



New South Wales

# **Cessnock Local Environmental Plan 2011 (Amendment No 40)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

**KEN LIDDELL, GENERAL MANAGER  
CESSNOCK CITY COUNCIL**  
As delegate for the local plan-making authority

## **Cessnock Local Environmental Plan 2011 (Amendment No 40)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Cessnock Local Environmental Plan 2011 (Amendment No 40)*.

### **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 certain land under *Cessnock Local Environmental Plan 2011*.

### **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 local plan-making authority on the making of this plan.

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

### **[1]    Clause 1.8A Savings provision relating to development applications**

Insert at the end of the clause—

- (2) A development application made, but not finally determined, before the commencement of *Cessnock Local Environmental Plan 2011 (Amendment No 40)* must be determined as if the plan had not commenced.

### **[2]    Land Use Table**

Omit the matter relating to Zone RU2. Insert instead—

#### **Zone RU2 Rural Landscape**

##### **1            Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To enable other compatible forms of development that are associated with rural activity and require an isolated location or support recreation.
- To ensure the type and intensity of development is appropriate in relation to the rural capability and suitability of the land.
- To maintain and enhance the scenic character of the land.
- To ensure development does not create unreasonable or uneconomic demands for the provision or extension of services or infrastructure by public authorities.
- To minimise disturbance to the landscape from development caused by vegetation 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.

##### **2            Permitted without consent**

Extensive agriculture; Home occupations; Horticulture

##### **3            Permitted with consent**

Agriculture; Airports; Animal boarding or training establishments; Aquaculture; Building identification signs; Business identification signs; Camping grounds; Cemeteries; Community facilities; Crematoria; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home-based child care; Home businesses; Home industries; Information and education facilities; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural

industries; School-based child care; Secondary dwellings; Sewerage systems; Tourist and visitor accommodation; Waste or resource management facilities; Water supply systems.

**4 Prohibited**

Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

**[3] Land Use Table, Zone RU5**

Omit the matter relating to Zone RU5. Insert instead—

**Zone RU5 Village**

**1 Objectives of zone**

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To ensure development is compatible with the amenity, character and scale of a rural village.

**2 Permitted without consent**

Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Building identification signs; Business identification signs; Business premises; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Dwelling houses; Early education and care facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Food and drink premises; Home businesses; Hotel or motel accommodation; Information and education facilities; Light industries; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Roadside stalls; Rural supplies; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewerage systems; Shops; Tank-based aquaculture; Vehicle repair stations; Veterinary hospitals, Water supply systems

**4 Prohibited**

High technology industries; Any other development not specified in item 2 or 3

**[4] Clause 4.1 Minimum subdivision lot size**

Omit subclause 4.1(4A).

**[5] Clause 4.1E**

Insert after clause 4.1D—

**4.1E Subdivision of land not serviced by sewage reticulation system**

- (1) Development consent must not be granted to the subdivision of land that will not be serviced by a sewage reticulation system following registration of the plan of subdivision unless the consent authority is satisfied—
  - (a) each resulting lot will be—
    - (i) 4,000m<sup>2</sup>, or
    - (ii) if the minimum lot size shown on the Lot Size Map for the land is more than 4,000m<sup>2</sup> — the minimum lot size shown on the map, and
  - (b) all resulting lots are suitable for on-site sewage management.
- (2) This clause prevails over clauses 4.1, 4.1AA and 4.2B in the case of an inconsistency.