

Planning and Environment

Report No. PE61/2018

Planning and Environment



SUBJECT: *JOINT CESSNOCK AND SINGLETON 'VINEYARD'S DISTRICT' PLANNING PROPOSAL EXHIBITION OUTCOMES*

RESPONSIBLE OFFICER: *Strategic Planning Manager - Martin Johnson*

APPLICATION NUMBER:	18/2015/1
PROPOSAL:	Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal
PROPERTY DESCRIPTION:	Applies to land zoned RU4 Primary Production Small Lots in the local government areas of Cessnock and Singleton
PROPERTY ADDRESS:	As above
ZONE: (CURRENT)	RU4 Primary Production Small Lots Zone
ZONE: (PROPOSED)	No change
OWNER:	Applies to land zoned RU4 Primary Production Small Lots in the local government areas of Cessnock and Singleton
PROPONENT:	Cessnock City Council and Singleton Council

SUMMARY

The purpose of this Report is to advise Council of the outcomes of the public exhibition of the Joint 'Vineyard's District' Planning Proposal (the Proposal) and provide options regarding the Proposal.

Council has been delegated authority to exercise the functions of the Minister for Planning and Environment to make, vary or not proceed with the proposed amendment to the *Cessnock Local Environmental Plan 2011* (CLEP 2011) as set out in the Proposal.

RECOMMENDATION

1. That Council not proceed with the Joint Cessnock and Singleton 'Vineyard's District' Planning Proposal.
2. That Council notify the Department of Planning and Environment of its decision pursuant to Section 3.35 of the *Environmental Planning and Assessment Act 1979*.
3. That Council undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.
4. That Council write to those who made submissions, informing them of its decision.

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BACKGROUND

On 1 August 2012, Cessnock City Council resolved to adopt the 'Vineyard's Visioning Statement' (Vineyard's Vision), as amended by the wine and tourism industry. The document established the following vision for the Vineyard's District:

'The Vineyard's 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. 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 and visitors' needs'*

The Vineyard's Vision contains 37 actions, including an action that Cessnock City Council and Singleton Council amend their respective local environmental plans to adopt the same zones and objectives within the District. In response to this action, in November 2014, Cessnock City Council invited Singleton Council to work in partnership to prepare a joint planning proposal to align the objectives and land use table of the RU4 Primary Production Small Lots Zone of the *Cessnock Local Environmental Plan 2011* (CLEP 2011) and the *Singleton Local Environmental Plan 2013* (SLEP 2013). Singleton Council and Cessnock City Council subsequently resolved to prepare a joint proposal on 16 November and 9 December 2015, respectively. The project has involved substantial consultation and negotiation between the two councils.

A Gateway determination was issued in respect of the Proposal on 3 March 2016. However, for the remainder of 2016 and much of 2017, the Proposal was delayed to allow the finalisation of the Vineyard's District Study, prepared by specialist agricultural consultants RMCG. The Vineyard's District Study was primarily prepared to support the preparation of the Cessnock City Planning Strategy; however, the document also provides detailed guidance regarding the Proposal.

Preparation of the Vineyard's District Study included input from a vineyard's 'reference group', which met on three occasions between April and August 2016. The reference group included a selection of vignerons, developers and representatives from the Department of Planning and Environment, Singleton Council, Hunter Valley Wine and Tourism Association and Broke Fordwich Wine and Tourism Association. Cessnock Councillors were briefed on the outcomes of the Vineyard's District Study on 8 February 2017 and the final Study was submitted to Cessnock City Council on 21 June 2017.

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The Planning Proposal was revised in consideration of the recommendations of the Vineyard's District Study. The prohibition of the *serviced apartments* land use in the RU4 Zone was one of a small number of resulting amendments. On 16 October 2017, the Department of Planning and Environment (DoPE) confirmed that the proposed amendments, brought about by the Vineyards District Study, would not require an amended Gateway determination.

Councillors were briefed on the detail of the revised Proposal on 8 November 2017 and 1 February 2018, including the proposal to prohibit the *serviced apartments* land use and insert an additional local clause regarding *rural workers' dwellings*. The Proposal was placed on public exhibition between 21 June and 3 August 2018, including a two week extension. A total of 112 submissions were received in response to exhibition, 94 of which were received by Cessnock City Council and 18 received by Singleton Council.

The Gateway timeframe to finalise the Proposal has been extended on two occasions, 21 December 2016 and 19 December 2017. The extensions were to allow the Vineyard's District Study to be finalised by RMCG and its recommendations to be reflected in the Proposal. The timeframe to complete the Proposal is currently 10 December 2018.

Chronology

Date	Brief Description
1 Aug 2012	Vineyard's Vision adopted by Cessnock City Council
2 Dec 2015	Cessnock councillors briefed on the Proposal
16 Nov 2015	Singleton Council resolves to prepare the Proposal
9 Dec 2015	Cessnock Council resolves to prepare the Proposal
3 Mar 2016	Department of Planning and Environment Gateway determination issued
27 Apr 2016	Vineyard's District Study reference group meeting 1
29 Jul 2016	Vineyard's District Study reference group meeting 2
30 Aug 2016	Vineyard's District Study reference group meeting 3
21 Dec 2016	Gateway timeframe extended until 10 December 2017
8 Feb 2017	Cessnock councillors briefed on the Vineyard's District Study
21 Jun 2017	Final Vineyard's District Study submitted to Cessnock City Council
16 Oct 2017	DoPE confirm the revised Proposal does not require amended Gateway
8 Nov 2017	Cessnock councillors briefed on the revised Proposal
19 Dec 2017	Gateway timeframe extended until 10 December 2018
14 Feb 2018	Cessnock councillors briefed on the revised Proposal
21 Jun 2018	Public exhibition of the Proposal commences
20 Jul 2018	Public exhibition period extended until 3 Aug 2018

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Date	Brief Description
22 Aug 2018	Cessnock councillors briefed on the exhibition outcomes 1
26 Sep 2018	Cessnock councillors briefed on the exhibition outcomes 2

REPORT/PROPOSAL

The aim of the Proposal (**Enclosure 1**) is to align, as far as possible, the objectives and land use tables of the RU4 Primary Production Small Lots Zone in the Local Government Areas (LGAs) of Singleton and Cessnock so that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard's District. The Proposal reflects the intent of the Vineyards Vision to recognise and protect the primacy of the vineyards agricultural land use in the Cessnock RU4 Primary Production Small Lots Zone.

For the Cessnock LGA, the Proposal involves the following key land use amendments:

Land Uses to Become Permitted

aquaculture
eco-tourist facilities
flood mitigation works
home-based child care
sewerage systems
water supply systems

Land Uses to Become Prohibited

advertising structure
centre-based child care facility
neighbourhood shops
respite day care centres
rural supplies
serviced apartments
waste or resource management facilities

For the Singleton LGA, the Proposal involves the following key land use amendments:

Land Uses to Become Permitted

backpackers' accommodation
eco-tourist facilities
rural workers' dwellings
secondary dwellings

Land Uses to Become Prohibited

airstrips
composting facilities and works
dual occupancies
forestry
helipads

In addition to the above land use amendments, the Proposal seeks to amend the Singleton RU4 Zone objectives and include development standards in both CLEP 2011 and SLEP 2013 for *rural workers' dwellings*. Other minor amendments are also proposed; however, these will not alter either councils' existing policy direction.

Potential Impacts of the Proposal

The Proposal does not achieve full alignment of the Cessnock and Singleton RU4 Zone land use tables. Inconsistencies remain in relation to the permissibility of *hotel and motel accommodation*, *recreation areas* and *recreation facilities (outdoor)*. These land uses will remain permissible in the Singleton RU4 Zone and prohibited in the Cessnock RU4 Zone.

The Proposal will affect the overall range of activities that may occur in the Vineyard's District with consent. Some additional uses will be permitted, while others will be prohibited. However, the extent of the impact is largely dependent upon how each development is (or has been) 'characterised' and this varies on a case by case basis.

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For example, if the character of a proposed 'guest house' (non-LEP defined term) is consistent with the definition of *farm stay accommodation* (LEP defined term) it will be permissible with consent as *farm stay accommodation* in the RU4 Zone. However, if a proposed 'guest house' is consistent with the definition of *hotel or motel accommodation*, it is currently prohibited in the Cessnock RU4 Zone. Should none of the other *tourist and visitor accommodation* 'sub-term' land uses adequately define the character of a 'guest house', it might simply be characterised as *tourist and visitor accommodation* (the group term) and therefore considered permissible in the RU4 Zone.

Justification for the Proposal

There is considerable information that supports the intent of the Proposal to recognise and protect the primacy of *viticulture* and the rural amenity of the District, which draws tourism to the area. This includes Direction 9 of the Hunter Regional Plan 2036, Statements 1 and 2 of the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, prepared by specialist agricultural consultants RMCG. Much of the Cessnock and Singleton wine region is also identified by the State government as 'Strategic Agricultural Land' for the Critical Industry Cluster of *viticulture*.

While it is acknowledged that State and local strategies such as the Hunter Regional Plan and the Vineyards Vision also highlight the importance of 'complementary' tourist activities, these are considered in the context of *viticulture* as the prime land use in the RU4 Zone. In this regard, State and local strategies set out that all other land uses, including those related to wine tourism, must 'recognise and protect' the vineyards and 'maintain and preserve' the rural character of the area and not detract from it.

To this end, the Planning Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District.

The Proposal outlines one way this land use conflict can be managed, that is by addressing the potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Vineyard's District Study, prepared by specialist agricultural consultants RMCG in 2017 and is implied in the Department of Primary Industries' advice of May 2016.

Ultimately, the Vineyard's District occupies a relatively small area of land in the Hunter Region. Careful consideration must be given to the siting and built form of any non-viticultural development that is proposed within the land. Over time, proliferation of non-viticultural development in the District, primarily development that is more akin to urban areas, will have a cumulative impact on the rural and viticultural character of the land, will result in amenity impacts and may eventually undermine the rural landscape and character that is fundamental to the overall appeal of the District for tourists.

It is worth noting that since the commencement of the 1989 Cessnock LEP, approximately 200 *known* tourist related applications have been lodged with Cessnock City Council for the Vineyard's District. Many of these applications incorporate some form of tourist accommodation. This figure is unlikely to include many of the 'Airbnb' style accommodation, which is becoming more prevalent in the Hunter Region.

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In contrast, since 2001, a total of 1,600 hectares of vineyards have been removed from the Hunter Valley region (RMCG, 2017). While only a proportion of this occurred in the Pokolbin Vineyard's District, such changes to the development landscape impacts the delicate relationship between viticulture and wine tourism and clearly underscores the need to manage development appropriately in the District to ensure the sustainability of both industries for future generations.

Key Issues Raised During Exhibition

112 submissions were received in response to the exhibition of the Proposal. The submissions generally emphasise the economic value of wine tourism to the local and regional economy and highlight the significant interrelationship between wine tourism and viticulture. The submissions outline that property values, capital investment and income will be negatively impacted by the Proposal and will result in negative flow on effects to the wider economy. A detailed summary and response to the key issues raised during the exhibition period is included at **Enclosure 1**.

Recommendation not to Proceed with the Proposal

Proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allows for and considers land use differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist between certain precincts in the District.

Proceeding with the Proposal as exhibited is also likely to result in further amendments to CLEP 2011, including perhaps the need to reintroduce at a later time land uses prohibited as result of this Proposal. This may be the case if it is determined at a future time that those uses are appropriate in certain 'character' precincts.

Deferring the Proposal, or certain aspects of the Proposal, such as the *tourist and visitor accommodation* land use group, is also not recommended. This is primarily because the Proposal would remain for an indefinite period of time on Council's planning certificates. This would result in a high degree of uncertainty for land owners, developers and prospective purchasers of land. It is also clear that, aside from *viticulture*, the *tourist and visitor accommodation* land use group accounts for a substantial proportion of the existing land uses that occur in the Vineyard's District. Deferring such an important land use group from the Proposal will mean the key objective of standardisation has not been achieved.

For these reasons, it is considered that not proceeding with the Proposal is the most logical outcome at this time. Therefore, it is recommended that Council undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.

A 'Precinct' Based Planning Approach

The Proposal has provided Council valuable information regarding the 'mechanics' of the Vineyard's District. This information will be considered in any amended Proposal or alternative land use outcomes for the District.

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One alternative option available to Council is a 'precinct' based planning approach. The approach would involve identifying specific 'character' precincts (clusters of allotments) in the Vineyard's District that share similar attributes. Development standards and controls, specific to each precinct, would then be applied.

A 'precinct' based approach would also allow for the application of a new zone, for example the SP3 Tourism Zone, to one or more precincts to encourage 'larger' scale tourism development around tourism nodes. The siting and built form of 'lower impact' tourist development would be subject to development standards and controls that vary depending upon the precinct in which the property is located.

A precinct based approach would likely entail amendments to CLEP 2011 and the Cessnock Development Control Plan 2010.

OPTIONS

1. Not proceed with the Planning Proposal, but undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone. This is the recommended option. It will allow Council to consider land use differentiation between the District's existing 'character' precincts.
2. Progress the Planning Proposal as exhibited. This option is not recommended. Proceeding with a 'broad brush' planning approach to the District will not reflect important differences that exist between certain 'character' precincts in the District.
3. Defer the *tourist and visitor accommodation* component of Proposal. This option is not recommended. Deferring such an important land use group from the Proposal will mean the key objective of standardisation has not been achieved. This approach will also result in considerable uncertainty for land owners, developers and prospective purchasers of land.
4. Defer the entire Planning Proposal. This option is not recommended due to the resulting uncertainty for land owners, developers and prospective purchasers of land.

CONSULTATION

The Proposal was placed on public exhibition between 21 June and 20 July 2018; however, this period was extended until 3 August 2018 to provide additional time for interested parties to consider and respond to the Planning Proposal, specifically in relation to its impact on the *tourist and visitor accommodation* land use group.

The exhibition period resulted in 112 submissions: 94 of which were received by Cessnock City Council and 18 were received by Singleton Council.

While the submissions generally support the intent of the Proposal to standardise the RU4 Zone and protect the primacy of the vineyards, there was significant disagreement regarding the outcome for particular land uses, for example, the *serviced apartments* land use.

A list of the key issues raised by the community during the exhibition of the Proposal is included at **Enclosure 2**.

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Consultation has occurred with the Department of Planning and Environment throughout the Planning Proposal process. The Department has indicated its support with the recommendation to not proceed with the Planning Proposal at this stage, but undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.

STRATEGIC LINKS

a. Delivery Program

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

b. Other Plans

Hunter Regional Plan 2036

The Proposal seeks to recognise and protect the primacy of the vineyards and maintain the scenic rural landscape of the Vineyard's District, which draws tourism to the area. This is consistent with Direction 9 of the Hunter Regional Plan 2036.

While it is acknowledged that State and local strategies, such as the Hunter Regional Plan, also contain directions regarding wine tourism, these need to be considered in the context of viticulture as the prime land use in the RU4 Zone. In this regard, the documents set out that other land uses, including those related to wine tourism, must recognise and protect the primacy of the vineyards.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with the relevant actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), including Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

The Proposal is consistent with Council's Community Strategic Plan.

Singleton Council Community Strategic Our Place: A Blueprint for 2023

The Proposal is consistent with Council's Community Strategic Plan.

Cessnock City Wide Settlement Strategy 2010

The Planning Proposal is consistent with the Cessnock City Wide Settlement Strategy (CWSS). CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

Vineyards Vision Statement

The Proposal reflects the intent of the Vineyards Vision to recognise and protect the primacy of the vineyards agricultural land use in the Cessnock RU4 Primary Production Small Lots Zone.

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Consistency with State Environmental Planning Policies

The Proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). An assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Ministerial Section 9.1 Directions

Section 9.1 of the *Environmental Planning & Assessment Act 1979* enables the Minister for Planning and Environment to issue directions that Council must address when preparing planning proposals to amend a Local Environmental Plan. An assessment of relevant 9.1 Directions are provided in the accompanying Planning Proposal. The Proposal is considered to be consistent with the relevant Ministerial Directions.

IMPLICATIONS

a. Policy and Procedural Implications

This Report has regard to the provision of the *Environmental Planning and Assessment Act 1979* and associated Regulations. The current status of the Proposal is identified in the following process.

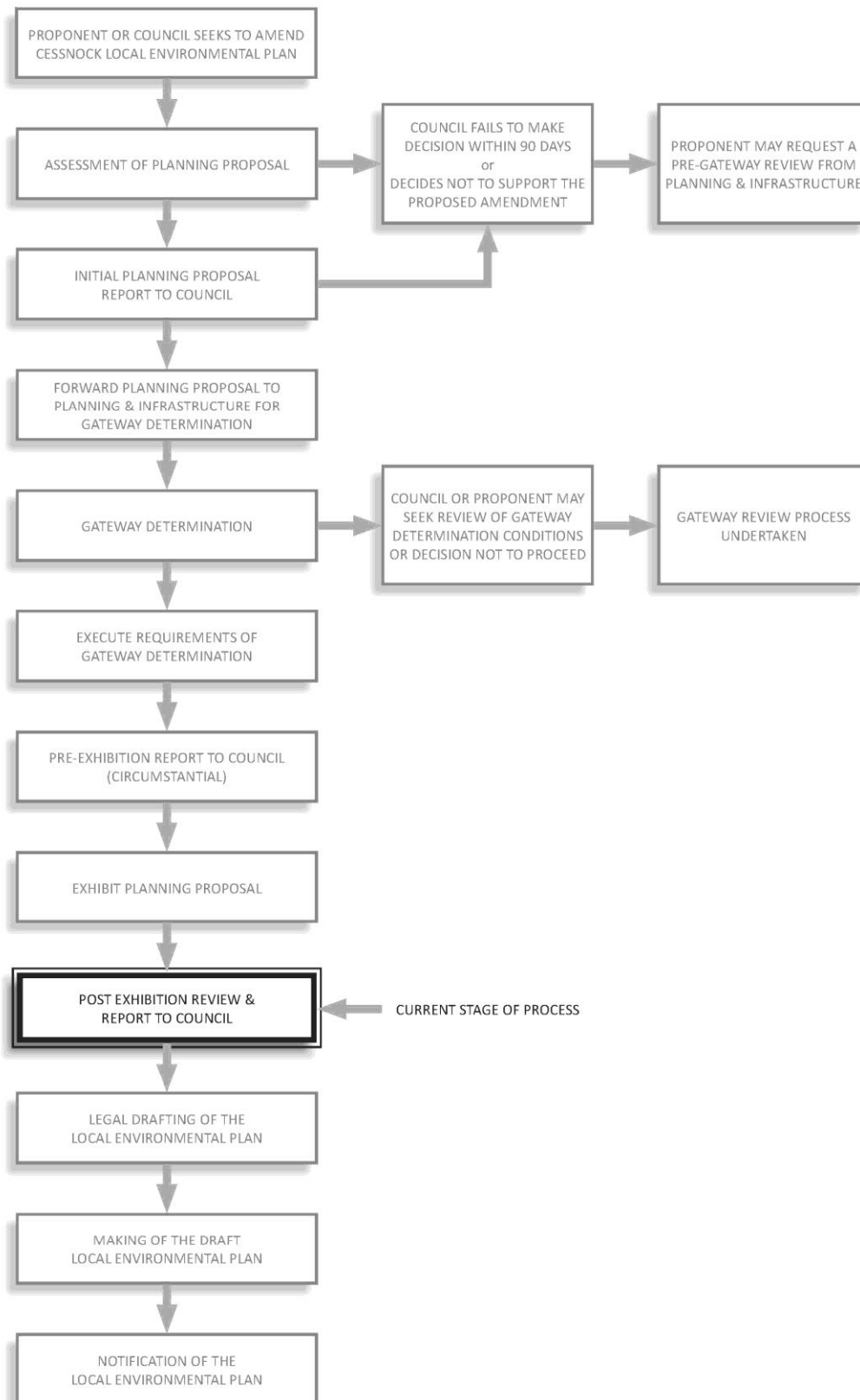
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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

The cost of this project is funded from Council's Strategic Land Use Planning budget.

The cost of precinct planning if endorsed will be funded from Council's Strategic Land Use Planning budget.

c. Legislative Implications

This Report has regard to the provisions of the *Environmental Planning & Assessment Act* 1979 and its Regulations and the *Standard Instrument (Local Environmental Plans) Order* 2006 (as amended).

d. Risk Implications

The Proposal will affect the overall range of activities that may occur in the Vineyard's District with consent. Some additional uses will be permitted, while others will be prohibited. However, the extent of the impact is largely dependent upon how each development is (or has been) 'characterised' and this varies on a case by case basis.

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allows for and considers land use differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist between certain precincts in the District.

It is considered that not proceeding with the Proposal is the most logical outcome at this time. Therefore, it is recommended that Council undertake further strategic analysis, including potentially a 'precinct' based approach to land use planning in the Cessnock RU4 Primary Production Small Lots Zone.

ENCLOSURES

1 Joint Cessnock and Singleton 'Vineyards District' Planning Proposal

2 Summary of Submissions



JOINT PLANNING PROPOSAL

Amendments to the:

Cessnock Local Environmental Plan 2011

and

Singleton Local Environmental Plan 2013

RU4 Zone (Vineyards) Planning Provisions

Version 1.2

12 April 2018

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Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)
File No. 18/2015/1/1

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File No. 18/2015/1/1

PART 1: OBJECTIVES and OUTCOMES

The objective of this Planning Proposal is to standardise, as far as possible, the objectives and land use tables of the RU4 Primary Production Small Lots Zone in the Local Government Areas (LGAs) of Singleton and Cessnock so that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard District. This Proposal is consistent with the principles of the *Standard Instrument (Local Environmental Plans) Order 2006*.

The outcome of this Planning Proposal will be amended objectives and Land Use Tables of the RU4 Zone in both the *Cessnock Local Environmental Plan 2011* (CLEP 2011) and the *Singleton Local Environmental Plan 2013* (SLEP 2013). The Land Use Tables will be amended to be as compatible as possible, while respecting important differences between the LGAs. The differences that will remain relate to the permissibility of *hotel and motel accommodation, recreation areas and recreation facilities (outdoor)*. The differences reflect certain characteristics that are unique to each LGA.

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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PART 2: EXPLANATION of PROVISIONS

Overview

This Planning Proposal has been prepared to enable amendments to be made to the objectives and land use table of the RU4 Primary Production Small Lots Zone in both the:

- *Cessnock Local Environmental Plan 2011*, gazetted on 23 December 2011 and came into effect on that date; and
- *Singleton Local Environmental Plan 2013*, gazetted on 6 September 2013 and came into effect on that date.

The amendments have been prepared to standardise the provisions of the RU4 Zone across the adjoining LGAs. This is primarily to ensure consistency in the planning provisions in the Vineyards District of the Pokolbin locality, where the RU4 Zone of each LGA adjoins along Hermitage Road. The amendments will also apply to the Vineyards area of the Broke-Fordwich locality in Singleton LGA, also zoned RU4.

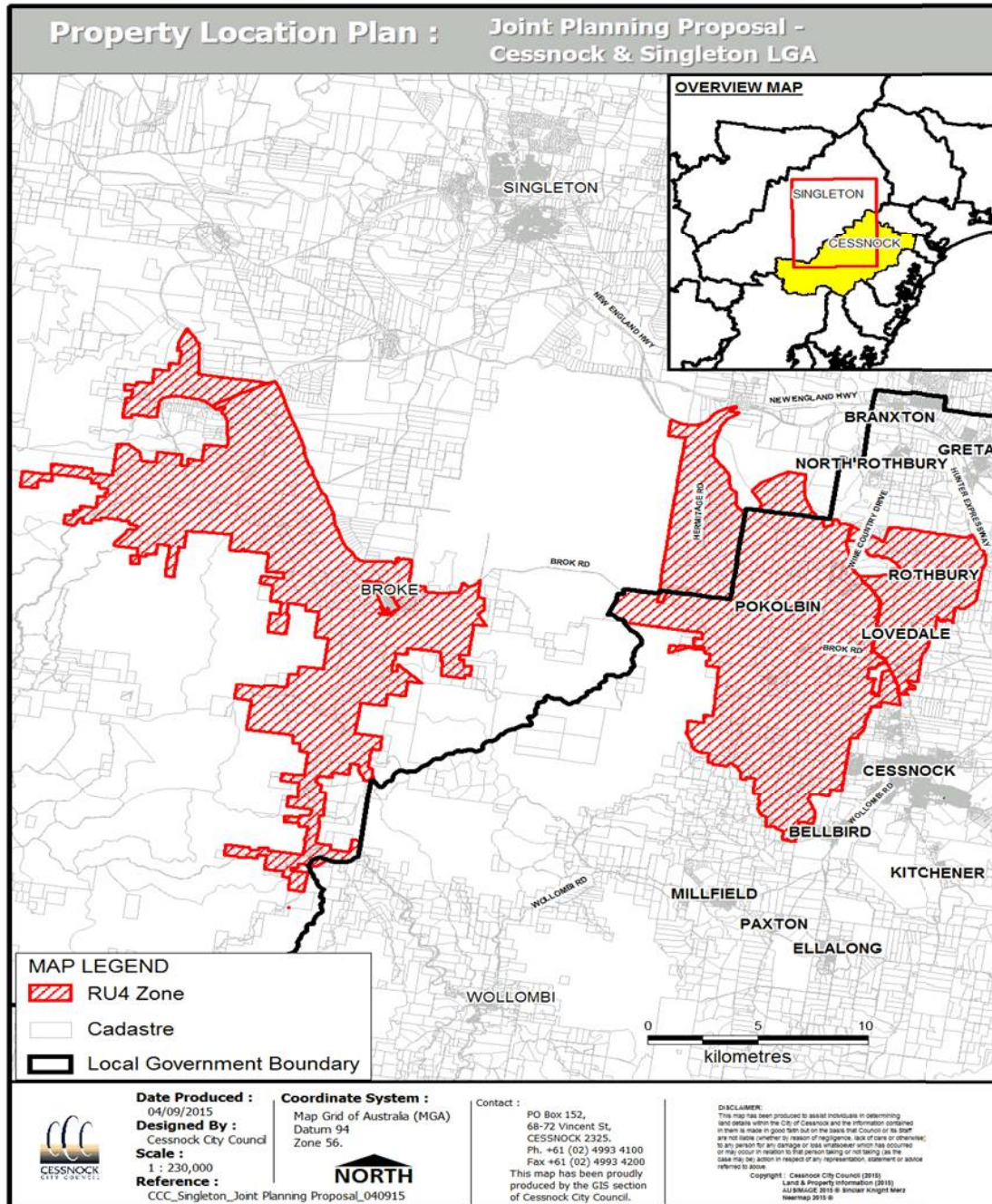
Affected Land

The amendments relate to all land zoned RU4 Primary Production Small Lots in both LGAs, as shown in **Figure 1** and **Figure 2** on the following pages.

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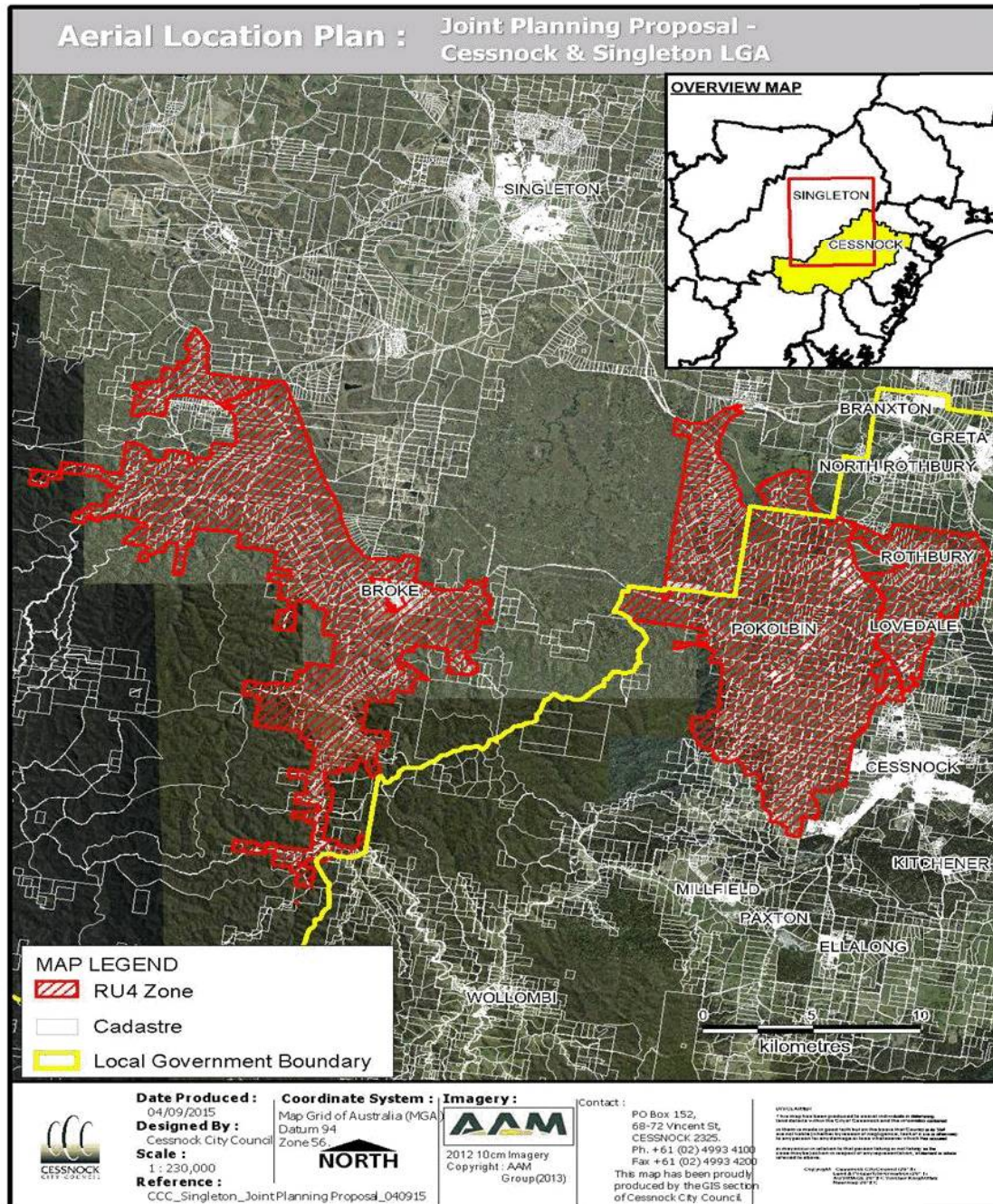
Figure 1 - RU4 Zone, Cessnock and Singleton LGAs (Pokolbin and Broke/Fordwich Area)



Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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Figure 2 - RU4 Zone, Cessnock and Singleton LGAs (Pokolbin and Broke/Fordwich Area) - Aerial



Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

File No. 18/2015/1/1

1. Amendments to the Cessnock and Singleton RU4 Zone Objectives

Issue

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

In addition to the mandated objectives, Cessnock and Singleton councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Cessnock and Singleton Council are different, but have similar intent.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- *To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.*
- *To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.*
- *To enable the continued rural use of land that is complementary to the viticultural character of the land.*

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- *To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.*

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

Recommendation

1. In SLEP 2013, remove the following:

- *To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.*

2. In SLEP 2013, insert the following:

- *To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.*
- *To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.*
- *To enable the continued rural use of land that is complementary to the viticultural character of the land.*

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

File No. 18/2015/1/1

2. Amendments to the Cessnock and Singleton RU4 Zone Land Use Tables

Issue

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* are slightly different. Certain land uses permitted in one council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both CLEP 2011 and SLEP 2013. The land use tables will be amended to be as similar as possible, while respecting important differences between the local government areas. The differences that will remain relate to the permissibility of *hotel and motel accommodation*, *recreation areas* and *recreation facilities (outdoor)*. The differences will reflect certain characteristics that are unique to each Local Government Area.

Some of the changes included in this Planning Proposal will not alter either Council's policy position, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. For example, the land use, *intensive plant agriculture*, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the CLEP 2011 and SLEP 2013. These land use amendments are discussed in the recommendations below.

Points of Difference

1. Hotel and Motel Accommodation

Cessnock City Council Consideration and Response

Larger forms of *tourist and visitor accommodation*, such as *hotel and motel accommodation*, are more likely to conflict with viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character and scenic vista of the area, which are important and dominant features of the Viticultural District. Tourist related developments that aren't ancillary to viticultural developments are considered more appropriately located in established urban areas where there are supporting facilities, retail and infrastructure.

Cessnock Council has traditionally taken the approach of limiting the density and size of tourist developments in the Viticultural District. This was previously achieved under Clause 52 of the LEP 1989, and currently achieved under Clause 7.6 of the LEP 2011 and Parts D and E of the Cessnock Council Development Control Plan 2010.

Limiting the size and density of *tourist and visitor accommodation* in the Viticultural District was recommended in the Cessnock City Wide Settlement Strategy (CWSS) 2010 (Actions T2 and T5). The CWSS highlights the need to enforce strict density and size controls to 'ensure that tourism does not interfere with the operation of agricultural and intensive agricultural pursuits such as vineyards [...]'. Prohibiting 'stand-alone' forms of tourist related development in the RU4 Zone is also consistent with the Vineyards Vision and the more recent, Vineyards District Study, carried out by consultants RMCG.

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The view that tourism land uses should not be 'stand-alone' was also supported during the preparation of CLEP 2011 by the then Department of Industry and Investment (Agriculture) that commented, 'it is important to acknowledge that tourist and related developments should be ancillary to viticultural developments'.

Larger forms of *tourist and visitor accommodation* may still be considered on a case by case basis by Council within the Zone and, if assessed as appropriate, enabled for certain parcels of land. This approach has traditionally been utilised by Cessnock Council, previously under Schedule 5 of the LEP 1989 and currently, under Schedule 1 of the LEP 2011.

Singleton Council Consideration and Response

Singleton Council is proposing to maintain the permissibility of *hotel and motel accommodation* in the RU4 Zone until such time as an appropriate planning study for the Vineyards District in Singleton has been completed. Where such a study identifies that the permissibility of *hotel and motel accommodation* should change, Council will amend the LEP accordingly. This would enable the identification of appropriately scaled and planned local tourism enterprise opportunities and enhance the attractiveness and competitiveness of the Singleton Vineyards District.

At present, it is considered that providing diversity in accommodation types and styles for temporary or short-term accommodation might encourage a broader range of visitors to the Vineyards District in the Singleton Local Government Area. Given the relative size and scale of existing development within the Singleton Vineyards District and the contrasting unique characteristics of Broke – Fordwich, prohibiting *hotel and motel accommodation* in the RU4 zone has the potential to limit future growth and development of tourism in the Singleton LGA.

Community consultation at the time of exhibition of the Planning Proposal would be directed towards determining if *hotel and motel accommodation* should be permissible in the RU4 zone.

2. Recreation Areas and Recreation Facilities (Outdoor)

Cessnock City Council Consideration and Response

Recreation land uses are currently prohibited in the RU4 Zone in Cessnock and are proposed to remain so under this Planning Proposal. *Recreation areas* and *recreation facilities (outdoor)* that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. Outdoor concerts that attract tourism, like Lovedale Long Lunch and Jazz in the Vines, are assessed as 'temporary events' and remain permissible pursuant to clause 2.8 of CLEP 2011.

Singleton Council Consideration and Response

Recreation land uses are currently permitted in the RU4 zone in Singleton. Singleton Council is proposing to maintain the permissibility of recreation land uses within the SLEP until such time as an appropriate planning study for the Vineyards District within the Singleton Local Government Area has been completed. Where such a study identifies that the permissibility of *Recreation areas* and *recreation facilities (outdoor)* should change, Council will amend the LEP accordingly. This would enable the identification of appropriately scaled and planned local tourism enterprise opportunities and enhance the attractiveness and competitiveness of the Singleton Vineyards District.

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Community consultation at the time of exhibition of the Planning Proposal would be directed towards determining if *recreation areas* and *recreation facilities (outdoors)* should be permissible in the RU4 zone.

Recommendation

1. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *centre-based child care facility* The land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. *Home-based child care* is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
- *intensive plant agriculture* The land use will remain permissible with consent under the *agriculture* group term in both CLEP 2011 and SLEP 2013.

In this important viticultural area *intensive plant agriculture* is to be permitted with consent, so that appropriate assessment can be made of developments, particularly *turf farming* and *horticulture*, which have the potential of comprising buildings and/or practices close to established *viticulture*. The establishment of buffers between existing *viticulture* and other land uses is important in this regard.
- *neighbourhood shops* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. While it is acknowledged that there are some existing tourist related shops in the RU4 Zone, these are likely reliant on existing use rights or approved as development ancillary to a permitted use, such as *viticulture* or *cellar door premises*. A 'tourist related shop' is not separately defined in the LEP and would likely be considered a *retail premises (shop)* under the Standard Instrument LEP. *Shops* are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a *neighbourhood shop*, which provides '[...] for the day-to-day needs of people who live or work in the local area'.
- *respite day care centres* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than rural zones.
- *rural supplies* As above.
- *waste or resource management facilities* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.

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2. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *agriculture*

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: *aquaculture*, *intensive plant agriculture*, and *viticulture*. *Intensive livestock agriculture* is to be the only land use within the group term that will be prohibited.
- *home-based child care*

Home-based child care is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
- *eco-tourist facilities*

The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

Note: Clause 7.6 of CLEP 2011, regarding *tourist and visitor accommodation*, may need to be amended in conjunction with this particular amendment to include *eco-tourist facilities*. This matter will require further review by Cessnock Council following community consultation.
- *sewerage systems*

The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.
- *water supply systems*

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A *water supply system* includes a *water reticulation system*, *water storage facility*, and *water treatment facility*. It is considered appropriate to permit *water supply systems* with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a *water reticulation system* and *water treatment facility* without consent in the RU4 Zone.
- *flood mitigation works.*

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered

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appropriate to permit *flood mitigation works* with consent in the RU4 Zone.

3. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- *intensive livestock agriculture* The proposed amendment will not change Cessnock Council's policy position regarding *intensive livestock agriculture* in the RU4 Zone. Because the group term *agriculture* is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit *intensive livestock agriculture* in the RU4 Zone.

- *advertising structure* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to *advertising signage* on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to *advertising signage*.

Building and business identification signage will remain permissible with consent in the RU4 Zone.

- *serviced apartments* Larger forms of *tourist and visitor accommodation*, such as *serviced apartments*, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The *serviced apartments* land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure.

Cessnock Council may consider permitting *serviced apartments* at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use.

4. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *intensive plant agriculture* The land use will remain permissible with consent under the *agriculture* group term in both CLEP 2011 and SLEP 2013.

In this important viticultural area, *intensive plant agriculture* is to be permitted with consent, so that appropriate assessment can be made of developments, particularly *turf farming* and *horticulture*, which have the potential of comprising buildings and/or practices close to established *viticulture*. The establishment of buffers between existing *viticulture* and other land uses is important in this regard.

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5. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *airstrips* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of an *airstrip* may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
- *aquaculture* The land use will remain permissible with consent under the *agriculture* group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding *aquaculture* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *building identification signs* The land use will remain permissible with consent under the *signage* group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding *building identification signs* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *business identification signs* As above.
- *dual occupancies* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the *dual occupancy* land use is out of character with the objectives of the RU4 Zone. *Secondary dwellings* and *rural workers dwellings* will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production.
- *forestry* *Forestry* is considered to be inconsistent with the character and objectives of the RU4 Zone.
- *helipads* A *helipad* means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of a *helipad* may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
- *turf farming* The land use will remain permissible with consent under the *agriculture* group term in both LEPs. The proposed amendment will not change Singleton Council's policy position regarding *turf farming* in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- *viticulture* As above.
- *rural industries* *Rural industries* is a group term that comprises several sub-term land uses, including *agricultural produce*

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industries, livestock processing industries, sawmill or log processing works, stock and sale yards and composting facilities and works (including the production of mushroom substrate).

While the *rural industries* group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change significantly in relation to the aforementioned sub-term land uses. The only change from the existing provisions will be the prohibition of *composting facilities and works (including the production of mushroom substrate)*. It is considered that this use is unsuitable on smaller agricultural lots and the removal of the land use will therefore not have significant impact on development in the RU4 zone.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.

6. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *agriculture* The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: *aquaculture, intensive plant agriculture, and viticulture*. *Intensive livestock agriculture* is to be the only land use within the group term that will be prohibited.
- *agricultural produce industries* The proposed amendment will not change Singleton Council's policy position regarding *agricultural produce industries* in the RU4 Zone, but will help simplify the Zone RU4 land use table.
- *eco-tourist facilities* The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
- *rural workers dwellings* A *rural worker's dwelling* means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of *agriculture* or a *rural industry* on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.

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- *secondary dwellings* A *secondary dwelling* means a self-contained dwelling that is established in conjunction with another dwelling (the *principal dwelling*), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
- *signage* The proposed amendment will not change Singleton Council's policy position regarding *signage* in the RU4 Zone, but will help simplify the Zone RU4 land use table.

7. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone:

- *backpackers' accommodation* *Backpackers' accommodation* means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
- *livestock processing industries* The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. *Livestock processing industries* will remain prohibited under the *rural industries* group term.
- *sawmill or log processing industries* As above.
- *stock and sale yards* As above.

8. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- *advertising structure* The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to *advertising signage* on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to *advertising signage*.

Building and business identification signage will remain permissible with consent in the RU4 Zone.

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3. Include development standards for rural workers' dwellings in CLEP 2011 and SLEP 2013

Issue

The proposed amendment relates to the erection of *rural workers' dwellings* in the Cessnock and Singleton Local Government Areas.

A rural worker's dwelling means 'a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land'.

Rural workers' dwellings are currently permissible with consent in the Cessnock RU4 Primary Production Small Lots Zone and will become permissible in the Singleton RU4 Primary Production Small Lots Zone as a result of this Planning Proposal.

At present, neither CLEP 2011 or SLEP 2013 include development standards for *rural workers' dwellings*. Establishing development standards for the land use in the respective plans will prevent inappropriate forms of the development and ensure that consent is only granted where a bone fide need for a *rural workers' dwelling* has been established.

The amendment to CLEP 2011 and SLEP 2013 involves the inclusion of a new clause that must be satisfied before any approval may be granted to a *rural worker's dwelling*. A version of the proposed clause has already been implemented by a number of councils in NSW where *rural workers' dwellings* are permissible. The clause aims to prevent the proliferation of dwellings in rural areas and the fragmentation of rural land.

Affected Land

The proposed amendment will apply wherever *rural workers' dwellings* are permissible in the Cessnock and Singleton local government areas. At present, rural workers' dwellings are only permissible in the Cessnock RU4 Primary Production Small Lots Zone.

Recommendation

Include the following clause in CLEP 2011 and SLEP 2013.

Erection of rural workers' dwellings on land in Zone RU4

- (1) The objectives of this clause are as follows:
 - (a) to facilitate, on the same land, the provision of adequate accommodation for employees involved in existing agricultural activities, including agricultural produce industries,
 - (b) to maintain the non-urban landscape and development characters of certain rural and environment protection zones.
- (2) This clause applies to land in Zone RU4 Primary Production Small Lots.
- (3) Development consent must not be granted for the erection of a rural workers' dwelling on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development will be on the same lot as an existing lawfully erected dwelling house, and
 - (b) the development will not impair the use of the land for agricultural activities, including agricultural produce industries, and

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- (c) the agricultural activity or agricultural produce industry being carried out on the land has an economic capacity to support the ongoing employment of rural workers, and
- (d) the development is necessary considering the nature of the existing or proposed agricultural activity or agricultural produce industry occurring on the land, and
- (e) the development will not result in more than one rural workers' dwelling being erected on the lot comprising the agricultural or rural industry.

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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 Proposal

1 Resulting from a Strategic Study or Report

Cessnock LGA

In the Cessnock LGA, the Planning Proposal is consistent with:

- the *Cessnock City Wide Settlement Strategy 2010*, which provides for the strategic planning framework for development in Cessnock LGA; and
- *Vineyards Visioning Statement*, adopted by Council on 1 August 2012, and available on Council's website at:
<http://www.cessnock.nsw.gov.au/resources/file/Publications/Vineyards%20Vision%20Statement.pdf>

The *Vineyards Visioning Statement* is that 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. 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; and
6. Has high quality infrastructure and services which meet the community's and visitors' needs.

The *Vineyards Visioning Statement* also put forward a range of amended Objectives and Actions that relate to each of the Visions above. Cessnock City Council has identified two key Actions listed under Vision 1 as being of priority, being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

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Singleton LGA

The Planning Proposal is consistent with the following local planning documents that relate to the Singleton LGA:

- *Singleton Land Use Strategy 2008*; and
- *Hermitage Road Pokolbin Planning Study, 2014*

2 *Planning Proposal as best way to achieve to objectives*

The aim of the Planning Proposal is to standardise, as far as is possible, the objectives and land use table associated with the RU4 Primary Production Small Lots Zone in the LGAs of Singleton and Cessnock. A Planning Proposal is required to make the proposed changes to the respective local environmental plans of each LGA.

3 *Net Community Benefit*

The intended outcomes will provide a net community benefit by ensuring, as far as possible, that:

- land uses permitted in one LGA, are not prohibited in the other; thereby reducing the impact of the arbitrary local government 'planning boundary' as it relates to the Pokolbin Vineyard District area; and
- important differences between the LGAs are respected and maintained.

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Section B: Relationship to Strategic Planning Framework

4 *Consistency with Objectives and Actions within Regional Strategies*

Hunter Regional Plan 2036

The Hunter Regional Plan supersedes the Lower Hunter Regional Strategy 2006 and provides the overarching framework to guide the NSW Government's land use planning priorities and decisions to 2036.

The Plan includes the following directions, relevant to the Vineyards District:

- Grow tourism in the region
- Protect and enhance agricultural productivity

The Plan seeks to encourage growth in tourism and agricultural production whilst recognising and maintaining the scenic and rural landscape of the Pokolbin and Broke Fordwich wine-growing areas.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP). The Proposal is consistent with Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

5 *Consistency with Councils' Community Strategic Plans or other Local Strategic Plan*

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

There is no inconsistency between Council's Community Strategic Plan and the Planning Proposal.

Singleton Council Community Strategic Our Place: A Blueprint for 2023

There is no inconsistency between Council's Community Strategic Plan and the Planning Proposal.

Cessnock City Wide Settlement Strategy 2010

There is no inconsistency between the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

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6 Consistency with State Environmental Planning Policies

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

Table 1: Relevant State Environmental Planning Policies

SEPP	Relevance	Consistency and Implications
SEPP 1 - Development Standards	The SEPP makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	Consistent. SEPP 1 only remains relevant to the deferred matter sites in the Cessnock and Singleton LGAs. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 14 – Coastal Wetlands	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP 19 – Bushland in Urban Areas	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP 21 - Caravan Parks	The SEPP provides for development for caravan parks.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 26 – Littoral Rainforests	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP 30 - Intensive Agriculture	The SEPP provides considerations for consent for intensive agriculture.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 33 - Hazardous & Offensive Development	The SEPP provides considerations for consent for hazardous & offensive development.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 36 - Manufactured Homes Estates	The SEPP makes provision to encourage manufactured homes estates through permitting this use where caravan parks are permitted and allowing subdivision.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than 1 hectare and is not a National Park or Forestry Reserve. The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 47 – Moore Park Showground	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP 50 - Canal Estate Development	The SEPP bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
	these developments.	
SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP 55 - Remediation of Land	This SEPP applies to land across NSW and states that land must not be developed if it is unsuitable for a proposed use because of contamination	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 62 - Sustainable Aquaculture	The SEPP relates to development for aquaculture and to development arising from the rezoning of land and is of relevance for site specific rezoning proposals.	Consistent. SEPP 62 permits pond-based and tank-based aquaculture with consent in the RU4 Zone. This Planning Proposal will align the permissibility of aquaculture in the SEPP with the Cessnock and Singleton LEPs.
SEPP 64 - Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 65 - Design Quality of Residential Development	The SEPP relates to residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 70 – Affordable Rental Housing (Revised Schemes)	The SEPP provides for an increase in the supply and diversity of affordable rental and social housing in NSW.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 71 – Coastal Protection	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP Affordable Rental Housing 2009	The aims of this Policy are as follows: (a) to provide a consistent planning regime for the provision of affordable rental housing, (b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

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SEPP	Relevance	Consistency and Implications
	<p>ratio bonuses and non-discretionary development standards,</p> <p>(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,</p> <p>(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,</p> <p>(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</p> <p>(f) to support local business centres by providing affordable rental housing for workers close to places of work,</p> <p>(g) to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</p>	
SEPP Building Sustainability Index: BASIX 2004	The SEPP provides for the implementation of BASIX throughout the State.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP (Educational Establishments and Child Care Facilities)	<p>The aim of this Policy is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by:</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and</p> <p>(b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as</p>	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)
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SEPP	Relevance	Consistency and Implications
	<p>exempt development), and</p> <p>(c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and</p> <p>(d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and</p> <p>(e) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and</p> <p>(g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and</p> <p>(h) encouraging proponents of new developments or modified premises and</p>	

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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SEPP	Relevance	Consistency and Implications
	consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.	
SEPP Exempt and Complying Development Codes 2008	The SEPP provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP Housing for Seniors or People with a Disability 2004	The SEPP aims to encourage provision of housing for seniors, including residential care facilities. The SEPP provides development standards.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP Infrastructure 2007	The SEPP provides a consistent approach for infrastructure and the provision of services across NSW, and to support greater efficiency in the location of infrastructure and service facilities.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Kurnell Peninsula) 1989	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	<p>Consistent. Mining and extractive industries will remain permissible with consent in that part of the RU4 Zone that is not identified as 'strategic agricultural land' under the SEPP.</p> <p>The majority of the RU4 zoned land in Singleton and Cessnock LGA is identified as 'strategic agricultural land' under <i>State Environmental Planning Policy (Mining, Petroleum Production and</i></p>

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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SEPP	Relevance	Consistency and Implications
		<i>Extractive Industries) 2007</i> and any mining or petroleum development in that area must be accompanied by a gateway certificate or site verification certificate. The Planning Proposal will not alter this requirement.
SEPP Miscellaneous Consent Provisions 2007	The aims of this Policy are as follows: (a) to provide that the erection of temporary structures is permissible with consent across the State, (b) to ensure that suitable provision is made for ensuring the safety of persons using temporary structures, (c) to encourage the protection of the environment at the location, and in the vicinity, of temporary structures by specifying relevant matters for consideration, (d) to provide that development comprising the subdivision of land, the erection of a building or the demolition of a building, to the extent to which it does not already require development consent under another environmental planning instrument, cannot be carried out except with development consent.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP Penrith Lakes Scheme 1989	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP Rural Lands 2008	The SEPP aims to facilitate economic use and development of rural lands, reduce land use conflicts and provides development principles.	Consistent. This Planning Proposal is consistent with the principles of the SEPP by protecting opportunities for current and potential productive and sustainable economic activities in land zoned RU4. The Planning Proposal also recognises the importance of the industry cluster of viticulture.
SEPP State and Regional Development 2011	The SEPP aims to identify development and infrastructure that is State significant and confer functions on the Joint Regional Planning Panels (JRPPs) to determine	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)
File No. 18/2015/1/1

SEPP	Relevance	Consistency and Implications
	development applications.	
SEPP (Sydney Drinking Water Catchment 2011)	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP Sydney Region Growth Centres 2006	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Three Ports_ 2013	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Urban Renewal) 2010	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Vegetation in Non-Rural Areas) 2017	The aims of this Policy are: (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP (Western Sydney Employment Area) 2009	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>
SEPP (Western Sydney Parklands) 2009	<i>Not Applicable to LGAs</i>	<i>Not Applicable to LGAs</i>

7 Consistency with s.117 Ministerial Directions for Local Plan Making

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

Table 2: Relevant s.117 Ministerial Directions

Ministerial Direction	Objective of Direction	Consistency and Implication
1 EMPLOYMENT AND RESOURCES		
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	<i>Not applicable to this Planning Proposal</i>
1.2 Rural Zones	The objective of this direction is	Consistent. It is considered that

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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Ministerial Direction	Objective of Direction	Consistency and Implication
	to protect the agricultural production value of rural land.	the Planning Proposal is consistent with this Direction and will assist in achieving the objectives of this Direction
1.3 Mining, Petroleum Production and Extractive Industries	The objective of this direction is to ensure that the future extraction of State or regionally significant reserves coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Consistent. The Planning Proposal does not propose to make any amendments that would affect the permissibility of mining on the subject lands. It is considered that the Planning Proposal is consistent with this Direction.
1.4 Oyster Aquaculture	<i>The objectives of this direction are:</i> (a) <i>to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</i> (b) <i>to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</i>	<i>Not Applicable to LGAs</i>
1.5 Rural lands	The objectives of this direction are to: (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes.	Consistent. It is considered that the Planning Proposal is consistent with this Direction and will assist in achieving the objectives of this Direction. The Planning Proposal is consistent with the rural planning principles specified in the Rural Land SEPP.
2 ENVIRONMENT AND HERITAGE		
2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
2.2 Coastal Protection	<i>The objective of this direction is to implement the principles in the NSW Coastal Policy.</i>	<i>Not Applicable to LGAs</i>
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.

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Ministerial Direction	Objective of Direction	Consistency and Implication
	indigenous heritage significance.	
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
3 HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	<i>Not applicable to this Planning Proposal</i>
3.2 Caravan parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

File No. 18/2015/1/1

Ministerial Direction	Objective of Direction	Consistency and Implication
	generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	
3.5 Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	Consistent. Cessnock Aerodrome is located in a SP2 Infrastructure Zone within the RU4 Primary Production Small Lots Zone. The Planning Proposal will not amend the SP2 Zone or any land uses permitted in that Zone that may hinder the operation of the aerodrome. Nothing in this Planning Proposal affects the aims and provisions of this Direction.
4 HAZARD AND RISK		
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulphate soils	<i>Not applicable to this Planning Proposal</i>
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	<i>Not applicable to this Planning Proposal</i>
4.3 Flood Prone Land	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions	Consistent. In the Cessnock LGA, the draft Black Creek Flood Study and draft Black Creek Floodplain Management Study and Plan identifies that part of the RU4 zone is within the floodplain. However, nothing in this Planning Proposal affects the aims and provisions of this Direction.

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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Ministerial Direction	Objective of Direction	Consistency and Implication
	of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	Consistent. Some properties in the RU4 zone will be required to be developed with regard to <i>Planning for Bush Fire Protection 2006</i> , however nothing in this Planning Proposal affects the aims and provisions of this Direction.
5 REGIONAL PLANNING		
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes, and actions contained in regional strategies.	Consistent. This Planning Proposal gives effect to the provisions of the <i>Lower Hunter Regional Strategy 2006</i> in relation to the Cessnock LGA. The Proposal seeks to maintain and protect regionally significant agricultural land and critical industry cluster of viticulture, whilst seeking to achieve a consistent approach to the zoning of rural lands across adjoining LGAs. With regards to the land within the Singleton LGA, the Planning Proposal is consistent with Action 3.3 of Upper Hunter Strategic Regional Land Use Plan that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.
5.2 Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	<i>Not Applicable to LGAs</i>
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<i>The objectives of this direction are: (a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre, (b) to provide more certainty on the status of the best</i>	<i>Not Applicable to LGAs</i>

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Ministerial Direction	Objective of Direction	Consistency and Implication
	<p><i>agricultural land, thereby assisting councils with their local strategic settlement planning, and</i></p> <p><i>(c) to reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.</i></p>	
5.4 <i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	<p><i>The objectives for managing commercial and retail development along the Pacific Highway are:</i></p> <p><i>(a) to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;</i></p> <p><i>(b) to prevent inappropriate development fronting the highway</i></p> <p><i>(c) to protect public expenditure invested in the Pacific Highway,</i></p> <p><i>(d) to protect and improve highway safety and highway efficiency,</i></p> <p><i>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</i></p> <p><i>(f) to reinforce the role of retail and commercial development in town centres, where they can best serve the populations of the towns.</i></p>	<i>Not Applicable to LGAs</i>
5.5 <i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	<i>(Revoked 18 June 2010)</i>	<i>Not Applicable to LGAs</i>
5.6 <i>Sydney to Canberra Corridor</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGAs</i>
5.7 <i>Central Coast</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGAs</i>
5.8 <i>Second Sydney Airport: Badgerys Creek</i>	<i>The objective of this direction is to avoid incompatible development in the vicinity of any future second Sydney Airport at Badgerys Creek.</i>	<i>Not Applicable to LGAs</i>

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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Ministerial Direction	Objective of Direction	Consistency and Implication
5.9 North West Rail Link Corridor Strategy	<i>The objectives of this direction are to: (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.</i>	<i>Not Applicable to LGAs</i>
5.10 Implementation of Regional Plans	<i>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</i>	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
6 LOCAL PLAN MAKING		
6.1 Approval and Referral Requirements	<i>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</i>	<i>Not relevant to this Planning Proposal</i>
6.2 Reserving Land for Public Purposes	<i>The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</i>	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
6.3 Site Specific Provisions	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>	<i>Not relevant to this Planning Proposal</i>
7 Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	<i>The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	<i>Not Applicable to LGAs</i>

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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Section C: Environmental, Social and Economic Impact

8 *Impact on Threatened Species*

As the Planning Proposal is only recommending changes to the objectives and land use table of the RU4 Zones in both LGAs, there is no effect on threatened species, populations, ecological communities or critical habitat as a result.

9 *Environmental Impact*

As the Planning Proposal is only recommending changes to the objectives and land use table of the RU4 Zones in both LGAs, there are no adverse environmental impacts as a result of this Planning Proposal.

10 *Social and Economic Impacts*

The Planning Proposal intends to continue to facilitate economic development of the significant Vineyards District of the mid-Hunter Region, in particular the viticultural and tourism industries. It is hoped that economic development will be further enhanced by the amendments that are designed to ensure compatibility of land uses in this area that straddles the Cessnock/Singleton LGA boundary, where the permissible land uses either side of the boundary currently differ. There are no foreseeable adverse social impacts as a result of this Planning Proposal.

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)
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Section D: State and Commonwealth Interests

11 Adequate Public Infrastructure

The Planning Proposal will not generate demand for additional public infrastructure.

12 Consultation with State and Commonwealth Authorities

It is proposed to consult with the following State or Commonwealth authorities with regard to this Planning Proposal:

- NSW Department of Primary Industries – Agriculture

Planning Proposal – Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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PART 4: MAPPING

No amendments to mapping are required to achieve the intent of the Planning Proposal.

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

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PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the Department of Planning and Environment in its Gateway Determination.

The proposed consultation strategy for this Planning Proposal includes:

- Notification in the Cessnock Advertiser and Singleton Argus, locally circulating newspapers in the each LGA;
- Hard copy display at Council's Administration Building (Help & Information Centre); and Cessnock Public Library; and
- Web based notification on Council's website at www.cessnock.nsw.gov.au
- Written notification to key interest groups, being:
 - Hunter Valley Wine & Tourism Association;
 - Around Hermitage Association Inc.;
 - Broke Fordwich Wine & Tourism Association;
 - Cessnock Chamber of Commerce; and
 - Singleton Business Chamber.

Planning Proposal –Planning Proposal - Cessnock & Singleton Councils – Zone RU4 (Vineyard Area)

File No. 18/2015/1/1

PART 6: PROJECT TIMELINE

It is estimated that this proposed amendment to both the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* will be completed by Dec 2018

PROJECT TIMELINE

	Dec 2015	Jan 2016	Feb 2016	June 2018	July 2018	Sep 2018	Dec 2018
STAGE 1 Submit to DoP&E – Gateway Panel consider Planning Proposal							
STAGE 2 Receive Gateway Determination							
STAGE 3 Preparation of documentation for Public Exhibition							
STAGE 4 Public Exhibition							
STAGE 5 Review/consideration of submission received							
STAGE 6 Report to Council							
STAGE 7 Forward Planning Proposal to DoP&E with request the amendment is made							

Appendix 1: Council Reports and Minutes

Singleton Council Meeting Minutes

(Thompson/Capsanis)

Planning and Sustainable Environment (DP&SE49/15)

**DP&SE49/15 Joint Planning Proposal - Singleton and Cessnock
Councils - Vineyards District**

FILE:14/0951

The purpose of this Report was to seek Council's approval to prepare a joint Planning Proposal with Cessnock Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Singleton Local Environmental Plan 2013* (SLEP 2013), and *Cessnock Local Environmental Plan 2011* (CLEP 2011) so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

238/15 **RESOLVED** that :

1. Council prepare a Planning Proposal in conjunction with Cessnock Council to

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SINGLETON COUNCIL

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standardise, as far as possible, the Objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.

2. Council and Cessnock Council request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. Council and Cessnock Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. A further report be presented to Council following any public exhibition of the Planning Proposal, if significant objections are received.
5. Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

(Moore/Diemar-Jenkins)

Upon being put to the meeting, the motion was declared carried.

For the Motion were Crs S Moore, G Adamthwaite, T McNamara, V Scott, B Keown, D Thompson, T Capsanis, R Rogers, H Diemar-Jenkins and J Martin Total (10).

Against the Motion was Nil Total (0).

Report to Singleton Council

SINGLETON COUNCIL

Meeting of Singleton Council - 16 November 2015

Planning and Sustainable Environment Report (Items Requiring Decision) - DP&SE49/15

- 49. Joint Planning Proposal - Singleton and Cessnock
Councils - Vineyards District**
Author: Julie Wells

FILE: 14/0951

Executive Summary

The purpose of this Report is to seek Council's approval to prepare a joint Planning Proposal with Cessnock Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Singleton Local Environmental Plan 2013* (SLEP 2013), and *Cessnock Local Environmental Plan 2011* (CLEP 2011) so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

RECOMMENDED that:

1. Council prepare a Planning Proposal in conjunction with Cessnock Council to standardise, as far as possible, the Objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. Council and Cessnock Council request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. Council and Cessnock Council undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. A further report be presented to Council following any public exhibition of the Planning Proposal, if significant objections are received.
5. Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

Background

At its Ordinary Meeting on 1 August 2012, Cessnock City Council resolved to adopt a *Vineyards Visioning Statement* (Vineyards Vision) with respect to the Vineyards District.

The adopted Vineyards Vision is that 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.

SINGLETON COUNCIL

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3. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity.
4. Allows and fosters an economically sustainable future which embraces a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity.
5. Council, stakeholder groups and community work collaboratively.
6. A place which has high quality infrastructure and services which meet the community's and visitor's needs.

The Vineyards Vision also put forward a range of objectives and actions that relate to each of the visions above. Two key actions listed under Vision 1 were identified by Cessnock City Council as being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

To achieve the above actions, in November 2014, Cessnock City Council invited Singleton Council to work in partnership to prepare a joint Planning Proposal to standardise the objectives and land use table of the RU4 Primary Production Small Lots Zone in both CLEP 2011 and SLEP 2013. With the formation of the Hunter Valley Wine and Tourism Alliance it is now appropriate to progress such a proposal.

Report/Proposal

The 'Vineyards District' is that area of land zoned RU4 Primary Production Small Lots under SLEP 2013 and CLEP 2011. The Vineyards District encompasses land in the Pokolbin and Broke-Fordwich locality, as shown in Figure 1.

The vineyards and associated tourism developments are the principal economic generator for the Vineyards District as well as being a major contributor to the economy of the Lower Hunter and NSW economy. The importance of the Vineyards District to the Hunter Region, and the local area generally, is recognised in both the Lower Hunter Regional Strategy 2006 and the Upper Hunter Strategic Regional Land Use Plan.

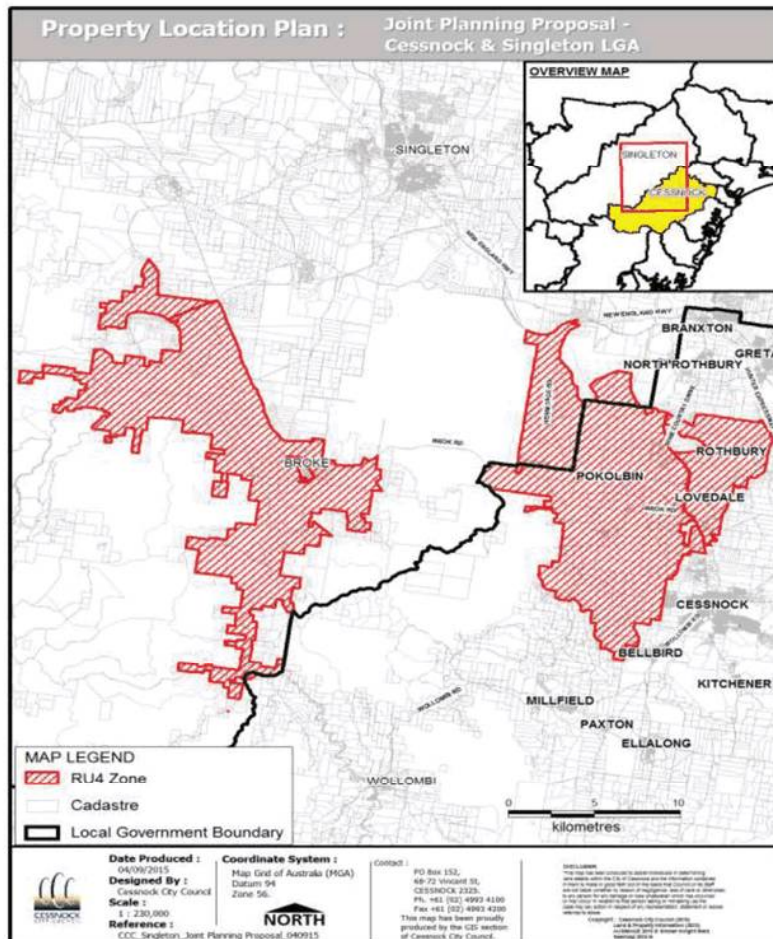
Subject to Council's support of this report, the joint Planning Proposal appended as **Attachment 1** will be forwarded to the Department of Planning & Environment for Gateway determination.

SINGLETON COUNCIL

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Figure 1: Land Zoned RU4 Primary Production Small Lots in Cessnock and Singleton Local Government Areas



The purpose of this Planning Proposal is to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the objectives and land use table of the RU4 Zone in the Local Government Areas of Singleton and Cessnock. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Vineyards District.

SINGLETON COUNCIL

Meeting of Singleton Council - 16 November 2015

Planning and Sustainable Environment Report (Items Requiring Decision) - DP&SE49/15

It is anticipated that the Planning Proposal will be finalised by June, 2016.

This Planning Proposal has been prepared to enable the following amendments to be made to CLEP 2011 and SLEP 2013.

Proposed Amendment No. 1 – RU4 Zone Objectives

Issue

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

In addition to the mandated objectives, Singleton and Cessnock Councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Singleton and Cessnock Council are different, but have very similar intent.

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.
- To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District.
- To enable the continued rural use of land that is complementary to the viticultural character of the land.

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

Recommendation

1. In Singleton LEP 2013, remove the following:

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- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.
2. In Singleton LEP 2013, insert the following:
- To maintain prime viticultural land and enhance the economic and ecological sustainability of the Vineyards District.
 - To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the Vineyards District
 - To enable the continued rural use of land that is complementary to the viticultural character of the land.

Proposed Amendment No. 2 – RU4 Zone Permitted and Prohibited Land Uses

Issue

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Singleton Local Environmental Plan 2013* and *Cessnock Local Environmental Plan 2011* are slightly different. Certain land uses permitted in one Council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both SLEP 2013 and CLEP 2011. The land use tables will be amended to be as similar as possible, while respecting important differences between the Local Government Areas. The differences that will remain relate to the permissibility of hotel and motel accommodation, forestry, recreation areas and recreation facilities (outdoor). The differences will reflect certain characteristics that are unique to each Local Government Area.

Many of the changes included in this Planning Proposal will not alter either Council's policy position regarding permissible land uses in the Zone, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. The land use, *intensive plant agriculture*, for example, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the SLEP 2013 and CLEP 2011.

1. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- | | |
|-------------------------------|---|
| • intensive plant agriculture | The land use will remain permissible with consent under the 'agriculture' group term in both SLEP 2013 and CLEP 2011. |
|-------------------------------|---|

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2. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- | | |
|---------------------------------|--|
| • airstrips | An <i>airstrip</i> means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. |
| • aquaculture | The land use will remain permissible with consent under the 'agriculture' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding aquaculture in the RU4 Zone, but will help simplify the RU4 Zone land use table. |
| • building identification signs | The land use will remain permissible with consent under the 'signage' group term in SLEP 2013 and CLEP 2011. The proposed amendment will not change Singleton Council's policy position regarding building identification signs in the RU4 Zone, but will help simplify the RU4 Zone land use table. |
| • business identification signs | As above. |
| • dual occupancies | The amendment will bring about consistency between SLEP 2013 and CLEP 2011. It is considered the dual occupancy land use is out of character with the objectives of the RU4 Zone. Secondary dwellings and rural workers dwellings will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production. |
| • helipads | A <i>helipad</i> means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. |
| • turf farming | The land use will remain permissible with consent |

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under the 'agriculture' group term in both LEPs. The proposed amendment will not change Singleton Council's policy position regarding farming in the RU4 Zone, but will help simplify the RU4 Zone land use table.

- viticulture

As above.

- rural industries

'Rural industries' is a group term that comprises several sub-term land uses, including agricultural produce industries, livestock processing industries, sawmill or log processing works and stock and sale yards.

While the 'rural industries' group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change in relation to the aforementioned sub-term land uses.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.

3. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- agriculture

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.

- agricultural produce industries

The proposed amendment will not change Singleton Council's policy position regarding agricultural produce industries in the RU4 Zone, but will help simplify the Zone RU4 land use table.

- eco-tourist facilities

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

- rural workers

A *rural worker's dwelling* means a building or

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- | | |
|---|---|
| dwellings | place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. |
| <ul style="list-style-type: none">• secondary dwellings | A <i>secondary dwelling</i> means a self-contained dwelling that is established in conjunction with another dwelling (the <i>principal dwelling</i>), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. |
| <ul style="list-style-type: none">• signage | The proposed amendment will not change Singleton Council's policy position regarding signage in the RU4 Zone, but will help simplify the Zone RU4 land use table. |
4. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone:
- | | |
|---|--|
| <ul style="list-style-type: none">• backpackers' accommodation | <i>Backpackers' accommodation</i> means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011. |
| <ul style="list-style-type: none">• livestock processing industries | The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. Livestock processing industries will remain prohibited under the 'rural industries' group term. |
| <ul style="list-style-type: none">• sawmill or log | As above. |

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processing
industries

- serviced apartments A *Serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between SLEP 2013 and CLEP 2011.
 - stock and sale yards The proposed amendment will not change Singleton Council's policy position regarding stock and sale yards in the RU4 Zone, but will help simplify the RU4 Zone land use table. Stock and sale yards will remain prohibited under the 'rural industries' group term.
5. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- advertising structure The amendment will bring about consistency between SLEP 2013 and CLEP 2011. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.

Building and business identification signage will remain permissible with consent in the RU4 Zone.
6. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
- childcare centres It is considered the land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
 - intensive plant agriculture The land use will remain permissible with consent under the 'agriculture' group term in both CLEP

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2011 and SLEP 2013.

- neighbourhood shops
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than primary production zones.
 - respite day care centres
As above.
 - rural supplies
As above.
 - waste or resource management facilities
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.
7. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
- agriculture
The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
 - home-based child care
Home-based child care is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
 - eco-tourist facilities
The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
 - sewerage systems
The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.

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- water supply systems
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.

- flood mitigation works.
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered appropriate to permit flood mitigation works with consent in the RU4 Zone.

8. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- intensive livestock agriculture
The proposed amendment will not change Cessnock Council's policy position regarding intensive livestock agriculture in the RU4 Zone. Because the group term, 'agriculture', is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit 'intensive livestock agriculture' in the RU4 Zone.

- advertising structure
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.

Building and business identification signage will remain permissible with consent in the RU4 Zone.

Consultation

This Planning Proposal has been jointly prepared by Singleton Council and Cessnock City Council and is reported to each Council for consideration on 16 November 2015 and 9 December 2015 respectively. The Planning Proposal may only progress if supported by both Councils.

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If supported by both councils, the proposal will be submitted to the Department of Planning and Environment for a Gateway determination in December 2015 and jointly exhibited following the receipt of a favourable Gateway determination. It is critical that the proposal progresses concurrently within each council and that consultation continues to occur between councils and with the recently formed Hunter Valley Wine and Tourism Alliance until the LEP amendment is gazetted.

Technical Studies have not been identified as a component of the Planning Proposal. If the Department of Planning and Environment Gateway determination makes prescriptions relating to technical studies, this will adversely impact on the estimated completion date.

It is proposed to consult with the NSW Department of Primary Industries – Agriculture in regard to this Planning Proposal.

Community Strategic Plan

The proposal supports the following plan community outcomes:

- Our community has a strong sense of identity and place;
- Our community has vibrant spaces and places;
- Our community is attractive for locals and visitors;
- Our community protects and enhances natural and built environments; and
- Our community has a diverse economy.

Other Plans

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy (LHRS) applies to the Cessnock Local Government Area only. The 'Pokolbin vineyard and tourism precinct' is recognised in the LHRS as a 'Specialised Centre' in the hierarchy of Commercial Centres servicing the Lower Hunter. The Strategy projects that an additional 1600 jobs will be required in the next 25 years to accommodate employment opportunities associated with population growth within the region.

There is no inconsistency between this Planning Proposal and the objectives or actions of the LHRS. The Planning Proposal is consistent with the following action of the Strategy:

- Rural Landscape and Rural Communities - Local environmental plans are to maintain rural zoning for regionally significant agricultural land including the vineyard district as defined by the existing 1(v) zone (as it was then) in Cessnock Local Environmental Plan and the irrigated floodplains.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with the relevant actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), including Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

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Cessnock City Wide Settlement Strategy 2010

The Planning Proposal is consistent with the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

Cessnock Vineyards Vision Statement

The Planning Proposal is considered to be consistent with the Vineyards Visioning Statement.

State Environmental Planning Policies

The proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). An assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning & Assessment Act 1979* enables the Minister for Planning and Environment to issue directions that Council must address when preparing planning proposals to amend a Local Environmental Plan. An assessment of relevant s.117 Directions are provided in the accompanying Planning Proposal. The Proposal is considered to be consistent with the relevant Ministerial Directions.

Policy and Procedural Implications

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.

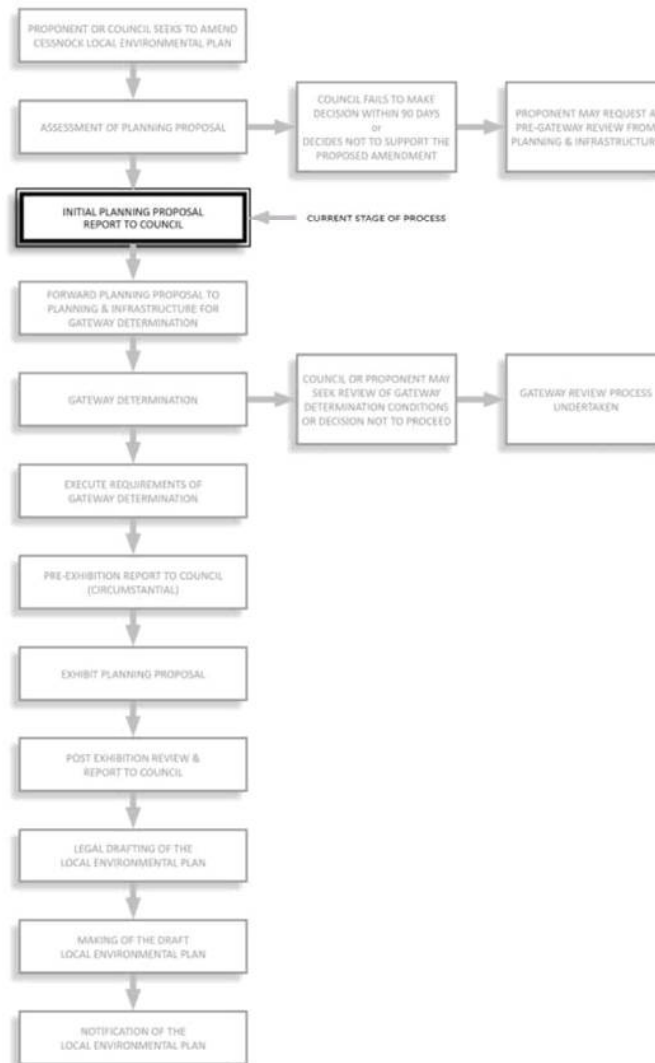
It is intended that the Planning Proposal be exhibited in accordance with any specific requirements made by the Department of Planning and Environment during the Gateway determination.

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PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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Financial Implications

The cost of this project is funded from Council's Strategic Land Use Planning budget.

Legislative Implications

This Report has regard to the provisions of the *Environmental Planning & Assessment Act 1979* and its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006* (as amended).

Risk Implications

The proposed changes will remove potential problems and / or delays for planned or possible future development.

Other Implications

Nil.

Options

The following options are available to Council:

1. Resolve to support the recommendations of this Report and submit a Planning Proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option will delay the proposed amendments.
3. Not support the recommendation of this Report. This is not the preferred option and will not assist the improvement in the operation of the SLEP 2013 and associated consistency of both LEPs.

Option one is recommended.

Conclusions

This Planning Proposal seeks to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the land use table of the RU4 Primary Production Small Lots Zone in the *Singleton Local Environmental Plan 2013* and *Cessnock Local Environmental Plan 2011*. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyards District.

Should Singleton and Cessnock Councils determine to support the matter, a planning proposal will be forwarded to the Department of Planning and Environment for Gateway determination. The Gateway determination is likely to contain conditions that will need to be satisfied before exhibition can commence. If significant objections are received during the exhibition, a further report will be presented to each Council following public exhibition

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of the Planning Proposal, advising of the outcomes of the consultation program and any
recommendations relating to the adoption of the final amendment.

Mark Ihlein.

Mark Ihlein
Director Planning & Sustainable Environment Group

Attachments

AT-1	Joint Regional Planning Proposal Singleton and Cessnock Councils - Vineyards District - Report attachment	Attachment Under Separate Cover
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Cessnock Council Meeting Minutes

PLANNING AND ENVIRONMENT NO. PE99/2015

SUBJECT: 18/2015/1: JOINT PLANNING PROPOSAL - CESSNOCK AND SINGLETON COUNCILS - VINEYARDS DISTRICT

Councillor Hawkins declared a Pecuniary Interest for the reason that his family own property in the RU4 Zoning. Councillor Hawkins left the Chamber and took no part in discussion and voting.

Councillor James Hawkins left the meeting, the time being 7.01 pm

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Parsons

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

AMENDMENT **Moved:** Councillor Ryan **Seconded:** Councillor Olsen

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. The planning proposal come back to Council for further discussion.

FOR	AGAINST
Councillor Olsen	Councillor Gibson
Councillor Ryan	Councillor Doherty
	Councillor Stapleford
	Councillor Smith
	Councillor Campbell
	Councillor Parsons
	Councillor Pynsent
Total (2)	Total (7)

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.....General ManagerChairperson

The Amendment was **PUT** and **LOST**.

The Motion was then **PUT** and **CARRIED**.

MOTION **Moved:** Councillor Smith **Seconded:** Councillor Parsons
1511
RESOLVED

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.
4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

FOR	AGAINST
Councillor Gibson	Councillor Olsen
Councillor Doherty	Councillor Ryan
Councillor Stapleford	
Councillor Smith	
Councillor Campbell	
Councillor Parsons	
Councillor Pynsent	
Total (7)	Total (2)

CARRIED

Councillor James Hawkins returned to the meeting, the time being 7.06 pm

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.....General ManagerChairperson

Report to Cessnock Council

Report To Ordinary Meeting of Council - 9 December 2015

Planning and Environment

Report No. PE99/2015

Planning and Environment



SUBJECT: 18/2015/1: JOINT PLANNING PROPOSAL - CESSNOCK
AND SINGLETON COUNCILS - VINEYARDS DISTRICT

RESPONSIBLE OFFICER: Strategic Landuse Planning Manager - Martin Johnson

APPLICATION NUMBER:	18/2015/1
PROPOSAL:	Joint Planning Proposal – Cessnock and Singleton Councils – Vineyards District
PROPERTY DESCRIPTION:	Applies to all land within the RU4 Primary Production Small Lots Zone in the Local Government Areas of Singleton and Cessnock
PROPERTY ADDRESS:	As above
ZONE: (CURRENT)	RU4 Primary Production Small Lots Zone
ZONE: (PROPOSED)	Not Applicable
OWNER:	Applies to all land within the RU4 Primary Production Small Lots Zone in the Local Government Areas of Singleton and Cessnock
PROPONENT:	Cessnock City Council and Singleton Council

SUMMARY

The purpose of this Report is to seek Council's approval to prepare a joint Planning Proposal with Singleton Council to standardise, as far as possible, the objectives and land use table of the RU4 Primary Production Small Lots Zone under *Cessnock Local Environmental Plan 2011* (CLEP 2011) and *Singleton Local Environmental Plan 2013* (SLEP 2013), so that there is effectively no arbitrary planning boundary within the Vineyards District of Pokolbin.

RECOMMENDATION

1. That Cessnock City Council prepare a Planning Proposal in conjunction with Singleton Council to standardise, as far as possible, the objectives and Land Use Table of the RU4 Primary Production Small Lots Zone.
2. That Cessnock City Council, in conjunction with Singleton Council, request a Gateway determination in respect of the Planning Proposal from the Department of Planning and Environment pursuant to the *Environmental Planning and Assessment Act 1979*.
3. That Cessnock City Council, in conjunction with Singleton Council, undertake consultation with public authorities and the community as determined by the Department of Planning and Environment Gateway determination.

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Planning and Environment



4. That a further report be presented to Council following the public exhibition of the Planning Proposal, to consider any submissions received.
5. That Council request authorisation to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* to make the Local Environmental Plan.

BACKGROUND

At its Ordinary Meeting on 1 August 2012, Cessnock City Council resolved to adopt a *Vineyards Visioning Statement* (Vineyards Vision) in respect of the Vineyards District.

The adopted Vineyards Vision is that 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. A place that reinforces the Hunter Valley Wine Brand as the key component of its tourism identity.
4. Allows and fosters an economically sustainable future which embraces a mix of diverse business, accommodation and employment options – creating a balance between working vineyards, tourist uses, residential and visitor amenity.
5. Council, stakeholder groups and community work collaboratively.
6. A place which has high quality infrastructure and services which meet the community's and visitor's needs.

The Vineyards Vision also put forward a range of objectives and actions that relate to each of the visions above. Two key actions listed under Vision 1 were identified by Cessnock City Council as being:

- Cessnock and Singleton Councils amend their LEPs to adopt the same zones and objectives within the district; and
- Cessnock City Council request that Singleton consider adopting the same objectives in its LEP and DCP.

To achieve the above actions, in November 2014, Cessnock City Council invited Singleton Council to work in partnership to prepare a joint Planning Proposal to standardise the objectives and land use table of the RU4 Primary Production Small Lots Zone in both CLEP 2011 and SLEP 2013. This Report is the result of that partnership.

REPORT/PROPOSAL

The 'Vineyards District' is that area of land zoned RU4 Primary Production Small Lots under CLEP 2011 and SLEP 2013. The Vineyards District encompasses land in the Pokolbin and Broke-Fordwich locality, as shown in Figure 1.

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Planning and Environment

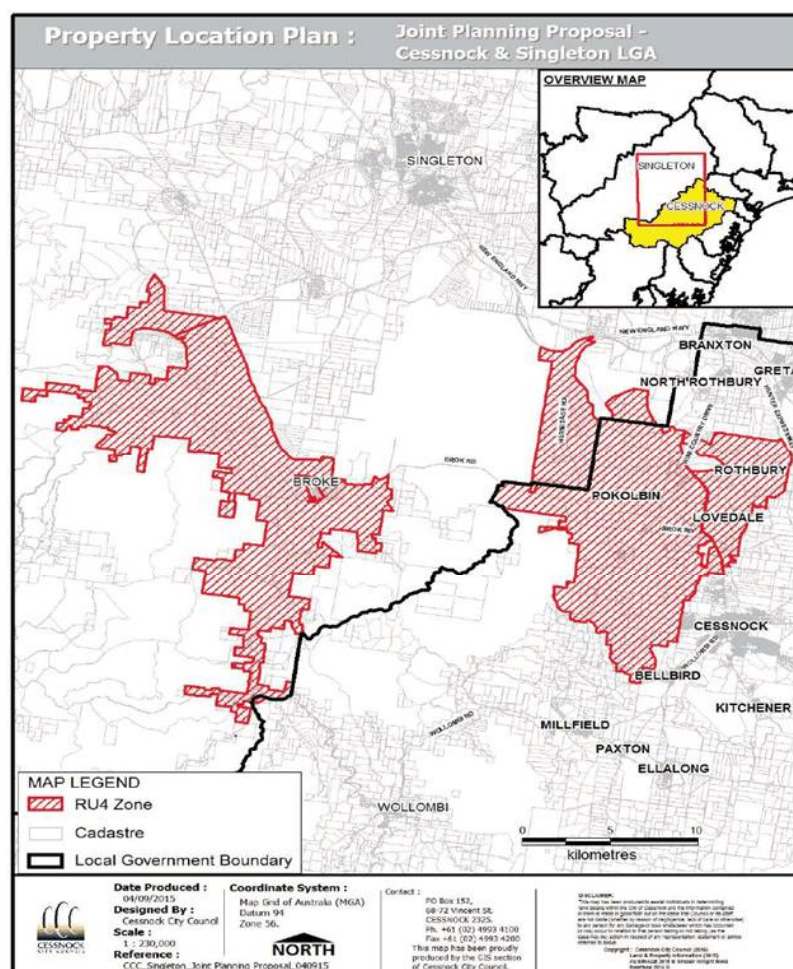
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Planning and Environment



The vineyards and associated tourism developments are the principal economic generator for the Vineyards District as well as being a major contributor to the economy of the Lower Hunter and NSW economy. The importance of the Vineyards District to the Hunter Region, and the local area generally, is recognised in both the Lower Hunter Regional Strategy 2006 and the Upper Hunter Strategic Regional Land Use Plan.

Figure 1: Land Zoned RU4 Primary Production Small Lots in Cessnock and Singleton Local Government Areas



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Planning and Environment

Report No. PE99/2015

Planning and Environment



The purpose of this Planning Proposal is to recognise and protect the primacy of the Vineyards District and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the objectives and land use table of the RU4 Zone in the Local Government Areas of Singleton and Cessnock. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Vineyards District.

This Planning Proposal has been prepared to enable the following amendments to be made to CLEP 2011 and SLEP 2013.

Proposed Amendment No. 1 – RU4 Zone Objectives

Issue

The Standard Instrument – Principal Local Environmental Plan mandates that the following objectives must be included in respect of the RU4 Primary Production Small Lots Zone, where that Zone is adopted:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

In addition to the mandated objectives, Cessnock and Singleton Councils chose to include local objectives for the RU4 Zone when preparing their respective Standard Instrument LEPs. The local objectives included by Cessnock and Singleton Council are different, but have very similar intent.

In CLEP 2011, the following additional local objectives were included for the RU4 Zone:

- To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.
- To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.
- To enable the continued rural use of land that is complementary to the viticultural character of the land.

In SLEP 2013, the following additional local objective was included for the RU4 Zone:

- To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.

This Planning Proposal seeks to amend the objectives of the RU4 Zone in SLEP 2013 to reflect the existing RU4 Zone objectives in CLEP 2011. The intent of the Zone objectives in CLEP 2011 are fundamentally the same as the objective in SLEP 2013; however, it is considered that the objectives in CLEP 2011 expand more thoroughly on key viticultural principles of economic and ecological sustainability and of tourism brought about by the vineyards and associated land uses.

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Recommendation

1. In Singleton LEP 2013, remove the following:
 - To recognise Hunter Valley Wine Country and the adjoining environs of Broke-Fordwich as a major viticultural and tourist destination by providing additional opportunities for compatible tourist uses.
2. In Singleton LEP 2013, insert the following:
 - To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.
 - To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district
 - To enable the continued rural use of land that is complementary to the viticultural character of the land.

Proposed Amendment No. 2 – RU4 Zone Permitted and Prohibited Land Uses

Issue

The land use table that applies to the RU4 Primary Production Small Lots Zone under the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013* are slightly different. Certain land uses permitted in one Council's RU4 Zone are not permitted in the other, and vice versa.

The outcome of this Planning Proposal will be amended Land Use Tables of the RU4 Zone in both CLEP 2011 and SLEP 2013. The land use tables will be amended to be as similar as possible, while respecting important differences between the Local Government Areas. The differences that will remain relate to the permissibility of hotel and motel accommodation, forestry, and recreation areas and facilities. The differences will reflect certain characteristics that are unique to each Local Government Area.

Many of the changes included in this Planning Proposal will not alter either Council's policy position regarding permissible land uses in the Zone, but will simplify each Council's RU4 Zone Land Use Table by incorporating 'group terms' where it is appropriate to do so.

Group terms are used to identify particular categories of land uses, which comprise one or more sub-terms. The land use, *intensive plant agriculture*, for example, is a group term that comprises several sub-terms, including *horticulture*, *turf farming*, and *viticulture*. Where a group term is included in a zone land use table, each corresponding sub-term is also taken to be included, unless that sub-term is expressly prohibited in the same land use table.

In addition to simplifying the RU4 Zone Land Use Table, this Planning Proposal also involves including and removing other land uses to bring about consistency between the CLEP 2011 and SLEP 2013. A Land Use Zone Matrix is attached at Enclosure 2, detailing the proposed land use table amendments.

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Recommendation

1. In CLEP 2011, remove the following from 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
 - childcare centres
It is considered the land use is appropriate in urban zones, rather than primary production zones. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur.
 - intensive plant agriculture
The land use will remain permissible with consent under the 'agriculture' group term in both CLEP 2011 and SLEP 2013.
 - neighbourhood shops
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is appropriate in urban zones, rather than primary production zones.
 - respite day care centres
As above.
 - rural supplies
As above.
 - waste or resource management facilities
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the land use is out of character with the objectives of the RU4 Zone.
2. In CLEP 2011, add the following to 'Permitted with consent' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:
 - agriculture
The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
 - home-based child care
Home-based child care is proposed to be permitted with consent to allow low key child care activities to occur in the Zone. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013.
 - eco-tourist facilities
The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with

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special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

- sewerage systems

The land use is permitted with consent in the RU4 Zone under *State Environmental Planning Policy (Infrastructure) 2007*. The amendment will bring about consistency with the Infrastructure SEPP and SLEP 2013.

- water supply systems

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.

Note: Under *State Environmental Planning Policy (Infrastructure) 2007*, public authorities are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.

- flood mitigation works.

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered appropriate to permit flood mitigation works with consent in the RU4 Zone.

3. In CLEP 2011, add the following to 'Prohibited' in the Land Use Table accompanying the RU4 Primary Production Small Lots Zone:

- intensive livestock agriculture

The proposed amendment will not change Cessnock Council's policy position regarding intensive livestock agriculture in the RU4 Zone. Because the group term, 'agriculture', is proposed to be included in the CLEP 2011 RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit 'intensive livestock agriculture' in the RU4 Zone.

- advertising structure

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.

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Building and business identification signage will remain permissible with consent in the RU4 Zone.

4. In SLEP 2013, remove the following from 'Permitted without consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- intensive plant agriculture The land use will remain permissible with consent under the 'agriculture' group term in both CLEP 2011 and SLEP 2013.

5. In SLEP 2013, remove the following from 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:

- airstrips An *airstrip* means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
- aquaculture The land use will remain permissible with consent under the 'agriculture' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding aquaculture in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- building identification signs The land use will remain permissible with consent under the 'signage' group term in CLEP 2011 and SLEP 2013. The proposed amendment will not change Singleton Council's policy position regarding building identification signs in the RU4 Zone, but will help simplify the RU4 Zone land use table.
- business identification signs As above.
- dual occupancies The amendment will bring about consistency between CLEP 2011 and SLEP 2013. It is considered the dual occupancy land use is out of character with the objectives of the RU4 Zone. Secondary dwellings and rural workers dwellings will be permissible with consent in the RU4 Zone, which will provide opportunities to accommodate rural workers, required to carry on primary production.

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- helipads

A *helipad* means a place not open to the public used for the taking off and landing of helicopters. The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP.
 - turf farming

The land use will remain permissible with consent under the 'agriculture' group term in both LEPS. The proposed amendment will not change Singleton Council's policy position regarding turf farming in the RU4 Zone, but will help simplify the RU4 Zone land use table.
 - viticulture

As above.
 - rural industries

'Rural industries' is a group term that comprises several sub-term land uses, including agricultural produce industries, livestock processing industries, sawmill or log processing works and stock and sale yards.

While the 'rural industries' group term will be removed from the permitted land uses in the RU4 Zone of SLEP 2013, Singleton Council's policy position will not change in relation to the aforementioned sub-term land uses.

The amendment will help simplify the Zone RU4 land use table in CLEP 2011 and SLEP 2013.
6. In SLEP 2013, add the following to 'Permitted with consent' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- agriculture

The land use is a group term that will help simplify the Zone RU4 land use table and permit the following sub-term land uses to be carried out with development consent: aquaculture, intensive plant agriculture, and viticulture.
 - agricultural produce industries

The proposed amendment will not change Singleton Council's policy position regarding agricultural produce industries in the RU4 Zone, but will help simplify the Zone RU4 land use table.
 - eco-tourist facilities

The amendment will bring about consistency between CLEP 2011 and SLEP 2013. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural

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features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.

- rural workers dwellings

A *rural worker's dwelling* means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land. It is considered appropriate to include the land use in the RU4 Zone and will provide additional accommodation opportunities for rural workers. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
 - secondary dwellings

A *secondary dwelling* means a self-contained dwelling that is established in conjunction with another dwelling (the *principal dwelling*), and is on the same lot of land as the principal dwelling, and is located within, or is attached to, or is separate from, the principal dwelling. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
 - signage

The proposed amendment will not change Singleton Council's policy position regarding signage in the RU4 Zone, but will help simplify the Zone RU4 land use table.
7. In SLEP 2013, remove the following from 'Prohibited' in the Land Use Table for RU4 Primary Production Small Lots Zone:
- backpackers' accommodation

Backpackers' accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and has shared facilities, such as a communal bathroom, kitchen or laundry, and provides accommodation on a bed or dormitory-style basis (rather than by room). It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.

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- livestock processing industries
The proposed amendment will not change Singleton Council's policy position regarding livestock processing industries in the RU4 Zone, but will help simplify the Zone RU4 land use table. Livestock processing industries will remain prohibited under the 'rural industries' group term.
 - sawmill or log processing industries
As above.
 - serviced apartments
A *Serviced apartment* means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents. It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
 - stock and sale yards
The proposed amendment will not change Singleton Council's policy position regarding stock and sale yards in the RU4 Zone, but will help simplify the RU4 Zone land use table. Stock and sale yards will remain prohibited under the 'rural industries' group term.
8. In SLEP 2013, add the following to 'Prohibited' in the Land Use Table for the RU4 Primary Production Small Lots Zone:
- advertising structure
The amendment will bring about consistency between CLEP 2011 and SLEP 2013. Strict requirements apply to advertising signage on rural or non-urban land under *State Environmental Planning Policy 64 – Advertising Signage*, which already limits Council's ability to grant consent to advertising signage.
- Building and business identification signage will remain permissible with consent in the RU4 Zone.

OPTIONS

1. Council resolve to support the recommendations of this Report and submit a Planning Proposal to the Department of Planning and Environment for a Gateway determination. This is the recommended option.
2. Request changes to the Planning Proposal. This option will delay the proposed amendments.

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3. Not support the recommendation of this Report. This is not the preferred option and will not assist the improvement in the operation of the LEP 2011 and alignment and consistency of LEPs.

CONSULTATION

This Planning Proposal has been jointly prepared by Singleton Council and Cessnock City Council and is reported to each Council for consideration on 16 November 2015 and 9 December 2015 respectively. A Councillor briefing occurred on 2 December 2015 for Cessnock City Councillors in relation to the Planning Proposal. The Planning Proposal may only progress if supported by both Councils.

If supported by both Councils, the proposal will be submitted to the Department of Planning and Environment for a Gateway determination in December 2015 and jointly exhibited following the receipt of a favourable Gateway determination. It is critical that the proposal progresses concurrently within each council and that consultation continues to occur between councils until the LEP amendment is gazetted.

Technical Studies have not been identified as a component of the Planning Proposal. If the Department of Planning and Environment Gateway determination makes prescriptions relating to technical studies, this will adversely impact on the estimated completion date.

It is proposed to consult with the NSW Department of Primary Industries – Agriculture in regard to this Planning Proposal.

STRATEGIC LINKS

a. Delivery Program

The recommendations of this report are consistent with the following objectives of the Cessnock Community Strategic Plan – Cessnock 2023.

A connected and safe community
Objective 1.2 – Strengthening community culture

A sustainable and prosperous community
Objective 2.3 – Increasing tourism opportunities and visitation in the area

A sustainable and healthy environment
Objective 3.1 – Protecting and enhancing the natural environment and the rural character of the area.

b. Other Plans

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy (LHRS) applies to the Cessnock Local Government Area only. The 'Pokolbin vineyard and tourism precinct' is recognised in the LHRS as a 'Specialised Centre' in the hierarchy of Commercial Centres servicing the Lower Hunter. The Strategy projects that an additional 1600 jobs will be required in the next 25 years to accommodate employment opportunities associated with population growth within the region.

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There is no inconsistency between this Planning Proposal and the objectives or actions of the LHRS. The Planning Proposal is consistent with the following action of the Strategy:

- Rural Landscape and Rural Communities - Local environmental plans are to maintain rural zoning for regionally significant agricultural land including the vineyard district as defined by the existing 1(v) zone in Cessnock Local Environmental Plan and the irrigated floodplains.

Upper Hunter Strategic Regional Land Use Plan

The Planning Proposal is consistent with the relevant actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), including Action 3.3 of UHSRLUP that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Cessnock City Council Community Strategic Plan - Our People, Our Place, Our Future

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

Singleton Council Community Strategic Our Place: A Blueprint for 2023

The Planning Proposal is consistent with Council's Community Strategic Plan and the Planning Proposal.

Cessnock City Wide Settlement Strategy 2010

The Planning Proposal is consistent with the Cessnock City Wide Settlement Strategy (CWSS) and the Planning Proposal. CWSS identifies the uniqueness of the Vineyards District as both a specialised commercial centre and regionally significant agricultural land and this is reflected in the objectives of this Planning Proposal.

Vineyards Vision Statement

The Planning Proposal is considered to be consistent with the Vineyards Visioning Statement.

Consistency with State Environmental Planning Policies

The proposal is considered to be consistent with the relevant State Environmental Planning Policies (SEPPs). An assessment of relevant SEPPs against the Planning Proposal is provided in the accompanying Planning Proposal.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning & Assessment Act 1979* enables the Minister for Planning and Environment to issue directions that Council must address when preparing planning proposals to amend a Local Environmental Plan. An assessment of relevant s.117 Directions are provided in the accompanying Planning Proposal. The Proposal is considered to be consistent with the relevant Ministerial Directions.

IMPLICATIONS

a. Policy and Procedural Implications

Following Council's endorsement, a Planning Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.

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It is intended that the Planning Proposal be exhibited in accordance with any specific requirements made by the Department of Planning and Environment during the Gateway determination.

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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b. Financial Implications

The cost of this project is funded from Council's Strategic Land Use Planning budget.

c. Legislative Implications

This Report has regard to the provisions of the *Environmental Planning & Assessment Act 1979* and its Regulations and the *Standard Instrument (Local Environmental Plans) Order 2006* (as amended).

d. Risk Implications

The proposed changes will remove potential problems and / or delays for planned or possible future development.

e. Other Implications

Nil

CONCLUSION

This Planning Proposal seeks to recognise and protect the primacy of the vineyards district and maintain and enhance the existing vineyards, wineries and tourist uses by standardising, as far as possible, the land use table of the RU4 Primary Production Small Lots Zone in the *Cessnock Local Environmental Plan 2011* and *Singleton Local Environmental Plan 2013*. The Planning Proposal will ensure that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyards District.

Should Cessnock and Singleton Council determine to support the proposal, a planning proposal will be forwarded to the Department of Planning and Environment for Gateway determination. The Gateway determination is likely to contain conditions that will need to be satisfied before exhibition can commence. If objections are received, a further report will be presented to each Council following public exhibition of the Planning Proposal, advising of the outcomes of the consultation program and any recommendations relating to the adoption of the final amendment.

ENCLOSURES

- 1** Planning Proposal
- 2** RU4 Zone Land Use Matrix

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Appendix 2: RU4 Zone Land Use Matrix

JOINT PLANNING PROPOSAL: RU4 Zone (Vineyards) Planning Provisions

Cessnock Local Environmental Plan 2011 and Singleton Local Environmental Plan 2013

Land Use Matrix for RU4 Zone

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 (Affordable Rental Housing) 2009.
 - I permitted under SEPP (Infrastructure) 2007.
- fill colours in **green** or **red** mandated under the SI.
fill colour in **purple** public infrastructure permitted under a SEPP.

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
agriculture					The amendment reflects the fact that the majority of the Agriculture sub-term land uses are permitted with consent in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table, but will not result in a change in policy direction for either council.
	x	c	x	c	Action: Amend CLEP 2011 and SLEP 2013 by including Agriculture as permitted with consent.
aquaculture	x	c	c	c	The amendment affects the Cessnock RU4 Zone only. Aquaculture is already permissible in the Singleton RU4 Zone. The amendment will enable the keeping of fish or marine vegetation in a confined area for a commercial purpose and permit tourist attractions like 'fishouls' in the Vineyards District.
	o	o	o	o	Action: Amend SLEP 2013 by removing Aquaculture from permitted with consent. The land use will remain permissible under the Agriculture group term.
extensive agriculture [eg. grazing of livestock, etc.]	o	o	o	o	
bee keeping	o	o	o	o	
dairy (pasture-based)	o	o	o	o	
	x	x	x	x	Because the group term, 'Agriculture', is proposed to be included as permitted with consent, 'intensive livestock agriculture' must be included as prohibited to maintain each council's policy position.
intensive livestock agriculture [eg. poultry farms, etc.]	x	x	x	x	Action: Amend CLEP 2011 by including intensive livestock agriculture as prohibited development. The land use is already prohibited in SLEP 2013.
	x	x	x	x	
feedlots	x	x	x	x	
dairies (restricted)	x	x	x	x	
intensive plant agriculture [eg. cultivation of irrigated crops]	c	c	o	c	Intensive Plant Agriculture is to be permitted with consent so that appropriate assessment can be undertaken regarding the impacts of the land use, such as spray drift.
horticulture	c	c	o	c	Action: Amend SLEP 2013 by removing Intensive Plant Agriculture from permitted without consent. Also, remove Turf Farming and Viticulture from permitted with consent. The land uses will remain permissible with consent under the Agriculture group term.
turf farming	c	c	c	c	
viticulture	c	c	c	c	Action: Amend CLEP 2011 by removing Intensive Plant Agriculture from permitted with consent. The sub-term land use will remain permissible under the Agriculture group term.

Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
(LAND USE terms OUTSIDE agriculture group term)				
animal boarding or training establishments farm buildings	C	C	C	
forestry	C	C	C	Forestry is considered to be inconsistent with the character and objectives of the RU4 Zone. Action: Amend SLEP 2013 by removing Forestry from permitted with consent.
residential accommodation				
attached dwellings	X	X	X	
boarding houses	X	X	X	
dual occupancies	X	X	X	
dual occupancies (attached)	X	C	X	Dual occupancy development is considered to be out of character with the objectives of the RU4 Zone.
dual occupancies (detached)	X	C	X	Action: Amend SLEP 2013 by removing Dual Occupancies from permitted with consent.
dwelling houses	C	C	C	
group homes	X	X	X	
group homes (permanent)	X	X	X	
group homes (transitional)	X	X	X	
hostels	X	X	X	
multi dwelling housing	X	X	X	
residential flat buildings	X	X	X	
rural workers' dwellings	C	X	C	Rural workers' dwellings may be appropriate in the RU4 Zone to enable accommodation for employees involved in existing agricultural activities, including agricultural produce activities. It is proposed that the land use will be subject to specific development standards, set out in a new clause to the LEP. Action: Amend SLEP 2013 by including rural workers' Dwellings as permitted with consent. Include new clause in CLEP 2011 regarding rural workers' dwellings (Singleton will be including Clause in a separate Planning Proposal).

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
secondary dwellings	C	C	X	C	Secondary dwellings will provide an alternative form of accommodation for employees involved in existing tourist related developments. The amendment will also bring about consistency between CLEP 2011 and SLEP 2013. Cessnock Council notes that secondary dwellings have the potential to be used as de facto tourist accommodation. This would be a major concern in Cessnock if the number of secondary dwellings in the RU4 Zone were to increase significantly. As it is, only five secondary dwellings have been approved in the RU4 Zone at Cessnock since the introduction of the current LEP 2011. Cessnock Council will continue to monitor the number of approvals issued for secondary dwellings in the RU4 Zone and may revisit the permissibility of secondary dwellings in the future, if it is determined that the number of secondary dwellings is impacting the character of the Zone. Action: Amend SLEP 2013 by including secondary dwellings as permitted with consent.
semi-detached dwellings	X	X	X	X	
seniors housing	X	X	X	X	
residential care facilities	X	X	X	X	
shop top housing	X	X	X	X	
(LAND USE terms OUTSIDE residential accommodation group term)					
home-based child care	X	C	C	C	Home-based child care will allow for low key child care activities to occur in the RU4 Zone. Action: Amend CLEP 2011 by including Home-based Child Care as permitted with consent.
home business	C	C	C	C	
home occupations	O	O	O	O	
home occupation (sex services)	X	X	X	X	
tourist and visitor accommodation	C	C	C	C	
backpackers' accommodation	C	C	X	C	It is considered appropriate to include the land use in the RU4 Zone as it will provide additional accommodation opportunities for employees involved in existing agricultural activities, including agricultural produce activities. Action: Amend SLEP 2013 by including backpackers' accommodation as permitted with consent.

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
bed & breakfast accommodation farm stay accommodation	c c	c c	c c	c c	This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position. Cessnock City Council Larger forms of Tourist and Visitor accommodation, such as Hotel or Motel Accommodation, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The Hotel or Motel Accommodation land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure. Cessnock Council may consider permitting Hotel or Motel Accommodation at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use. Action: Nil Singleton Council Singleton Council has not undertaken a detailed study to support a change in policy direction regarding hotel or motel accommodation. Singleton Council will seek community feedback regarding the land use during the community consultation phase of the Planning Proposal. This will help inform any change in policy regarding the land use. Action: Nil Cessnock Council
hotel or motel accommodation	x	x	c	c	
serviced apartments	c	x	x	x	Larger forms of Tourist and Visitor accommodation, such as Serviced Apartments, are likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. The Serviced Apartments land use is considered to be more appropriately located in established urban areas, where there are supporting facilities, retail and infrastructure. Cessnock Council may consider permitting Serviced Apartments at key 'destination nodes' in the Viticultural District, perhaps with the application of different zone, e.g. the SP3 Zone, or a property specific additional permitted use.

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
					Action: Amend CLEP 2011 by including serviced apartments as prohibited. Singleton Council No change. Serviced apartments are already prohibited in the RU4 Zone. Action: Nil
(LAND USE terms OUTSIDE tourist and visitor accommodation group term)					
camping grounds	X	X	X	X	
caravan parks	X	X	X	X	
eco-tourist facilities	X	C	X	C	The land use was only specifically defined in the Standard Instrument LEP after the gazettal of CLEP 2011. The land use relates to temporary or short term accommodation located in or adjacent to an area with special ecological or cultural features, which is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact. The land use is subject to the development standards contained in Cl.5.13 of the Standard Instrument LEP. It is considered appropriate to include the land use in the RU4 Zone.
					Action: Amend CLEP 2011 and SLEP 2013 by including Eco-tourist Facilities as permitted with consent.
commercial premises	X	X	X	X	
business premises [eg. banks, post offices, hairdressers, etc.]	X	X	X	X	
funeral homes	X	X	X	X	
office premises	X	X	X	X	
retail premises	X	X	X	X	
bulky goods premises	X	X	X	X	
cellar door premises	C	C	C	C	
food & drink premises	X	X	X	X	
pubs	X	X	X	X	
restaurants or cafes	C	C	C	C	
take-away food & drink premises	X	X	X	X	

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
garden centres	X	X	X	X	
hardware & building supplies	X	X	X	X	
kiosks	X	X	X	X	
landscaping material supplies	X	X	X	X	
markets	X	X	X	X	
plant nurseries	C	C	C	C	
roadside stalls	C	C	C	C	
rural supplies	C	X	X	X	Rural Supplies are considered appropriate in urban zones, rather than rural zones. Action: Amend CLEP 2011 by removing rural supplies from permitted with consent.
shops	X	X	X	X	
neighbourhood shops	C	X	X	X	While it is acknowledged that there are some existing tourist related shops in the Cessnock RU4 Zone, these are likely reliant on existing use rights or approved as ancillary development. A tourist related shop is not separately defined in the LEP and would likely be considered a retail premises (shop) under the Standard Instrument LEP. Shops are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a 'neighbourhood shop', which provides [...] for the day-to-day needs of people who live or work in the local area'. Action: Amend CLEP 2011 by removing neighbourhood shops from permitted with consent.
timber yards	X	X	X	X	
vehicle sales or hire premises	X	X	X	X	
(LAND USE items OUTSIDE commercial premises group term)					
amusement centres	X	X	X	X	
entertainment facilities	X	X	X	X	
function centres	C	C	C	C	No change in position. Action: Nil

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
highway service centres	X	X	X	X	
industrial retail outlets	X	X	X	X	
registered clubs	X	X	X	X	
restricted premises	X	X	X	X	
service stations	X	X	X	X	
sex services premises	X	X	X	X	
veterinary hospitals	X	X	X	X	
wholesale supplies	X	X	X	X	
rural industries [eg. use of composting facilities and works]	X	X	C	X	The amendment reflects that the majority of the Rural Industry sub-term land uses are prohibited in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table. Action: Amend SLEP 2013 by removing Rural Industries from permitted with consent.
agricultural produce industries	C	C	C	C	Because the group term, Rural Industries is proposed to be prohibited, Agricultural Produce Industries must be included as permitted with consent. Action: Amend SLEP 2013 by including Agricultural Produce Industries as permitted with consent. The land use is already included in CLEP 2011.
liveslock processing industries	X	X	X	X	
sawmill or log processing industries	X	X	X	X	
stock & sale yards	X	X	X	X	
industries	X	X	X	X	
heavy industries	X	X	X	X	
hazardous industry	X	X	X	X	
offensive industry	X	X	X	X	
light industries	X	X	X	X	
high technology industries	X	X	X	X	
home industry	C	C	C	C	
general industries	X	X	X	X	
(LAND USE terms OUTSIDE industry group term)	X	X	X	X	
boat building and repair facilities					

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
vehicle body repair workshops	x	x	x	x	
vehicle repair stations	x	x	x	x	
heavy industrial storage establishments	x	x	x	x	
hazardous storage establishments	x	x	x	x	
liquid fuel depots	x	x	x	x	
offensive storage establishments	x	x	x	x	
storage premises	x	x	x	x	
self storage units	x	x	x	x	
(LAND USE terms OUTSIDE storage premises group term)					
depots	x	x	x	x	
warehouse or distribution centres	x	x	x	x	
sewerage systems	x	c	c	c	The land use is permitted with consent in the RU4 Zone under State Environmental Planning Policy (Infrastructure) 2007 and will bring about consistency with the Infrastructure SEPP and SLEP 2013. Action: Amend CLEP 2011 by including Sewerage Systems as permitted with consent. The land use is already included in SLEP 2013.
biosolids treatment facilities	l	l	l	l	
sewage reticulation systems	l	l	l	l	
sewage treatment plants	l	l	l	l	
water recycling facilities	l	l	l	l	
waste or resource management facilities	c	x	x	x	The land use is out of character with the objectives of the RU4 Zone. Action: Amend CLEP 2011 by removing Waste or Resource Management Facilities from permitted with consent. The land use is already prohibited in SLEP 2013.
resource recovery facilities	c	x	x	x	
waste disposal facilities	c	x	x	x	
waste or resource transfer stations	c	x	x	x	
water supply systems	x	c	c	c	The amendment will bring about consistency between CLEP 2011 and SLEP 2013. A water supply system includes a water reticulation system, water storage facility, and water treatment facility. It is considered appropriate to permit water supply systems with consent in the RU4 Zone.
water reticulation systems	x	c	c	c	Under State Environmental Planning Policy (Infrastructure) 2007, public authorities

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
water storage facilities	X	C	C	C	are permitted to carry out development for the purpose of a water reticulation system and water treatment facility without consent in the RU4 Zone.
water treatment facilities	X	C	C	C	
air transport facilities					Action: Amend CLEP 2011 by including Water Supply Systems as permitted with consent. The land use is already included in SLEP 2013.
airport	X	X	X	X	
helipad	X	X	X	X	
(LAND USE terms OUTSIDE air transport facility group term)					
airstrip	X	X	C	X	Temporary use of land for the purpose of an airstrip may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. Action: Amend SLEP 2013 by removing Airstrips from permitted with consent. The land use is already prohibited in CLEP 2011.
helipad	X	X	C	X	Temporary use of land for the purpose of a helipad may still be approved by Council subject to the provisions of Clause 2.8 of the LEP. Action: Amend SLEP 2013 by removing Helipads from permitted with consent. The land use is already prohibited in CLEP 2011.
(Other LAND USE terms relating to infrastructure)					
car parks	X	X	X	X	
electricity generating works	I	I	I	I	
freight transport facilities	X	X	X	X	
passenger transport facilities	X	X	X	X	
port facilities	X	X	X	X	
roads	C	C	C	C	
transport depots	X	X	X	X	
truck depots	X	X	X	X	
wharf or boating facilities	X	X	X	X	
educational establishments [eg. TAFE establishment, etc.]	I	I	I	I	
schools	I	I	I	I	
health services facilities	I	I	I	I	
hospitals	I	I	I	I	

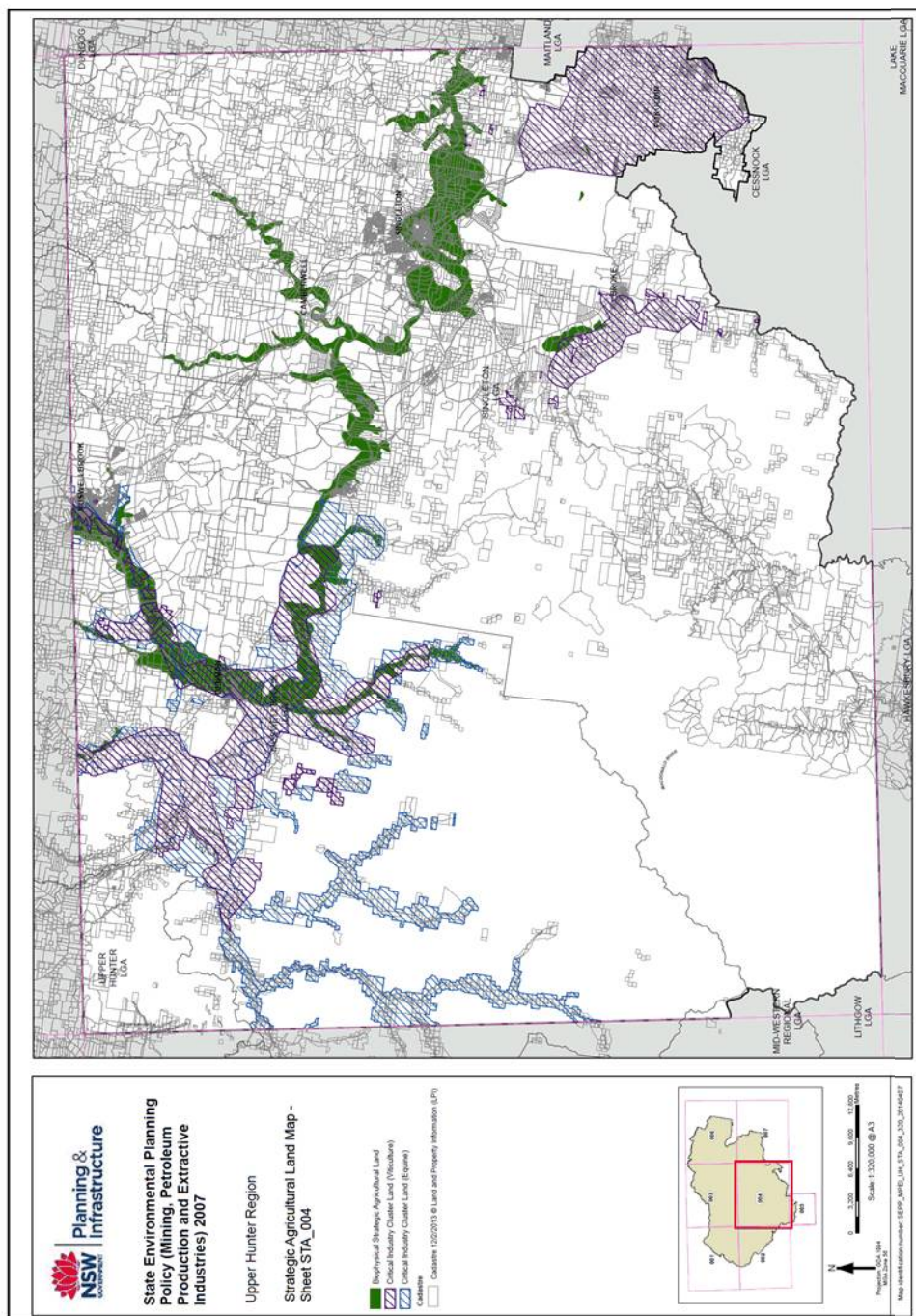
	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
medical centres health consulting rooms	I	I	I	I	
(Other LAND USE terms relating to community infrastructure)					
child care centres	C	X	X	X	The land use is appropriate in urban zones, rather than rural zones. Home-based child care is proposed to be permitted with consent in the RU4 Zone to allow low key child care activities to occur. Action: Amend CLEP 2011 by removing Child Care Centres from permitted with consent. The land use is already prohibited in SLEP 2013.
community facilities	C	C	C	C	No change in position Action: Nil
correctional centres	X	X	X	X	
emergency services facilities	I	I	I	I	
industrial training facilities	X	X	X	X	
information and education facilities	C	C	C	C	
places of public worship	X	X	X	X	
public administration building	X	X	X	X	
research stations	X	X	X	X	
respite day care centres	C	X	X	X	The land use is appropriate in urban zones, rather than rural zones. Action: Amend CLEP 2011 by removing Respite Day Care Centres from permitted with consent. The land use is already prohibited in SLEP 2013.
signage					
advertising structure	C	C	X	C	The amendment reflects that the majority of the Signage sub-term land uses are permitted with consent in the RU4 Zone. The amendment will help simplify the RU4 Zone Land Use Table. Action: Amend SLEP 2013 by including Signage as permitted with consent. Strict requirements apply to advertising signage on rural or non-urban land under State Environmental Planning Policy 64 – Advertising Signage, which already limits Council's ability to grant consent to advertising signage. Action: Amend CLEP 2011 and SLEP 2013 by prohibiting Advertising Structures. Advertising Structures are already prohibited in the Singleton RU4 Zone.

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
building identification sign	C	C	C	C	Because the group term, 'Signage', is proposed to be included as permitted with consent, 'Building Identification Signage' can be removed from the SLEP 2013 RU4 Zone Land Use Table. Action: Amend SLEP 2013 by removing Building Identification Signage from permitted with consent. The land use will be permitted under the Signage group term.
business identification sign	C	C	C	C	Because the group term, 'Signage', is proposed to be included as permitted with consent, 'Business Identification Signage' can be removed from the SLEP 2013 RU4 Zone Land Use Table. Action: Amend SLEP 2013 by removing Business Identification Signage from permitted with consent. The land use will be permitted under the Signage group term.
(LAND USE terms relating to recreation)					
boat launching ramps	X	X	X	X	
boat sheds	X	X	X	X	
charter & tourism boating facilities	X	X	X	X	
environmental facilities	C	C	C	C	
jetties	X	X	X	X	
marinas	X	X	X	X	
mooring	X	X	X	X	
mooring pens	X	X	X	X	
recreation areas	X	X	C	C	This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position. Cessnock City Council Recreation Areas that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. Outdoor concerts that attract tourism, like Lovedale Long Lunch and Jazz in the Vines, are assessed as 'temporary events' and remain permissible pursuant to clause 2.8 of CLEP 2011 and SLEP 2013. Action: Nil

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
					<u>Singleton Council</u> Singleton Council has not undertaken a detailed study to support a change in policy direction regarding Recreation Areas. Singleton Council will seek community feedback on the matter during the community consultation phase of the proposal and this will help inform its decision regarding the land use. Action: Nil
recreation facilities (indoor)	X	X	X	X	
recreation facilities (major)	X	X	X	X	
					This will be a point of difference in the Planning Proposal with each Council seeking to maintain its existing policy position.
					<u>Cessnock City Council</u> Recreation Facilities (Outdoor) that are not ancillary to viticultural developments are considered to be more appropriately located in established urban areas, where they are less likely to conflict with the viticultural pursuits occurring in the Zone. Action: Nil
recreation facilities (outdoor)	X	X	C	C	<u>Singleton Council</u> Singleton Council has not undertaken a detailed study to support a change in policy direction regarding Recreation Facilities (Outdoor). Singleton Council will seek community feedback on the matter during the community consultation phase of the proposal and this will help inform its decision regarding the land use. Action: Nil
water recreation structures	X	X	X	X	
(Other miscellaneous LAND USE terms)					
cemetery	X	X	X	X	
crematorium	X	X	X	X	
environmental protection works	C	C	C	C	
exhibition homes	X	X	X	X	
exhibition villages	X	X	X	X	
extractive industries	X	X	X	X	

	Cessnock LEP 2011 Current	Proposed	Singleton LEP 2013 Current	Proposed	Notes where changes are required
flood mitigation works	x	c	c	c	It is considered appropriate to include Flood Mitigation Works as permitted with consent in the RU4 Zone to mitigate flood risk. Under State Environmental Planning Policy (Infrastructure) 2007, public authorities are permitted to carry out Flood Mitigation works without consent in the RU4 Zone. Action: Amend CLEP 2011 by including Flood Mitigation Works as permitted with consent.
mortuaries	x	x	x	x	Pursuant to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, mining and extractive industries are permissible with consent on land where development for the purposes of agriculture or industry may be carried out. A gateway certificate or site verification certificate must accompany the development application for mining or petroleum development where the land is also identified as strategic agricultural land.
open cut mining	x	x	x	x	The majority of the RU4 zoned land in Singleton and Cessnock LGA is identified as 'strategic agricultural land' under State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 and any mining or petroleum development in that area must be accompanied by a gateway certificate or site verification certificate. Action: Nil

Appendix 3: Strategic Agricultural Land



Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>serviced apartments</i> land use should remain permissible	> 40	<p>The submissions emphasise the economic value of <i>tourist and visitor accommodation</i> to the local and regional economy. Particular reference is made to the <i>serviced apartments</i> land use. The submissions outline that this economic value is not reflected or acknowledged by the Proposal. The submissions also emphasise the important interrelationship between wine tourism and viticulture and highlight that the uses are significantly co-dependant.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of <i>viticulture</i>. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p> <p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p> <p>The submissions generally outline that the Planning Proposal will result in negative flow on effects, including reduced investment in the regional economy, impacting the viability of both the viticulture and wine tourism industry. The submissions also indicate that the Proposal sends the wrong signal to investors and to those who promote tourism.</p> <p>There is considerable information that supports the Proposal, which seeks to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCG.</p>
Restricting tourist and visitor accommodation in the Cessnock RU4 Zone would be detrimental to economic growth in the region	> 30	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will result in financial hardship	> 20	<p>The submissions outline that property values, capital investment and income will be negatively impacted by the Planning Proposal.</p> <p>The concerns raised in the submissions are relevant and financial impacts will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p> <p>It is considered that larger forms of <i>tourist and visitor accommodation</i>, such as <i>hotel or motel accommodation</i>, are more likely to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural character of the area. This is not to say that these developments cannot co-exist with viticulture; or that they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture.</p>
The <i>hotel or motel accommodation</i> land use should be permissible	> 20	<p>Council has traditionally taken the approach of limiting the density and size of tourist developments in the viticultural zone; previously under Clause 52 of the LEP 1989 – tourist development densities within Zone No 1 (v); and currently, under Clause 7.6 of the LEP 2011 – tourist and visitor accommodation in certain rural and environmental zones, and Parts D and E of Council's Development Control Plan 2010.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Proposal does not achieve the primary objective of standardisation	> 20	<p>The Planning Proposal does not fully align land uses in the Cessnock and Singleton RU4 Zone. Inconsistencies remain in relation to the permissibility of <i>hotel and motel accommodation, recreation areas and recreation facilities (outdoor)</i>. These land uses remain permissible in the Singleton RU4 Zone and prohibited in the Cessnock RU4 Zone.</p> <p>It is acknowledged that, aside from <i>viticulture</i>, the <i>tourist and visitor accommodation</i> land use group accounts for a substantial proportion of the land uses that occur in the Vineyard's District. Deferring such an important land use group from the Proposal will mean the key objective of standardisation has not been achieved.</p> <p>In response, it is recommended that further strategic analysis be undertaken, including potentially a 'precinct' planning approach to land use in the Viticultural District.</p>
The Proposal will result in non-conforming land uses	> 20	<p>The submissions outline that the Planning Proposal should avoid a conglomeration of development reliant on existing use rights.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>neighbourhood shops</i> land use should remain permissible.	> 20	<p>The submissions outline the importance of <i>neighbourhood shops</i> in providing goods and services to people who live and work in the area as well as tourists.</p> <p>While it is acknowledged that there are some existing tourist related shops in the RU4 Zone, these are likely reliant on existing use rights or approved as development ancillary to a permitted use, such as viticulture or cellar door premises. A 'tourist related shop' is not separately defined in the LEP and would be considered a retail premises (shop) under the Standard Instrument LEP. Shops are currently prohibited in the RU4 Zone in both Cessnock and Singleton and are considered more appropriate in urban zones. A 'tourist related shop' would not meet the standard instrument definition of a neighbourhood shop, which provides '[...] for the day-to-day needs of people who live or work in the local area'.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment. In this regard, <i>shops</i> may be appropriate in certain areas within the Viticultural District.</p>
The Proposal is detrimental to wine tourism in the region	10-20	<p>The submissions generally outline that the Planning Proposal will result in the closure of cellar doors and wineries, which are dependent on wine sales to tourists. The submissions also note that the Vineyard's District operates successfully because of its ability to allow viticulture and tourism related industries to co-exist and grow together.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of <i>viticulture</i>. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		<p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
		<p>The submissions outline that viticulture on small holdings is not a viable option in the Hunter, but must be supplemented with other income streams, e.g. <i>tourist and visitor accommodation</i>.</p>
		<p>The viticultural district occupies a relatively small area of land in the Hunter Region. As a result, careful consideration must be given to the siting and built form of any development that occurs on the land. Over time, proliferation of non-agricultural development will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape, which is significant to the overall appeal of the District for tourists.</p>
The Proposal does not acknowledge the value of wine tourism or its interrelationship with viticulture in the Hunter Valley	10-20	<p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCg, in 2017.</p>
		<p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Tourists wanting to see the vineyards do not want to stay overnight in the urban centres of Cessnock	10-20	<p>The submissions outline that tourists visiting the region do not want to stay in the Cessnock urban centres, but are instead attracted to the rural amenity and character of the Vineyard's District. The submissions note that new tourist accommodation will not establish in the Cessnock urban centre in response to the Proposal.</p> <p>While establishing stronger links between the Vineyard's District and the Cessnock urban centres would benefit the Centres in an economic sense, this is not a core aim of the Proposal. The Proposal responds to certain forms of development that have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. The Proposal outlines one way this conflict may be mitigated.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
Prohibit backpackers' accommodation	10-20	<p>The submissions generally outline that accommodation in the Vineyard's District is directed toward the 'higher end' of the tourist market. Backpackers' accommodation is considered a low-cost form of travel that adds little to the tourist economy and character of the area.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
There has been a lack of community consultation regarding the Proposal	10-20	<p>Preparation of the associated Vineyards District Study included input from a vineyards reference group, which met on three occasions between April and August 2016. The reference group included a selection of vignerons, developers and representatives from the Department of Planning and Environment, Singleton Council, Hunter Valley Wine and Tourism Association and Broke Fordwich Wine and Tourism Association. Cessnock Councilors were briefed on the outcomes of the Vineyards District Study on 8 February 2017 and the final Study was submitted to Council on 21 June 2017. It is also noted that purpose of the exhibition period is to consult with the community.</p>
The Proposal is unclear, misleading, incomplete or divisive	10-20	<p>The submissions raise a variety of concerns, including that the Proposal has been presented as a relatively minor planning reform and that the impact of the major changes are not fully detailed. The submissions also outline that the Proposal as exhibited is not what was assessed by the Department of Planning and Environment and that it misrepresents the outcomes of the City Wide Planning Strategy and Vineyards Vision Statement. The submissions also highlight that the Vineyards District Study, prepared by RMCG, is not a public document.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		<p>It is acknowledged that aspects of the Proposal, including the Standard Instrument land use terms and definitions are complicated. For this reason, a factsheet broadly outlining the key amendments was circulated with each notification letter.</p> <p>The Proposal will affect the overall range of activities that may occur in the Vineyard's District with consent. Some additional uses will be permitted, while others will be prohibited. However, the extent of the impact is largely dependent upon how each development is (or has been) 'characterised' and this varies on a case by case basis.</p> <p>The prohibition of the <i>serviced apartments</i> land use in the RU4 Zone was one of a small number of amendments that were proposed on the basis of the recommendations from the Vineyard's District Study. The Vineyard's District Study was carried out by specialist agricultural consultants, RMCg, to support the preparation of the new Cessnock City Planning Strategy. The Vineyard's District Study also provides detailed guidance regarding the Proposal. The Study has not been made public because it serves as background information to the forthcoming Strategy.</p> <p>On 16 October 2017, the Department of Planning and Environment confirmed that the proposed amendments, brought about by the Vineyards District Study, would not require an amended Gateway determination.</p> <p>There is considerable information that supports the Proposal, which seeks to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 and 10 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCg. The Department of Primary Industries (Agriculture) has also indicated its support for the intent of the Proposal to protect the primacy of the vineyards and to re-consider whether all the tourist and visitor sub-term land uses are required in the RU4 Zone.</p> <p>While it is acknowledged that State and local strategies, such as the Hunter Regional Plan and the Vineyards Vision, also contain directions regarding wine tourism, these need to be considered in the context of viticulture as the prime land use in the RU4 Zone. In this regard, the documents set out that other land uses, including those related to wine tourism, must recognise and protect the primacy of the vineyards.</p> <p>Proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character'</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will result in reduced capital investment in the Cessnock Local Government Area	10-20	<p>The submissions outline that the Planning Proposal will deter further investment in the Vineyard's District, including from other levels of government.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
The objective of standardising the RU4 Zone is supported	10-20	The feedback is noted.
Permit recreation areas and recreation facilities (outdoor)	10-20	<p>The submissions generally outline that recreation areas and outdoor facilities will be needed as the community grows and matures. Examples provided include footpaths, bushwalking tracks and an aquatic centre, whilst 'amusement park' facilities should be prohibited.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment. This may include permitting recreation areas and recreation facilities (outdoor) in certain areas within the Vineyard's District.</p>
The Cessnock Local Government Area does not stand to benefit from the Proposal.	10-20	<p>The submissions outline that only the Singleton LGA stands to benefit from the Proposal. The submissions also outline that the Proposal supports the larger wineries that are financially capable of integrating ancillary tourist land uses. The Proposal does not appear to support smaller scale 'stand-alone' tourist development.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Proposal will significantly affect options for development and planned expansion or upgrading of tourism accommodation in the Cessnock wine region.	10-20	<p>The submissions outline that to remain competitive and ensure continued use and contribution to wine tourism, developments need to be able to upgrade or expand. The Proposal will make it more difficult for existing tourism developments to upgrade and expand.</p> <p>The Vineyard's District occupies a relatively small area of land in the Hunter Region. As a result, careful consideration must be given to the siting and built form of any development that occurs on the land. Over time, proliferation of non-agricultural development in the Viticultural District, primarily development that is more akin to urban areas, will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape that is fundamental to the overall appeal of the District for tourists.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCg, in 2017.</p> <p>Notwithstanding this, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
Tourist and visitor accommodation will be restricted to uses that are commercially unviable in the Cessnock wine region	10-20	<p>The submissions outline that none of the remaining accommodation land uses are suitable to the character of the area, target market or number of potential guests. The submissions also outline that the remaining land uses will not counterbalance the prohibition of serviced apartments.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p>
The Proposal will reduce local employment opportunities in the Cessnock Local Government Area	10-20	<p>The submissions outline that the Proposal will result in direct and indirect employment job losses and will limit future job opportunities in the region.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		<p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p> <p>The submissions outline that child care facilities should be available in the vineyard area so that workers don't have the added burden of travelling to a regional centre. The submissions also outline that child care facilities provide business opportunities to service tourists during school holidays.</p> <p>The Proposal sets out that certain forms of development have the potential to conflict with the viticultural pursuits occurring in the RU4 Zone and are less likely to integrate with the rural and viticultural character of the land. This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>The Proposal outlines one way land use conflict can be managed, that is by prohibiting potentially 'high risk' land uses in the RU4 Zone. This approach is supported by the Department of Primary Industries in their advice to Council of May 2016 and the Vineyard's District Study, prepared by specialist agricultural consultants RMCG, in 2017.</p> <p>However, proceeding with the Proposal as exhibited is not recommended at this time. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p> <p>The submissions outline that the Cessnock Development Control Plan and Cessnock Local Environmental Plan already achieve a perfect balance in preserving the character of the Vineyard's District and that no further amendments are required.</p> <p>It is worthwhile noting that, since the commencement of the 1989 Cessnock LEP, 201 known tourist related applications have been lodged with Cessnock City Council for Vineyard's District. Many of which incorporate some form of accommodation. This figure is unlikely to include many of the 'Airbnb' style accommodation, which is becoming more prevalent in the Hunter Region.</p>
Permit centre-based childcare	< 10	
The Cessnock Local Environmental Plan and Development Control Plan already contains appropriate mechanisms to manage development in the RU4 Zone	< 10	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
		In contrast, since 2001, a total of 1,600 hectares of vineyards have been removed from the Hunter Valley region (RMCG, 2017). These changes to the development landscape impact the delicate balance between viticulture and wine tourism in the Pokolbin area, which needs to be managed appropriately to ensure the sustainability of both industries into the future.
Permit advertising structures	< 10	The submissions outline that <i>signage</i> is already well administered under the Vineyards Signage Code. <i>Advertising structures</i> are typically utilised for large 'billboard' style advertisements, which are generally inconsistent with the rural character of the Vineyard's District. The Proposal does not seek to prohibit <i>building identification signage</i> or <i>business identification signage</i> , which is administered by Council's Signage Policy.
<i>Advertising structures</i> should be prohibited in the Vineyards District, but permitted at major gateways	< 10	The submissions outline that advertising structures promoting fast food chains, soft drinks and similar are not in keeping with the character of the area and should be prohibited. However, advertising structure located at the gateway to the Vineyard's District that promote local events, concerts and other activities should be permitted. The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.
The Proposal needs to be informed by a Strategy	< 10	The submissions outline that the Proposal needs to be informed by a joint planning strategy and that, until such time as that occurs, the Proposal should only include positive amendments. From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.
The Proposal will negatively impact the livelihood of business owners and their employees in the local area	< 10	The feedback is noted.
The Proposal is not in the best interest of the Pokolbin area	< 10	The feedback is noted.

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Much of the land in the Vineyards District is unsuitable for growing grapes	< 10	<p>The submissions outline that, whilst there are 'pockets' of good viticultural land, much of the Vineyard's District is unsuitable for growing grapes. The submissions also outline that economics plays an increasing role in land utilisation. Hence we see more tourism related projects.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
Obtaining finance for new or existing ventures will be difficult as a result of the Proposal	< 10	<p>The feedback is noted.</p>
The <i>rural workers' dwellings</i> land use should be prohibited	< 10	<p>The submissions generally outline that it will be difficult to justify an application for a <i>rural workers' dwelling</i> given the proximity of the Vineyard's District to the urban centres of Cessnock and Singleton. The submissions also outline that <i>rural workers' dwellings</i> may also be used for short term rental accommodation and that there is no guarantee Council will be able to ensure ongoing compliance with the proposed development standards.</p> <p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
Enabling tourism land uses for particular parcels of land (e.g. application of SP3 Zone) is not a practical or viable solution.	< 10	<p>The feedback is noted.</p>
Serviced apartments and hotel and motel accommodation are central to the wine and tourism experience	< 10	<p>The submissions outline that the Hunter Valley wineries depend on visitation to drive high margin sales through cellar door and restaurant experiences.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.</p>
People have purchased property on the basis of what was permissible in the RU4 Zone at that time	< 10	<p>The feedback is noted.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The <i>helipads</i> land use should be permitted	< 10	<p>The submissions outline that <i>helipads</i> support the wedding market and general access to the cellar door and restaurant.</p> <p><i>Helipads</i> that are ancillary to existing or proposed development could still be considered in the RU4 Zone as a result of the Proposal. The 'ancillary development' provisions would respond to the majority of proposed or established <i>helipads</i> in the RU4 Zone.</p> <p>The submissions outline that prohibiting dual occupancies will result in additional accommodation costs to small vineyard owners who wish to pursue family operated tourism on their property.</p> <p>Dual occupancies are currently prohibited in the Cessnock RU4 Zone. It is considered that the use is out of character with the objectives of the RU4 Zone.</p> <p>Proliferation of non-agricultural development in the Viticultural District, primarily development that is more akin to urban areas, will have a cumulative impact on the rural character of the land, result in amenity impacts and may eventually undermine the rural landscape that is fundamental to the overall appeal of the District for tourists.</p> <p>The submissions outline that the priorities and character of the Cessnock and Singleton wine regions are different and that, as a result, there is no need to align the RU4 Zone.</p> <p>The Proposal reflects the intent of the Vineyards Vision to protect the primacy of the vineyards in the RU4 Zone and is a specific action of that document. Aligning the RU4 Zone ensures that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard District.</p>
The <i>dual occupancies</i> land use should be permitted	< 10	<p>The submissions outline that the priorities and character of the Cessnock and Singleton wine regions are different and that, as a result, there is no need to align the RU4 Zone.</p> <p>The Proposal reflects the intent of the Vineyards Vision to protect the primacy of the vineyards in the RU4 Zone and is a specific action of that document. Aligning the RU4 Zone ensures that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard District.</p>
There is no need to standardise the Cessnock and Singleton RU4 Zone	< 10	<p>The submissions outline that the priorities and character of the Cessnock and Singleton wine regions are different and that, as a result, there is no need to align the RU4 Zone.</p> <p>The Proposal reflects the intent of the Vineyards Vision to protect the primacy of the vineyards in the RU4 Zone and is a specific action of that document. Aligning the RU4 Zone ensures that there is effectively no arbitrary planning boundary within the area of the Pokolbin Vineyard District.</p>
The Cessnock and Singleton development control plans should also be aligned in relation to the Vineyards District	< 10	<p>The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
Cessnock Council should consider reinstating the Vineyard's District Advisory Group	< 10	<p>The feedback is noted.</p>

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
Prohibiting centre-based childcare in the RU4 Zone is supported	< 10	<p>The feedback is noted.</p> <p>The submissions outline that the Proposal does not give full and proper consideration to the local and regional planning strategies and that an incomplete application of the RU4 Zone objectives has been made.</p> <p>The Proposal is consistent with the outcomes of local and regional strategies that seek to recognise and protect the primacy of the vineyards and the rural amenity of the District. This includes Direction 9 and 10 of the Hunter Regional Plan 2036, the Vineyard's Vision document, as amended by the wine and tourism industry and more recently, the 2017 Vineyard's District Study, carried out by specialist agricultural consultants RMCG. The Department of Primary Industries (Agriculture) has also indicated its support for the intent of the Proposal to protect the primacy of the vineyards and to re-consider whether all the tourist and visitor sub-term land uses are required in the RU4 Zone.</p> <p>This is not to say that these developments cannot co-exist with viticulture or they are not important, rather that they present a significantly higher likelihood of land use conflict, particularly within certain areas of the Vineyard's District. This potential for land use conflict must be carefully managed with emphasis on maintaining the scenic rural landscape of the Vineyard's District and the primacy of viticulture. This approach is consistent with Direction 9 of the Hunter Regional Plan 2036 and the Vineyards Vision Statement.</p> <p>From the submissions, it is clear that further strategic work and consultation needs to be undertaken before any land use amendment occurs in the Vineyard's District. This includes developing a suite of clear policy outcomes for the District that allow for and consider differentiation between the District's existing 'character' precincts. It is clear that proceeding with a 'broad brush' planning approach to the District does not reflect important differences that exist in the existing natural and built environment.</p> <p>The submissions outline that the Proposal will result in an increase in 'Airbnb' style tourist accommodation in the RU4 Zone, increasing pressure on existing tourist accommodation land uses.</p> <p>The State Government has recently announced its intention to amend the regulatory framework to include standards for short-term holiday letting, including 'Airbnb' style tourist accommodation. The impact of these changes along with the community's comments will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The Proposal is contrary to local and regional planning strategies	< 10	
Short stay 'AirBNB' style accommodation is detrimental to businesses in the Vineyards District	< 10	

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
The Department of Primary Industries' response to the Proposal is not balanced	< 10	The submissions outline that the Department of Primary Industries is an industry specific organisation and that their opinion may not be balanced with regard to wine tourism. The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.
The existing minimum lot size of 40 hectares is supported	< 10	The feedback is noted.
The objective of prohibiting large scale, inappropriate development is supported	< 10	The feedback is noted.
The Proposal will benefit the Vineyard area	< 10	The feedback is noted.
As an alternative, Cessnock Council should consider strengthening the Development Control Plan in relation to 'large scale' tourist land uses	< 10	The submissions generally outline that, as an alternative to the Proposal, which will affect both 'large' and 'small' scale tourism land uses, the Cessnock DCP should be amended to include additional provisions to better manage 'large scale' tourism development. The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District. The aim of which will be to find a more 'sustainable balance' between the viticulture and wine tourism land uses.
Clause 5.4 of the Cessnock and Singleton Local Environmental Plan should also be aligned	< 10	Clause 5.4 of the Cessnock and Singleton local environmental plans outline additional provisions to control the scale of particular land uses. Of relevance are the controls relating to the <i>tourist and visitor accommodation</i> sub-term land uses. The concerns raised in the submissions are relevant and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.
The viticulture land use should be permitted without consent	< 10	The submissions outline that, in light of the intent of the Proposal to recognise the primacy of viticulture, the use should be permissible without the need for consent in the RU4 Zone. The RU4 Zone contains a substantial number of existing residential and tourist land uses, which are sensitive to the impacts of viticulture, such as spray drift. As a result, the siting of new viticulture must be appropriately managed.

Overarching Issue	Occasions Raised	Issue Summary and Planning Response
All existing allotments should receive a dwelling entitlement	< 10	<p>The submissions outline that certain 'undersized' allotments in the Vineyard's District do not have the benefit of a dwelling entitlement and are therefore restricted in terms of possible use.</p> <p>The issue of dwelling entitlement is beyond the scope of the Proposal. The Proposal aims to align, as far as possible, the objectives and land use tables of the RU4 Primary Production Small Lots Zone in the LGAs of Singleton and Cessnock. In this regard, the Proposal does not seek to amend either council's existing policy position regarding the permissibility of <i>dwelling houses</i> in the RU4 Zone.</p> <p>Notwithstanding this, the concerns raised in the submissions have been noted and may be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The <i>eco-tourism facilities</i> land use should be prohibited	< 10	<p>The submissions outline that accommodation in the Vineyard's District is directed toward the 'higher end' of the tourist market and that <i>eco-tourist facilities</i> are overly regulated, impractical or unviable in the RU4 Zone.</p> <p>The concerns raised in the submissions have been noted and will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>
The <i>secondary dwellings</i> land use should be prohibited	< 10	<p>The submissions generally outline that permitting <i>secondary dwellings</i> will lead to an increase in 'Airbnb' style tourist accommodation, which is an undesirable outcome for the Vineyard's District.</p> <p>The State Government has recently announced its intention to amend the regulatory framework to include standards for short-term holiday letting, including 'Airbnb' style tourist accommodation. The impact of these changes along with the community's comments will be considered in any amended Proposal or alternative land use outcomes relating to the Vineyard's District.</p>