

Alteration of Gateway Determination

Planning Proposal (Department Ref: PP_2016_SINGL_003_00)

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* (the Act) to alter the Gateway determination dated 20 June 2016 for the proposed amendment to the Singleton Local Environmental Plan 2013 as follows:

1. Delete:

'Planning Proposal (Department Ref: PP_2016_SINGL_003_00): to rezone 257 Hermitage Road, Pokolbin to RU4 and enable subdivision of 10ha lots (up to 30 lots) and recognise the significance of the site as a north western gateway into the vineyards district.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Singleton Local Environmental Plan 2013* to amend the zone and minimum lot size regarding 257 Hermitage Road Pokolbin, should not proceed for the following reasons:

2. Delete the reasons for determining that the proposal should not proceed.
3. Insert the following:

Planning Proposal (Department Ref: PP_2016_SINGL_003_00) to rezone the land at 257 Hermitage Road, Pokolbin from RU1 Primary Production to RU4 Primary Production Small Lots and include an associated local clause to allow subdivision below the minimum lot size under certain circumstances.

I, the Deputy Secretary, Planning Services at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Singleton Local Environmental Plan (LEP) 2013 to rezone the land at 257 Hermitage Road, Pokolbin from RU1 Primary Production to RU4 Primary Production Small Lots and include an associated local clause to allow subdivision below the minimum lot size under certain circumstances should proceed subject to the following conditions:

1. Prior to community consultation, Council is to:
- (a) update the Explanation of Provisions of the Planning Proposal to note that the new local provision will:
 - not allow subdivision of the site such that resultant lots would be of area less than 10 hectares (noting this is a minimum and not an average);

- not apply to clause 4.6 Exceptions to Development Standards or existing LEP clauses which would allow a dwelling to be developed on the land once it has been subdivided below the mapped minimum lot size unless it is in accordance with this clause; and
- set out matters which a consent authority will need to consider when determining a development application in accordance with this clause. This is to include, but not be limited to, visual impacts and land use conflict.

Note: the specific wording of the local clause is to be determined during legal drafting should the Planning Proposal progress to that stage in the plan-making process;

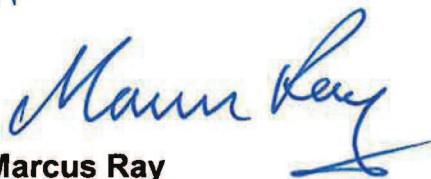
- (b) determine which land uses (as defined in the Standard Instrument) will be subject to the local clause. This is to occur in consultation with the Department's regional office and the Department of Primary Industries (Agriculture);
 - (c) undertake a visual analysis of the site in the context of the Pokolbin vineyard locality and the role of the site as a gateway site to the vineyards. This analysis is to inform the local clause and DCP provisions regarding matters such as built form, landscaping and subdivision design to ensure that visual amenity is adequately safeguarded. The DCP provisions should be prepared in consultation with Cessnock City Council and should be exhibited concurrently with the Planning Proposal; and
 - (d) include an assessment against the directions and desired outcomes of the Hunter Regional Plan 2036, specifically those related to the Pokolbin vineyards area. This assessment should demonstrate the proposal's consistency with the Cessnock Council's Vineyard District Study and is to be informed by the visual analysis and associated provisions.
2. Prior to community consultation, consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
- (a) Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones and 2.3 Heritage Conservation);
 - (b) NSW Department of Primary Industries – Agriculture (S117 Directions 1.2 Rural Zones and 1.5 Rural Lands);
 - (c) NSW Department of Industry – Resources (S117 1.3 Mining Petroleum Production and Extractive Industries);
 - (d) NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection);
 - (e) Cessnock City Council; and
 - (f) Local Aboriginal Land Council.

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. Council is to provide the Planning Proposal and supporting documentation to the Department for approval prior to commencing community consultation.

4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the Planning Proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of Planning Proposals and the specifications for material that must be made publicly available along with Planning Proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Environment 2016).
5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 27th day of April 2017.



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning