



PLANNING PROPOSAL
AMENDMENT TO THE CESSNOCK LOCAL ENVIRONMENTAL PLAN 2011

Alex Worthing

The Vintage, Wine Country Drive / McDonalds Road Pokolbin

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Application No.: 18/2025/1/1

Proposal: Expansion of Additional Permitted Use Area, Residential Flat Buildings – The Vintage, Wine Country Drive / McDonalds Drive, Pokolbin

Parcel: 518192 & 518194

Lot and Plan: LOT: 0 SP: 107240, LOT: 1016 DP: 1298409 & Part LOT: 1014 DP: 1298409

Ext Ref: Department of Planning, Housing and Infrastructure reference – PP-2025-137

Proponent: Stevens Holdings Pty Ltd

Revision History

Revision	Description	Date
1	Draft for Submission to DPHI	17/02/2025
2	Post Gateway for public exhibition	17/04/2025

PART 1: OBJECTIVES AND OUTCOMES

Introduction

This Planning Proposal has been prepared on behalf of the Stevens Group. The land (Site) is owned by Errol Nominees Pty Ltd - a company owned by the Stevens Group. The Site is within The Vintage Integrated tourist development, a 395-hectare master planned development zoned SP3 Tourist, located in the Vineyards District approximately 14km north of Cessnock.

The purpose of this Proposal is to amend an Additional Permitted Use (APU) clause in Schedule 1 of Cessnock Local Environmental Plan (CLEP) 2011 and *Additional Permitted Uses Map* to expand an existing APU area, creating an approvals pathway for residential flat buildings within a larger defined area at The Vintage. The Proposal also seeks to amend outdated Lot and Plan identifiers for land already benefitting from this clause.

Note: Clause 7.11A of CLEP applies to the entire Vintage Estate and limits the number of allowable dwellings at the Vintage to 1,022. The Proposal will operate within the parameters of Clause 7.11A and is not proposing additional residential dwellings beyond what are already permissible on the site.

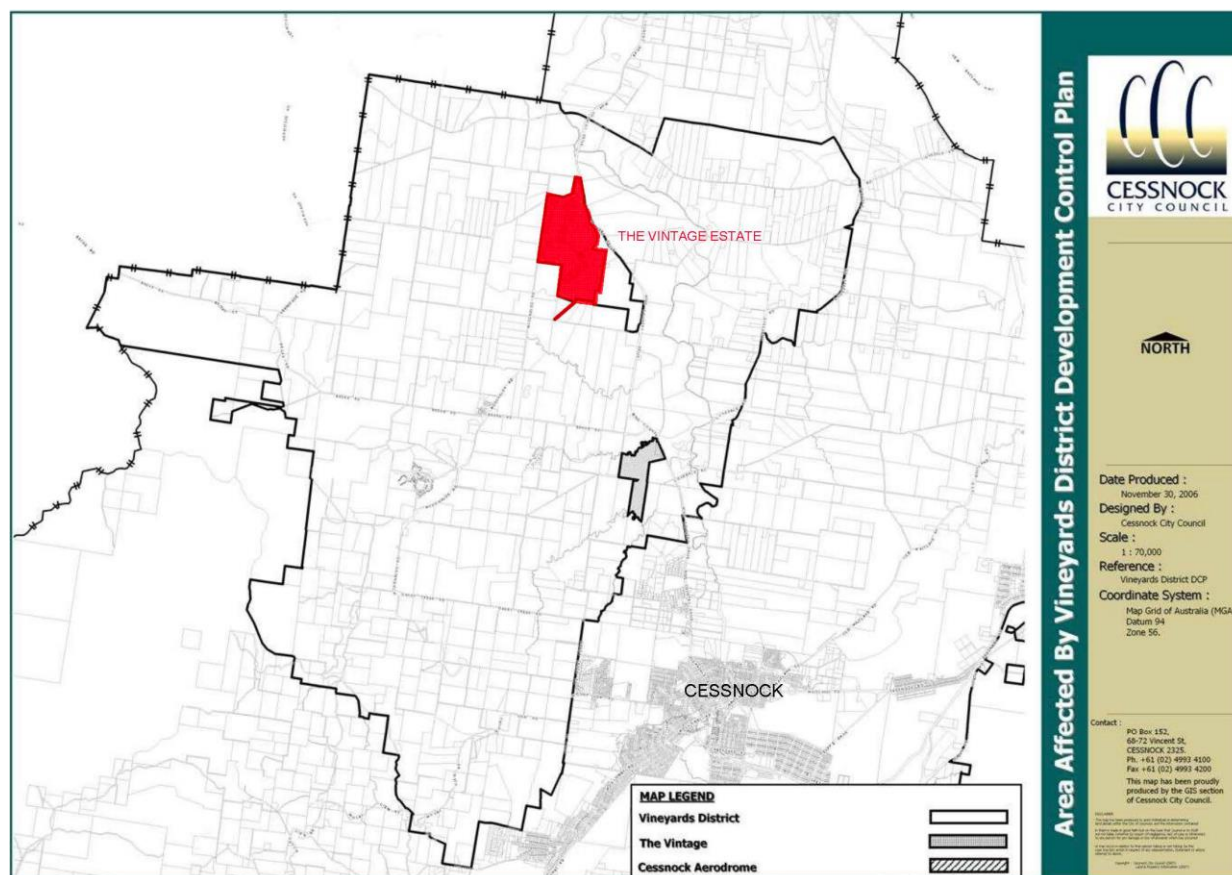


Figure 1: The Vintage location

Location

The Site is located on the southern side of Vintage Drive, approximately 270 metres west of Wine Country Drive. Adjoining the site to the west are two apartment buildings and the Village Centre. The Village Centre includes a sales office, a restaurant and bar, apartments and a landscaped lake. The Centre's development approval also includes a future conference centre, town houses and motel accommodation. To the north and east of the Site is cleared land earmarked for residential subdivision, the Chateau Elan spa resort and the Vintage Golf Club. To the south are homes that are part of The Vintage Estate.

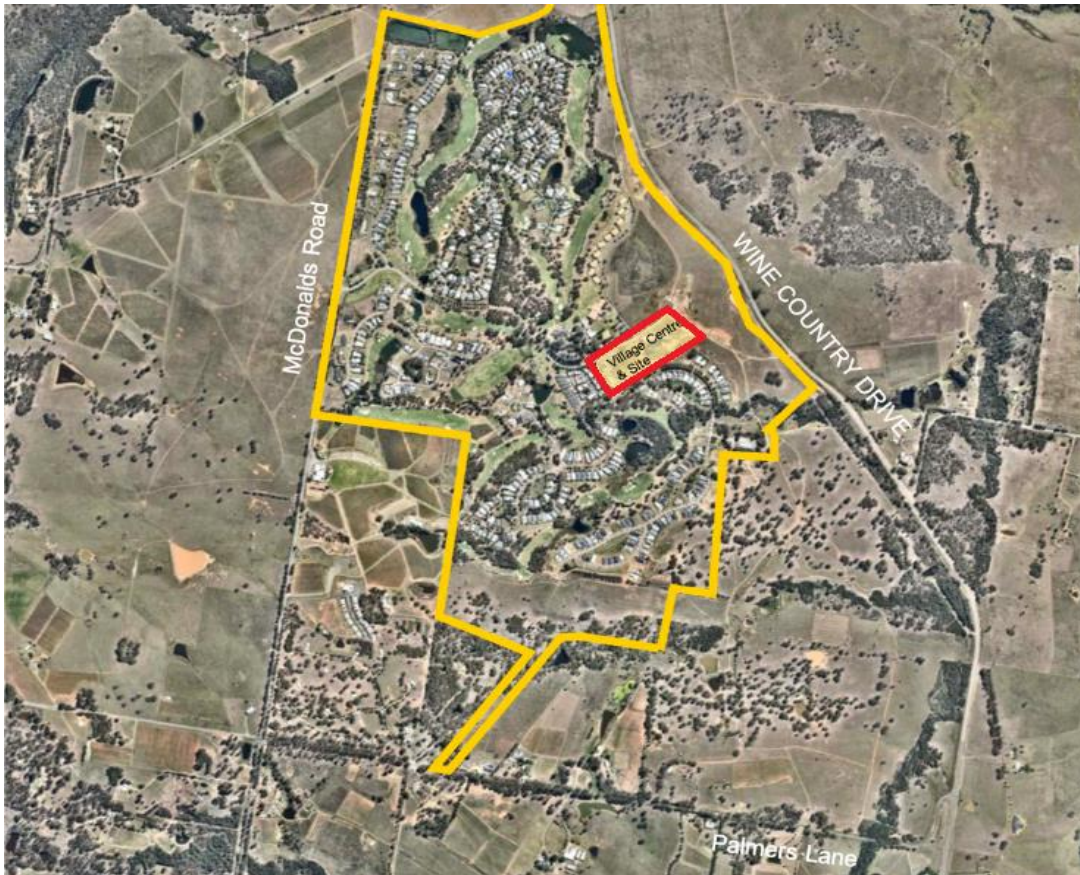


Figure 2: The Vintage development with Village Centre and subject Site



Figure 3: Aerial image of site showing existing and proposed (highlighted yellow) area of Additional Permitted Use

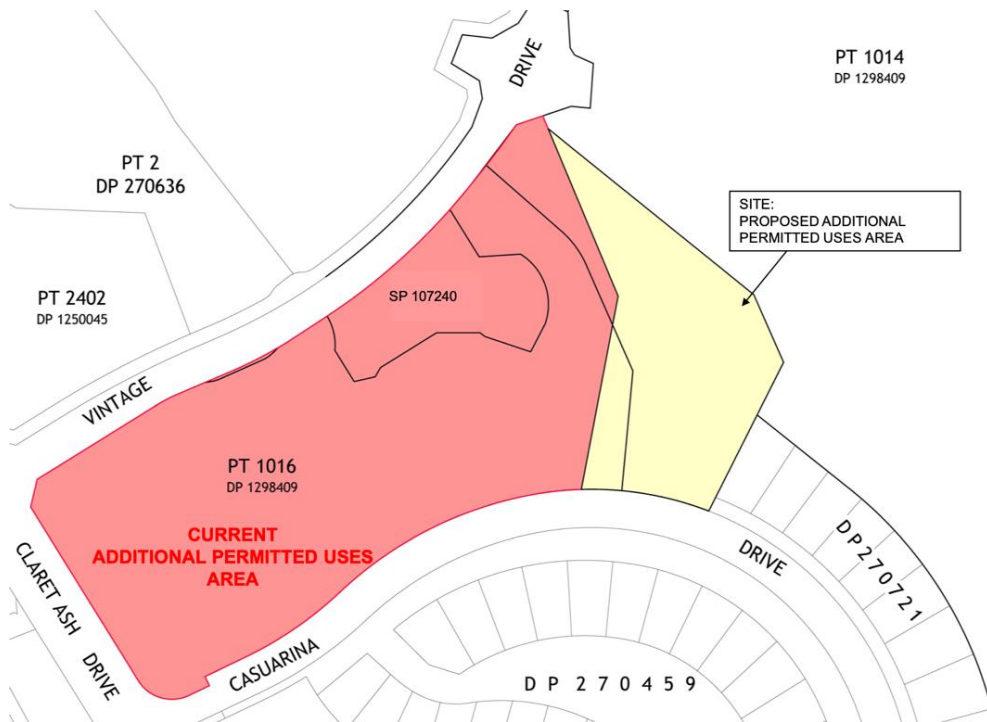


Figure 4: Proposed Additional Permitted Use Area

Residential flat buildings are prohibited within the SP3 Tourist zone. However, CLEP Schedule 1, allows Additional Permitted Uses (APUs) on specific sites, and an existing APU for residential flat buildings applies to land at the Village Centre.

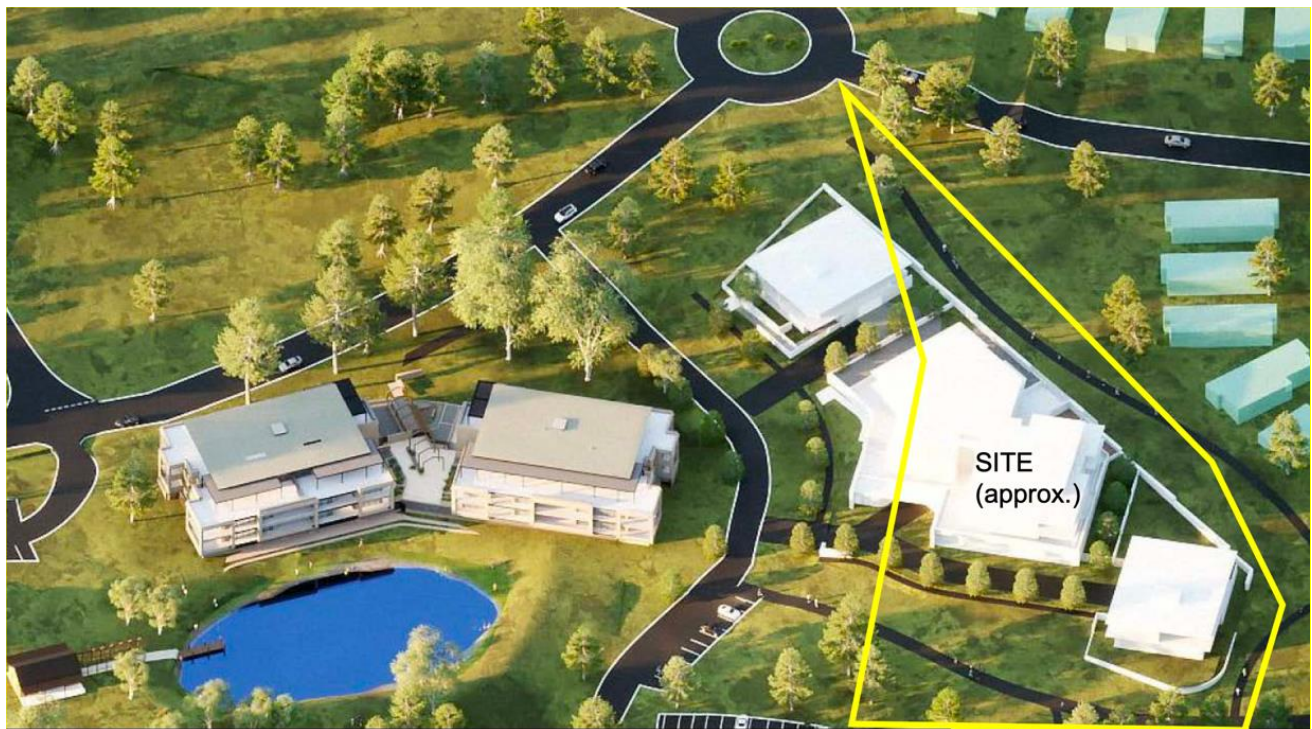


Figure 5: Artist's impression of the site showing existing residential flat building development (left) and concept for potential development within proposed expanded APU area (right). Prepared by EJE Architects

PART 2: EXPLANATION OF PROVISIONS

The Proposal seeks to amend an existing Additional Permitted Use for residential flat buildings within Schedule 1 of Cessnock Local Environmental Plan 2011 (CLEP), to expand the area of land at The Vintage benefiting from this clause. This is proposed through the following –

- (A) Amend Schedule 1 Clause 12 of CLEP 2011 similar to and with the intent of that detailed below:

12 Use of certain land at Wine Country Drive and Vintage Drive, Pokolbin

- (1) This clause applies to the following land identified on the *Additional Permitted Uses Map*—
- (a) Lot 0, SP 107240, Vintage Drive Pokolbin
 - (b) Lot 1016, DP 1298409, Vintage Drive Pokolbin
 - (c) part of Lot 1014 DP1298409, Wine Country Drive, Pokolbin.
- (2) Development for the purposes of residential flat buildings with a maximum height of 14 metres is permitted with development consent.

- (B) Amend Cessnock LEP Additional Permitted Uses Map (in accordance with (A) above) similar to and with the intent of the **Proposed** Additional Permitted Uses Map detailed below:

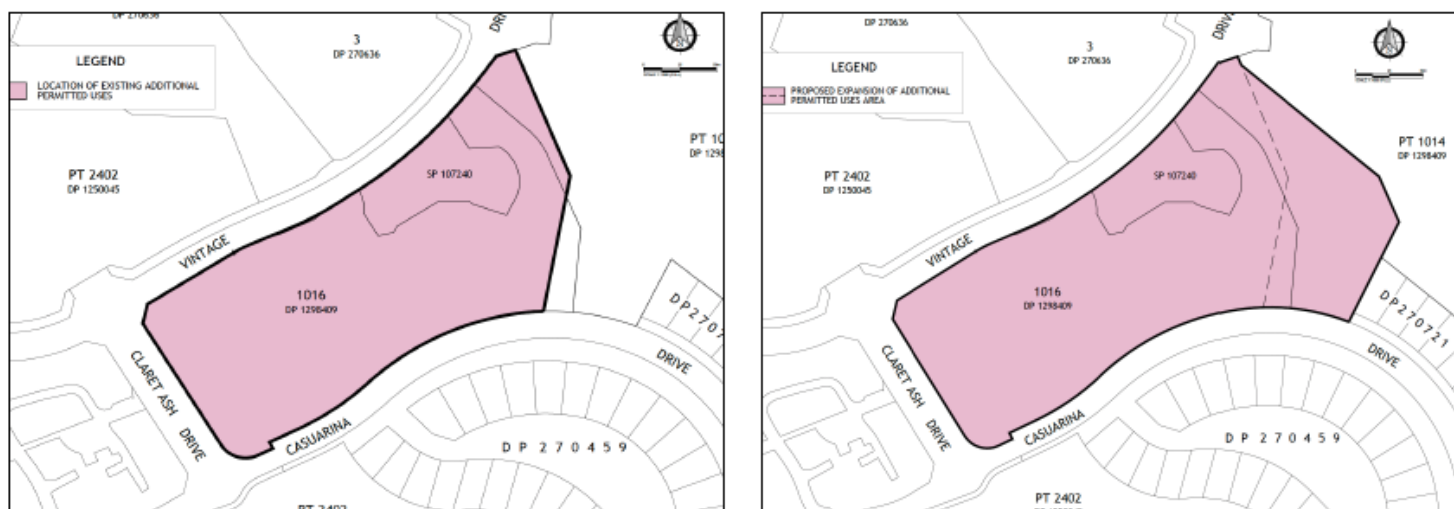


Figure 6: Existing (left) and Proposed (right) Additional Permitted Uses Map – residential flat buildings

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 Proposal is not the result of a strategic study or report. The Proposal was requested by Stevens Holdings Pty Ltd on behalf of the landowner. The purpose of the Proposal is to facilitate the development of residential flat buildings on a larger area within the Vintage, allowing for diversity of housing supply and increased density in residential accommodation types adjacent to the village centre.

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

The use of the *Schedule 1 Additional Permitted Uses* of the CLEP ensures that the proposed land-use of **residential flat buildings** is restricted to a defined area within the site. Unless a planning proposal is finalised, residential flat buildings will remain as a prohibited land use outside the existing APU area.

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 (HRP) provides the overarching strategic framework to guide development, investment and planning within the Hunter region to 2041.

The Proposal is consistent with the following Priority of the HRP:

- Planning Priority 1: Create housing diversity and sequenced development

A range of housing types will support the changing needs of the community and attract new residents.

Greater Newcastle Metropolitan Plan

The Greater Newcastle Plan 2036 (GNP) identifies Pokolbin as a tourism destination for entertainment and tourism activity. The proposal applies to land identified as an integrated tourist development, offering a mix of residential and tourist development land uses.

The Proposal adds to the diversity of housing options within a recognised integrated tourism development and is consistent with the GNP.

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 Cessnock Local Strategic Planning Statement 2036 (LSPS) establishes a 20-year vision for land use planning in the Cessnock LGA. The LSPS sets out the important character and values, which are to be preserved and establishes planning principles to manage land use planning in the future.

The following planning priorities and principles are relevant to the Proposal.

- Rural land is protected from incompatible development.
- Wine tourism is supported and enhanced.
- A variety of niche tourism opportunities are encouraged.
- Developments minimise environmental impacts and respond to site environmental characteristics.
- The scenic and rural landscape of our Vineyard District is preserved.

As identified above, The Vintage has an existing approval as an integrated tourism development providing for up to 1,022 dwellings within the site. The Proposal is supported by a Visual Impact Assessment Report that indicates when viewed from Wine Country Drive, an adjoining road and major thoroughfare through the Vineyards District, development would not be visible above what is already permissible on the site.

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 themes of the CSP, noting that there are no themes within the CSP that relate directly to housing.

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.

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.

The site is not impacted by flooding or contamination but is identified as being potentially bushfire prone on the Cessnock City Council Bushfire Prone Land Map dated 16 September 2022. The NSW Rural Fire Service were consulted (refer Appendix E) and advised they support the Proposal subject to a requirement that future subdivision/development of the land complies with Planning for Bush Fire Protection (PBP) 2019. A Bushfire Assessment report would be provided as part of a future development application for development on the site.

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
SEPP (Biodiversity and Conservation) 2021	The site has been cleared of vegetation under an existing consent
SEPP (Housing) 2021	To be addressed at DA stage
SEPP (Sustainable Buildings) 2021	To be addressed at DA stage
SEPP (Transport & Infrastructure) 2021	Planning proposal was referred to Transport for NSW for comment and no concerns were raised apart from with respect to timing of potential roundabout on Wine Country Drive

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 2: Relevant Section 9.1 Ministerial Directions

Ministerial Direction		Consistency and Implications
Planning Systems		
1.1	Implementation of Regional Plans	Consistent. As described in Section B of this Planning Proposal.
1.2	Development of Aboriginal Land Council Land	N/A
1.3	Approval and Referral Requirements	N/A. This Proposal will not introduce any development provisions.
1.4	Site Specific Provisions	This Proposal is not imposing development standards not already contained in the LEP being amended. It seeks to expand the permissibility of residential flat buildings within an Additional Permitted Use Area. The proposal has been informed by a Visual Impact Assessment based on concept drawings for potential future development that may be facilitated under this proposal.
1.4A	Exclusion of Development Standards from Variation	N/A. This Proposal will not affect the application of Clause 4.6.
Planning Systems – Place-based		
Design and Place		
Biodiversity and Conservation		
3.1	Conservation Zones	N/A. This Proposal does not apply to land within a conservation zone or land otherwise identified for environmental conservation/protection purposes in a LEP.
3.2	Heritage Conservation	Consistent. This Proposal does not apply to any identified items, areas, objects or places of environmental heritage significance or indigenous heritage significance.
3.5	Recreation Vehicle Areas	Consistent. This Proposal does not enable land to be developed for the purpose of a recreation vehicle area.
3.6	Strategic Conservation Planning	Consistent. This Proposal does not apply to land identified as avoided land or a strategic conservation area
Resilience and Hazards		
4.1	Flooding	Consistent. This Proposal does not apply to land mapped as Flood Prone Land.
4.2	Coastal Management	N/A

4.3	Planning for Bushfire Protection	Can be made Consistent. This Proposal applies to land mapped as bush fire prone land. Council will consult with the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 of the EP&A Act, and take into account any comments so made.
4.4	Remediation of Contaminated Land	Consistent. Contamination and remediation have been considered and there is no known contamination affecting the subject land.
4.5	Acid Sulphate Soils	N/A
4.6	Mine Subsidence and Unstable Land	Consistent. This Proposal does not apply to land that is within a declared mine subsidence district.
Transport and Infrastructure		
5.1	Integrating Land Use and Transport	Consistent. This Proposal does not propose to change any requirements relating to this direction.
5.2	Reserving Land for Public Purposes	N/A
5.3	Development Near Regulated Airports and Defence Airfields	N/A
5.4	Shooting Ranges	N/A
Housing		
6.1	Residential Zones	N/A
6.2	Caravan Parks and Manufactured Home Estates	Consistent. This Proposal will not alter the permissibility of caravan parks or manufactured home estates.
Industry and Employment		
7.1	Business and Industrial Zones	N/A
Resources and Energy		
8.1	Mining, Petroleum Production and Extractive Industries	N/A
Primary Production		
9.1	Rural Zones	N/A
9.2	Rural Lands	N/A
9.3	Oyster Aquaculture	N/A

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 proposal does not apply to land that is mapped or otherwise identified as critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The proposal applies to land that is zoned SP3 tourism and is an integrated tourist facility. The site has previously been cleared and has no identified environmental constraints. The construction of residential flat buildings on the site may be anticipated as a result of this proposal and will be subject to a separate Development Application (DA). A potential environmental impact that may arise includes stormwater management and will be assessed and managed at the DA stage.

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

No social effects are envisaged apart from potentially adding to activity and vibrancy around the existing village centre increasing perceptions of safety and well-being by increasing the adjacent population by adding to the number of apartments within walking distance of the Vintage village centre.

Section D: Infrastructure (Local, State and Commonwealth)

11 Is there adequate public infrastructure for the planning proposal?

There is existing civil infrastructure (water, sewer, power, road network, etc) adequate for the development. A separate report detailing this infrastructure is provided (refer Appendix 5). As the proposal adjoins the existing planned Village Centre there will also be adequate community infrastructure to support new residents in the proposed apartments.

Section 7.12 contributions would be made to Council under the 2022 *Cessnock City Wide Infrastructure Contributions Plan 2020*, and open space and community facilities would continue to be provided within the Estate.

Housing and Productivity Contributions would be made to the state government in accordance with the Environmental Planning and Assessment Act 1979.

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?

Transport for New South Wales reviewed the Traffic Impact Assessment and had no comments to make apart from advising that Wine Country Drive (MR220) is a classified (State) road and all other roads within the site location are local roads. Council is the Roads Authority for Wine Country Drive and all other local roads in the area, in accordance with Section 7 of the *Roads Act* 1993.

The site is not impacted by flooding or contamination but is identified as being potentially bushfire prone on the Cessnock City Council Bushfire Prone Land Map dated 16 September 2022.

The NSW Rural Fire Service were consulted (refer Appendix 6) and advised they support the proposal subject to a requirement that future subdivision/development of the land complies with Planning for Bush Fire Protection (PBP) 2019. A Bushfire Assessment report would be provided as part of a future development application for development on the site.

The views of any additional relevant state and federal public authorities will be sought if required, in accordance with the Gateway determination.

PART 4: MAPS

Existing controls

Figures 8 and 9 Illustrate the current Cessnock LEP 2011 Additional Uses Map applying to the Vintage development. Residential flat buildings are permitted within the black edged border:

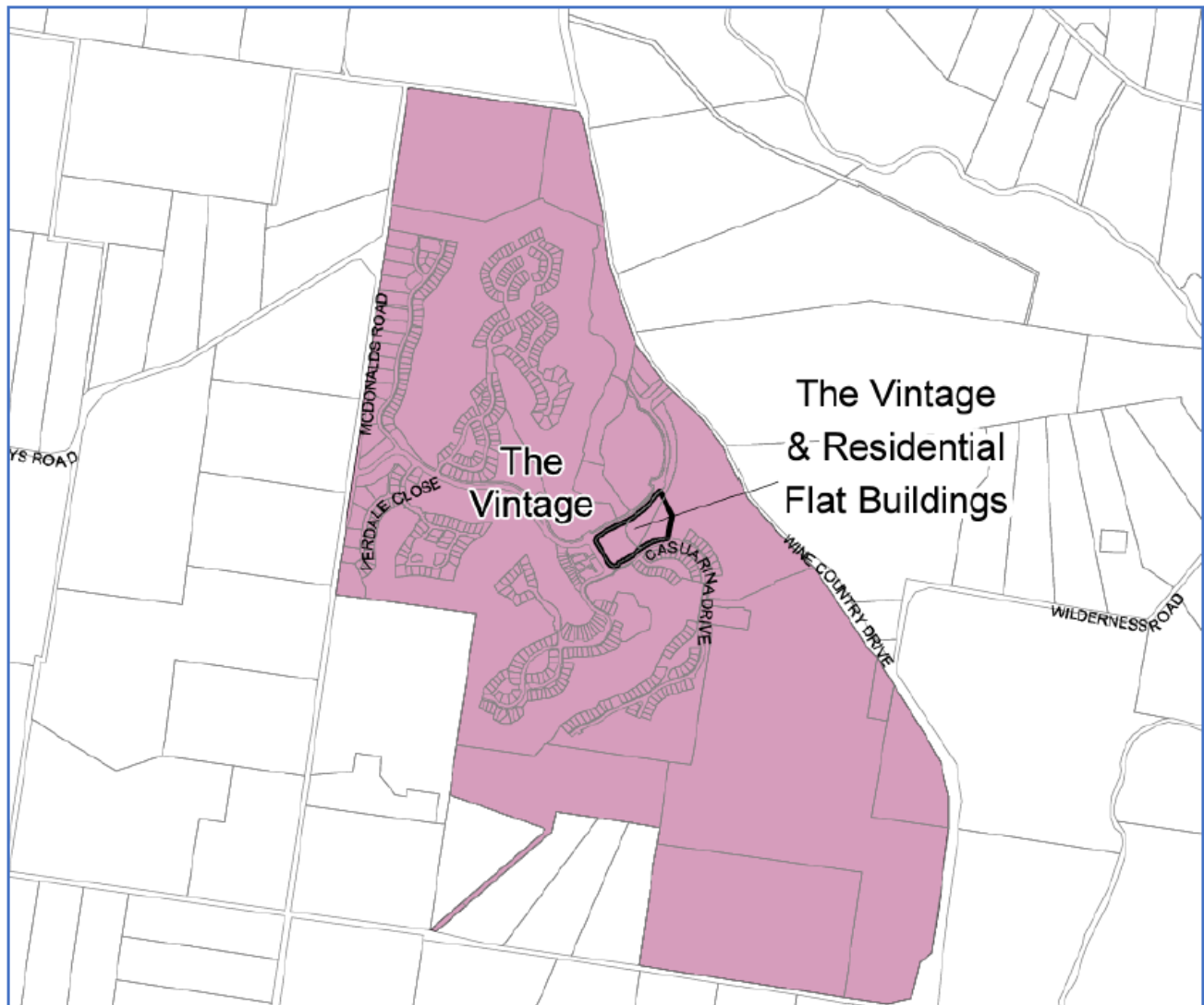


Figure 7: Additional Permissible Uses Map Extracted from Cessnock LEP 2011 (Ref: NSW Planning Portal Extracted 28/11/2024)

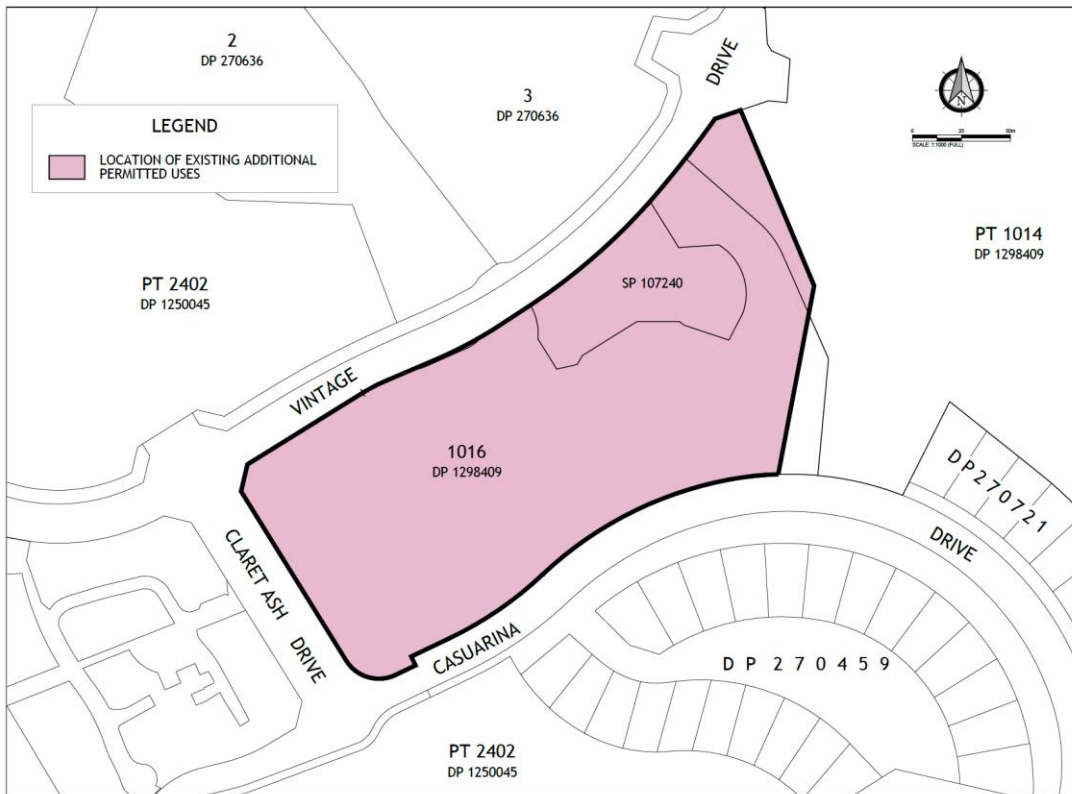


Figure 8: Existing Additional Permitted Use Map – residential flat buildings

Proposed controls:

The proposal seeks to amend Cessnock LEP Additional Permitted Uses Map (in accordance with Part 2 (A) of this Proposal) similar to and with the intent of Figure 10 below:

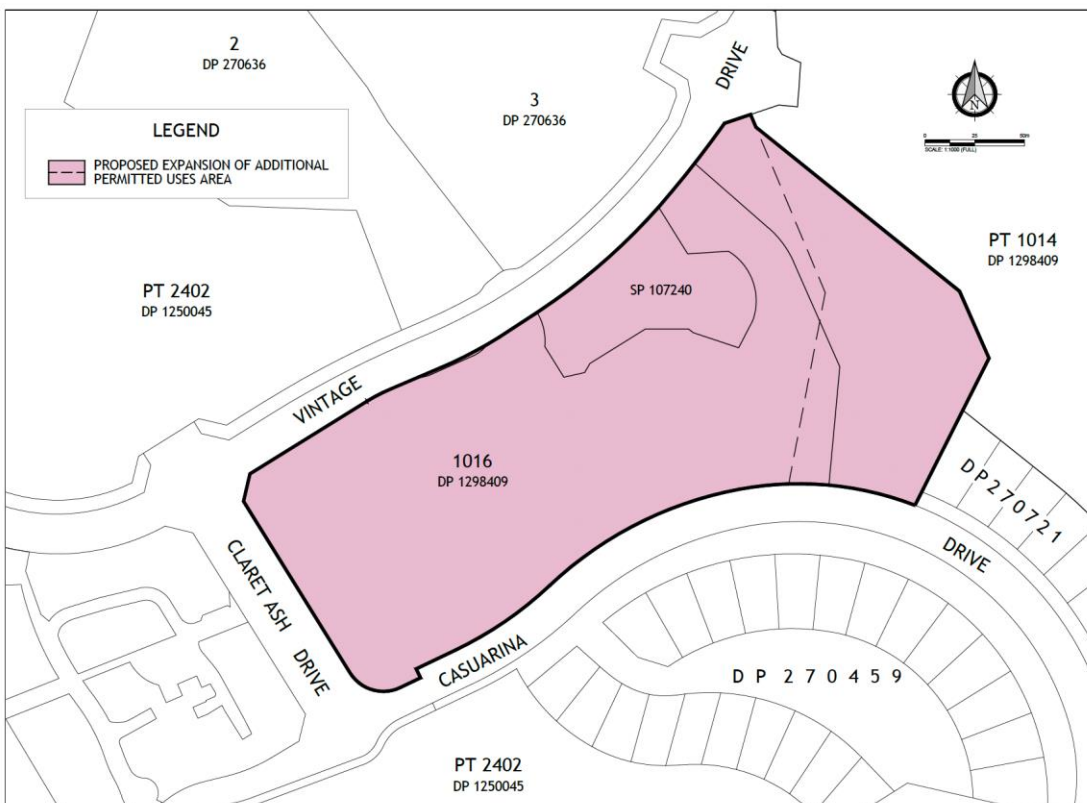


Figure 9: Proposed Additional Permitted Use Map

PART 5: COMMUNITY CONSULTATION

Community consultation will be carried out in accordance with the Gateway determination and Council’s Community Participation Plan.

PART 6: PROJECT TIMELINE

Table 3: Indicative project timeline.

Stage	Timeframe and/or date
Gateway determination	March 2025
Agency Consultation	April 2025
Commencement and completion of public exhibition period	April/May 2025
Post-exhibition review and additional studies	June 2025
Consideration of submissions and reporting to Council	August 2025
Submission to the Department for finalisation (where applicable)	September 2025
Gazettal of LEP amendment	October 2025

Appendix 1: Council Report and Minutes

N/A. In accordance with Council's Planning Proposal Policy, this Proposal will be reported to Council for final determination post exhibition once all gateway conditions have been met.

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

Appendix 2: Concept Project Plans: EJE Architects

Appendix 3: Visual Impact Assessment: Terras Landscape Architects

Appendix 4: Traffic and Parking Assessment: Intersect Traffic

Appendix 5: Strategic Utilities Services Report: ADW Johnson

Appendix 6: NSW Rural Fire Service: Correspondence Dated 24 October 2024

Appendix 7: Amended Masterplan