

Vineyards District (Singleton and Cessnock LGA's)

Proposal Title : **Vineyards District (Singleton and Cessnock LGA's)**

Proposal Summary : **The planning proposal seeks to introduce greater consistency in planning provisions for the RU4 zone so that there is effectively no arbitrary planning boundary (LGA) within the Vineyards District.**

PP Number : **PP_2016_CESSN_002_00**

Dop File No : **14/15387**

Proposal Details

Date Planning Proposal Received : **29-Feb-2016**

LGA covered : **Cessnock**

Region : **Hunter**

RPA : **Cessnock City Council**

State Electorate : **CESSNOCK
UPPER HUNTER**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street : **Various**

Suburb : **Pokolbin**

City : **Cessnock**

Postcode : **2320**

Land Parcel :

Street : **Various**

Suburb : **Rothbury and Lovedale**

City : **Cessnock**

Postcode : **2325**

Land Parcel :

Street : **Various**

Suburb : **Broke**

City : **Singleton**

Postcode : **2330**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **James Shelton**
Contact Number : **0249042713**
Contact Email : **james.shelton@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Iain Rush**
Contact Number : **0249934155**
Contact Email : **iain.rush@cessnock.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**
If No, comment :

Have there been
meetings or
communications with
registered lobbyists? : **No**
If Yes, comment :

Supporting notes

Internal Supporting Notes : **Providing more consistency in planning provisions and controls will create more certainty for future development while maintaining the vineyards characteristics.**

External Supporting Notes : **Due to limitations with the LEP tracking system, only Cessnock Council has been listed as the 'Relevant Planning Authority' and Cessnock listed as the 'LGA covered' by the PP. This is incorrect.**

Cessnock City Council and Singleton Shire Council will be a joint relevant planning authority for this PP. Similarly, the 'LGA covered' is part of both Cessnock and Singleton local government areas.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the 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 LGA's of Cessnock & Singleton. This will provide consistency so that there is effectively no arbitrary planning boundary (LGA) within the Pokolbin Vineyard District.

It is noted that some differences in the land use tables may remain to reflect certain characteristics unique to each LGA.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions is adequate as it provides the parameters to amend both Cessnock LEP 2011, and Singleton LEP 2013. The PP will amend the objectives and Land use table for the RU4 zone only with no amendments to maps. Council's have provided justification for the differences in the Land Use Tables between the Councils as explained in the LUT matrix - Appendix 2. Targeted consultation with peak bodies during the exhibition period will seek to explore these differences further.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.2 Caravan Parks and Manufactured Home Estates

3.5 Development Near Licensed Aerodromes

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 62—Sustainable Aquaculture

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

The Upper Hunter Strategic Rural Land Use Plan applies to part of the site and the provisions of this plan should be considered.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The maps provided are adequate for public exhibition. It is noted that the mapping exercise has identified areas of the RU4 vineyards district that are not mapped as 'critical cluster' in the mining SEPP.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Propose a 28 day exhibition period which is agreed as the proposal is not considered low impact.**

Council's propose to consult with the Department of Primary Industries - Agriculture and other business and wine related industries. DPI consultation is supported and will be conditioned in relation to justifying the Land Use Table differences.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Singleton LEP 2013 was published in September 2013.
Cessnock LEP 2011 was published in December 2011.**

Assessment Criteria

Need for planning proposal :

The current permissible uses in the land use tables do not reflect the intent of the zones as outlined in the zone objectives. They contain land uses that are either contained within defined group terms, or considered inappropriate, or do not include land uses that are considered appropriate. There are currently 42 differences in land use permissibility (defined uses) between Cessnock and Singleton's RU4 zone.

In order to align the land uses tables with uses that are complementary to the vineyards district and to be consistent between each Council's LEP's, the following key land uses changes are proposed:

Changing from permissible to prohibited - land uses such as airstrips, heliports, childcare centre, home based childcare, respite day care, advertising structures, rural supplies, neighbourhood shops and dual occupancies.

Changing from permissible without consent to permissible with consent – intensive plant agriculture.

Changing from prohibited to permissible - Eco tourist facilities, Backpackers accommodation, Rural workers dwellings, Secondary dwellings and Serviced apartments.

While this PP provides greater consistency with the zone objectives and between the council LEP's, there exists some main points of difference between the land use tables. These differences relate to the permissible uses in Singleton LEP. The following description lists the differences and Council's justification.

Forestry

Singleton - propose to retain forestry as development with consent, as it is required in the Broke Fordwich area where forestry uses are more likely close to the National Park.

Cessnock - There are no existing forestry plantation in the Pokolbin area, hence it is proposed to be prohibited in Cessnock.

Hotel Motel

Singleton - Council considered that the Broke vineyards area may be more suitable for hotel motel accommodation as the land is utilised less intensively for viticulture. This matter will require further review post exhibition, once public submissions have been considered.

Cessnock - Council considers that larger forms of tourist and visitor accommodation are more likely to conflict with viticultural pursuits occurring on the land and are less likely to integrate with the rural character of the area, which is an important and dominant feature of the RU4 Zone. 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.

Recreation area and Recreation facility

Singleton - The Broke vineyards area may be more suitable for outdoor recreation facilities as the land is utilised less intensively for viticulture. This matter will require further review post exhibition, once public submissions have been considered.

Cessnock - Recreation areas and outdoor facilities 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.

It is recommended that relevant peak bodies be consulted prior to exhibition. This will enable further consideration of the differences in land uses between the LGA's and provide an opportunity to make changes to the PP prior to formal public exhibition.

Vineyards District (Singleton and Cessnock LGA's)

Consistency with
strategic planning
framework :

SEPPS

SEPP 2008 (Rural Lands) applies to the PP. The proposed objectives and intent of the PP is consistent with the SEPP.

S117

1.2 Rural Zones - Consistent

1.3 Mining, Petroleum Production and Extractive Industries - consistent. This SEPP includes a map of the Critical Agricultural Cluster of the Vineyards district.

1.5 Rural Lands - Consistent.

2.1 Environmental Protection Zones - Consistent

3.5 Development Near Licensed Aerodromes - Consistent

4.2 Mine Subsidence and Unstable Land - Consistent

4.3 Flood Prone Land - Consistent

4.4 Planning for Bushfire Protection - Consistent

5.1 Implementation of Regional Strategies - Consistent.

Regional Strategies

The Lower Hunter Regional Strategy identifies this land as "Regionally significant agricultural land" (Natural Resources Map 2.).

The Upper Hunter Strategic Regional Land Use Plan (SRLUP) applies to this PP. The PP is consistent with the intent of the Policy.

Local Strategies

Other Vineyards related strategic documents include:

Cessnock Council's Vineyards Visioning

Singleton Land Use Strategy 2008

Hermitage Road Pokolbin Planning Study 2014

As part of the peak body consultation (prior to exhibition), it will be determined if clause 7.6 of Cessnock LEP 2011 will need to be amended to include ecotourism facilities.

Environmental social
economic impacts :

It is unlikely that any environmental or social impacts will occur as a result of this proposal.

There is anticipated to be no adverse economic impacts from this PP, however more consistent planning provisions for this wider Lower Hunter vineyards district will create greater certainty and less ambiguity for economic investment.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	NSW Department of Primary Industries - Agriculture		

Vineyards District (Singleton and Cessnock LGA's)

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council's timeline nominates the Planning Proposal's completion within six (6) months after the Gateway Determination. However this was provided without the knowledge of the peak body consultation prior to exhibition which will add additional time to the process. Given the time frame is tight with little room for delays, it is considered that a nine (9) month completion timeframe is appropriate which require the Planning Proposal to be completed by mid December 2016.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
2016.2.29 Joint Vineyards Planning Proposal.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.5 Development Near Licensed Aerodromes
- 4.2 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 5.1 Implementation of Regional Strategies

Additional Information :

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:
 - (a) NSW Department of Primary Industries (Agriculture)

Vineyards District (Singleton and Cessnock LGA's)

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Council should, following receipt of advice from the public authorities, update its consideration of s117 Directions in the planning proposal, as required.

4. Consultation is also required with appropriate vineyards related peak bodies, including NSW Department of Primary Industries (Agriculture) prior to exhibition to review the planning proposal to ensure the zone objectives and the agreed vision for the vineyards district is reflected in the permissible uses for the zone.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months.

Supporting Reasons :

The PP will provide a greater level of consistency for planning provisions in the Pokolbin Vineyards district between Cessnock and Singleton Council's.

Signature:



Printed Name:

K. O'Flaherty

Date:

3/3/16