



New South Wales

Cessnock Local Environmental Plan 1989 (Amendment No 73)

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*. (N01/00009/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 388

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 73)

Cessnock Local Environmental Plan 1989 (Amendment No 73)

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 73)*.

2 Aims of plan

This plan aims to incorporate provisions within *Cessnock Local Environmental Plan 1989* which will require the preparation of site specific development control plans and contribution plans for major tourist development.

3 Land to which plan applies

This plan applies to all land situated in the City of Cessnock, which is zoned for the purpose of permitting (with development consent) tourist recreation facilities and integrated tourist development.

4 Amendment of Cessnock Local Environmental Plan 1989

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

Schedule 1 Amendment

(Clause 4)

Clause 61

Insert after clause 60:

61 Major tourist development

- (1) This clause applies to development for the purpose of tourist recreation facilities or integrated tourist development if, in each case, it is valued by the consent authority to cost in excess of \$20 million.
- (2) Consent must not be granted for development to which this clause applies unless, after the development application is lodged:
 - (a) a development control plan is approved for the land that is the subject of the proposed development, and
 - (b) a contributions plan is approved for that land supporting the imposition of conditions under Division 6 of Part 4 of the Act because the development will, or is likely to, require the provision of, or increase demand for, public amenities and public services in the area with respect to any (but not necessarily all) of the following:
 - (i) public open space and improvements to public open space,
 - (ii) bridge construction,
 - (iii) upgrading and construction of roads,
 - (iv) traffic management facilities,
 - (v) stormwater drainage facilities,
 - (vi) bushfire mitigation facilities,
 - (vii) tourist information laybys,
 - (viii) Cessnock Aerodrome updating.
- (3) A development control plan required by this clause must address (but is not limited to) the following issues:
 - (a) site density,
 - (b) building design and energy efficiency,

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Schedule 1 Amendment

- (c) landscaping,
 - (d) visual impacts,
 - (e) biodiversity conservation,
 - (f) stormwater and flooding management,
 - (g) water sensitive design and water conservation,
 - (h) erosion and sediment control,
 - (i) pedestrian management,
 - (j) traffic and parking management,
 - (k) waste disposal,
 - (l) utility services,
 - (m) bushfire management,
 - (n) contaminated land,
 - (o) Aboriginal heritage,
 - (p) European heritage,
 - (q) staging of development.
- (4) If a development control plan required by subclause (2) has not been approved within 6 months after the development application was lodged, then the development application may be granted consent despite subclause (2).
- (5) If a contributions plan required by this subclause (2) has not been approved within 6 months after the development application was lodged, then the development application may be granted consent despite subclause (2).
- (6) A development application may be determined without a development control plan or a contributions plan required by subclause (2) being approved after the development application was lodged if the consent authority is satisfied that the proposal is consistent with a development control plan or contributions plan, as the case may require, approved before the development application was lodged.
- (7) This clause does not apply to development applications lodged with the consent authority before the date on which the certificate under section 65 of the Act was issued for draft *Cessnock Local Environmental Plan 1989 (Amendment No 73)* which plan inserted this clause into this plan.

BY AUTHORITY