

## What is a Local Environmental Plan?

A local environmental plan, often referred to as an LEP, is the principle statutory planning document prepared by Council under the requirements of the Environmental Planning and Assessment (EP&A) Act, 1979, to guide planning decisions for the local government area (LGA). The plan allows Council to manage the ways in which land may be used through zoning and development controls.

## What is Council's current LEP?

Currently Council's principle plan is the Cessnock City Council Local Environmental Plan 1989 (LEP 1989) and the 104 approved amendments to this plan.

## Why is Council preparing a new LEP?

A new draft LEP is being prepared in response to the State Government requirements for all NSW councils to prepare a consolidated LEP, which conforms to the Standard Instrument (Local Environmental Plans) Order 2006, known as the standard template. For Cessnock, the draft LEP had to be substantially completed by March 2008. The public exhibition cannot commence without the certification of the Department of Planning, which has delayed the timeframe. The new draft LEP is called the 'Draft Cessnock Local Environmental Plan 2009'.

## Where does this draft LEP apply?

This draft LEP applies to the whole of the Cessnock local government area (LGA).

## What are the steps taken in preparing this draft LEP?

Council has taken the approach of carrying out, as far as possible, a direct translation of the current Cessnock LEP 1989, and amendments, into the format of the State Government's standard template. This means that no detailed studies of the LGA have been undertaken to review or amend any land use or individual zoning, except for eleven (11) site-specific rezonings that were already being considered by Council and sufficiently advanced to support their inclusion in the draft LEP. The current zones, and the permitted land uses within those zones have, as far as possible, been carried over, and renamed within the structure and requirements of the standard template.

Council, at its meeting of 21 November 2007 resolved to exhibit the draft LEP. In addition, the draft LEP was certified

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for public exhibition by the Department of Planning on 31 March 2009. This was formally endorsed by Council at its meeting of 17 June 2009.

Following completion of the public exhibition, all submissions and comments will be considered in the final review of the draft LEP. The final draft LEP is anticipated to be reported to Council for endorsement and referral to the Department of Planning for gazettal towards the end of 2009.

## How do I read and understand the draft LEP 2009?

The draft LEP has been prepared in a colour coded format for ease of understanding and interpretation. For this reason if you are downloading or printing the draft LEP instrument you are advised to print in colour.

The text in black represents the Standard Template wording, which Council may not delete or alter. The text in red represents Cessnock's local provisions, which are a combination of direct translations of the current LEP 1989 provisions, some extrapolation of the current development control plan (DCP) provisions and new model provisions issued by the Department of Planning.

The draft LEP, to be known as Cessnock Local Environmental Plan 2009, contains seven (7) parts, including:

- Part 1 - Preliminary
- Part 2 - Permitted or Prohibited Development
- Part 3 - Exempt and Complying Development
- Part 4 - Principal Development Standards
- Part 5 - Miscellaneous Provisions
- Part 6 - Local Provisions
- Part 7 - Urban Release Areas

## Fact Sheet 1 *continued*

The draft LEP 2009 also contains five (5) schedules. The schedules relate to specific clauses in the main body of the report and include:

- Schedule 1 - Additional Permitted Uses
- Schedule 2 - Exempt Development
- Schedule 3 - Complying Development
- Schedule 4 - Classification and Reclassification of Public Land
- Schedule 5 - Environmental Heritage

A dictionary of defined terms is also attached for reference.

### What maps accompany this plan?

The provisions of the draft LEP 2009 rely on mapped information. The draft LEP includes the following maps:

- Land application (clause 1.3)
- Land zoning (clause 2.2)
- Minimum lot size (clause 4.1)
- Dwelling entitlements (clause 4.2A(2)(d))
- Height of building (clause 4.3)
- Floor space ratio (clause 4.4)
- Land reservation acquisition (clause 5.1)
- Heritage (clause 5.10)
- Hunter Economic Zone boundary provisions (clause 6.1)
- Obstacle limitations surface (clause 6.3)
- Noise Exposure Forecast (Airport Noise) (clause 6.4)
- Acid sulfate soils (clause 6.6)
- Additional permitted uses (Schedule 1)
- Urban release areas (Part 7)

### Do I need to read the explanatory notes which accompany this fact sheet?

The information attached provides a brief overview of each part, clause and schedule contained in the draft Cessnock LEP 2009 and is intended to assist you in understanding the range of information rather than to provide an exhaustive list of the changes arising from the translation of the current LEP into the standard template. You are advised to view the complete exhibition details.

### How does this draft LEP affect me?

The translation of the current Cessnock LEP 1989 into the standard template format has resulted in new zone names and classifications. Similarly, the standard template land use definitions and clauses differ to the current Cessnock LEP 1989 and a number of the current Cessnock LEP 1989 clauses are no longer carried over.

### How can I view and comment on the draft LEP?

You are strongly advised to review the plans whilst on public exhibition and you are invited to make written submissions. Written submissions will be accepted until 12 October 2009.

Council staff will be available during 9am - 12pm, Monday to Friday, by appointment, to discuss the exhibition material and answer your questions.

Fact Sheet 11 details where the draft LEP 2009 and supporting material may be reviewed and how to make a submission.

**For more information please contact**  
**Cessnock City Council**  
**62 - 78 Vincent Street**  
**PO Box 152**  
**Cessnock NSW 2320**  
**Phone: 4993 4168**  
**Fax: 4993 2503**  
**[www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)**  
**[exhibition@cessnock.nsw.gov.au](mailto:exhibition@cessnock.nsw.gov.au)**