



New South Wales

## **Cessnock Local Environmental Plan 1989 (Amendment No 75)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N01/00082/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

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## **2001 No 1041**

Clause 1                      Cessnock Local Environmental Plan 1989 (Amendment No 75)

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# **Cessnock Local Environmental Plan 1989 (Amendment No 75)**

## **1 Name of plan**

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 75)*.

## **2 Aims of plan**

This plan aims to amend *Cessnock Local Environmental Plan 1989* so as:

- (a) to rectify operational problems, and
- (b) to rezone certain land.

## **3 Land to which plan applies**

This plan applies:

- (a) to land at Cessnock and Sweetmans Creek, as shown edged heavy black on the maps marked “Cessnock Local Environmental Plan 1989 (Amendment No 75)” deposited in the office of Cessnock City Council, to the extent that it rezones land, and
- (b) otherwise to land to which *Cessnock Local Environmental Plan 1989* applies.

## **4 Amendment of Cessnock Local Environmental Plan 1989**

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

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

*accommodation* means a dwelling, room or the like in which a person may live.

*permanent or long-term accommodation* means accommodation that is, or is to be, occupied by a person as the person's principal place of residence for more than 42 consecutive days (or, in aggregate, more than 150 days in any 12 month period), whether or not occupation of the accommodation involves the payment of money.

*temporary accommodation* means accommodation that is, or is to be, occupied by a person for no more than 42 consecutive days (or, in aggregate, no more than 150 days in any 12 month period), whether or not occupation of the accommodation involves the payment of money.

### [2] Clause 5 (1), definition of "holiday cabin"

Omit "holiday accommodation".

Insert instead "temporary accommodation for holiday purposes".

### [3] Clause 5 (1), definition of "the map"

Insert at the end of the definition:

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### [4] Clause 5 (1), definition of "tourist recreation facilities"

Omit "holiday accommodation".

Insert instead "temporary accommodation for holiday purposes".

### [5] Clause 11 Subdivision of land—general

Omit "in circumstances other than those set out" from clause 11 (2) (c).

Insert instead "otherwise than as specified".

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Schedule 1 Amendments

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### [6] Clause 11 (2) (d)

Omit the paragraph. Insert instead:

- (d) to enlarge the area of an allotment of land within Zone No 1 (a) or 1 (v) by amalgamating the allotment with another allotment,

### [7] Clause 11 (4)

Insert after clause 11 (3):

- (4) Despite the other provisions of this plan, the Council may consent to the subdivision of a parcel of land that is within more than one zone if the proposed subdivision (except for any residue allotment) meets the minimum lot size requirements for the zone in which the greater part of the land concerned is situated.

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

Insert after clause 12 (1):

- (1A) The Council may consent to a subdivision for the purpose of adjusting boundaries of allotments of land within Zone No 1 (a) that results in the creation of one or more allotments of less than 40 hectares in area, but only if the subdivision will not:
  - (a) create any additional allotments of land, or
  - (b) give rise to any additional right to erect a dwelling-house, or
  - (c) prejudice the agricultural capability of the land.

### [9] Clause 12 (3)

Omit “intended to be”.

### [10] Clause 13 Dwelling-houses—Zone No 1 (a)

Insert after clause 13 (1):

- (1A) If a residue allotment of land within Zone No 1 (a) having an area of less than 40 hectares is created by an amalgamation referred to in clause 11 (2) (d), a dwelling-house may be erected on the residue allotment only if:

- (a) a dwelling-house could have been erected, pursuant to subclause (1), on the allotment existing prior to the amalgamation, or
  - (b) the amalgamation creates an allotment that meets the criteria set out in subclause (1),
- and the allotment is not an allotment originally created under clause 12 (4) whose area, as a result of the amalgamation, exceeds 2 hectares.

**[11] Clause 13 (5)**

Insert after clause 13 (4):

- (5) If an allotment of land within Zone No 1 (a) is lawfully created pursuant to an objection under *State Environmental Planning Policy No 1—Development Standards* to a provision of this plan, the Council may consent to the erection of a dwelling-house on the allotment concerned despite any other provision of this plan that could also be the subject of an objection under that Policy.

**[12] Clause 16 Dwelling houses—Zone No 1 (v)**

Insert after clause 16 (1):

- (1A) If a residue allotment of land within Zone No 1 (v) having an area of less than 40 hectares is created by an amalgamation referred to in clause 11 (2) (d), a dwelling-house may be erected on the residue allotment only if:
  - (a) a dwelling-house could have been erected, pursuant to subclause (1), on the allotment existing prior to the amalgamation, or
  - (b) the amalgamation creates an allotment that meets the criteria set out in subclause (1),and the allotment is not an allotment originally created under clause 12 (4) whose area, as a result of the amalgamation, exceeds 2 hectares.

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### [13] Clause 26

Omit clause 26. Insert instead:

#### **26 Advertisements**

- (1) A commercial sign may be erected or displayed without the consent of the Council on any land other than land within Zone No 1 (v).
- (2) An advertising structure larger than a commercial sign may be erected:
  - (a) only on land within Zone No 3 (a), 3 (b), 3 (c), 4 (a), 4 (b) or 5 (a), and
  - (b) only if it is to be the sole such structure on the land, and
  - (c) only for the purpose of displaying a notice relating to the purpose for which the land is being lawfully used, and
  - (d) only with the consent of the Council.
- (3) An advertising structure may be erected and an advertisement displayed on it without the consent of the Council for a period not exceeding two months in any twelve months on any land other than land within Zone No 1 (v). The Council may take such steps as it considers appropriate or necessary to require the removal of the advertisement and the advertising structure at the expiry of the two-month period.

BY AUTHORITY

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