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DEVELOPMENT SPECIFIC PROVISIONS

Tourist Accommodation on Rural and Conservation Lands

The Cessnock Development Control Plan is comprised of 4 parts. Development applications must address all relevant sections of Part 2, Part 3 and Part 4 and supporting guidelines, such as Council's Engineering Guidelines for Design and Construction.

Preamble

Cessnock's rural and conservation lands support a diverse and important rural sector that contributes substantially to the local economy and our region's biodiversity. In these areas, tourist and visitor accommodation, camping grounds and eco-tourist facilities are considered a subordinate land-use to agriculture and must not undermine the primary use of the land, or adjoining land, for rural and agricultural purposes. In addition, these land uses must not diminish amenity or conservation values within our rural areas.

Small-scale tourism uses provide opportunities to supplement farm income, to support the restoration and maintenance of environmental assets and showcase the Cessnock region. To maintain the integrity of rural landscape, it is important that these tourism operations do not detract from the qualities of these sensitive areas or place unreasonable demands on rural infrastructure.

Application

This Chapter applies to camping grounds, tourist and visitor accommodation and eco-tourist facilities on land zoned RU2 Rural Landscape, C2 Environmental Conservation, C3 Environmental Management and C4 Environmental Living.

Definitions

<i>Tourist Accommodation Building</i>	means a building used for tourist and visitor or eco-tourism accommodation that contains up to 4 Tourist Accommodation Rooms, offered on a commercial basis. Individual stays must not exceed more than 42 consecutive days
<i>Tourist Accommodation Room</i>	means a single bedroom within a Tourist Accommodation Building, for use by tourists or visitors.

All other terms used in this Local Character Statement and DCP chapter have the same meaning as defined in the *Cessnock Local Environmental Plan 2011*.

Development provisions

Site analysis

Objective/s	Development Controls
To ensure the siting and design of the development does not conflict with site features such as surrounding character, environmental values and neighbouring land uses.	The development application must be accompanied by a Site Assessment demonstrating the site chosen for the development is the most suitable within the property having regard to the following matters: • natural watercourses; • native vegetation, including roadside vegetation and existing mature trees; • landform; • visual impact; • natural hazards; • existing buildings; • development on adjoining land; • property boundaries and access points; and • existing development within the property. Note: The detail and scope of the Site Assessment is to be proportionate with the scale of the development proposed.

Rural character and design

Objective/s	Development Controls		
To ensure tourist accommodation is low-scale and compatible with the surrounding landscape and with the character and amenity of the locality.	The maximum number of Tourist Accommodation Buildings / Rooms is as follows:		
	Lot Size*	Max. Number of Tourist Accommodation Buildings	Max. Number of Tourist Accommodation rooms
	< 10Ha ¹	2	4
	>10 – <19 Ha	3	5
	>20 – <29Ha	4	6
	>30 – <39 Ha	5	7
	> 40Ha		6

¹ Under Cessnock Local Environment Plan (LEP) Clause 7.6, Tourist and Visitor Accommodation can only be permitted on RU2 zoned or C2 zoned land within Bow Wow Creek Gorge Catchment and Habitat Corridors where the development lot has an area of at least 10 hectares and a dwelling entitlement.

Objective/s	Development Controls
	* For the purpose of this table, 'Lot Size' is the cumulative area of all lots associated with the development The maximum building height¹ is 9 metres from existing ground level. The highest point of any building, or alterations and additions to any existing building, is to be at least 5m below the highest ridgeline of any hill within 100m of the building. Buildings and other areas used by visitors are setback a minimum of 75m from road frontages. Buildings and other areas used by visitors are setback a minimum of 50m from side and rear property boundaries.
To promote well designed development appropriate to the rural and natural character of its locality.	Colours and materials shall complement and be sympathetic to those of the surrounding landscape. Recessive earth-toned colours with low reflectivity are preferred. Development, including structures, car parking and vehicle circulation areas, is located and constructed so as to minimise visibility from neighbouring properties and roads. Tourist Accommodation Buildings should be grouped together in a cluster arrangement within the curtilage of existing buildings on the lot, unless a dispersed arrangement can be clearly demonstrated to be a more appropriate solution having regards to ecological and / or visual impacts and agricultural activities within the site and on adjoining properties. Tourist Accommodation Buildings shall not be sited in a straight line that would result in a continuous visual wall of buildings. Development is not to restrict any agricultural functions of the site or adjacent farms
To ensure boundary fencing, boundary walls, entrance gates and structures complement rather than dominate the existing character of the roadside environment.	Front boundary fencing and gates are of modest appearance, do not visually obstruct the landscape and are in keeping with the character of established fencing in the area. Fences and gate posts at property entries comprise traditional materials and styles, such as timber post and rail or stone.

¹ Building height is measured as the vertical distance from ground level (existing) to the highest point of the building.

Landscaping

Objectives	Development Controls
To ensure appropriate landscaping is used to soften the visual effect of extensive areas of hard-surfacing, such as the cumulative effect of building walls, car parking areas and pavements.	Where located on bushfire prone land, the development is to comply with the NSW Rural Fire Service requirements for landscaping.
	Landscaping is consistent with and reinforces any important vegetation corridors and areas of remnant native vegetation occurring within the property.
	Where a locality has a specific character derived from existing native vegetation, similar or compatible species are planted on the site (except where the existing species are undesirable weed species).
	The height of plants selected must relate to the scale of the building(s), helping to visually break up hard surfaces and providing a balance between built and natural forms when the development is viewed from adjoining public places or neighbouring properties.

Servicing, Access and Safety

Objective/s	Development Controls
To ensure development maintains a high standard of amenity for guests, local residents and the greater community.	A Plan of Management is to be prepared for ongoing operation of all tourist related development. The Plan of Management is to include details on: - the proposed days and hours of operation; - the maximum number of guests at one time; - proposed maximum length of stays; - noise / anti-social behaviour / complaint handling procedures; - how visitors and guests will be advised to limit impacts to operational farms or sensitive ecological areas; - cleaning and maintenance procedures; - measures to minimise any biosecurity risk through dispersal of weeds, seeds, insects and contaminants; and - any safety hazards on the property and how they will be managed to ensure the safety of visitors and guests.
To ensure adequate infrastructure is available for tourist related development.	Applications must demonstrate appropriate access arrangements including: - all weather access for two-wheel drive vehicles and emergency service vehicles; and - A vehicle access point to the property is to demonstrate compliance with the sight distance requirements of AS 2890.1 Off-street car parking and should be adequate to service the development.

	All effluent waste generated by the development and its ongoing use is to be disposed: • to a reticulated sewerage system connected to the landholding; or • using a system of sewerage management for which the approval of Council is obtained under the <i>Local Government Act 1993</i>.
	Where mains water supply is not available, a Water Management Plan consistent with NSW Government publication <i>Private Water Supply Guidelines</i> is required for proposed development including details on: • water budget for development; • sourcing and treatment details; • hydrologic design of water control, storage, and supply works; • analysis of downstream effects; and • arrangements for ongoing maintenance.
	Provisions for the appropriate storage and screening of operational waste are to be demonstrated, together with suitability for the development to be serviced by Council's waste collection service. If the development cannot be serviced by Council's waste management vehicles, evidence must be provided that the site will be serviced appropriately.
To ensure risks to the safety of visitors are identified and mitigated.	Where the proposal is located on bushfire affected land, a bushfire report prepared completed by a BPAD Accredited Consultant in accordance with the NSW Rural Fire Service publication <i>Planning for Bush Fire Protection</i> is required².
	Proposals located within natural hazard areas including bushfire and flood prone land must prepare an Emergency Management and Evacuation Plan that includes procedures for the safe evacuation of all occupants. Relevant details including assembly points and evacuation routes are to be displayed for guests and staff.

² Under Rural Fires Act s.100B, a Bush Fire Safety Authority from the NSW RFS is required for Special Fire Protection Purpose (SFPP) development. As such, an Integrated Development approval may be required under of the EP&A Act s.4.46. Tourist and visitor accommodation is a SFPP under the Act.

Car Parking

Objectives	Development Controls
To ensure adequate car parking is available within the property.	Car parking for tourist and visitor accommodation and eco-tourist facilities is to be provided at the following rate: 1 space per bedroom.
	Car parking areas must be finished in a surface that will allow for vehicle movements in all weather conditions.

Biodiversity

Objective/s	Development Controls
To ensure development avoids negative impacts on areas of environmental value or sensitivity.	Development must be designed to avoid, including appropriate setbacks, areas on the site with native habitat. Any setback is to be designed to maintain the native habitat areas in a natural state and with consideration of the ecological function of the vegetation.
	Any proposed clearing of trees within the road reserve must be: - supported by a Biodiversity Development Assessment Report (BDAR); - supported by a Visual Impact Assessment; and - required as an outcome of a Traffic Impact Assessment
	Where a proposed development is likely to impact land with biodiversity values, it must be demonstrated that no other suitable development site is available within the property.
	Where the proposed development is likely to have an impact on native habitat or other natural features a flora and fauna assessment must be submitted with the development application. The assessment must be sufficient to adequately identify and assess all impacts of the development, including cumulative, direct and indirect impacts, as well as the impacts of Asset Protection Zones.
To ensure no net loss of vegetation on rural or conservation land.	Where consent is sought to remove native vegetation within a property, an equivalent amount of vegetation must be re-established within acceptable locations within the property as determined on merit. Note: - The treed areas of Asset Protection Zones will be treated as areas of vegetation loss. - Tree planting to buffer development or reduce the impact of spray drift will not be treated as compensatory planting for tree loss.

Objective/s	Development Controls
To ensure the development will promote positive environmental outcomes and any impact on watercourses is minimised.	The natural drainage features on the site are not altered.
	Natural water courses are revegetated and erosion and sediment control installed.
	Stormwater is detained on site through the use of water tanks, swales and existing dams.

Heritage

Objectives	Development Controls
To ensure new development is sympathetic to the character, setting, appearance and cultural significance of places with European or Aboriginal heritage.	For any development on land that is identified as an item of heritage significance or within a Heritage Conservation Area (including alterations and additions, demolition, change of use, removal of trees or vegetation, or the construction of a building or structure), a Heritage Impact Statement (HIS) must be provided, which considers the extent to which a proposal would affect the heritage significance of a heritage item of heritage conservation areas. The HIS must be prepared by a suitably qualified Heritage Consultant in accordance with the NSW Heritage Manual guidelines produced by the Heritage Council of NSW.
	The development is sympathetic to any Aboriginal Cultural Heritage associated with the land, or adjoining land.
	Advice is to be sought from Council's Heritage Advisor at an early stage in the design process and addressed in the Development Application.
	A Conservation Management Plan (CMP) may be required for any proposal involving substantial changes to a heritage item. The CMP will be required to establish a conservation management framework for the heritage item and mechanisms to facilitate and ensure the heritage significance is retained. The CMP must be prepared by a suitably qualified heritage consultant and in accordance with the National Trust of Australia (J.S.Kerr) guidelines <i>'Conservation Plan – A guide for the preparation of Conservation Plans for places of European Cultural Significance'</i> .
	Any new development or change must ensure significant views and visual relationships are protected, together with maintaining an appropriate curtilage and setting.
	A curtilage assessment is required for any development proposal involving subdivision.