



Mr Jason Linnane
General Manager
Singleton Council
PO Box 314
SINGLETON NSW 2320

Our ref: PP_2016_SINGL_003_00;
GDR_2016_SINGL_001_00)

Dear Mr Linnane

Planning Proposal to amend Singleton Local Environmental Plan 2013 for 257 Hermitage Road, Pokolbin

I am writing in response to a request from JBA Urban Planning Consultants for a review of the Gateway Determination issued under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to amend the Singleton Local Environmental Plan 2013 to rezone land at 257 Hermitage Road, Pokolbin from RU1 Primary Production to RU4 Primary Production Small Lots with an associated local clause to allow subdivision below the minimum lot size under certain circumstances.

I have considered the request for review together with the recommendation of the Hunter and Central Coast Joint Regional Planning Panel (Panel), the advice provided by Council and other relevant considerations of the Planning Proposal. As delegate of the Minister for Planning, I have determined that the Gateway Determination should be altered and that the proposal should proceed subject to conditions. A conditional Gateway Determination is attached and this replaces the determination issued on 20 June 2016.

I have also attached a copy of the report prepared by the Panel for your information. You will note that while the Panel supported the progression of the proposal it identified several matters which need to be addressed as part of the proposal:

- a) the use of a local provision in the LEP allowing subdivision to 10 ha provided it is for the purpose of viticulture, agriculture or small scale tourism;
- b) that 10 ha be the minimum lot size, and not an average lot size, and that clause 4.6 of the Singleton Local Environmental Plan should not apply to the local provision to enable the variation of the minimum lot size;
- c) that any dwelling is ancillary to a viticultural, agricultural or small-scale tourism use; and
- d) that consideration is given to scenic values, built form character and vistas to/across the site to ensure the scenic qualities of the area are protected in the future development.

In issuing a revised Gateway Determination, the Department notes that further assessment will need to be undertaken to inform appropriate planning provisions for this site. In particular, scenic amenity and visual landscape will require careful consideration due to the site's location at the entrance to the globally recognised

Pokolbin vineyards district. Development Control Plan provisions will need to be prepared and these should be exhibited concurrently with the Planning Proposal. Council is to consult with Cessnock City Council as part of this work to ensure that there is alignment between the work that Cessnock Council is doing regarding vineyard district landscapes and the provisions proposed for this site.

Prior to community consultation occurring, Council will need to provide the Planning Proposal and associated supporting documentation to the Department's regional team. The regional team will determine whether the relevant Gateway Determination conditions have been adequately addressed and whether the proposal may proceed to community consultation. This is to ensure that the proposal aligns with the directions of the Hunter Regional Plan 2036 and that appropriate safeguards are in place regarding scenic amenity and land uses in the vineyards district.

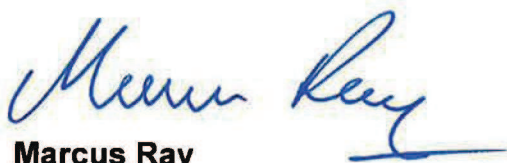
Following the preparation of necessary studies and consultation with relevant agencies, Council will need to obtain the agreement of the Secretary to comply with the requirements of S117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries, 1.5 Rural Lands, 2.1 Environment Protection Zones, 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection and 6.3 Site Specific Provisions. This may occur prior to community consultation.

Plan making powers were delegated to councils by the Minister in October 2012. I have considered the nature of Council's Planning Proposal and have decided to not issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway Determination. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

Should you have any questions in relation to this matter, please contact James Shelton, Senior Planner at the Newcastle office of the Department on (02) 4904 2713.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

27/04/2017

Encl: Gateway Determination, JRPP Gateway Review Advice Report