



New South Wales

## **Cessnock Local Environmental Plan 1989 (Amendment No 116)**

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*. (NEW0000230/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2006 No 545

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 116)

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## Cessnock Local Environmental Plan 1989 (Amendment No 116)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 116)*.

### 2 Aims of plan

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

- (a) to insert a definition of **multiple dwelling**, and
- (b) to allow, with the consent of the Cessnock City Council, development for the purpose of multiple dwellings on land within Zones Nos 2 (a), 2 (c), 3 (a) and 3 (c), and
- (c) to prohibit development for the purposes of multiple dwellings and residential flat buildings on land within Zone No 2 (b), and
- (d) to prohibit dual occupancy development on certain land within Zone No 2 (b), and
- (e) to effect minor law revision to omit extraneous matter from the zoning table relating to attached dual occupancies on land within Zone No 1 (v), being matter covered by clause 24.

### 3 Land to which plan applies

- (1) In respect of the aims referred to in clause 2 (a) and (b), this plan applies to all land within the City of Cessnock under *Cessnock Local Environmental Plan 1989*.
- (2) In respect of the aim referred to in clause 2 (c), this plan applies to all land within Zone No 2 (b) (Village Zone) under *Cessnock Local Environmental Plan 1989*.
- (3) In respect of the aim referred to in clause 2 (d), this plan applies to land within Zone No 2 (b) at Ellalong, as shown hatched or cross-hatched on Sheet 6 of the map marked "Cessnock Local Environmental Plan 1989 (Amendment No 30)" deposited in the office of Cessnock City Council.

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

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

## 2006 No 545

Cessnock Local Environmental Plan 1989 (Amendment No 116)

Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

#### [1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

**multiple dwelling** means 3 or more dwellings, whether or not attached, on a single lot of land, each with private open space at or near ground level, consisting of development commonly referred to as medium density residential development such as villas and townhouses, but does not include residential flat buildings.

#### [2] Clause 7A

Insert after clause 7:

##### **7A Saving of certain development applications**

- (1) A development application relating to land to which the amending plan applies that was lodged, but not finally determined, before the commencement of the amending plan is to be determined as if the amending plan has been exhibited under the *Environmental Planning and Assessment Act 1979* but had not been made.
- (2) In this clause, **the amending plan** means:  
*Cessnock Local Environmental Plan 1989 (Amendment No 116)*.

#### [3] Clause 9 Zone objectives and development control table

Insert “multiple dwellings;” in alphabetical order in item 4 of the matter relating to Zones Nos 1 (a), 1 (c), 1 (c2), 2 (b), 4 (a), 4 (b) and 4 (h) in the Table to the clause.

#### [4] Clause 9, Table

Omit “attached dual occupancies;” from item 3 of the matter relating to Zone No 1 (v).

#### [5] Clause 9, Table

Insert “residential flat buildings;” in alphabetical order in item 4 of the matter relating to Zone No 2 (b).

#### [6] Clause 9, Table

Insert “multiple dwellings;” in alphabetical order in item 3 of the matter relating to Zone No 2 (c).

**[7] Clause 24 Dual occupancy**

Insert “**and multiple dwellings**” after “**buildings**” in the heading to clause 24 (7).

**[8] Clause 24 (7)**

Insert “or multiple dwellings” after “buildings”.

**[9] Clause 51 Dwellings within Zone No 2 (b) at Ellalong**

Insert after clause 51 (4):

- (5) Clause 24 does not apply to the land to which this clause applies.