ93004.
- Maitland Local Environmental Plan 1993 (Amendment No. 15) - Schedule 3 Clause 48  
Part Lot 43 and Lot 44, Hunter Street, Largs. RZ93011.
- Maitland Local Environmental Plan 1993 (Amendment No. 16) - Schedule 3 Clause 48  
Lot 2, DP 239754, Winders Lane, Lochinvar. RZ93008.

**List of Amendments Continued.....**

- Maitland Local Environmental Plan 1993 (Amendment No. 17) - Schedule 3 Clause 48  
Lot 4, DP 818231, Duckenfield Road, Duckenfield. RZ94002.
- Maitland Local Environmental Plan 1993 (Amendment No. 18) - Schedule 3 Clause 48.  
Lot 324, DP831201, Station Lane, Lochinvar. RZ94009.
- Maitland Local Environmental Plan 1993 (Amendment No. 19) - Schedule 3 Clause 48.  
Part Lot 14, DP571495, Oswald Lane, Oswald. RZ94012.
- Maitland Local Environmental Plan 1993 (Amendment No.20) - Schedule 3 Clause 48.  
Lot 1, DP239754, Winders Lane, Lochinvar. RZ94010.
- Maitland Local Environmental Plan 1993 (Amendment No.21) - Schedule 3 Clause 48.  
Part Por 42 & 44 Parish of Alnwick, McFarlanes Road, Berry Park. RZ94011.
- Maitland Local Environmental Plan 1993 (Amendment No.22) - Clause 5(1)  
Part Lot 1, DP567384, Rathluba Lane, East Maitland. RZ94004.
- Maitland Local Environmental Plan 1993 (Amendment No.23) - Clause 5(1)  
Lot 119 and Part Lot 118, DP76097, Elgin Street, Maitland. RZ94013.
- Maitland Local Environmental Plan 1993 (Amendment No.24) - Clause 5(1)  
Portion 185, Bent Street, Maitland. RZ94014.
- Maitland Local Environmental Plan 1993 (Amendment No.25) - Clause 5(1)  
Lot 13, Section G, DPI0725 and Lots I & 2, Section H, DP211067, Railway Avenue, Thornton. RZ94008.
- Maitland Local Environmental Plan 1993 (Amendment No.26) - Clause 5(1)  
Lot 7, DP831701, Dunmore Road, Largs. RZ94015.
- Maitland Local Environmental Plan 1993 (Amendment No.27) - Schedule 3 Clause 48  
Lot 6, DP210081, Melville Ford & Dickenson Roads, Melville. RZ94007
- Maitland Local Environmental Plan 1993 (Amendment No.28) - Schedule 4 Clause 51  
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- Maitland Local Environmental Plan 1993.(Amendment No.29).- Schedule 3 Clause 48  
Lot 3, DP509046, Aberglasslyn Road, Rutherford. RZ95006.
- Maitland Local Environmental Plan 1993 (Amendment No.30) - Clause 5(1) & Clause 16 Item 4  
All Land Zoned for Residential Purposes: Exhibition Homes. RZ96001.
- Maitland Local Environmental Plan 1993 (Amendment No. 31) - Schedule 3 Clause 48  
Lot 21, DP734775, Lots A & B, DP151567, Lot 1, DP711706 & Lots 4,6 & 16, DP572214 Ken Tubman  
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- Maitland Local Environmental Plan 1993. (Amendment No.32) - Schedule 3 Clause 48  
Lot 1, DP740055, New England Highway, Lochinvar. RZ95005.
- Maitland Local Environmental Plan 1993 (Amendment No.33) - Schedule 3 Clause 48  
Part Por. 63, Corner of Green & Elizabeth Streets, Morpeth. RZ95004.
- Maitland Local Environmental Plan 1993 (Amendment No.34) - Clause 10 Item 4  
All Land Zoned for Prime Rural Purposes. Rural Tourist Accommodation.RZ95009.

### List of Amendments Continued.....

- Maitland Local Environmental Plan 1993.(Amendment No.35) - Clause 5(1).  
Lots 1 &2 DP260922, known as 128 & 130 Swan Street, Morpeth. RZ96003.
- Maitland Local Environmental Plan 1993 (Amendment No 36) - Clause 5(1)  
Lot 1, DP188036, Lot 3, DP554375, PT Lot 28, DP849873, Lots 231,232 & 233, DP567290 & FP962524,  
New England Highway, Thornton. RZ94006
- Maitland Local Environmental Plan 1993.(Amendment No.37) - Clause 5(1).  
Pt Lots 27 & 28 Por 65 Orient Street, Greta. RZ95002.
- Maitland Local Environmental Plan 1993.(Amendment No.38) - Clause 5(1).  
Lot 4, DP21219, Lot A & C, DP364875 & Lot 1, DP368394, New England Highway &  
Fourth Ave. Rutherford. RZ96002.
- Maitland Local Environment Plan 1993 (Amendment No 39) - Clause 5(1)  
Lots 6,7 & 8, Pt Por 94. Sinclair Street, East Maitland. Rezone land to 2(a) Residential. RZ96005
- Maitland Local Environment Plan 1993 (Amendment No 40) - Clause 5(1)  
Pt Lot 2 DP851956, Anlaby Street, Maitland. Rezone land to 3(b) Support Business RZ95014.
- Maitland Local Environment Plan 1993 (Amendment No 41) – Clause 26 and Clause 26A  
All land zoned 6(a) Public Recreation and 6(c) Proposed Recreation RZ95007
- Maitland Local Environment Plan 1993 (Amendment No. 42) -.Clause 5(1).  
Pt. Lot 67 DP857763, Government Road, Thornton. Rezone Deferred Matter to 7 (b) Environmental  
Protection Buffer.RZ94001.
- Maitland Local Environmental Plan 1993 (Amendment No. 43) - Schedule 3 Clause 48  
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- Maitland Local Environmental Plan 1993 (Amendment No. 44) - Clause 5(1)  
Lot 1 DP320494, Newcastle Street, East Maitland. RZ96008
- Maitland Local Environmental Plan 1993 (Amendment No. 45) – Schedule 3 Clause 48  
Lot 196 DP246309, Maitland Vale Road, Maitland Vale. RZ95010
- Maitland Local Environmental Plan 1993 (Amendment No. 46) – Clause 5(1)  
Lot 2 DP524534, Part Portion 120 & Lot A DP163794, High Street, Maitland. RZ96006
- Maitland Local Environmental Plan 1993 (Amendment No. 47) - Schedule 3 Clause 48  
Lots 2 & 3 DP752474, Tocal Road, Tocal. RZ97001
- Maitland Local Environmental Plan 1993 (Amendment No.48) – Schedule 4 & Clause 5(1)  
Part of Lot 15 DP587731, South Street, Telarah (RZ97003)
- Maitland Local Environmental Plan 1993 (Amendment No.49) –Rezone to 6(b), 2(a), Schedule 3 Clause 48  
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- Maitland Local Environmental Plan 1993 (Amendment No. 50) – Clause 5(1)  
Lot 1 DP956729, Government Road, Thornton. (RZ97004)
- Maitland Local Environmental Plan 1993 (Amendment No. 51) – Clause 5(1)  
Part of Lot 1 DP112578, Off High Street, Maitland (RZ96006)
- Maitland Local Environmental Plan 1993. (Amendment No.52 ) – Schedule 3 Clause 48  
Lot 1 DP780655, Aberglasslyn Lane, Aberglasslyn (RZ96010 )

**List of Amendments Continued.....**

- Maitland Local Environmental Plan 1993 (Amendment No. 53) – Schedule 3 Clause 48  
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- Maitland Local Environmental Plan 1993 (Amendment No. 54) – Clause 5(1)  
Pt Lot 3 DP833057, Thornton Road, Thornton (RZ97007)
- Maitland Local Environmental Plan 1993 (Amendment No. 55) – Clause 5(1)  
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- Maitland Local Environmental Plan 1993 (Amendment No. 56) – Clause 5(1)  
Part of Lot 11 DP1007491, Avalon Drive and New England Highway, Thornton (RZ 95008)
- Maitland Local Environmental Plan 1993 (Amendment No. 57) – Clause 5(1)  
Pt Lot 11 & Lot 12 DP1007491, New England Highway Thornton (RZ20001)
- Maitland Local Environmental Plan 1993 (Amendment No. 58) – Schedule 3 Clause 48  
Lot 4 DP787532, Molly Morgan Drive, East Maitland (RZ20004)
- Maitland Local Environmental Plan 1993 (Amendment No. 59) – Schedule 4 Clause 51 and Clause 5(1)  
Lot 21 DP1019387, Banks Street East Maitland (RZ20006)  
Lot 2 DP30473 & Lot 103 DP626693, Hillview Street Rutherford and Lot 104 DP623458 East Mall  
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- Maitland Local Environmental Plan 1993 (Amendment No. 60) – Clause 5(1)  
Pt Lot 36 DP718119, Frewin Avenue Woodberry (RZ98004)
- Maitland Local Environmental Plan 1993 (Amendment No. 61) – Schedule 3 Clause 48  
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- Maitland Local Environmental Plan 1993 (Amendment No. 62) – Schedule 3 Clause 48  
Part Lot 1 DP708953, 78 Junction Street Telarah (RZ20007)
- Maitland Local Environmental Plan 1993 (Amendment No. 63) – Clause 5(1)  
Lot 813 DP1032401, Thornton Road, Thornton (RZ01002)
- Maitland Local Environmental Plan 1993 (Amendment No. 64) – Clause 5(1)  
Lots 1-5 DP881480, Lots 22 & 23 DP833762, Lots 241 & 242 DP850015 Lord Howe Drive Ashtonfield  
Lots 8402-8406 DP848936, Lots 8108-8110 & 8146 DP844997, Lots 1-2 DP849873, Coburn Circuit &  
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Lots 226 & 227 DP705866, Schank Drive Metford  
Lot 1 DP430895 & Lot 1 DP432399, Edward Street Morpeth  
Lot 1, Church Street Largs  
Lot 64 DP259960, Stradbroke Avenue Metford  
Lot 850 DP703278, Lot 638 DP262555, Thomas Coke Drive & John Arthur Avenue Thornton  
Lot 1 DP574837, Lot 1 DP574831, Ultimo Street & Vista Parade East Maitland  
Lot 54 DP594130, Dalveen Road Bolwarra Heights  
Lot 1 DP807404, Raymond Terrace Road East Maitland  
Lots 7 & 8 Section F DP5763, Russell Street Telarah  
Lot 210 DP755237 & Lot 197 DP755237, Ultimo Street & George Street East Maitland  
Lot 1 DP380459, James Street Maitland  
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- Maitland Local Environmental Plan 1993 (Amendment No. 66) – Clause 8, Clause 13  
All land zoned 1(a) Rural, 1(b) Secondary Rural and 1(c) Rural Small Holdings under Local Environmental Plan 1993 (RZ01008)
- Maitland Local Environmental Plan 1993 (Amendment No. 67) – Clause 11  
Lots 48-54 DP243912, Lots 3-12 DP241175 and Lot 451 DP873375, Maitland Vale Road, Bolwarra Heights  
Lots 15-27 DP243055, Lot 450 DP873375 and Lot 201 DP868069, Bolwarra Park Drive, Bolwarra Heights  
Lots 30-34 DP244111, Lots 35-40 DP244112, Lots 461-462 DP808822, Lots 44-45 DP559226 and  
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Lot 1 DP749539, Lot 202 DP868069, Lots 31-32 DP868910 and Lot 46 DP552006, Tocal Road, Bolwarra Heights (RZ01005)
- Maitland Local Environmental Plan 1993 (Amendment No. 68) – Schedule 3 Clause 48  
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- Maitland Local Environmental Plan 1993 (Amendment No. 69) – Clause 5(1)  
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- Maitland Local Environmental Plan 1993 (Amendment No. 70) – Clause 5, Clause 31  
Lots 1126, 1135, 1136 & 1156, DP 1032278, Lot 7101, DP881678 & Lots 1201-1210 & 1250, DP1045316,  
Castlemaine Close and Ballydoyle Drive, Ashtonfield  
Lots 2405-2410 & 2416, DP1030218, Lots 3117 & 3122 & 3123, DP1049066, Lot 5338, DP1005342, Lots  
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- Maitland Local Environmental Plan 1993 (Amendment No. 71) – Clause 5(1) and Schedule 3 Clause 48  
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Lot 25 DP985999, Gullivers Lane, Louth Park (RZ03001)
- Maitland Local Environmental Plan 1993 (Amendment No. 73) – Clause 5(1)  
Lot 71 DP573182, River Road, Windella (RZ03005)
- Maitland Local Environmental Plan 1993 (Amendment No. 74) – Clause 5(1) and Clause 8, 9, 10, 11, 12, 13 and 15.  
Part Lot 1 DP1032210, Part Lot 1 DP1033332 & Part Lot 1 DP778266, Dunmore Road, Largs (RZ02004)
- Maitland Local Environmental Plan 1993 (Amendment No. 75) – Clause 5(1), Clause 52  
Lot 102 DP1062820, Lot 101 DP871817, Lot 1042 DP1070690 and Lots 222 & 224, DP773532, Racecourse  
Road, Cavalry Avenue & Mountvale Street, Rutherford (RZ03004)
- Maitland Local Environmental Plan 1993 (Amendment No. 76) – Clause 5(1)  
Part 072/Hunter River, Lot 104 DP833660, River Bank DP977105, Lot 201 DP1048250, Lot 1 DP1044531,  
Lot 30 DP1044531 and Pt Lot 2 DP801003, Cathedral Street to Belmore Bridge, Maitland (RZ01011)

- Maitland Local Environmental Plan 1993 (Amendment No. 77) – Clause 5(1)  
 Lot 25 DP569086 and Lot 849 DP852072, Hideaway Place and off Pacific Crescent, Ashtonfield (RZ98006)
- Maitland Local Environmental Plan 1993 (Amendment No. 79) – Clause 5(1)  
 Lots 600 & 602 DP591149, Lots 91 DP785244 Anambah Road, Rutherford & Part Lot 611 DP867202 &  
 Part Lot 31 DP598354 New England Highway Rutherford (RZ05009)
- Maitland Local Environmental Plan 1993 (Amendment No. 80) – Clause 5(1), Clause 51(5) & Schedule 4  
 Lot 383 DP241451, Frewin Avenue, Woodberry (RZ04011)
- Maitland Local Environmental Plan 1993 (Amendment No. 81) – Clause 5(1) and Part 12 Urban Release Areas and  
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 DP1083985, Lot 1 DP663703, Lots 113 & 114 DP703265, Lot 112 DP628087 and Lot 3 DP1035899.  
 Cessnock Road, Gillieston Heights (RZ04013)
- Maitland Local Environmental Plan 1993 (Amendment No. 82) – Clause 5(1)  
 Lot 22 DP831426, Dunmore Road, Largs (RZ04008)
- Maitland Local Environmental Plan 1993 (Amendment No. 83) – Clause 5(1)  
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- Maitland Local Environmental Plan 1993 (Amendment No. 84) – Clause 5 (1)  
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- Maitland Local Environmental Plan 1993 (Amendment No. 85) – Schedule 3 Clause 48  
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- Maitland Local Environmental Plan 1993 (Amendment No. 88) – Clause 48  
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- Maitland Local Environmental Plan 1993 (Amendment No. 89) – Clause 5 (1)  
 Lot 22 DP746311, Bungaree Street, Maitland (RZ04018)
- Maitland Local Environmental Plan 1993 (Amendment No. 90) – Clause 5 (1)  
 Lot 1 DP18562 & Lot B DP100440, Belmore Road, Lorn (RZ04012)
- Maitland Local Environmental Plan 1993 (Amendment No. 92) – Clause, 5, 5 (1), 31, 39A and Part 12 Urban Release  
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 Lots 80 & 81 DP524028, Lots 11 & 12 DP628606, Lots 12 & 15 DP530358, Lot 1411 & 1412 DP717879,  
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# ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

## Maitland Local Environmental Plan 1993

I, the Minister for Planning, in pursuance of section 70 of the Environmental Planning and Assessment Act 1979, make the local environmental plan set out there under. (N91-00580)

### ROBERT WEBSTER

Minister for Planning  
Sydney, 27th August, 1993

## PART I

### 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 flood plain.
- 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) not used in whole or in part for the permanent or long-term accommodation or 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.

**Brothels** 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, pre-school, 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 (which may contain an office) used for the temporary display of a particular dwelling design.

**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 aboriculture, 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** means a dwelling that is a permanent group home or a transitional group home as defined in *State Environmental Planning Policy No.9 - Group Homes*.

**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 aged or disabled persons** means residential accommodation which may take any building form which is used as housing for aged or disabled persons as defined in *State Environmental Planning Policy No. 5 - Housing for Aged or Disabled Persons*.

**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 not 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 uses 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 of maps are specified, by the specified sheets of the maps) marked as follows: (Refer to List of Amendments Clause 5(1) at the end of the document)

**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 land holdings.
- 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 I(b) Secondary Rural Land**

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

- a) To provide for agricultural uses and animal establishments.
- b) To permitted 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); 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 I(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; 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 place unreasonable and uneconomic demands on the provision or extension of services and facilities.
- d) To enable a range of activities and landuses 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; 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 m2 with an average lot size of not less than 5500m2
On land zoned 1(d)	2000 m2

**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 1st January 1991 or the aggregation of two or more adjoining or adjacent allotments of land if they were in common ownership on 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 4000m<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 14th 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; Communication Facility; Community Centre; Community Facility; Convenience Store; Dual Occupancy; Education Establishment; Exhibition Home; 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 fromflooding, by encouraging the development of non-residential uses in flood-

proneridential 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; 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 occupancies 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

Brothels, 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; Communication 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 distances 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; 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 for:
  - i) uses ancillary to the main use of land within the zone;
  - ii) the display and sale of bulky goods; and
  - iii) the day-today needs of the 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 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; Education Establishment; Entertainment Facility; Hazardous Industry ; Hazardous Storage; Hotel; Housing for Aged or Disabled Persons; Intensive Agriculture; Medium Density Housing; Motel; Offensive Industry; Place of Worship; Residential Flat Building; Roadside Stall; Sawmill; Serviced Apartment; Shop; Stock and Saleyards; Tavern; Tourist Accomodation.

## 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 area between incompatible landuses 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 a 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.**

Bush fire 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 an 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 the 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 showed 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; or
- 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 the 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:

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

- d) 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, 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 as 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 housings, 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*;
- f) 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 land.**

- 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.

**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 the 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*.

## PART 12

### Urban Release Areas

#### Division 1 Preliminary

#### 53. Aims of Part

This part aims:

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

#### 54. Relationship between Part and remainder of plan

A provision of this Part prevails over any other provision of this plan to the extent of any inconsistency.

#### 55. Restriction on certain subdivisions – regional transport infrastructure

- (1) This clause applies to land within an urban release area but does not apply to an urban release area if the whole or any part of it is within a special contributions area (as defined by section 93C of the Act).
- (2) The object of this clause is to require assistance towards the provision of regional transport infrastructure and services to satisfy needs that arise from development on land to which this clause applies, but only if the land is developed intensively for urban purposes.
- (3) Despite any other provision of this plan, the Council must not grant consent to the subdivision of land to which this clause applies if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of *Maitland Local Environmental Plan 1993 (Amendment No 92)*, unless the Director-General has certified in writing to the Council that satisfactory arrangements have been made to contribute to the provision of regional transport infrastructure and services in relation to that lot.
- (4) Subclause (3) does not apply to any lot:
  - (a) identified in the certificate as a residue lot, or
  - (b) that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational establishments, or any other public purpose.
- (5) Subclause (3) does not apply to a subdivision for the purpose only of rectifying an encroachment on any existing allotment.
- (6) *State Environmental Planning Policy No 1 – Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.

#### 56. Public utility infrastructure

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

**57. Development control plan**

- (1) The Council must not grant consent to development on land within an urban release area unless a development control plan that provides for the matters specific 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 location, 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.

SCHEDULE 1

HERITAGE CONSERVATION AREAS

Clause 31

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

**SCHEDULE 2**

**HERITAGE ITEMS**

**Clause 31**

Column 1 <b>Description of Heritage Item</b>		Column 2 <b>Significance</b>	Column 3 <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 Quany(Brown's)	Regional	No3	Sheet 1	
<b>BOLWARRA</b>					
Addison & Westboume Rds	War Memorial	Local	No 4	Sheet 8	
BayswaterRoad	<i>Bolwarra House</i>	Local	No5	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	
Westboume Avenue 2	<i>Dareel</i>	Local	No 11	Sheet 8	
Westboume Avenue 11	<i>Virginia House</i>	Local	No 12	Sheet 8	
Westboume 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 Rd/Martins Wharf Rd	Hedge Rows	Local	No 17	Sheet 18	
<b>EAST MAITLAND</b>					
Banks Street 14	Former Cottage of Content 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/John LindsayStreets	Courthouse	State	No 28	Sheet 13	
Cumberland/John LindsayStreets	Former Police Cottage and Lockup	State	No 29	Sheet 13	
Cumberland/John LindsayStreets	Police Barracks	State	No 30	Sheet 13	
Cumberland/John LindsayStreets	Former Police Station	State	No 31	Sheet 13	
Cumberland/John LindsayStreets	Gaol	State	No 32	Sheet 13	
Cumberland/John LindsayStreets	Sergeants Residence	State	No 33	Sheet 13	
Cumberland/John LindsayStreets	Outbuildings & Stables	State	No 34	Sheet 13	
Cumberland/John LindsayStreets	Parklands	State	No 35	Sheet 13	
Day Street 20	Former Post Office	State	No36	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 Crescent	Cemetery	Regional	No 52	Sheet 13
John Street 26/28	House	Local	No 53	Sheet 13
King Street 34/40	Terraces	State	No 54	Sheets 13,15
King Street 42/44	<i>Goonitoobah &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 Streets	<i>Joss House</i>	Local	No 64	Sheet 13
Lawes & Melboume Streets	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 1 3
Melboume Street	Former A J S Bank	Regional	No 68	Sheet 12
Melboume Street	George & Dragon Hotel	Local	No 69	Sheet 13
Melboume Street 82	Shop	Local	No 70	Sheets 12,13
Melboume Street 84	Shop	Local	No 71	Sheets 12,13
Mill Street 3	Fm Charoline 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
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
Raymond Terrace Road	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>	Local	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 1,2
<b>LARGS</b>				
John Street 7/9	Fm.Catholic Sch & Residence	Local	No 90	Sheet 7
Morpeth Road	Largs Public School	Regional	No 91	Sheet 7
<b>LOCHINVAR</b>				
Cantwell Road	Victoria House	Local	No 92	Sheet 2
New England Highway	<i>Kaludah</i>	Regional	No 93	Sheet 1
New England Highway	<i>St Helena</i> Cottage	Regional	No 94	Sheet 1,2
New England Highway	Holy Trinity Church	Regional	No 95	Sheet 2
New England Highway	Catholic Cemetery	Regional	No 96	Sheet 2
New England highway	<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
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</i> and Grounds	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	Sheet 1,3,5 6,10/13,15,18
Ballard Street 16	<i>The Hermitage</i>	Local	No 113	Sheet 10
Bloomfield Street	Brick Cottage (with timber Annex)	Local	No 114	Sheet 11
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	Villa <i>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 Street/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 Street	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 10
High Street	Maitland Town Hall	State	No 149 Sheet 10
High Street	Technical college	State	No 150 Sheet 10
High Street 48	Georgian Cotage	Local	No 151 Sheet 12
High Street 226	Former Cohens Warehouse 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	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	Former Congregational Church	Regional	No 160 Sheet 10
High Street 437	ANZ Bank	Regional	No 161 Sheet 10
High Street 473	<i>Barden &amp; Ribee Shop</i>	State	No 162 Sheet 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 Sheet 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	Two Storey House	Local	No 170 Sheet 10
Regent Street	House	Regional	No 171 Sheet 5
Regent Street	<i>Benhome</i>	Regional	No 172 Sheet 5
Regent Street	Cintra & Stables	State	No 173 Sheet 5
Regent Street	<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. Andrew 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>			
Rosebrook 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
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>Closebotirne</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 Factory</i>	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
<b>OAKHAMPTON</b>				
Oakhampton Road	Former School	Local	No.219	Sheet 6
Oakhampton Road	<i>Lyndon Oakes</i>	Local	No.220	Sheet 6,8
Oakhampton Road	Oakhampton Methodist Cemetery	Regional	No.221	Sheet 6
Oakhampton Road	Timber Cottage (Lot 4 DP939730)	Local	No 222	Sheet 6,8
Scobies Lane	Walka Water Works	State	No 223	Sheet 6,8
<b>OSWALD</b>				
Oswald Road	General Cemetery	Regional	No 224	Sheet 1
<b>PHOENIX PARK</b>				
Largs Road	Old Campbells House	Local	No 225	Sheet 16
<b>RUTHERFORD</b>				
New England Highway	Cemetery	Regional	No 226	Sheet 4
<b>TELARAH</b>				
Junction Street	South Maitland Railway Yards	Regional	No 228	Sheet 5
South Street	Campell's Hill Cemetery	Regional	No 229	Sheet 5
Thomas Street	<i>Byrn Glas (1904)</i>	Local	No 230	Sheet 5
<b>WOODVILLE</b>				
Paterson Road	Dunmore House	Regional	No 231	Sheet 3

## SCHEDULE 3

### ADDITIONAL USES OF LAND

#### Clause 48

Lot 11, DP561385, 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, DP620745, 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, DP533727, 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, DP2577, New England Highway, Rutherford: Retail and wholesale butcher shop. R9/90.

Lot 6, DP702764, 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, DP721804, Scotch Creek Road, Millers Forest: Processing of sand and gravel for use by the water filtration industry. R3/91.

Lot 1 DP790534, Wollombi Road, Farley: Erection of a dwelling house. R103/62.

Lot 67, DP703751, 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 DP155362, 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, DP605272, Raymond Terrace Road, Millers Forest: Subdivision into 2 allotments and the erection of a dwelling on each allotment created. R11/91.

Lot 1, DP797522, and Lot 65, DP810466, Oakhampton Road, Oakhampton; The erection of a dwelling on the allotment created by the amalgamation of those lots. R12/91.

Lot A, DP164365, and Part DP976482, Sharkeys Lane, Lorn: A road transport terminal. R1/92.

Lot 667, DP568399, Cantwell Road, Lochinvar: Subdivision creating 2 allotments and the erection of a dwelling on each lot. R4/92.

DP156976; Lots 46 and 47 Section D, DP192940; Lots 1 to 5 and Part 6, Section C, DP192940; and Lot 1, DP584084; 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, DP813190: Subdivision creating 7 allotments and the erection of a dwelling on each allotment. R103/62.

Part Lots 26-29, Lots 30-33 and Part Lots 35-39 and 60, DP976249, Lot 200, DP615601, Lots 101 and 102, DP635079, Lot 1, DP577409, Lot 112, DP804336 and Part Lot 258, DP813454, Louth Park Road, Louth Park, (Amendment No. 1): Rezone to l(c) Rural Small Holdings and Community titles subdivision creating no more than 165 lots in accordance with the Community Land Development Act 1989. R8/91.

Land within DP447038, Swan Street, Morpeth: Erection of a dwelling house. (Amendment No.4). R8/92.

### SCHEDULE 3

#### ADDITIONAL USES OF LAND continued.....

Clause 48

Lot 1, DP150582, William Street, East Maitland: A warehouse. (Amendment No.9). R3/93.

Lot 2, DP205370, Aberglasslyn Road, Aberglasslyn: Subdivision creating 2 lots and the erection of a dwelling house on the vacant allotment so created. (Amendment No.6). R5/93.

Lot 1, DP634523, Station Lane, Lochinvar: Subdivision creating 2 lots and the erection of a dwelling house on the vacant lot created. (Amendment No.3) R7/92.

Part Portion 66, New England Highway, Harpers Hill: Subdivision creating 2 lots and erection of a dwelling house on the vacant lot created. (Amendment No.7). RZ93007.

Lot 1, DP783137 and Lot 12, DP591006, Morpeth Road, East Maitland: 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. (Amendment No.12). RZ93009.

Part Lot 43 and Lot 44, Hunter Street, Largs: Subdivision creating 2 vacant allotments and the erection of a dwelling house on each vacant allotment so created. (Amendment No.15). RZ93011.

Lot 2, DP239754, Winders Lane, Lochinvar: Subdivision creating 2 lots and the erection of a dwelling house on the vacant lot so created. (Amendment No.16). RZ93008.

Lot 4, DP818231, 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. (Amendment No.17). RZ94002.

Lot 324, DP831201, Station Lane, Lochinvar. Subdivision creating 2 lots and the erection of a dwelling house on the vacant allotment created. (Amendment No. 18). RZ94010.

Part Lot 14, DP571495, Oswald Lane, Oswald. Subdivision creating 2 lots and the erection of a dwelling house on the vacant allotment created. (Amendment No. 19). RZ94012.

Lot 1, DP239754, Winders Lane, Lochinvar. Subdivision creating 2 lots and the erection of a dwelling -house in the vacant lot created. (Amendment No.20) RZ94010

Part Por 42 & 44 Parish of Alnwick, McFarlanes Road, Berry Park. Subdivision creating 2 lots and the erection of a dwelling-house in the vacant lot so created. (Amendment No 21) RZ94011.

Lot 6, DP210081, Melville Ford Road, Melville. Subdivision creating two (2) lots and the erection of a dwelling-house on the lot so created. (Amendment No.27) RZ94007

Lot 21, DP734775, Lots A & B, DP151567, DP711706 & Lots 4, 6 & 16 DP572214, Ken Tubman Drive & St. Andrews Street, Maitland Business Premises, Office Premises. (Amendment No.31) RZ95001

Part Por.63, Parish of Maitland, Cnr. Green & Elizabeth Streets, Morpeth. Rezone land to allow Retail/Tourist Activities. (Amendment No.33) RZ95004

Lot 3, DP509046, Aberglasslyn Road, Rutherford. Erection of a dwelling-house. (Amendment No.29) RZ95006.

Lot 1, DP740055, New England Highway, Lochinvar. Subdivision creating 3 lots and the erection of one dwelling house on each of the 2 vacant lots created. (Amendment No. 32). RZ95005.

### SCHEDULE 3

#### ADDITIONAL USES OF LAND continued.....

Clause 48

Lot 8, Old North Road, Lochinvar. Subdivision creating 2 lots and the erection of a dwelling-house on the vacant lot created. (Amendment No.43) .RZ95011

Lots 2 and 3 DP752474, Tocal Road, Tocal: Erection of a public building (Amendment No. 47) RZ97001

Lot 196 DP246309, Mailand Vale Road, Maitland Vale: 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. (Amendment No 45) RZ95010

Part of Lot 8411, DP850392, 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. RZ95013.

Lot 1 DP780655, Aberglasslyn Lane, Aberglasslyn. Erection of a dwelling house, subject to the Council being satisfied that the dwelling 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. (Amendment No. 52) RZ96010

Land in DP972609, 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. RZ96007

Lot 4 DP787532, Molly Morgan Drive, East Maitland. To permit development of the land to which the plan applies for the purposes of a shop. (Amendment No. 58) RZ20004

Lot 8415 DP884390 & Lots 1-3 Section D DP23700, Corner New England Highway & Arthur Street, Rutherford. Permits development of the land for refreshment room, business or office premises with a maximum gross floor area of 460sqm. (Amendment No. 61) RZ99004

Part Lot 1 DP708953, 78 Junction Street Telarah. Permits the carrying out of development for the purpose of storage ancillary to the operation of the adjoining industrial land use, subject to a 20 metre landscape buffer. (Amendment No. 62) RZ20007

Lot 6 DP7792, 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. RZ01009

Lot 3 DP634523, New England Highway, Lochinvar, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 (Amendment No 71)": Subdivision creating 7 lots each having a minimum area of 2 hectares and the erection of a dwelling house and ancillary structures on land within Zone 1(b) in each lot so created, subject to the Council being satisfied that the subdivision and the erection of any buildings on the land will not adversely impact on the heritage significance of St Helena. RZ98001

Lot 4 DP997875 and Lot 648 DP1007014, 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. RZ05008

Lot 4010, DP1023182, 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, DP831701 as shown edged heavy black on the map marked “Maitland Local Environmental Plan 1993 (Amendment No. 28)” RZ94018
Dunmore Road	No 46, being Lot 7, DP831701 as shown edged heavy black on the map marked “Maitland Local Environmental Plan 1993 (Amendment No. 26)” RZ94015

##### 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, DP76097, 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, DP774734, as shown edged heavy black on the map marked “Maitland Local Environmental Plan 1993 (Amendment No. 8)”.
New England Highway and Arthur Street	Lot 8411, DP850392 and Lot 83, DP734577, as shown edged heavy black on the map marked “Maitland Local Environmental Plan 1993 (Amendment No. 49)”. RZ95013

##### Telarah

South Street	Part of Lot 15, DP587731, as shown edged heavy black on the map marked “Maitland Local Environmental Plan 1993 (Amendment No. 48)”.
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#### Part 2 – Interests not changed

**SCHEDULE 4**

**CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND AS OPERATIONAL**

Clause 51

continued.....

**Part 3 – Interests changed**

Column 1	Column 2	Column 3
<b>Locality</b>	<b>Description</b>	<b>Trusts etc not discharged</b>
<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 “Maitland Local Environmental Plan 1993 (Amendment No. 59)” – <i>Maitland Local Environmental Plan 1993 (Amendment No. 59)</i> . RZ20002	Nil
<b>Rutherford</b>		
East Mall	Lot 104, DP623458, as shown edged heavy black on Sheet 1 of the map marked “Maitland Local Environmental Plan 1993 (Amendment No. 59)” – <i>Maitland Local Environmental Plan 1993 (Amendment No. 59)</i> . RZ20002	Nil
Hillview Street	Lot 103, DP626693, as shown edged heavy black on Sheet 1 of the map marked “Maitland Local Environmental Plan 1993 (Amendment No. 59)” – <i>Maitland Local Environmental Plan 1993 (Amendment No. 59)</i> . RZ20002	Nil
Hillview Street	Lot 2, DP30473, as shown edged heavy black on Sheet 1 of the map marked “Maitland Local Environmental Plan 1993 (Amendment No. 59)” – <i>Maitland Local Environmental Plan 1993 (Amendment No 59)</i> . RZ20005	Nil
<b>Woodberry</b>		
12 Frewin Avenue	Lot 383, DP241451, as shown edged heavy black on the map marked “Maitland Local Environmental Plan 1993 (Amendment No 80)” – <i>Maitland Local Environmental Plan 1993 (Amendment No 80)</i> . RZ04011	Nil

## List of Map Amendments Clause 5(1)

Maitland Local Environmental Plan 1993 (Amendment No.1) - also Schedule 3 Clause 48.

- \* Part Lots 26-29, Lots 30-33 and Part Lots 35-39 and 60, DP976249, Lot 200, DP615601, Lots 101 and 102, DP635079, Lot 1, DP577409, Lot 112, DP804336 and Part Lot 258, DP813454, Louth Park Road, Louth Park: Rezone to 1(c) Rural Small Holdings and Community titles subdivision creating no more than 165 lots in accordance with the *Community Land Development Act, 1989*. R 8/91.

Maitland Local Environmental Plan 1993 (Amendment No. 2)

- \* Part Lots 1, 3 and 6 and Lots 2, 4 and 5, DP828556, located off Chisholm Road, East Maitland: Rezone to 2(a) Residential and 6(a) Public Recreation. RZ 92005.

Maitland Local Environmental Plan 1993 (Amendment No. 5)

- \* Part Portion 219, Parish of Maitland, County of Northumberland, off Tumbull Drive, East Maitland: Rezone to 2(a) Residential. RZ 92006.

Maitland Local Environmental Plan 1993 (Amendment No. 8)

- \* Part Lot 841, DP774734, Off Melbee & Arthur Streets, Rutherford: Rezone to 6(b) Private Recreation. RZ 93010.

Maitland Local Environmental Plan 1993 (Amendment No. 10)

- \* Part DP156976, Part DP600938 and Part of Lots 46 and 47, Section D, DP192940, Paterson Road, Bolwarra: Rezone to 7(a) Environmental Protection Wetlands. RZ 93002.

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

- \* Lots 19, 20, 21, 22 and 25, DP 746311, Bungaree Street, Telerah: Rezone to 3(c) Special Business and 7(a) Environmental Protection Wetlands. RZ 93012.

Maitland Local Environmental Plan 1993 (Amendment No. 13)

- \* Part Lot 1, DP559519, Government Road, Thornton: Rezone land to 2(a) Residential. RZ 94001.

Maitland Local Environmental Plan 1993 (Amendment No. 14)

- \* Parts of Lot 1, DP 11988, Shamrock Hill Lane, East Maitland: Rezone to 2(a) Residential. RZ93004.

Maitland Local Environmental Plan 1993 (Amendment No. 22)

- \* Part Lot 1, DP567384, Rathluba Lane, East Maitland: Rezone to 2(a) Residential. RZ94004.

Maitland Local Environmental Plan 1993 (Amendment No.25)

- \* Lot 13, Section G, DP10725 and Lots 1 & 2, Section H, DP221067, Railway Avenue, Thornton: Rezone land to 3(a) General Business. RZ94008.

Maitland Local Environmental Plan 1993 (Amendment No.33)

- \* Part Por. 63, Parish of Maitland. Corner of Green & Elizabeth Streets, Morpeth: Rezone land on which there is a residence adjacent to Campbell's Store, to allow Retail/ Tourist Activities. RZ95004.

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

- \* Lots 1 & 2, DP260922, known as Nos. 128 & 130 Swan Street, Morpeth: Rezone land to 3 (a) General Business. RZ96003.

Maitland Local Environmental Plan 1993 (Amendment No 36)

- \* Lot 1, DP188036, Lot 3, DP554375, PT Lot 28, DP849873, Lots 231,232 & 233, DP567290 & FP962524, New England Highway, Thornton. RZ94006

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

- \* Pt. Lots 27 & 28, Por 65. Orient Street, Greta: Rezone land to 1(c) Rural Small Holdings. RZ95002.

**List of Map Amendments Clause 5(1) continued.....**

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

- \* Lot 4, DP21219, Lots A & C, DP364875 & Lot 1, DP368394, New England Highway & Fourth Ave. Rutherford: Rezone land to 3 (c) Special Business. RZ96002.

Maitland Local Environment Plan 1993 (Amendment No 39)

- \* Lots 6,7 & 8, Pt Por 94. Sinclair Street, East Maitland. Rezone land to 2(a) Residential. RZ96005

Maitland Local Environment Plan 1993 (Amendment No 40)

- \* Pt Lot 2 DP851956, Anlaby Street, Maitland. Rezone land to 3(b) Support Business RZ95014.

Maitland Local Environment Plan 1993 (Amendment No.42)

- \* Part Lot 67 DP857763, Government Road Thornton. Rezone land to 7(b) Secondary Rural Land.RZ94001

Maitland Local Environment Plan 1993 (Amendment No.44)

- \* Lot 1 DP320494, Newcastle Street, East Maitland. Rezone land to 3(b) Support Business. RZ96008

Maitland Local Environment Plan 1993 (Amendment No.46)

- \* Lot 2 DP524534, Part Portion 120 & Lot A DP163794, High Street, Maitland. Rezone land to 3(b) Support Business. RZ96006

Maitland Local Environment Plan 1993 (Amendment No.48)

- \* Part of Lot 15 DP587731, South Street, Telarah. Rezone land to 4(b) Light Industrial. RZ97003

Maitland Local Environmental Plan 1993 (Amendment No.50)

- \* Lot 1 DP956729, Government Road, Thornton. Rezone land to 6(b) Private Recreation. RZ97004

Maitland Local Environmental Plan 1993 (Amendment No.51)

- \* Part of Lot 1 DP112578, off High Street, Maitland. Rezone land to 3(b) Support Business. RZ96006

Maitland Local Environmental Plan 1993 (Amendment No.49)

- \* Lot 8411, DP850392, and Lot 83, DP734577, Arthur Street, Rutherford. Rezone land to 6(b) Private Recreation, 2(a) Residential. RZ95013

Maitland Local Environmental Plan 1993 (Amendment No.54)

- \* Pt Lot 3 DP833057, Thornton Road, Thornton. Rezone land to 4(b) Light Industrial. RZ97007

Maitland Local Environmental Plan 1993 (Amendment No. 55)

- \* Lot 7 DP255750, Corner New England Highway and Chelmsford Drive, East Maitland. Rezone land to 3(c) Special Business. RZ 99002

Maitland Local Environmental Plan 1993 (Amendment No. 56)

- \* Part of Lot 11 DP1007491, Avalon Drive and New England Highway, Thornton. Rezone to 1(c) Rural Small Holdings. RZ 95008

Maitland Local Environmental Plan 1993 (Amendment No. 57)

- \* Part Lot 11 and Lot 12 DP1007491, New England Highway Thornton. Rezone to 1(c) Rural Small Holdings and 7(c) Environmental Protection General. RZ 20001

Maitland Local Environmental Plan 1993 (Amendment No. 59)

- \* Lot 21 in a resubdivision. Rezone to 6(b) Private Recreation. RZ20002.

Maitland Local Environmental Plan 1993 (Amendment No. 60)

- \* Part of Lot 36 DP718119, Frewin Avenue, Woodberry. Rezone from 1(b) Secondary Rural Land to Zone 2(a) Residential. RZ98004

Maitland Local Environmental Plan 1993 (Amendment No. 63)

- \* Lot 813 DP1032401, Thornton Avenue, Thornton. Rezone from 7(c) Environmental Protection General to 4(b) Light Industrial. RZ01002

Maitland Local Environmental Plan 1993 (Amendment No. 64)

- \* Lots 1-5 DP881480, Lots 22 & 23 DP833762, Lots 241 & 242 DP850015 Lord Howe Drive Ashtonfield. Rezone from Pt 2(a) Residential & Pt 6(a) Residential to 2(a) Residential
- \* Lots 8402-8406 DP848936, Lots 8108-8110 & 8146 DP844997, Lots 1-2 DP849873, Coburn Circuit & Streeton Drive Metford. Pt 2(a) Residential & Pt 6(a) Public Recreation to 2(a) Residential.
- \* Lots 226 & 227 DP705866, Schank Drive Metford. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 1 DP430895 & Lot 1 DP432399, Edward Street Morpeth. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 1, Church Street Largs. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 64 DP259960, Stradbroke Avenue Metford. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 850 DP703278, Lot 638 DP262555, Thomas Coke Drive & John Arthur Avenue Thornton. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 1 DP574837, Lot 1 DP574831, Ultimo Street & Vista Parade East Maitland. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 54 DP594130, Dalveen Road Bolwarra Heights. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 1 DP807404, Raymond Terrace Road East Maitland. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lots 7 & 8 Section F DP5763, Russell Street Telarah. Rezone from 6(a) Public Recreation to 6(b) Private Recreation.
- \* Lot 210 DP755237 & Lot 197 DP755237, Ultimo Street & George Street East Maitland. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 1 DP380459, James Street Maitland. Rezone from 6(a) Public Recreation to 6(b) Private Recreation.
- \* Lot 2 DP514126, Paterson Road Bolwarra. Rezone from 6(a) Public Recreation to 5(a) Special Uses.
- \* Lot 457 DP727771, Chelmsford Drive Metford (RZ01004). Rezone from 6(a) Public Recreation to 5(a) Special Uses.

Maitland Local Environmental Plan 1993 (Amendment No. 69) – Clause 5(1)

- \* Lot 1 DP200772, Lot 1 DP631323 and Part Lot 3 DP150052, 37 & 39 Mt Vincent Road East Maitland (RZ01010)

Maitland Local Environmental Plan 1993 (Amendment No. 70) – Sheets 1-7 – Clause 5(1)

- \* Lots 1126, 1135, 1136 & 1156, DP 1032278, Lot 7101, DP881678 & Lots 1201-1210 & 1250, DP1045316, Castlemaine Close and Ballydoyle Drive, Ashtonfield  
Lots 2405-2410 & 2416, DP1030218, Lots 3117 & 3122 & 3123, DP1049066, Lot 5338, DP1005342, Lots 5114-5116, DP1004598 & Lot 3100, DP1049066, Thornton  
Lot 20, DP1022926, Ashtonfield  
Lot 3100, DP1049066, Thornton  
Lots 814, 815 & 817, DP1032401 & Lot 902, DP1045461, Lot 824, DP1032401, Huntingdale Drive, Thornton  
Lots 1-3 & 8 & 9, DP855275, East Maitland  
Lots 21-31, DP855275 & Lot 45 & 46, DP863423, East Maitland  
Lots 41 & 42, DP846326 & Lot 124, DP862386, East Maitland  
Lot 124, DP862386, Lot 112, DP1002442, Lot 826 DP1034069, Lot 119 DP838632, & Lot 144, DP846900, East Maitland  
Lots 89, 90 & 93-98, DP1002442, Lot 127, DP1008517, Lot 79 DP838632 & Lots 122-124, DP846276, East Maitland  
Lots 1 & 2, DP1016707, Lots 38-40 & 44-46, DP1039649 & Lots 503 & 504, DP834498, Aberglasslyn  
Lots 409 & 411-415, DP844222, Aberglasslyn (RZ02003)

Maitland Local Environmental Plan 1993 (Amendment No. 71) – Clause 5(1)

- \* Part of Lot 3 DP634523, New England Highway, Lochinvar. Rezone from 1(b) Secondary Rural Land to 7(b) Environmental Protection Buffer. (RZ98001)

Maitland Local Environmental Plan 1993 (Amendment No. 72) – Clause 5(1)

- \* Lot 25 DP985999, Gullivers Lane, Louth Park. Rezone from 1(b) Secondary Rural Land to 1(c) Rural Small Holdings. (RZ03001)

Maitland Local Environmental Plan 1993 (Amendment No. 73) – Clause 5(1)

- \* Lot 71 DP573182, River Road, Windella. Rezone from 1(b) Secondary Rural Land to 1(c) Rural Small Holdings and 7(b) Environmental Protection Buffer. (RZ03005)

Maitland Local Environmental Plan 1993 (Amendment No. 74) – Clause 5(1)

- \* Part Lot 1 DP1032210, Part Lot 1 DP1033332, Part Lot 1 DP778266. Rezone from 1(a) Prime Rural Land to 1(d) Rural Residential (RZ02004)

Maitland Local Environmental Plan 1993 (Amendment No. 75) – Clause 5(1)

- \* Lot 102 DP1062820, Lot 101 DP871817, Lot 1042 DP1070690 and Lots 222 & 224, DP773532. Rezone from 4(a) General Industrial Land and 2(a) Residential Land to 6(b) Private Recreation (RZ03004)

Maitland Local Environmental Plan 1993 (Amendment No. 76) – Clause 5(1)

- \* Part 072/Hunter River, Lot 104 DP833660, River Bank DP977105, Lot 201 DP1048250, Lot 1 DP1044531, Lot 30 DP1044531 and Pt Lot 2 DP801003. Rezone from 3(a) General Business to 6(a) Public Recreation (RZ01011)

Maitland Local Environmental Plan 1993 (Amendment No. 77) – Clause 5(1)

- \* Lot 25 DP569086 and Lot 849 DP852072. Rezone from 1(b) Secondary Rural Land to partly Zone 2(a) Residential and partly Zone 7(b) Environmental Protection Buffer. (RZ98006)

Maitland Local Environmental Plan 1993 (Amendment No. 79) – Clause 5(1)

- \* Lots 600 & 602 DP591149, Lot 91 DP785244, Part Lot 611 DP867202 & Part Lot 31 DP598354. Rezone to 2(a) Residential. (RZ05009)

Maitland Local Environmental Plan 1993 (Amendment No. 80) – Clause 5(1), Clause 51(5) & Schedule 4

- \* Lot 383 DP241451. Rezone from 6(a) Public Recreation to 2(a) Residential (RZ04011)

Maitland Local Environmental Plan 1993 (Amendment No. 81) – Clause 5(1)

- \* Lots 10 & 11 DP573032, Lot A DP377804, Lot 2 Sec E, DP8672, Lot 1 DP381940, Lot 11s & 12 DP1083985, Lot 1 DP663703, Lots 113 & 114 DP703265, Lot 112 DP628087 and Lot 3 DP1035899. Rezone to partly Zone 1(a) Prime Rural Land, partly Zone 2(a) Residential, partly Zone 3(a) General Business and partly Zone 7(c) Environmental Protection General and introduce a Part 12 Urban Release Areas. (RZ04013)

Maitland Local Environmental Plan 1993 (Amendment No. 82) – Clause 5(1)

- \* Lot 22 DP831426, Dunmore Road, Largs (RZ04008)

Maitland Local Environmental Plan 1993 (Amendment No. 83) – Clause 5(1)

- \* Lot A DP161697, Lots 16-19 DP244680 & Part Lot 20 DP255378 Luskintyre Road, Lochinvar (RZ05002)

Maitland Local Environmental Plan 1993 (Amendment No. 84) – Clause 5(1)

- \* Lot 1 DP248728 & Lots 130 & 131 DP136187. Rezone land from Zone 1(b) Secondary Rural Land to partly Zone (c) Rural Small Holdings and partly Zone 7(c) Environmental Protection General. (RZ05003)

Maitland Local Environmental Plan 1993 (Amendment No. 85) – Clause 5(1)

- \* Lot 4 DP997875 & Lot 648 DP1007014. Permits development of the land for the purpose of an educational establishment (RZ05008)

Maitland Local Environmental Plan 1993 (Amendment No. 88) – Clause 5(1)

- \* Lot 4010 DP1023182. Permits development of the land for the purpose of a refreshment room (RZ05001)

Maitland Local Environmental Plan 1993 (Amendment No. 89) – Clause 5(1)

- \* Lot 22 DP746311. Rezone land from 7(a) Environmental Protection Wetlands to 3(c) Special Business to permit the carrying out of extensions to the car sale yard business. (RZ04018)

Maitland Local Environmental Plan 1993 (Amendment No. 90) – Clause 5(1)

- \* Lot 1 DP18562 & Lot B DP100440, Belmore Road, Lorn (RZ04012)

Maitland Local Environmental Plan 1993 (Amendment No. 92) –Clause 5 (1)

\*Lots 80 & 81 DP524028, Lots 11 & 12 DP628606, Lots 12 & 15 DP530358, Lot 1411 & 1412 DP717879, Lot 41 DP611238, Lots 21 & 22 DP841959, Lots 1 & 2 DP1067060, Lots 1 & 2 DP1080705 and Lot 1 DP1083183. Rezone land from 1(a) Prime Rural Land and 1(b) Secondary Rural Land to 2(a) Residential and introduce Aberglasslyn Urban Release Area (RZ04014 and RZ04015)

\*This information is provided for the quick identification of the land involved and zone created but does not appear in the gazetted amendment