



New South Wales

Maitland Local Environmental Plan 1993 (Amendment No 75)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N04/00057/S69)

DIANE BEAMER, M.P.,
Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2005 No 217

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

Maitland Local Environmental Plan 1993 (Amendment No 75)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Maitland Local Environmental Plan 1993 (Amendment No 75)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone the land to which this plan applies from Zone 4 (a) General Industrial and Zone 2 (a) Residential to Zone 6 (b) Private Recreation under *Maitland Local Environmental Plan 1993*, and
- (b) to introduce into the *Maitland Local Environmental Plan 1993* a clause to permit certain development on specific land at Rutherford.

3 Land to which plan applies

This plan applies to the land in the City of Maitland, being part of Lot 1223, DP 1017710, corresponding to proposed Lot 102 approved by the Council under subdivision application 02-2185, and Lots 222 and 224, DP 773532, as shown edged heavy black on the map marked "Maitland Local Environmental Plan 1993 Draft (Amendment No 75)" deposited in the office of Maitland City Council.

4 Amendment of Maitland Local Environmental Plan 1993

Maitland Local Environmental Plan 1993 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

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

Insert in appropriate order in the definition of *The map* in clause 5 (1):

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[2] Clause 52

Insert after clause 51:

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

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

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Schedule 1 Amendments

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*.

BY AUTHORITY
