



New South Wales

# **Cessnock Local Environmental Plan 2011 (Amendment No 16)**

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*.

**MONICA GIBSON**

As delegate for the Minister for Planning

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### **1 Name of Plan**

This Plan is *Cessnock Local Environmental Plan 2011 (Amendment No 16)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to the land to which *Cessnock Local Environmental Plan 2011 (the **Principal Plan**)* applies, including land at Cedar Creek, Black Hill, Brunkerville, Buchanan, Bucketty, Buttai, Laguna, Mount Vincent, Mulbring, Paynes Crossing, Richmond Vale, Stockrington, Sweetmans Creek and Wollombi, that, immediately before the making of this Plan, was identified as deferred matter under the Principal Plan.

### **4 Maps**

The maps adopted by *Cessnock Local Environmental Plan 2011* are amended or replaced, as the case requires, by the maps approved by the Minister on the making of this Plan.

## **Schedule 1      Amendment of Cessnock Local Environmental Plan 2011**

**[1]    Clause 1.3 Land to which Plan applies**

Omit clause 1.3 (1A).

**[2]    Clause 1.8 Repeal of planning instruments applying to land**

Insert at the end of clause 1.8 (1):

**Note.** The following local environmental plans are repealed under this provision:

*Cessnock Local Environmental Plan 1989*

**[3]    Clause 1.8 (2)**

Omit the note.

**[4]    Land Use Table**

Insert at the end of item 1 of the matter relating to Zone RU2 Rural Landscape:

- To maintain and enhance the scenic character of the land.
- To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.
- To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.
- To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.
- To ensure development does not intrude into the skyline when viewed from a road or other public place.

**[5]    Clauses 7.14 and 7.15**

Insert after clause 7.13:

**7.14    Essential services**

- (1) This clause applies to land in Zone RU2 Rural Landscape.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:
  - (a) the supply of water,
  - (b) the supply of electricity,
  - (c) the disposal and management of sewage,
  - (d) stormwater drainage or on-site conservation,
  - (e) suitable vehicular access.

**7.15    Groundwater vulnerability**

- (1) The objectives of this clause are as follows:
  - (a) to maintain the hydrological functions of key groundwater systems,
  - (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.

- (2) This clause applies to land in Zone RU2 Rural Landscape.
- (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following:
  - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
  - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
  - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
  - (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.