

## EXPLANATORY NOTES

### DRAFT CESSNOCK LOCAL ENVIRONMENTAL PLAN 2009

#### PART 1 - PRELIMINARY

CLAUSE No.	PROVISION
1.1 Name of Plan	<p><b>Compulsory</b> This clause identifies the draft Plan as the Cessnock Local Environmental Plan 2009.</p> <p>This clause has the same effect as clause 1 of the Cessnock Local Environmental Plan 1989</p>
1.2 Aims of Plan	<p><b>Compulsory</b> This clause sets out the aims of the draft Plan.</p> <p>The aims listed in subclause (2) are local provisions that have been inserted by Council to reflect local character and circumstance.</p> <p>This clause has the same effect as clause 2 of the Cessnock Local Environmental Plan 1989</p>
1.3 Land to which plan applies	<p><b>Compulsory</b> This clause identifies that the draft Plan applies to all land in Cessnock, as shown on the Land Application Map.</p> <p>This clause has the same effect as clause 3 of the Cessnock Local Environmental Plan 1989</p>
1.4 Definitions	<p><b>Compulsory</b> The Standard Instrument includes a dictionary of standard definitions relating to land uses and other terms relevant to the interpretation of the draft LEP. LEPs across NSW will use the same dictionary and definition for terms.</p> <p>The standard definitions in the dictionary at the end of the draft Plan are mandatory and cannot be altered by Council.</p>
1.5 Notes	<p><b>Compulsory</b> The notes in the draft Plan are provided in RED and are departmental directions that have been retained to assist in the interpretation of the draft Plan during exhibition. They do not form part of the LEP and will be removed on gazettal of the draft LEP.</p>
1.6 Consent authority	<p><b>Compulsory</b> Cessnock City Council is the consent authority for development covered by the draft Plan</p> <p>This clause has the same effect as clause 7 of the Cessnock Local Environmental Plan 1989</p>

1.7 Maps	<p><b>Compulsory</b> The relevant maps accompanying the LEP will be:</p> <ul style="list-style-type: none"> <li>• Land application (clause 1.3)</li> <li>• Land zoning (clause 2.2)</li> <li>• Minimum lot size (clause 4.1)</li> <li>• Dwelling entitlements (clause 4.2A(2)(d))</li> <li>• Height of building (clause 4.3)</li> <li>• Floor space ratio (clause 4.4)</li> <li>• Land reservation acquisition (clause 5.1)</li> <li>• Heritage (clause 5.10)</li> <li>• HEZ Boundary provisions (clause 6.1)</li> <li>• Obstacle surface limitations (clause 6.3)</li> <li>• Airport noise (clause 6.4)</li> <li>• Acid sulfate soils (clause 6.6)</li> <li>• Additional permitted uses (Schedule 1)</li> <li>• Urban release areas (Part 7)</li> </ul>
1.8 Repeal of other local planning instruments applying to land	<p><b>Compulsory</b> This clause repeals all existing environmental planning instruments that apply to the draft Plan.</p> <p>This clause has the same effect as clause 4 of the Cessnock Local Environmental Plan 1989</p>
1.8A Savings provision relating to development applications	<p><b>Local Provision</b> This Clause applies to a development applications lodged but not determined before the commencement of the Cessnock Local Environmental Plan 2009 allowing for the DA to be determined as if the LEP had been exhibited but not commenced.</p> <p>This clause has the same effect as clause 7A of the Cessnock Local Environmental Plan 1989</p>
1.8B Suspension of covenants, agreements and instruments	<p><b>Local provision</b> This clause suspends any agreement or covenant that restricts development permitted by this plan</p> <p>This clause has the same effect as clause 43 of the Cessnock Local Environmental Plan 1989</p>
1.9 Application of SEPPs and REPs	<p><b>Compulsory</b> This clause details those plans (or provisions) apply to the draft Plan.</p> <p>Subclause 2 identifies certain Plans that no longer apply to land in Cessnock once the draft Plan is gazetted.</p>

## PART 2 - PERMITTED OR PROHIBITED DEVELOPMENT

CLAUSE No.	PROVISION
2.1 Land use zones	<p><b>Compulsory</b> This clause identifies the zones that apply to land in the Cessnock LGA</p> <p>Fact Sheet 5 identifies the applicable zones and compares these with the existing zoning arrangement in the Cessnock Local Environmental Plan 1989.</p> <p>This clause has the same effect as clause 8 of the Cessnock Local Environmental Plan 1989</p>
2.2 Zoning of land to which Plan applies	<p><b>Compulsory</b> This clause provides that land use zones under the draft Plan are shown on the Land Zoning Map.</p>
2.3 Zone objectives and land use table	<p><b>Compulsory</b> This clause explains the elements of the Land Use Table which specifies, for each zone, the objectives for development and development that may be carried out without consent, only with consent and that is prohibited.</p> <p>Some zone objectives and development types have been mandated by the Standard Instrument and cannot be altered by Council.</p> <p>Additional zone objectives and land use terms have been included by Council to reflect the local character and conditions of the Cessnock LGA.</p> <p>This clause has the same effect as clause 9 and 10 of the Cessnock Local Environmental Plan 1989</p>
2.4. Unzoned land	<p><b>Compulsory</b> The purpose of this clause is to capture any land that Council may not have zoned.</p> <p>There are no unzoned land in Cessnock under the draft Plan</p> <p>While roads under the current LEP are unzoned, it is not practical to maintain this due to the development consent requirements of this clause.</p> <p>Main Roads are now zoned SP2 Infrastructure and all other roads have taken on the predominant zone of the adjoining land.</p>

2.5 Additional permitted uses for particular land

**Compulsory**

Five (5) areas in the Cessnock LGA permit additional uses contrary to the zoning. Schedule 1 of the draft LEP provides a list of sites with additional permitted uses, including:-

- (1) Lot 3, DP 250551, Lovedale Road, Keinbah - subdivision creating 2 lots, one of which is not to be more than 2 hectares in area, and the erection of a dwelling-house on the lot with the 2 hectare limit.
- (2) Such parts of Lot 2, DP 1073823, Wine Country Drive, Lovedale, as are identified on the Additional Permitted Uses Map - strata subdivision of existing tourist and visitor accommodation development.
- (3) Such parts of "The Vintage", Wine Country Drive, Pokolbin, as are identified on the Additional Permitted Uses Map - subdivision of land and the erection of dwelling-houses, multi-dwelling housing and the like on the lots so created where the subdivision is, in the opinion of the Council, required as an integral part of a major tourist and visitor accommodation development.
- (4) Such parts of The Oaks Golf and Country Club, Mount View Road, Cessnock, the Department of Corrective Services and the Calvary Retirement Village as are identified on the Additional Permitted Uses Map, development for the following purposes:
  - Lot 18 DP 844842, The Oaks Golf and Country Club - serviced apartments and neighbourhood shop.
  - Part Lot 1 DP 1078864, Calvary Retirement Village – extension of golf course (6 holes).
  - Part Lot 3 DP 76202, Department of Corrective Services – extension of golf course (1 hole).
- (5) Such part of the land comprising the former Army and Migrant Camp at Camp Road, Greta, being Lots 1-6 DP 1036942, Lot 263 DP 755211 and Lot 264 DP 755211 as are identified on the Additional Permitted Uses Map, development for the following purposes:
  - An 18 hole golf course and associated club house including a hotel and attached and detached tourist and visitor accommodation buildings;
  - Permanent residential development of up to 1364 dwellings comprising dwelling houses, dual occupancy and multi dwelling housing;
  - A "gateway" retail area fronting Lovedale Road providing for a variety of tourist-orientated developments, in addition to those uses permitted in the B1 Neighbourhood Business Zone, to service

	<p>tourist and visitors to the area and to promote tourism in the region;</p> <ul style="list-style-type: none"> <li>• Despite any other provision of this plan, subdivision of the subject land to create separate lots for individual components of the development, including a separate lot for each of the 1364 dwellings, and including the creation of individual lots in a strata or community title scheme.</li> </ul> <p>This clause has the same effect as clauses 17 (for the Vintage) and 45 (for the remainder) of the Cessnock Local Environmental Plan 1989</p>
<p>2.6 Subdivision—consent requirements</p>	<p><b>Compulsory</b> This clause outlines the consent requirements for subdivision of land.</p> <p>This clause has the same effect as clause 11 of the Cessnock Local Environmental Plan 1989</p>
<p>2.6A Demolition requires consent</p>	<p><b>Local Provision</b> This clause requires the demolition of a building or work may be carried out only with consent.</p> <p>This clause generally reflects the provisions within Cessnock DCP 2006 which will be repealed with the gazettal of the new Local Environmental Plan.</p>
<p>2.6B Temporary use of land</p>	<p><b>Local Provision</b> This clause allows transient development to be carried out on any land for a limited period of time, only with development consent. Such transient development may include circus or market stalls and structures associated with a festival.</p> <p>This clause has the same effect as clause 33 of the Cessnock Local Environmental Plan 1989</p>
<p>2.6C Excavation and filling of land</p>	<p><b>Local Provision</b> This clause requires consent for excavation, drain or landfill under certain circumstances.</p> <p>This clause generally reflects the provisions within Cessnock DCP 2006 which will be repealed with the gazettal of the new Local Environmental Plan.</p>

## PART 3 EXEMPT AND COMPLYING DEVELOPMENT

CLAUSE No.	PROVISION
3.1 Exempt development	<p><b>Compulsory</b> This clause identifies development of minimal environmental impact as ‘exempt development’, which may be carried out without the need for development consent.</p> <p>This clause is supported by Schedule 2 of the draft plan, which sets out the standards for exempt development.</p> <p>This clause has the same effect as clause 10A and generally reflects the exempt development provisions within Cessnock DCP 2006 which will be repealed with the gazettal of the new Local Environmental Plan.</p>
3.2 Complying development	<p><b>Compulsory</b> This clause identifies certain minor or low impact development as ‘complying development’, for which development consent may be obtained by the issue of a complying development certificate.</p> <p>This clause is supported by Schedule 3 of the draft plan, which sets out the standards for complying development.</p> <p>This clause has the same effect as clause 10A and generally reflects the complying development provisions within Cessnock DCP 2006 which will be repealed with the gazettal of the new Local Environmental Plan.</p>
3.3 Environmentally sensitive areas excluded	<p><b>Compulsory</b> This clause defines an ‘environmentally sensitive area’ where exempt or complying development must not be carried out.</p> <p>An additional item has been added to this clause by Council, to further clarify what constitutes an “environmentally sensitive area” in Cessnock LGA, and to maintain the status quo with existing Council mapping.</p>

## PART 4 – PRINCIPAL DEVELOPMENT STANDARDS

CLAUSE No.	PROVISION
4.1 Minimum subdivision lot size	<p><b>Optional</b></p> <p>This clause sets out the minimum lot sizes that apply to the subdivision of land.</p> <p>The objectives of this clause and the minimum lot sizes shown generally reflect the existing subdivision provisions of the Cessnock LEP and DCP.</p> <p>Subclause (4A) is a local provision included by Council that identifies alternative minimum lot sizes depending on particular development requirements.</p> <p>Subclause (4B) is a local provision included by Council that clarifies that the area of any access handle or right-of-carriageway is not to be included in calculations of minimum lots size i.e. the developable portion of the lot has to comply with the minimum lot size specified.</p> <p>This clause has the same effect as clauses 12(1), 13A, 14, 14B, 15, 17A, 46 and 50 of the Cessnock Local Environmental Plan 1989.</p>
4.2 Rural Subdivision [includes land zoned RU1, RU2, RU4 or RU6]	<p><b>Compulsory</b></p> <p>This clause provides for subdivision in rural zones for the purpose of primary production to create a lot of a size that is less than that shown on the Lot Size Map</p> <p>Note: a dwelling house cannot be erected on these lots.</p> <p>This clause has the same effect as clause 12(2) and (3) of the Cessnock Local Environmental Plan 1989.</p>
4.2A Erection of dwellings in rural and environmental zones	<p><b>Local provision</b></p> <p>This clause sets out the requirements for the erection of a dwelling on vacant land.</p> <p>Subclause (1) identified to which zone this clause applies.</p> <p>Subclause (2) permits consent to be granted for erection of a dwelling on a lot that has an area consistent with the Lot Size Map, or on a lot previously approved for a dwelling, or an existing holding, or where a dwelling entitlement is identified on the Dwelling Entitlement Map.</p> <p>Subclause (3) provided that development consent can be granted for a replacement dwelling or on an allotment affected by subdivision for road widening, boundary adjustment or for other public purposes.</p>

	<p>Subclause (4) established reference to existing holdings as defined in the current LEP.</p> <p>This clause has the same effect as clause 11(B), 13, 13B, 14A, 14C, 16, 17B, 19, 24, 46, 51 and 59 of the Cessnock Local Environmental Plan 1989.</p> <p>Note 13(2) relating to rural workers dwellings is deleted as it is now permissible with development consent in the Rural Landscape and Environmental Management Zones.</p>
4.2B No strata or community title subdivisions in certain rural or environmental protection zones	<p><b>Local provision</b></p> <p>This clause sets out the provisions applying to the subdivision of Strata and Community Title schemes.</p> <p>Subclause (1) outlines the clause objectives.</p> <p>Subclause (2) identifies which zone this clause applies</p> <p>Subclause (3) requires consent to be granted to a strata title or community title subdivision for proposed lot smaller than that shown on the Lot Size Map.</p>
4.2C Dwelling-houses - residue lots created as a result of a road closure, road widening or road realignment	<p><b>Local Provision</b></p> <p>This clause sets out the provisions applying to the erection of a dwelling-house on land created by a road closure, road widening or road realignment.</p> <p>This clause has the same effect as clause 11A of the Cessnock Local Environmental Plan 1989.</p>
4.3 Height of buildings	<p><b>Compulsory</b></p> <p>This clause is a new clause added to comply with DoP standard technical requirements for LEP maps.</p> <p>The draft Plan identifies all maximum building heights in the Cessnock commercial core on the Height of Building Map.</p>
4.4 Floor space ratio	<p><b>Compulsory</b></p> <p>This clause is a new clause added to comply with DoP standard technical requirements for LEP maps.</p> <p>The draft Plan identifies the floor space ratio (FSR) in the Cessnock commercial core on the floor space ratio map.</p>
4.5 Calculation of floor space ratio and site area	<p><b>Compulsory</b></p> <p>This clause sets out requirements relating to the calculation of floor space ratio and site area.</p>
4.6 Exceptions to development standards	<p><b>Compulsory</b></p> <p>This clause sets out where an exception to a development standard may be requested. Once the LEP is gazetted, SEPP 1 will no longer apply.</p>

## PART 5 – MISCELLANEOUS PROVISIONS

CLAUSE No.	PROVISION
5.1 Land acquisition within certain zones	<p><b>Compulsory</b> Land that is required to be reserved for acquisition (eg road widening) is to be identified using the Land Reservation Acquisition Map.</p> <p>Reservations currently exist throughout the LGA for the purposes of facilitating future land acquisition by a public authority for uses such as road widening, open space or car parking.</p> <p>All land parcels and segments affected by reservations have been identified. The relevant public authorities have been contacted and asked whether the applicable land reservations are still required. There are many existing land reservations where the reserved use has already been implemented or the reservation is no longer required.</p> <p>This clause has the same effect as clauses 34 and 35 of the Cessnock Local Environmental Plan 1989.</p>
5.2 Classification and reclassification of public land	<p><b>Compulsory</b> This is for new classifications only. Previous reclassification will not be contained in the draft Plan.</p> <p>This clause is supported by Schedule 4 of the draft plan, which can be used to list public land that is newly classified or reclassified, with previous reclassification not be shown.</p> <p>This clause has the same effect as clause 47A of the Cessnock Local Environmental Plan 1989.</p>
5.3 Development near zone boundaries	<p><b>Optional</b> This clause provides flexibility to allow a use that is permitted on one side of a zone boundary to occur on the immediate other side if this would enable a more logical and appropriate development of the site. The draft Plan provides a buffer of 20 metres.</p> <p>This clause has the same effect as clause 55 of the Cessnock Local Environmental Plan 1989</p>
5.4 Controls relating to miscellaneous permissible uses	<p><b>Compulsory</b> This clause prescribes development standards relating to the following permissible uses:</p> <ol style="list-style-type: none"> <li>(1) Bed &amp; breakfast accommodation;</li> <li>(2) Home businesses;</li> <li>(3) Home industries;</li> <li>(4) Industrial retail outlets;</li> <li>(5) Farm stay accommodation;</li> <li>(6) Kiosks;</li> </ol>

	<p>(7) Neighbourhood shops;  (8) Roadside stalls;  (9) Secondary dwellings.</p> <p>These clauses generally reflect Council policy and/or the provisions within Cessnock DCP 2006, which will be repealed with the gazettal of the new Local Environmental Plan.</p>
5.5 Development within the coastal zone	<b>This clause is not applicable.</b>
5.6 Architectural roof features	<p><b>Compulsory</b>  This clause applies to roof features that exceeds or causes a building to exceeds the height limits set by clause 4.3 and sets out what matters will need to be considered by the consent authority.</p>
5.7 Development below mean high water mark	<b>This clause is not applicable.</b>
5.8 Conversion of fire alarms	<p><b>Compulsory</b>  This clause applies to fire alarm systems and outlines what matters need to be considered by the consent authority.</p>
5.9 Preservation of trees and vegetation	<p><b>Optional</b>  This clause provides for development consent for tree removal and other activities on land outside that affected by the Native Vegetation Act.</p> <p>Draft Cessnock DCP 2009 provides the mechanisms for the operation of this clause.</p> <p>This clause has the same effect as clauses 20, 20A, 20B and 30 of the Cessnock Local Environmental Plan 1989.</p>
5.10 Heritage conservation	<p><b>Compulsory</b>  Standard clauses have been provided in relation to heritage items and heritage conservation areas. Schedule 5 of the draft Plan lists the items of environmental heritage which are also represented on the heritage map and contains a listing of 253 individual and group heritage items representing national, state and local historical themes and 2 heritage conservation areas covering the Wollombi Village and the Great North Road. The items range from collieries and hotels to workers cottages, schools, slab huts, archaeological sites and prehistoric seabeds. See Schedule 5 of the draft LEP for more detail on assessment of the proposed list.</p> <p>This clause has the same effect as clauses 36, 37, 38, 40, 41 and 64 of the Cessnock Local Environmental Plan 1989.</p>

<p>5.11 Bush fire hazard reduction</p>	<p><b>Compulsory</b>  This clause relates to bushfire hazard reduction. Local provisions for land subject to bushfire hazard, based on latest version of clauses reference the rural Fires Act.</p> <p>This clause has the same effect as clause 32 of the Cessnock Local Environmental Plan 1989.</p>
<p>5.12 Infrastructure development and use of existing buildings of the Crown</p>	<p><b>Compulsory</b>  This clause provides that nothing in the draft Plan can restrict or prohibit certain Crown development and public utilities.</p> <p>This clause generally replaces Clause 35 and Schedule 1 of the Model Provisions 1980.</p>

## PART 6 – ADDITIONAL LOCAL PROVISIONS

This section of the draft LEP contains clauses added by Council to meet the specific local planning needs of the Cessnock Local Government Area.

CLAUSE No.	PROVISION
<p>6.1 Subdivision in the Hunter Economic Zone</p>	<p><b>Local provision</b>            This clause applies to land in the Hunter Economic Zone and sets out the requirements that apply to the subdivision of this land.</p> <p>This is a local provision that has been included by Council to maintain the status quo with LEP provisions for HEZ. The zone names have been changes to match the Standard Instrument zones. The clause means that speculative subdivision of the land in HEZ cannot be approved. A subdivision can only be granted in relation to, or concurrently with, a development consent for a particular development proposal. This is to ensure that subdivided lots will have sufficient area to contain the development and any required buffers while also adequately protecting any Ecological Endangered Communities (EECs) on the land.</p> <p>The clause has the same effect as clause 56 of the Cessnock LEP 1989.</p>
<p>6.2 Rural tourist and visitor accommodation in zones RU1, RU2, E2 (Bow Wow Creek Gorge Catchment and E3 and Habitat Corridors) and E3</p>	<p><b>Local Provision</b>            This clause applies to land within Zones RU1, RU2, E2 (Bow Wow Creek Gorge Catchment and Habitat Corridors) and E3 and provides that development for the purposes of tourist and visitor accommodation on land where a dwelling entitlement as provided by clause 4.2A of this draft Plan.</p> <p>This clause is an adopted direction within the CWSS and is a local provision that has been included by Council to:</p> <ul style="list-style-type: none"> <li>(a) recognise that the provisions in Cessnock LEP 1989 relating to tourist and visitor accommodation in the Vineyards District have been moved to the DCP, and to make reference to the relevant provisions of the DCP;</li> <li>(b) set a minimum lot size of 10 hectares for tourist and visitor accommodation in the RU1 zone; and</li> <li>(c) require any lot for tourist and visitor accommodation in the RU2 or E3 zones to have a dwelling entitlement and a minimum lot size of 10 hectares.</li> </ul> <p>The current provisions of Clause 52 of Cessnock LEP 1989 contain detailed requirements regarding the density of tourist development in the Vineyards District which, if included in the LEP, would constitute 'development standards' and require an LEP</p>

	<p>amendment for even a minor variation. The provisions also use definitions of “tourist accommodation unit” and “tourist accommodation building” which no longer exist in the Standard Instrument dictionary.</p> <p>It is therefore considered more appropriate for these controls to be relocated to the DCP.</p> <p>The LEP provisions in Cessnock LEP 1989 relating to the Bow Wow Creek Gorge Catchment and Habitat Corridors have been moved to the DCP. The current provisions of clause 63 of Cessnock LEP 1989 contain detailed requirements regarding density of development, planting of certain numbers of trees for each tourist accommodation unit etc which, if included in the LEP, would constitute ‘development standards’ and require an LEP amendment for even a minor variation. The provisions also use definitions of “tourist accommodation unit” and “tourist accommodation building” which no longer exist ion the Standard Instrument dictionary.</p> <p>The new clause also maintains a minimum lot size of 10 hectares for tourist and visitor accommodation in Bow Wow Creek Gorge and habitat corridors, as currently required by clause 63(2) of Cessnock LEP 1989.</p>
<p>6.3 Development in Flight Paths</p>	<p><b>Local Provision</b>  This clause applies to land within the flight path of the Cessnock airport.</p> <p>This clause provides that consent must not be granted for a building above the obstacle height limitation surface for that airport as mapped on the Obstacle Limitations Map.</p> <p>This clause has the same effect as clauses 25 of the Cessnock Local Environmental Plan 1989.</p>
<p>6.4 Development in areas subject to airport noise</p>	<p><b>Local Provision</b>  This clause applies to certain land at Nulkaba, being land affected by Australian Noise Exposure Forecast contours of between 20 and 25, as identified on the Airport Noise Map.</p> <p>This clause provides that consent must not be granted for a building for residential purposes, or intended for human occupation, on land to which this clause applies.</p> <p>This clause has the same effect as clause 25A of the Cessnock Local Environmental Plan 1989.</p>

<p>6.5 Development on land affected by flooding</p>	<p><b>Local Provision</b>  This clause is a local provision for land affected by flooding, specifying the requirements that apply for the development of flood affected land.</p> <p>This clause has the same effect as clause 31 of the Cessnock Local Environmental Plan 1989.</p>
<p>6.6 Development on land affected by acid sulfate soils</p>	<p><b>Local Provision</b>  This clause outlines the requirements for development on land affected by acid sulfate soils, as mapped on the Acid Sulfate Soils Map.</p>

## PART 7 – URBAN RELEASE AREAS

CLAUSE No.	PROVISION
7.1 Objectives of Part	<p><b>Local Provision</b> This clause sets out the objectives for this schedule of the draft Plan.</p> <p>This is a new local provision provided by the DoP to address State Infrastructure provisions.</p>
7.2 Relationship between Part and remainder of plan	<p><b>Local Provision</b> This clause provides for this part of the draft Plan to prevail over any other provision of this plan to the extent of any inconsistency.</p> <p>This is a new local provision provided by the DoP to address State Infrastructure provisions.</p>
7.3 Application of Part	<p><b>Local Provision</b> This clause applies to land that is in an urban release area as shown hatched and marked “Urban Release Area” on the Urban Release Area Map. However, it does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the EPA Act)</p> <p>The purpose of this clause is to require assistance towards the provision of State Public infrastructure and services.</p> <p>This is a new local provision provided by the DoP to address State Infrastructure provisions.</p>
7.4 Arrangements for designated State public infrastructure	<p><b>Local Provision</b> This clause sets out the arrangements for designated State public infrastructure.</p> <p>The purpose of this clause is clarify when the provision of State Public infrastructure and services are required.</p> <p>This is a new local provision provided by the DoP to address State Infrastructure provisions and has the same effect as clause 66 of the Cessnock Local Environmental Plan 1989.</p>
7.5 Development Control Plan	<p><b>Local Provision</b> This clause provides the requirements for the provisions of adequate infrastructure within an urban release area to be incorporated into a development control plan.</p> <p>This is a new local provision provided by the DoP to address State Infrastructure provisions.</p>
7.6 Public utility infrastructure – local infrastructure	<p><b>Local Provision</b> This clause provides that development consent must not be granted until adequate arrangements have been made for local infrastructure.</p> <p>This is a new local provision to address the need for local infrastructure to be provided when required.</p>

## SCHEDULES

SCHEDULE No.	OUTLINE
1 Additional Permitted Uses	<p><b>Compulsory</b> This schedule supports clause 2.5 of the draft Plan.</p> <p>Fiver (5) areas in the Cessnock LGA permit additional uses contrary to the zoning. Schedule 1 of the draft LEP provides a list of sites with additional permitted uses, including:-</p> <ol style="list-style-type: none"> <li>(1) Lot 3, DP 250551, Lovedale Road, Keinbah - subdivision creating 2 lots, one of which is not to be more than 2 hectares in area, and the erection of a dwelling-house on the lot with the 2 hectare limit.</li> <li>(2) Such parts of Lot 2, DP 1073823, Wine Country Drive, Lovedale, as are identified on the Additional Permitted Uses Map - strata subdivision of existing tourist and visitor accommodation development.</li> <li>(3) Such parts of "The Vintage", Wine Country Drive, Pokolbin, as are identified on the Additional Permitted Uses Map - subdivision of land and the erection of dwelling-houses, multi-dwelling housing and the like on the lots so created where the subdivision is, in the opinion of the Council, required as an integral part of a major tourist and visitor accommodation development.</li> <li>(4) Such parts of The Oaks Golf and Country Club, Mount View Road, Cessnock, the Department of Corrective Services and the Calvary Retirement Village as are identified on the Additional Permitted Uses Map, development for the following purposes: <ul style="list-style-type: none"> <li>• Lot 18 DP 844842, The Oaks Golf and Country Club - serviced apartments and neighbourhood shop.</li> <li>• Part Lot 1 DP 1078864, Calvary Retirement Village – extension of golf course (6 holes).</li> <li>• Part Lot 3 DP 76202, Department of Corrective Services – extension of golf course (1 hole).</li> </ul> </li> <li>(5) Such part of the land comprising the former Army and Migrant Camp at Camp Road, Greta, being Lots 1-6 DP 1036942, Lot 263 DP 755211 and Lot 264 DP 755211 as are identified on the Additional Permitted Uses Map, development for the following purposes: <ul style="list-style-type: none"> <li>• An 18 hole golf course and associated club house including a hotel and attached and detached tourist and visitor accommodation buildings;</li> <li>• Permanent residential development of up to 1364 dwellings comprising dwelling houses, dual occupancy and multi dwelling housing;</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• A "gateway" retail area fronting Lovedale Road providing for a variety of tourist-orientated developments, in addition to those uses permitted in the B1 Neighbourhood Business Zone, to service tourist and visitors to the area and to promote tourism in the region;</li> <li>• Despite any other provision of this plan, subdivision of the subject land to create separate lots for individual components of the development, including a separate lot for each of the 1364 dwellings, and including the creation of individual lots in a strata or community title scheme.</li> </ul> <p>This schedule is similar to Schedule 5 of the Cessnock LEP and has been amended to be current with the draft Plan.</p>
2. Exempt Development	<p><b>Compulsory</b> This schedule supports clause 3.1 of the draft Plan.</p> <p>Exempt provisions are currently contained in the Cessnock DCP 2006, which have been reviewed and amended for inclusion in the draft Plan.</p>
3. Complying Development	<p><b>Compulsory</b> This schedule supports clause 3.2 of the draft Plan.</p> <p>Complying provisions are currently contained in the Cessnock DCP 2006, which have been reviewed and amended for inclusion in the draft Plan.</p>
4. Classification and Reclassification of Public Land	<p><b>Compulsory</b> This schedule supports clause 5.2 of the draft Plan.</p> <p>This schedule is similar to Schedule 6 of the Cessnock LEP and is for new classifications only. Previous reclassification will not be contained in the draft Plan.</p>
5 Environmental Heritage	<p><b>Compulsory</b> This schedule supports clause 5.10 of the draft Plan and lists the items of environmental heritage which are represented on the heritage map.</p> <p>This list contains of 253 individual and group heritage items representing national, state and local historical themes and 2 heritage conservation areas covering the Wollombi Village and the Great North Road.</p> <p>The items range from collieries and hotels to workers cottages, schools, slab huts, archaeological sites and prehistoric seabeds.</p> <p>This schedule is similar to Schedule 3 of the Cessnock LEP and has been amended to include additional items in the draft Plan.</p>