



GATEWAY REVIEW ADVICE REPORT

HUNTER AND CENTRAL COAST JOINT REGIONAL PLANNING
PANEL

DATE OF ADVICE	16 February 2017
PANEL MEMBERS	Jason Perica (Chair), Kara Krason, Stuart McDonald, John Martin, Sue George
APOLOGIES	Mr Michael Leavey
DECLARATIONS OF INTEREST	Councillor John Martin declared a conflict of interest (due to a reasonably perceived apprehension of bias), due to having voted on the Planning Proposal previously when the matter was reported to the Council, prior to a request for review application having been made.

GATEWAY REVIEW

2016HCC064 – Singleton Council – GDR_2016_SINGL_001 – 257 Hermitage Road (as described in Schedule 1)

Reason for Review – a determination has been made that the planning proposal should not proceed (due to a Gateway determination by a delegate of the Minister for Planning)

PANEL CONSIDERATION AND RECOMMENDATION

The Panel considered: the material listed at Item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the planning proposal **should** proceed past Gateway, with the following matters to be considered and addressed by the Relevant Planning Authority and Department of Planning and Environment as part of the Planning Proposal process:

- a) Retaining a mapped 40 Ha Lot Size standard for the site with a local provision allowing subdivision down to 10 Ha provided it is for the purpose of viticulture, agriculture or small scale tourism and that any dwelling is ancillary to a viticultural, agricultural or small-scale tourism use;
- b) Ensuring the minimum 10 Ha standard is a minimum and not an average, with consideration given to whether the standard should be exempt from Clause 4.6 of Singleton Local Environmental Plan 2013; and
- c) Appropriate regulation of scenic values, built form character and vistas to/across the site to ensure the scenic qualities of the area are protected in future development. This may warrant DCP provisions applicable to the site.

The decision was Unanimous.

ADVICE AND REASONS FOR THE RECOMMENDATION

The referral of the matter to the Panel from the Department of Planning and Environment asks for a clear and concise recommendation. The following provides a concise overview of the reasons for the Panel's recommendation.

There were two main strategic considerations related to the Planning Proposal:

1. The consistency or otherwise with regional and local planning directions; and

2. The absence of a wider strategic study of the Pokolbin and a related issue of potential adverse precedence in proceeding in changing zoning and lot size provisions for one site in the absence of such a wider review.

These matters are addressed in turn.

The main issue raised by the Department of Planning and Environment was the perceived inconsistency with the Upper Hunter Strategic Land Use Plan, which requires Councils to include appropriate zonings and provisions to protect the Critical Industry Cluster Land (Viticulture), "CIC", and the rural planning principles in the State Environmental Planning Policy (Rural Lands) 2008. The CIC arose from much wider considerations relating to mining and potential land-use conflict and a minority of overall land in the CIC was dedicated to direct viticulture. At the same time, the CIC designation does appropriately require that any proposal should be complementary to the primacy of the viticultural industry of the region, requiring a regional perspective.

The subject land is not currently used for vineyards or intensive agriculture despite having soil types that are suitable for small scale intensive agricultural activities such as vine and olive production. In terms of the proposed zoning, this is consistent with the majority of the Pokolbin vineyard district to the south of Singleton, in the Cessnock LGA, and is consistent with a relatively recent Local Study (2014). The proposed smaller lot subdivision and a wider range of complementary permitted uses would increase the potential market and attractiveness for investments in small-scale intensive viticulture, appropriate for this site, other agricultural uses and potentially complementary small scale tourism uses. As such, subject to appropriate safeguards in the planning proposal, the Panel was satisfied that the proposal had wider strategic merit and achieved consistency with the core objective of protecting (and potentially enhancing) the wider CIC. This was also due to some site-specific considerations outlined subsequently.

In terms of local studies, the Panel noted the proposal was supported by both the elected Council and Council staff as the proposed zoning was recommended within the adopted 2014 *Hermitage Road Pokolbin Planning Study*, and as previously stated, is consistent with zoning for the wider regional asset. While that same 2014 study recommended retaining a 40 Ha Lot Size, it did contemplate potential local variations subject to a number of matters being considered and addressed, which had reasonably been addressed by the applicant to allow a Gateway determination to proceed.

It is acknowledged that a wider strategic study involving other adjoining local government areas has not been completed regarding the role of tourism, viticulture and lot sizes in the CIC, however the Panel formed the opinion that the proposal has strategic and site specific merit notwithstanding the absence of such a wider strategic study. Further, the peculiar aspects of the site, including its' gateway location at the northern end of Pokolbin, lot sizes to 10 hectares directly opposite the site which had successfully developed, the 2014 Hermitage Road Study, recent proximate investment in infrastructure to support complementary uses and changes brought about by significant road infrastructure such as the highway bypass, combined to create unique circumstance such that adverse precedence was not seen as critical by the Panel.

The Panel had the benefit of a site inspection and significant information and analysis regarding site characteristics. It was satisfied this site characteristics are suitable for the planning proposal, subject to further detailed assessment during the planning proposal and subsequent DA processes.

In summary, the Panel was satisfied that the planning proposal had strategic merit and site-specific merit to warrant approval through Gateway. However, the Panel did note that there were a number of important principles and considerations which should be

addressed and resolved through the planning proposal process (apart from appropriate consultation processes), including:

- a) Retaining a mapped 40 Ha Lot Size standard for the site with a local provision allowing subdivision to 10 Ha provided it is for the purpose of viticulture, agriculture or small scale tourism and that any dwelling is ancillary to a viticultural, agricultural or small-scale tourism use;
- b) Ensuring the minimum 10 Ha standard is a minimum and not an average, with consideration given to whether the standard should be exempt from Clause 4.6 of Singleton Local Environmental Plan 2013; and
- c) Appropriate regulation of scenic values, built form character and vistas to/across the site to ensure the scenic qualities of the area are protected in future development. This may warrant DCP provisions specifically applicable to the site.

PANEL MEMBERS	
 Jason Perica (Chair)	 Kara Krason
 Stuart McDonald	Approved by email – 21/2/17, 8:59am Sue George

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2016HCC064 – Singleton Council – GDR_2016_SINGL_001 – 257 Hermitage Road
2	LEP TO BE AMENDED	Singleton Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	The proposal seeks to rezone the land from RU1 Primary Production to RU4 Primary Production Small Lots and introduce a local provision that enables subdivision to a minimum lot size of 10ha, with a dwelling entitlement, where the consent authority is satisfied that the dwelling is required for viticulture or tourist related uses (yielding up to 30 lots)
4	MATERIAL CONSIDERED BY THE PANEL	• Gateway Review Request documentation • Department Justification Assessment Report • Information presented by Council staff at the Panel briefing; • Maps provided by the applicant at the Panel meeting
5	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: 16 February 2017 • Briefing meeting(s): 16 February 2017 • Briefing with Department of Planning and Environment (Regional Team): 1:30-2:15pm • Briefing meeting with Council: 2:15-3pm • Briefing meeting with Proponent: 3-4.15pm • Attendance: ○ Panel members: Jason Perica (Chair), Kara Krason, Stuart McDonald, Councillor Sue George ○ Proponent: Julie Bindon and Anthony Medich ○ Council: Gary Pearson ○ Department of Planning and Environment: Katrine O'Flaherty, James Shelton