



New South Wales

Cessnock Local Environmental Plan 1989 (Amendment No 120)

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*. (N04/00018-2)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2008 No 514

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 120)

Cessnock Local Environmental Plan 1989 (Amendment No 120)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 120)*.

2 Aims of plan

The aims of this plan are:

- (a) to rezone certain land at Clifftleigh from Zone No 1 (a) (Rural “A” Zone) to Zone No 2 (a) (Residential “A” Zone) and Zone No 6 (a) (Open Space Zone) to allow for future urban development and the conservation of ecological and riparian corridors, and
- (b) to insert new provisions requiring the consent authority to ensure that adequate provision is made for necessary public infrastructure when determining development applications relating to future urban development, and
- (c) to include certain items relating to the former Ayrfield No 1 Colliery at Clifftleigh as items of the environmental heritage under *Cessnock Local Environmental Plan 1989*.

3 Land to which plan applies

This plan applies to:

- (a) in relation to the aim referred to in clause 2 (a)—the land shown edged heavy black on the map marked “Cessnock Local Environmental Plan 1989 (Amendment No 120)” deposited in the office of Cessnock City Council, and
- (b) in relation to the aim referred to in clause 2 (b)—the whole of the land to which *Cessnock Local Environmental Plan 1989* applies, and
- (c) in relation to the aim referred to in clause 2 (c)—the land on which the former Ayrfield No 1 Colliery at Clifftleigh is situated.

4 Amendment of Cessnock Local Environmental Plan 1989

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

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Cessnock Local Environmental Plan 1989 (Amendment No 120)

Schedule 1 Amendments

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(Clause 4)

[1] Clause 5 Definitions

Insert in appropriate order in the definition of *the map* in clause 5 (1):

Cessnock Local Environmental Plan 1989 (Amendment No 120)

[2] Clause 66

Insert after clause 65:

66 Public infrastructure in urban release areas

(1) Application

This clause applies to land in an urban release area, but does not apply to any such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

(2) Designated State public infrastructure

The objective of subclause (3) is to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land, but only if the land is developed intensively for urban purposes.

(3) Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

(4) Subclause (3) does not apply to:

- (a)** any lot identified in the certificate as a residue lot, or
- (b)** any lot created by a subdivision previously consented to in accordance with this clause, or
- (c)** any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utilities, educational facilities, or any other public purpose, or

- (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to development for the purposes of subdivision on land to which this clause applies.
- (6) **Public utility infrastructure**
- Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (7) Subclause (6) does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (8) In this clause:
- designated State public infrastructure** means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:
- (a) State and regional roads,
 - (b) bus interchanges and bus lanes,
 - (c) rail infrastructure and land,
 - (d) land required for regional open space,
 - (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).
- public utility infrastructure** means infrastructure for any of the following purposes:
- (a) the supply of water,
 - (b) the supply of electricity,
 - (c) the disposal and management of sewage.
- urban release area** means the land shown edged heavy black on the following maps:
- Cessnock Local Environmental Plan 1989 (Amendment No 120)
- (9) This clause prevails over any other provision of this plan to the extent of any inconsistency.
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Schedule 1 Amendments

[3] Schedule 3 Items of the environmental heritage

Insert at the end of the Schedule:

- 25 Former Ayrfield No 1 Colliery—Remaining Colliery relics identified in “*European Archaeological Assessment*”, Insite Heritage, April 2005.

BY AUTHORITY
