

CESSNOCK LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN COMPREHENSIVE REVIEW

Rural Lands Issues Paper

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INTRODUCTION

The *Cessnock Local Environmental Plan 2011* (Cessnock LEP 2011) and Cessnock Development Control Plan 2010 (the Cessnock DCP 2010) contain provisions that guide development on rural land. However, the provisions of these policy documents are dated and must be reviewed to ensure consistency with the relevant rural priorities and principals contained in the Cessnock Local Strategic Planning Statement (LSPS) 2036 and other relevant local and regional plans and strategies.

Rural zones apply to many of the villages in Cessnock, much of the Vineyard's District, pasture and grazing land, areas of important scenic value, and state forest in the Cessnock Local Government Area (LGA).

Our rural land is important for regional employment, tourism and commerce, but is vulnerable to encroachment from urban forms of development and activities. A key challenge for rural land planning is protecting our important agricultural land and areas of significant rural amenity, while encouraging other non-agricultural development that also compete for the land. Immediate threats to our important agricultural land include fragmentation (by subdivision), urban encroachment and the cumulative impact of larger scale, non-agricultural development.

RELEVANT CESSNOCK LSPS 2036 PRIORITIES

The following Planning Priorities of the Cessnock Local Strategic Planning Statement 2036 are relevant to this comprehensive review of rural zoned land:

Planning Priority 1:	Our urban areas are compact.
Planning Priority 2:	Housing is diverse, adaptable and affordable and our urban areas facilitate affordable living.
Planning Priority 3:	The character and vitality of our town centres and villages is protected and enhanced.
Planning Priority 4:	Our community is safe, healthy and active.
Planning Priority 5:	Infrastructure and services meet the needs of our community and are appropriately funded.
Planning Priority 6:	Rural residential, large lot residential development and environmental living are considered in limited and appropriate locations
Planning Priority 7:	Urban development is encouraged in areas with existing infrastructure.
Planning Priority 8:	Our rural land is protected from incompatible development.
Planning Priority 9:	Our wine tourism industry is supported and enhanced
Planning Priority 11:	Our city has a defined hierarchy of commercial centres.
Planning Priority 12:	Our town centres are the focus of local commerce.
Planning Priority 22:	Our rural landscape is retained and enhanced.
Planning Priority 23:	The scenic and rural landscape of our Vineyards District is preserved.
Planning Priority 27:	Our region is internationally acclaimed for its events, festivals and hosting functions.
Planning Priority 28:	Our commercial centres and villages are tourist destinations in their own right.
Planning Priority 29:	Our villages retain their unique qualities that reflect their histories.
Planning Priority 30:	Growth of our villages occurs in a way that protects their character and setting in the rural and environmental landscape and responds to risk of bushfire and flooding.

RURAL ZONES

Land use zone objectives set out the overarching intent for development within each zone and provide guidance regarding forms of development that are appropriate and compatible with the intent of the zone. The SILEP lists mandated objectives for each zone; however, additional local objectives may be included if, in Council's opinion, the mandated objectives do not satisfactorily address the local intent of the zone.

The Cessnock LEP 2011 employs the following land use zones for rural land:

- RU2 Rural Landscape
- RU3 Forestry
- RU4 Primary Production Small Lots
- RU5 Village

The standard instrument LEP provides the following additional zones for rural land:

- RU1 Primary Production
- RU6 Transition

RU1 Primary Production

The NSW Department of Planning's Practice Note 11-002 states that the RU1 zone covers land used for most kinds of commercial primary industry production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture, forestry, mining and extractive industries. The zone is aimed at utilising the natural resource base in a sustainable manner. The zone is not a default zone for non urban land. The zone is allocated to land where the principal function is primary production.

In 2011, 'intensive livestock agriculture' and 'intensive plant agriculture' were added to the zone Direction to ensure these uses are included in the Land Use Table as either permitted with or without consent.

The mandated objectives of the RU1 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The following land uses must be included as either "Permitted without consent" or "Permitted with consent" in the zone:

- Environmental protection works
- Farm buildings
- Intensive livestock agriculture
- Intensive plant agriculture
- Roads
- Roadside stalls

The following land uses must be included as "Permitted without consent" in the zone:

- Extensive agriculture
- Home occupations

The following land uses must be included as "Permitted with consent" in the zone:

- Aquaculture
- Dwelling houses
- Extractive industries
- Open cut mining

There are no land uses that must be included as "Prohibited" in the zone.

RU2 Rural Landscape

The NSW Department of Planning's Practice Note 11-002 states that the RU2 zone is for rural land used for commercial primary production that is compatible with ecological or scenic landscape qualities that have been

conserved (often due to topography). It may apply to land that is suitable for grazing and other forms of extensive agriculture, or intensive plant agriculture (such as 'viticulture'), but where the permitted uses are usually more limited and differ from RU1 land due to landscape constraints. This zone is not to be used where the main purpose of the zone is to protect significant environmental attributes or to provide for rural residential accommodation.

The mandated objectives of the RU2 zone are:

- 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.

The current land use table for the RU2 zone is:

Mandated	Currently Permitted	Currently prohibited
Either with or without consent:	Without Consent:	• Boat building and repair facilities • Car parks • Charter and tourism boating facilities • Commercial premises • Depots • Entertainment facilities • Exhibition homes • Exhibition villages • Freight transport facilities • Health services facilities • Heavy industrial storage establishments • Heliports • Highway service centres • Home occupations (sex services) • Industrial retail outlets • Industrial training facilities • Industries • Marinas • Mooring pens • Moorings • Mortuaries • Passenger transport facilities • Recreation facilities (indoor) • Residential accommodation • Restricted premises • Sex services premises • Storage premises • Transport depots • Truck depots • Vehicle body repair workshops • Vehicle repair stations • Warehouse or distribution centres • Wharf or boating facilities • Wholesale supplies
• Environmental protection works • Farm buildings • Roads	• Extensive agriculture (Mandated) • Home occupations (Mandated) • Horticulture	
Without consent:	With Consent	
• Extensive agriculture • Home occupations	• Aquaculture (Mandated) • Cellar door premises • Dual occupancies • Dwelling houses (Mandated) • Environmental protection works (Mandated) • Farm buildings (Mandated) • Health consulting rooms • Home industries • Hospitals • Neighbourhood shops • Pubs • Restaurants or cafes • Roads (Mandated) • Roadside stalls • Rural supplies • Self-storage units	
With consent:	Any other development not otherwise specified	
• Aquaculture • Dwelling houses		

RU3 Forestry

The NSW Department of Planning's Practice Note 11-002 states that the RU3 zone identifies and protects land that is to be used for long-term forestry use, such as State forests. Land which is to be used for private forestry may alternatively be zoned RU1 Primary Production zone or RU2 Rural Landscape.

The mandated objectives of the RU3 zone are:

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

The current land use table for the RU3 zone is:

Mandated	Currently Permitted	Currently prohibited
Either with or without consent:	Without consent:	Any other development not otherwise specified
• Roads	• Uses authorised under the Forestry Act 2012 or under Part 5B (Private native forestry) of the Local Land Services Act 2013 (Mandated)	
Without consent:	With consent:	
• Uses authorised under the Forestry Act 2012 or under Part 5B (Private native forestry) of the Local Land Services Act 2013	• Aquaculture (Mandated) • Environmental facilities • Environmental protection works • Extensive agriculture • Extractive industries • Horticulture • Open cut mining • Recreation areas • Roads (Mandated) • Sawmill or log processing works	
With consent:		
• Aquaculture		

RU4 Primary Production Small Lots

The NSW Department of Planning's Practice Note 11-002 states that the RU4 zone (previously named Rural Small Holdings) is for land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings.

In 2011, the name of the zone was changed to clarify that it is a rural zone for agricultural uses, not a pseudo-residential zone. The objectives of the zone have been changed to encourage employment opportunities in relation to primary production on small lots and to minimise fragmentation and alienation of resource lands important for food security. The changed zone name, modified core zone objectives and additional mandated permissible uses ('intensive plant agriculture' and 'plant nursery') better reflect the intent of the zone – being an agricultural industry/food production focus and not a rural residential lifestyle zone.

The mandated objectives of the RU4 zone are:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The current land use table for the RU4 zone is:

Mandated	Currently Permitted	Currently prohibited
Either with or without consent:	Without consent:	• Hotel or motel accommodation
• Extensive agriculture • Farm buildings • Intensive plant agriculture • Roads • Roadside stalls	• Extensive agriculture (Mandated) • Home occupations (Mandated)	Any other development not otherwise specified
Without consent:	With consent:	
• Home occupations	• Agricultural produce industries • Animal boarding or training establishments • Aquaculture (Mandated)	

With consent:

- Aquaculture
- Dwelling houses
- Plant nurseries

- Cellar door premises
- Centre-based child care facilities
- Community facilities
- Dwelling houses **(Mandated)**
- Environmental facilities
- Environmental protection works
- Farm buildings **(Mandated)**
- Function centres
- Home businesses
- Home industries
- Information and education facilities
- Intensive plant agriculture **(Mandated)**
- Neighbourhood shops
- Plant nurseries **(Mandated)**
- Respite day care centres
- Restaurants or cafes
- Roads **(Mandated)**
- Roadside stalls **(Mandated)**
- Rural supplies
- Rural workers' dwellings
- Secondary dwellings
- Signage
- Tourist and visitor accommodation
- Waste or resource management facilities

RU5 Village

The NSW Department of Planning's Practice Note 11-002 states that the RU5 zone is a flexible zone for centres where a mix of residential, retail, business, industrial and other compatible land uses may be provided to service the local rural community. The RU5 zone would typically apply to small rural villages within rural areas.

The mandated objectives of the RU5 zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.

The current land use table for the RU5 zone is:

Mandated

- Roads

Without consent:

- Home occupations

With consent:

- Centre-based child care facilities
- Community facilities
- Dwelling houses
- Neighbourhood shops
- Oyster aquaculture
- Places of public worship
- Recreation areas
- Recreation facilities (indoor)
- Recreation facilities (outdoor)
- Respite day care centres
- Schools

Currently Permitted

Without Consent:

- Home occupations **(Mandated)**

With Consent

- Bed and breakfast accommodation
- Boarding houses
- Business premises
- Cemeteries
- Centre-based child care facilities **(Mandated)**
- Community facilities **(Mandated)**
- Crematoria
- Dwelling houses **(Mandated)**
- Educational establishments
- Entertainment facilities
- Environmental facilities
- Environmental protection works

Currently prohibited

- Pond-based aquaculture

Any other development not otherwise specified

- Tank-based aquaculture
- Extensive agriculture
- Food and drink premises
- Home-based child care
- Home businesses
- Horticulture
- Hotel or motel accommodation
- Information and education facilities
- Light industries
- Mortuaries
- Neighbourhood shops **(Mandated)**
- Oyster aquaculture **(Mandated)**
- Passenger transport facilities
- Places of public worship **(Mandated)**
- Recreation areas **(Mandated)**
- Recreation facilities (indoor) **(Mandated)**
- Recreation facilities (outdoor) **(Mandated)**
- Registered clubs
- Respite day care centres **(Mandated)**
- Roads **(Mandated)**
- Roadside stalls
- Rural supplies
- Schools **(Mandated)**
- Secondary dwellings
- Semi-detached dwellings
- Seniors housing
- Service stations
- Sewerage systems
- Shops
- Tank-based aquaculture **(Mandated)**
- Vehicle repair stations
- Veterinary hospitals

RU6 Transition

The NSW Department of Planning's Practice Note 11-002 states that the RU6 zone is to be used in special circumstances only in order to provide a transition between rural land uses (including intensive agriculture, landfills, mining and extractive industries) and other areas supporting more intensive settlement or environmental sensitivities. This zone is not to be used to identify future urban land. Councils intending to use this zone should approach the Department of Planning at the earliest opportunity during LEP preparation to determine whether or not it is appropriate in each particular instance.

The mandated objectives of the RU6 zone are:

- To protect and maintain land that provides a transition between rural and other land uses of varying intensities or environmental sensitivities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The following land uses must be included as either "Permitted without consent" or "Permitted with consent" in the zone:

- Roads

The following land uses must be included as “Permitted with consent” in the zone:

- Dwelling houses
- Oyster aquaculture
- Tank-based aquaculture

The following land uses must be included as “Prohibited” in the zone:

- Pond-based aquaculture

ISSUES AND RECOMMENDATIONS

Land Use Zones

Issue 1: Application of RU1 Primary Production Zone to identify and protect Important Agricultural Land	
Issue Summary	The RU2 Rural Landscape Zone was adopted in the LEP to recognise the important scenic amenity and local character that is provided by rural land in the Cessnock LGA outside the Vineyards District. The RU2 Zone was applied to acknowledge that the preeminent value of the rural land in the LGA is its landscape appeal, rather than its ability to be used for broad acre farming. However, there may be rural land in the LGA that is more highly regarded for its primary production potential, rather than its landscape appeal or amenity. It may be appropriate to zone this land RU1 Primary Production.
Consideration	The RU2 Rural Landscape Zone applies to the majority of rural land in the Cessnock LGA with the exception being the Cessnock Vineyard’s District (zoned RU4 Primary Production Small Lots), areas of state forest (zoned RU3 Forestry), and a number of the smaller settlements in the LGA (zoned RU5 Village). Applying a RU1 Primary Production Zone to certain rural land in the LGA may: • assist in preserving important agricultural land in the Cessnock LGA for primary production; • prevent further fragmentation of important agricultural land; and • prohibit forms of non-agricultural development that conflict with the core primary production objectives of the zone. The major concern with this approach is the lack of reliable data to identify lands of important agricultural value in the LGA. Applying a RU1 Primary Production Zone to the Cessnock Vineyards District may also result in further inconsistencies between the Pokolbin, Broke and Fordwich wine growing areas, where Cessnock and Singleton councils have jointly adopted the RU4 Primary Production Small Lots Zone. Cessnock Council has recently commenced a project to identify important views, landscapes and agricultural land in the LGA. Once completed, this project will provide guidance as to where a RU1 Zone could be applied in the LGA.
Recommendation	• Council finalise the important views, landscapes and agricultural land mapping project and carry out further consultation through a planning proposal to determine whether there is merit in applying an RU1 Primary Production Zone to important agricultural land in the Cessnock LGA. • That Council retain the RU2 Rural Landscape Zone and RU4 Primary Production Small Lots Zone until the important views, landscapes and agricultural land mapping project is complete.

Issue 2: Application of RU6 Transition Zone to buffer rural land and environmental land

Issue Summary	Action 5 of the Cessnock Local Strategic Planning Statement (LSPS) is to investigate the merit of introducing a RU6 Transition Zone to buffer the LGA's rural and environmental land.
Consideration	A key challenge for rural land planning is protecting our important agricultural land and areas of significant rural amenity, while balancing other economic interests that vie for the land. This is particularly true in relation to rural and environmental land on the fringe of our existing urban settlements, as it is often this land that is considered first for urban growth. There are several drawbacks to the use of the RU6 Transition Zone to buffer land. Foremost among these is the extent of land in the LGA that would need to be rezoned to provide an effective buffer. DPIE Practice Note PN11-002 outlines that the RU6 Transition Zone "is to be used in special circumstances only in order to provide a transition between rural land uses (including intensive agriculture, landfill, mining and extractive industries) and other areas supporting more intensive settlement or environmental sensitivities. This zone is not to be used to identify future urban land." There are no specific areas of intensive agricultural, landfill, mining or extractive industry developments in the Cessnock LGA that are of a scale that would warrant the application of the RU6 Transition Zone to buffer the development.
Recommendation	That Council not adopt the RU6 Transition Zone.

Land Use Tables

Zone land use tables list the various forms of development that are considered to be appropriate and compatible with the objectives of the zone. The SILEP mandates certain uses as permissible or prohibited in each zone; however, additional land uses may be included if, in Council's opinion, the mandated uses do not satisfactorily address the local intent of the zone.

Issue 3: Comprehensive review of rural land use zone objectives

Issue Summary	Comprehensively review the rural zone objectives to ensure that each objective is consistent with the local intent of the zone and the NSW Department of Planning's Practice Notes 11-002 and 22-002.
Consideration	The recommended land use amendments within each zone have been considered in the evaluation of the rural zone objectives.
Recommendation	See amendments outlined in the schedule of amendments to the land use zone objectives below.

Schedule of amendments to land use zone objectives

<u>Existing Objectives</u>	<u>Proposed Objectives</u>	<u>Reason</u>
RU2 Rural Landscape Zone		
• <i>To encourage sustainable primary industry production by</i>	• <i>To encourage sustainable primary industry production by</i>	• <i>No change – this is a mandatory objective</i>

<i>maintaining and enhancing the natural resource base (M).</i>	<i>maintaining and enhancing the natural resource base (M).</i>	
• To maintain the rural landscape character of the land (M).	• To maintain the rural landscape character of the land (M).	• No change – this is a mandatory objective
• To provide for a range of compatible land uses, including extensive agriculture (M).	• To provide for a range of compatible land uses, including extensive agriculture (M).	• No change – this is a mandatory objective
• To enable other forms of development that are associated with rural activity and require an isolated location or support tourism and recreation.	• To enable other compatible forms of development associated with rural activity that require an isolated location or support tourism and recreation.	• Tourist uses in the RU2 zone are inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land.
• To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.	• To ensure that the type and intensity of development is appropriate in relation to the rural capability and suitability of the land, the preservation of the agricultural, mineral and extractive production potential of the land, the rural environment (including scenic resources) and the costs of providing services and amenities.	• Repetition of other objectives is removed
• To maintain and enhance the scenic character of the land.	• Delete objective.	• This is a repetition of other objectives
• To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services.	• To ensure that development does not create unreasonable or uneconomic demands for the provision or extension of services or infrastructure by public authorities.	• Clarification of intent. Recognition that the level of infrastructure provision in RU2 zone may be incompatible with some land uses.
• To minimise the visual impact of vegetation clearing in order to be consistent with the rural character of the locality.	• Delete objective	• This is a repetition of other objectives
• To minimise disturbance to the landscape from development through clearing, earthworks, access roads and construction of buildings.	• To minimise disturbance to the landscape from development through vegetation clearing, earthworks, access roads and construction of buildings.	• Clarification
• To ensure development does not intrude into the skyline when viewed from a road or other public place.	• To ensure development does not intrude into the skyline when viewed from a road or other public place.	• No change

<u>RU3 Forestry Zone</u>		
• To enable development for forestry purposes (M).	• To enable development for forestry purposes (M).	• No change – this is a mandatory objective
• To enable other development that is compatible with forestry land uses (M).	• To enable other development that is compatible with forestry land uses (M).	• No change – this is a mandatory objective
<u>RU4 Primary Production Small Lots Zone</u>		
• To enable sustainable primary industry and other compatible land uses (M).	• To enable sustainable primary industry and other compatible land uses (M).	• No change – this is a mandatory objective
• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature (M).	• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature (M).	• No change – this is a mandatory objective
• To minimise conflict between land uses within this zone and land uses within adjoining zones (M).	• To minimise conflict between land uses within this zone and land uses within adjoining zones (M).	• No change – this is a mandatory objective
• To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.	• To maintain prime preserve important viticultural land and enhance the economic and ecological sustainability of the vineyards district.	• To reflect Council's preferred terminology for land that is highly valued for its primary production potential.
• To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.	• To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.	• To reflect the objective of the Planning Proposal to encourage tourist-related retail to within a proposed 'Tourist Centre' to be zoned SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin.
• To enable the continued rural use of land that is complementary to the viticultural character of the land.	• To enable the continued rural agricultural use of land that is complementary to the the viticulture al character of the land.	• To ensure the objective addresses defined land uses (i.e. agriculture and viticulture) in the LEP.
<u>RU5 Village Zone</u>		
• To provide for a range of land uses, services and facilities that are associated with a rural village (M).	• To provide for a range of land uses, services and facilities that are associated with a rural village (M).	• No change – this is a mandatory objective
• To ensure that development is compatible with the amenity, functioning and scale of a rural village.	• To ensure that development is compatible with the amenity, functioning character and scale of a rural village.	• This is to promote consistency with LSPS Planning Priority 3: The character and vitality of our town centres and villages is protected and enhanced

Issue 4: Comprehensive review of permissible land uses in rural zones

Issue Summary	Action 5 of the Cessnock LSPS is to review the Cessnock LEP to: - ensure land uses are compatible with the rural landscape; - ensure land uses in the Vineyard District are compatible with the scenic rural character of the area and the long-term economic sustainability of the District; - provide flexibility for new tourism development in suitable locations; - ensure permitted development is consistent with the objectives of each zone; - identify lands that may be suitable for renewable energy projects; - investigate options to add scenic protection controls; - ensure permitted land uses are compatible with the rural character and amenity of the Vineyards District; - ensure that major events are permitted in strategic centres and other suitable locations; - enable land uses that support events, such as tourist and visitor accommodation, function centres, to be permissible in strategic centres and other suitable locations; - ensure permitted development is consistent with the objectives of the RU5 Village Zone; and - consider if dual occupancies and multi-unit dwellings are appropriate in the villages.
Consideration	Detailed consideration of land uses in rural zones is provided in Appendix A to this paper.
Recommendation	Proposed amendments to permissible uses in rural zones are detailed in Appendix A to this paper.

LEP Clauses

Issue 5: Comprehensive review of existing Local Environmental Plan clauses relating to rural zones

Cl.4.1 Minimum subdivision lot size	<u>Issue:</u> • Cl.4.1(4A) establishes a minimum lot size for land that is not serviced by reticulated water or sewerage and is applied (through the LEP lot size map) to land in Zone RU5 (T2) and Zone R5 (T3). However, in many situations, the minimum lot size set out in cl.4.1(4A)(b) of 2,000m² is not sufficient for onsite wastewater management. • Cl.4.1(4A) could be redrafted in a manner that is not reliant on the LEP lot size map. <u>Consideration:</u> Council's environmental staff have indicated that a minimum subdivision lot size of at least 4,000m² is necessary to site a dwelling, ancillary structures (e.g. shed and pool), hardstand (e.g. driveway) and an onsite wastewater management system on a lot that is reasonably flat and unconstrained. However, additional lot area may be required in relation to allotments that are constrained in terms of topography, natural hazards, or environmental considerations. <u>Recommendation:</u>
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	Delete cl.4.1(4A) and include a new local clause with the following effect: (X) Minimum subdivision lot size for land that is not serviced by reticulated sewer (1) Despite clause 4.1(3), Development consent must not be granted to subdivide land that is not serviced by a reticulated sewer service, unless: (a) the size of each resulting lot is not less than 4,000m² or the minimum size shown on the Lot Size Map in relation to that land, whichever is greater, and (b) the consent authority is satisfied that all resulting lots are suitable for onsite wastewater management. (2) This clause applies despite clause 4.1AA and 4.2B.
Cl.4.1AA Minimum lot size for community title schemes	This clause is optional and is not proposed to be amended.
Cl.4.1B Minimum lot sizes for certain split zones	This clause is optional and is not proposed to be amended. There is no utility including Zone RU3 Forestry or Zone RU4 Primary Production Small Lots in cl.4.1B(3)(a)(ii), as there are no properties in the LGA that are split zoned RU3 or RU4 and a residential, business or industrial zone, or Zone RU5 Village.
Cl.4.2 Rural Subdivision	This clause is mandatory and must be retained.
Cl. 4.2A Erection of dwelling houses on land in certain residential, rural and environmental protection zones	This clause is optional and will be subject to a separate recommendations paper relating to dwelling entitlements.
Cl.4.2B Minimum subdivision lot size for strata plan schemes in certain rural or environmental protection zones	This clause is optional and is not proposed to be amended.
Cl.4.2C Boundary adjustments in certain rural and environment protection zones	This clause is optional and is not proposed to be amended.
Cl.4.3 Height of buildings	This clause is optional and is not proposed to be amended.
Cl.4.6 Exceptions to development standards	This clause is mandatory. <u>Issue:</u> This paper recommends the insertion of a new clause regulating the minimum subdivision lot size for land that is not serviced by reticulated sewer (see recommendation for cl.4.1). Council's environmental staff have indicated that there should

	be no flexibility to vary the clause as it would undermine its intent. <u>Consideration:</u> Cl.4.6(8) specifies particular clauses that may not be contravened in the issuing of a development consent. <u>Recommendation:</u> Include reference to the new clause regulating the minimum subdivision lot size for land that is not serviced by reticulated sewer in cl.4.6(8)
Cl.5.3 Development near zone boundaries	<u>Issue:</u> Action 5 of the Cessnock LSPS is to review Cl.5.3 of the Cessnock LEP to investigate the inclusion of all rural zones. <u>Consideration:</u> Clause 5.3 provides flexibility for a consent authority to consider a use that is permitted in the adjacent land use zone if that use will enable a more logical and appropriate development of the site. The clause does not currently apply to land in zone RE1, E1, E2, E3 or W1 <u>Recommendation:</u> This clause is optional and is not proposed to be amended. The clause already applies to rural zones.
Cl.5.4 Controls relating to miscellaneous uses	This clause is mandatory and is not proposed to be amended.
Cl.5.5 Controls relating to secondary dwellings on land in a rural zone	This clause is optional and regulates the scale and location of secondary dwellings on land in a rural zone. Council separately resolved on 19 May 2021 (see PE26/2021) to advise DPIE that it would like to adopt cl.5.5. This paper makes no further recommendations regarding the clause as it is the subject of a separate process that is being finalised by DPIE.
Cl.5.13 Eco-tourist facilities	This clause is mandatory and is to be retained.
Cl.5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	This clause is mandatory and is to be retained.
Cl.5.18 Intensive livestock agriculture	This clause is mandatory and is to be retained.
Cl.5.19 Pond-based, tank-based and oyster aquaculture	This clause is mandatory and is to be retained.

Cl.5.20 Standards that cannot be used to refuse consent – playing and performing music	This clause is mandatory and is to be retained.
Cl.5.21 Flood Planning	This clause is mandatory and is to be retained.
Cl.5.22 Special flood considerations	This clause is optional and relates to hazardous or sensitive development (as defined in the clause) that is proposed to be located between the Flood Planning Level and Probable Maximum Flood. Council separately resolved on 20 October 2021 (see PE56/2021) to advise DPIE that it would like to 'opt in' to cl.5.22, including the full list of hazardous or sensitive development types set out in sub-clause (5). This paper makes no further recommendations regarding the clause as it is the subject of a separate process that is being coordinated by DPIE.
Cl.7.6 Tourist and visitor accommodation in certain rural and environmental zones	<u>Issue:</u> The clause establishes a minimum lot size of 10 hectares for tourist and visitor accommodation in certain rural and environmental zones (i.e. Zone RU2, RU4 and E2) and is optional. The figure of 10ha appears to be arbitrary, and the siting, design and impact of tourist and visitor accommodation might be better managed through: • design controls in the Cessnock DCP; and/or • reviewing the Zone RU2 and Zone RU4 land use tables in the LEP to prohibit forms of tourist and visitor accommodation that in fact conflict with the overall primary production and environmental objectives of the zones. <u>Consideration:</u> Available options include retaining, amending or deleting the clause. The value of retaining the clause for Zone RU4 is considered low. The clause only applies to a small percent (6.5%) of allotments in Zone RU4, and these are scattered throughout the Vineyards District. The value of retaining the clause for Zone RU2 is also considered low. More intense forms of tourist and visitor accommodation (e.g. hotel or motel accommodation and serviced apartments) are proposed to be prohibited in Zone RU2 (see Issue 4). Amending the clause (e.g. to increase the nominated minimum lot size for tourist and visitor accommodation) may result in unforeseen consequences, including restricting tourist

	and visitor accommodation on allotments that may otherwise be capable of hosting that land use. Deleting the clause and including additional controls in the DCP to better manage the design, density and built form of tourist and visitor accommodation is likely to provide the consent authority the most discretion as to how and where tourist and visitor accommodation may be sited in the LGA. <u>Recommendation:</u> • Delete cl.7.6 and incorporate design principals and controls for tourist and visitor accommodation in the Cessnock DCP. • Review the Zone RU2 and Zone RU4 land use tables in the LEP to prohibit forms of tourist and visitor accommodation that are likely to conflict with the overall primary production and environmental objectives of the zones.
Cl.7.7 Subdivision of land at Lovedale Road, Keinbah	This clause is optional and not proposed to be amended.
Cl.7.8 Strata title subdivision of land at Lovedale	This clause is optional and not proposed to be amended.
Cl.7.9 Strata or community title subdivision of land at Pokolbin	This clause is optional and not proposed to be amended.
Cl.7.13 Dual occupancies on land in Zone RU2	<u>Issue:</u> This clause is optional and is not required if the dual occupancy land use is prohibited in Zone RU2 Rural Landscape (See Issue 4). <u>Consideration:</u> In the RU2 Zone, dual occupancies are considered to be inconsistent with LSPS planning priorities 6, 7, 8 & 22. The use has the potential to intensify land use conflict on rural land. Secondary dwellings are proposed as an alternative to dual occupancies in the RU2 Zone and will be regulated pursuant to Clause 5.5 of the LEP and the provisions of the DCP. <u>Recommendation:</u> Delete cl.7.13
Cl.7.14 Essential Services	This clause is optional. <u>Recommendation:</u> • Include Zone R5 Large Lot Residential, Zone RU4 Primary Production Small Lots and Zone RU5 Village in existing cl.7.14
Cl.7.15 Groundwater Vulnerability	This clause is optional and is not proposed to be amended.

Schedule 1 – Additional Permitted Uses	This clause is not proposed to be amended.
Schedule 2 – Exempt Development	This schedule is to be retained without amendment.
Schedule 3 – Complying Development	This schedule is to be retained without amendment.

Issue 6: Local Character Area Clause for Cessnock Vineyards District

Issue Summary Consideration

(X) Local character area

- (1) The objectives of this clause are as follows –
 - (a) to identify the Cessnock Vineyard District Local Character Area,
 - (b) to promote the desired future character of the Cessnock Vineyard District Local Character Area.
- (2) The local character and desired future character for the Cessnock Vineyard District Local is specified chapter XX of the Cessnock Development Control Plan published by Cessnock City Council on [insert the date of publication].
- (3) Development consent must not be granted to development on land in a local character area unless the consent authority has taken into account the Local Character Areas Statement for the land.
- (4) In this clause—

local character area means land identified as “local character area” on the Local Character Areas Map

Local Environmental Plan Map Sheet Amendments

Issue 6: Review the LEP maps relating to rural zones

Issue Summary

Action 5 of the Cessnock LSPS is to review the Cessnock LEP maps to:

- consider the rural zoning at Edden Street Bellbird;
- consider the extent and application of the RU4 Primary Production Zone;
- review the minimum lot sizes applicable to rural zones to avoid fragmentation of rural land;
- provide minimum lot sizes in the RU5 Village Zone that promote higher density and housing diversity where reticulated sewer and water are connected and the site is not otherwise constrained; and
- update the LEP Dwelling Entitlements Map to include parcels of land that have been identified as having an entitlement.

Consideration

- The Cessnock Urban Growth Management Plan (UGMP) was adopted by Council on 17 March 2021 to guide the location and timing for the release of rezoned land for urban growth. As such, upzoning two or more adjacent, rurally zoned properties, located in an UGMP investigation area will not be considered in the Comprehensive LEP review. Such proposals will be subject to a separate planning proposal in accordance with the principals of the UGMP.
- Rezoning of rural land for infill development will not be considered as a component of the Comprehensive LEP review, other than to address minor anomalies in the planning instrument.

- The RU4 Primary Production Small Lots Zone should be extended to include any Zone RU2 land that is adjacent to the Cessnock Vineyards District, which demonstrates the key characteristics and amenity of the Vineyards District, e.g. vineyards land use combined with boutique tourist development or accommodation.
 - It is appropriate to retain the existing Zone RU2 and Zone RU4 lot size of 40 hectares to protect the rural character and amenity of the land and prevent further fragmentation.
- 11
- The lot size associated with Zone RU5 is 750m² in the Cessnock LGA. It is appropriate to retain the existing Zone RU5 lot size of 750m² to protect the established character of the Cessnock villages.
Note:
 - Refer to Issue 4 for review of permissible uses in the Zone RU5.
 - Refer to Issue 5 for review of minimum lot size for land in Zone RU5 that is not serviced by reticulated water or sewer.
 - Discussion relating to cl.4.2A of the LEP and the dwelling entitlement map will be the subject of a separate recommendations paper.
 - Due to site specific land constraints, e.g. flooding, biodiversity and/or lack of infrastructure (road, water, sewer) etc., and/or the size of the holdings, and/or the principles contained in Council's UGMP, certain rural land has not been included in this review, including the following land, which should be subject to a site specific planning proposal, initiated by the land owner:
 - Paper subdivisions.
 - Rural land in the vicinity of 141 Mount View Road Cessnock.
 - Rural land on either side of Edden Street Bellbird.
 - Rural land at 287 Vincent Street Cessnock.
 - Rural land in the vicinity of Colliery Street Abermain
 - Rural land in the vicinity of Old school Hill Private Access Abermain
 - Rural land at 528 and 532 Main Road Cliftleigh
 - Rural Land in the vicinity of Elderslie Road East Branxton

Proposed amendments to permissible uses in rural zones are detailed in Appendix B to this paper.

Cessnock Development Control Plan 2011

Issue 7: Complexity of rural planning provisions in the Cessnock DCP 2010

Issue Summary	A review of the rural land chapters of the DCP is needed to determine whether the number of rural chapters can be reduced, and to minimise the overall complexity of the rural planning framework.
Consideration	There are currently seven chapters of the Cessnock Development Control Plan (DCP) 2010 that specifically relate to rural land: • C4 – Land Use Conflict and Buffer Zones • D4 – Purpose-Built Rural Tourist Accommodation • D6 – Poultry Farms Neighbouring Land Uses

	• D7 – Construction of Dams • D8 – Temporary Event • E3 – Vineyards District • E4 – Stanford Main
Recommendation	• Draft a new 'Rural Lands' chapter of the DCP to provide guidance in relation to development in rural zones. The new Rural Lands chapter will combine existing chapters D4 Purpose-Built Rural Tourist Accommodation, D7 Construction of Dams and D8 Temporary Event. • Review and combine chapters C4 Land Use Conflict and Buffer Zones and D6 Poultry Farms Neighbouring Land Uses. • Draft a new Vineyards District DCP chapter • Review chapter E4 Stanford Main.

Issue 7: Comprehensive review of the Development Control Plan chapters relating to rural land

Issue:	Recommendation:
Action 6 of the Cessnock LSPS is to review the Cessnock Development Control Plan (DCP) to: - Ensure the preservation of green corridors and water sensitive urban design principles. - Include development controls for dual occupancy and medium-density development that maintains the neighbourhood character. - Ensure objectives and controls appropriately reflect the different character areas within the Vineyards District. - Ensure higher risk non-agricultural land uses are managed appropriately. - Introduce effective buffer distances to protect existing and potential rural land uses from incompatible development - Ensure objectives and controls are sufficiently robust to protect important agricultural activities from inappropriate development, including urban encroachment, land fragmentation and	Include biodiversity corridor mapping in the Vineyards District Local Character Statement and DCP. Address biodiversity corridors in the Rural Land DCP chapter. It is recommended to prohibit dual occupancies in all rural zones. Dual occupancies are an urban form of development that increase the risk of land use conflict (see Issue 3). As an alternative to dual occupancies, it is recommended to permit secondary dwellings in rural zones. Development standards for secondary dwellings in rural zones are contained in cl.5.5 of the LEP. Finalise the Local Character Statement and Development Control Plan for the Cessnock Vineyards District. Detailed consideration of land uses in rural zones is provided in Schedule 1 to this paper (see Issue 4). Where necessary, incorporate development controls in the DCP to manage remaining permissible land uses that have the potential to create significant land use conflicts in rural zones. Review and update Chapter C4 of the DCP regarding land use conflict and buffer zones. Detailed consideration of land uses in rural zones is provided in Schedule 1 to this paper (see Issue 4). Where necessary, incorporate development controls in the DCP to manage remaining permissible land uses that have the potential to create significant land use conflicts in rural zones.

inappropriate forms of residential and tourism development. - Provide clear development standards for the range of non-agricultural development that is permitted in the Vineyards District. - Provide guidance on appropriate design and building in rural and other sensitive areas. - Include best practice policies for subdivision and development. - Include controls relating to rehabilitation and remediation of degraded land. - Include development controls that minimise the impact of urban development at the rural – urban interface. - Identify visually significant views and tree-lined local roads and provide controls to protect these assets. - Ensure an appropriate level of protection for each 'character area' with the Vineyards District. - Ensure the 'Significant Areas' map provides sufficient protection to valuable landscape elements. - Ensure that eco-tourism is sensitively designed and minimises environmental impact. Action 23 of the Cessnock LSPS is to investigate a precinct planning approach for the rural and environmental areas to reflect the different character and capabilities of land across the region. Action 26 of the Cessnock LSPS is to Investigate policy options to protect the region's productive agricultural land from fragmentation and inappropriate development. Action 27 of the Cessnock LSPS is to Investigate the viability of new and emerging agricultural industries and how to support diversification of the sector through local planning policies.	Finalise the Local Character Statement and Development Control Plan for the Cessnock Vineyards District. Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter. Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter. Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter. Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter. Finalise the important views and agricultural land mapping project and, where necessary, incorporate development controls in the DCP to protect these significant areas. To be considered in the Local Character Statement and Development Control Plan for the Cessnock Vineyards District. Finalise the important views and agricultural land mapping project and, where necessary, incorporate development controls in the DCP to protect these significant areas. Eco-tourism development is subject to the provisions of cl.5.13 of the LEP. Consider whether additional controls are worthwhile in the forthcoming Rural Land DCP chapter that are specific to eco-tourist facilities. To be considered in the Local Character Statement and Development Control Plan for the Cessnock Vineyards District. Finalise the village character statements and, where necessary, incorporate development controls in the DCP to protect important village characteristics. Finalise the important views and agricultural land mapping project and, where necessary, incorporate development controls in the DCP to protect these significant areas (see also Issue 1). Finalise the important views and agricultural land mapping project and, where necessary, incorporate development controls in the DCP to protect these significant areas (see also Issue 1). Matter for consideration in the design standards of the forthcoming Rural Lands DCP chapter.
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Action 28 of the Cessnock LSPS is to prepare a Rural Lands Policy.

Prepare a 'Rural Land' chapter of the DCP to provide guidance regarding development in rural zones. The Rural Lands chapter will combine existing chapters D4 Purpose-Built Rural Tourist Accommodation, D7 Construction of Dams and D8 Temporary Event (see Issue 7).

Strengthen controls relating to the siting of onsite wastewater treatment systems.

Include development objectives and controls in the Rural Land DCP chapter relating to onsite wastewater treatment systems, including controls addressing the following matters:

- The need for detailed wastewater management reports considering the inherent conditions and constraints of the site with regard to the suitability of onsite sewage management.
- Conceptual design for onsite sewage management in accordance with the requirements and best practice recommendations of the environmental and health protection guidelines for onsite sewage management and Australian Standard 1547.
- Site coverage provisions for Zone R5 Large Lot Residential and Zone RU5 Village.
- Prohibit 'pump out' sewage treatment devices in new and existing areas.
- Strengthen reference to sewer availability and the requirement to connect in the DCP if reticulated sewer is within 2km from the development boundary and the proposed subdivision is over 5 lots. Exemptions may include:
 - If a comparison of reticulated sewerage to on-site wastewater option is undertaken on the basis of ecological sustainability and public health impacts, and the full range of benefits and constraints; and
 - the size of the resulting lots is not less than 4,000m², and
 - the consent authority is satisfied that the size and configuration of the resulting lots is suitable for onsite wastewater treatment.

Appendix A – Existing and Proposed Rural Zones Land Use Table

All SILEP defined land uses are listed in the table below and were reviewed for their compatibility with the RE1 Public Recreation and RE2 Private Recreation Zone objectives. Land uses outlined **RED** in the table below are recommended changes to the land use matrix.

Cessnock Local Environmental Plan 2011														
Rural Zone Land Use Matrix														
Legend o permitted without consent [mandated under the SI]. o permitted without consent. c permitted with consent [mandated under the SI]. c permitted with consent. x prohibited [mandated under the SI]. x prohibited. A permitted under SEPP (Affordable Rental Housing) 2009. I permitted under SEPP (Infrastructure) 2007. E permitted under SEPP (Educational Establishments and Child Care Facilities) 2017 fill colours in green or red mandated under the SI. fill colour in purple public infrastructure permitted under a SEPP.			Rural Landscape (Existing)	Rural Landscape (Proposed)	Reason	Forestry (Existing)	Forestry (Proposed)	Reason	Primary Production Small Lots (Existing)	Primary Production Small Lots (Proposed)	Reason	Village (Existing)	Village (Proposed)	Reason
			RU2	RU2		RU3	RU3		RU4	RU4		RU5	RU5	
(LAND USE terms WITHIN agriculture group term)														
	agriculture		c	c		x	x		x	x		x	x	
		aquaculture	c	c		c	c		c	c		x	x	
		Oyster aquaculture	c	c		c	c		c	c		c	c	
		Pond-based aquaculture	c	c		c	c		c	c		x	x	
		Tank-based aquaculture	c	c		c	c		c	c		c	c	
		extensive agriculture [eg. grazing of livestock, etc.]	o	o		c	c		o	o		c	x	The land use has the potential to intensify land use conflict within a village context.
		bee keeping	o	o		c	c		o	o		c	x	
		dairy (pasture-based)	o	o		c	c		o	o		c	x	
		intensive livestock agriculture [eg. poultry farms, etc.]	c	c		x	x		x	x		x	x	
		feedlots	c	c		x	x		x	x		x	x	
		pig farm	c	c		x	x		x	x		x	x	
		dairies (restricted)	c	c		x	x		x	x		x	x	
		intensive plant agriculture [eg. cultivation of irrigated crops]	c	c		x	x		c	c		x	x	
		horticulture	o	o		c	c		c	c		c	x	The land use has the potential to intensify land use conflict within a village context.
		turf farming	c	c		x	x		c	c		x	x	
		viticulture	c	c		x	x		c	c		x	x	
(LAND USE terms OUTSIDE agriculture group term)														
		animal boarding or training establishments	c	c		x	x		c	x	In the RU4 Zone, the use is inconsistent with LSPS planning priorities 9 & 23. The use has the potential to intensify land use conflict on rural land. The use is not consistent with tourism or agriculture and is permissible outside the Vineyards District in the RU2 Zone.	x	x	
		farm buildings	c	c		x	x		c	c		x	x	
		forestry	c	c		o	o		x	x		x	x	
(LAND USE terms WITHIN residential accommodation group term)														
		residential accommodation	x	x		x	x		x	x		x	x	
		attached dwellings	x	x		x	x		x	x		x	x	
		boarding houses	x	x		x	x		x	x		c	x	The land use has the potential to intensify land use conflict within the village context.

													Boarding houses are not suited to rural areas and are better accommodated in urban areas that can provide appropriate levels of amenity to occupants.
		dual occupancies	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 6, 7, 8 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x
		dual occupancies (attached)	c	x		x	x		x	x		x	x
		dual occupancies (detached)	c	x	Secondary dwellings are proposed as an alternative to dual occupancies in the RU2 Zone and will be regulated pursuant to Clause 5.5 of the LEP and the provisions of the DCP.	x	x		x	x		x	x
		dwelling houses	c	c		x	x		c	c		c	c
		group homes	x	x		x	x		x	x		x	x
		group homes (permanent)	x	x		x	x		x	x		x	x
		group homes (transitional)	x	x		x	x		x	x		x	x
		hostels	x	x		x	x		x	x		x	x
		multi dwelling housing	x	x		x	x		x	x		x	x
		residential flat buildings	x	x		x	x		x	x		x	x
		rural worker's dwellings	x	x		x	x		c	x		x	x
		secondary dwellings	x	c	Secondary dwellings are proposed as an alternative to dual occupancies in the RU2 Zone and will be regulated pursuant to Clause 5.5 of the LEP and the provisions of the DCP.	x	x		c	c		c	c
		semi-detached dwellings	x	x		x	x		x	x		c	c
		seniors housing	x	x		x	x		x	x		c	c
		residential care facilities	x	x		x	x		x	x		c	c
		shop top housing	x	x		x	x		x	x		x	x
(LAND USE terms OUTSIDE residential accommodation group term)													
		home business	c	c		x	x		c	c		c	c
		home occupations	o	o		x	x		o	o		o	o
		home occupation (sex services)	x	x		x	x		x	x		x	x
(LAND USE terms WITHIN tourist and visitor accommodation group term)													
		tourist and visitor accommodation	c	c		x	x		c	c		x	x
		backpackers' accommodation	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		c	x		x	x
		bed & breakfast accommodation	c	c		x	x		c	c		c	c
		farm stay accommodation	c	c		x	x		c	c		x	x
		hotel or motel accommodation	c	x		x	x		x	x		c	c
		serviced apartments	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		c	x		x	x

				Note: 'Tourist cabins' will remain permissible under the tourist and visitor accommodation group term.					Note: 'Tourist cabins' will remain permissible under the tourist and visitor accommodation group term.				
(LAND USE terms OUTSIDE tourist and visitor accommodation group term)													
	camping grounds		c	c		x	x		x	x		x	x
	caravan parks		c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting. Caravan parks are considered to be inconsistent with rural zone objectives. Caravan Parks and/or Manufactured Home Estates as a form of low cost housing are better suited in areas within proximity to existing centres, services and facilities. These are appropriately provided within other zones in the LGA.	x	x		x	x		x	x
	eco-tourist facilities		c	c		x	x		x	x		x	x
(LAND USE terms WITHIN commercial premises group term)													
commercial premises			x	x		x	x		x	x		x	x
	business premises [eg. banks, post offices, hairdressers, etc.]		x	x		x	x		x	x		c	c
	funeral homes		x	x		x	x		x	x		x	x
	goods repair and reuse premises		x	x		x	x		x	x		x	x
office premises			x	x		x	x		x	x		x	x
retail premises			x	x		x	x		x	x		x	x
	cellar door premises		c	c		x	x		c	c		x	x
	food & drink premises		x	x		x	x		x	x		c	c
		pubs	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		c	c
		restaurants or cafes	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting, or the Cessnock Vineyard's District, where development that supports the tourist industry is consistent with the intent of the zone.	x	x		c	c		c	c
		take-away food & drink premises	x	x		x	x		x	x		c	c
		small bars	x	x		x	x		x	x		c	c
		garden centres	x	x		x	x		x	x		x	x
		hardware & building supplies	x	x		x	x		x	x		x	x
		kiosks	x	x		x	x		x	x		x	x
		landscaping material supplies	x	x		x	x		x	x		x	x
		markets	x	x		x	x		x	x		x	x
		plant nurseries	x	c	The use involves the retail sale of plants that are grown or propagated on site, or on an adjacent site. The use is appropriate in the RU2 Zone as it relates to primary production and requires a larger	x	x		c	c		x	x

					allotment to enable plants to be grown on site.								
		roadside stalls	c	c		x	x		c	c		c	c
		rural supplies	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		c	x	In the RU4 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12, 22 & 23. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	c	c
		shops	x	x		x	x		x	x		c	c
		neighbourhood shops	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		c	x	In the RU4 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12, 22 & 23. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting, or the Pokolbin Centre.	c	c
		neighbourhood supermarkets	x	x		x	x		x	x		c	c
		Specialised retail premises	x	x		x	x		x	x		x	x
		timber yards	x	x		x	x		x	x		x	x
		vehicle sales or hire premises	x	x		x	x		x	x		x	x
(LAND USE terms OUTSIDE commercial premises group term)													
		amusement centres	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x
		entertainment facilities	x	x		x	x		x	x		c	c
		function centres	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		c	c		x	x
		highway service centres	x	x		x	x		x	x		x	x
		industrial retail outlets	x	x		x	x		x	x		x	x
		registered clubs	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		c	c
		restricted premises	x	x		x	x		x	x		x	x
		service stations	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		c	c
		sex services premises	x	x		x	x		x	x		x	x
		veterinary hospitals	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		c	c
		wholesale supplies	x	x		x	x		x	x		x	x
(LAND USE terms WITHIN rural industry group term)													
		rural industries [eg. use of composting facilities and works]	c	c		x	x		x	x		x	x
		agricultural produce industries	c	c		x	x		c	c		x	x
		livestock processing industries	c	c		x	x		x	x		x	x
		sawmill or log processing industries	c	c		c	c		x	x		x	x

		stock & sale yards	c	c		x	x		x	x		x	x	
(LAND USE terms WITHIN industry group term)														
		industries	x	x		x	x		x	x		x	x	
		heavy industries	x	x		x	x		x	x		x	x	
		hazardous industry	x	x		x	x		x	x		x	x	
		offensive industry	x	x		x	x		x	x		x	x	
		light industries	x	x		x	x		x	x		c	c	
		artisan food and drink industry	x	x		x	x		x	c	Means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. Permitting the use will allow for low key tourist-related activities to occur in the RU4 Zone.	c	c	
		creative industries	x	x		x	x		x	x		c	c	
		high technology industries	x	x		x	x		x	x		c	x	In the RU5 Zone, the use is inconsistent with LSPS planning priorities 11, 12, 29 & 30. The use has the potential to intensify land use conflict within the established villages and would be more appropriately located in serviced commercial or industrial land.
		data centres	x	x		x	x		x	x		c	x	The use is inconsistent with the zone objectives and would be more appropriately located in serviced commercial or industrial land.
		home industry	c	c		x	x		c	c		c	c	
		general industries	x	x		x	x		x	x		x	x	
(LAND USE terms OUTSIDE industry group term)														
		boat building and repair facilities	x	x		x	x		x	x		x	x	
		vehicle body repair workshops	x	x		x	x		x	x		x	x	
		vehicle repair stations	x	x		x	x		x	x		c	c	
(LAND USE terms WITHIN heavy industrial storage establishment group term)														
		heavy industrial storage establishments	x	x		x	x		x	x		x	x	
		hazardous storage establishments	x	x		x	x		x	x		x	x	
		liquid fuel depots	x	x		x	x		x	x		x	x	
		offensive storage establishments	x	x		x	x		x	x		x	x	
(LAND USE terms WITHIN storage premises group term)														
		storage premises	x	x		x	x		x	x		x	x	
		self storage units	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x	
(LAND USE terms OUTSIDE storage premises group term)														
		depots	x	x		x	x		x	x		x	x	
		warehouse or distribution centres	x	x		x	x		x	x		x	x	
		Local distribution premises	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x	
(LAND USE terms WITHIN sewerage system group term)														
		sewerage systems	c	c		x	x		x	x		c	c	
		biosolids treatment facilities	l	l		x	x		l	l		c	c	

	sewage reticulation systems	I	I		I	I		I	I		I	I	
	sewage treatment plants	I	I		x	x		I	I		c	c	
	water recycling facilities	I	I		x	x		I	I		c	c	
(LAND USE terms WITHIN waste or resource management facility group term)													
	waste or resource management facilities	I	I		x	x		c	x	In the RU4 Zone, the uses are inconsistent with LSPS planning priorities 8, 9, 22 & 23. The uses have the potential to intensify land use conflict on rural land.	x	x	
	resource recovery facilities	I	I		x	x		c	x		x	x	
	waste disposal facilities	I	I		x	x		c	x		x	x	
	waste or resource transfer stations	I	I		x	x		c	x		x	x	
(LAND USE terms WITHIN water supply system group term)													
	water supply systems	c	c		x	x		x	c	A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is appropriate to permit water supply systems with consent in the RU4 Zone, chiefly to support existing or proposed tourist accommodation land uses.	x	c	A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is appropriate to permit water supply systems with consent in the RU5 Zone to support new or existing residential and commercial development.
	water reticulation systems	c	c		x	x		x	c		x	c	
	water storage facilities	c	c		x	x		x	c		x	c	
	water treatment facilities	c	c		x	x		x	c		x	c	
(LAND USE terms WITHIN air transport facility group term)													
	air transport facilities	c	c		x	x		x	x		x	x	
	airport	c	c		x	x		x	x		x	x	
	heliport	x	x		x	x		x	x		x	x	
(LAND USE terms OUTSIDE air transport facility group term)													
	airstrip	c	c		x	x		x	x		x	x	
	helipad	c	c		x	x		x	x		x	x	
(Other LAND USE terms relating to infrastructure)													
	car parks	x	x		x	x		x	x		x	x	
	electricity generating works	I	I		I	I		I	i		x	x	
	freight transport facilities	x	x		x	x		x	x		x	x	
	passenger transport facilities	x	x		x	x		x	x		c	c	
	port facilities	c	x	The use is unlikely to occur in the Cessnock LGA. In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x	
	roads	c	c		c	c		c	c		c	c	
	transport depots	x	x		x	x		x	x		x	x	
	truck depots	x	x		x	x		x	x		x	x	
	wharf or boating facilities	x	x		x	x		x	x		x	x	
(LAND USE terms WITHIN educational establishment group term)													
	educational establishments [eg. TAFE establishment, etc.]	E	E		x	x		E	E		E	E	
	schools	E	E		x	x		E	E		c	c	
(LAND USE terms WITHIN health services facility group term)													
	health services facilities	x	x		x	x		I	I		I	I	
	hospitals	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use	x	x		I	I		I	i	

				conflict on rural land. The use is appropriate within an urban setting.								
	medical centres	x	x		x	x		I	I		I	I
	health consulting rooms	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		I	I		I	I
(Other LAND USE terms relating to community infrastructure)												
	early education & care facilities	c	c		x	x		x	x		x	c
	centre-based child care facilities	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		c	x	In the RU4 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12, 22 & 23. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting, or the Pokolbin Centre.	c	c
	home-based child care	c	c		x	x		x	x		x	c
	school-based child care	E	E		x	x		E	E		E	E
	community facilities	c	c		x	x		c	c		c	c
	correctional centres	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x
	emergency services facilities	I	I		I	I		I	I		I	I
	industrial training facilities	x	x		x	x		x	x		x	x
	information and education facilities	c	c		x	x		c	c		c	c
	places of public worship	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		c	c
	public administration building	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		x	x		x	x
	research stations	c	c		x	x		x	x		x	
	respite day care centres	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12 & 22. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting.	x	x		c	x	In the RU4 Zone, the use is inconsistent with LSPS planning priorities 8, 11, 12, 22 & 23. The use has the potential to intensify land use conflict on rural land. The use is appropriate within an urban setting, or the Pokolbin Village Centre. The use may still be permissible in the zone as ancillary development.	c	c
(LAND USE terms WITHIN signage group term)												
	signage	c	c		x	x		c	c		x	x
	advertising structure	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8 & 22. The use has the potential to impact scenic amenity.	x	x		c	x	In the RU4 Zone, the use is inconsistent with LSPS planning priorities 8, 22 & 23. The use has the potential to impact the scenic amenity of the Vineyards District.	x	x
	building identification sign	c	c		x	x		c	c		x	c
	business identification sign	c	c		x	x		c	c		x	c
												Permitting these land uses will allow businesses, including home businesses and home occupations, to install signage to identify and promote their businesses locally. The land use will also help with wayfinding.

(LAND USE terms relating to recreation)												
boat launching ramps	c	x	The use is unlikely to occur in the Cessnock LGA. In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8 & 22.	x	x		x	x		x	x	
boat sheds	c	x		x	x		x	x		x	x	
charter & tourism boating facilities	x	x		x	x		x	x		x	x	
environmental facilities	c	c		c	c		c	c		c	c	
jetties	c	x	The use is unlikely to occur in the Cessnock LGA. In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8 & 22.	x	x		x	x		x	x	
marinas	x	x		x	x		x	x		x	x	
mooring	x	x		x	x		x	x		x	x	
mooring pens	x	x		x	x		x	x		x	x	
recreation areas	c	c		c	c		x	x		c	c	
recreation facilities (indoor)	x	x		x	x		x	x		c	c	
recreation facilities (major)	c	c		x	x		x	x		x	x	
recreation facilities (outdoor)	c	c		x	x		x	x		c	c	
water recreation structures	c	c		x	x		x	x		x	x	
(Other miscellaneous LAND USE terms)												
cemetery	c	c		x	x		x	x		c	c	
crematorium	c	c		x	x		x	x		c	c	
environmental protection works	c	c		c	c		c	c		c	c	
exhibition homes	x	x		x	x		x	x		x	x	
exhibition villages	x	x		x	x		x	x		x	x	
extractive industries	c	c		c	c		x	x		x	x	
flood mitigation works	c	c		x	c	It is appropriate to include the use as permitted with consent in the RU3 Zone to reduce the risk of flooding on development	x	c	It is appropriate to include the use as permitted with consent in the RU4 Zone to reduce the risk of flooding on development. Under State Environmental Planning Policy (Infrastructure) 2007, public authorities are already permitted to carry out Flood Mitigation works without consent in the RU4 Zone.	x	x	It is appropriate to include the use as permitted with consent in the RU5 Zone to reduce the risk of flooding on development
mortuaries	x	x		x	x		x	x		c	c	
open cut mining	c	x	In the RU2 Zone, the use is inconsistent with LSPS planning priorities 8 & 22. The use has the potential to intensify land use conflict on rural land.	c	x	In the RU3 Zone, the use is inconsistent with LSPS planning priorities 21 & 22. The use has the potential to intensify land use conflict on rural land.	x	x		x	x	
(OTHER LAND USES)												
development which cannot be characterised into any land uses defined in the SI	c	x	The RU2 Zone is proposed to be a closed zone.	x	x		x	x		x	x	
Note 1. Zone B8 Metropolitan Centre is not included in the matrix given this zone may only be used in two nominated LGAs. Zone E1 National Parks and Nature Reserves is not included given there is no need to add any additional uses to the zone. Zones SP1 Special Activities and SP2 Infrastructure are not included given the primary uses in these zones should be annotated on the Land Zoning Map. Note 2. A type of development referred to in the matrix is a reference to that type of development only to the extent it is not regulated by an applicable State Environmental Planning Policy (SEPP). The following SEPPs in particular may be relevant to development on land covered by this Plan: SEPP (Housing for Seniors or People with a Disability) 2004 SEPP (Infrastructure) 2007 SEPP (Mining, Petroleum Production and Extractive Industries) 2007 SEPP (Rural Lands) 2008 SEPP (Affordable Rental Housing) 2009 SEPP No 33—Hazardous and Offensive Development SEPP No 50—Canal Estate Development SEPP No 62—Sustainable Aquaculture SEPP No 64—Advertising and Signage												

			Important note This information does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary. Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.
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Appendix B – Proposed LEP Map Sheet Anomalies

The following LEP 2011 map amendments are recommended. The amendments will ensure the most appropriate zone is applied to the land.

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
1	Part 2 / 840845 1 / 840845	Address: 83 Ferguson Street Abernethy 20 Munn Street Abernethy Ferguson Street Road Reserve Bruce Street Road Reserve <u>Reason for LEP Amendment:</u> To apply standard 750m² lot size to Zone RU5 land. Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for unserviced land (See Issue 3a). <u>Map Sheet:</u> LZN_006D LSZ_006D	LZN: RU5 MLS: 40ha	LZN: RU5 MLS: 750m²	
2	NA	Address: Murray Street Road Reserve Abernethy <u>Reason for LEP Amendment:</u> To apply standard 40Ha lot size to Zone RU2 land. <u>Map Sheet:</u> LZN_006D LSZ_006D	LZN: RU2 MLS: 750m²	LZN: RU2 MLS: 40Ha	
3	12 / 3 / 759103 4 / 1175179 5 / 1175179	Address: Negro Street Wollombi Paynes Crossing Road Wollombi <u>Reason for LEP Amendment:</u> To apply standard 40Ha lot size to Zone RU2 land. Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for unserviced land (See Issue 5). <u>Map Sheet:</u> LZN_003 LSZ_003	LZN: RU2 MLS: 750m²	LZN: RU2 MLS: 40ha	

No.	Lot / Sec / DP	Planning Considerations	LEP Map		Subject Land
			Current	Proposed	
4	NA	Address: Paynes Crossing Road Wollombi Negro Street Wollombi Cedar Street Wollombi <u>Reason for LEP Amendment:</u> To apply consistent zoning of road. Note: Land is not serviced by reticulated sewer and will be subject to new lot size clause for unserviced land (See Issue 5). <u>Map Sheet:</u> LZN_003 LSZ_003 LZN_006B LSZ_006B	LZN: RU5 MLS: 40ha	LZN: RU2 MLS: 40ha	
5	NA	Address: Boreas Street Nulkaba Austral Street Nulkaba <u>Reason for LEP Amendment:</u> To apply standard 750m² lot size to Zone RU5 land. Note: Land is serviced by reticulated sewer. <u>Map Sheet:</u> LZN_006C LSZ_006C	LZN: RU5 MLS: 40ha	LZN: RU5 MLS: 750m²	
6	NA	Address: Averys Lane Heddon Greta <u>Reason for LEP Amendment:</u> To apply consistent zoning of road. <u>Map Sheet:</u> LZN_009A LSZ_009A	LZN: RU2 MLS: 40ha	LZN: R2 MLS: 450m²	