



New South Wales

PARLIAMENTARY COUNSEL

Opinion

Environmental Planning and Assessment Act 1979
Proposed Cessnock Local Environmental Plan 2011 (Amendment No 4)

Your ref: Kieran Haydon
Our ref: JF e2013-107-d07

In my opinion the attached draft environmental planning instrument may legally be made.

The draft environmental planning instrument adopts the maps identified in map cover sheet 1720_COM_MCS_20130531.

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a small flourish.

(D COLAGIURI)
Parliamentary Counsel

19 June 2013

Cessnock Local Environmental Plan 2011 (Amendment No 4)

Cessnock City Council
62-78 Vincent Street
CESSNOCK NSW 2325

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identifier
Additional Permitted Uses Map APU_005	1720_COM_APU_005_080_20121220
Dwelling Entitlement Map DWD_005	1720_COM_DWD_005_080_20130208
Heritage Map HER_005 HER_008 HER_009A	1720_COM_HER_005_080_20130208 1720_COM_HER_008_080_20111128 1720_COM_HER_009A_040_20130208
Land Reservation Acquisition Map LRA_005	1720_COM_LRA_005_080_20130214
Lot Size Map LSZ_006B LSZ_006D	1720_COM_LSZ_006B_040_20111215 1720_COM_LSZ_006D_040_20111220
Noise Exposure Forecast Map NEF_005	1720_COM_NEF_005_080_20130208
Obstacle Limitation Surface Map OLS_005	1720_COM_OLS_005_080_20130208
Urban Release Area Map URA_005 URA_009A	1720_COM_URA_005_080_20130208 1720_COM_URA_009A_040_20111202

The following map sheets are to be adopted:

Map Sheet	Map Identifier
Additional Permitted Uses Map APU_005	1720_COM_APU_005_080_20130416
Dwelling Entitlement Map DWD_005	1720_COM_DWD_005_080_20130416
Heritage Map HER_005 HER_008 HER_009A	1720_COM_HER_005_080_20130416 1720_COM_HER_008_080_20130411 1720_COM_HER_009A_040_20130418
Land Reservation Acquisition Map LRA_005	1720_COM_LRA_005_080_20130416
Lot Size Map LSZ_006B LSZ_006D	1720_COM_LSZ_006B_040_20130423 1720_COM_LSZ_006D_040_20130423
Noise Exposure Forecast Map NEF_005	1720_COM_NEF_005_080_20130531
Obstacle Limitation Surface Map OLS_005	1720_COM_OLS_005_080_20130416
Urban Release Area Map URA_005 URA_009A	1720_COM_URA_005_080_20130416 1720_COM_URA_009A_040_20130411

Certified

[Title of Council Delegate]

[Date] Minister for Planning and Infrastructure [Date]



New South Wales

Cessnock Local Environmental Plan 2011 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.

Minister for Planning and Infrastructure

Cessnock Local Environmental Plan 2011 (Amendment No 4)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Cessnock Local Environmental Plan 2011 (Amendment No 4)*.

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

Each map adopted by *Cessnock Local Environmental Plan 2011* that is specified in Column 1 of the following table is declared by this Plan to be amended or replaced, as the case requires, by the map specified opposite in Column 2 of the table as approved by the Minister on the making of this Plan:

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Cessnock Local Environmental Plan 2011 Additional Permitted Uses Map (1720_COM_APU_005_080_20121220)	Cessnock Local Environmental Plan 2011 Additional Permitted Uses Map (1720_COM_APU_005_080_20130416)
Cessnock Local Environmental Plan 2011 Dwelling Entitlement Map (1720_COM_DWD_005_080_20130208)	Cessnock Local Environmental Plan 2011 Dwelling Entitlement Map (1720_COM_DWD_005_080_20130416)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Cessnock Local Environmental Plan 2011 Heritage Map (1720_COM_HER_005_080_20130208)	Cessnock Local Environmental Plan 2011 Heritage Map (1720_COM_HER_005_080_20130416)
Cessnock Local Environmental Plan 2011 Heritage Map (1720_COM_HER_008_080_2011128)	Cessnock Local Environmental Plan 2011 Heritage Map (1720_COM_HER_008_080_20130411)
Cessnock Local Environmental Plan 2011 Heritage Map (1720_COM_HER_009A_040_20130208)	Cessnock Local Environmental Plan 2011 Heritage Map (1720_COM_HER_009A_040_20130418)
Cessnock Local Environmental Plan 2011 Land Reservation Acquisition Map (1720_COM_LRA_005_080_20130214)	Cessnock Local Environmental Plan 2011 Land Reservation Acquisition Map (1720_COM_LRA_005_080_20130416)
Cessnock Local Environmental Plan 2011 Lot Size Map (1720_COM_LSZ_006B_040_2011215)	Cessnock Local Environmental Plan 2011 Lot Size Map (1720_COM_LSZ_006B_040_20130423)
Cessnock Local Environmental Plan 2011 Lot Size Map (1720_COM_LSZ_006D_040_2011220)	Cessnock Local Environmental Plan 2011 Lot Size Map (1720_COM_LSZ_006D_040_20130423)
Cessnock Local Environmental Plan 2011 Noise Exposure Forecast Map (1720_COM_NEF_005_080_20130208)	Cessnock Local Environmental Plan 2011 Noise Exposure Forecast Map (1720_COM_NEF_005_080_20130531)
Cessnock Local Environmental Plan 2011 Obstacle Limitation Surface Map (1720_COM_OLS_005_080_20130208)	Cessnock Local Environmental Plan 2011 Obstacle Limitation Surface Map (1720_COM_OLS_005_080_20130416)
Cessnock Local Environmental Plan 2011 Urban Release Area Map (1720_COM_URA_005_080_20130208)	Cessnock Local Environmental Plan 2011 Urban Release Area Map (1720_COM_URA_005_080_20130416)

Column 1	Column 2
Name of map being amended or replaced	Name of amending or replacement map
Cessnock Local Environmental Plan 2011 Urban Release Area Map (1720_COM_URA_009A_040_2011 1202)	Cessnock Local Environmental Plan 2011 Urban Release Area Map (1720_COM_URA_009A_040_2013 0411)

Schedule 1 Amendment of Cessnock Local Environmental Plan 2011

[1] Land Use Table

Omit “Garden centres; Hardware and building supplies;”, “Landscaping material supplies;”, “Plant nurseries;” and “Timber yards; Vehicle sales or hire premises;” from item 3 of the matter relating to Zone RU2 Rural Landscape.

[2] Land Use Table

Omit “Bee keeping;” and “Eco-tourist facilities;” from item 4 of the matter relating to Zone RU2 Rural Landscape.

[3] Land Use Table

Insert “Truck depots;” and “Warehouse or distribution centres;” in alphabetical order in item 4 of the matter relating to Zone RU2 Rural Landscape.

[4] Land Use Table

Insert “Public administration buildings;”, “Research stations;” and “Warehouse or distribution centres;” in alphabetical order in item 4 of the matter relating to Zone R3 Medium Density Residential.

[5] Land Use Table

Insert “Public administration buildings;”, “Research stations;” and “Warehouse or distribution centres;” in alphabetical order in item 4 of the matter relating to Zone R5 Large Lot Residential.

[6] Land Use Table

Insert “Warehouse or distribution centres;” in alphabetical order in item 4 of the matter relating to Zone B1 Neighbourhood Centre.

[7] Land Use Table

Omit “Warehouses or distribution centres;” from item 3 of the matter relating to Zone B2 Local Centre.

[8] Land Use Table

Insert “Warehouse or distribution centres;” in alphabetical order in item 4 of the matter relating to Zone B2 Local Centre.

[9] Land Use Table

Omit “Hardware and building supplies;”, “Landscaping material supplies;” and “Plant nurseries;” from item 3 of the matter relating to Zone IN1 General Industrial.

[10] Land Use Table

Insert “Camping grounds;”, “Caravan parks;”, “Public administration buildings;” and “Respite day care centres;” in alphabetical order in item 4 of the matter relating to Zone IN1 General Industrial.

[11] Land Use Table

Omit “Garden centres; Hardware and building supplies;”, “Landscaping material supplies;”, “Plant nurseries;” and “Vehicle sales or hire premises;” from item 3 of the matter relating to Zone IN2 Light Industrial.

[12] Land Use Table

Insert “Child care centres;”, “Public administration buildings;” and “Respite day care centres;” in alphabetical order in item 4 of the matter relating to Zone IN2 Light Industrial.

[13] Land Use Table

Omit “Garden centres;”, “Hardware and building supplies;”, “Landscaping material supplies;”, “Plant nurseries;” and “Vehicle sales or hire premises;” from item 3 of the matter relating to Zone IN3 Heavy Industrial.

[14] Land Use Table

Insert “Public administration buildings;” in alphabetical order in item 4 of the matter relating to Zone IN3 Heavy Industrial.

[15] Clause 5.9 Preservation of trees or vegetation

Insert after clause 5.9 (8):

- (9) Subclause (8) (a) (ii) does not apply in relation to land in Zone R5 Large Lot Residential, E2 Environmental Conservation, E3 Environmental Management or E4 Environmental Living.

Note. When this Plan was made, it did not include Zone E3 Environmental Management or Zone E4 Environmental Living.

[16] Clause 5.13

Omit the clause. Insert instead:

5.13 Eco-tourist facilities

- (1) The objectives of this clause are as follows:
 - (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,
 - (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.
- (2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.
- (3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:
 - (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and
 - (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and
 - (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and
 - (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and indigenous flora and fauna will be minimal, and
 - (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and
 - (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and
 - (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local indigenous flora, and

- (h) any infrastructure services to the site will be provided without significant modification to the environment, and
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:
 - (i) measures to remove any threat of serious or irreversible environmental damage,
 - (ii) the maintenance (or regeneration where necessary) of habitats,
 - (iii) efficient and minimal energy and water use and waste output,
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,
 - (v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

[17] Clause 7.1 Acid sulfate soils

Omit subclause 7.1 (6). Insert instead:

- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
 - (a) the works involve the disturbance of less than 1 tonne of soil, and
 - (b) the works are not likely to lower the watertable.

[18] Schedule 5 Environmental heritage

Insert in appropriate order in Part 1 under the headings “**Suburb**”, “**Item name**”, “**Address**”, “**Property description**”, “**Significance**” and “**Item No**”, respectively:

Sawyers Gully	The Memorial Gates	1216 Old Maitland Road	Lot 11, DP 755231	Local	I221
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