



PLANNING PROPOSAL
AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011

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Cessnock Vineyards District

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Table 1: Revision History

Revision	Description	Date
1	Draft for Council Endorsement	22.03.22
2	Includes changes to the Vintage and Pokolbin Integrated Tourist Development	26.10.22
3	Amendments to respond to “resubmit” Gateway Determination dated 22.12.2022	24.07.23

BACKGROUND:

The Cessnock Local Government Area (LGA) Vineyards District ('the Vineyards District') is an area of land to the north of the Cessnock township, predominantly zoned RU4 Primary Production Small Lots, see **Figure 1**. The Vineyards District has a number of unique features and interrelated 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 the 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 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 new local planning framework for the Vineyards District incorporates three components, discussed below. The framework is expected to reduce development pressure and the potential for land-use conflict (primarily between tourist and agricultural development) in the primary production areas of the Cessnock Vineyards District.

1. Place Strategy

The Place Strategy will address the requirements of the Hunter Regional Plan 2041 ('the HRP') and provide further detailed information supporting this Planning Proposal and the proposed development controls for the Vineyards District. It will:

- ensure non-agricultural development avoids land use conflict with existing and future agricultural uses;
- identify important agricultural land;
- ensure residential subdivision and other development are not located in areas incompatible with the vineyards' rural landscape and scenic amenity;
- ensure development is sympathetic to the rural amenity and the local character of the area;
- identify walking and cycling networks from the tourism node to tourism activities and landscape features;
- support non-agricultural development with suitable infrastructure and accommodate it in the landscape setting;
- ensure the siting, bulk, scale and built form of non-agricultural development is suitable for the setting; and
- ensure development on land adjoining scenic areas is sympathetic to landscape values and view corridors from the vineyards.

Much of the content for the Place Strategy has been prepared based on substantial community input including consultation associated with the Cessnock Vineyards District Community Reference Group ('the CRG'), the preparation of the Cessnock Local Strategic Planning Statement 2036 (LSPS), and a survey carried out in late 2019 relating to the Vineyards District, to which 454 people responded.

Additionally, Council has undertaken an Economic Feasibility Analysis and Local Character Study. Both provide support for the progression of the Planning Proposal and related development controls.

Given this, the Place Strategy will be prepared concurrently with the progression of the Planning Proposal.

2. Planning Proposal (this document)

The Planning Proposal will 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 and retail development.

The Planning Proposal will also seek to address matters removed from Council's Special Purposes Planning Proposal (PP-2022-1461), namely the rezoning of the Lovedale Integrated Tourist Development (LITD) site (formerly the Golden Bear site) and The Vintage to SP1 Special Activities, as well as amending other provisions in the LEP relating to those sites, such as definitions and assessment requirements.

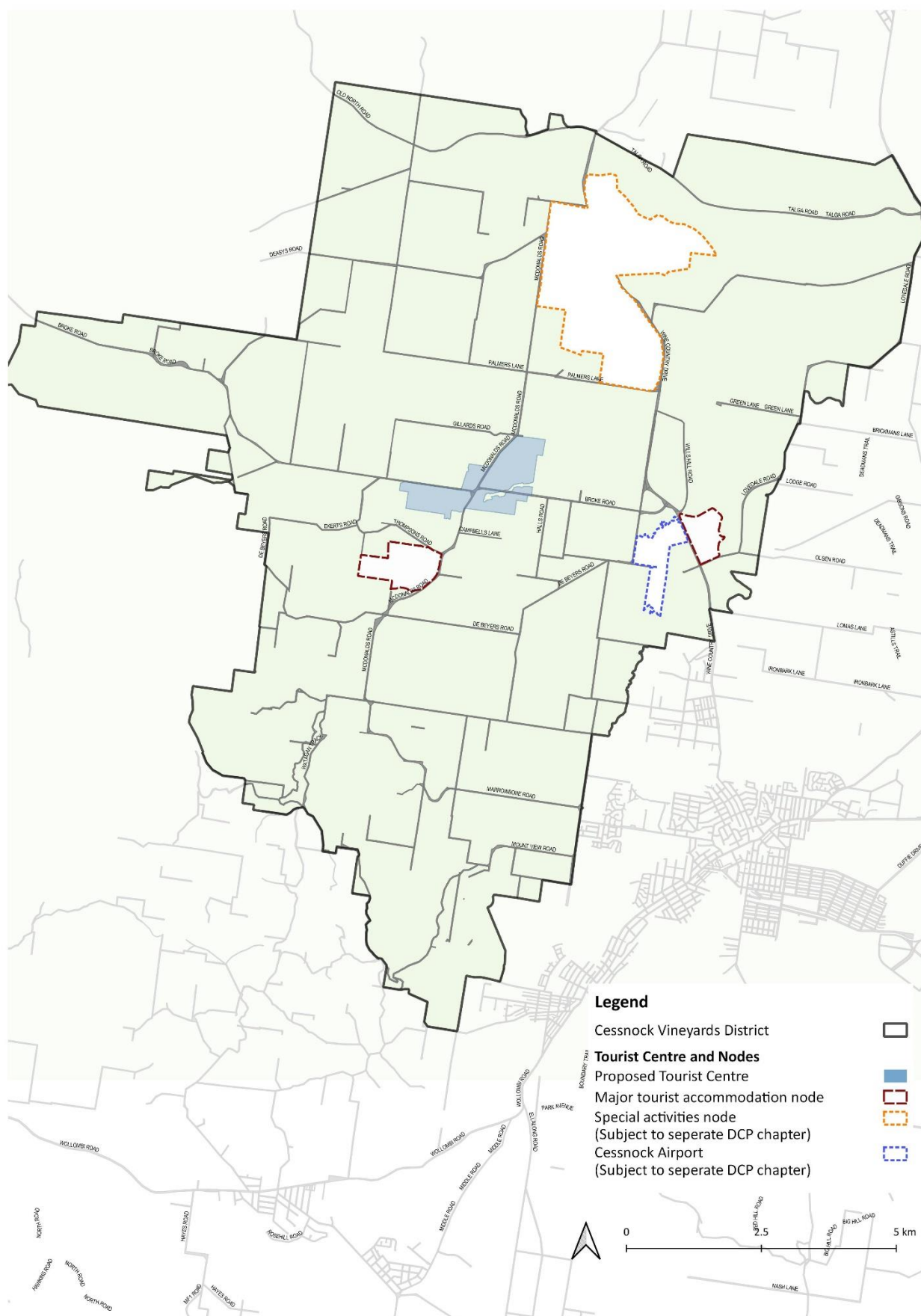
3. Development Controls

Development controls have been prepared to support the implementation of the Planning Proposal.

The DCP identifies the existing and desired future character of the Cessnock Vineyards District. It includes controls that seek to ensure that development is compatible with the desired local character. To this end, the controls relate to:

- minimising the impact of development of primary production land, visually sensitive land, important vegetation and fauna corridors (for example, building siting to reduce land use conflict arising from agricultural land use practices and noise or odour sources);
- maintaining a sense of openness to retain existing middle and distance views;
- ensuring building siting and built form is sympathetic to the rural context and heritage values;
- ensuring fencing, signage and driveways do not detract from the visual amenity of the roadside environment;
- ensuring landscaping positively contributes to the character of the Vineyards District; and
- management of traffic and service infrastructure.

Figure 1: Land Application and Overview Map



PART 1: OBJECTIVES AND OUTCOMES

This Planning Proposal applies to the Cessnock Vineyards District (**Figure 1**).

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.

Importantly, the Planning Proposal will not restrict the potential for 'smaller scale' tourist facilities, such as accommodation, restaurants and cafés 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.

To achieve the overarching objective the Planning Proposal must make broader changes to the LEP.

In summary, this Planning Proposal will:

1. Remove the 10 hectare (ha) minimum lot size requirement under Clause 7.6(b) for tourist and visitor accommodation within the RU4 Primary Production Zone.
2. Amend the RU4 Primary Production Small Lots Zone Land Use Table.
3. Amend the zoning framework applying to the Vintage Integrated Tourist Development and Lovedale Integrated Tourist Development (LITD) (former Golden Bear) by:
 - a. adopting the SP1 Special Activities Zone (making modifications to the land use table) and rezoning the sites from SP3 Tourist Zone to SP1 Special Activities Zone¹ and repealing Schedule 1 - Item 9, Use of certain land at Wine Country Drive, Palmers Lane and McDonalds Road, Rothbury, from Schedule 1;
 - b. amending existing local clauses 7.11 and 7.11A to refine and make consistent the current definition of 'integrated tourist development'; and
 - c. incorporating a new local clause for application to the SP1 Special Activities Zone which specifies development controls for 'serviced apartments'.
4. Redesign the SP3 Tourist Zone Land Use Table and minimum lot size, and apply the zone to a proposed 'Tourist Centre' at the intersection of Broke Road and McDonalds Road in Pokolbin.

These changes are further detailed in Part 2: Explanation of Provisions as Items 1, 2, 3(a) – (c) and 4, respectively.

¹ Note: changes relating to the Vintage and LITD were originally within the Special Purposes Planning Proposal (PP-2022-1461). At the request of the Department of Planning and Environment (DPE), these have been moved to this Planning Proposal.

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 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 C2 Environmental Conservation, but only if the Zone C2 land is also identified as “Bow Wow Creek Gorge Catchment and Habitat Corridor” on the Habitat Corridors Map.

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 272 Torrens title allotments zoned RU4 Primary Production Small Lots that are less than 10 hectares in area. Collectively, these allotments account for approximately 3% of the total land area in the Cessnock RU4 Zone. Of these allotments, 171 are unlikely to be viable for *tourist and visitor accommodation*, on the basis they contain existing development or are affected by land use constraints, such as biodiversity, flooding and/or lot shape and configuration.

- 83 of the allotments contain an existing development, which severely limits additional development for the purpose of *tourist and visitor accommodation*; and
- 88 of the allotments contain biodiversity, are subject to natural hazards, contain private road infrastructure, and/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 sufficient area for onsite wastewater disposal).

The number of Zone RU4 lots under 10ha in area on which *tourist and visitor accommodation* could conceivably be carried out is 101; however, 56 of these allotments are partially constrained and would therefore have limited development potential.

Repealing sub-clause 7.6(1)(b) of the LEP will enable the owners of these 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 provisions of the Cessnock DCP.

Item 2 Amend 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 as follows:

Table 2: Proposed amendments to the Cessnock LEP RU4 Primary Production Small Lots Zone

From:	To:	Reason:
To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.	To 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 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 agricultural use of land which is complementary to viticulture.	To ensure the objective addresses defined land uses (i.e. agriculture and viticulture) in the LEP.

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

- **Permit** the following land uses, which are currently prohibited: Artisan food and drink industry, Flood mitigation works, Water supply systems
- **Prohibit** the following land uses, which are currently permitted with consent: 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, SP1 and SP3 Zone Land Use Table** for detailed information regarding the proposed amendments to the RU4, SP1 and SP3 Zone land use tables.

Item 3 Revised regulatory framework for ‘the Vintage’ (all lots within the Vintage Urban Release Area) and ‘Lovedale Integrated Tourist Development (LITD)’ (former Golden Bear) (all lots within the LITD Urban Release Area)

There are two Special Purpose zones currently employed by the LEP, i.e. Zone SP2 Infrastructure and Zone SP3 Tourist. The SP3 Tourist Zone is applied exclusively to the Vintage Integrated Tourist Development (‘The Vintage’) and the Lovedale Integrated Tourist Development (the ‘LITD’) (former Golden Bear site). These sites are collectively referred to as the ‘Special Activities Node’ in **Figure 1**.

This Planning Proposal seeks to revise the local regulatory framework for these integrated tourist developments as set out under the headings 3a to 3c below. Council is concurrently undertaking a review of the Special Purpose zones across the LGA (PP-2022-1461).

Justification for the revised regulatory framework is provided in Part 3 of the Planning Proposal.

Item 3(a) Adopt the SP1 Special Activities Zone in the LEP and rezone The Vintage and LITD sites from SP3 Tourist Zone to SP1 Special Activities Zone

The key initiative is to rezone The Vintage and the LITD from Zone SP3 Tourist to Zone SP1 Special Activities. This will involve introducing the SP1 Special Activities Zone into the LEP. The SP1 Special Activities Zone is considered more appropriate for these unique developments and will liberate the SP3 Tourist Zone to distinguish the proposed Vineyards District Tourist Centre (see Item 4).

The Planning Proposal seeks to:

- Adopt the SP1 Special Activities Zone in the LEP.
The new SP1 Zone will be a duplication of the existing SP3 Tourist Zone, but with the inclusion of the land uses listed in Cl.9(2) of Schedule 1 of the LEP as permissible with consent, and the following additional zone objective, *“to define limited areas for development that integrate both tourism and permanent residential uses”*.
- Rezone The Vintage and LITD sites from Zone SP3 Tourist to Zone SP1 Special Activities.
- Repeal Cl.9 of Schedule 1 of the LEP, relating to use of certain land at Wine Country Drive, Palmers Lane and McDonalds Road, Rothbury, in its entirety.

The proposed Cessnock SP1 Special Activities Zone Land Use Table is provided below with the mandated objectives and land uses ***bolded and italicised***. Land uses which have been transferred from the SP3 Tourist Zone are underlined. Land uses included from Schedule 1, Clause 9 are in orange text.

SP1 Special Activities (Integrated tourist development)

1 Objectives of zone

- ***To provide for special land uses that are not provided for in other zones.***
- ***To provide for sites with special natural characteristics that are not provided for in other zones.***
- ***To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.***
- To define limited areas for developments that integrate both tourism and permanent residential areas.

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; **Dual occupancies**; Dwelling houses; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; **Exhibition villages**; Flood mitigation works; Food and drink premises; Function centres; **Health services facilities**; Home businesses; Home industries; Home occupations; Horticulture; Information and education facilities; Kiosks; Markets; **Multi dwelling housing**; **Places of Public Worship**; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Semi-detached dwellings; Sewage treatment plants; **Shops**; Tourist and visitor accommodation; Viticulture; Water recycling facilities; Water reticulation systems; Water storage facilities; Water treatment facilities; **The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose**; The purpose described in Schedule 1 including any development that is ordinarily incidental or ancillary to development for that purpose.
- 4 Prohibited
Any other development not specified in item 2 or 3.

Refer to **Appendix 2: Existing and Proposed RU4, SP1 and SP3 Zone Land Use Table** for detailed information regarding the proposed amendments to the RU4, SP1 and SP3 Zone land use tables.

Item 3(b) Rationalise the definitions of Integrated Tourist Development in Clause 7.11 & 7.11A of the LEP

There are presently two definitions for *integrated tourist development* in the LEP within two separate local clauses, Cl.7.11 and Cl.7.11A. These clauses apply to the LITD and The Vintage, respectfully.

Clause 7.11(3) defines *integrated tourist development* as “*development carried out on a single parcel of land for the purposes of major tourist facilities that include an 18-hole golf course*”.

Clause 7.11A(3) defines *integrated tourist development* as “*development that is predominantly tourist and visitor accommodation and tourist facilities in combination with other uses permissible on the land*”.

As per the justification provided in Part 3 of the Planning Proposal, both sites are (or will be developed) as integrated tourist developments. It follows that both should be defined in a consistent manner.

The Planning Proposal seeks to amend the definition of *integrated tourist development* in Cl.7.11(3) and Cl.7.11A(3) as follows:

integrated tourist development means development that contains a mix of both permanent residential dwellings and one or more of the following uses: tourist and visitor accommodation; tourist-oriented land uses, such as outdoor recreation facilities (e.g., golf courses); food and drink premises; function centres; and any development that is ordinarily incidental or ancillary to such uses

Item 3(c) – incorporate a new local clause for application to the SP1 Special Activities Zone which specifies development controls for “serviced apartments”

Council does not have development controls for *serviced apartments*. This is one of the uses that is permitted in the existing SP3 Tourist Zone and is proposed to be transferred to the SP1 Special Activities Zone. It is intended that *serviced apartments* will be assessed against SEPP 65 and the Apartment Design Guide. To facilitate this, clause (4)(4) of SEPP 65 Design Quality of Residential Apartment Development requires a local clause to be inserted in the LEP.

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. 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 Zone SP3 Tourist Centre is shown in **Figure 1** and **Figure 2** and is a recommendation of the accompanying Economic Feasibility Analysis, prepared by Hill PDA on behalf of Council. Areas of significant biodiversity value have been excluded from the proposed Tourist Centre and other environmental, social and economic impacts are discussed in Section C of this Planning Proposal.

Proposed amendments to the SP3 Tourist Zone Land Use Table

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

Table 3: Proposed amendments to the Cessnock LEP SP3 Tourist Zone

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.	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. 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 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, SP1 and SP3 Zone Land Use Table** for detailed information regarding the proposed amendments to the RU4, SP1 and SP3 Zone land use tables.

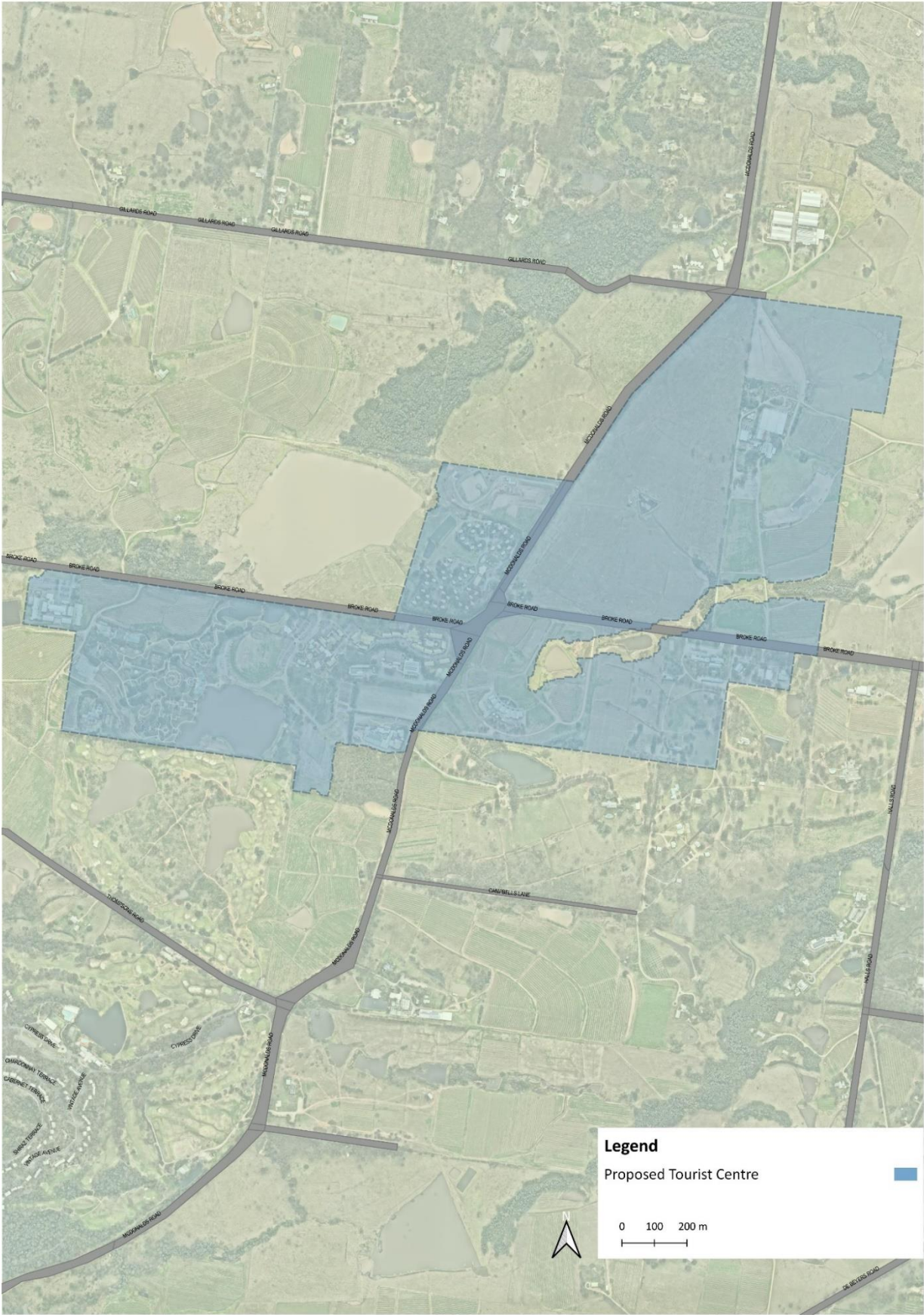
The SP3 Tourist Zone is currently a 'closed zone' in the Cessnock LEP. The Zone will remain a closed as a result of the Planning Proposal to ensure that applications for development are limited to those land uses specifically listed as permitted with consent in the Zone SP3 Land Use Table (and not innominate land uses, which fall outside the defined LEP terms).

Dwelling houses will be the only type of *residential accommodation* that will remain permissible in the SP3 Tourist Zone as a result of the Planning Proposal. This is to ensure property owners within the proposed Tourist Centre are able to continue using their properties as a place of permanent residence, without reliance on existing use rights.

It is not the intention of the Planning Proposal to permit broadscale residential subdivision within the proposed Tourist Centre (like provided/to be provided at The Vintage and LITD) and, to prevent this from occurring, a minimum lot size of 10ha will be applied to the SP3 Tourist Zone through this Planning Proposal (see item (c) below).

- (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.

Figure 2: Proposed Vineyards District 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: Infrastructure (Local, State and Commonwealth)
- Section E: 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 the Vineyards Visioning Statement and the outcomes of the 2017 Vineyards District Study, Council's Local Strategic Planning Statement and various other local and State planning strategies that seek 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 Vineyards Visioning Statement was adopted by Council on 1 August 2012 and contains six overarching vision statements.

The Vineyards District:

1. recognises and protects the primacy of the vineyards and maintains and enhances the existing vineyards, wineries and tourist uses;
2. maintains and preserves the rural amenity, character and scenic vistas of the region for future generations to enjoy;
3. is a place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity;
4. allows and fosters a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity;
5. Council, peak business groups and community work collaboratively.
6. Has high quality infrastructure and services which meet the community's

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

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

The proposed changes to The Vintage and LITD framework are consistent with objective to simplify the local regulatory framework with fewer zones and local provisions. The application of the SP1 Special Activities Zone recognises the unique nature of these two developments and the need to provide a robust local policy framework to ensure that the intended development outcome is a truly integrated tourist development. No other zone is appropriate. The proposal will also liberate the SP3 Tourist Zone for its potential application in the Pokolbin Tourist Precinct.

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

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.

One of the key objectives of this 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', to be zoned SP3 Tourist, at the intersection of Broke Road and McDonalds Road in Pokolbin.

In addition to this Planning Proposal, a draft DCP for the Vineyards District has been developed. The DCP includes controls seek to ensure that development is compatible with the local character of these areas.

The component of the Planning Proposal that relates to The Vintage and LITD is necessary to simplify the local regulatory framework and to liberate the SP3 Tourism zone for potential application in the Pokolbin Tourist Precinct. The application of the SP1 Special Activities zone and the changes to the Additional Permitted Uses and Local Clauses will provide a robust, local regulatory framework for these two unique developments.

The 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.

The rationale for The Vintage and LITD proposed regulatory framework is provided in **Table 4** below.

Table 4: Rationale for proposed regulatory framework: The Vintage and LITD

Issue 1	Appropriateness of SP3 Tourist Zone for 'integrated tourist developments'
Issue Summary	<p>The Vintage and LITD are unique developments that include both tourist uses and permanent residential uses. In addition, there is a local clause (Cl.7.11 & Cl.7.11A of the LEP) for each and the Vintage has two Schedule 1 APUs. This level of complexity is not necessary or desirable.</p> <p>The SP3 Tourist Zone Land Use Table contains a list of uses that are permissible with consent. Some of these uses are inconsistent with the local clauses and the APU. For example, the local clause for the LITD limits the development to residential uses, tourist accommodation and a golf course, but the Zone SP3 Land-Use Table includes a range of other uses.</p> <p>The Vintage local clause describes the residential and tourist uses and limits the area of neighbourhood shops, but the Zone SP3 Land Use Table for SP3 applies and in addition the APU includes another list of permissible uses and a further APU includes Residential Flat Buildings.</p> <p>The final point is that council is proposing (through this Planning Proposal) to rezone the area around the emerging Vineyards District Tourist Centre as a tourist node and to concentrate tourist accommodation and facilities in that area. The SP3 Tourist Zone is more appropriately used for this purpose rather than a unique development type such as the Lovedale Integrated Tourist Development and the Vintage.</p>

<p>Policy Environment</p>	<p><u>Practice notes PN09-006/PN11-002</u></p> <p>In December 2009, the Department released Practice note: PN09-006 and in 2011, PN11-002. These practice notes preceded the Cessnock Local Environmental Plan 2011 and are now 13 and 11 years old, respectively.</p> <p>PN09-006 states that the SP3 Tourist Zone should only be applied in areas where another zone is inappropriate. This was based on a desire to encourage tourism uses across many zones. PN11-002 states that the SP3 Zone is to be used where tourism is considered the focus of a particular location.</p> <p>The SP3 Tourist Zone was applied to The Vintage and LITD on the basis the developments would contain a substantial tourist component. While this is certainly the case, the developments also provide substantial permanent residential accommodation.</p> <p>The Vintage and LITD exist within a broader, and highly sensitive, agricultural and tourism environment, and were they proposed as new developments now, it is unlikely that they would be supported. So, the development outcome needs to be tightly defined to achieve a very specific outcome.</p> <p>The SP3 Tourist Zone is a closed zone (meaning those uses that are not specifically identified as permitted with consent, are prohibited). The intended integrated tourist development is not a defined term, therefore the land use table, objectives, APUs and an inline definition were used to create regulatory framework for these two unique developments. Using an alternate, 'open-zone', such as a business or residential zone, would have implications for unintended development within The Vintage and LITD sites and then potentially implications for the application of the zones elsewhere in the LGA.</p> <p>PN11-002 provides guidance on the application of the SP1 Special Activities Zone. The Practice Note states the SP1 Zone is <i>generally</i> intended for land uses or sites with special characteristics that cannot be accommodated in other zones. These two integrated tourist developments are unique in that they are not defined as a land-use in the Standard LEP; but are regulated using a combination of bespoke land-uses, additional permitted uses and local clauses. It is not intended to permit similar integrated tourist developments in any other location in the LGA.</p> <p>The uniqueness of these developments has not changed and the Standard LEP cannot provide another mechanism to ensure the development outcome on these two sites is strongly regulated. However, Council is proposing (through this Planning Proposal) to apply the SP3 Tourist Zone to an area around the Vineyards District Tourist Centre. Again, this is a unique development within sensitive environs and with a very specific tourist focus. The uses proposed within this zone require tight regulation.</p> <p>Therefore, it is proposed to replace the SP3 Tourist zone at The Vintage and LITD with the SP1 Special Activities Zone.</p>
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Options	<p>In the interest of regulatory simplicity, a number of options are available to regulate the Vintage and Lovedale Integrated Tourist Development developments.</p> <ol style="list-style-type: none"> 1. Return area to RU4 Primary Production Small Lots (and rely on the Schedule 1 and/or the local clauses to regulate development on the sites). 2. Integrate the local clause/s or the APU and remove one or the other. 3. Change the SP3 zone for the two sites to SP1 Special Activities Zone, integrate the existing permitted uses of the SP3 zone and the APU into the land use table for the SP1 Zone.
Recommendation	<ol style="list-style-type: none"> 1. Apply the SP1 Special Activities Zone to The Vintage and LITD sites. 2. Integrate the existing permitted uses of the SP3 Tourist Zone and APU(9) into the Zone SP1 Land Use Table.

Issue 2 Use of local clauses and additional permitted use

Issue Summary	<p>The Vintage and LITD have local clauses that define the use of the site. The Vintage also has two APU clauses that further regulate development. The first is a list of additional development:</p> <ul style="list-style-type: none"> • dual occupancies, • exhibition villages, • health services facilities, • multi dwelling housing, • places of public worship, • shops. <p>These additional uses are unlikely to cause any significant issues for the LITD and some are needed to bring about the revised master plan for the site. Therefore, it is proposed to integrate these APU uses into the SP1 Special Activities Zone and apply the Zone to both sites.</p> <p>The second APU is for residential flat buildings with a maximum height of 14.0m on a specific area of the site. The location and height limit have been informed by visual analysis. Therefore, it is not intended to remove this APU from the LEP.</p>
Options	<p>There are three options.</p> <ol style="list-style-type: none"> 1. Maintain the status-quo. 2. Omit the additional permitted uses and integrate the APUs for the Vintage into the local clauses. 3. Remove the local clauses and integrate in to the APU.
Recommendation	<p>Remove APU(9) of the LEP and replace with a combination of:</p> <ol style="list-style-type: none"> 1. Integrate the existing Zone SP3 Land Use Table and APU(9) into the SP1 Special Activities Zone. 2. Maintain the local clauses 7.11 and 7.11A, but with a revised common definition for 'integrated tourist development' (see Issue 3, below). 3. Retain the APU for RFBs on part of the Vintage lands.

Issue 3: Two different definitions of 'integrated tourist development'

Issue Summary	<p>Both, The Vintage and LITD local clauses provide a definition of 'integrated tourist development'. These definitions are not in the standard LEP dictionary and they are inconsistent with one another in the LEP.</p> <p>Clause 7.11 (Lovedale Integrated Tourist Development) - integrated tourist development means development carried out on a single parcel of land for the purposes of major tourist facilities that include an 18-hole golf course.</p> <p>Clause 7.11A (Vintage) - integrated tourist development means development that is predominantly tourist and visitor accommodation and tourist facilities in combination with other uses permissible on the land.</p>
Options	<p>These are consecutive clauses in the LEP that apply to adjoining sites. It is inappropriate to have two definitions for the same item. The two sites have similarities but they are clearly different. The definition should either be consolidated into a single definition, or omitted.</p> <p>The preferred location for the definition is in the 'Dictionary'.. If it cannot be accommodated in the dictionary then it will have to be a revised sub clause to both local clauses 7.11 and 7.11(A).</p>
Recommendation	<p>Delete the sub-definition of 'integrated tourist development' and provide a common definition in the 'Dictionary'. Alternatively insert a revised sub clause to both local clauses 7.11 and 7.11(A):</p> <p>7.x (1) "Integrated tourist development" means a development that contains a mix of both permanent residential dwellings and one or more of the following uses: tourist and visitor accommodation; tourist-oriented land uses such as outdoor recreation facilities (e.g. golf courses); food and drink premises; function centres; including any development that is ordinarily incidental or ancillary to development for that purpose."</p> <p>Note: this will be subject to final wording as recommended by Parliamentary Counsel</p>
Issue 4: Apartment Design Guide and Serviced Apartments	
Issue Summary	<p>Serviced apartments are permitted with consent in the SP3 Zone through the parent term – tourist and visitor accommodation. Council does not have assessment criteria in the DCP to assess this type of development. Clause (4)(4) of the SEPP 65 (Design Quality of Residential Apartment Development) allows the application of the Apartment Design Guide to this type of development if it is stated in the LEP.</p>
Options	<p>Council can either:</p> <ul style="list-style-type: none"> • Maintain status-quo and regulate serviced apartments on merit • Draft and maintain development controls for serviced apartments in its DCP or • Amend the LEP to include a statement that serviced apartments will be assessed against the SEPP.
Recommendation	<p>Amend the LEP to include a statement that serviced apartments will be assessed against the SEPP.</p>

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 2041

The Hunter Regional Plan 2041 (HRP 2041) provides the overarching strategic framework to guide development, investment and planning within the Hunter Region to 2041.

The HRP 2041 seeks to promote visions relating to housing choice, liveability and economic development within the Hunter Region. To achieve this, the HRP 2041 seeks to implement an “infrastructure-first and placed based” planning framework to ensure the holistic consideration of place to sequence infrastructure delivery with development outcomes.

To support this planning framework, areas undergoing significant change or growth are required to be planned utilising Place Strategies, supported by Place Delivery Groups (PDG). The Cessnock Vineyards District is identified by the HRP 2041 as a Regionally Significant Growth Area (RSGA) and the development of a Place Strategy for the locality, supported by a PDG is being undertaken.

However, as a significant volume of work and community consultation has already been undertaken for the Cessnock Vineyards District, a Planning Proposal and supporting DCP Chapter is being progressed prior to the finalisation of the Place Strategy.

An assessment of the Planning Proposal against relevant strategies in the HRP 2041 is provided below in Table 1.

Table 5: Hunter Regional Plan 2041 Strategies

Strategy	Consideration
Strategy 6.3 Planning proposals will ensure the biodiversity network is protected within an appropriate conservation zone unless an alternate zone is justified following application of the avoid, minimise, offset hierarchy.	Biodiversity values have been considered in determining the extent of the proposed tourist node. Areas of high biodiversity values has been excluded from the proposed SP3 Tourist zone extent.
Strategy 8.2 Planning proposals will accommodate new commercial activity in existing centres and main streets unless it forms part of a proposed new community or is an activity that supports a 15-minute neighbourhood.	The proposed tourism node (centre) location is an acknowledgement of the historical evolution of that area as a focus for more intensive tourism, retail and community development.
Strategy 8.6 Planning proposals to facilitate tourism activities will: <ul style="list-style-type: none"> - demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting - be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site 	Upgrades to McDonalds Road may be required from future development within the node, however would have a nexus with development, i.e. be developer funded / or able to be identified within S7.11 Contribution Plans through future reviews. Other infrastructure, such as cycleways within the Vineyards District, are already identified for delivery and are being collected for within the S.7.11 Contribution Plan.

Strategy	Consideration
<ul style="list-style-type: none"> - demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes - be supported by an assessment prepared in accordance with the Department of Primary Industries' Land Use Conflict Risk Assessment Guide if the use is proposed on or in the vicinity of rural zoned lands. 	<p>The demand and sizing for the proposed tourism node is supported by an economic feasibility assessment undertaken by Hill PDA on behalf of Council (attached).</p> <p>The proposed location is an acknowledgement of the historical evolution of that area as a focus for more intensive tourism, retail and community development.</p> <p>Land nominated for inclusion within the tourism node has been based on analysis of biodiversity, existing agricultural land uses, rural amenity and views.</p> <p>A LUCRA has been undertaken (attached). This assessment supports the location of the proposed tourism node.</p>
<p>Strategy 9.4</p> <p>Planning proposals for lands within or near critical industry cluster land will demonstrate they are compatible with equine and viticultural activities and:</p> <ul style="list-style-type: none"> - complements scenic values, visual amenity and local character - provides suitable separation distances for sensitive uses, like tourist accommodation, - having regard to spray, noise, and lighting considerations - considers existing and likely future agricultural and rural uses of adjoining lands and the cumulative impact of similar proposals on the locality. 	<p>The location of the proposed Tourist Centre is an acknowledgement of the historical evolution of that area as a focus for more intensive tourism, retail and community development.</p> <p>The provisions of the draft DCP chapter will ensure that future development within the node, and more generally within the Vineyards District, will ensure that matters such as character, land use conflict and built form are considered, addressed and managed.</p>

The Planning Proposal is generally consistent with the HRP 2041 in that it seeks to encourage a sustainable balance between tourist and agricultural development (primarily viticulture) in the Vineyards District. In this manner, the proposal supports "Hinterland Planning Priority 2: Promote rural enterprises diversification".

There is no specific guidance in the HRP 2041 that is relevant to the proposed regulatory framework on the Vintage or LITD sites. However, both are identified as future housing and urban renewal opportunities in the HRP 2041.

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 the following planning priorities of the LSPS:

Priority 8: Our rural land is protected from incompatible development

Priority 9: Our wine tourism industry is supported and enhanced

Priority 10: Our City encourages a variety of niche tourism opportunities

Priority 22: Our rural landscape is retained and enhanced

Priority 23: The scenic and rural landscape of our Vineyards District is preserved

Priority 26: Nature-based and recreational tourism is facilitated and promoted and

Priority 27: Our region is internationally acclaimed for its events, festivals and hosting functions.

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

The Cessnock Community Strategic Plan 2036 (CSP) identifies the community's main priorities and expectations for the future and ways to achieve these goals. The vision of the CSP is:

"Cessnock is a cohesive and welcoming community living in an attractive and sustainable rural environment. There is 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:

Outcome 2: A sustainable and prosperous economy

Objective 2.3: Increasing tourism opportunities and visitation in the area

Outcome 3: 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.

Draft Hunter Regional Transport Plan 2041

The Draft Hunter Regional Transport Plan 2041 provides a vision-led blueprint for transforming the way people and goods travel within, to, from and through the Hunter Region over the next 20 years. The Draft Plan identifies five key trends that will reshape the transport needs of the Hunter over the next 20 years. Of these trends, the continued growth of regional tourism, and how local and State government responds to this trend, is relevant to the Cessnock Vineyards District and this Planning Proposal. The Draft Plan identifies the need to plan for active transport networks, improved bus (and coach) services and infrastructure, and support planned growth. The Place Strategy for the Cessnock Vineyards District will further investigate the requirements of the Draft Plan and provide further detailed information supporting this Planning Proposal and the proposed development controls for the Vineyards District.

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 6: Relevant State Environmental Planning Policies

SEPP	Consistency and Implications
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>Consistent</p> <p>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 vicinity of the proposed Tourist Centre (see Figure 1), the final extent of the Tourist Centre proposes to avoid these areas.</p> <p>The proposed changes to The Vintage and the LITD will have no effect on the footprint of existing approvals.</p>
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<p>Consistent</p> <p>The Planning Proposal will not impact the operation of the SEPP.</p>

SEPP	Consistency and Implications
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	<p>Consistent The Planning Proposal will not impact the operation of the SEPP.</p>
State Environmental Planning Policy (Housing) 2021	<p>Consistent The Planning Proposal will not impact the operation of the SEPP.</p>
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	<p>Consistent. The Planning Proposal will not impact the operation of the SEPP.</p>
State Environmental Planning Policy (Planning Systems) 2021	<p>Consistent The Planning Proposal will not impact the operation of the SEPP.</p>
State Environmental Planning Policy (Primary Production) 2021	<p>Consistent 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.</p> <p>The extent of the proposed Tourist Centre is located within the historical centre of the Vineyards, around Broke and McDonalds Roads.</p> <p>Existing development within these areas includes cellar doors, restaurants and cafes, retail premises, tourist attractions, accommodation services. Further temporary land uses (concerts, markets etc.) are regularly held on land within the proposed centre. Many of the existing land uses are already incompatible with broadscale agricultural activity.</p> <p>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> <p>The change of zone over The Vintage and LITD sites will have no impact on the operation of the SEPP.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Consistent The Planning Proposal relates to land that is identified as bushfire prone and flood prone.</p> <p>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.</p>

SEPP	Consistency and Implications
	<p>A Preliminary Site Investigation (PSI) will be undertaken for the land within the proposed tourist centre prior to agency consultation.</p> <p>Development within The Vintage and LITD sites has been enabled by previous rezonings. The suitability of the land for the enabled land uses has been considered by previous site-specific studies, including but not limited to contamination, bushfire and flooding.</p> <p>The rezoning of these sites will enable a continuation of existing permissible land uses.</p>
State Environmental Planning Policy (Resources and Energy) 2021	<p>Consistent</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>
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Consistent</p> <p>The Planning Proposal will not impact the operation of the SEPP.</p>

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

An assessment of relevant Section 9.1 Directions against the planning proposal is provided in the table below.

Table 7: Relevant Section 9.1 Ministerial Directions

Ministerial Direction		Consistency and Implications
Planning Systems		
1.1	Implementation of Regional Plans	<p>Consistent</p> <p>The Planning Proposal aligns with the objectives and principles of the Hunter Regional Plan 2041, Greater Newcastle Metropolitan Plan 2036.</p>
1.3	Approval and Referral Requirements	<p>Consistent</p> <p>The Planning Proposal does not propose the inclusion of provisions requiring the concurrence, consultation or referrals to a Minister or public authority nor identify development as designated development.</p>
1.4	Site Specific Provisions	<p>Consistent</p> <p>The revised local regulatory framework relating to the Vintage and LITD removes an Additional Permitted Use and makes consistent the land use table applying to the both developments. It makes consistent the definition of 'Integrated Tourist Development'.</p>
Biodiversity and Conservation		
3.1	Conservation Zones	<p>Not applicable to this Planning Proposal</p> <p>The Planning Proposal does not apply to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in CLEP 2011.</p>
3.2	Heritage Conservation	<p>Consistent</p>

		The Planning Proposal will not impact the conservation of heritage items or areas.
3.5	Recreation Vehicle Areas	Consistent The Planning Proposal will not enable land to be developed for the purpose of a recreation vehicle area.
Resilience and Hazards		
4.1	Flooding	Potentially Consistent Some of the land within 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. Consultation will occur with the Biodiversity Conservation Division of DPE to obtain comments in relation to flood risk. The change of zone over the Vintage and LITD sites will not affect the approved development footprints.
4.2	Coastal Management	Consistent
4.3	Planning for Bushfire Protection	Potentially Consistent The Planning Proposal relates to land that is identified as bushfire prone. The western extent of the proposed centre (west of McDonalds Road) is predominantly clear of bushfire risk and has an extensive existing development footprint. Land east of McDonalds Road comprises category 2 bushfire prone vegetation (predominantly grassland) where development is not present. Consultation will occur with the NSW Rural Fire Service.
4.4	Remediation of Contaminated Land	Potentially Consistent The Planning Proposal relates to land on which agricultural/horticultural activities have occurred in the past. A Preliminary Site Investigation (PSI) will be undertaken for the land within the proposed Tourist Centre prior to agency consultation. Development within The Vintage and LITD sites has been enabled by previous rezonings. The suitability of the land for the enabled land uses has been considered by previous site-specific studies, including but not limited to contamination, bushfire and flooding. The rezoning of these sites will enable a continuation of existing permissible land uses.
4.5	Acid Sulfate Soils	Consistent The land to which the Planning Proposal relates is not known to contain acid sulfate soils.
4.6	Mine Subsidence and Unstable Land	Consistent The Planning Proposal does not seek to rezone land within a Declared Mine Subsidence District.
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Consistent

		<p>The Planning Proposal seeks to establish a tourist centre around the intersection of Broke and McDonalds Road.</p> <p>Upgrades to McDonalds Road may be required from future development within the node, however would have a nexus with development, i.e. be developer funded / or able to be identified within S7.11 Contribution Plans through future reviews.</p> <p>Other infrastructure, such as cycleways within the Vineyards District, are already identified for delivery and are being collected for within the S.7.11 Contribution Plan.</p>
5.2	Reserving Land for Public Purposes	<p>Consistent</p> <p>The Planning Proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.</p>
5.3	Development Near Regulated Airports and Defence Airfields	<p>Potentially Consistent</p> <p>The Planning Proposal relates to land that surrounds Cessnock Airport. The proposal seeks to amend the permissible land uses applicable to land around the Cessnock Airport. Whilst dwellings will remain as permissible with consent, many other sensitive land uses (e.g. centre-based child care) are proposed to be prohibited.</p> <p>While the Planning Proposal is unlikely to impact the operation of the airport (having regard for a current amendment to expand the ANEF mapping), consultation will occur with the Cessnock Airport in relation to the Planning Proposal.</p>
Housing		
6.2	Caravan Parks and Manufactured Home Estates	<p>Consistent</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> <p>The SP1 zone does not proposed to permit caravan parks. As a replacement zoning specifically for The Vintage and LITD, the zone adopts the land uses permitted within the current SP3 zone, or enabled as Additional Permitted Uses.</p>
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	<p>Consistent</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>Consistent</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.</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> <p>The change of zone over the Vintage and LITD sites will not affect the approved development footprints.</p>
9.2	Rural Lands	<p>Consistent</p> <p>See response to Ministerial Direction 9.1, above.</p>

Section C: Environmental, Social and Economic Impact

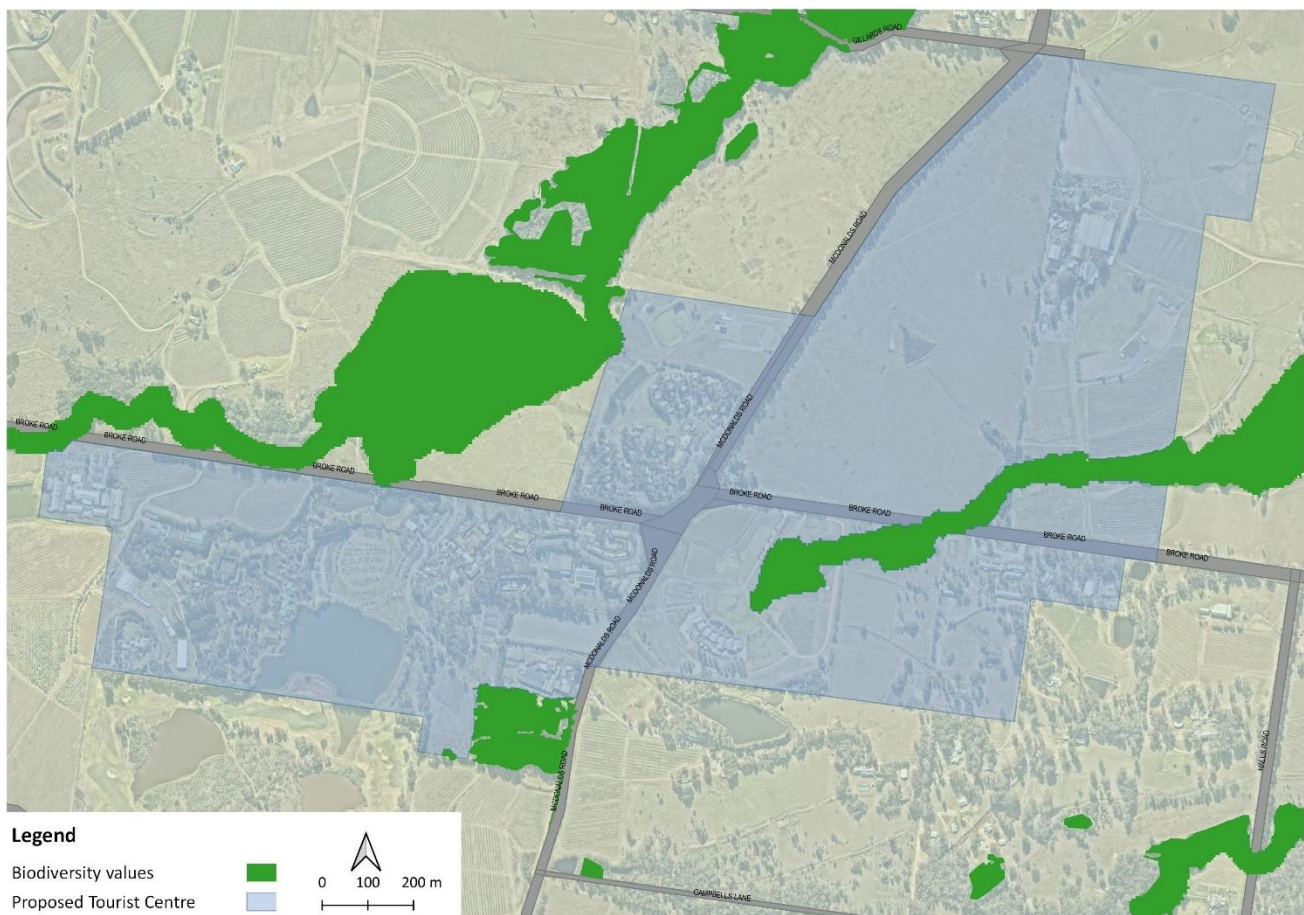
8 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

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 and retail development.

Some biodiversity value exists in the area of the proposed Tourist Centre, see **Figure 3** below. However, the extent of the proposed SP3 Tourist Zone avoids these areas, i.e. land identified as containing biodiversity value will remain RU4 Primary Production Small Lots Zone.

The change of zone over The Vintage and LITD sites will not affect the approved development footprints.

Figure 3: Biodiversity value 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?

Likely environmental impacts resulting from the Planning Proposal, e.g. noise, traffic and the potential for land use conflict, will be managed through an area specific DCP for the Cessnock Vineyards associated with the assessment of Development Applications. The DCP has been

prepared to support the Planning Proposal. The prevalence of flooding, bushfire and contamination in and about the proposed Tourist Centre is discussed below.

Flooding

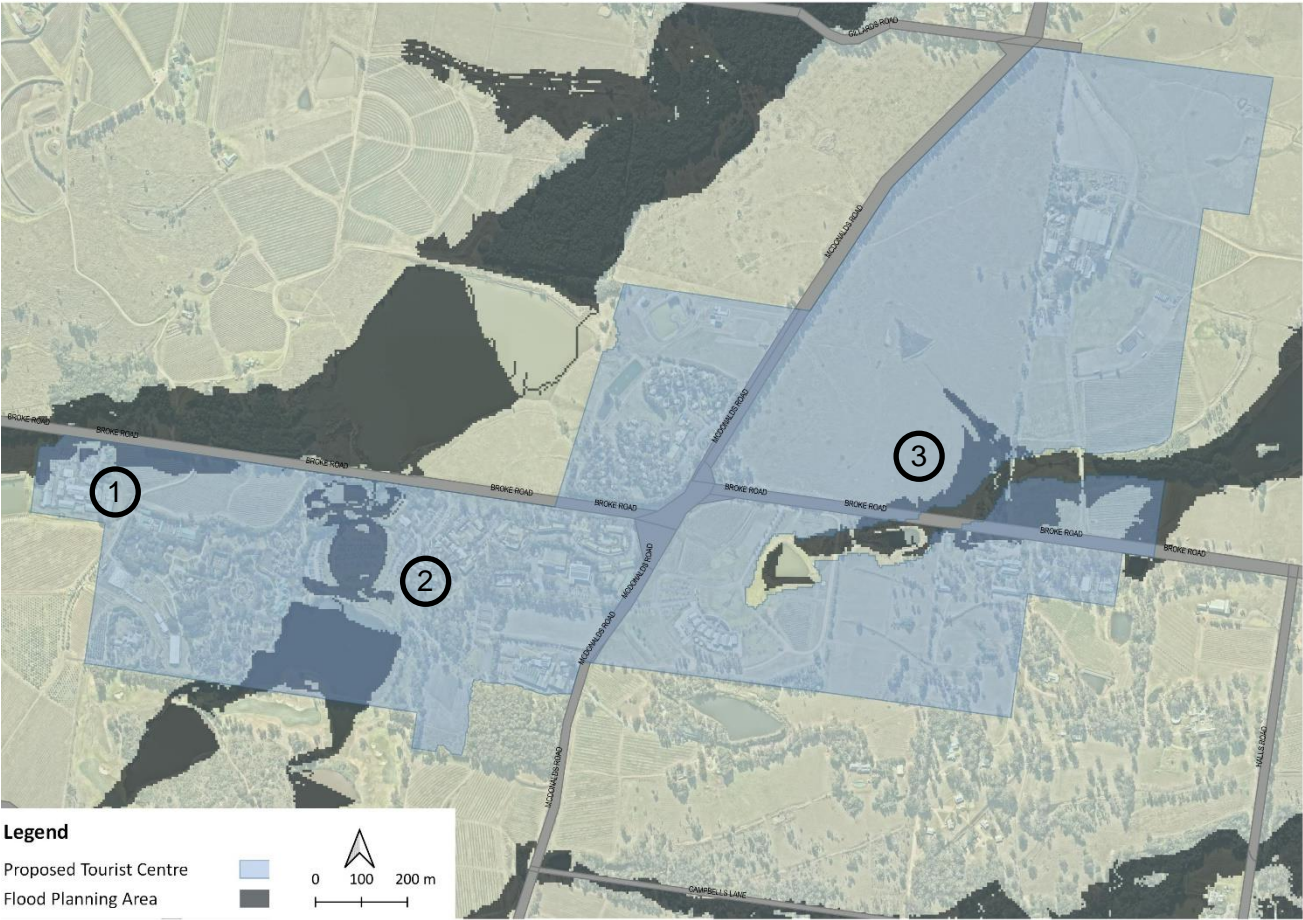
Flooding is a relevant consideration as the proposed Tourist Centre is partially impacted by flooding and will allow for more intensive tourist and retail development. The extent of the Flood Planning Area (FPA) relative to the Proposed Tourist Centre is shown in **Figure 4**. Further consultation will occur with relevant State government agencies before a final decision is made to include or exclude the flood prone land from the Tourist Centre. There are three areas within the proposed Tourist Centre that are potentially impacted by flooding:

Area 1 is a relatively minor portion of land to the north and north east of Harrington’s Hunter Valley Tavern. The flood affected land contains a carpark, a cycleway and an established vineyard. Any future intensification of the flood prone land is capable of being managed in accordance with Council’s existing Flood Prone Land DCP.

Area 2 is a tract of land within the Hunter Valley Gardens development. The flood affected land contains several dams and a sports oval. Development within the land is unlikely to be intensified in the future and the land is capable of being managed in accordance with Council’s existing Flood Prone Land DCP.

Area 3 is a tract of land through Hope Estate to Roche Estate. Much of the flood affected land is already excluded from the Tourist Centre on account of it containing Biodiversity Value, the balance of the land is undeveloped or contains vineyards. Development within the land may be intensified in the future, but is nevertheless capable of being managed in accordance with Council’s existing Flood Prone Land DCP.

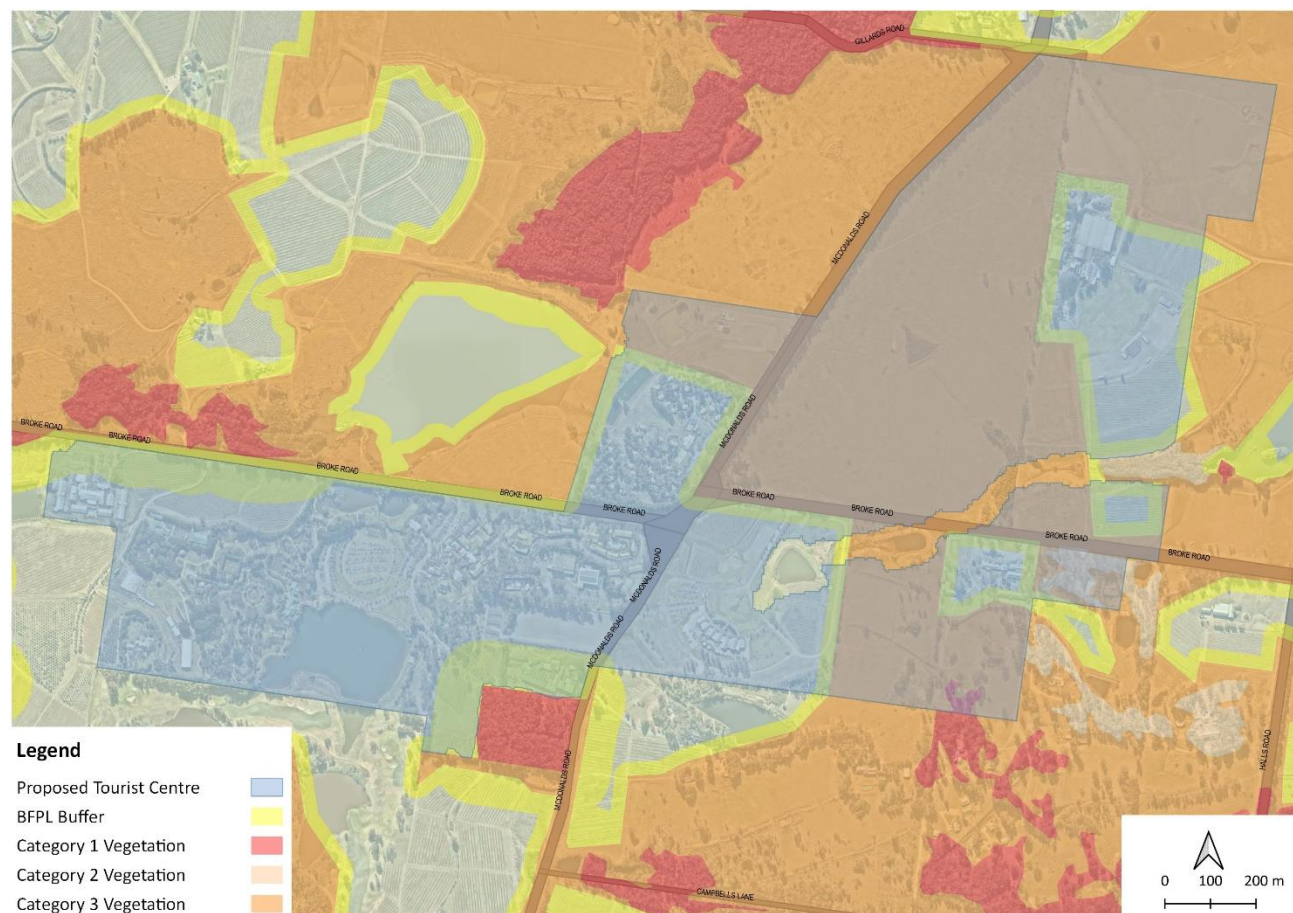
Figure 4:: Extent of the Flood Planning Area relative to the proposed Tourist Centre



Bushfire

Bushfire is a relevant consideration as the proposed Tourist Centre is mapped as containing bush fire prone land (BFPL) and will allow for more intensive tourist and retail development. The extent of BFPL relative to the proposed Tourist Centre is shown in **Figure 5**. Further consultation will occur with the NSW Rural Fire Service in relation to the Planning Proposal and BFPL.

Figure 5: Extent of bush fire prone land relative to the proposed Tourist Centre



Contamination

Viticulture is considered an agricultural/horticultural activity under the contaminated land planning guidelines and within Appendix B of Council's Contaminated Land Policy. Council's Potentially Contaminated Sites Data reveals that all the land parcels within the proposed Tourist Centre have hosted historical and/or current horticultural/viticulture activities. This has also been confirmed through aerial imagery from 1977.

Ministerial Direction 4.4 is relevant and due to the additional land uses included in Zone SP3 compared to the existing Zone RU4 there is potential for change in land use. To meet the requirements of Ministerial Direction 4.4 and Council's Contaminated Land Policy the Planning Proposal must be supported by a Preliminary Site Investigation of the land. Council has engaged a consultant to carry out this work and it is expected to be available prior to agency consultation.

Land Use Conflict Risk Assessment

A Land Use Conflict Risk Assessment (LUCRA) has been prepared that identifies potential sources of land use conflict at the interface between the proposed Vineyard's Tourist Centre and the adjoining agricultural land. The LUCRA assesses the occurrence, impact and risk associated with potential sources of land use conflict and recommends risk reduction measures, including

development controls, to reduce the potential for land use conflicts to occur. The LUCRA is provided under separate cover.

Animal boarding or training establishments

The Planning Proposal seeks to prohibit *animal boarding or training establishments* in the RU4 Primary Production Small Lots Zone.

To inform the Planning Proposal, an audit of existing *animal boarding or training establishments* has been carried out. According to Council records, only two properties within the Vineyards District, the RU4 Zone, contain an authorised *animal boarding or training establishment*. Fifteen other properties within the Vineyards District contain equine related uses; however, these predominantly comprise exempt development, including animal shelters (stables) and non-commercial dressage arenas. The majority of these uses occur within the Lovedale area.

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

Social Impacts

Social impacts that result from the Planning Proposal will be managed through the DCP that has been prepared in conjunction with the Planning Proposal.

Economic Impacts

Council engaged Hill PDA to assess forecast demand for, and feasibility of, a proposed Tourist Centre at the intersection of Broke and McDonalds roads and to recommend an appropriate size and extent for the proposed Tourist Centre as well as appropriate density control(s). Hill PDA was assisted by SMA Tourism which has prepared a separate report titled "Gap Analysis supporting an Economic Feasibility Assessment for larger scale accommodation developments in Cessnock".

Hill PDA's assessment presented two options for setting planning controls for the Vineyards District Centre:

Option 1: Rezone sites around the intersection of Broke Road and McDonalds Road to Zone SP3 Tourist to permit larger scale tourist related land uses; or

Option 2: Review Schedule 1 in the LEP on a case-by-case basis and subject to the lodgement of site-specific planning proposal by the landowner.

Option 1 is considered preferable as it is consistent with and acknowledges the historical evolution of the area at the intersection of Broke Road and McDonalds Road in Pokolbin as a focus for more intensive tourist and retail development. Option 1 also provides greater certainty regarding the desired future character of the Vineyards District, the management of important agricultural land, the desired scale, density and form of tourist development and where it is located.

Formalising the Vineyards Tourist Centre, demonstrates a preference for 'larger scale' tourist and non-agricultural development to be located centrally in the Vineyards District in order to minimise the potential for land use conflict, and away from the predominantly primary production areas of the Vineyards District. The Economic Feasibility Analysis concludes that the proposed Tourist Centre will provide sufficient vacant but developable land to meet market demand for larger forms of tourist development for the foreseeable future.

Importantly, 'smaller scale' tourist development will continue to be permitted on primary production land, subject to an assessment of its compatibility with the Draft Vineyards DCP, including objectives and controls relating to density and built outcomes.

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.

The change of zone over The Vintage and LITD sites will not affect the approved development footprints and infrastructure requirements.

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.

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 Land Zoning Map and 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.

Council has also been working closely with the landowners and their representatives of the Vintage and LITD sites. They have revised the proposed changes and have no expressed no concerns.

PART 6: PROJECT TIMELINE

Table 8: Indicative project timeline.

Stage	Timeframe and/or date
Consideration by council	Complete
Council decision	April 2022
Gateway determination	August / September 2023
Pre-exhibition	October 2023
Commencement and completion of public exhibition period (in	February / March 2024
Consideration of submissions	April 2024
Post-exhibition review	May 2025
Submission to the Department for finalisation (where applicable)	June 2024
Gazettal of LEP amendment	July /August 2024

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, SP1 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	Special Activities (Proposed)
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 (Housing) 2021 I permitted under SEPP (Transport and Infrastructure) 2021 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.									
(LAND USE terms WITHIN agriculture group term)									
	agriculture		x	x		x	x		x
		aquaculture	c	c		c	c		c
		Oyster aquaculture	c	c		c	c		c
		Pond-based aquaculture	c	c		c	c		c
		Tank-based aquaculture	c	c		c	c		c
	extensive agriculture [eg. grazing of livestock, etc.]		o	o		x	x		x
		bee keeping	o	o		x	x		x
		dairy (pasture-based)	o	o		x	x		x
	intensive livestock agriculture [eg. poultry farms, etc.]		x	x		x	x		x
		feedlots	x	x		x	x		x
		pig farm	x	x		x	x		x

		dairies (restricted)	x	x		x	x		x
		intensive plant agriculture [eg. cultivation of irrigated crops]	c	c		x	x		x
		horticulture	c	c		c	c		c
		turf farming	c	c		x	x		x
		viticulture	c	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		x
		farm buildings	c	c		x	x		x
		forestry	x	x		x	x		x
(LAND USE terms WITHIN residential accommodation group term)									
		residential accommodation	x	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.	c
		boarding houses	x	x		x	x		x
		dual occupancies	x	x		x	x		c
		dual occupancies (attached)	x	x		x	x		c
		dual occupancies (detached)	x	x		x	x		c
		dwelling houses	c	c		c	c		c
		group homes	x	x		x	x		x
		group homes (permanent)	x	x		x	x		x
		group homes (transitional)	x	x		x	x		x
		hostels	x	x		x	x		x
		multi dwelling housing	x	x		x	x		c
		residential flat buildings	x	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		x
	secondary dwellings	c	c		x	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.	c
	seniors housing	x	x		x	x		x
	residential care facilities	x	x		x	x		x
	shop top housing	x	x		x	x		x
(LAND USE terms OUTSIDE residential accommodation group term)								
	home business	c	c		c	c		c
	home occupations	o	o		c	c		c
	home occupation (sex services)	x	x		x	x		x
(LAND USE terms WITHIN tourist and visitor accommodation group term)								
	tourist and visitor accommodation	c	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		c
	bed & breakfast accommodation	c	c		c	c		c
	farm stay accommodation	c	c		c	c		c
	hotel or motel accommodation	x	x		c	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,	c	c		c

				is not a suitable form of tourist accommodation in the Cessnock Vineyards District and is appropriate within an urban setting or the proposed Tourist Centre. 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	x
		caravan parks	x	x		x	x	x
		eco-tourist facilities	x	x		x	x	x
		(LAND USE terms WITHIN commercial premises group term)						
		commercial premises	x	x		x	x	x
		business premises [eg. banks, post offices, hairdressers, etc.]	x	x		x	x	x
		funeral homes	x	x		x	x	x
		goods repair and reuse premises	x	x		x	x	x
		office premises	x	x		x	x	x
		retail premises	x	x		x	x	x
		cellar door premises	c	c		c	c	c
		food & drink premises	x	x		c	c	c
		pubs	x	x		c	c	c
		restaurants or cafes	c	c		c	c	c
		take-away food & drink premises	x	x		c	c	c
		small bars	x	x		c	c	c
		garden centres	x	x		x	x	x
		hardware & building supplies	x	x		x	x	x
		kiosks	x	x		c	c	c
		landscaping material supplies	x	x		x	x	x
		markets	x	x		c	c	c
		plant nurseries	c	c		x	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.	x
		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		x
		shops	x	x		x	x		c
		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		c
		neighbourhood supermarkets	x	x		x	x		c
		Specialised retail premises	x	x		x	x		x
		timber yards	x	x		x	x		x
		vehicle sales or hire premises	x	x		x	x		x
(LAND USE terms OUTSIDE commercial premises group term)									
		amusement centres	x	x		x	x		x
		entertainment facilities	x	x		c	c		c
		function centres	c	c		c	c		c
		highway service centres	x	x		x	x		x
		industrial retail outlets	x	x		x	x		x
		registered clubs	x	x		c	c		c
		restricted premises	x	x		x	x		x
		service stations	x	x		x	x		x
		sex services premises	x	x		x	x		x
		veterinary hospitals	x	x		x	x		x
		wholesale supplies	x	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		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.	x
		livestock processing industries	x	x		x	x		x
		sawmill or log processing industries	x	x		x	x		x
		stock & sale yards	x	x		x	x		x
(LAND USE terms WITHIN industry group term)									
		industries	x	x		x	x		x
		heavy industries	x	x		x	x		x
		hazardous industry	x	x		x	x		x
		offensive industry	x	x		x	x		x
		light industries	x	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.	x
		creative industries	x	x		x	x		x
		high technology industries	x	x		x	x		x
		data centre	x	x		x	x		x
		home industry	c	c		c	c		c
		general industries	x	x		x	x		x
(LAND USE terms OUTSIDE industry group term)									
		boat building and repair facilities	x	x		x	x		x
		vehicle body repair workshops	x	x		x	x		x
		vehicle repair stations	x	x		x	x		x
(LAND USE terms WITHIN heavy industrial storage establishment group term)									
		heavy industrial storage establishments	x	x		x	x		x

		hazardous storage establishments	x	x		x	x		x	
		liquid fuel depots	x	x		x	x		x	
		offensive storage establishments	x	x		x	x		x	
(LAND USE terms WITHIN storage premises group term)										
	storage premises		x	x		x	x		x	
		self storage units	x	x		x	x		x	
(LAND USE terms OUTSIDE storage premises group term)										
		depots	x	x		x	x		x	
		warehouse or distribution centres	x	x		x	x		x	
		Local distribution premises	x	x		x	x		x	
(LAND USE terms WITHIN sewerage system group term)										
	sewerage systems		x	x		x	x		x	
		biosolids treatment facilities	l	l		x	x		x	
		sewage reticulation systems	l	l		l	l		l	
		sewage treatment plants	l	l		c	c		c	
		water recycling facilities	l	l		c	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		x	
		resource recovery facilities	c	x		x	x		x	
		waste disposal facilities	c	x		x	x		x	
		waste or resource transfer stations	c	x		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.	x	
		water reticulation systems	x	c		c	c			c
		water storage facilities	x	c		c	c			c
		water treatment facilities	x	c	Under State Environmental Planning Policy (Infrastructure) 2007, public authorities are permitted to carry out	c	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)								
	air transport facilities	x	x		x	x		x
	airport	x	x		x	x		x
	heliport	x	x		x	x		x
(LAND USE terms OUTSIDE air transport facility group term)								
	airstrip	x	x		x	x		x
	helipad	x	x		x	x		x
(Other LAND USE terms relating to infrastructure)								
	car parks	x	x		x	x		x
	electricity generating works	l	l		x	x		x
	freight transport facilities	x	x		x	x		x
	passenger transport facilities	x	x		x	x		x
	port facilities	x	x		x	x		x
	roads	c	c		c	c		c
	transport depots	x	x		x	x		x
	truck depots	x	x		x	x		x
	wharf or boating facilities	x	x		x	x		x
(LAND USE terms WITHIN educational establishment group term)								
	educational establishments [eg. TAFE establishment, etc.]	E	E		x	x		x
	schools	E	E		x	x		x
(LAND USE terms WITHIN health services facility group term)								
	health services facilities	l	l		x	x		c
	hospitals	l	l		x	x		c
	medical centres	l	l		x	x		c
	health consulting rooms	l	l		x	x		c
(Other LAND USE terms relating to community infrastructure)								
	early education & care facilities	x	x		x	c	The use is compatible with the objective of the proposed Tourist Centre to provide a range of small-scale	x

							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		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.	x
	school-based child care	E	E		x	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.	x
	correctional centres	x	x		x	x		x
	emergency services facilities	l	l		x	x		x
	industrial training facilities	x	x		x	x		x
	information and education facilities	c	c		c	c		c
	places of public worship	x	x		x	x		c
	public administration building	x	x		x	x		x
	research stations	x	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		c
	(LAND USE terms WITHIN signage group term)							
	signage	c	c		c	c		c

	advertising structure	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		x
	building identification sign	c	c		c	c		c
	business identification sign	c	c		c	c		c
(LAND USE terms relating to recreation)								
	boat launching ramps	x	x		x	x		x
	boat sheds	x	x		x	x		x
	charter & tourism boating facilities	x	x		x	x		x
	environmental facilities	c	c		c	c		c
	jetties	x	x		x	x		x
	marinas	x	x		x	x		x
	mooring	x	x		x	x		x
	mooring pens	x	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.	x
	recreation facilities (indoor)	x	x		c	c		c
	recreation facilities (major)	x	x		x	x		x
	recreation facilities (outdoor)	x	x		c	c		c
	water recreation structures	x	x		x	x		x
(Other miscellaneous LAND USE terms)								
	cemetery	x	x		x	x		x
	crematorium	x	x		x	x		x
	environmental protection works	c	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.	c

	exhibition villages	x	x		x	x		c
	extractive industries	x	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		c
	mortuaries	x	x		x	x		x
	open cut mining	x	x		x	x		x
(OTHER LAND USES)								
	development which cannot be characterised into any land uses defined in the SI	x	x		x	x		x