



New South Wales

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

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. (N98/00283/PC)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 209

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone*.

2 Aims of plan

This plan aims:

- (a) to create new zones under *Cessnock Local Environmental Plan 1989*, including the Hunter Employment Zone, so as to facilitate major industrial or employment-generating development and to provide for environmental protection, national parks and nature reserves and special uses of land, and
- (b) to regulate development in the Hunter Employment Zone and the other new zones, and
- (c) to rezone certain land to those new zones, and
- (d) to allow development for the purposes of environmental facilities to be carried out with consent in certain zones, and
- (e) to add certain items of the environmental heritage to Schedule 3 to *Cessnock Local Environmental Plan 1989*.

3 Land to which plan applies

(1) This plan applies:

- (a) to the extent that it rezones land—to the land shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” deposited in the office of Cessnock City Council, and
- (b) to the extent that it does other things—to all land to which *Cessnock Local Environmental Plan 1989* applies.

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- (2) However, this plan does not apply to land shown hatched on that map which has been excluded from this plan by Cessnock City Council under section 68 (5) of the *Environmental Planning and Assessment Act 1979*.

4 Amendment of Cessnock Local Environmental Plan 1989

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

2002 No 209

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Schedule 1 Amendments

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(Clause 4)

[1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

environmental facilities means:

- (a) structures or works that provide for nature or scientific study or display or interpretation facilities (such as walking tracks, board walks, observation decks or bird hides), or
- (b) environmental management or restoration works (such as those for bush regeneration, wetland restoration, noxious weed control or feral animal control).

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

[3] Clause 8 Zones indicated on the map

Insert in appropriate order:

- Zone No 4 (h) (Hunter Employment Zone)—black edging and lettered “4 (h)”.
- Zone No 7 (b) (Environmental Protection (Conservation) Zone)—black edging and lettered “7 (b)”.
- Zone No 8 (a) (National Parks and Nature Reserves Zone)—black edging and lettered “8 (a)”.

[4] Clause 9 Zone objectives and development control table

Insert “environmental facilities;” in alphabetical order in item 3 (Only with consent) of the matter relating to Zones Nos 1 (a1), 1 (c1), 1 (f), 1 (v), 2 (c), 3 (b), 6 (a), 6 (b) and 6 (c1) in the Table to the clause.

[5] Clause 9, Table

Insert after the matter relating to Zone No 4 (b):

Zone No 4 (h) Hunter Employment Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to encourage sustainable major industrial development or major employment-generating development that is conveniently accessible to urban centres and that has good road and rail access links, and
- (b) to encourage ecologically sustainable development by prohibiting development that contributes to the degradation of the Wallis and Fishery Creeks water catchments, and
- (c) to permit other development that is complementary, ancillary or related to existing development within the zone, and
- (d) to prohibit development that exposes residences and the natural environment to unacceptable levels of pollution or hazard risk, and
- (e) to minimise the clearing of native vegetation, and
- (f) to facilitate the movement and survival of native fauna and flora by conserving native vegetation corridors.

2 Without consent

Nil.

3 Only with consent

Any purpose other than a purpose included in item 4.

4 Prohibited

Art galleries; bed and breakfast accommodation; boarding houses; brothels; caravan parks; commercial premises and shops (other than those ordinarily incidental or ancillary to industry, or which are primarily intended to serve persons

2002 No 209

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Schedule 1 Amendments

occupied or employed in land uses otherwise permitted in this zone); commercial vineyards; dwelling-houses (other than those ancillary to land uses permitted in this zone); hazardous industries, hazardous storage establishments, offensive industries or offensive storage establishments (within the meaning of each of those four terms in *State Environmental Planning Policy No 33—Hazardous and Offensive Development*); hospitals; institutions; integrated tourist development; places of assembly; places of public worship; reception establishments; residential flat buildings; roadside stalls; tourist recreation facilities; tourist related craft shops; tourist accommodation buildings.

[6] Clause 9, Table

Insert after the matter relating to Zone No 6 (c1):

Zone No 7 (b) Environmental Protection (Conservation) Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to maintain the ecological integrity and viability of areas of conservation value, and
- (b) to conserve biological diversity, and
- (c) to conserve native ecosystems, and
- (d) to prohibit development that would adversely impact on the conservation of native ecosystems and biological diversity, and
- (e) to minimise the clearing of native vegetation, and
- (f) to facilitate the movement and survival of native fauna and flora by conserving native vegetation corridors, and
- (g) to protect the Aboriginal heritage values of land, and
- (h) to protect the scenic qualities of land, and
- (i) to prohibit the further subdivision of land within the zone.

2 Without consent

Nil.

3 Only with consent

Dwelling-houses; environmental facilities; picnic areas; railway undertakings; roads; utility installations.

4 Prohibited

Any purpose other than a purpose included in item 3.

[7] Clause 9, Table

Insert after the matter relating to Zone No 7 (d1):

Zone No 8 (a) National Parks and Nature Reserves Zone

1 Objectives of zone

The objectives of this zone are:

- (a) to identify land that is reserved or dedicated under the *National Parks and Wildlife Act 1974*, and
- (b) to allow for the management and appropriate use of land as provided for under that Act.

2 Without consent

Development for any purpose authorised by or under the *National Parks and Wildlife Act 1974* and any land use incidental or ancillary thereto.

3 Only with consent

Nil.

4 Prohibited

Any purpose other than a purpose included in item 2.

2002 No 209

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Schedule 1 Amendments

[8] Clause 10 General development principles—rural and environmental protection zones and Hunter Employment Zone

Insert after clause 10 (2):

- (3) Before granting consent to the carrying out of development on land within Zone No 4 (h), the Council shall have regard to the following general principles:
 - (a) development should introduce new or innovative technologies to the State of New South Wales or to the Hunter Region,
 - (b) development should introduce new or cutting-edge research, development or production skills to NSW with potential for increasing the skills of workforces across the State or the Hunter Region,
 - (c) development should provide an integral part of the value-adding chain of an economic activity that is of State economic significance,
 - (d) development should involve research that is part of a long-term research or development program undertaken in collaboration with a tertiary institution,
 - (e) development should recycle or use a significant proportion of the core-business waste product of existing development in the zone and require proximity to that existing development so as to be economically viable,
 - (f) development should require separation from existing settlement or workplaces to comply with acceptable safety margins but not so as to consume so much land that other objectives of the zone are prejudiced,
 - (g) development should require proximity to the 330kv electricity transmission line for its economic viability,
 - (h) development should require proximity to the Sydney-Brisbane trunk fibre-optic cable for its economic viability,
 - (i) development should require direct access to rail-freight services provided by the South Maitland or Richmond Vale Railways,

- (j) development should require access to high-capacity road networks for access to the ports of Newcastle and Sydney,
- (k) development should encourage interactive relationships between different forms of development with the aim of optimising the use of energy and resources and minimising pollution and waste products produced by development so as to progressively achieve a closed cycle of resource use,
- (l) development should maintain the ecological integrity and viability of areas of conservation value,
- (m) development should protect the Aboriginal and European heritage values of land.

[9] Clauses 17A, 17B and 17C

Insert after clause 17:

17A Subdivision of land within Zone No 7 (b)

Consent shall not be granted to the subdivision of land within Zone No 7 (b).

17B Dwelling-houses within Zone No 7 (b)

Consent may be granted to the erection of one, but not more than one, dwelling-house on land within Zone No 7 (b), but only if the land has an area of not less than 40 hectares and there is no dwelling-house on the land.

17C Earthworks within Zone No 7 (b)

- (1) In this clause:

earthworks means the addition or removal of any solid material on, to or from land, or any other work that will substantially alter the existing ground level or character of the surface of the land.

- (2) A person may, with the consent of the consent authority, carry out development for the purpose of earthworks on land within Zone No 7 (b).

2002 No 209

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Schedule 1 Amendments

[10] Clause 20 Clearing

Omit clause 20 (1). Insert instead:

(1) In this clause:

clearing means the damage or destruction of a tree, shrub or other plant on land (other than any damage or destruction exempted by a Tree Preservation Order adopted by the Council) and includes the severing, ringbarking or lopping of branches, limbs, stems or trunks of a tree, shrub or other plant.

[11] Clause 20A

Insert after clause 20:

20A Clearing of land within Zone No 4 (h), 5 (a) or 7 (b)

(1) In this clause:

clearing means the damage or destruction of a tree, shrub or other plant on land (other than any damage or destruction exempted by a Tree Preservation Order adopted by the Council) and includes the severing, ringbarking or lopping of branches, limbs, stems or trunks of a tree, shrub or other plant.

(2) A person must not clear land within Zone No 4 (h), 5 (a) or 7 (b) unless:

(a) the clearing is carried out in relation to:

- (i) other development for which consent has been granted, or
- (ii) air navigation safety, bushfire hazard reduction, land survey, geotechnical or similar investigation, or fencing, and

(b) the consent authority has consented to the clearing.

[12] Clause 26 Advertisements

Omit “or 7 (d1)” from clause 26 (1). Insert instead “7 (b), 7 (d1) or 8 (a)”.

[13] Clauses 56–60

Insert after clause 55:

56 Hunter Employment Zone—Subdivision of land within Zone No 4 (h), 5 (a) or 7 (b)

- (1) This clause applies to land that is shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” and that is within Zone No 4 (h), 5 (a) or 7 (b).
- (2) Consent must not be granted to the subdivision of land within Zone No 4 (h) or 5 (a) to which this clause applies unless the subdivision specifically relates to the use of the land for which consent has previously been or will concurrently be granted.
- (3) Despite clause 17A and subclause (2), consent may be granted to the subdivision of land to which this clause applies solely for the purpose of subdividing areas of land within Zone No 4 (h), 5 (a) or 7 (b) along zone boundaries.

57 Hunter Employment Zone—General development of land within Zone No 4 (h), 5 (a) or 7 (b)

- (1) This clause applies to land that is shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” and that is within Zone No 4 (h), 5 (a) or 7 (b).
- (2) In this clause, *the management plans* means management plans of the kind referred to in Part 2 of *Development Control Plan No 47—Hunter Employment Zone*.
- (3) Consent must not be granted to development of land to which this clause applies unless drafts of the management plans have been publicly exhibited, and those plans have been approved, as if they were development control plans.
- (4) However, if any of the management plans has not been approved within 6 months after the gazettal of *Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone*, consent may be granted to development of land to which this clause applies despite subclause (3).

2002 No 209

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone

Schedule 1 Amendments

- (5) Consent must not be granted to development of land to which this clause applies unless:
- (a) the consent authority has had regard to *Development Control Plan No 47—Hunter Employment Zone* and such of the management plans (if any) as have been approved for the time being, and
 - (b) each of three locations, nominated by the National Parks and Wildlife Service, in areas shown hatched on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” has been subject to an archaeology retrieval excavation undertaken by a person that the consent authority is satisfied is accredited as an archaeologist of Aboriginal heritage and the consent authority is satisfied that the excavations have been carried out in consultation with the relevant Aboriginal community group, and
 - (c) a surface inspection of the land to which this clause applies has been undertaken that the consent authority is satisfied was undertaken in conjunction with the relevant Aboriginal community group and the consent authority has had regard to the results of that inspection to the extent they relate to issues of Aboriginal heritage.
- (6) Consent must not be granted to development of land to which this clause applies that, in the opinion of the consent authority, will or will be likely to generate additional vehicular traffic until the consent authority has received written advice from the Roads and Traffic Authority that arrangements satisfactory to that Authority have been made relating to improvements and additions to road infrastructure on and in the vicinity of the land to which this clause applies.

58 Hunter Employment Zone—Shops within Zone No 4 (h)

Development for the purpose of a shop may, with development consent, be carried out within Zone No 4 (h) if, in the opinion of the consent authority, by virtue of its nature, the service provided, or the products produced, distributed or sold, the shop is appropriately located in the zone.

59 Hunter Employment Zone—Dwelling-houses within Zone No 7 (b)

- (1) This clause applies to land that is shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” and that is within Zone No 7 (b).
- (2) Despite clause 17B, consent may be granted to development of land to which this clause applies for the purposes of one, but not more than one, dwelling-house, but only if the land has an area of not less than 25 hectares and there is no dwelling-house on the land.

60 Permissibility of mining

- (1) This clause applies to land that is shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone” and that is within Zone No 4 (h) or 7 (b).
- (2) Despite clause 9, consent may be granted to development on the land to which this clause applies for the purposes of coal mining.

[14] Schedule 3 Items of the environmental heritage

Insert at the end of the Schedule:

- 16 Hebburn Dam.
- 17 All earthworks, structures and ancillary equipment along the railway formation from Hebburn Dam to Elrington including a corridor 40 metres wide centred on the railway trackbed centreline.
- 18 All earthworks, structures and ancillary equipment along the South Maitland Railway including a corridor of land 100 metres wide centred on the railway trackbed centreline.
- 19 All earthworks, structures and ancillary equipment along the Richmond Vale Railway formation including a corridor of land 100 metres wide centred on the railway trackbed centreline.
- 20 Pelaw Main Colliery Precinct.
- 21 Abermain No 1 Colliery Precinct.

2002 No 209

Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter
Employment Zone

Schedule 1 Amendments

- 22 Hebburn No 1 Colliery Precinct.
- 23 Hebburn No 2 Colliery Precinct.
- 24 Richmond Main Colliery Precinct.

BY AUTHORITY