



**PLANNING PROPOSAL**  
**AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011**

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Cessnock Vineyards District

# TABLE OF CONTENTS

|   |    |
|---|----|
| PART 1: OBJECTIVES AND OUTCOMES.....                                    | 3  |
| PART 3: JUSTIFICATION .....   | 11 |
| Section A: Need for the Planning Proposal .....                         | 11 |
| Section B: Relationship to Strategic Planning Framework.....            | 12 |
| Section C: Environmental, Social and Economic Impact .....              | 18 |
| Section D: Infrastructure (Local, State and Commonwealth) .....         | 19 |
| Section E: State and Commonwealth Interests .....                       | 19 |
| PART 4: MAPS .....  | 19 |
| PART 5: COMMUNITY CONSULTATION .....                                    | 19 |
| PART 6: PROJECT TIMELINE.....   | 20 |
| Appendix 1: Council Report and Minutes (dates).....                     | 21 |
| Appendix 2: Existing and Proposed RU4 and SP3 Zone Land Use Tables..... | 22 |

## Tables

|   |    |
|---|----|
| Table 1: Relevant State Environmental Planning Policies ..... | 13 |
| Table 2: Relevant Section 117 Ministerial Directions .....    | 15 |
| Table 3: Indicative project timeline. ....                    | 20 |

## Figures

|   |    |
|---|----|
| Figure 1: Land Application and Overview Map .....                             | 4  |
| Figure 2: Threatened species in the area of the proposed Tourist Centre ..... | 18 |

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**Revision History**

| Revision | Description                   | Date     |
|----------|-------------------------------|----------|
| 1        | Draft for Council Endorsement | 22.03.22 |
|          |                               |          |
|          |                               |          |

## PART 1: OBJECTIVES AND OUTCOMES

The Cessnock Local Government Area (LGA) Vineyards District ('the Vineyards District') is an area of land to the north of the Cessnock township, zoned RU4 Primary Production Small Lots, see **Figure 1**. The Vineyards District has a number of unique features and inter-related land uses which present challenges for development assessment when relying on traditional planning tools, such as the *Cessnock Local Environmental Plan 2011* ('the LEP') and Cessnock Development Control Plan 2010 ('the DCP').

The existing planning framework for the Vineyards District does not provide sufficient, contemporary guidance regarding what constitutes a 'compatible' development outcome. Nor does the existing planning framework satisfactorily address the range of 'higher risk' development types, including urban forms of development and larger, expansive or more highly visible forms of non-agricultural development, all of which have the potential to impact on the delicate 'balance' between tourist and agricultural development in the Vineyards District.

The overarching objective of the Planning Proposal is to amend the LEP to encourage 'larger scale' tourist and non-agricultural development away from the predominantly primary production areas of the Vineyards District to within a proposed 'Tourist Centre' to be zoned SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin. The Tourist Centre will acknowledge the historical evolution of that area as a focus for more intensive tourism, retail and community development.

The extent of the proposed Tourist Centre is currently undefined. However, Council will engage a specialist consultant to prepare an economic study to recommend the extent of the Tourist Centre. The indicative location of the Tourist Centre is shown in **Figure 1**.

Importantly, the Planning Proposal will not restrict the potential for 'smaller scale' tourist facilities, such as accommodation, restaurants and cafés, agritourism or cellar door premises within the broader primary production areas of the Vineyards District. The Planning Proposal acknowledges that the wine and tourism industries are significantly co-dependent and that the tourism industry provides important opportunities for landowners and primary producers to reinforce and diversify their product offering and income.

A Local Character Statement (LCS) has been prepared for the Vineyards District and is in addition to the LEP and DCP standards and controls. The LCS, which is incorporated in the accompanying DCP chapter for the Vineyards District, allows for a more detailed description of the future character that is desired for the Vineyards District. Council is seeking to exhibit the LCS concurrently with this Planning Proposal to ensure that the LEP, DCP and LCS align as a single local planning framework.

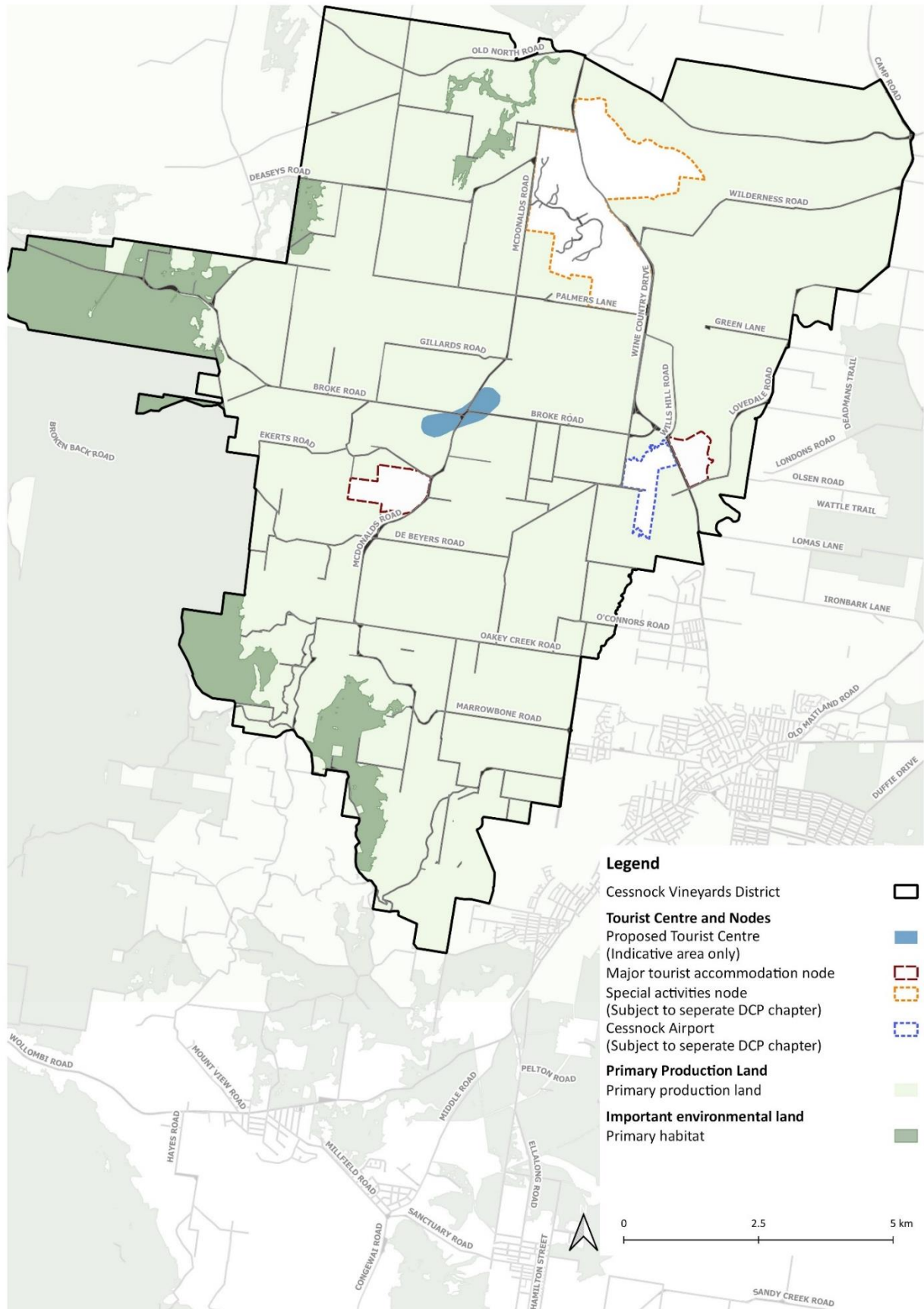
This Planning Proposal is a necessary component of the new local planning framework for Vineyards District and will achieve the following outcomes:

1. give statutory weight to the Draft Cessnock Vineyards District Local Character Statement (LCS), in the LEP;
2. amend Clause 7.6 of the LEP;
3. amend the RU4 Primary Production Small Lots Zone Land Use Table; and
4. redesign the SP3 Tourist Zone Land Use Table and repurpose the zone to a proposed 'Tourist Centre' at the intersection of Broke Road and McDonalds Road in Pokolbin.

This Planning Proposal, the LCS and DCP are expected to reduce development pressure and the potential for land-use conflict (primarily between tourist and agricultural development) in the broader primary production areas of the Cessnock Vineyards District.



Figure 1: Land Application and Overview Map



## PART 2: EXPLANATION OF PROVISIONS

This Planning Proposal has been prepared to enable the following amendments to be made to the *Cessnock Local Environmental Plan 2011* (the LEP) instrument and maps.

**Item 1 – Include a ‘local character clause’ and local character area map in the LEP to give statutory weight to the Draft Local Character Statement for the Cessnock LGA Vineyards District**

A Local Character Statement (LCS) has been prepared for the Vineyards District and is in addition to the LEP and DCP standards and controls. The LCS is incorporated in the DCP and allows for a more detailed description of the future character that is desired for the Cessnock Vineyards District. Council is seeking to exhibit the LCS concurrently with this Planning Proposal to ensure that the LEP, DCP and LCS align as a single local policy framework.

To ensure the LCS has statutory weight in the development assessment process, a local clause is proposed to be included in the LEP to the effect:

**Cessnock Vineyard District 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 **[TBC]** of the Cessnock Development Control Plan published by Cessnock City Council on **[TBC]**.
- (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

## **Item 2 – Repeal LEP sub-clause 7.6(1)(b)**

Clause 7.6 of the LEP establishes that consent cannot be granted to *tourist and visitor accommodation* in certain rural and environmental zones, unless the area of the allotment is at least 10 hectares. The clause applies to properties in Zone RU2 Rural Landscape, Zone RU4 Primary Production Small Lots and Zone E2 Environmental Conservation.

The Planning Proposal seeks to repeal sub-clause 7.6(1)(b) of the LEP, which will remove the application of the clause to land in Zone RU4 Primary Production Small Lots.

There are presently 276 allotments zoned RU4 Primary Production Small Lots that are less than 10 hectares in area. Collectively, these allotments account for 3% of the total area of land in the Cessnock RU4 Zone. Of these allotments, 166 are unlikely to be viable for *tourist and visitor accommodation*, on the basis that –

- 68 of the allotments contain an existing development, which would severely limit any additional development for the purpose of *tourist and visitor accommodation*;
- 18 of the allotments are owned by Council, Crown Land or another government agency, and are set aside for future infrastructure or road widening purposes; and
- 80 of the allotments contain significant biodiversity, or are subject to natural hazards, or contain private road infrastructure, or are of a size or dimension that would not support a viable *tourist and visitor accommodation development* (e.g. being significantly irregular in size and shape or lack of area for onsite wastewater disposal).

The number of additional RU4 zoned lots on which *tourist and visitor accommodation* could conceivably be carried out is 109. Repealing sub-clause 7.6(1)(b) of the LEP will enable the owners of these smaller properties the option of broadening their potential sources of income, by allowing them to site smaller scale forms of *tourist and visitor accommodation*, where those developments can satisfactorily demonstrate compliance with the Vineyards District Local Character Statement and Development Control Plan.

### Item 3 – Amend the RU4 Primary Production Small Lots Zone Land Use Table

Zone land use tables list the various forms of development that are considered to be compatible with the zone objectives. These forms of development (land uses) are permitted with or without development consent. The land use table also lists development that is not compatible with the objectives of the zone and these are listed as prohibited development. The SILEP mandates certain land uses as permissible or prohibited in each zone. Additional land uses may be included if, in Council's opinion, the mandated uses do not satisfactorily address the local intent of the zone.

The current Cessnock RU4 Zone Land Use Table is provided below with the mandated objectives and land uses ***bolded and italicised***.

#### 1 Objectives of the Zone

- ***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.***
- To maintain prime viticultural land and enhance the economic and ecological sustainability 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 enable the continued rural use of land that is complementary to the viticultural character of the land.

#### 2 Permitted without consent

***Extensive agriculture; Home occupations***

#### 3 Permitted with consent

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

#### 4 Prohibited

Hotel or motel accommodation; Any other development not specified in item 2 or 3

### Proposed amendments to the RU4 Primary Production Small Lots Zone Land Use Table

(a) It is proposed to amend the following RU4 Primary Production Small Lots Zone objectives.

| From:   | To:  | Reason:   |
|---|--|---|
| To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district. | To <del>maintain prime</del> <b>preserve important</b> 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   | To encourage appropriate tourist development <del>(including tourist-related</del>   | To reflect the objective of the Planning Proposal to encourage tourist-related                                  |



| From:  | To:  | Reason:   |
|--|--|---|
| retail) that is consistent with the rural and viticultural character of the vineyards district.            | <del>retail</del> that is consistent with the rural and viticultural character of the vineyards district.  | 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 <del>rural</del> <del>agricultural</del> use of land <del>that</del> <del>which</del> is complementary to <del>the viticultural character of the land</del> <del>viticulture</del> . | To ensure the objective addresses defined land uses (i.e. agriculture and viticulture) in the LEP.                                      |

(b) It is proposed to amend the RU4 Primary Production Small Lots Zone Land Use Table as follows.

- **Permit:** Artisan food and drink industry, Flood mitigation works, Water supply systems
- **Prohibit:** Advertising structures, Animal boarding or training establishments, Backpackers' accommodation, Centre-based child care facilities, Neighbourhood shops, Respite day care centres, Rural worker's dwellings, Rural supplies, Serviced apartments, Waste or resource management facilities

Refer to **Appendix 2: Existing and Proposed RU4 and SP3 Zone Land Use Table** for a detailed explanation of the proposed amendments to the RU4 Zone Land Use Table.

#### Item 4 – Review and Repurpose the SP3 Tourist Zone

The overarching objective of the Planning Proposal is to amend the LEP to encourage ‘larger scale’ tourist and non-agricultural development away from the predominantly primary production areas of the Vineyards District to within a proposed ‘Tourist Centre’ to be zoned SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin. The Tourist Centre will acknowledge the historical evolution of that area as a focus for more intensive tourism, retail and community development. The extent of the proposed Tourist Centre is currently undefined. Council will engage a specialist consultant to prepare an economic study to recommend the extent of the Tourist Centre. See **Figure 1** for the indicative location of the Tourist Centre.

Council is separately proposing to rezone existing SP3 Tourist zoned land in the LGA (i.e. ‘The Vintage’ and future ‘Golden Bear’ developments) to SP1 Special Activities Zone. This will enable the existing SP3 Tourist Zone to be reviewed and repurposed for the Tourist Centre at Pokolbin.

The existing SP3 Zone Land Use Table is provided below with the mandated objectives and land uses and ***bolded and italicised***.

1 Objectives of the Zone

- ***To provide for a variety of tourist-oriented development and related uses.***
- To allow for integrated tourist development.

2 Permitted without consent

Nil

3 Permitted with consent

***Aquaculture***; Attached dwellings; Building identification signs; Business identification signs; Cellar door premises; Centre-based child care facilities; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Flood mitigation works; ***Food and drink premises***; Function centres; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Kiosks; Markets; Neighbourhood shops; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; ***Roads***; Semi-detached dwellings; Sewage treatment plants; ***Tourist and visitor accommodation***; Viticulture; Water recycling facilities; Water reticulation systems; Water storage facilities; Water treatment facilities

4 Prohibited

Any development not specified in item 2 or 3

#### Proposed amendments to the SP3 Tourist Zone Land Use Table

(a) It is proposed to amend the SP3 Zone objectives as follows.

| Delete:                                      | Add:   | Reason:  |
|--|--|--|
| To allow for integrated tourist development. | To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural character of the area. | <p>The SP3 Tourist Zone has been repurposed for the Tourist Centre at Pokolbin and will no longer relate to integrated tourist developments at The Vintage or Golden Bear.</p> <p>To reflect the objective of the Planning Proposal to encourage tourist-related retail to within a proposed</p> |

| Delete: | Add:  | Reason:  |
|---------|---|--|
|         |   | 'Tourist Centre' to be zoned SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin.                |
|         | To provide a range of small-scale services that serve the needs of people who live or work in the surrounding area. | To reflect the permissibility of neighbourhood shops and other small scale retail premises in the proposed Tourist Centre. |

(b) It is proposed to amend the SP3 Tourist Zone Land Use Table as follows:

- **Permit:** Agricultural produce industries, Artisan food and drink industry, Community facilities, Early education and care facilities, Home-based child care, Recreation areas, Roadside stalls, Neighbourhood shops, Water supply systems.
- **Prohibit:** Attached dwellings, Exhibition homes, Semi-detached dwellings.

Refer to **Appendix 2: Existing and Proposed RU4 and SP3 Zone Land Use Table** for a detailed explanation of the proposed amendments to the SP3 Zone Land Use Table.

(c) Apply a minimum lot size of 10 hectares to the SP3 Tourist Zone. The application of a minimum lot size to the SP3 Zone land reduce the potential for land fragmentation and minimise associated overdevelopment of land in the proposed Tourist Centre.

## **PART 3: JUSTIFICATION**

In accordance with the Department of Planning and Environment's "Guide to Preparing Planning Proposals", this section provides a response to the following issues:

- Section A: Need for Proposal;
- Section B: Relationship to Strategic Planning Framework;
- Section C: Environmental, Social and Economic Impact; and
- Section D: State and Commonwealth Interests

### **Section A: Need for the Planning Proposal**

#### **1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?**

The proposed planning framework will reflect the intent of local and state planning strategies to protect the scenic rural landscape of the Vineyards District, while supporting tourist development and preserving the primacy of viticulture in the Cessnock RU4 Primary Production Small Lots Zone.

The Planning Proposal and Draft LCS/DCP is a consequence of the planning principles and actions contained in priorities 8, 9, 10, 22, 23, 26 and 27 of the Cessnock LSPS.

The Planning Proposal and Draft LCS/DCP are consistent with the intent of the Cessnock 'Vineyards Vision', endorsed by Council in August 2012 to recognise and protect the primacy of viticulture in the Cessnock RU4 Primary Production Small Lots Zone and acknowledge the important economic contribution of wine tourism to the local and regional economy.

The Planning Proposal is consistent with the Draft Hunter Regional Plan 2041, in that it seeks to encourage a sustainable balance between tourist and agricultural development in the Vineyards District. The Draft Plan also seeks to investigate a Tourist Centre in the Vineyards District to reduce pressure for development in the broader primary production land.

#### **2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The overarching objective of the Planning Proposal is to encourage 'larger scale' tourist and non-agricultural development away from the predominantly primary production areas of the Vineyards District to within a proposed 'Tourist Centre', zoned SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin.

In addition to this Planning Proposal, a LCS has been prepared for the Vineyards District. The LCS, which is incorporated into the DCP for the Vineyards District, allows for a more detailed description of the future character that is desired for the Vineyards District. Council is seeking to progress the LCS concurrently with this Planning Proposal to ensure that the LEP, DCP and LCS align as a single local planning framework.

The project to develop a new local planning framework for the Vineyards District has an extensive history, including substantial preliminary consultation with the community and feedback from a Vineyards District CRG, comprising broad representation from the community. The LCS / DCP and proposed amendments to the LEP are therefore considered to be the best means of achieving the intended outcomes for the Cessnock Vineyards District.



## **Section B: Relationship to Strategic Planning Framework**

### **3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

#### **Hunter Regional Plan 2036**

The *Hunter Regional Plan 2036* (HRP) provides the overarching strategic framework to guide the NSW Government's land use planning priorities and decisions in the Hunter Region until 2036. The NSW Government's vision for the Hunter is, 'the leading regional economy in Australia with a vibrant new metropolitan city at its heart.' To achieve this vision the Government has set four goals for the region:

1. The leading regional economy in Australia
2. A biodiversity-rich natural environment
3. Thriving communities
4. Greater housing choice and jobs.

The draft local planning framework is consistent with directions 9, 10, 13 and 14 of the Hunter Regional Plan 2036 in that it seeks to recognise and protect the primacy of viticulture and maintain the scenic rural landscape of the Vineyards District, which draws tourism to the area.

#### **Draft Hunter Regional Plan 2041**

The Planning Proposal is consistent with the Draft Hunter Regional Plan 2041, in that it seeks to encourage a sustainable balance between tourist and agricultural development in the Vineyards District. The Draft Plan also seeks to investigate a Tourist Centre in the Vineyards District to reduce pressure for development in the broader primary production land.

#### **Greater Newcastle Metropolitan Plan**

The Greater Newcastle Metropolitan Plan (GNMP) sets out strategies and actions that will drive sustainable growth across Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens, which together make up Greater Newcastle. The plan also helps to achieve the vision set in the Hunter Regional Plan 2036 for the Hunter to be the leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The draft local planning framework is consistent with strategies 6 and 13 of the GNMP, which seek to promote tourism and protect the rural amenity outside urban areas, respectively.

### **4 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

#### **Cessnock Local Strategic Planning Statement 2036 (LSPS)**

The Local Strategic Planning Statement (LSPS) is a high-level strategic document that sets the planning direction for the LGA until 2036. The LSPS implements relevant actions from the HRP and the GNMP as well as Council's own priorities as set out in the Cessnock Community Strategic Plan 2027 and other adopted plans and strategies. The LSPS will shape how the LEP and the DCP evolve over time and will guide how population growth and development are managed in the LGA. The draft local planning framework for the Vineyard's District is consistent with planning priorities 8, 9, 10, 22, 23, 26 and 27 of the LSPS.

## Community Strategic Plan - Our People, Our Place, Our Future

The Cessnock Community Strategic Plan 2027 (CSP) was prepared in 2013 and identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

*Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community needs.*

A range of strategic directions are provided which relate to the social, environmental and economic health, sustainability and prosperity of the Cessnock LGA. The Planning Proposal is consistent with the following themes of the CSP:

- A Sustainable and Healthy Environment: Objective 3.1 Protecting and Enhancing the Natural Environment and the Rural Character of the Area.

## 5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

### A 20-year Economic Vision for Regional NSW

The Economic Vision for Regional NSW seeks to drive sustainable, long term economic growth in regional NSW

The planning proposal is consistent with the principles of this strategy, notably Principle 6: Recognising each region's strengths and underlying endowments. The principle seeks to investigate options to activate tourism potential based on regional endowments and cultural heritage.

### State Emergency Management Plan (EMPLAN)

The State Emergency Management Plan (EMPLAN) provides a coordinated and comprehensive approach to emergency management in NSW. The Plan identifies the importance of land use planning in prevention of impacts of hazards on the community.

## 6 Is the planning proposal consistent with applicable SEPPs?

An assessment of relevant SEPPs against the planning proposal is provided in the table below.

Table 1: Relevant State Environmental Planning Policies

| SEPP  | Consistency and Implications  |
|---|---|
| State Environmental Planning Policy (Biodiversity and Conservation) 2021        | <b>Consistent</b><br>The Planning Proposal does not apply to land within a conservation zone or land otherwise identified for environment conservation/protection purposes. While some threatened species exist in the area of the proposed Tourist Centre (see <b>Figure 1</b> ), the final extent of the Tourist Centre is expected to avoid these areas. |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | <b>Consistent</b><br>The Planning Proposal will not impact the operation of the SEPP.   |

| SEPP  | Consistency and Implications   |
|---|--|
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008             | <b>Consistent</b><br>The Planning Proposal will not impact the operation of the SEPP.  |
| State Environmental Planning Policy (Housing) 2021  | <b>Consistent</b><br>The Planning Proposal will not impact the operation of the SEPP.  |
| State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development | <b>Consistent.</b><br>The Planning Proposal will not impact the operation of the SEPP.   |
| State Environmental Planning Policy (Planning Systems) 2021                                   | <b>Consistent</b><br>The Planning Proposal will not impact the operation of the SEPP.  |
| State Environmental Planning Policy (Primary Production) 2021                                 | <b>Consistent</b><br>The overarching objective of the Planning Proposal is to amend the LEP to encourage 'larger scale' tourist and non-agricultural development away from the predominantly primary production areas of the Vineyards District to within a proposed 'Tourist Centre' to be zoned from Zone RU4 to Zone SP3, at the intersection of Broke Road and McDonalds Road in Pokolbin. The extent of the proposed Tourist Centre is currently undefined. Council will engage a specialist consultant to prepare an economic study to recommend the extent of the Tourist Centre. See <b>Figure 1</b> for the indicative location of the Tourist Centre.<br><br>The Planning Proposal is supported by local and regional planning strategies, and is expected to reduce development pressure and the potential for land-use conflict (primarily between tourist and agricultural development) in the broader primary production areas of the Cessnock Vineyards District. |
| State Environmental Planning Policy (Resilience and Hazards) 2021                             | <b>Consistent</b><br>The Planning Proposal relates to land that is identified as bushfire prone and flood prone. Consultation will occur with the NSW Rural Fire Service and BCD to obtain comments in relation to bushfire risk and flooding to assist Council determine an appropriate extent for the proposed Tourist Centre.   |
| State Environmental Planning Policy (Resources and Energy) 2021                               | <b>Consistent</b><br>The Planning Proposal does not seek to amend the permissibility of mining in Zone RU4 or Zone SP3. Open cut mining and extractive industries are already prohibited in both zones.  |
| State Environmental Planning Policy (Transport and Infrastructure) 2021                       | <b>Consistent</b><br>The Planning Proposal will not impact the operation of the SEPP.  |

## 7 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of relevant Section 117 Directions against the planning proposal is provided in the table below.

Table 2: Relevant Section 117 Ministerial Directions

| Ministerial Direction         |                                    | Consistency and Implications  |
|-------------------------------|------------------------------------|---|
| Planning Systems              |                                    |   |
| 1.1                           | Implementation of Regional Plans   | <b>Consistent</b><br>The Planning Proposal aligns with the objectives and principles of the Hunter Regional Plan 2036, Greater Newcastle Metropolitan Plan 2036, and the Draft Hunter Regional Plan 2041.   |
| 1.3                           | Approval and Referral Requirements | <b>Consistent</b>   |
| 1.4                           | Site Specific Provisions           | <b>Consistent</b>   |
| Biodiversity and Conservation |                                    |   |
| 3.1                           | Conservation Zones                 | <b>Not applicable to this Planning Proposal</b><br>The Planning Proposal does not apply to land within a conservation zone or land otherwise identified for environment conservation/protection purposes.   |
| 3.2                           | Heritage Conservation              | <b>Consistent</b><br>The Planning Proposal will not impact the conservation of heritage items or areas.   |
| 3.5                           | Recreation Vehicle Areas           | <b>Consistent</b><br>The Planning Proposal will not enable land to be developed for the purpose of a recreation vehicle area.   |
| Resilience and Hazards        |                                    |   |
| 4.1                           | Flooding                           | <b>Potentially Consistent</b><br>The overarching objective of the Planning Proposal is to amend the LEP to encourage 'larger scale' tourist and non-agricultural development away from the predominantly primary production areas of the Vineyards District to within a proposed 'Tourist Centre' to be zoned from Zone RU4 Primary Production Small Lots to Zone SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin. The extent of the proposed Tourist Centre is currently undefined. Council will engage a specialist consultant to prepare an economic study to recommend the extent of the Tourist Centre. See <b>Figure 1</b> for the indicative location of the Tourist Centre.<br><br>Some of the land in the vicinity of the proposed Tourist Centre is identified as flood prone, meaning that development within the land may be subject to Clause 5.21 Flood Planning and 5.22 Special Flood Considerations of the LEP. Development may also be subject to Chapter C9, Development on Flood Prone Land of the Cessnock DCP. The economic |



|                                     |   |  |
|-------------------------------------|---|--|
|                                     |   | study will need to consider flood risk when recommending an extent for the Tourist Centre. Consultation will also occur with the Biodiversity Conservation Division of DPE to obtain comments in relation to flood risk to assist Council determine the appropriate extent of the proposed Tourist Centre. |
| 4.2                                 | Coastal Management  | <b>Consistent</b>  |
| 4.3                                 | Planning for Bushfire Protection                          | <b>Potentially Consistent</b><br>The Planning Proposal relates to land that is identified as bushfire prone. Consultation will occur with the NSW Rural Fire Service to obtain comments in relation to bushfire risk to assist Council determine an appropriate extent for the proposed Tourist Centre.    |
| 4.4                                 | Remediation of Contaminated Land                          | <b>Potentially Consistent</b><br>The Planning Proposal relates to land on which agricultural/horticultural activities have occurred in the past. The economic study will need to consider historical land uses when recommending an extent for the proposed Tourist Centre.                                |
| 4.5                                 | Acid Sulfate Soils  | <b>Consistent</b><br>The land to which the Planning Proposal relates is not known to contain acid sulfate soils.   |
| 4.6                                 | Mine Subsidence and Unstable Land                         | <b>Consistent</b><br>The Planning Proposal does not seek to rezone land within a Declared Mine Subsidence District.  |
| <b>Transport and Infrastructure</b> |   |  |
| 5.1                                 | Integrating Land Use and Transport                        | <b>Consistent</b><br>In the context of the Cessnock Vineyards District, the SP3 the Zone is not considered to be a zone for urban purposes.  |
| 5.2                                 | Reserving Land for Public Purposes                        | <b>Not applicable to this Planning Proposal</b><br>The Planning Proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.  |
| 5.3                                 | Development Near Regulated Airports and Defence Airfields | <b>Potentially Consistent</b><br>The Planning Proposal relates to land that surrounds Cessnock Airport. While the Planning Proposal is unlikely to impact the operation of the airport, consultation will occur with the Cessnock Airport in relation to the Planning Proposal.                            |
| 5.4                                 | Shooting Ranges   | <b>Not applicable to this Planning Proposal</b><br>The Planning Proposal does not seek to rezone land adjacent to and/or adjoining an existing shooting range.   |
| <b>Housing</b>                      |   |  |
| 6.1                                 | Residential Zones   | <b>Not applicable to this Planning Proposal</b><br>The Planning Proposal will not affect land within an existing or proposed residential zone.   |

|                         |  |   |
|-------------------------|--|---|
| 6.2                     | Caravan Parks and Manufactured Home Estates            | <p><b>Consistent</b></p> <p>The Planning Proposal does not seek to amend the permissibility of caravan parks in Zone RU4 or Zone SP3. The land use is already prohibited in both zones.</p>   |
| Industry and Employment |  |   |
| 7.1                     | Business and Industrial Zones                          | <p><b>Not applicable to this Planning Proposal</b></p> <p>The Planning Proposal will not affect land within an existing or proposed business or industrial zone.</p>  |
| Resources and Energy    |  |   |
| 8.1                     | Mining, Petroleum Production and Extractive Industries | <p><b>Consistent</b></p> <p>The Planning Proposal does not seek to amend the permissibility of mining in Zone RU4 or Zone SP3. Open cut mining and extractive industries are already prohibited in both zones.</p>  |
| Primary Production      |  |   |
| 9.1                     | Rural Zones  | <p><b>Consistent</b></p> <p>The overarching objective of the Planning Proposal is to amend the LEP to encourage ‘larger scale’ tourist and non-agricultural development away from the predominantly primary production areas of the Vineyards District to within a proposed ‘Tourist Centre’ to be zoned from Zone RU4 to Zone SP3, at the intersection of Broke Road and McDonalds Road in Pokolbin. The extent of the proposed Tourist Centre is currently undefined. Council will engage a specialist consultant to prepare an economic study to recommend the extent of the Tourist Centre. See <b>Figure 1</b> for the indicative location of the Tourist Centre.</p> <p>In the context of this Ministerial Direction, the Planning Proposal is supported by local and regional planning strategies, and is expected to reduce development pressure and the potential for land-use conflict (primarily between tourist and agricultural development) in the broader primary production areas of the Cessnock Vineyards District.</p> |
| 9.2                     | Rural Lands  | <p><b>Consistent</b></p> <p>See response to Ministerial Direction 9.1, above.</p>   |
| 9.3                     | Oyster Aquaculture                                     | <p><b>Consistent</b></p> <p>The Planning Proposal does not seek to amend the permissibility of aquaculture in Zone RU4 or Zone SP3.</p>   |

## Section C: Environmental, Social and Economic Impact

### **8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The overarching objective of the Planning Proposal is to amend the LEP to encourage 'larger scale' tourist and non-agricultural development away from the predominantly primary production areas of the Vineyards District to within a proposed 'Tourist Centre', zoned SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin. The Tourist Centre will acknowledge the historical evolution of that area as a focus for more intensive tourism, retail and community development.

The extent of the proposed Tourist Centre is currently undefined. Council will engage a specialist consultant to prepare an economic study to recommend the extent of the Tourist Centre. See **Figure 1** for the indicative location of the Tourist Centre.

Some threatened species exist in the area of the proposed Tourist Centre, see **Figure 2** below. However, the final extent of the Tourist Centre is expected to avoid these areas.

Figure 2: Threatened species in the area of the proposed Tourist Centre



### **9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

All other likely environmental effects that result from the planning proposal, e.g. noise, traffic and potential land use conflict, will be managed through the Draft LCS / DCP that has been prepared in conjunction with the Planning Proposal.

### **10 Has the planning proposal adequately addressed any social and economic effects?**

Social impacts that result from the Planning Proposal will be managed through the Draft LCS / DCP that has been prepared in conjunction with the Planning Proposal. Council will engage a specialist consultant to prepare an economic study to recommend the extent of the Tourist Centre. See **Figure 1** for the indicative location of the Tourist Centre.

## **Section D: Infrastructure (Local, State and Commonwealth)**

### **11 Is there adequate public infrastructure for the planning proposal?**

The area in the vicinity of the proposed Tourist Centre has access to reticulated water, but not sewerage, meaning that development within the land will be reliant on individual septic systems. The roads in and about the proposed Tourist Centre are also of a rural road standard and, in their present form, may not cater for the expected traffic from multiple, larger scale tourist developments. The economic study will need to consider these factors when recommending an extent for the Tourist Centre.

## **Section E: State and Commonwealth Interests**

### **12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

In April 2019, a Vineyards District CRG was established by Council to provide local knowledge and advice regarding possible changes to the local planning framework relating to the Vineyard's District. The CRG includes representation from Hunter Valley Wine and Tourism Association, Parish of Pokolbin, Around Hermitage, Lovedale Chamber of Commerce, NSW Department of Planning, Industry and Environment, NSW Department of Primary Industries, Property Council of Australia, Singleton Council, landowners, vignerons, property developers, wine tourism professionals and town planning consultants. The CRG achieves a broad representation of views relating to the Vineyard District.

Several meetings of the CRG have occurred since 2019, including most recently on 28 February 2022, and have culminated in the preparation of the draft local policy framework for the Vineyards District. The CRG has assisted in the development of the community survey, the overall vision, and the draft development objectives and controls for the Vineyards District. The CRG also provided critical feedback regarding the LCS approach.

Further consultation with the CRG and State and Commonwealth public authorities will be undertaken in accordance with the Gateway determination.

## **PART 4: MAPS**

Subject to confirmation of the extent of the proposed SP3 Tourist Zone, the Planning Proposal will require amendments to the following LEP map sheets:

- Land Zoning Map – Sheet LZN\_005
- Lot Size Map – Sheet LSZ\_005

## **PART 5: COMMUNITY CONSULTATION**

Substantial community input has been carried out to assist Council staff develop the draft planning framework for the Vineyards District, including through the Cessnock Vineyards District CRG, consultation associated with the Cessnock LSPS and a survey carried out in late 2019 relating to the Vineyards District, to which 454 people responded. Further community and agency consultation will be undertaken in accordance with the conditions of the Gateway determination.



## PART 6: PROJECT TIMELINE

Table 3: Indicative project timeline.

| Stage  | Timeframe and/or date      |
|--|----------------------------|
| Consideration by council   | Complete                   |
| Council decision   | April 2022                 |
| Gateway determination  | May and June 2022          |
| Pre-exhibition   | October 2022               |
| Commencement and completion of public exhibition period          | November and December 2022 |
| Consideration of submissions                                     | January and February 2023  |
| Post-exhibition review and additional studies                    | February and March 2023    |
| Submission to the Department for finalisation (where applicable) | April 2023                 |
| Gazettal of LEP amendment  | June 2022                  |

## **Appendix 1: Council Report and Minutes (dates)**

Report to Ordinary Meeting of Council – 20 April 2022

Minutes of Ordinary Meeting of Council – 20 April 2022

All Council reports and minutes are accessible from Council's website:  
<http://www.cessnock.nsw.gov.au/council/meetings>.

## Appendix 2: Existing and Proposed RU4 and SP3 Zone Land Use Tables

All SILEP defined land uses are listed in the table below and were reviewed for the purpose of this Planning Proposal. Land uses outlined **RED** in the table below are recommended changes to the land use matrix.

| Cessnock Local Environmental Plan 2011  |   |                        | RU4 Primary Production Small Lots (Existing) | RU4 Primary Production Small Lots (Proposed) | Reason | Tourist (Existing) | Tourist (Proposed) | Reason |
|---|---|------------------------|--|--|--------|--------------------|--------------------|--------|
| Rural Zone Land Use Matrix  |   |                        |  |  |        |                    |                    |        |
| Legend<br>o permitted without consent [mandated under the SI].<br>o permitted without consent.<br>c permitted with consent [mandated under the SI].<br>c permitted with consent.<br>x prohibited [mandated under the SI].<br>x prohibited.<br>A permitted under SEPP (Affordable Rental Housing) 2009.<br>I permitted under SEPP (Infrastructure) 2007.<br>E permitted under SEPP (Educational Establishments and Child Care Facilities) 2017<br>fill colours in green or red mandated under the SI.<br>fill colour in purple public infrastructure permitted under a SEPP. |   |                        | RU4  | RU4  |        | SP3                | SP3                |        |
|   |   |                        |  |  |        |                    |                    |        |
| (LAND USE terms WITHIN agriculture group term)  |   |                        |  |  |        |                    |                    |        |
|   | agriculture   |                        | x  | x  |        | x                  | x                  |        |
|   |   | aquaculture            | c  | c  |        | c                  | c                  |        |
|   |   | Oyster aquaculture     | c  | c  |        | c                  | c                  |        |
|   |   | Pond-based aquaculture | c  | c  |        | c                  | c                  |        |
|   |   | Tank-based aquaculture | c  | c  |        | c                  | c                  |        |
|   | extensive agriculture [eg. grazing of livestock, etc.]    |                        | o  | o  |        | x                  | x                  |        |
|   |   | bee keeping            | o  | o  |        | x                  | x                  |        |
|   |   | dairy (pasture-based)  | o  | o  |        | x                  | x                  |        |
|   | intensive livestock agriculture [eg. poultry farms, etc.] |                        | x  | x  |        | x                  | x                  |        |
|   |   | feedlots               | x  | x  |        | x                  | x                  |        |
|   |   | pig farm               | x  | x  |        | x                  | x                  |        |

|  |  |  |   |   |   |   |   |   |
|--|--|--|---|---|---|---|---|---|
|  |  | dairies (restricted)   | x | x |   | x | x |   |
|  |  | intensive plant agriculture [eg. cultivation of irrigated crops] | c | c |   | x | x |   |
|  |  | horticulture   | c | c |   | c | c |   |
|  |  | turf farming   | c | c |   | x | x |   |
|  |  | viticulture  | c | c |   | c | c |   |
| (LAND USE terms OUTSIDE agriculture group term)              |  |  |   |   |   |   |   |   |
|  |  | animal boarding or training establishments                       | 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 in the Vineyards District. 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 |   |
|  |  | forestry   | x | x |   | x | x |   |
| (LAND USE terms WITHIN residential accommodation group term) |  |  |   |   |   |   |   |   |
|  |  | <b>residential accommodation</b>                                 | x | x |   | x | x |   |
|  |  | attached dwellings   | x | x |   | c | x | The use is inconsistent with the objective of the SP3 Tourist Zone to encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural character of the area. |
|  |  | boarding houses  | x | x |   | x | x |   |
|  |  | dual occupancies   | x | x |   | x | x |   |
|  |  | dual occupancies (attached)                                      | x | x |   | x | x |   |
|  |  | dual occupancies (detached)                                      | x | x |   | x | x |   |
|  |  | dwelling houses  | c | c |   | c | c |   |
|  |  | group homes  | x | x |   | x | x |   |
|  |  | group homes (permanent)  | x | x |   | x | x |   |
|  |  | group homes (transitional)                                       | x | x |   | x | x |   |
|  |  | hostels  | x | x |   | x | x |   |
|  |  | multi dwelling housing   | x | x |   | x | x |   |
|  |  | residential flat buildings                                       | x | x |   | x | x |   |



|  |  |   |   |   |   |   |   |
|--|--|---|---|---|---|---|---|
|  | rural worker's dwellings                 | c | x | Rural worker's dwellings are appropriate in rural areas that are considerably isolated from urban settlements. The Vineyards District is proximate to several larger urban settlements in the Cessnock and Singleton LGA.   | x | x |   |
|  | secondary dwellings                      | c | c |   | x | x |   |
|  | semi-detached dwellings                  | x | x |   | c | x | The use is inconsistent with the objective of the SP3 Tourist Zone to encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural character of the area. |
|  | seniors housing                          | x | x |   | x | x |   |
|  | residential care facilities              | x | x |   | x | x |   |
|  | shop top housing                         | x | x |   | x | x |   |
| (LAND USE terms OUTSIDE residential accommodation group term)        |  |   |   |   |   |   |   |
|  | home business                            | c | c |   | c | c |   |
|  | home occupations                         | o | o |   | c | c |   |
|  | home occupation (sex services)           | x | x |   | x | x |   |
| (LAND USE terms WITHIN tourist and visitor accommodation group term) |  |   |   |   |   |   |   |
|  | <b>tourist and visitor accommodation</b> | c | c |   | c | c |   |
|  | backpackers' accommodation               | c | x | In the RU4 Zone, the use is inconsistent with LSPS planning priorities 8, 22 & 23. The use has the potential to intensify land use conflict on rural land, is not a suitable form of tourist accommodation in the Cessnock Vineyards District and is appropriate within an urban setting. | c | c |   |
|  | bed & breakfast accommodation            | c | c |   | c | c |   |
|  | farm stay accommodation                  | c | c |   | c | c |   |
|  | hotel or motel accommodation             | x | x |   | c | c |   |
|  | serviced apartments                      | c | x | In the RU4 Zone, the use is inconsistent with LSPS planning priorities 8, 22 & 23. The use has the potential to intensify land use conflict on rural land, is not a suitable form of  | c | c |   |

|   |  |   |   |   |   |   |  |
|---|--|---|---|---|---|---|--|
|   |  |   |   | tourist accommodation in the Cessnock Vineyards District and is appropriate within an urban setting or the proposed Tourist Centre.<br><br>Note: 'Small tourist accommodation facilities' will remain permissible under the tourist and visitor accommodation group term. |   |   |  |
| (LAND USE terms OUTSIDE tourist and visitor accommodation group term) |  |   |   |   |   |   |  |
|   | camping grounds  | x | x |   | x | x |  |
|   | caravan parks  | x | x |   | x | x |  |
|   | eco-tourist facilities   | x | x |   | x | x |  |
| (LAND USE terms WITHIN commercial premises group term)                |  |   |   |   |   |   |  |
| <b>commercial premises</b>  |  | x | x |   | x | x |  |
|   | <b>business premises</b> [eg. banks, post offices, hairdressers, etc.] | x | x |   | x | x |  |
|   | funeral homes  | x | x |   | x | x |  |
|   | goods repair and reuse premises  | x | x |   | x | x |  |
| <b>office premises</b>  |  | x | x |   | x | x |  |
| <b>retail premises</b>  |  | x | x |   | x | x |  |
|   | cellar door premises   | c | c |   | c | c |  |
|   | food & drink premises  | x | x |   | c | c |  |
|   | pubs   | x | x |   | c | c |  |
|   | restaurants or cafes   | c | c |   | c | c |  |
|   | take-away food & drink premises  | x | x |   | c | c |  |
|   | small bars   | x | x |   | c | c |  |
|   | garden centres   | x | x |   | x | x |  |
|   | hardware & building supplies   | x | x |   | x | x |  |
|   | kiosks   | x | x |   | c | c |  |
|   | landscaping material supplies  | x | x |   | x | x |  |
|   | markets  | x | x |   | c | c |  |
|   | plant nurseries  | c | c |   | x | x |  |
|   | roadside stalls  | c | c |   | x | c | The use is compatible with the objective of the proposed Tourist Centre to encourage appropriate tourist |

|   |  |   |   |   |  |   |   |   |
|---|--|---|---|---|--|---|---|---|
|   |  |   |   |   |  |   |   | development (including tourist-related retail) that is consistent with the rural character of the area. |
|   |  | rural supplies  | 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.                                 | x | x |   |
|   |  | shops   | x | x |  | x | x |   |
|   |  | neighbourhood shops   | 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 proposed Tourist Centre. | c | c |   |
|   |  | neighbourhood supermarkets                                    | x | x |  | x | x |   |
|   |  | Specialised retail premises                                   | x | x |  | x | x |   |
|   |  | timber yards  | x | x |  | x | x |   |
|   |  | vehicle sales or hire premises                                | x | x |  | x | x |   |
| (LAND USE terms OUTSIDE commercial premises group term) |  |   |   |   |  |   |   |   |
|   |  | amusement centres   | x | x |  | x | x |   |
|   |  | entertainment facilities                                      | x | x |  | c | c |   |
|   |  | function centres  | c | c |  | c | c |   |
|   |  | highway service centres                                       | x | x |  | x | x |   |
|   |  | industrial retail outlets                                     | x | x |  | x | x |   |
|   |  | registered clubs  | x | x |  | c | c |   |
|   |  | restricted premises   | x | x |  | x | x |   |
|   |  | service stations  | x | x |  | x | x |   |
|   |  | sex services premises   | x | x |  | x | x |   |
|   |  | veterinary hospitals  | x | x |  | x | x |   |
|   |  | wholesale supplies  | x | x |  | x | x |   |
| (LAND USE terms WITHIN rural industry group term)       |  |   |   |   |  |   |   |   |
|   |  | rural industries [eg. use of composting facilities and works] | x | x |  | x | x |   |

|   |  |  |   |   |   |   |   |  |
|---|--|--|---|---|---|---|---|--|
|   |  | agricultural produce industries                | c | c |   | x | c | The use is compatible with the objective of the proposed Tourist Centre to encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural character of the area.   |
|   |  | livestock processing industries                | x | x |   | x | x |  |
|   |  | sawmill or log processing industries           | x | x |   | x | x |  |
|   |  | stock & sale yards                             | x | x |   | x | x |  |
| (LAND USE terms WITHIN industry group term)                               |  |  |   |   |   |   |   |  |
|   |  | <b>industries</b>                              | x | x |   | x | x |  |
|   |  | heavy industries                               | x | x |   | x | x |  |
|   |  | hazardous industry                             | x | x |   | x | x |  |
|   |  | offensive industry                             | x | x |   | x | x |  |
|   |  | light industries                               | x | x |   | x | x |  |
|   |  | artisan food and drink industry                | x | c | Permitting the land use will allow for low key tourist-related activities to occur in the RU4 Zone, including the making or manufacture of boutique, artisan or craft food or drink products, the retail sale of the products, or a restaurant or cafe, or facilities for holding tastings, tours or workshops. | x | c | The uses are compatible with the objective of the proposed Tourist Centre to encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural character of the area. |
|   |  | creative industries                            | x | x |   | x | x |  |
|   |  | high technology industries                     | x | x |   | x | x |  |
|   |  | data centre                                    | x | x |   | x | x |  |
|   |  | home industry                                  | c | c |   | c | c |  |
|   |  | general industries                             | x | x |   | x | x |  |
| (LAND USE terms OUTSIDE industry group term)                              |  |  |   |   |   |   |   |  |
|   |  | boat building and repair facilities            | x | x |   | x | x |  |
|   |  | vehicle body repair workshops                  | x | x |   | x | x |  |
|   |  | vehicle repair stations                        | x | x |   | x | x |  |
| (LAND USE terms WITHIN heavy industrial storage establishment group term) |  |  |   |   |   |   |   |  |
|   |  | <b>heavy industrial storage establishments</b> | x | x |   | x | x |  |

|  |   |                                     |   |   |   |   |   |   |
|--|---|-------------------------------------|---|---|---|---|---|---|
|  |   | hazardous storage establishments    | x | x |   | x | x |   |
|  |   | liquid fuel depots                  | x | x |   | x | x |   |
|  |   | offensive storage establishments    | x | x |   | x | x |   |
| (LAND USE terms WITHIN storage premises group term)                      |   |                                     |   |   |   |   |   |   |
|  | storage premises                        |                                     | x | x |   | x | x |   |
|  |   | self storage units                  | x | x |   | x | x |   |
| (LAND USE terms OUTSIDE storage premises group term)                     |   |                                     |   |   |   |   |   |   |
|  | depots                                  |                                     | x | x |   | x | x |   |
|  | warehouse or distribution centres       |                                     | x | x |   | x | x |   |
|  | Local distribution premises             |                                     | x | x |   | x | x |   |
| (LAND USE terms WITHIN sewerage system group term)                       |   |                                     |   |   |   |   |   |   |
|  | sewerage systems                        |                                     | x | x |   | x | x |   |
|  |   | biosolids treatment facilities      | l | l |   | x | x |   |
|  |   | sewage reticulation systems         | l | l |   | l | l |   |
|  |   | sewage treatment plants             | l | l |   | c | c |   |
|  |   | water recycling facilities          | l | l |   | c | c |   |
| (LAND USE terms WITHIN waste or resource management facility group term) |   |                                     |   |   |   |   |   |   |
|  | waste or resource management facilities |                                     | 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        | c | x |   | x | x |   |
|  |   | waste disposal facilities           | c | x |   | x | x |   |
|  |   | waste or resource transfer stations | c | x |   | x | x |   |
| (LAND USE terms WITHIN water supply system group term)                   |   |                                     |   |   |   |   |   |   |
|  | water supply systems                    |                                     | 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 | It is appropriate to permit water supply systems with consent in the SP3 Zone, chiefly to support existing or proposed tourist accommodation land uses. |
|  |   | water reticulation systems          | x | c |   | c | c |   |
|  |   | water storage facilities            | x | c |   | c | c |   |
|  |   | water treatment facilities          | x | c | Under State Environmental Planning Policy (Infrastructure) 2007, public authorities are permitted to carry out  | c | c |   |

|  |  |  |   |   |  |   |   |  |
|--|--|--|---|---|--|---|---|--|
|  |  |  |   |   | development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone. |   |   |  |
| (LAND USE terms WITHIN air transport facility group term)    |  |  |   |   |  |   |   |  |
|  | <b>air transport facilities</b>                                  |  | x | x |  | x | x |  |
|  | airport  |  | x | x |  | x | x |  |
|  | heliport   |  | x | x |  | x | x |  |
| (LAND USE terms OUTSIDE air transport facility group term)   |  |  |   |   |  |   |   |  |
|  | airstrip   |  | x | x |  | x | x |  |
|  | helipad  |  | x | x |  | x | x |  |
| (Other LAND USE terms relating to infrastructure)            |  |  |   |   |  |   |   |  |
|  | car parks  |  | x | x |  | x | x |  |
|  | electricity generating works                                     |  | I | I |  | x | x |  |
|  | freight transport facilities                                     |  | x | x |  | x | x |  |
|  | passenger transport facilities                                   |  | x | x |  | x | x |  |
|  | port facilities  |  | x | x |  | x | x |  |
|  | roads  |  | c | c |  | c | c |  |
|  | transport depots   |  | x | x |  | x | x |  |
|  | truck depots   |  | x | x |  | x | x |  |
|  | wharf or boating facilities                                      |  | x | x |  | x | x |  |
| (LAND USE terms WITHIN educational establishment group term) |  |  |   |   |  |   |   |  |
|  | <b>educational establishments</b> [eg. TAFE establishment, etc.] |  | E | E |  | x | x |  |
|  | schools  |  | E | E |  | x | x |  |
| (LAND USE terms WITHIN health services facility group term)  |  |  |   |   |  |   |   |  |
|  | <b>health services facilities</b>                                |  | I | I |  | x | x |  |
|  | hospitals  |  | I | I |  | x | x |  |
|  | medical centres  |  | I | I |  | x | x |  |
|  | health consulting rooms  |  | I | I |  | x | x |  |
| (Other LAND USE terms relating to community infrastructure)  |  |  |   |   |  |   |   |  |
|  | <b>early education &amp; care facilities</b>                     |  | x | x |  | x | c | The use is compatible with the objective of the proposed Tourist Centre to provide a range of small-scale services |

|  |                                      |   |   |  |   |   |   |
|--|--------------------------------------|---|---|--|---|---|---|
|  |                                      |   |   |  |   |   | that serve the needs of people who live or work in the surrounding area.  |
|  | centre-based child care facilities   | 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                | x | x |  | x | c | The use is compatible with the objective of the proposed Tourist Centre to provide a range of small-scale services that serve the needs of people who live or work in the surrounding area. |
|  | school-based child care              | E | E |  | x | x |   |
|  | community facilities                 | c | c |  | x | c | The use is compatible with the objective of the proposed Tourist Centre to provide a range of small-scale services that serve the needs of people who live or work in the surrounding area. |
|  | correctional centres                 | x | x |  | x | x |   |
|  | emergency services facilities        | l | l |  | x | x |   |
|  | industrial training facilities       | x | x |  | x | x |   |
|  | information and education facilities | c | c |  | c | c |   |
|  | places of public worship             | x | x |  | x | x |   |
|  | public administration building       | x | x |  | x | x |   |
|  | research stations                    | x | x |  | x | x |   |
|  | respite day care centres             | 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 Tourist Centre. The use may still be permissible in the zone as ancillary development. | c | c |   |
| (LAND USE terms WITHIN signage group term) |                                      |   |   |  |   |   |   |
|  | <b>signage</b>                       | c | c |  | c | c |   |
|  | advertising structure                | c | x | In the RU4 Zone, the use is inconsistent with LSPS planning  | x | x |   |



|  |   |   |   |  |   |   |   |
|--|---|---|---|--|---|---|---|
|  |   |   |   | priorities 8, 22 & 23. The use has the potential to impact the scenic amenity of the Vineyards District. |   |   |   |
|  | building identification sign            | c | c |  | c | c |   |
|  | business identification sign            | c | c |  | c | c |   |
|  | (LAND USE terms relating to recreation) |   |   |  | x | x |   |
|  | boat launching ramps                    | x | x |  | x | x |   |
|  | boat sheds                              | x | x |  | x | x |   |
|  | charter & tourism boating facilities    | x | x |  | x | x |   |
|  | environmental facilities                | c | c |  | c | c |   |
|  | jetties                                 | x | x |  | x | x |   |
|  | marinas                                 | x | x |  | x | x |   |
|  | mooring                                 | x | x |  | x | x |   |
|  | mooring pens                            | x | x |  | x | x |   |
|  | recreation areas                        | x | x |  | x | c | The use is compatible with the objective of the proposed Tourist Centre to provide a range of small-scale services that serve the needs of people who live or work in the surrounding area.                 |
|  | recreation facilities (indoor)          | x | x |  | c | c |   |
|  | recreation facilities (major)           | x | x |  | x | x |   |
|  | recreation facilities (outdoor)         | x | x |  | c | c |   |
|  | water recreation structures             | x | x |  | x | x |   |
|  | (Other miscellaneous LAND USE terms)    |   |   |  |   |   |   |
|  | cemetery                                | x | x |  | x | x |   |
|  | crematorium                             | x | x |  | x | x |   |
|  | environmental protection works          | c | c |  | c | c |   |
|  | exhibition homes                        | x | x |  | c | x | The use is inconsistent with the objective of the SP3 Tourist Zone to encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural character of the area. |
|  | exhibition villages                     | x | x |  | x | x |   |
|  | extractive industries                   | x | x |  | x | x |   |

|                   |  |   |   |  |   |   |  |
|-------------------|--|---|---|--|---|---|--|
|                   | flood mitigation works   | 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. | c | c |  |
|                   | mortuaries   | x | x |  | x | x |  |
|                   | open cut mining  | x | x |  | x | x |  |
| (OTHER LAND USES) |  |   |   |  |   |   |  |
|                   | development which cannot be characterised into any land uses defined in the SI | x | x |  | x | x |  |