



New South Wales

Cessnock Local Environmental Plan 2011 (Amendment No 20)

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*.

STEPHEN GLEN, GENERAL MANAGER, CESSNOCK CITY COUNCIL
As delegate for the Minister for Planning

Cessnock Local Environmental Plan 2011 (Amendment No 20)

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1 Name of Plan

This Plan is *Cessnock Local Environmental Plan 2011 (Amendment No 20)*.

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* applies.

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] Land Use Table

Omit “Attached dwellings;” from item 4 of the matter relating to Zone RU2 Rural Landscape.

[2] Land Use Table, Zone RU5 Village

Omit “Home industries;” from item 3.

[3] Land Use Table, Zone R1 General Residential

Omit the following from item 3:

- Exhibition villages;
- Home-based child care;
- Home businesses;
- Home occupations;
- Recreation areas;
- Recreation facilities (indoor);
- Recreation facilities (outdoor);
- Signage;

[4] Land Use Table, Zone B2 Local Centre

Omit “Roadside stalls;” from item 4.

[5] Land Use Table, Zone B7 Business Park

Omit “Farm stay accommodation;” from item 4.

[6] Land Use Table, Zone IN1 General Industrial

Omit “Stock and sale yards;” from item 4.

[7] Clause 4.1C

Insert after clause 4.1B:

4.1C Exceptions to minimum lot sizes for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to land in the following zones:
 - (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential.
- (3) Despite clause 4.1, development consent may be granted to a single development application for development on land to which this clause applies that is both of the following:
 - (a) the erection of a dual occupancy on the land,
 - (b) the subdivision of that land into 2 lots if each lot resulting from the subdivision contains one dwelling and the size of each lot is not less than 300 square metres (excluding the area of any access handle).

- (4) Despite clause 4.1, development consent may be granted for a subdivision that would create separate titles for each of the 2 dwellings comprising a dual occupancy on land to which this clause applies if:
- (a) the size of each lot resulting from the subdivision is not less than 300 square metres (excluding the area of any access handle), and
 - (b) each lot resulting from the subdivision will contain one dwelling, and
 - (c) the subdivision is not inconsistent with the development consent for the dual occupancy.

[8] Clause 4.2C

Insert after clause 4.2B:

4.2C Boundary adjustments in certain rural and environment protection zones

- (1) The objective of this clause is to facilitate boundary adjustments between lots where one or more resultant lots do not meet the minimum lot size but the objectives of the relevant zone can be achieved.
- (2) This clause applies to land in the following zones:
- (a) Zone RU2 Rural Landscape,
 - (b) Zone RU4 Primary Production Small Lots,
 - (c) Zone E2 Environmental Conservation,
 - (d) Zone E3 Environmental Management.
- (3) Despite clause 4.1, development consent may be granted to subdivide land by way of a boundary adjustment between adjoining lots where one or more of the lots created do not meet the minimum lot size shown on the Lot Size Map in relation to that land, if the consent authority is satisfied that:
- (a) the subdivision will not create additional lots or the opportunity for additional dwellings, and
 - (b) the number of lots with an area that is less than the minimum size shown on the Lot Size Map in relation to that land after the subdivision will remain the same as or will be fewer than immediately before the subdivision, and
 - (c) the number of dwellings or opportunities for dwellings on each lot after the subdivision will remain the same as before the subdivision, and
 - (d) the potential for land use conflict will not be increased as a result of the subdivision, and
 - (e) if the land is in Zone RU2 Rural Landscape or Zone RU4 Primary Production Small Lots—the agricultural viability of the land will not be adversely affected as a result of the subdivision, and
 - (f) if the land is in Zone E2 Environmental Conservation or Zone E3 Environmental Management—the subdivision will result in the continued protection and long-term maintenance of the land, and
 - (g) the boundary adjustment is consistent with the objectives of the relevant zone.
- (4) In determining whether to grant development consent for the subdivision of land under this clause, the consent authority must consider the following:
- (a) the existing uses and approved uses of other land in the vicinity of the subdivision,

- (b) whether or not the subdivision is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development,
 - (c) whether or not the subdivision is likely to be incompatible with a land use on any adjoining land,
 - (d) whether or not the subdivision is appropriate having regard to the natural and physical constraints affecting the land,
 - (e) whether or not the subdivision is likely to have a significant adverse impact on the environmental values of the land.
- (5) This clause does not apply:
- (a) in relation to a subdivision of individual lots in a strata plan or community title scheme, or
 - (b) if the subdivision would create a lot that could itself be subdivided in accordance with clause 4.1.