

FACT SHEET

CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011 DEFERRED LAND Frequently Asked Questions?



What is deferred land?

Deferred land is land that has been reserved from inclusion in the Cessnock Local Environmental Plan (LEP) 2011.

Why has land been deferred under LEP 2011?

Land that was the subject of an Environmentally Significant Areas (ESA) overlay has been deferred from Cessnock LEP 2011. All provisions of the Cessnock Local Environmental Plan 1989, including the Rural 1(a) and Rural 1(c) zones will continue to apply to these areas.

When Council was considering the Draft Cessnock LEP following re-exhibition it was resolved to remove the Environmentally Significant Areas map layer and to include a clause in the Draft Cessnock LEP relating to the protection of environmentally significant land. The Department of Planning and Infrastructure considered that the impact of these changes on development potential in the LGA was so significant that it would require re-exhibition of the Draft Cessnock LEP.

To facilitate the progression of the Draft Cessnock LEP, the Minister's delegate decided that those lands affected by the Environmental Significant Areas map layer would be deferred from the final LEP. The land will remain deferred until Council, in consultation with the community, resolves the future strategic direction for these lands and makes an amendment to the Cessnock LEP 2011.

Is the environmental significance of the land still protected?

Yes. The deferred land remains protected under the provisions of Cessnock LEP 1989, including clause 10 which identifies matters for consideration in development assessment.

The environmental significance of land the subject of LEP 2011 is protected through the use of environmental protection zones and the consideration of environmental significance through the Aims of the Plan, zone objectives and requirements of section 79C of the Environmental Planning and Assessment Act 1979.

How do I determine if my land has been deferred?

The deferred land is generally the steeper vegetated slopes of the Mulbring and Wollombi Valleys. Deferred land can be identified using the Land Zoning Maps or Land Application Map available for viewing and download from the [NSW Government's legislation website \(www.legislation.nsw.gov.au\)](http://www.legislation.nsw.gov.au).

Maps are also available for viewing at the following locations:

- Cessnock City Council Administration Building, 62-78 Vincent Street, Cessnock
- Cessnock Library, 65-67 Vincent Street, Cessnock
- Kurri Kurri Library, 253 Lang Street, Kurri Kurri

How does the deferral of land impact upon the planning process?

Council will be concurrently running two Local Environmental Plans and Development Control Plans.

Deferred land will be subject to the provisions of the [Cessnock Local Environmental Plan 1989](#) in particular the zoning provisions for Rural 1(a) and Rural 1(c)

All other land will be subject to the provisions of Cessnock LEP 2011.

Deferred Land will also be subject to the provisions of the Cessnock Development Control Plan (DCP) 2006. All other land will be subject to the provisions of Cessnock DCP 2010.

Both the relevant Cessnock DCP and LEP must be considered when planning the development of land within Cessnock Local Government Area.

For more information please contact
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