



New South Wales

Cessnock Local Environmental Plan 1989 (Amendment No 92)—Advertising structures and miscellaneous amendments

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*. (N02/00285/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure and Planning (Planning Administration)

Cessnock Local Environmental Plan 1989 (Amendment No 92)—Advertising structures and miscellaneous amendments

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1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 92)—Advertising structures and miscellaneous amendments*.

2 Aims of plan

This plan aims:

- (a) to provide consistency between *Cessnock Local Environmental Plan 1989* and *Development Control Plan No 32—Citywide Outdoor Signage Code*, and
- (b) to further restrict the zones under *Cessnock Local Environmental Plan 1989* in which commercial signs are allowed without development consent, and
- (c) to limit the erection of advertising structures that are larger than commercial signs, and
- (d) to prohibit signage on parked vehicles, and
- (e) to require certain development to be dealt with as advertised development, and
- (f) to allow the construction of “replacement” dwelling-houses in Zones Nos 1 (c) and 1 (c2), and
- (g) to prohibit the use of the provisions of clause 12 (1A) of *Cessnock Local Environmental Plan 1989*, which allows subdivision for the purposes of boundary adjustments on rural allotments, if the relevant allotment was created under clause 12 (4) of that plan, which permits the creation of certain small allotments intended to be used for the purpose of a dwelling-house, and
- (h) to insert a definition of *dam* into *Cessnock Local Environmental Plan 1989* and to increase the zones in which dams are permissible with consent.

3 Land to which plan applies

This plan applies to all land situated in the City of Cessnock.

4 Amendment of Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 1989 is amended as set out in Schedule 1.

2003 No 580

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

advertising structure has the same meaning as it has in the Act.

dam means a barrier, embankment or excavated earth structure, generally built in or near a flowline or hillside, which has the primary function of impounding water for storage. The stored water may be used for such purposes as, but not limited to, stock watering, domestic supply, irrigation, tourism, aesthetic purposes, firefighting, soil erosion or pollution control.

the Act means the *Environmental Planning and Assessment Act 1979*.

[2] Clause 9 Zone objectives and development control table

Insert “dams;” in alphabetical order in item 3 of the matter in the Table to the clause relating to each of Zones Nos 1 (f), 1 (v), 2 (c), 3 (b), 6 (a) and 6 (b).

[3] Clause 9, Table

Insert “dams;” after “map;” in item 3 of the matter relating to Zone No 5 (a).

[4] Clause 9, Table

Omit “Railways” from item 3 of the matter relating to Zone No 5 (b).

Insert instead “Dams; railways”.

[5] Clause 9, Table

Omit “Utility” from item 3 of the matter relating to each of Zones Nos 5 (c) and 5 (d).

Insert instead “Dams; utility”.

[6] Clause 9, Table

Omit “Drainage” from item 3 of the matter relating to Zone No 6 (c1).

Insert instead “Dams; drainage”.

[7] Clause 12 Subdivision of land within Zone No 1 (a)

Insert after clause 12 (5):

(6) Subclause (1A) does not apply to permit the Council to consent to the subdivision of allotments created under subclause (4).

[8] Clause 14A Dwelling-houses—Zone No 1 (c)

Insert after clause 14A (3):

(4) Nothing in this clause prevents the erection of a dwelling-house, with consent, on land on which another dwelling-house is erected where the dwelling-house to be erected is intended to replace the original dwelling-house, but only if the Council is satisfied that the replacement dwelling-house will not be used as a dwelling until the original dwelling-house is demolished or its occupation has permanently ceased.

[9] Clause 14C Dwelling-houses within Zone No 1 (c2)

Insert after clause 14C (3):

(4) Nothing in this clause prevents the erection of a dwelling-house, with consent, on land on which another dwelling-house is erected where the dwelling-house to be erected is intended to replace the original dwelling-house, but only if the Council is satisfied that the replacement dwelling-house will not be used as a dwelling until the original dwelling-house is demolished or its occupation has permanently ceased.

[10] Clause 26 Advertisements

Insert “, 7 (d1) or 8 (a)” after “Zone No 1 (v)” in clause 26 (1).

2003 No 580

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Schedule 1 Amendments

[11] Clause 26 (2) and (3)

Omit clause 26 (2) and (3). Insert instead:

- (2) An advertising structure (including an advertising structure displaying an advertisement that is greater than 1 square metre in area) may be erected:
 - (a) on any land except land within Zone No 7 (d1) or 8 (a), and
 - (b) only for the purpose of displaying a notice relating to the purpose for which the land is being lawfully used or for directing visitors to tourist areas, and
 - (c) only with the consent of the Council.
- (3) A person must not display in any zone an advertisement on or attached to a vehicle or trailer (whether moveable or otherwise) that is parked principally for the display of an advertisement.

[12] Clause 40 Advertising of heritage applications

Omit clause 40 (1). Insert instead:

- (1) The following development is identified as advertised development (but only if it is not designated development):
 - (a) the demolition of a building or work within a conservation area,
 - (b) the demolition of a building or work that is an item of the environmental heritage,
 - (c) the use of a building or land referred to in clause 41 (1) for a purpose that, but for that clause, would be prohibited under this plan.

BY AUTHORITY
