



JOINT PLANNING PROPOSAL

Amendments to the:
Cessnock Local Environmental Plan 2011
and
Singleton Local Environmental Plan 2013

RU4 Zone (Vineyards) Planning Provisions

Version 1.1

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Contact: Iain Rush
Strategic Land Use Planner
Telephone: 02 4993 4155
Email: ian.rush@cessnock.nsw.gov.au

TABLE of CONTENTS

PART 1: OBJECTIVES and OUTCOMES	3
PART 2: EXPLANATION of PROVISIONS.....	4
PART 3: JUSTIFICATION	17
Section A: Need for Proposal	17
1 Resulting from a Strategic Study or Report.....	17
2 Planning Proposal as best way to achieve to objectives.....	18
Section B: Relationship to Strategic Planning Framework	19
3 Consistency with Objectives and Actions within Regional Strategies	19
4 Consistency with Council's Community Strategic Plan or other Local Strategic Plan	19
5 Consistency with State Environmental Planning Policies	20
6 Consistency with s.117 Ministerial Directions for Local Plan Making.....	25
Section C: Environmental, Social and Economic Impact	33
7 Impact on Threatened Species	33
8 Environmental Impact	33
9 Social and Economic Impacts	33
Section D: State and Commonwealth Interests.....	34
10 Adequate Public Infrastructure.....	34
11 Consultation with State and Commonwealth Authorities	34
PART 4: MAPPING.....	35
PART 5: COMMUNITY CONSULTATION	36
PART 6: PROJECT TIMELINE	37

Tables

Table 1: Relevant State Environmental Planning Policies.....	20
Table 2: Relevant s.117 Ministerial Directions.....	25

Appendices

Appendix 1: Council Reports and Minutes.....	39
Appendix 2: RU4 Zone Land Use Matrix	73
Appendix 3: Strategic Agricultural Land.....	90

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, whilst respecting important differences between the LGAs. The differences that will remain relate to the permissibility of hotel and motel accommodation, forestry, and recreation areas and facilities. The differences reflect certain characteristics that are unique to each LGA.

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, which is 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.

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

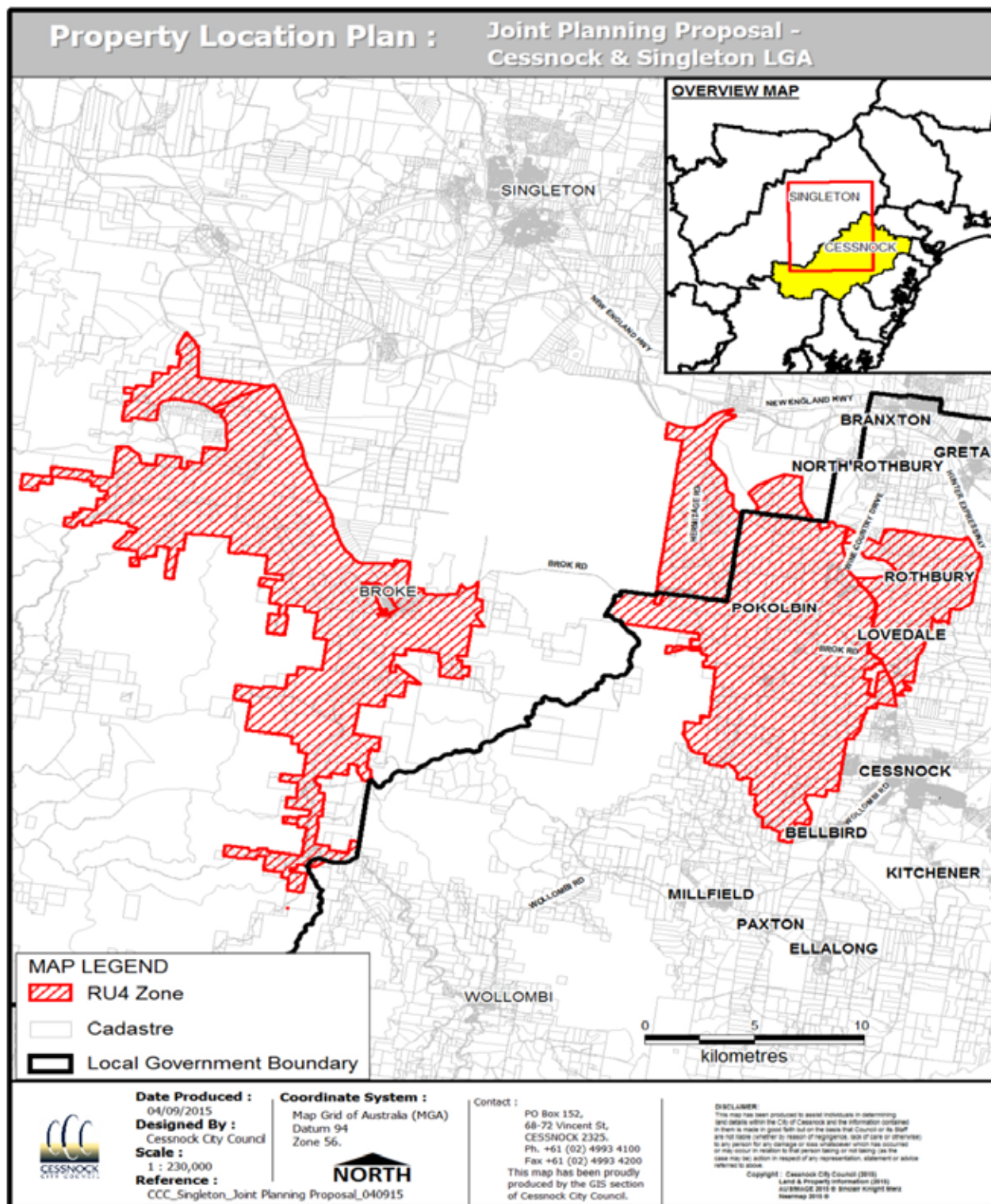
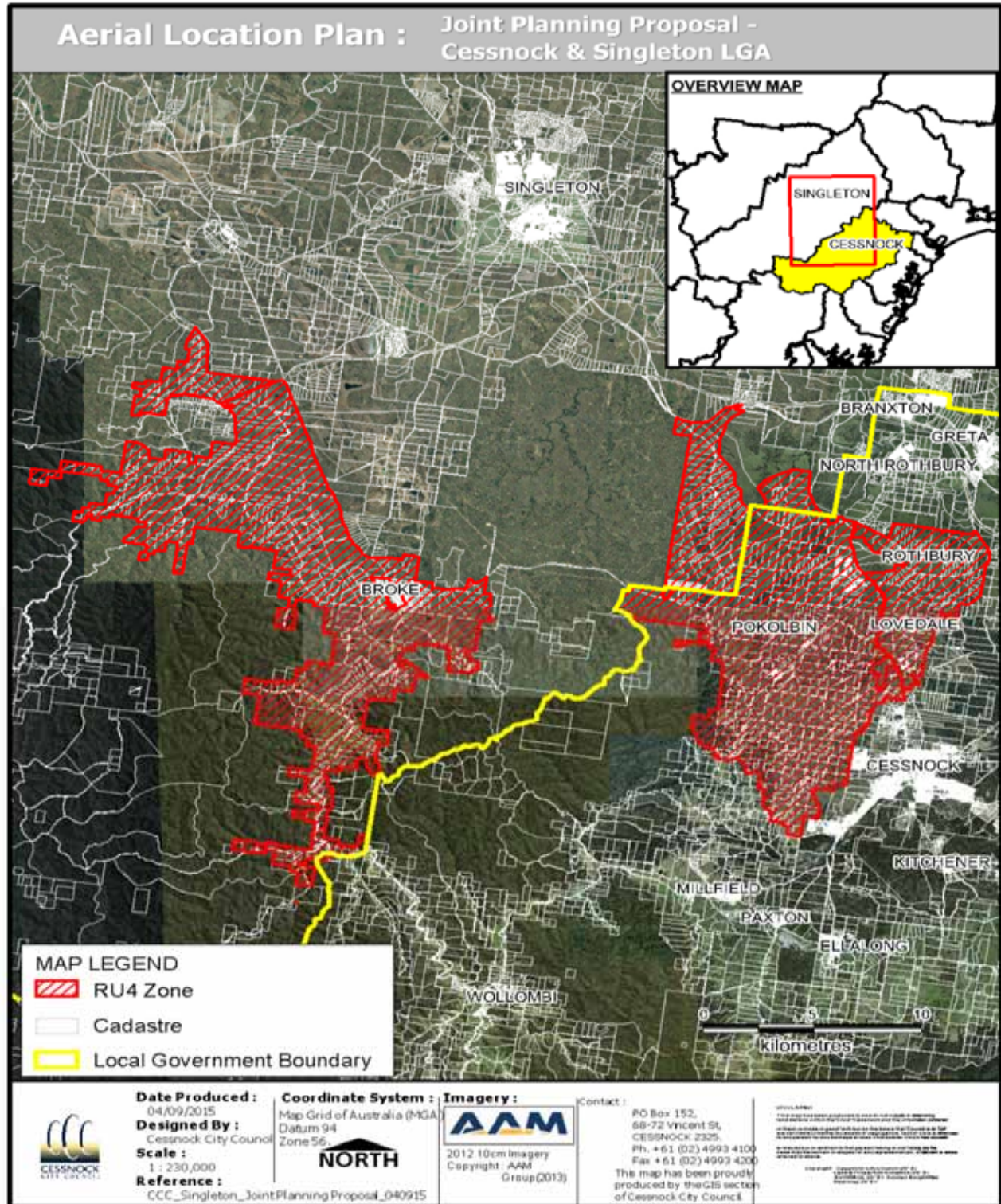


Figure 2 - RU4 Zone, Cessnock and Singleton LGAs (Pokolbin and Broke/Fordwich Area) - Aerial



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.

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 outdoor 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. 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.

Points of Difference

1. Hotel and Motel Accommodation

It is considered that larger forms of tourist and visitor 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 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.

Cessnock 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 the Cessnock Council Development Control Plan 2010. Limiting the density and size of tourist and visitor accommodation is also 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 consistent with the Vineyards Vision.

- Vision 1, Objective 2 – ‘All development in the Vineyards District must recognise the importance of vineyards as the primary land use in the Vineyards District’.
- Vision 1, Objective 7 – ‘Additional tourist uses to be permitted only if they are in association with an existing vineyard on ‘Prime Viticultural Land’.
- Vision 2, Objective 1 – ‘Ensure that development does not detract from the rural character’.
- Vision 4, Action 5 – ‘Allow complementary land uses, such as accommodation and hospitality/retail on non-prime viticultural lands’.

The view that tourism land uses should not be ‘stand-alone’ uses 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’. It is considered that development for the purpose of hotel or motel accommodation is far less likely to be an ‘ancillary use’, but a ‘dominant use’ in its own right. ‘Dominant’ and ‘ancillary’ land uses are explained in Planning Circular PS 13-001.

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*, refer to Appendix 3. The Planning Proposal is consistent with actions specified in the Upper Hunter Strategic Regional Land Use Plan (UHSRLUP), that aims to protect strategic agricultural land, including the critical industry cluster of viticulture.

Larger forms of tourist and visitor accommodation may still be considered on a case by case basis 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. This approach is consistent with Vision 1, Objective 8 of the Vineyards Vision that states, ‘identify key development sites that are not located on ‘Prime Viticultural Land’.

The Broke vineyards area is located wholly within the Singleton LGA and is used less intensively for viticulture than the Pokolbin area. Hotel and motel accommodation may therefore be appropriate in the Broke viticultural area where there is potential for it to support other existing forms of tourism and industries in that area. This matter will require further review by Singleton Council following community consultation.

Clause 7.6 of CLEP 2011, regarding tourist and visitor accommodation, may need to be amended to reflect the proposed addition of eco-tourist facilities. This matter will require further review by Cessnock Council following community consultation.

2. Recreation Areas and Outdoor Facilities

Recreation land uses are currently prohibited in the RU4 Zone in Cessnock and are proposed to remain so under this Planning Proposal. As with hotel and motel accommodation, 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.

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 by Singleton Council following community consultation.

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.

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.

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 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.
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.
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.
- 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
Amend SLEP 2013 to remove 'rural industries' from the permitted land uses in the RU4 Zone.

'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. '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 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.
- 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.
- 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.

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.

Singleton LGA

The Planning Proposal is not inconsistent 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.

Section B: Relationship to Strategic Planning Framework

4 *Consistency with Objectives and Actions within Regional Strategies*

Lower Hunter Regional Strategy 2006

The Lower Hunter Regional Strategy (LHRS) applies to the Cessnock LGA only. 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 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.

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 LGA</i>	<i>Not Applicable to LGA</i>
SEPP 15 - Rural Land Sharing Communities	The SEPP provides for multiple occupancy development, with council consent, in rural and non-urban zones, subject to a list of criteria in the policy.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 19 – Bushland in Urban Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</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 LGA</i>	<i>Not Applicable to LGA</i>
SEPP 29 – Western Sydney Recreation Area	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</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 32 - Urban Consolidation (Redevelopment of Urban Land)	The SEPP makes provision for the re-development of urban land suitable for multi-unit housing and related development.	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 39 – Spit Island Bird Habitat	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP 44 - Koala Habitat Protection	This SEPP applies to land across NSW that is greater than	Consistent. Nothing in this Planning Proposal impacts upon

SEPP	Relevance	Consistency and Implications
	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.	the operation of this SEPP.
SEPP 47 – Moore Park Showground	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</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 these developments.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP 52 – Farm Dams and Other works in Land and Water Management Plan Areas	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</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 59 – Central Western Sydney Regional Open Space and Residential	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
	councils on the merit of residential flat development.	
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 LGA</i>	<i>Not Applicable to LGA</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 ratio bonuses and non-discretionary development standards, (c) to facilitate the retention and mitigate the loss of existing affordable rental housing, (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, (e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing, (f) to support local business centres by providing affordable rental housing for workers close to places of work, (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.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
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 Exempt and Complying Development	The SEPP provides exempt and complying development codes that have State-wide application,	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.

SEPP	Relevance	Consistency and Implications
Codes 2008	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.	
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 LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Kurnell Peninsula) 1989	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Major Development 2005	The SEPP defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites. In addition, the SEPP identifies the council consent authority functions that may be carried out by Joint Regional Planning Panels (JRPPs) and classes of regional development to be determined by JRPPs.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP Mining, Petroleum Production and Extractive Industries 2007	The SEPP aims to provide proper management of mineral, petroleum and extractive material resources and ESD.	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. The majority of the RU4 zoned

SEPP	Relevance	Consistency and Implications
		land in Singleton and Cessnock LGA is identified as 'strategic agricultural land' under <i>State Environmental Planning Policy (Mining, Petroleum Production and 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 LGA</i>	<i>Not Applicable to LGA</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	Relevance	Consistency and Implications
SEPP 53 Transitional Provisions 2011	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
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 development applications.	Consistent. Nothing in this Planning Proposal impacts upon the operation of this SEPP.
SEPP (Sydney Drinking Water Catchment 2011)	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP Sydney Region Growth Centres 2006	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Three Ports 2013	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Urban Renewal) 2010	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Western Sydney Employment Area) 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</i>
SEPP (Western Sydney Parklands) 2009	<i>Not Applicable to LGA</i>	<i>Not Applicable to LGA</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 to protect the agricultural production value of rural land.	Consistent. It is considered that the Planning Proposal is consistent with this Direction and will assist in

Ministerial Direction	Objective of Direction	Consistency and Implication
		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: (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) 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 LGA</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 LGA</i>
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.
2.4 Recreation	The objective of this direction is	Consistent. Nothing in this

Ministerial Direction	Objective of Direction	Consistency and Implication
Vehicle Areas	to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	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 generated by development and the distances travelled,	Consistent. Nothing in this Planning Proposal is contrary to the objectives of the Ministerial Direction.

Ministerial Direction	Objective of Direction	Consistency and Implication
	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.
3.6 Shooting Ranges	The objectives are: (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	<i>Not applicable to this Planning Proposal</i>
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	The objective of this direction is to prevent damage to life, property and the environment on	<i>Not applicable to this Planning Proposal</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
Land	land identified as unstable or potentially subject to mine subsidence.	
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 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.	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.
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. 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.

Ministerial Direction	Objective of Direction	Consistency and Implication
5.2 Sydney Drinking Water Catchment	<i>The objective of this Direction is to protect water quality in the Sydney drinking water catchment.</i>	Not Applicable to LGA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	<i>The objectives of this direction are:</i> <i>(a) to ensure that the best agricultural land will be available for current and future generations to grow food and fibre,</i> <i>(b) to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning, and</i> <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>	Not Applicable to LGA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	<i>The objectives for managing commercial and retail development along the Pacific Highway are:</i> <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> <i>(b) to prevent inappropriate development fronting the highway</i> <i>(c) to protect public expenditure invested in the Pacific Highway,</i> <i>(d) to protect and improve highway safety and highway efficiency,</i> <i>(e) to provide for the food, vehicle service and rest needs of travellers on the highway, and</i> <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>	Not Applicable to LGA
5.5 Development in the vicinity of Ellalong, Paxton and	(Revoked 18 June 2010)	Not Applicable to LGA

Ministerial Direction	Objective of Direction	Consistency and Implication
<i>Millfield (Cessnock LGA)</i>		
5.6 <i>Sydney to Canberra Corridor</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGA</i>
5.7 <i>Central Coast</i>	<i>(Revoked 10 July 2008. See amended Direction 5.1)</i>	<i>Not Applicable to LGA</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 LGA</i>
5.9 <i>North West Rail Link Corridor Strategy</i>	<i>The objectives of this direction are to:</i> <i>(a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)</i> <i>(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 LGA</i>
6 LOCAL PLAN MAKING		
6.1 <i>Approval and Referral Requirements</i>	<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 <i>Reserving Land for Public Purposes</i>	<i>The objectives of this direction are:</i> <i>(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</i> <i>(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 <i>Site Specific Provisions</i>	<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 <i>Implementation of A Plan for Growing</i>	<i>The objective of this direction is to give legal effect to the planning principles; directions;</i>	<i>Not Applicable to LGA</i>

Ministerial Direction	Objective of Direction	Consistency and Implication
<i>Sydney</i>	<i>and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.</i>	

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.

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

PART 4: MAPPING

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

PART 5: COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with both Councils' guidelines, requiring a minimum of twenty eight days exhibition, and any specific requirements made by 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.

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 Jun 2016, following receipt of a Gateway Determination from the Department of Planning and Environment in January 2016 (i.e. six months).

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.

PROJECT TIMELINE

	Dec 2015	Jan 2016	Feb 2016	Mar 2016	Apr 2016	May 2016	Jun 2016
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

Page 17

Minutes of Meeting of Singleton Council held on 16 November 2015

SINGLETON COUNCIL

Council Meeting - 16 November 2015

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).

- 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.

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

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.

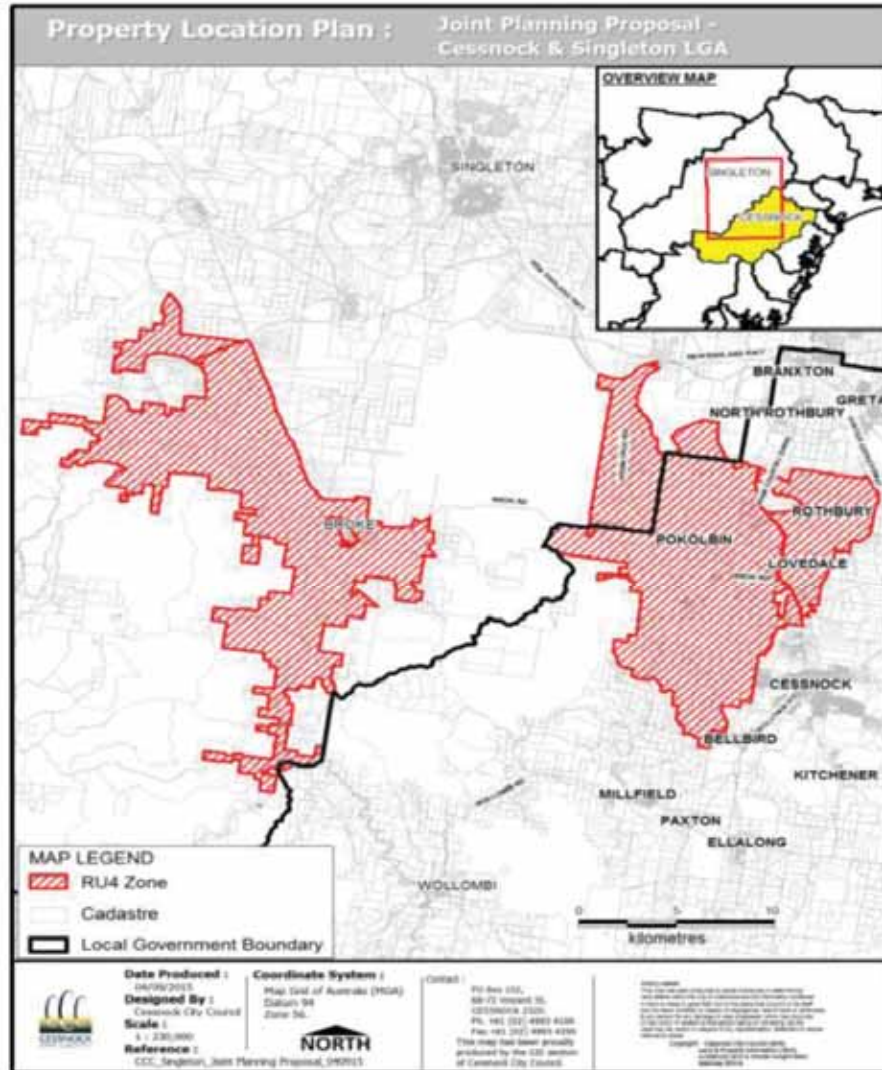
Report/Proposal

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.

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.

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:

- 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 *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 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 *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 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

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

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

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

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.

- 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 SLEP 2013 and CLEP 2011.
- 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:

- 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 SLEP 2013 and CLEP 2011.
- 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 As above.

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

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

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

- 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.

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

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 PlansLower 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.

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

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

PLAN MAKING PROCESS - LOCAL ENVIRONMENTAL PLAN



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

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

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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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

Councillor Olsen
Councillor Ryan

Total (2)

AGAINST

Councillor Gibson
Councillor Doherty
Councillor Stapleford
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent

Total (7)

This is page 42 of the Minutes of the Ordinary Council Meeting held on 9 December 2015 confirmed on 3 February 2016

.....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

Councillor Gibson
Councillor Doherty
Councillor Stapleford
Councillor Smith
Councillor Campbell
Councillor Parsons
Councillor Pynsent
Total (7)

AGAINST

Councillor Olsen
Councillor Ryan

Total (2)

CARRIED

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

This is page 43 of the Minutes of the Ordinary Council Meeting held on 9 December 2015 confirmed on 3 February 2016

.....General ManagerChairperson

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.

Planning and Environment

Report No. PE99/2015

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.

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.

Planning and Environment

Report No. PE99/2015

Planning and Environment



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.

Planning and Environment

Report No. PE99/2015

Planning and Environment



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

Planning and Environment

Report No. PE99/2015

Planning and Environment



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.



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.



- 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



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.



- 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.

Planning and Environment

Report No. PE99/2015

Planning and Environment



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.

Planning and Environment

Report No. PE99/2015

Planning and Environment



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.

Planning and Environment

Report No. PE99/2015

Planning and Environment



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.



Planning and Environment

Report No. PE99/2015

Planning and Environment



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

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.
- M** permitted under SEPP (Mining, Petroleum Production and Extractive Industries) 2007.
- fill colours in **green** or **red*** mandated under the SI.
- fill colour in **purple*** public infrastructure permitted under a SEPP.

Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
Current	Proposed	Current	Proposed	
(LAND USE terms WITHIN agriculture group term)				
agriculture	x	c	c	Amend CLEP 2011 and SLEP 2013 to permit 'agriculture' (group term) with consent in the RU4 Zone. 'Intensive livestock agriculture' is to be the only land use within the group term that will be prohibited. Use of group term 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.
aquaculture	x	c	c	Aquaculture to be permitted with consent under the group term 'agriculture' in both LEPs. The amendment will enable the keeping of fish or marine vegetation in a confined area for a commercial purpose with development consent. Aquaculture may be carried out as a small development in sheds and may permit tourist attractions like "fishouts" in vineyard areas. The amendment will bring about consistency between CLEP 2011 and SLEP 2013.
extensive agriculture [eg. grazing of livestock, etc.]	o	o	o	
bee keeping	o	o	o	
dairy (pasture-based)	o	o	o	
intensive livestock agriculture [eg. poultry farms, etc.]	x	x	x	Because the group term, 'agriculture', is proposed to be included in each Council's RU4 Zone land use table, it is critical to also amend the land use table to clearly prohibit 'intensive livestock agriculture' in the Zone. The proposed amendment will not change either Council's policy position regarding intensive

		Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required	
		Current	Proposed	Current	Proposed		
						livestock agriculture in the RU4 Zone. No change is required to the Singleton LEP 2013, as 'intensive livestock agriculture' is already included as a prohibited use.	
feedlots		x	x	x	x		
dairies (restricted)		x	x	x	x		
intensive plant agriculture [eg. cultivation of irrigated crops]		c	c	o	c	Remove intensive plant agriculture from permitted without consent in SLEP 2013. The land use will remain permissible with consent under the 'agriculture' group term in both CLEP 2011 and SLEP 2013.	
horticulture		c	c	o	c		
turf farming		c	c	c	c		
viticulture		c	c	c	c	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.	
(LAND USE terms OUTSIDE agriculture group term)							
animal boarding or training establishments		c	c	c	c		
farm buildings		c	c	c	c		
forestry		x	x	c	c	This will be a point of difference in this Planning Proposal. Singleton will need to retain forestry with permission, as it is required in the Broke Fordwich area where forestry uses are more likely close to the National Park.	

		Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
		Current	Proposed	Current	Proposed	
(LAND USE terms WITHIN residential accommodation group term)						
residential accommodation		x	x	x	x	
attached dwellings		x	x	x	x	
boarding houses		x	x	x	x	
dual occupancies		x	x	c	x	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.
dual occupancies (attached)		x	x	c	x	
dual occupancies (detached)		x	x	c	x	
dwelling houses		c	c	c	c	
group homes		x	x	x	x	
group homes (permanent)		x	x	x	x	
group homes (transitional)		x	x	x	x	
hostels		x	x	x	x	
multi dwelling housing		x	x	x	x	
residential flat buildings		x	x	x	x	
rural worker's dwellings		c	c	x	c	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.

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
secondary dwellings	C	C	X	C	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.
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 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.
home business	C	C	C	C	
home occupations	O	O	O	O	
home occupation (sex services)	X	X	X	X	
(LAND USE terms WITHIN tourist and visitor accommodation group term)					
tourist and visitor accommodation	C	C	C	C	

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
backpackers' accommodation	c	c	x	c	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.
bed & breakfast accommodation	c	c	c	c	
farm stay accommodation	c	c	c	c	
hotel or motel accommodation	x	x	c	c	This will be a point of difference in this Planning Proposal. It is considered 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.
serviced apartments	c	c	x	c	Amend SLEP 2013 to permit serviced apartments with consent in the RU4 Zone. As the group term, 'tourist and visitor accommodation', includes 'serviced apartments'; therefore, 'serviced apartments' can be removed from the SLEP 2013 RU4 Zone land use table.

		Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
		Current	Proposed	Current	Proposed	
(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.
(LAND USE terms WITHIN commercial premises group term)						
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	
garden centres		x	x	x	x	

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
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	Amend Cessnock LEP 2011 to prohibit rural supplies in the RU4 Zone. 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.
shops	x	x	x	x	
neighbourhood shops	c	x	x	x	Amend Cessnock LEP 2011 to prohibit neighbourhood shops in the RU4 Zone. 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 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'.
timber yards	x	x	x	x	

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
vehicle sales or hire premises	x	x	x	x	
(LAND USE terms OUTSIDE commercial premises group term)					
amusement centres	x	x	x	x	
entertainment facilities	x	x	x	x	
function centres	c	c	c	c	
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	
(LAND USE terms WITHIN rural industry group term)					
rural industries [eg. use of composting facilities and works]	x	x	c	x	Amend SLEP 2013 to remove 'rural industries' from the permitted land uses in the RU4 Zone. '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.
agricultural produce industries	c	c	c	c	
livestock processing industries	x	x	x	x	
sawmill or log processing industries	x	x	x	x	
stock & sale yards	x	x	x	x	
(LAND USE terms WITHIN industry group term)					
industries	x	x	x	x	
heavy industries	x	x	x	x	

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
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)					
boat building and repair facilities	x	x	x	x	
vehicle body repair workshops	x	x	x	x	
vehicle repair stations	x	x	x	x	
(LAND USE terms WITHIN heavy industrial storage establishment group term)					
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	
(LAND USE terms WITHIN storage premises group term)					
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	
(LAND USE terms WITHIN sewerage system group term)					
sewerage systems	x	c	c	c	Amend Cessnock LEP 2013 to permit sewerage systems with consent. 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.
biosolids treatment facilities					

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
sewage reticulation systems					
sewage treatment plants					
water recycling facilities					
(LAND USE terms WITHIN waste or resource management facility group term)					
waste or resource management facilities	C	X	X	X	Amend CLEP 2011 to remove waste or resource management facilities from permitted with consent. 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.
resource recovery facilities	C	X	X	X	
waste disposal facilities	C	X	X	X	
waste or resource transfer stations	C	X	X	X	
(LAND USE terms WITHIN water supply system group term)					
					Amend CLEP 2011 to permit water supply systems with consent in the RU4 Zone. 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 supply systems	X	C	C	C	
water reticulation systems	X	C	C	C	
water storage facilities	X	C	C	C	
					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.
water treatment facilities	X	C	C	C	
(LAND USE terms WITHIN air transport facility group term)					
air transport facilities	X	X	X	X	
airport	X	X	X	X	
heliport	X	X	X	X	
(LAND USE terms OUTSIDE air transport facility group term)					

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
airstrip	x	x	c	x	Amend SLEP 2013 to remove airstrips from permitted with consent. 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.
helipad	x	x	c	x	Amend SLEP 2013 to remove 'helipad' from permitted with consent. 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.
(Other LAND USE terms relating to infrastructure)					
car parks	x	x	x	x	
electricity generating works					
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	
(LAND USE terms WITHIN educational establishment group term)					
educational establishments [eg. TAFE establishment, etc.]					

	Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
	Current	Proposed	Current	Proposed	
schools					
(LAND USE terms WITHIN health services facility group term)					
health services facilities					
hospitals					
medical centres					
health consulting rooms					
(Other LAND USE terms relating to community infrastructure)					
child care centres	C	X	X	X	Amend Cessnock LEP 2011 to remove child care centres from permitted with consent. 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.
community facilities	C	C	C	C	
correctional centres	X	X	X	X	
emergency services facilities					
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	Amend Cessnock LEP 2011 to remove respite day care centres from permitted with consent. 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.
(LAND USE terms WITHIN signage group term)					

signage

advertising structure
building identification sign

business identification sign

Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
Current	Proposed	Current	Proposed	
				Amend Singleton LEP 2013 to permit 'Signage' (group term) with consent in the RU4 Zone. 'Advertising structures' is to be the only land use within the group term to be prohibited in the Zone. 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. Regarding 'advertising structures', 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.
C	C	X	C	
C	X	X	X	
C	C	C	C	
C	C	C	C	
X	X	X	X	
X	X	X	X	
X	X	X	X	
C	C	C	C	
X	X	X	X	
X	X	X	X	
X	X	X	X	
X	X	X	X	
X	X	X	X	
X	X	X	X	This will be a point of difference in this Planning Proposal. Recreation land uses are currently prohibited in the RU4 Zone in Cessnock and are proposed to remain so under this Planning Proposal. As with hotel and motel accommodation, recreation areas and outdoor facilities that are not ancillary to viticultural developments are considered to be more appropriately located in established
X	X	C	C	

Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
Current	Proposed	Current	Proposed	
				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. 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. Recreation land uses are currently prohibited in the RU4 Zone in Cessnock and are proposed to remain so under this Planning Proposal. As with hotel and motel accommodation, 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. 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

Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
Current	Proposed	Current	Proposed	
				considered.
x	x	x	x	
x	x	x	x	
x	x	c	c	This will be a point of difference in this Planning Proposal. Recreation land uses are currently prohibited in the RU4 Zone in Cessnock and are proposed to remain so under this Planning Proposal. As with hotel and motel accommodation, 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. 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.
x	x	x	x	
(Other miscellaneous LAND USE terms)				

recreation facilities (indoor)

recreation facilities (major)

recreation facilities (outdoor)

water recreation structures

(Other miscellaneous LAND USE terms)

cemetery
crematorium
environmental protection works
exhibition homes
exhibition villages
extractive industries
flood mitigation works
mortuaries

open cut mining

Cessnock LEP 2011		Singleton LEP 2013		Notes where changes are required
Current	Proposed	Current	Proposed	
X	X	X	X	
X	X	X	X	
C	C	C	C	
X	X	X	X	
X	X	X	X	
X	X	X	X	
X	C	C	C	
X	X	X	X	
M	M	M	M	Pursuant to State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, mining and extractive industries are permissible with consent in land that is not identified as strategic agricultural land, and an application for development consent for mining or petroleum development within strategic agricultural land must be accompanied by a gateway certificate or site verification certificate. 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 Extractive Industries) 2007</i> and any mining or petroleum development in that area must be accompanied by a gateway certificate or site verification certificate.

Appendix 3: Strategic Agricultural Land

