



New South Wales

Cessnock Local Environmental Plan 1989 (Amendment No 89)— 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/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 788

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 89)—
Hunter Employment Zone

Cessnock Local Environmental Plan 1989 (Amendment No 89)—Hunter Employment Zone

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 89)—Hunter Employment Zone*.

2 Aims of plan

- (1) This plan aims:
 - (a) to replace the term “management plan” with the term “environmental management strategy” wherever it occurs in *Cessnock Local Environmental Plan 1989*, and
 - (b) to amend clause 20A of *Cessnock Local Environmental Plan 1989* to remove the requirement to obtain development consent for clearing related to land survey or geotechnical or similar investigation on land within Zone No 4 (h) or 5 (a) under that plan.
- (2) This plan also removes an unnecessary amendment from *Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone*.

3 Land to which plan applies

This plan applies to land to which *Cessnock Local Environmental Plan 1989* applies.

4 Relationship to other environmental planning instruments

- (1) *Cessnock Local Environmental Plan 1989* is amended as set out in Schedule 1.
- (2) *Cessnock Local Environmental Plan 1989 (Amendment No 60)—Hunter Employment Zone* is amended by omitting Schedule 1 [12].

Schedule 1 Amendments

(Clause 4 (1))

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

Omit clause 20A (2). Insert instead:

- (2) A person must not clear land within Zone No 4 (h), 5 (a) or 7 (b) unless:
 - (a) the clearing is carried out to allow other development for which consent has been granted to be carried out, or
 - (b) the consent authority has consented to the clearing.
- (3) This clause does not prevent the clearing of land within Zone No 4 (h) or 5 (a) for the purpose of a land survey or a geotechnical or similar investigation without consent if the clearing:
 - (a) is not commenced until after the Council has authorised the clearing in writing and is carried out in accordance with that authorisation, and
 - (b) constitutes underscrubbing only, with no removal of trees, and
 - (c) is carried out to clear a strip that has a width of not more than 3 metres or an area that has a diameter of not more than 3 metres, and
 - (d) is undertaken in the presence of a suitably qualified and experienced ecologist who must, if the Council requests, certify that the clearing will have no significant effect on threatened species, populations or ecological communities, or their habitats.
- (4) In this clause:

diameter at breast height means the measurement of the diameter of a tree made:

 - (a) at a height of 1.3 metres above ground level (measured from the ground level of the up slope side of a tree if the tree is on a slope), and

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Schedule 1 Amendments

(b) at right angles to the axis of the tree.

If the tree is branched or deformed at 1.3 metres above ground level, the measurement must be taken at the nearest point above or below that point, where the tree becomes more cylindrical.

tree means a plant with a diameter at breast height of 20 centimetres or more.

underscrubbing means slashing to a minimum height of 20 centimetres above natural ground level without disturbance to soils otherwise than to create test holes in positions approved by the Council and made for geotechnical or other similar investigation purposes.

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

Omit “*the management plans*” from clause 57 (2).

Insert instead “*the environmental management strategies*”.

[3] Clause 57 (2)–(5)

Omit “management plans” wherever occurring.

Insert instead “environmental management strategies”.

[4] Clause 57 (3)

Omit “those plans”. Insert instead “those strategies”.

BY AUTHORITY