



Planning Proposal

Planning and Sustainable Environment Group

Property: **Lot: 5 DP: 823737 - 257 Hermitage Road POKOLBIN**

Version:	2
Date:	21 March 2016
Council file reference:	LA8/2012
Document reference	15/65446
Department of Planning and Environment file reference:	N/A

Singleton Council
Queen Street
Singleton NSW 2330

Postal Address:
PO Box 314
Singleton NSW 2330

DX7063
Phone: (02) 6578 7290
Fax: (02) 6572 4197

TABLE OF CONTENTS

Introduction	1
The parts of a planning proposal.....	2
Plan-making functions and project timeline.....	3
Plan-making functions	3
Project timeline	3
PART 1 – OBJECTIVES OR INTENDED OUTCOMES	5
Objectives of the planning proposal.....	5
Intended outcomes of the planning proposal.....	6
PART 2 – EXPLANATION OF THE LOCAL ENVIRONMENTAL PLAN	7
Proposed changes to the LEP	7
PART 3 – JUSTIFICATION FOR THE PLANNING PROPOSAL	8
Section A – Need for the planning proposal	8
Alternative option 1:	26
Alternative option 2:	26
Section B – Relationship to strategic planning framework	27
Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) 2012	27
Draft Branxton Subregional Land Use Strategy (BSLUS) 2014.....	27
Singleton Land Use Strategy (SLUS) 2008	27
Singleton Community Strategic Plan (SCSP) 2013	27
Section C – Environmental, social and economic impact	44
Likely impacts on flora	44
Likely impacts on fauna.....	46
Section D – State and Commonwealth interests	53
PART 4 – MAPPING	55
Land subject to the planning proposal.....	55
Figure 1: Land subject to the planning proposal.....	57
Current land use zoning	58
Figure 2: Current land use zone(s) applying to the land	58
Current LEP Development Standards applying to the land.....	59
Current minimum lot size requirements.....	59
Figure 3: Minimum lot size requirements	59
Proposed change to land use zoning	60
Proposed changes LEP Development Standards.....	60
Change(s) to minimum lot size requirements	60
PART 4 –COMMUNITY CONSULTATION	61
CONCLUSION AND RECOMMENDATION	62
Table 12: Attachments to planning proposal	64

Introduction

A planning proposal is a document that explains the intended effect of a proposed amendment to a Local Environmental Plan (LEP) and sets out the justification for making that amendment. It is a document which generally evolves as it proceeds through the formal planning proposal process.

The *Environmental Planning and Assessment Act 1979* (the Act) does not say who must prepare the information needed for a planning proposal. In practice, persons seeking to make an amendment to a LEP will usually lodge a formal LEP amendment request with Council.

The request is lodged using Council's adopted lodgement form and incurs processing fees in accordance with Council's adopted fees and charges. The written request contains justification for the proposed LEP amendment and includes details of the likely impacts of making the amendment.

If sufficient information is lodged to enable Council to prepare a planning proposal and Council considers that the proposed LEP amendment has strategic merit, Council can prepare a planning proposal for consideration by the *NSW Department of Planning and Environment* – Gateway Panel.

The planning proposal must obtain a Gateway Determination that supports processing of the planning proposal from the Gateway Panel before processing of the planning proposal can commence.

The Gateway Determination is a document which may:

-
- Identify necessary changes or updates to the planning proposal;
 - Identify information or studies which must be prepared and included with the planning proposal;
 - Set timeframes for completing steps associated with processing of the planning proposal;
 - Identify which Public Authorities are to be consulted in relation to the planning proposal;
 - Identify the extent of public consultation to be undertaken for the planning proposal and at what stage in the process such consultation is to occur.
-

Throughout the course of processing a planning proposal, the proposal itself will usually evolve as additional information (such as Public Authority comments and public consultation submissions) is obtained in relation to the proposal.

The parts of a planning proposal

Section 55(2) of the Act outlines that a planning proposal must include the following components:

Part 1 – A statement of the objectives and intended outcomes of the proposed instrument

Part 2 – An explanation of the provisions that are to be included in the proposed instrument

Part 3 – The justification for those objectives, outcomes and the process for their implementation

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal.

Section 55(3) of the Act allows the Director-General to issue requirements with respect to the preparation of a planning proposal. The Director-General's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms **Part 6** of a planning proposal.

Plan-making functions and project timeline

Note. Pursuant to 'A guide to preparing Local Environmental Plans' (Department of Planning & Infrastructure – April 2013), the pre-gateway planning proposal must nominate whether Council will be seeking authorisation to exercise plan making functions in respect to the proposal. The guide also requires planning proposals to include a project timeline and specifies key matters which must be identified by the project timeline. The timeline may change the requirements the Gateway determination or where unforeseen circumstances arise during the processing of the planning proposal.

Plan-making functions

Singleton Council does not seek the Minister's plan-making functions under section 59 of the Environmental Planning & Assessment Act, 1979 in relation to this planning proposal.

Project timeline

An estimate of the timeframes for the tasks for the making of a local environmental plan via the Planning Proposal is included in Table 1.

Table 1: Project timeline

Project timeline		
Task	Date/Timeframe	Comments
<i>Anticipated commencement date</i>	6 May, 2016	It is anticipated that the revised planning proposal would be submitted to the NSW Department of Planning and Environment by 5 April 2016 with a request for gateway determination. It would be expected that a gateway determination would be issued within approximately 1-2 months of the NSW Department of Planning and Environment receiving the planning proposal. It is anticipated that Council would commence processing the planning proposal, including within 1 week of receiving a positive gateway determination.
<i>Anticipated timeframe for the completion of required studies</i>	4-6 months	It is expected that it would take approximately 4-6 months after issue of a positive gateway determination for the proponent and Council to finalise requirements relating to the determination.
<i>Timeframe for government agency consultation</i>	1 month	As is standard process, public authorities should be given a minimum of 21 days to comment on the planning proposal. It is recommended that public authority comments be obtained on the planning proposal prior to exhibition so that their comments can be included with the exhibition documentation. Given timeframes associated with preparation of referral documentation and postage, it is expected that a minimum of 1 month will be required for government agency consultation.
<i>Planning Proposal Revision</i>	2 months	Revise planning proposal as necessary having regard to comments made by statutory authorities.
<i>Commencement and completion dates for public exhibition period</i>	6 weeks	It is important for the community to be given sufficient time to comment on the planning proposal. In accordance with relevant statutory timeframes, the planning proposal should be exhibited for a period of not less than 28 days. Given lead times for preparation of exhibition documentation and arranging newspaper notices etc., it is expected that a minimum of 6 weeks would be needed for exhibition.
<i>Timeframe for consideration of submissions</i>	4 weeks	The timeframe for consideration of submissions would be dependent upon how many submissions are received in response to exhibition of the planning proposal. Providing that the number of submissions is not extensive, it would be expected that submissions could be reviewed within approximately 4 weeks of completion of the exhibition period.
<i>Timeframe for the consideration of the</i>	2 months	Subsequent to exhibition, the planning proposal would need to be updated to include details of the exhibition. This could

<i>proposal post exhibition</i>		potentially involve preparation of updated LEP maps. It would be expected that the proposal would be able to be updated within 4 weeks of completion of the exhibition period. In accordance with Council's standard process, the planning proposal would need to be reported to an appropriate Council meeting with the results of the exhibition. Singleton Council holds 1 Council meeting per month. Reports for such meetings must be finalised approximately 2 weeks prior to the respective meeting. As such, it could take up to 1 - 2 months after updating of the planning proposal to have the matter considered at a Council meeting. Given the above timeframes, it would be expected to take approximately 2 months to consider the proposal post exhibition.
<i>Dates for public hearing (if required)</i>	N/A	A public hearing is not considered to be required for the planning proposal as it is not for the reclassification of Council owned land. This does not prevent Council from deciding to hold a public hearing in relation to the planning proposal if it considers it appropriate in response to matters raised during the exhibition of the proposal. If such a public hearing were held, a minimum 21 days' notice would need to be given. In consideration of lead times for arranging a newspaper notice, a public hearing would be expected to add a minimum of 1 month to the processing timeframe for the planning proposal.
<i>Anticipated date RPA will forward to the Department for notification</i>	2 weeks	It would be expected that the planning proposal would be forwarded to the <i>NSW Department of Planning and Environment</i> within 2 weeks of the matter being reported to a Council meeting.
<i>Anticipated date RPA will make the plan (if delegated)</i>	N/A	Council is not seeking the Ministers plan-making functions under section 59 of the <i>Environmental Planning and Assessment Act 1979</i> in relation to the planning proposal.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

Note. This part of the planning proposal sets out the objectives/intended outcomes of the planning proposal as required by 'A guide to preparing planning proposals' (Department of Planning & Infrastructure 2012). The intention of this part is to concisely state what is planned to be achieved (not how it is to be achieved).



Objectives of the planning proposal

The objective(s) of this planning proposal are to:

- To rezone that part of the land which is zoned RU1 Primary Production to RU4 Primary Production Small Holdings;
- To facilitate the subsequent development of the site into primary production small lots not less than 10 hectares in size, each with dwelling entitlement (having permanent occupancy provisions), but only on the basis of satisfactory integration with tourism or viticulture or other land uses which support the strategic land use objectives of Hunter Wine Country, being permissible land uses in the RU4 Primary Production Small Lots zone;
- To recognise the inherent significance of the site as a gateway location situated at the northern entry to the internationally renowned Hunter Wine Country and promote its development and conservation in an appropriate manner;
- Having regard to the locational significance of the site, to clearly emphasise and regulate preferred potential development and the conservation values of the land;
- To update the Singleton Local Environmental Plan 2013 (LEP) to reflect any necessary changes identified by the investigations in relation to the subject site.

The proposal aims to:

Employment and Economy

- Provide positive opportunities to support and complement other existing land uses in Hunter Wine Country;
- Facilitate an appropriate planning framework which will enhance the ability to encourage land uses consistent with the strategic land use planning objectives of Hunter Wine Country; and
- Facilitate future development on the site that will contribute to the key industry clusters in the region.

Land Uses

- Facilitate future land uses consistent with existing 'wine tourism' and the rural character of the area including vineyards, cellar door and "farm gate" businesses, tourist accommodation and restaurants and cafes;
- Facilitate land uses consistent with the recommendation of the Hermitage Road Planning Study (prepared by Peter Andrews & Associates Pty. Ltd., March, 2014 and adopted by Council in September, 2014) to rezone the land to RU4 Primary Production Small Lots;
- Recognise a significant opportunity to further promote Hunter Wine Country by allowing the land to be developed consistent with an important gateway location;
- Recognise a significant opportunity to promote the elements of Hunter Wine Country located in the Singleton Local Government Area.

Tourism Infrastructure

- Create future opportunities for recreational linkages and tourist information signage throughout Hunter Wine Country, particularly along Hermitage Road; and
- Create future opportunities for tourist facilities such as walking and bike tracks and bridle trails within Hunter Wine Country.

Sustainable Development

- Enable development types which are consistent with the broader objectives of Hunter Wine Country;
- Through the mechanics of a local LEP clause and minimum lot size, create an appropriate balance between site development and conservation;
- Require the planning framework to focus on sensitive site location which supports the principles of ecologically sustainable development (ESD); and
- Require the conservation of endangered ecological communities at the site.



Intended outcomes of the planning proposal

This Planning Proposal (PP) seeks to:

- (1) Rezone that part of the land which is zoned RU1 Primary Production to RU4 Primary Production Small Lots;
- (2) Facilitate the creation of primary production lots with a minimum lot size of 10ha and with a dwelling entitlement on the basis that the use of the dwelling is to support appropriate land uses (such as viticulture and tourist related uses) in accordance with the RU4. A local LEP clause will be drafted in consultation with the Department of Planning & Environment (DP&E) to achieve this outcome.

As a result of the amendment, it is expected that there will be potential for the subject land to be subdivided to yield up to 30 lots.

PART 2 – EXPLANATION OF THE LOCAL ENVIRONMENTAL PLAN

Note. This part of the planning proposal explains the provisions that are to be included in the proposed instrument (LEP amendment) as required by 'A guide to preparing planning proposals' (Department of Planning & Infrastructure 2012). The intention of this part is to detail how the objectives/intended outcomes are to be achieved by means of amending the existing Local Environmental Plan (LEP).



Proposed changes to the LEP

The objectives in Part 1 of this PP would be achieved by amending *Singleton Local Environmental Plan 2013* (LEP), which is the standard instrument local environmental plan for the Singleton Local Government Area (LGA).

The planning proposal seeks to amend the *Singleton Local Environmental Plan 2013* (LEP) in accordance with the Table 2 which follows:

Table 2: Key changes proposed to the Singleton LEP 2013

Component of LEP	Explanation of LEP Amendment
Land Zoning Map	Amend the Land Zoning Map: Subject land which is zoned RU1 Primary Production to be rezoned to RU4 Primary Production Small Lots.
Lot Size Map	It is intended to introduce a Local Provision Clause which will permit subdivision of the site to a size which is less than that shown on the Lot Size Map. The mechanism will be subject to further dialogue with the Department of Planning & Environment, however, it is anticipated that the area to which the Local Provision Clause will apply will be shown on the Lot Size Map.
Additional Local Provisions Clause - Integration of Dwellings with Other Land Uses	It is intended to introduce a Local Provision Clause (subject to further discussion with (DP&E) which will require Council to be satisfied that any dwelling approved on the land will support integrated tourism or specialised agriculture permissible within the zone.

PART 3 – JUSTIFICATION FOR THE PLANNING PROPOSAL

Note. This part of the planning proposal contains answers to questions identified in 'A guide to preparing planning proposals' (Department of Planning & Infrastructure 2012). The responses to these questions set out the case for seeking the proposed LEP amendment.



Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal (PP) has been revised in response to the Hermitage Road Pokolbin Planning Study (HRPPS) 2014. The HRPPS, prepared by Peter Andrews & Associates P/L, was adopted by Council in September 2014.

A request for Council to prepare a PP for the subject site, by Hunter Valley Planning, was submitted to council in March 2012. The original proposal sought to facilitate primary production and tourism in conjunction with rural dwellings. The proposal included a specific subdivision layout for 50 allotments on the site ranging in size from 4ha to 12ha.

In response to the request (and requests from two other proponents to prepare PPs in the area), Council resolved to prepare a review of the planning controls for the Hermitage Road locality to provide a strategic land use context within which to assess the PPs and broadly review the minimum lot size controls in the area.

The HRPPS recommended, in part, that all RU1 Primary Production zoned land in the precinct be rezoned to RU4 Primary Production Small Lots. The study also recommended, in part, that Council generally maintain the 40Ha minimum lot size for the Study Area.

1.0 Key Issues Identified in the Hermitage Road Planning Study.

The Study further recommended that if Council were to support a PP for the subject site of this PP, eleven (11) key issues would need to be addressed. This PP has been significantly revised from what the proponent originally requested in 2012 in order to address these issues, amongst other matters. The issues raised are addressed as detailed below:

1.1 Inconsistencies with the Ministerial Directions, relevant SEPPs, the Singleton LEP, the SLUS, The Strategic Regional Land Use Plan for the Upper Hunter and the Lower Hunter Settlement Strategy.

The PP is consistent with the above listed Ministerial Directions, relevant Legislation, Plans and strategies, as outlined below (the only exception to this is Direction 1.3, however, the inconsistency is fully justified):

Ministerial Directions

The following Section 117 Directions are relevant to the PP and addressed further below:

- a) 1.2 Rural Zones;
- b) 1.3 Mining, Petroleum Production and Extractive Industries;
- c) 1.5 Rural Lands;
- d) 2.3 Heritage Conservation;
- e) 4.4 Planning for Bushfire Protection;
- f) 5.1 Implementation of Regional Strategies; and
- g) 6.1 Approval and Referral Requirements.

a) Section 117 Direction - 1.2 Rural Zones:

This S117 Direction for Rural Zones does not apply to the PP as it is not seeking to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Part 4(b) of this Direction is not relevant to this PP.

b) Section 117 Direction - 1.3 Mining Petroleum Production and Extractive Industries:

The S117 Direction for Mining, Petroleum Production and Extractive industries applies when a relevant planning authority prepares a planning proposal that would have the effect of:

- (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or
- (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

The proposed change of zone for part of the subject land from RU1 to RU4 would have the effect of making “extractive industries” and “open cut mining” prohibited. As discussed above, this is in accordance with the recommendations of the HRPPS. The Pokolbin area is mapped as Critical Industry Cluster under the Upper Hunter Strategic Regional Land Use Plan, and the primary land uses are viticulture, boutique agriculture and integrated tourism. Extractive industry and open cut mining are not compatible with these land uses and should not be permitted within the zone. Therefore the provisions of the PP which are inconsistent with this Direction are of minor significance.

c) Section 117 Direction - 1.5 Rural Lands:

The S117 Direction for Rural Lands applies when a relevant planning authority prepares a PP that changes the existing minimum lot size on land with a rural zone and therefore applies to this proposal. The PP must therefore be consistent with State Environmental Planning Policy (Rural Lands) 2008. An assessment of the PP against the provisions of the Rural Land SEPP is included in the response to SEPPs below.

d) Section 117 Direction - 2.3 Heritage Conservation:

The S117 Direction for Heritage Conservation requires that a PP includes provisions that facilitate the conservation of:

- (a) Aboriginal objects or Aboriginal Places that are protected under the National Parks and Wildlife Act 1974, and
- (b) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

A Heritage Due Diligence Assessment was prepared by RPS for the PP (Appendix F of the JBA Preliminary PP Report – Attached). The Assessment included a search of the AHIMS database for the Site and one kilometre radius surrounding the Site. One Aboriginal site was identified on the northwest boundary. The Site is an isolated scatter, however no artefacts were observed at the Site during the inspection. The Site is unlikely to be impacted as a result of the PP as it is located adjacent to a drainage line.

A visual assessment and pedestrian survey of the Site was also undertaken. No Aboriginal objects or places were identified within the project area. This PP includes a number of recommendations from the Assessment.

e) Section 117 Direction - 4.4 Planning for Bushfire Protection:

The S117 Direction for Planning for Bushfire Protection applies where a relevant planning authority prepares a PP that will affect, or is in proximity to land mapped as a bushfire prone land.

Future development on the Site, including subdivision, will be subject to future development applications. Notwithstanding this the Site contains land that is mapped as bushfire prone land. A Bushfire Threat Assessment for the Site has been prepared by RPS (Appendix E of JBA Report - Attached) to consider and assess the bushfire hazard and associated potential threats relevant to the proposal, and to outline the minimum mitigation measures which would be required for future development in accordance with the provisions of the Planning for Bush Fire Protection, 2006.

f) Section 117 Direction - 5.1 Implementation of Regional Strategies:

The Site is not currently subject to any of the Regional Strategies listed in the Direction.

g) Section 117 Direction - 6.1 Approval and Referral Requirements:

The Planning Proposal does not include any provisions or proposed works that will require concurrence or approval from State Agencies.

Relevant SEPPS

The Planning proposal is consistent with the State Policies that apply to the Site including:

State Environmental Planning Policy No. 55 - Remediation of Land:

A Phase 1 soil contamination assessment of the Site has been prepared (Appendix C of JBA Report - Attached) which confirms that there is negligible potential for contamination on the Site as a result of previous agricultural uses.

State Environmental Planning Policy (Rural Lands) 2008:

1. Rural Planning Principles:

The PP is consistent with the Rural Planning Principles outlined in the SEPP, as demonstrated below:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

The PP will facilitate a higher and better use for the Site by facilitating intensive agricultural production through viticulture and horticulture activities. The proposed 10ha allotment size will facilitate viticulture and Wine tourism development that strengthens the Critical Industry Cluster in the Pokolbin Wine region. The proposal will utilise the unique viticultural capabilities of the soils on the Site and will increase the agricultural intensity of the land, hence increasing the sustainable and economic activities on the Site. This intensity of land use has been clearly demonstrated on 10ha lots adjacent to the Site to the west on Old North Road and Hermitage Road.

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

The proposal will facilitate the orderly development of the Site for intensive agricultural uses and will facilitate future subdivision that is capable of utilising the agricultural capabilities of the land for intensive agriculture. The proposal is commensurate with the agricultural uses associated with the identified critical industry cluster in the area, and will strengthen the unique Pokolbin Wine Region through facilitating small lot viticultural and horticultural pursuits. The proposal reinforces the lot size character on adjacent land in the northern end of the

Pokolbin Wine Region to facilitate small scale intensive viticulture and wine tourism development.

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

The proposal will facilitate viticulture, wine production and tourism in the area to provide significant social and economic benefits to the region and locality. The proposal will facilitate the appropriate development of the Site and will encourage agricultural uses that have been identified as being suitable to the agricultural capabilities of the land.

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

The proposal will facilitate increased agricultural productivity and associated tourism in the locality. The Site has been assessed as being relatively unconstrained with regard to biodiversity and cultural heritage. The proposed lot size averaging on the Site will enable future subdivision of the Site to facilitate the retention of the remnant areas of bushland. The proposal is not anticipated to have any adverse social impacts on the community, rather it will provide for additional family based viticulture and tourism based activities further strengthening the local community.

(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

The proposal will facilitate the retention of the existing bushland and EEC's on the Site through minimum lot size provisions, design and layout. As shown in the indicative subdivision layout plan (Appendix B and Figure 20 of JBA Report - Attached), the lot sizes are able to accommodate the areas of vegetation within an existing lot and reduce vegetation clearing within lots and along lot boundaries. The proposal will facilitate development that will enhance water retention and conservation on the Site. The indicative subdivision plan demonstrates that suitable vehicular access can be provided to lots that does not involve the crossing of significant waterways.

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

While the future development of the Site is envisaged to have a strong reliance on the commercial viticultural and horticultural production from the land, the proposal will facilitate ancillary residential development that will provide opportunities for rural lifestyle. The proposal will facilitate the economic advantages of the wine tourism industry without any anticipated adverse social impacts, providing a significant benefit to the rural community.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

As outlined in Section 10.10 of the JBA Report (Attached), the future subdivision of the Site is not expected to have a significant impact on essential services for any future development. The Site has good access to the local road network, and has access to electricity. Future development on the Site will not require access to Councils water and sewerage networks but will harvest rainwater in tanks and provide for wastewater disposal via primary septic tank treatment and absorption trench. A *Soil Land and Agricultural Resource Assessment* prepared by SLR (in JBA Report - Attached) found that the soil types across the Site are suitable for wastewater disposal.

With regard to local services, the Site is located within close proximity to the Branxton-Huntlee urban area. The construction of the Huntlee New Town has

commenced and the development will over time provide for additional retail, education, health, recreation and community services.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General,

The proposal is consistent with the relevant State, regional and local strategic plans and strategies as detailed in the sections following Rural Subdivision Principles below.

2. Rural Subdivision Principles:

The proposal's consistency with the Rural Subdivision Principles outlined in Part 3(8) of the Rural Lands SEPP are as follows:

(a) the minimisation of rural land fragmentation,

The property has an agricultural history of being used for extensive grazing purposes. It is comprised of Class 3p and Class 4 land under the Agricultural Suitability Classification System. It is basically suitable for improved pasture and grazing. Any higher agricultural use of the property will need to be subsidised by off-farm income or alternative approaches such as boutique agricultural enterprises and integrated tourism.

The proposal will diversify the land ownership pattern on the Site, however, it will increase the agricultural productivity of the Site through facilitating small lots to encourage an extension of the intensive small scale viticulture currently being carried out on 10ha lots adjacent to the Site. The proposed 10ha lot size is consistent with the surrounding lot size patterns and will encourage development of a similar character. The proposal will encourage the development of ancillary wine tourism uses that will strengthen and enhance the Critical Industry Cluster, hence strengthening the agricultural character of the area.

(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,

The proposal will facilitate land uses that are permitted in the RU4 Zone and align with the Hermitage Road Planning Study's recommendation to review the zones with the possible implementation of the RU4 zone on the Site. The proposal will facilitate land uses that are commensurate with the existing character of the area and as such are not considered likely to create any land use conflicts. The Singleton Development Control Plan 2014 provides controls that seek to control the building setbacks provided on rural land as well as specific setbacks required for viticulture. Future development on the land will be required to comply with these controls.

(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,

Although the minimum permitted lot size on the Site is 40ha, the predominant lot sizes surrounding the Site are 10ha. The proposed change to the minimum lot size will be consistent with the prevailing nature of adjacent agricultural holdings in the Hermitage Road / Old North Road locality. The proposed 10ha lot size is proposed to facilitate small lot agricultural activities that have thrived on the adjoining 10ha subdivisions but failed to materialise on the Site to date.

The PP's key objective is to facilitate subdivision for the purposes of small lot agriculture. The revised PP has increased the minimum lot size to reduce the commercial attractiveness of rural residential development. The future subdivision of the Site will now provide a maximum of 30 lots (reduced from 50 lots) and as such will have no significant impact on the residential density of the area.

(d) the consideration of the natural and physical constraints and opportunities of land,

A number of technical studies have been undertaken for the Site as part of the PP. These include an assessment of vegetation communities and threatened species, cultural heritage, bushfire threat and soil, land and agricultural resource assessment. These studies are discussed in greater detail in Section 10 of the JBA Report (Attached).

The proposed minimum lot size provisions will facilitate future subdivision that enables future lots to respond to the Site's constraints and opportunities to minimise vegetation clearing, interference with watercourses and maximise the potential for small lot agricultural activities.

(e) ensuring that planning for dwelling opportunities takes account of those constraints.

Applications for dwellings on the Site will be subject to future Development Applications and will be required to address this issue at that time. Notwithstanding this, the Site's key constraints have been identified and addressed in this PP to enable the relevant planning authority to determine that future dwellings are able to be planned and built to take account of these constraints.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007:

The Site is identified in the Mining SEPP as a Critical Industry Cluster for Viticulture. Pursuant to this, any application for mining or petroleum development on the Site is required to demonstrate that there will not be a significant impact on the critical industry.

SEPP Protection of Koala Habitat:

The PP is not seeking approval for the removal of any of the trees on the Site. Notwithstanding this, the Constraints and Opportunities Assessment for the Site (Appendix G of JBA Report - Attached) confirms that there is no Core Koala Habitat present on the Site and no definitive sign of Koalas has been noted on the Site and no sightings for the species have been recorded within the Site's locality since 2006.

Singleton Local Environmental Plan 2013

The proposal seeks to amend the minimum subdivision lot size permitted under the Singleton LEP 2013 by the introduction of an Additional Local Provisions Clause (to be finalised in consultation with the DP&E). While the proposal seeks to amend the LEP, it is consistent with the relevant aims and objectives of the LEP and the zones, as outlined below:

(a) to provide a framework for regulating development within Singleton,

The proposal seeks to amend the LEP framework to permit a smaller minimum lot size of 10ha for the Site. The proposal is consistent with the RU4 Zone objectives and range of permitted development. In addition to this the proposal will facilitate land uses that are consistent with the RU4 zone, including restaurants or cafes, as the RU4 zone is recommended for the Site under the Hermitage Road Pokolbin Planning Study.

(b) to promote the use of rural resources for agriculture and primary production, including forestry and open cut mining, and major infrastructure providers,

The proposal will facilitate the future development of the Site for intensive agricultural uses including viticulture and horticulture. The Soil and Agricultural

Resource Assessment (Appendix C of the JBA Report - Attached) provides that the Site soil conditions are capable of accommodating intensive agriculture. Further to this, the

proposed smaller lots will facilitate the development of the Site for wine tourism related uses which will compliment and strengthen the agricultural production on the Site.

(c) to encourage the sustainable management, development and conservation of natural resources,

A number of technical studies have been undertaken for the Site as part of the Planning Proposal. These include an assessment of vegetation communities and threatened species, cultural heritage, bushfire threat and soil, land and agricultural resource assessment. These studies are discussed in greater detail in Section 10 of the JBA Report (Attached).

The proposed minimum lot size provisions will facilitate future subdivision that enables future lots to respond to the Site's constraints and opportunities to minimise vegetation clearing, interference with watercourses and maximise the potential for small lot agricultural activities.

(d) to protect and conserve the environmental and cultural heritage of Singleton,

A Heritage Due Diligence Assessment has been prepared for the Site by RPS and is provided at Appendix F of the JBA Report (Attached). The Assessment provides that an Aboriginal site was identified in the north western portion of the property however no artefacts were observed on the Site. The assessment provides that an Aboriginal Heritage Impact Permit (AHIP) is not required however future development of the Site should exercise caution in regards to Aboriginal archaeology.

The proposed change to the minimum lot size will facilitate a more intensive and use that is consistent with the type and scale of the adjacent Hermitage Road vineyard area and further expand and strengthen this unique and vital component of the Hunter valley Wine region.

(e) to ensure that a range of housing choice is provided for all residents of Singleton throughout all life stages,

The proposal will facilitate rural dwellings associated with small lot agriculture in a rural context that are able to benefit from the business opportunities presented from wine tourist development as well as intensive agriculture. The location of the Site within close proximity of Huntlee and surrounding centres will ensure that adequate services are available for all residents.

(f) to promote and coordinate the orderly and economic use and development of land in Singleton,

The proposal will facilitate the higher and better use of the Site by permitting smaller lot sizes that are capable of accommodating more intensive agricultural development. The Soil, Land and Agricultural Assessment (Appendix C of the JBA Report - Attached) conforms that the Site is appropriate for intensive agriculture and is easily capable of accommodating waste water disposal within the Site. The proposed lot sizes will not create any adverse bushfire impacts (refer Appendix E of the JBA Report - Attached) and will enable the Site to achieve a better economic outcome for the region. The proposal will build on the existing intensive Hermitage Road component of the Pokolbin viticulture cluster at Pokolbin through replicating a similar subdivision pattern and facilitating the extension of the successful viticulture and tourism development cluster in the northern portion of the region.

(g) to provide adequate protection for, and minimise risk to, the community, as far as is practicable, from environmental hazards, including flooding and bushfire,

A Bushfire Threat Assessment has been prepared (Appendix E of JBA Report - Attached) which confirms that the proposal will not have any significant future adverse impacts on Bushfire safety. The Indicative lot layout (Appendix B and Figure 20 of JBA Report - Attached) demonstrates that the future subdivision of the Site is able to accommodate minimum lot sizes of 10ha without compromising bushfire safety.

The Site is located at the top of the catchment for the riparian systems that traverse it. Riparian streams within the Site are generally characterised as being of 1st and 2nd order. The Site is not identified as being flood liable.

h) to protect and enhance watercourses, riparian habitats and water quality in Singleton,

The proposed minimum lot size provisions for the Site will allow a future subdivision layout on the Site that will not fragment riparian corridors or watercourses. The proposed 10ha minimum lot size will provide ample areas within each lot to accommodate future development without compromising watercourses or riparian habitats.

The Singleton Land Use Strategy 2008 (SLUS)

The SLUS provides that *where the predominant land use is other than grazing and where lot sizes are less than this already, the 40ha minimum should be retained*. The SLUS however was adopted in 2008, and therefore does not consider the significant changes to the locality brought about by the opening of the Hunter Expressway nor the Huntlee New Town. The Strategy is now 8 years old and does not provide an accurate assessment of the significant change in the nature of the central Hunter Subregion. The SLUS foreshadows a potential need to reassess minimum lot sizes in the Pokolbin area. This is inherent in Council's decision to prepare the HRPPS for the Hermitage Road area. This Study supports site specific consideration of a smaller minimum lot size for the subject Site provided the relevant issues for the Site are addressed.

The Site is a significant land holding within the Pokolbin Critical Industry Cluster and therefore should not be considered as grazing or large lot agricultural land. Further to this, the strategy identifies that *tourism is increasingly significant in the Singleton LGA, with pressure for diversified tourism development particularly in vineyard areas including Hermitage Road*. The proposed reduction in the minimum lot size on the Site will allow a mix of uses including wine tourism that will strengthen the economic viability of the region.

The proposal is considered to be consistent with the SLUS aim to *recommend actions for achieving the land use objectives of the Singleton community, consistent with the Council vision*. The proposal will facilitate future development that is of a scale and intensity that is similar to that of the existing area.

Strategic Regional Land Use Plan for the Upper Hunter

The proposal is consistent with the Strategic Regional Land Use Plan for the Upper Hunter as it will facilitate development that will strengthen the Viticultural Critical Industry cluster, as identified in the plan. The proposed reduced minimum subdivision lot size will enable lots to be developed for small-scale wine tourism purposes and will therefore strengthen the viticulture in the area and provide a significant economic benefit to the region.

Lower Hunter Settlement Strategy 2006

It is noted that, with the exception of Huntlee, the Singleton LGA does not lie within the land that applies to the Lower Hunter Regional Strategy. Notwithstanding this, due to the Site's location on the boundary of the Singleton LGA, the strategy is considered as a relevant factor in influencing land uses and future development in the region. The primary objective of the Strategy is to provide land to accommodate future housing growth in the region. The strategy identifies the Pokolbin region as a specialised centre for vineyard and tourism precincts and highlights the economic importance of tourism on for the region. The PP will facilitate lots that are attractive to intensive viticulture uses as well as ancillary wine tourism development and as such is consistent with the strategy.

The Strategy is proposed to be replaced by the draft Hunter Regional Plan (HRP) which is currently on public exhibition. The above comments are also relevant in relation to the draft HRP (which does now apply to the whole of the Hunter Region).

1.2 Discuss how the proposal would not set a precedent for existing or future development.

The Site is located in a unique position as it forms a northern gateway to the Pokolbin Wine district and lies within the Viticulture Critical Industry Cluster. The Site is also specific as it is able to accommodate intensive agriculture including viticulture and other activities (refer Appendix C of JBA Report - Attached). The Site is considered to be an isolated opportunity for a smaller rural lot size and is strategically located in the Pokolbin region adjacent to small lot agricultural operations immediately west of Old North Road and is therefore a logical extension to this area. This adjacent Old North Road / Hermitage Road area is characterised by smaller 10ha lots that have facilitated the development of a productive and diverse areas of small scale viticulture and associated tourist uses that make the locality a unique component of the Hunter Valley Wine Region. This small lot model has set a precedent for adjoining rural areas of similar agricultural capability.

It is not anticipated that the proposal will form a precedent for the region because of its strategic and well justified location for subdivision with a minimum lot size of 10ha. RU1 Zoned areas further to the north face greater constraints associated with remnant vegetation.

The proposal is to be assessed on its planning merit as will any other similar application in the future.

1.3 That the proposal would not result in fragmentation or loss of agricultural production land.

As outlined in Appendix C of the JBA Report (attached), the Site is capable of accommodating intensive agriculture, including viticulture and horticulture. The Proposed reduced lot size on the Site will facilitate more intensive agricultural production with a higher portion of each Site used for intensive agriculture. The lots will allow for increased farming efficiency of the land with a range of agricultural uses on the Site potentially being viticulture, olive groves and small scale orchards.

Smaller lot sizes will allow for the increased productivity of agriculture on the Site rather than 40ha lots which will encourage grazing or broad scale viticulture farming that is not in demand or appropriate for the northern end of the Pokolbin region.

As demonstrated in the Land Use Audit (Appendix D of the JBA Report - attached) the areas of land used for viticulture on the properties surrounding the Site is generally between 3 and 4ha with vines predominantly grown on lots 10ha in size. The proposed lot size is consistent with the existing and successful agricultural uses in the locality. The proposal will therefore provide lots that are demonstrated to have a high level of agricultural productivity.

1.4 Assessment of the perceived shortfall of tourism accommodation.

The SLUS identifies that there is a demand for a diverse range of tourist accommodation throughout the area and on the Site. Wine tourism development, including tourist accommodation, cellar door premises and cafés or restaurants plays a significant role in the tourism economy of the area. The existing viticulture industry in the area creates a high demand for tourism which is reflected in the current development in the region which includes new tourist developments at 575 and 658 Hermitage Road.

The growth of the Northern Pokolbin Vineyard District due to the gateway created by the opening of the Hunter Expressway will generate demand for the additional wine tourism related development in the locality. The reduced travel times to the region from Sydney and Newcastle as a result of the Expressway will increase the accessibility of the area for tourists seeking weekend accommodation and create a new gateway destination. These are all factors that will contribute to the growth and increase in demand of tourist accommodation on the Site. The SLUS identifies the demand for diversified tourism development specifically in the Hermitage Road precinct.

The Hunter Visitor Economy Draft Destination Management Plan, prepared by tourism Hunter in 2013 provides that tourism growth in the Hunter, at 1.4%, would provide demand for an additional 400 accommodation rooms between 2013 and 2020 (*Hunter Visitor Economy Draft Destination Management Plan 2013, prepared by Tourism Hunter p49*). In addition to this the Hunter Valley Wine Country Tourism Monitor 2012 Annual Report provides that the tourism sector providing small self-contained accommodation products have weekend occupancy rates of 61.57% (see Figure A below), being substantially higher than the region average of 51.2%. The weekend occupancy rates are

highly relevant to the proposed future development on the Site as the small scale tourist accommodation will be aimed at capturing 'weekenders' in self-contained accommodation, particularly tourists from Sydney and Newcastle.

The Hunter Valley Wine Country Tourism Monitor 2012 Annual Report (produced in 2013), prepared by the University of Newcastle on behalf of Hunter Valley Wine Country Tourism and Cessnock Council, provides a detailed assessment of the tourism industry in the Hunter Valley Wine Country.

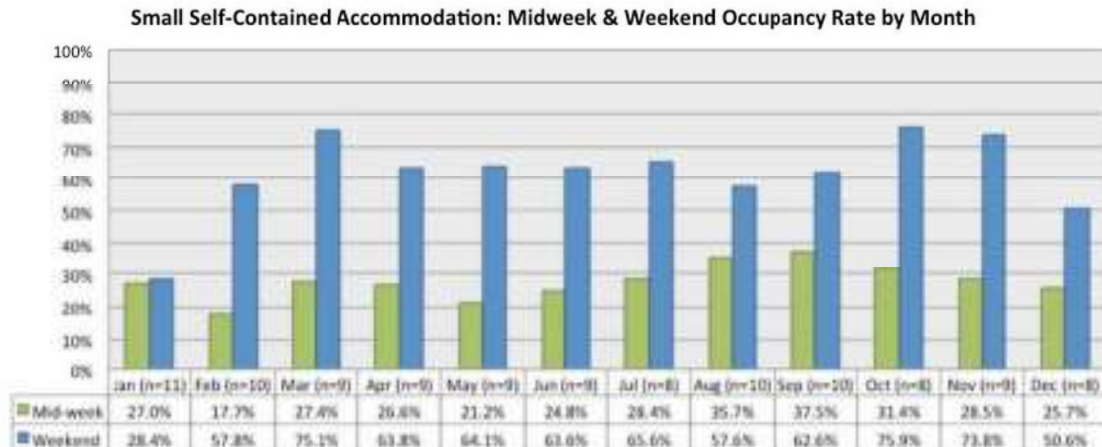


Figure A – Small self-contained accommodation: Midweek and weekend occupancy rate by month (Source: *Hunter Valley Wine Country Tourism Report 2012*)

Figure B, below demonstrates the average monthly occupancy rates for small self-contained accommodation units over the 2011 to 2012 period. The trend demonstrates an average overall occupancy rate (including weekends and weekdays) for the 9 month period (April to December) in 2011 to be 38.9% which increased to 47.9% in the same period in 2012. This is a likely reflection of the broader growth in tourism in the Hunter, as outlined in the Draft Destination Management Plan, outlined above. The increase in occupancy rates over the two year period demonstrates an increase in demand for tourist accommodation in the Wine Country Region.

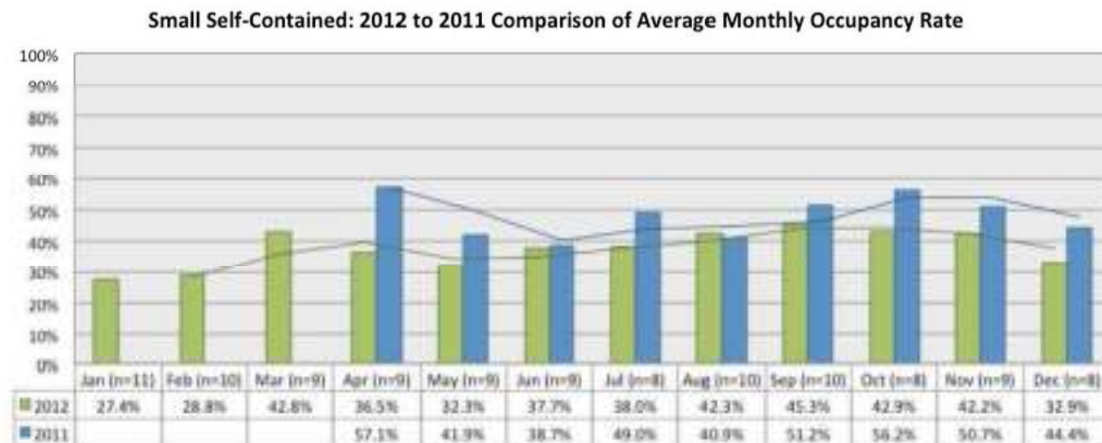


Figure B – Comparison of monthly occupancy rates over 2011 and 2012 for self-contained accommodation (Source: *Hunter Valley Wine Country Tourism Monitor 2012 Report*)

1.5 Methodology on how the land would be developed for tourism only and not rural residential development for the outlined scenario.

The proposal has been revised to facilitate small lot agricultural uses on lots that with a minimum size of 10ha across the Site. The proposal does not seek consent for rural residential development. Tourism is only one proposed activity on the Site. The primary activity is small lot agriculture with associated tourist uses. The lot size has been increased to a minimum of 10ha, matching the adjacent subdivision to the west and south of Old North Road. Additional uses on the Site may include farm gate type developments

including cellar door premises, market stalls, a lavender farm, olive groves and other intensive horticulture.

The proposed lot size is consistent with the existing lot size and development patterns in the Hermitage Road vineyard district and specifically on adjoining land on the southern side of Old North Road. The proposed lot size has been developed to complement the size and layout of the existing lots and business model shown in the lots on the southern side of Old North Road.

1.6 Or alternatively, an assessment of the oversupply of rural residential land also taking into account the other Planning Proposals.

The PP no longer seeks to facilitate rural residential development. The proposed minimum lot size has been increased to 10ha lots across the Site to provide for small lot agriculture which encourages intensive agricultural activities similar to the adjoining lots to the west and south of Old North Road.

The Singleton Land Use Strategy identifies smaller rural residential allotments as being approximately 8,000m² in area. As such lots with a minimum size of 100,000m² are not classified as rural residential.

1.7 Information on the proposed commercial / retail lots including its potential land uses and how this would not adversely impact other areas providing similar retail uses in close proximity.

The small lots which were proposed for commercial / retail use have been removed from this revision of the PP.

1.8 How the proposal would not impact on important viticultural lands or the Singleton Military Area.

The proposal seeks to reduce the minimum lot size to facilitate the intensification of viticultural uses and facilitate boutique scale operations. The proposal will result in a significant increase in the viticultural activities and wine related tourism uses on the Site and as such will have a beneficial impact on the surrounding viticultural lands.

As outlined in Section 4.3 of the JBA Report (attached), the Site lies within the Singleton Military Buffer Area and as such is subject to Clause 7.4 of the Singleton LEP. Generally, the future development of the Site will be required to address the emission and noise issues associated with development in proximity to the Military Area. The existing range of land uses within the buffer area is not significantly adversely impacted by the operations of the Military area. While this proposal seeks to permit the intensification of the Site, the range of permissible land uses and development controls that apply to the Site will remain unchanged. As the intensification is not significant and the Site is located on the outer boundary of the buffer area, the proposal is not considered to have any significant impact on the operational environment of the Military area, satisfying the LEP objective.

1.9 How the proposal would not impact on the critical industry cluster.

The proposal will facilitate lot sizes that are capable of accommodating intensive agriculture (refer Appendix C of JBA Report - attached) and are of a size that will attract wine tourism development including cellar door premises, tourist cabins and boutique restaurants and cafes. The proposal seeks to expand and strengthen the Critical Industry Cluster through facilitating opportunities for small-scale vineyards that characterise the Hermitage Road areas within the Cluster.

The Hermitage Road Pokolbin Planning Study accurately identifies that the RU1 zone permits a range of land uses on the Site that may cause land use conflicts with the surrounding Critical Industry Cluster which includes intensive agricultural and tourism land uses. As such, the Planning Study recommends that the RU4 zone is introduced into the area (including the Site) to permit a range of development that is more consistent with the existing character of the area. In accordance with this recommendation, a smaller minimum lot size is required on the Site to prevent the potential for large scale agricultural land uses on the Site (that are accommodated within a 40ha lot size) that will cause land use conflicts. The Site and the adjoining RU1 zoned land to the north are identified as being within the Viticulture Critical Industry cluster identified in the Upper Hunter Strategic Regional Land Use Plan. As outlined in the Hermitage Road Planning Study, the RU1 zone permits uses including camping grounds, caravan parks, cemeteries, crematoria, extractive

industries, hazardous industries, heavy industrial storage establishments, highway service centres, offensive industries, open cut mining, and service stations, all of which are not permitted in the adjoining RU4 zone and would all have an adverse impact on the viticulture and tourism in the area.

Even if the Site was to be rezoned to RU4 and the range of permitted development was consistent with that of the adjoining land, the current permitted 40ha lot size on the Site would facilitate development of a scale that would adversely impact on the viticulture and boutique style of tourism development already in the area. The Hermitage Road Planning Study identified that the 10ha lots adjoining the Site were created under a different planning scheme and are no longer consistent with Council's strategic land use plan for the area, however the existing smaller lots provide a successful agricultural production and tourist development area that is unique within the Critical Industry Cluster. The Site provides a significant opportunity to facilitate development that will protect and strengthen the Critical Industry Cluster.

A detailed assessment of how the proposal will strengthen the Critical Industry Cluster is provided in Section 10.3 of the JBA Report (attached).

1.10 A landscape character and visual impact assessment.

A visual impact assessment of the proposed 10ha minimum lot size is provided at Section 10.6 of the JBA Report (attached – note: although this Report was based on a 10ha minimum average, lot sizes do not vary significantly below the 10ha minimum supported by Council). The assessment confirms that the land use pattern facilitated by the proposed lot size will be consistent with the existing land use pattern in the Hermitage Road vineyard area and will create a visually inviting gateway to the Pokolbin Wine district to traffic from the Hunter Expressway.

1.11 How services could be provided for the proposal.

The provision of essential services for the Site to accommodate the future development envisaged under this proposal is outlined in Section 10.10 of the JBA Report (attached). A Soil Land and Agricultural Resource Assessment (Appendix C of the JBA Report - attached) has been prepared for the Site that confirms that the soils on the Site are able to accommodate on-site waste water treatment and disposal for 10ha lots. Potable water will be supplied to the Site by rainwater catchment which is consistent with the existing development in the area. Sealed vehicular access is provided to the Site as well as existing electricity. The development of the Huntlee New town will facilitate new schools and other community facilities in close proximity to the Site.

Telecommunication facilities may easily be provided on the Site at a future time if required by the prospective future land owners.

2.0 Additional Issues Identified by Council.

In its meeting of the 16th June 2014, Singleton Council resolved to publically exhibit the Draft Hermitage Road Pokolbin Planning Study for a period of not less than 28 days. In the meeting minutes, 20 outstanding issues were identified that are to be addressed in the future submission of a Planning Proposal for the Site. Many of these issues replicated those identified in the Hermitage Road Planning Study; however some were additional and are outlined below:

2.1 Access to potable Water.

Addressed in Section 1.11 above.

2.2 An assessment in accordance with the RFS guidelines is required.

Addressed in Section 1.1(e) Direction 4.4 Planning for Bushfire Protection above.

2.3 Despite being adjacent to small lots (around 10ha) subdivided and developed under a different planning regime, the case for the lot sizes and development envisaged has not been fully justified, in strategic terms (i.e. that a stand-alone rural residential development is proposed).

Notwithstanding that the adjacent small lots were subdivided and developed under a different planning regime, the lots, once created, facilitated the development of the small-scale viticulture industry in the Hermitage Road area forming Singleton LGA's most important vineyard area with the associated economic benefits for the LGA. Few of the lots in this subdivision pattern are used a rural-residential but rather have increased the agricultural production of the land concerned. The lack of recognition or investigation of the factors that contribute to the Hermitage Road area's success as a vineyard and tourist area was a key flaw in the Hermitage Road Planning Study. Appendix D includes a land use audit of the lots within the Hermitage Road vineyard area. The audit demonstrates that there is a clear case for the re-introduction of this size of landholding in the area to enable the Hermitage road vineyard area to further grow and develop and take advantage of the growth opportunities presented by the opening of the Hunter Expressway and the growth of Huntlee. The Planning Proposal has been revised to increase the average lot size to 10Ha to improve the viability of the lots for small-scale intensive agricultural activities and reduce their attraction for rural residential development. The previous Planning Proposal proposed 50 lots on the Site with an average lot size of 6.1ha. The revised proposal will provide for 30 lots with an average lot size of 10ha. This is not considered to be of a density defined as a rural residential development. The proposal seeks to create a density consistent to the agricultural lots to the south and west of Old North Road.

2.4 Additional capacity to service the development with power, school buses and telecommunications has not been addressed.

Addressed in Section 1.11 above.

2.5 Whether the Site has material or extractive resources has not been demonstrated, noting a submission from the Department of Mineral Resources advised that the area has coal exploration value.

Although the Department of Mineral Resources has advised that the Site has coal exploration value, the Site is identified under the SEPP (Mining, Petroleum Production and Extractive Industries) 2007 as being a Critical Industry Cluster for viticulture and as such any application for mining and petroleum development is required to assess the impact of the proposal on the Critical Industry Cluster. The Hermitage Road Pokolbin Planning Study (HRPPS) recommends the RU1 zoned land within the area should be rezoned to RU4 to protect the Critical Industry Cluster.

2.6 Compatibility with adjoining land uses has not been thoroughly assessed.

The development envisaged for the Site under this proposal is for a mix of uses including residential, intensive agriculture and wine tourism. The proposed 10ha minimum lot size will facilitate the development of mixed use intensive agriculture, including viticulture and ancillary wine tourist development, which is consistent with the existing development in the Hermitage Road vineyard area. The proposed 10ha lots are a direct response to the viable business model demonstrated by the existing development in the locality of the Site.

Small scale viticulture and wine tourism development are a critical component and economic generator for the region. This fact was picked up on in the submission to the HRPPS prepared by DenMar Estate which operates a vineyard and tourist facility on Hermitage Road. The submission includes the following statement:

Encouragement of desirable controlled development surely is a preferable approach to the anachronistic approach of maintaining the status quo of a minimum lot size of 40ha... Indeed viability of the vineyard industry relies primarily on value adding and integration of other business components as part of the overall entity, i.e. wineries, cellar doors, tourist accommodation, restaurants etc.

The role of smaller viticulture operations in supporting the major wineries and wine producers is outlined below:

- Larger wineries are able to recoup costs invested into wine producing facilities by means of smaller growers paying to use the facilities to produce wine to then sell from a cellar door type business; and
- Larger wineries are able to purchase grapes from the smaller growers to provide a greater variety of grapes and obtain an additional supply of grapes and to

supplement those grown on-site to diversify risk and reliance on a single vineyard/crop.

2.7 While the Site is largely cleared, no evidence is submitted to support the claim that the Site is free of threatened species or endangered ecological communities.

A Constraints and Opportunities Assessment has been prepared by RPS (Appendix G of the JBA Report - attached) to address threatened species issues. The assessment includes Site surveys and identifies key ecological features of the Site. While 82% of the Site is currently cleared, the surveys identified the presence of two Endangered Ecological Communities; the Central Hunter Ironbark – Spotted Gum – Grey Box Forest and the Hunter Lowland Redgum Forest. The Site also has the potential to be potential habitat for a number of threatened species.

Notwithstanding this, the RPS assessment concludes that with the proposed minimum lot size of 10ha, there are opportunities for avoidance of many potential impacts through lot layout and design that would enable retention of the vegetated areas. This issue is addressed in detail in Section 10.9 of the JBA Report (attached).

2.8 No information has been supplied to indicate the Site is free from contaminants.

A Soil, Land and Agricultural Assessment of the Site has been prepared (Appendix C of the JBA Report - attached) which confirms that the Site has negligible potential for soil contamination as a result of the previous agricultural uses. This issue is addressed in Section 10.8 of the JBA Report (attached).

2.9 No information has been supplied to indicate that the Site is saline, or whether the Site has capacity to accommodate on-site sewerage management, for the type of development proposed.

The Site Soil, Land and Agricultural Assessment (Appendix C of the JBA Report - attached) is discussed in detail at Section 10.8 of the JBA Report and confirms that the soil profile of the Site is capable of accommodating intensive agriculture such as viticulture or olive groves. The assessment provides that the areas of the Site with increased saline levels are only classified as slight to moderate and are still acceptable for intensive agriculture. The Assessment further provides that the Site is easily capable of accommodating on-site waste water treatment and disposal. The area required for irrigation for a five person household is generally 83m² throughout the Site and is a maximum of 131m², which can easily be accommodated and increased to cater for tourist development within a 10ha lot. These issues are addressed in Section 10.8 of the JBA Report (attached).

2.10 While the Site appears to have flood-free land available to accommodate envisaged development, information to verify this has not been submitted.

The Site is located at the top of the catchment for the riparian systems that traverse it. Riparian streams within the Site are generally characterised as being of 1st and 2nd order. The Site is not identified as being flood liable.

2.11 No information has been provided to indicate the land is free of cultural significance for Aboriginal heritage.

A Heritage Due Diligence Assessment was prepared by RPS for the Planning Proposal (Appendix F of the JBA Report - attached). The Assessment included a search of the AHIMS database for the Site and one (1) kilometre radius surrounding the Site. One Aboriginal site was identified on the north-west boundary. The site is an isolated scatter, however no artefacts were observed at the site during the inspection. The site is unlikely to be impacted as a result of the Planning Proposal as it is located adjacent to a drainage line.

A visual assessment and pedestrian survey of the Site was also undertaken. No Aboriginal objects or places were identified within the project area. This Planning Proposal includes a number of recommendations.

2.12 The impact on the supply of rural residential (or 'lifestyle') / tourism accommodation (as relevant) over the next 10 years has not been fully addressed, in the context of the Singleton Local Government Area and the Lower Hunter Vineyards district.

Addressed in Sections 1.4, 1.5 and 1.6 above.

2.13 Options for tourist-oriented (and other forms of) development has not been considered.

The proposal seeks to permit lots that are of an adequate size to accommodate a range of complementary land uses including viticulture, horticulture and associated tourist oriented development. This includes accommodation, cellar door sales and "farm gate" sales. The range of tourist accommodation that could be provided on the Site includes small scale boutique tourist cabins or guest houses of not more than five rooms on each Site. The Planning Proposal itself does not seek to provide any development on the Site. This would be detailed and assessed in future development applications for subdivision and land uses. Notwithstanding this it is envisaged that the tourist development on the Site would be consistent with that of the surrounding land uses, as shown in the indicative layout in Figure C below.

The Site (479 Hermitage Road) demonstrates a 10ha site incorporating a mix of uses including three guesthouse/cabin style rooms with a dwelling house and a vineyard. The style of tourist development on the Site is intended to be of a similar character that provides private boutique style separate cabins.



Figure C – Tourist Oriented Development (Source: NearMap)

2.14 Development permitted under current planning controls (LEP & DCP) has not been considered.

The development currently permitted on the Site under the Singleton LEP would comprise a minimum subdivision lot size of 40ha, accommodating a maximum of 7 lots within the Site. The land uses permitted on the Site have been detailed in Section 4 of the JBA Report (attached) for the RU1 Primary Production Zone and the RU4 Primary Production Small Lots zone that is being considered for the Site in the Hermitage Road Pokolbin Planning Study.

The Singleton Development Control Plan 2014 provides controls that address building setbacks provided on rural land as well as specific setbacks required for viticulture. The primary setbacks have been addressed to demonstrate that future development on the proposed 10ha minimum lot size is capable of complying with the DCP setback requirements. The relevant controls are outlined below.

Section 2.5 Lot shape and dimensions

- a) any lot resulting from the subdivision is of suitable size and shape to contain a building envelope that is appropriately located, complies with relevant building setbacks and can comply with hazard management and sewage disposal requirements, and*
- b) the subdivision is appropriate having regard to the natural and physical constraints of the land, and*
- c) the subdivision will not have a significant adverse impact on the environment.*

Section 2.10 Building line

The building line in the RU1 and RU4 zone is to be 40m.

Section 2.11 side and rear setbacks

The minimum setback of buildings from side and rear boundaries in the RU1 and RU4 zone is 10m.

Section 2.14 Density of short term accommodation in certain rural zones (including RU1 and RU4 zones)

- a) For bed and breakfast accommodation, eco-tourist facilities and farm stay accommodation, the density of all buildings on the lot would not exceed a maximum FSR of 0.05:1, and*
- b) for hotel or motel accommodation the density of all buildings on the lot would not exceed a maximum FSR of 0.07:1, and*
- c) the increased density will not have a detrimental effect on the amenity of neighbours, and*
- d) the increased density will not adversely impact upon the visual amenity of the rural landscape, and*
- e) a vegetation buffer not less than 30m in width is established between the buildings and the boundaries of the allotment and the vegetation buffer complies with the DCP minimum standards.*

Section 2.33 Viticulture buffers

- (3) Development consent should not be granted to erect a building for the purpose of residential accommodation or tourist and visitor accommodation less than 100m from existing or approved viticulture, unless the consent authority is satisfied that:*
 - (a) the building is not within 50m of the vines, and*
 - (b) the design of the building is appropriate, having regard to the impacts of noise and spray drift impacts likely to be generated by the viticultural operations, and*
 - (c) an appropriate vegetation buffer, not less than 30m in width, is established in a suitable location between the building and the vines.*
- (4) Vines associated with viticulture on a lot must not be planted within 10m of the lot boundary.*

Figure D below demonstrates an existing property of approximately 10Ha in size which is located opposite the Site on Old North Road. The Site is able to accommodate two forms of intensive agriculture, being viticulture and an olive grove, as well as a dwelling house and remnant bushland whilst complying with the DCP setbacks.

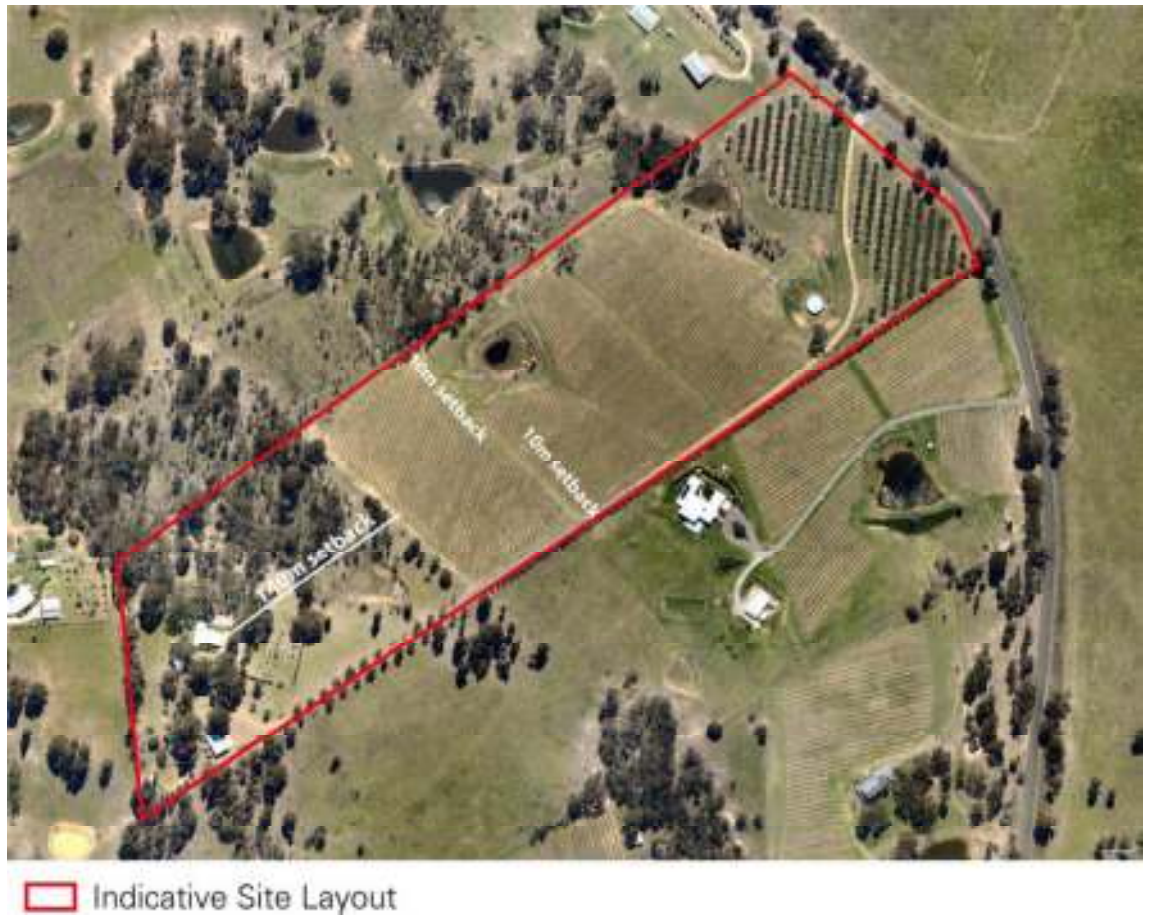


Figure D – DCP compliant layout for 10ha lot size (Source: JBA)

2.15 The Upper Hunter Strategic Land Use Plan's (Department of Planning) designation of the district (including the Site) as Strategic Agricultural Land and as a Critical Industry Cluster has not been fully considered.

Addressed in Sections 1.1 above.

2.16 Whether the proposal would cause agriculturally productive land to be fragmented has not been fully examined, although current and past use of the Site bring the land's agricultural productivity into question, the proponent claims.

The Soil, Land and Agricultural Assessment (Appendix C of the JBA Report -attached) confirms that the Site is suitable for intensive agriculture including viticulture and olive groves. The proposed 10ha minimum lot size is capable of accommodating intensive agricultural uses that will enable the higher productivity of the Site and a greater portion of Site utilisation, as shown above in Figures C and D above.

In addition to the above, the reduced minimum allotment size on the Site will not prevent prospective land owners purchasing more than one allotment if there is a demand for larger allotments to accommodate large scale viticulture or grazing.

2.17 The cumulative impact or the specific impact of this proposal has not been fully considered with regard to training operations at the Singleton Military Area.

As identified, the Site lies within the eastern portion of the Singleton Military Area (SMA) buffer zone. The Singleton LEP provides that development within the zone is to consider the noise impacts of the Military area, the impact the development will have on the Military Area and if the development could be reasonably located to an area outside of the zone. An Acoustic Assessment Report for the Site has been prepared for by Hunter Acoustics and is provided at Appendix H of the JBA Report (attached). The assessment provides that the Site is not considered to be at risk of any significant impacts from the Military activities including explosive activities and aircraft fly-overs. The Assessment provides that prospective land owners on the Site should be made aware of the potential noise impacts.

However it provides that there will be no adverse health impacts. The Assessment recommends the following construction standards for dwellings to ameliorate adverse noise impacts on the Site:

1. *Building walls for any dwelling to be constructed with masonry materials such as brick veneer;*
2. *External Glazing for any dwellings on the Site is to be a minimum of 6.38mm laminated glass;*
3. *A notation should be made on the planning instrument that the area is subject to audible sound from explosive activities;*
4. *A further notation should be made that the area is subject to high sound level from low flying military aircraft. Contact details for the Military Base controller should be made readily available to any occupier in the area.*

In accordance with the above listed recommendations, the Site is considered suitable for development and is not considered to create conflict that will cause the future development on the Site to have an adverse impact on the operation of the SMA. Further to this the proposal is appropriately located on the Site as it is within the Critical Industry cluster and creates a gateway entrance to the Pokolbin Wine region. The proposal will facilitate future development that is consistent with the existing development in the region and as such does not propose any additional land uses that will cause conflict with the SMA.

2.18 An assessment is required, of the proposal's impact on the scenic value of the Site (as the Site is located within a landscape character zone of moderate to high scenic value, as defined by the PAA draft Planning Study).

A landscape character and visual impact assessment of the proposal is provided at Section 10.6 of the JBA Report (attached). The proposed 10ha minimum lot size will facilitate a land use pattern that is commensurate with the existing land use pattern of the area.

2.19 Minimum lot sizes have not been determined having regard to the Site's capacity, in respect of biodiversity values, availability of water and sewer infrastructure and NSW Government Guidelines for determining minimum lot sizes.

The PP seeks to implement a minimum lot size on the Site to allow lots of suitable sizes that can respond to the Site topography and vegetation to ensure the retention of riparian corridors. The Soil, Land and Water Assessment (Appendix C of the JBA Report - attached) confirms that the proposed minimum 10ha allotments are capable of accommodating intensive agricultural uses as well as on-site waste water irrigation.

The Office of Water provides that each of the proposed 10ha allotments is eligible to create a dam with storage capacity of 0.7 Mega litres (ML) of water. A farm dam of this volume will easily surpass the requirements for irrigation on the Site.

A *Constraints and Opportunities Assessment* has been prepared by RPS (Appendix G of the JBA Report - attached) to address threatened species issues. The RPS assessment concludes that the proposed minimum lot size of 10ha provides opportunities for avoidance of many potential impacts through lot layout and design that would enable retention of the vegetated areas.

2.20 Further information on the proposed commercial/retail lots, including potential land uses, permissibility and how potential adverse impacts on similar land uses in close proximity would be avoided.

The revised PP does not propose small commercial/retail lots such a originally suggested. The recommended RU4 zoning of the Site, as identified in the Hermitage Road Pokolbin Planning Study, would permit restaurants or cafes on the Site and information and education facilities. The proposed 10ha minimum lot size on the Site would have the potential to facilitate development for the purposes of a Tourist information centre or a restaurant that would provide a significant benefit and attraction for tourists in the area. These uses could be developed as part of agricultural activities such as vineyard cellar doors or "farm gate" sales. Development for a restaurant or Tourist information centre would be subject to a Development Application and would be required to assess any potential impacts on surrounding land uses.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The amendments to the LEP as described by this planning proposal are considered to be the best means of achieving the objectives and intended outcomes as described in Part 1 of this planning proposal.

In arriving at this opinion, the following alternative approaches were considered:

Alternative option 1:

Consideration was given to reducing the minimum lot size for the whole of the Study Area of the Hermitage Road Pokolbin Planning Study 2014. However, this approach was not supported on the basis that part of the Study Area comprises larger highly productive vineyards which should not be subject to the potential impacts of subdivision. The Study found that minimum lot size should only be reduced where individual planning proposals demonstrated strategic merit for a reduced lot size.

Alternative option 2:

Consideration was given to the possibility of identifying a “core” tourist area in the vicinity of Old North Road and Hermitage Road and rezoning this land to SP3 Tourist Zone and reducing the minimum lot size within this zone. However, this approach was not supported due to the area being identified as Critical Industry Cluster with the inference that the focus of tourism should be to support viticultural/agricultural production, rather than tourism being the primary focus. Integrated tourism uses can be accommodated within the RU4 zone.



Q3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) 2012

The Singleton LGA is subject to the provisions of the Upper Hunter Strategic Regional Land Use Plan (2012), which is a subregional land use strategy. The subject land is identified as part of the “Strategic Agricultural Land – Viticulture Critical Industry Cluster”.

Properties of 10ha are commonplace in Hunter Wine Country. Strategic land use analysis (such as that provided in Appendix D of the JBA Report - attached) has shown that bona fide, long term viticultural operations can readily occur on properties in the vicinity of 10ha, and that the aggregation of such viticultural ‘value’ can often be greater than that of single properties of equivalent size. In this sense, the viticultural ‘value’ of the land is likely to be improved by the PP.

The use of the land for viticultural purposes supports the objectives of the subregional plan.

The proposal is consistent with the Strategic Regional Land Use Plan for the Upper Hunter as it will facilitate development that will strengthen the Viticultural Critical Industry cluster, as identified in the plan. The proposed reduced minimum subdivision lot size will enable lots to be developed for small-scale wine tourism purposes and will therefore strengthen the viticulture in the area and provide a significant economic benefit to the region.

It is considered that the PP will positively support the relevant objectives and actions of the UHSRLUP.

Draft Branxton Subregional Land Use Strategy (BSLUS) 2014

The subject land is not within the Study Area of the BSLUS.

Q4. *Is the planning proposal consistent with a council’s local strategy or other local strategic plan?*

Hermitage Road Pokolbin Planning Study (HRPPS) 2014

The relevance of the PP to the HRPPS has been detailed under Question 1 of the PP above.

Singleton Land Use Strategy (SLUS) 2008

The SLUS provides that *where the predominant land use is other than grazing and where lot sizes are less than this already, the 40ha minimum should be retained*. The SLUS however was adopted in 2008, and therefore does not consider the significant changes to the locality brought about by the opening of the Hunter Expressway nor the Huntlee New Town. The Strategy is now 8 years old and does not provide an accurate assessment of the significant change in the nature of the central Hunter Subregion. The SLUS foreshadows a potential need to reassess minimum lot sizes in the Pokolbin area. This is inherent in Council’s decision to prepare the HRPPS for the Hermitage Road area. This Study supports site specific consideration of a smaller minimum lot size for the subject Site provided the relevant issues for the Site are addressed.

The Site is a significant land holding within the Pokolbin Critical Industry Cluster and therefore should not be considered as grazing or large lot agricultural land. Further to this, the strategy identifies that *tourism is increasingly significant in the Singleton LGA, with pressure for diversified tourism development particularly in vineyard areas including Hermitage Road*. The proposed reduction in the minimum lot size on the Site will allow a mix of uses including wine tourism that will strengthen the economic viability of the region.

The proposal is considered to be consistent with the SLUS aim to *recommend actions for achieving the land use objectives of the Singleton community, consistent with the Council vision*. The proposal will facilitate future development that is of a scale and intensity that is similar to that of the existing area.

Singleton Community Strategic Plan (SCSP) 2013

The Singleton Community Strategic Plan (2013) is a long term strategy for the whole community; a blueprint to 2023. The document captures the vision for the Singleton LGA, by the Singleton community.

The development and conservation of the subject land in a manner which is sustainable and which reflects the community's vision for the future of Hunter Wine Country is consistent with this plan. Specific outcomes of the SCSP which the PP supports are:

Our Community:

- Has vibrant spaces and places
- Is well connected
- Is attractive for local and visitors
- Is sustainable in its actions, and

Our Council:

- Promotes Singleton [LGA] and its diversity.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 3 (below) provides a list of State Environmental Planning Policies (SEPPs) that are relevant to the Singleton Local Government Area (LGA). The table identifies the relationship of this planning proposal to the individual SEPPs and indicates whether this planning proposal is consistent with the respective SEPP.

Table 3: Assessment of State Environmental Planning Policies against planning proposal

SEPP	Overview	Relevance and consistency
<i>SEPP No. 1 - Development Standards</i>	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.	The SEPP is not relevant to this planning proposal. Clause 1.9(2) of the <i>Singleton Local Environmental Plan 2013</i> excludes SEPP No. 1 from applying to the land.
<i>SEPP No. 21 - Caravan Parks</i>	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the <i>Local Government Act 1993</i> , are also permitted. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years	Not relevant to this planning proposal.
<i>SEPP No. 30 - Intensive Agriculture</i>	Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.	Not relevant to this planning proposal.
<i>SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)</i>	Focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is	Not relevant to this planning proposal.

	rezoned by an REP, the Minister will be the consent authority.	
<i>SEPP No. 33 - Hazardous and Offensive Development</i>	Requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy.	Not relevant to this planning proposal.
<i>SEPP No. 36 - Manufactured Home Estates</i>	Helps establish well-designed and properly serviced manufactured home estates in suitable locations.	Not relevant to this planning proposal.
<i>SEPP No. 44 - Koala Habitat Protection</i>	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 PP is not seeking approval for the removal of any of the trees on the Site. Notwithstanding this, the Constraints and Opportunities Assessment for the Site (Appendix G of JBA Report - Attached) confirms that there is no Core Koala Habitat present on the Site and no definitive sign of Koalas has been noted on the Site and no sightings for the species have been recorded within the Site's locality since 2006.
<i>SEPP No. 50 - Canal Estates</i>	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments	The SEPP is not relevant to this planning proposal. This planning proposal does not relate to a canal estate.
<i>SEPP No. 15 - Rural Land-Sharing Communities</i>	Makes multiple occupancy permissible, with council consent, in rural and non-urban zones, subject to a list of criteria in clause 9(1) of the policy. The policy encourages a community-based environmentally-sensitive approach to rural settlement, and enables the pooling of resources to develop opportunities for communal rural living.	Not relevant to this planning proposal.
<i>SEPP No. 55 - Remediation of Land</i>	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	A Phase 1 soil contamination assessment of the Site has been prepared (Appendix C of JBA Report - Attached) which confirms that there is negligible potential for contamination on the Site as a result of previous agricultural uses.
<i>SEPP No. 62 - Sustainable Aquaculture</i>	Encourages the sustainable expansion of aquaculture in NSW.	Not relevant to this planning proposal.
<i>SEPP No. 64 - Advertising and Signage</i>	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.	Not relevant to this planning proposal.
<i>SEPP No. 65 - Design Quality of Residential Flat Development</i>	Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the	Not relevant to this planning proposal.

	establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	
<i>SEPP (Housing for Seniors or People with a Disability) 2004</i>	Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.	Not relevant to this planning proposal.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.	Not relevant to this planning proposal.
<i>SEPP (Major Development) 2005</i>	Provides planning provisions for State significant sites.	Not relevant to this planning proposal.
<i>SEPP (Mining, Petroleum Production and Extractive Industries) 2007</i>	Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.	The Site is identified in the Mining SEPP as a Critical Industry Cluster for Viticulture. Pursuant to this, any application for mining or petroleum development on the Site is required to demonstrate that there will not be a significant impact on the critical industry.
<i>SEPP (Temporary Structures) 2007</i>	Provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	The SEPP is not relevant to this planning proposal. This planning proposal does not relate to a proposal to a temporary structure.
<i>SEPP (Infrastructure) 2007</i>	Provides greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	Not relevant to this planning proposal.
<i>SEPP (Rural Lands) 2008</i>	Facilitates the orderly and economic use and development of rural lands for rural and related purposes.	1. Rural Planning Principles: The PP is consistent with the Rural Planning Principles outlined in the SEPP, as demonstrated below: <i>(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i> The PP will facilitate a higher and better use for the Site by facilitating intensive agricultural production through viticulture and horticulture activities. The proposed 10ha allotment size will facilitate viticulture and Wine tourism development that strengthens the Critical Industry Cluster in the Pokolbin Wine region. The proposal will utilise the unique viticultural capabilities of the soils on the Site and will increase the agricultural intensity

		of the land, hence increasing the sustainable and economic activities on the Site. This intensity of land use has been clearly demonstrated on 10ha lots adjacent to the Site to the west on Old North Road and Hermitage Road. <i>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</i> The proposal will facilitate the orderly development of the Site for intensive agricultural uses and will facilitate future subdivision that is capable of utilising the agricultural capabilities of the land for intensive agriculture. The proposal is commensurate with the agricultural uses associated with the identified critical industry cluster in the area, and will strengthen the unique Pokolbin Wine Region through facilitating small lot viticultural and horticultural pursuits. The proposal reinforces the lot size character on adjacent land in the northern end of the Pokolbin Wine Region to facilitate small scale intensive viticulture and wine tourism development. <i>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i> The proposal will facilitate viticulture, wine production and tourism in the area to provide significant social and economic benefits to the region and locality. The proposal will facilitate the appropriate development of the Site and will encourage agricultural uses that have been identified as being suitable to the agricultural capabilities of the land. <i>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</i> The proposal will facilitate increased agricultural productivity and associated tourism in the locality. The Site has been assessed as being
--	--	---

		relatively unconstrained with regard to biodiversity and cultural heritage. The proposed lot size averaging on the Site will enable future subdivision of the Site to facilitate the retention of the remnant areas of bushland. The proposal is not anticipated to have any adverse social impacts on the community, rather it will provide for additional family based viticulture and tourism based activities further strengthening the local community. <i>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i> The proposal will facilitate the retention of the existing bushland and EEC's on the Site through minimum lot size provisions, design and layout. As shown in the indicative subdivision layout plan (Appendix B and Figure 20 of JBA Report - Attached), the lot sizes are able to accommodate the areas of vegetation within an existing lot and reduce vegetation clearing within lots and along lot boundaries. The proposal will facilitate development that will enhance water retention and conservation on the Site. The indicative subdivision plan demonstrates that suitable vehicular access can be provided to lots that does not involve the crossing of significant waterways. <i>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i> While the future development of the Site is envisaged to have a strong reliance on the commercial viticultural and horticultural production from the land, the proposal will facilitate ancillary residential development that will provide opportunities for rural lifestyle. The proposal will facilitate the economic advantages of the wine tourism industry without any anticipated adverse social impacts, providing a significant benefit to the rural community. <i>(g) the consideration of impacts on services and infrastructure and</i>
--	--	---

		<i>appropriate location when providing for rural housing,</i> As outlined in Section 10.10 of the JBA Report (Attached), the future subdivision of the Site is not expected to have a significant impact on essential services for any future development. The Site has good access to the local road network, and has access to electricity. Future development on the Site will not require access to Councils water and sewerage networks but will harvest rainwater in tanks and provide for wastewater disposal via primary septic tank treatment and absorption trench. A <i>Soil Land and Agricultural Resource Assessment</i> prepared by SLR (in JBA Report – Attached) found that the soil types across the Site are suitable for wastewater disposal. With regard to local services, the Site is located within close proximity to the Branxton-Huntlee urban area. The construction of the Huntlee New Town has commenced and the development will over time provide for additional retail, education, health, recreation and community services. <i>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General,</i> The proposal is consistent with the relevant State, regional and local strategic plans and strategies as detailed in the sections following Rural Subdivision Principles below. 2. Rural Subdivision Principles: The proposal's consistency with the Rural Subdivision Principles outlined in Part 3(8) of the Rural Lands SEPP are as follows: <i>(a) the minimisation of rural land fragmentation,</i> The property has an agricultural history of being used for extensive grazing purposes. It is comprised of Class 3p and Class 4 land under the Agricultural Suitability Classification System. It is basically suitable for improved pasture and grazing. Any higher agricultural use of the property will need to be subsidised by off-
--	--	---

		farm income or alternative approaches such as boutique agricultural enterprises and integrated tourism. The proposal will diversify the land ownership pattern on the Site, however, it will increase the agricultural productivity of the Site through facilitating small lots to encourage an extension of the intensive small scale viticulture currently being carried out on 10ha lots adjacent to the Site. The proposed 10ha lot size is consistent with the surrounding lot size patterns and will encourage development of a similar character. The proposal will encourage the development of ancillary wine tourism uses that will strengthen and enhance the Critical Industry Cluster, hence strengthening the agricultural character of the area. <i>(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,</i> The proposal will facilitate land uses that are permitted in the RU4 Zone and align with the Hermitage Road Planning Study's recommendation to review the zones with the possible implementation of the RU4 zone on the Site. The proposal will facilitate land uses that are commensurate with the existing character of the area and as such are not considered likely to create any land use conflicts. The Singleton Development Control Plan 2014 provides controls that seek to control the building setbacks provided on rural land as well as specific setbacks required for viticulture. Future development on the land will be required to comply with these controls. <i>(c) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,</i> Although the minimum permitted lot size on the Site is 40ha, the predominant lot sizes surrounding the Site are 10ha. The proposed change to the minimum lot size will be consistent with the prevailing nature of adjacent agricultural holdings in the
--	--	--

		Hermitage Road / Old North Road locality. The proposed 10ha lot size is proposed to facilitate small lot agricultural activities that have thrived on the adjoining 10ha subdivisions but failed to materialise on the Site to date. The PP's key objective is to facilitate subdivision for the purposes of small lot agriculture. The revised PP has increased the minimum lot size to reduce the commercial attractiveness of rural residential development. The future subdivision of the Site will now provide a maximum of 30 lots (reduced from 50 lots) and as such will have no significant impact on the residential density of the area. <i>(d) the consideration of the natural and physical constraints and opportunities of land,</i> A number of technical studies have been undertaken for the Site as part of the PP. These include an assessment of vegetation communities and threatened species, cultural heritage, bushfire threat and soil, land and agricultural resource assessment. These studies are discussed in greater detail in Section 10 of the JBA Report (Attached). The proposed minimum lot size provisions will facilitate future subdivision that enables future lots to respond to the Site's constraints and opportunities to minimise vegetation clearing, interference with watercourses and maximise the potential for small lot agricultural activities. <i>(e) ensuring that planning for dwelling opportunities takes account of those constraints.</i> Applications for dwellings on the Site will be subject to future Development Applications and will be required to address this issue at that time. Notwithstanding this, the Site's key constraints have been identified and addressed in this PP to enable the relevant planning authority to determine that future dwellings are able to be planned and built to take account of these constraints.
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	Provides exempt and complying development codes that have State-wide application.	Not relevant to this planning proposal.
<i>SEPP (Affordable Rental Housing) 2009</i>	Provides incentives for new affordable rental housing,	Not relevant to this planning proposal.

	facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers	
<i>State Environmental Planning Policy (Urban Renewal) 2010</i>	Establishes a process for assessing and identifying sites as urban renewal precincts, to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts, and to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.	Not relevant to this planning proposal.
<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	Identifies State significant development, and State significant infrastructure and critical State significant infrastructure and confers functions on joint regional planning panels to determine relevant development applications.	Not relevant to this planning proposal.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Table 4 (below) provides a list of Section 117 Directions that are relevant to the *Singleton Local Government Area* (LGA). The table identifies the relationship of this planning proposal to the individual Section 117 Directions and indicates whether this planning proposal is consistent with the respective direction.

Table 4: Assessment of the proposal against relevant s.117 Directions

Compliance with Section 117 Directions			
Ministerial Direction		Relevance (Yes/No)	Consistency and Implications
No.	Title		
1.1	<i>Business and Industrial Zones</i>	No	Not applicable.
1.2	<i>Rural Zones</i>	No	This S117 Direction for Rural Zones does not apply to the PP as it is not seeking to rezone land from a rural zone to a residential, business, industrial, village or tourist zone. Part 4(b) of this Direction is not relevant to this PP.
1.3	<i>Mining, Petroleum Production and Extractive Industries</i>	Yes	The S117 Direction for Mining, Petroleum Production and Extractive industries applies when a relevant planning authority prepares a planning proposal that would have the effect of: (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. The proposed change of zone for part of the subject land from RU1 to RU4 would have the effect of making “extractive industries” and “open cut mining” prohibited. As discussed above, this is in accordance with the recommendations of the HRPPS. The Pokolbin area is mapped as Critical Industry Cluster under the Upper Hunter Strategic Regional Land Use Plan, and the primary land uses are viticulture, boutique agriculture and integrated tourism. Extractive industry and open cut mining are not compatible with these land uses and should not be permitted within the zone. Therefore the provisions of the PP which are inconsistent with this Direction are of minor significance.
1.4	<i>Oyster Aquaculture</i>	No	Not applicable
1.5	<i>Rural Lands</i>	Yes	1. Rural Planning Principles: The PP is consistent with the Rural Planning Principles outlined in the SEPP, as demonstrated below: (a) <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i> The PP will facilitate a higher and better use for the Site by facilitating intensive agricultural production through viticulture and horticulture activities. The proposed 10ha allotment size will facilitate viticulture and Wine tourism development that strengthens the Critical

			Industry Cluster in the Pokolbin Wine region. The proposal will utilise the unique viticultural capabilities of the soils on the Site and will increase the agricultural intensity of the land, hence increasing the sustainable and economic activities on the Site. This intensity of land use has been clearly demonstrated on 10ha lots adjacent to the Site to the west on Old North Road and Hermitage Road. <i>(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</i> The proposal will facilitate the orderly development of the Site for intensive agricultural uses and will facilitate future subdivision that is capable of utilising the agricultural capabilities of the land for intensive agriculture. The proposal is commensurate with the agricultural uses associated with the identified critical industry cluster in the area, and will strengthen the unique Pokolbin Wine Region through facilitating small lot viticultural and horticultural pursuits. The proposal reinforces the lot size character on adjacent land in the northern end of the Pokolbin Wine Region to facilitate small scale intensive viticulture and wine tourism development. <i>(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i> The proposal will facilitate viticulture, wine production and tourism in the area to provide significant social and economic benefits to the region and locality. The proposal will facilitate the appropriate development of the Site and will encourage agricultural uses that have been identified as being suitable to the agricultural capabilities of the land. <i>(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,</i> The proposal will facilitate increased agricultural productivity and associated tourism in the locality. The Site has been assessed as being relatively unconstrained with regard to biodiversity and cultural heritage. The proposed lot size averaging on the Site will enable future subdivision of the Site to facilitate the retention of the remnant areas of bushland. The proposal is not anticipated to have any adverse social impacts on the community, rather it will provide for additional family based viticulture and tourism based activities further strengthening the local community. <i>(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i> The proposal will facilitate the retention of the existing bushland and EEC's on the Site through
--	--	--	---

			minimum lot size provisions, design and layout. As shown in the indicative subdivision layout pan (Appendix B and Figure 20 of JBA Report - Attached), the lot sizes are able to accommodate the areas of vegetation within an existing lot and reduce vegetation clearing within lots and along lot boundaries. The proposal will facilitate development that will enhance water retention and conservation on the Site. The indicative subdivision plan demonstrates that suitable vehicular access can be provided to lots that does not involve the crossing of significant waterways. <i>(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i> While the future development of the Site is envisaged to have a strong reliance on the commercial viticultural and horticultural production from the land, the proposal will facilitate ancillary residential development that will provide opportunities for rural lifestyle. The proposal will facilitate the economic advantages of the wine tourism industry without any anticipated adverse social impacts, providing a significant benefit to the rural community. <i>(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</i> As outlined in Section 10.10 of the JBA Report (Attached), the future subdivision of the Site is not expected to have a significant impact on essential services for any future development. The Site has good access to the local road network, and has access to electricity. Future development on the Site will not require access to Councils water and sewerage networks but will harvest rainwater in tanks and provide for wastewater disposal via primary septic tank treatment and absorption trench. A <i>Soil Land and Agricultural Resource Assessment</i> prepared by SLR (in JBA Report – Attached) found that the soil types across the Site are suitable for wastewater disposal. With regard to local services, the Site is located within close proximity to the Braxton-Huntlee urban area. The construction of the Huntlee New Town has commenced and the development will over time provide for additional retail, education, health, recreation and community services. <i>(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General,</i> The proposal is consistent with the relevant State, regional and local strategic plans and strategies as detailed in the sections following Rural Subdivision Principles below. 2. Rural Subdivision Principles: The proposal's consistency with the Rural Subdivision Principles outlined in Part 3(8) of the Rural Lands SEPP are as follows:
--	--	--	---

		<i>(f) the minimisation of rural land fragmentation,</i> The property has an agricultural history of being used for extensive grazing purposes. It is comprised of Class 3p and Class 4 land under the Agricultural Suitability Classification System. It is basically suitable for improved pasture and grazing. Any higher agricultural use of the property will need to be subsidised by off-farm income or alternative approaches such as boutique agricultural enterprises and integrated tourism. The proposal will diversify the land ownership pattern on the Site, however, it will increase the agricultural productivity of the Site through facilitating small lots to encourage an extension of the intensive small scale viticulture currently being carried out on 10ha lots adjacent to the Site. The proposed 10ha lot size is consistent with the surrounding lot size patterns and will encourage development of a similar character. The proposal will encourage the development of ancillary wine tourism uses that will strengthen and enhance the Critical Industry Cluster, hence strengthening the agricultural character of the area. <i>(g) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses,</i> The proposal will facilitate land uses that are permitted in the RU4 Zone and align with the Hermitage Road Planning Study's recommendation to review the zones with the possible implementation of the RU4 zone on the Site. The proposal will facilitate land uses that are commensurate with the existing character of the area and as such are not considered likely to create any land use conflicts. The Singleton Development Control Plan 2014 provides controls that seek to control the building setbacks provided on rural land as well as specific setbacks required for viticulture. Future development on the land will be required to comply with these controls. <i>(h) the consideration of the nature of existing agricultural holdings and the existing and planned future supply of rural residential land when considering lot sizes for rural lands,</i> Although the minimum permitted lot size on the Site is 40ha, the predominant lot sizes surrounding the Site are 10ha. The proposed change to the minimum lot size will be consistent with the prevailing nature of adjacent agricultural holdings in the Hermitage Road / Old North Road locality. The proposed 10ha lot size is proposed to facilitate small lot agricultural activities that have thrived on the adjoining 10ha subdivisions but failed to materialise on the Site to date. The PP's key objective is to facilitate subdivision for the purposes of small lot agriculture. The revised PP has increased the minimum lot size to reduce the commercial attractiveness of rural residential development. The future subdivision of the Site will now provide a maximum of 30 lots (reduced from 50 lots) and as such will have no significant impact on the residential density of the
--	--	--

			area. <i>(i) the consideration of the natural and physical constraints and opportunities of land,</i> A number of technical studies have been undertaken for the Site as part of the PP. These include an assessment of vegetation communities and threatened species, cultural heritage, bushfire threat and soil, land and agricultural resource assessment. These studies are discussed in greater detail in Section 10 of the JBA Report (Attached). The proposed minimum lot size provisions will facilitate future subdivision that enables future lots to respond to the Site's constraints and opportunities to minimise vegetation clearing, interference with watercourses and maximise the potential for small lot agricultural activities. <i>(j) ensuring that planning for dwelling opportunities takes account of those constraints.</i> Applications for dwellings on the Site will be subject to future Development Applications and will be required to address this issue at that time. Notwithstanding this, the Site's key constraints have been identified and addressed in this PP to enable the relevant planning authority to determine that future dwellings are able to be planned and built to take account of these constraints.
2.1	Environment Protection Zones	No	Not relevant.
2.2	Coastal Protection	No	Not relevant.
2.3	Heritage Conservation	Yes	The S117 Direction for Heritage Conservation requires that a PP includes provisions that facilitate the conservation of: (a) Aboriginal objects or Aboriginal Places that are protected under the National Parks and Wildlife Act 1974, and (b) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people. A Heritage Due Diligence Assessment was prepared by RPS for the PP (Appendix F of the JBA Preliminary PP Report – Attached). The Assessment included a search of the AHIMS database for the Site and one kilometre radius surrounding the Site. One Aboriginal site was identified on the northwest boundary. The Site is an isolated scatter, however no artefacts were observed at the Site during the inspection. The Site is unlikely to be impacted as a result of the PP as it is located adjacent to a drainage line. A visual assessment and pedestrian survey of the Site was also undertaken. No Aboriginal objects or places were identified within the project area. This PP includes a number of recommendations from the Assessment.
2.4	Recreation Vehicle Areas	No	Not applicable.

3.1	<i>Residential Zones</i>	No	Not applicable.
3.2	<i>Caravan Parks and Manufactured Home Estates</i>	No	Not applicable.
3.3	<i>Home Occupations</i>	No	Not applicable.
3.4	<i>Integrating Land Use and Transport</i>	No	Not applicable.
3.5	<i>Development Near Licensed Aerodromes</i>	No	Not applicable.
3.6	<i>Shooting Ranges</i>	No	Not applicable.
4.1	<i>Acid Sulfate Soils</i>	No	Not applicable.
4.2	<i>Mine Subsidence and Unstable Land</i>	No	Not applicable.
4.3	<i>Flood Prone Land</i>	No	Not applicable.
4.4	<i>Planning for Bushfire Protection</i>	Yes	The S117 Direction for Planning for Bushfire Protection applies where a relevant planning authority prepares a PP that will affect, or is in proximity to land mapped a bushfire prone land. Future development on the Site, including subdivision, will be subject to future development applications. Notwithstanding this the Site contains land that is mapped as bushfire prone land. A Bushfire Threat Assessment for the Site has been prepared by RPS (Appendix E of JBA Report - Attached) to consider and assess the bushfire hazard and associated potential threats relevant to the proposal, and to outline the minimum mitigation measures which would be required for future development in accordance with the provisions of the Planning for Bush Fire Protection, 2006.
5.1	<i>Implementation of Regional Strategies</i>	No	The Site is not currently subject to any of the Regional Strategies listed in the Direction.
5.2	<i>Sydney Drinking Water Catchments</i>	No	Not applicable
5.3	<i>Farmland of State and Regional Significance on the NSW Far North Coast</i>	No	Not applicable
5.4	<i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	No	Not applicable
5.5	<i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	No	Revoked 18 June 2010
5.6	<i>Sydney to Canberra Corridor</i>	No	Revoked 10 July 2008
5.7	<i>Central Coast</i>	No	Revoked 10 July 2008
5.8	<i>Second Sydney Airport: Badgerys Creek</i>	No	Not applicable
6.1	<i>Approval and Referral Requirements</i>	No	The Planning Proposal does not include any provisions or proposed works that will require concurrence or approval from State Agencies.
6.2	<i>Reserving Land for Public Purposes</i>	No	Not applicable
6.3	<i>Site Specific Provisions</i>	No	Not applicable
7.1	<i>Implementation of the Metropolitan Plan for Sydney 2036</i>	No	Not applicable



Section C – Environmental, social and economic impact

Q7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

Likely impacts on flora

Table 5 below explains whether there is any likelihood that critical flora habitat or threatened flora species, populations or ecological communities, or their habitats, will be adversely affected as a result of this planning proposal.

Table 5: Assessment of likely impact on flora

Likely impact on flora		
Consideration	Likely impact? (Yes/No)	Explanation
<i>critical habitat</i>	No	An ecological assessment of the site was undertaken by RPS Australia East P/L (Appendix G of the JBA Report – attached). The land is not mapped as critical habitat. From both Council's and the proponent's studies, it would appear that no critical habitat exists on the land.
<i>threatened species or their habitat</i>	No	An ecological assessment of the site was undertaken by RPS Australia East P/L (Appendix G of the JBA Report – attached). No threatened flora species (or their habitat) have been specifically documented in the ecological study. <i>Eucalyptus glaucina</i>, or, by common name, Slaty Red Gum, however, which is a vulnerable species under both the <i>NSW Threatened Species Act 1995</i> and the <i>Commonwealth Environment Protection & Biodiversity Conservation Act 1999</i>, is a red gum species which grows in grassy woodland on deep, fertile and moist soils, and it is considered to occur within close association with the related <i>Eucalyptus tereticornis</i> (Forest Red Gum) (Hill 2002). Multiple records exist for the species surrounding the site (RPS 2010; NSW Wildlife Atlas data). This species could not be distinguished from the closely related <i>Eucalyptus tereticornis</i> during field surveys. Given the large number of Red Gums that occur on the site within the remaining patches of vegetation and as isolated paddock trees, the species is considered likely to occur. Key ecological features identified on the site that may represent constraints for the zoning proposal include: • Hunter Lowland Redgum Forest EEC; • Central Hunter Ironbark – Spotted Gum – Grey Box Forest EEC; • The likely occurrence of <i>Eucalyptus glaucina</i> (Slaty Red Gum) across the site within vegetation communities and/or as paddock trees; • Potential habitat for a range of threatened fauna species, including the identified Speckled Warbler, • Large-eared Pied Bat, Eastern Freetail-bat, Little Bentwing Bat and Eastern Bentwing Bat; Connectivity between large patches of vegetation to the west and northeast through vegetation in the south of the site. Given the site is proposed to have a minimum lot size of 10

		hectares, opportunities exist for the avoidance of many potential impacts upon identified ecological features through strategic lot layout and design. This could allow for the retention of vegetated areas of the site and provide future opportunities to enhance natural values and increase potential habitat available for threatened flora and fauna species through: • Implementation of weed control programs, particularly to target <i>Olea europea</i> subsp. <i>cuspidata</i> (African Olive), within the understorey of the River Oak and Swamp Oak forests; • A targeted Noisy Miner (<i>Manorina melanocephala</i>) control program to allow for other native bird species to utilise the area; • Revegetation of the shrub layer; and • Strengthening the link between surrounding areas of vegetation to the west and northeast by active planting or encouraging further regrowth in the south of the site.
<i>threatened populations or their habitat</i>	No	An ecological assessment of the site was undertaken by RPS Australia East P/L (Appendix G of the JBA Report – attached). No threatened populations (or their habitat) have been documented in the ecological study.
<i>Threatened ecological communities or their habitat</i>	No	An ecological assessment of the site was undertaken by RPS Australia East P/L (Appendix G of the JBA Report – attached). Those areas of the site that include remnant vegetation have been mapped as four distinct vegetation communities (Peake 2006) including: • Map Unit (MU) 24 – Hunter Lowland Red Gum Forest (~0.29 ha); • MU27 – Central Hunter Ironbark – Spotted Gum – Grey Box Forest (~66.17 ha); • MU28 – Central Hunter Swamp Oak Forest (~14.77 ha); and • MU30 – Hunter Valley River Oak Forest (~4.62 ha). Hunter Lowland Redgum Forest (MU24) and Central Hunter Ironbark-Spotted Gum-Grey Box Forest are both Endangered Ecological Communities (EECs) pursuant to Schedule 1 of the <i>Threatened Species Conservation Act 1995</i>. Neither the Central Hunter Swamp Oak Forest nor the Hunter Valley Oak Forest are EECs. However, their conservation is significant to the maintenance of biodiversity generally and to existing vegetation corridors on the site (and their relationship with other vegetation corridor linkages in the broader locality, particularly to the east and west of the site) as well as the continued promotion of rural character at the site.

Likely impacts on fauna

Table 6 below explains whether there is any likelihood that critical fauna habitat or threatened fauna species, populations or ecological communities, or their habitats, will be adversely affected as a result of this planning proposal.

Table 6: Assessment of likely impact on fauna

Likely impact on fauna		
Consideration	Likely impact? (Yes/No)	Explanation
<i>critical habitat</i>	No	An ecological assessment of the site was undertaken by RPS Australia East P/L (Appendix G of the JBA Report – attached). The land is not mapped as critical habitat. From both Council's and the proponent's studies, it would appear that no critical habitat exists on the land.
<i>threatened species or their habitat</i>	No	An ecological assessment of the site was undertaken by RPS Australia East P/L (Appendix G of the JBA Report – attached). Field surveys (2014) included an assessment of the habitat that occurs across the site, predominantly focusing upon the areas of remaining vegetation. Particular habitat features noted include: • Hollow-bearing trees; • Dams and Ephemeral Creeklines – which were surveyed for utilisation by amphibians and waterfowl; • Other attributes such as presence of <i>Allocasuarina</i> spp., mistletoe, hollow/fallen timber, understorey diversity, understorey nectar were noted as potential habitat for a range of fauna species; and • Man-made structures including abandoned buildings were identified for their potential to provide habitat for species such as reptiles and microbats. Habitat assessment for specific threatened species known to occur, or with the potential to occur, was undertaken. This was based on the specific habitat requirements of each threatened fauna species with regard to home range, feeding, roosting, breeding, movement patterns and corridor requirements. Consideration was given to contributing factors including topography, soil, light and hydrology for threatened flora and assemblages. The habitat features noted above are potential habitat to a number of positively identified (on site) threatened fauna, being the Speckled Warbler, Large-eared Pied Bat, Eastern Freetail-bat, Little Bentwing Bat and Eastern Bentwing Bat. All are vulnerable species under the <i>Threatened Species Conservation Act 1995</i>. Additionally, the Large-eared Pied Bat has vulnerable status under the <i>Commonwealth Environment Protection & Biodiversity Conservation Act 1999</i>. Given the existence of vulnerable species on site, consideration could be given in post Gateway liaison with government agencies to the introduction of a Conservation zone to ensure preservation of native vegetation on site.
<i>threatened populations or their habitat</i>	No	An ecological assessment of the site was undertaken by RPS Australia East P/L (Appendix G of the JBA Report – attached). No threatened populations (or their habitat) have been

		documented in the ecological study.
<i>Threatened ecological communities or their habitat</i>	No	An ecological assessment of the site was undertaken by RPS Australia East P/L (Appendix G of the JBA Report – attached). No threatened ecological communities (or their habitat) have been documented in the ecological study.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Table 7 (below) provides a list of other environmental effects that are relevant to the Singleton LGA. The table indicates whether this planning proposal is likely to generate or be affected by such impacts and explains how impacts are proposed to be managed.

Table 7: Assessment of other environmental effects

Other environmental effects		
Potential Impact	Likely impact? (Yes/No)	Explanation
<i>Bushfire</i>	No	The land, in part, is designated as bushfire prone. Future development on the Site, including subdivision, will be subject to future development applications. Notwithstanding this the Site contains land that is mapped as bushfire prone land. A Bushfire Threat Assessment for the Site has been prepared by RPS (Appendix E of JBA Report - Attached) to consider and assess the bushfire hazard and associated potential threats relevant to the proposal, and to outline the minimum mitigation measures which would be required for future development in accordance with the provisions of the Planning for Bush Fire Protection, 2006. Given the proposed minimum lot size of 10ha, it should be possible to provide building envelopes on each lot which are clear of vegetation.
<i>Flooding and drainage</i>	No	The Site is located at the top of the catchment for the riparian systems that traverse it. Riparian streams within the Site are generally characterised as being of 1st and 2nd order. The Site is not identified as being flood liable. Any requirements for particular drainage measures will be facilitated through appropriate engineering mechanisms at the development application stage.
<i>Native vegetation</i>	No	Given the proposed minimum lot size of 10ha, it should be possible to provide building envelopes on each lot which are clear of vegetation. Also, given the existence of vulnerable species on site, consideration could be given in post Gateway liaison with government agencies to the introduction of a Conservation zone to ensure preservation of native vegetation on site.
<i>Soil degradation and land capability</i>	No	The Site Soil, Land and Agricultural Assessment (SLR Consulting - Appendix C of the JBA Report - attached) is discussed in detail at Section 10.8 of the JBA Report and confirms that the soil profile of the Site is capable of accommodating intensive agriculture such as viticulture or olive groves. The assessment provides that the areas of the Site with increased saline levels are only classified as slight to moderate and are still acceptable for intensive agriculture. The Assessment further provides that the Site is easily capable of accommodating on-site waste water treatment and disposal. The area required for irrigation for a five person household is generally 83m² throughout the Site and is a maximum of 131m², which can easily be accommodated and increased to cater for tourist development within a 10ha lot. These issues are addressed in Section 10.8 of the JBA Report (attached). To quote SLR Consulting: <i>"SLR believes the proposed development of 10 hectare lots is suitable and sustainable for the soil types present within the site, especially considering neighbouring existing land use of viticulture and olive groves" (Page 26).</i> Any requirements for particular soil conservation measures will be facilitated through appropriate engineering mechanisms at the development application stage.
<i>Land use conflict</i>	No	The proposal is not anticipated to facilitate development that will have any detrimental impact on the adjoining properties. The development

		of the Site for intensive viticulture reiterates the land use character and level of amenity provided to the lots on the southern side of Old North Road. While the proposal will facilitate the intensification of the Site, the proposed density is commensurate with the intensity of the area, specifically the land on the opposite side of Old North Road. The scale of viticultural activities or commercial development on the Site will not be large enough to have any significant noise or agricultural impacts on the surrounding properties. Further to the above, the range of permissible and likely land uses on the Site once it is rezoned to RU4 and the minimum lot size reduced to 10ha will be more compatible with adjoining development than what is currently possible under the RU1 zoning. It is noted that the Hermitage Road Planning Study recommends that the RU1 zoning of the Site and surrounding land is reviewed with a view to introducing the RU4 Zone. As identified, the Site lies within the eastern portion of the Singleton Military Area (SMA) buffer zone. The Singleton LEP provides that development within the zone is to consider the noise impacts of the Military area, the impact the development will have on the Military Area and if the development could be reasonably located to an area outside of the zone. An Acoustic Assessment Report for the Site has been prepared for by Hunter Acoustics and is provided at Appendix H of the JBA Report (attached). The assessment provides that the Site is not considered to be at risk of any significant impacts from the Military activities including explosive activities and aircraft fly-overs. The Assessment provides that prospective land owners on the Site should be made aware of the potential noise impacts. However it provides that there will be no adverse health impacts. The Assessment recommends the following construction standards for dwellings to ameliorate adverse noise impacts on the Site: <i>1. Building walls for any dwelling to be constructed with masonry materials such as brick veneer;</i> <i>2. External Glazing for any dwellings on the Site is to be a minimum of 6.38mm laminated glass;</i> <i>3. A notation should be made on the planning instrument that the area is subject to audible sound from explosive activities;</i> <i>4. A further notation should be made that the area is subject to high sound level from low flying military aircraft. Contact details for the Military Base controller should be made readily available to any occupier in the area.</i> In accordance with the above listed recommendations, the Site is considered suitable for development and is not considered to create conflict that will cause the future development on the Site to have an adverse impact on the operation of the SMA. Further to this the proposal is appropriately located on the Site as it is within the Critical Industry cluster and creates a gateway entrance to the Pokolbin Wine region. The proposal will facilitate future development that is consistent with the existing development in the region and as such does not propose any additional land uses that will cause conflict with the SMA. It is also noted that the Singleton DCP 2014 contains provisions to mitigate potential for land use conflict in the vineyards area.
<i>Traffic, access and transport</i>	No	This proposal will permit the intensification of the Site and as such will generate an increased amount of traffic to the Site. The proposed minimum lot size of 10Ha would permit a maximum of 30 allotments on the Site, which is an increase of 23 lots from what is currently permissible with a 40Ha minimum lot size. The future subdivision and development of the Site will be required to demonstrate that there will not be any significant adverse traffic impacts. Notwithstanding this, the proposal is not anticipated to have any significant adverse impact on traffic conditions on the surrounding local roads, as outlined below: • The Site has frontage to two roads allowing for traffic to disburse evenly and alleviate congestion; • The maximum development potential for the Site is for 30

		allotments. The capacity of the surrounding road network is expected to easily cope with the minor increase in traffic granted the low intensity of development in the area; • The Site is located in close proximity to the Hunter Expressway which facilitates significant regional transport opportunities; and • The existing road conditions in the area are operating significantly under their maximum capacity. The traffic generated from the Site will be easily absorbed into the local road network. The insignificant extent of traffic generated by the PP is able to be readily accommodated within the existing road network. The indicative subdivision plan incorporated into the PP, as revised, illustrates a collector road extending between Hermitage and Old North Roads. The future subdivision of the land would be conditioned in such a manner as to require upgrading to the local road network, including the physical formation of required intersection treatments with both Hermitage and Old North Roads.
Aboriginal Cultural Heritage	No	A Heritage Due Diligence Assessment of the Site has been prepared by RPS and is provided at Appendix F (of JBA Report – attached). The assessment includes a desktop study and a site inspection to determine whether an Aboriginal Heritage Impact Permit (AHIP) is required for the future development on the Site. The Assessment provides that Aboriginal objects and sites were identified within a 1km buffer zone around the Site and a scatter was identified within the north western portion of the property. The site inspection however confirmed that there were no artefacts located at the scatter site. Notwithstanding this the scatter site is still a registered site and therefore is protected under the <i>National Parks and Wildlife Act 1974</i>. The assessment provides that the Site may have previously been a suitable place for resources for Aboriginal people due to the flora and fauna on the Site; however the previous agricultural land uses have likely affected any material evidence of Aboriginal occupation. The assessment recommends that an Aboriginal Heritage Impact Permit (AHIP) is not required for the proposal however the future subdivision lot layout should seek to avoid the Aboriginal Scatter or an AHIP may be required. The proposed minimum 10ha lot sizes should comfortably accommodate a lot around the scatter that will not require its demolition. The assessment provides a series of recommendations for the future development of the Site which, if adhered to are expected to mitigate any potential impacts on undiscovered Aboriginal objects. The recommendations are: Recommendation 1 All relevant project staff and contractors should be made aware of their statutory obligations for heritage under the <i>National Parks and Wildlife Act 1974</i> and the <i>Heritage Act 1977</i>, which may be implemented as a heritage induction. Recommendation 2 This due diligence assessment must be kept by Belford Land Corporation so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the <i>National Parks and Wildlife Act 1974</i>. Recommendation 3 If unrecorded Aboriginal object/s are identified in the Project Area during works, then all works in the immediate area must cease and the area should be cordoned off. OEH must be notified by ringing the Enviroline 131 555 so that the site can be adequately assessed and managed. Recommendation 4 In the unlikely event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must

		contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline 131 555. An OEH officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence. Recommendation 5 If, during the course of development works, suspected historic cultural heritage material is uncovered, work should cease in that area immediately. The Heritage Branch, Office of Environment & Heritage (Enviroline 131 555) should be notified and works only recommence when an approved management strategy has been developed.
<i>Historic Heritage</i>	No	Council holds no records which would indicate that the site is the subject of European heritage matters.
<i>Air quality</i>	No	Certain land uses, most particularly viticulture, which are encouraged by the PP and which are permissible with development consent in the RU4 Primary Production Small Lots (to which the subject land is proposed to be rezoned – from RU1 Primary Production) will have requirements for air quality considerations - during the course of development assessment and in any conditions of development consent. The Singleton DCP 2014 contains separation distances to mitigate any such impact.
<i>Noise</i>	No	Any subsequent development of the Site will be required to contain requirements for the construction of dwellings and public place developments consistent with noise and blasting limitations prescribed by the Department of Defence relative to the Singleton Military Area (further details contained in the section on Land Use Conflict – above).

Q9. Has the planning proposal adequately addressed any social and economic effects?

Table 8 (below) provides a list of potential social and economic impacts and indicates whether this planning proposal is likely to generate or be affected by such impacts.

Table 8: Consideration of social and economic effects

Potential social and economic effects		
Potential Impact	Likely impact? (Yes/No)	Explanation
<i>Housing and accommodation</i>	Yes (Positive)	The PP is intended to facilitate the potential for additional tourist accommodation units on smaller lots of land which are more economically affordable and which can sustain associated viticultural/agricultural uses and/or other land uses consistent with Council's strategic land use planning objectives for Hunter Wine Country. The PP intends to allow the establishment of a permanent dwelling on each of the proposed lots but only on the basis of integration with tourism and/or viticulture/other appropriate forms of agriculture and/or other land uses which support Council's objectives for the further development of Hunter Wine Country. As indicated in other parts of this PP, further dialogue will need to be had with the Department of Planning & Environment to devise an appropriate Local Provisions LEP clause which will achieve Council's and the proponent's desired vision for the site.
<i>Community values and expectations</i>	Yes (Positive)	The PP will provide for an extension of the existing integrated tourism and boutique agriculture development which has occurred on 10ha lots between Heritage Road and Old North Road over the last 25 to 30 years. This will be in accordance with community values and expectations as expressed in the public consultation for the Hermitage Road Pokolbin Planning Study (e.g. DenMar Estate referenced in section 2.6 above).
<i>Community services and facilities</i>	No	The proposed density of development at the site and its intended land uses are not likely to place significant stress on community services and facilities in the locality.
<i>Community health and wellbeing</i>	No	Community health and wellbeing is not expected to be adversely affected by land uses subsequent to the PP.
<i>Access and mobility</i>	No	Access and mobility considerations would be addressed in subsequent applications for the proposed development of the Site.
<i>Crime and public safety</i>	No	Crime and public safety considerations would be the subject of further assessment in subsequent applications for the proposed development of the Site.
<i>Social equity (displacement/ needs of disadvantaged groups)</i>	No	Not relevant to the future development and conservation of the Site.
<i>Violation of civil liberties (personal and property rights)</i>	No	Not relevant to the future development and conservation of the Site.
<i>Workforce and employment</i>	Yes (Positive)	Short term employment opportunities would be created in relevant building and agricultural uses during the development of the Site. Longer term employment opportunities will become available in the developed hospitality and boutique agricultural industry which will be established on the Site.



Section D – State and Commonwealth interests

Q10. *Is there adequate public infrastructure for the planning proposal?*

Table 9 (below) provides a list of potential social and economic impacts and indicates whether this planning proposal is likely to generate or be affected by such impacts.

Table 9: Public Infrastructure

Public Infrastructure provision		
Infrastructure	Relevant? (Yes/No)	Explanation
<i>Public transport</i>	No	Public transport is not readily available, or required in the area. However, development of the site would assist in providing clential should it be established in the future.
<i>Road</i>	Yes	The recent construction of the Hunter Expressway and the associated, improved exposure of the Vineyards District in this location as a result, provide Council with an opportunity to promote and market the northern area of Hunter Wine Country. Any subsequent development of the Site as a result of this PP will result in necessary development conditions being imposed commensurate with required road improvements to the public road infrastructure network.
<i>Electricity</i>	Yes	Adequate supplies can be made available to the Site.
<i>Gas</i>	No	Not available to the Site.
<i>Telecommunications</i>	Yes	Adequate services can be made available to the Site.
<i>Reticulated water</i>	No	Not available to the site. Potable water to be collected in rainwater tanks. First flush collection systems will be required in any conditions of development consent issued at the Site.
<i>Sewer</i>	No	Not available to the site. Sewage will be disposed of on-site by appropriate treatment systems approved by Council.
<i>Waste management</i>	Yes	Any subsequent development at the Site can be serviced by Council's waste management/recycling collection facility.
<i>Health services</i>	Yes	Readily available to the locality.
<i>Education</i>	Yes	Readily available to the locality.
<i>Emergency services</i>	Yes	Readily available to the locality.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Note. The pre-gateway planning proposal nominates those state and Commonwealth agencies the planning authority considers should be consulted in relation to the proposal. The level of consultation actually required to be undertaken is determined by the requirements the Gateway determination.

Table 10 (below) provides a list of public authorities which may be potential referral bodies for planning proposals in the Singleton LGA and indicates whether the respective authority has been identified as a referral body for this planning proposal.

Table 10: Public Authorities

Public Authority Consultation		
Public Authority	Consultation required? Yes/No	Explanation
<i>NSW Office of Environment and Heritage</i>	Yes	Consultation regarding conservation of native vegetation and Aboriginal cultural heritage.
<i>NSW Rural Fire Service</i>	Yes	Part of the subject land is identified as bushfire prone.
<i>NSW Trade and Investment – Resources and Energy</i>	Yes	There may be potential for coal, petroleum gas or other minerals in the area.
<i>NSW Primary Industries</i>	Yes	The Site is within the Critical Industry Cluster for Viticulture.
<i>NSW Transport – Roads and Maritime Services</i>	Yes	The proposal will increase tourism traffic to the Pokolbin area, especially from the Hunter Expressway and New England Highway.
<i>Hunter Water Corporation</i>	No	The land is remotely located from Hunter Water Corporation infrastructure. Potable water and sewage management are intended to be provided through rainwater catchment and on-site disposal, respectively.
<i>Wanaruah Local Aboriginal Land Council</i>	Yes	To require advice on the likeliness, or otherwise, of the Site for the purposes of identification of Aboriginal cultural heritage considerations.
<i>Mindaribba Local Aboriginal Land Council</i>	Yes	To require advice on the likeliness, or otherwise, of the Site for the purposes of identification of Aboriginal cultural heritage considerations.
<i>Singleton Council</i>	Yes	Internal referrals.
<i>Cessnock City Council</i>	No	No perceived impact on the Cessnock LGA.
<i>Muswellbrook Shire Council</i>	No	No perceived impact on the Muswellbrook LGA.
<i>Dungog Shire Council</i>	No	No perceived impact on the Dungog LGA.

PART 4 – MAPPING

Note. This part of the planning proposal contains mapping in accordance with the requirements of ‘*A guide to preparing planning proposals*’ (Department of Planning & Infrastructure 2012). The intention of this part is to clearly and accurately identify, relevant aspects of the proposal at an appropriate scale. The formal maps that prepared in accordance with the ‘Standard Technical Requirements for LEP Maps’ (Department of Planning & Infrastructure 2012) are appended separately from this part.



Land subject to the planning proposal

The land is legally described as Lot 5 DP 823737.

Indicative views of the Site (albeit limited, given the spatial extent of the site) illustrate the land from Hermitage Road and from Old North Road, respectively.

Photo 1: Part view of the site from Hermitage Road



Figure 2: Part view of the site from Old North Road



Figure 3: Part view of the site, south from Hermitage Road (Source: JBA, December, 2014)



Figure 1: Land subject to the planning proposal



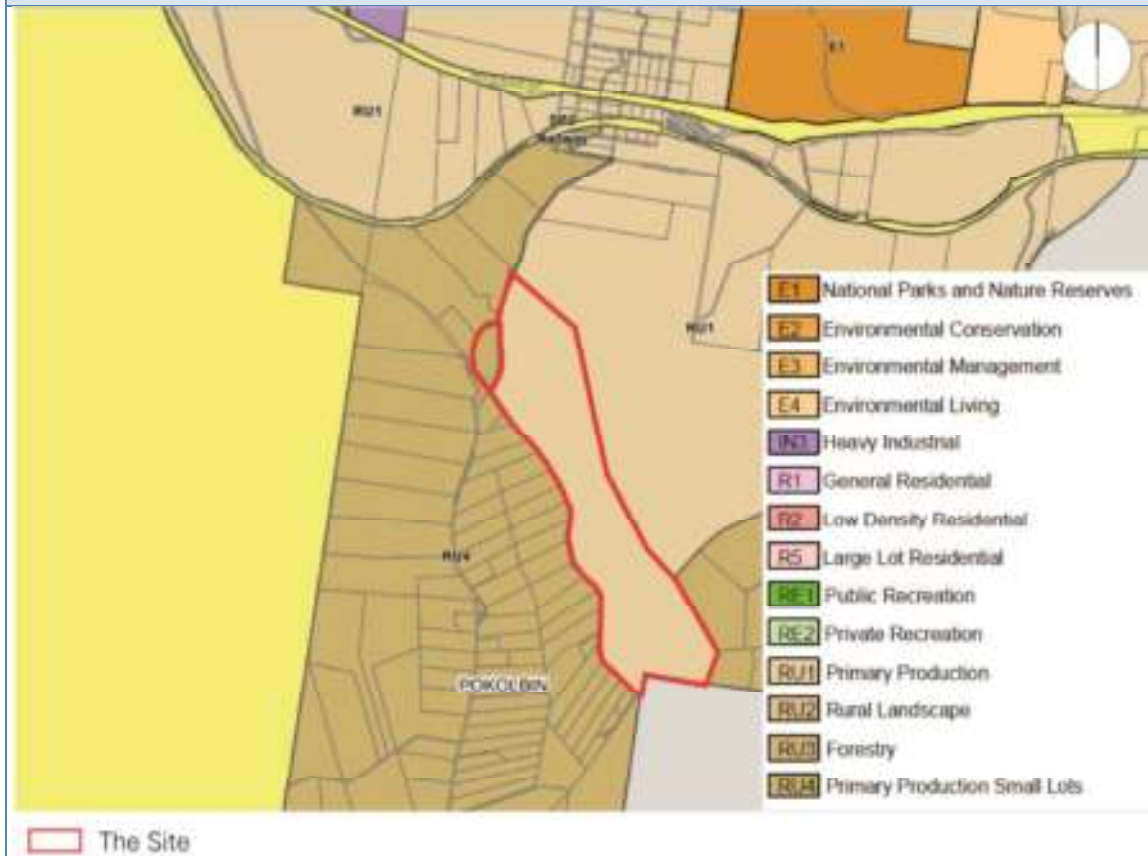
(Source: JBA Report, December, 2014)



Current land use zoning

The land the subject of the PP, being Lot 5 DP 823737, is currently zoned RU1 Primary Production on the eastern side of Hermitage Road and RU4 Primary Production Small Lots on the western side of Hermitage Road, pursuant to the provisions of Singleton Local Environmental Plan 2013.

Figure 2: Current land use zone(s) applying to the land



(Source: JBA Report, December, 2014)

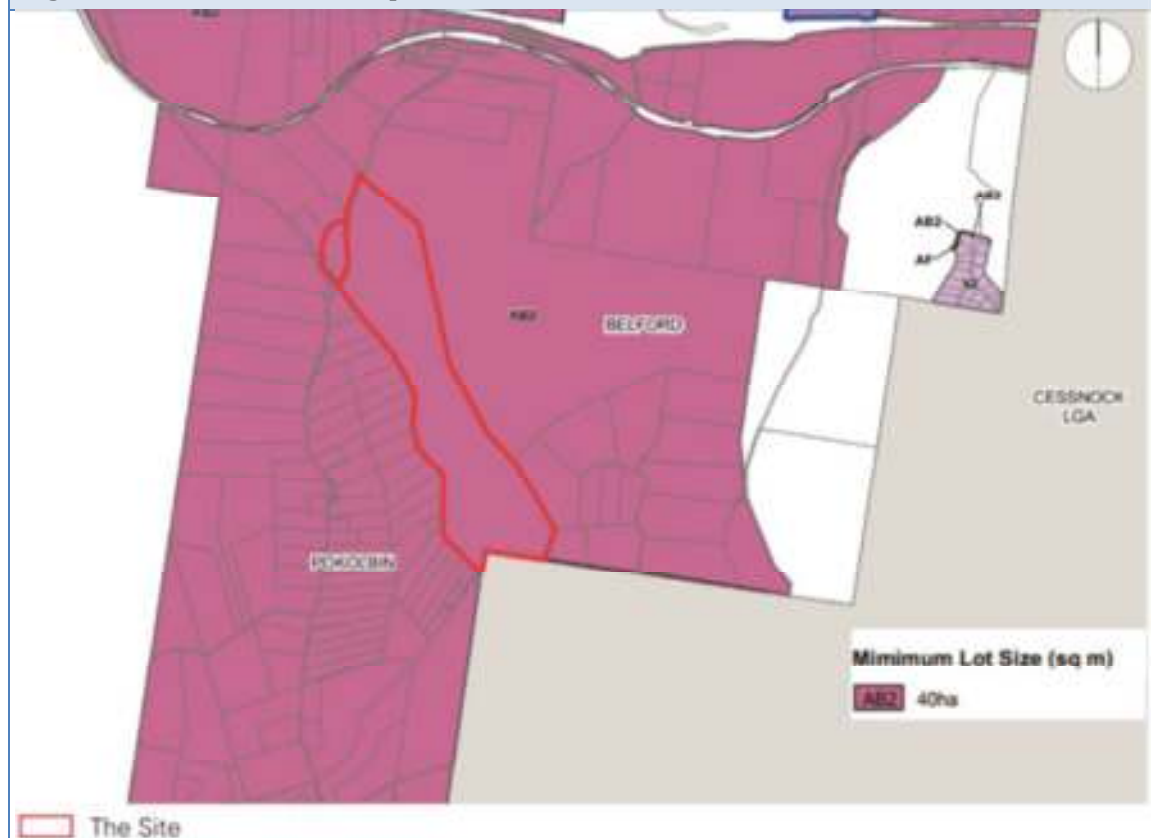


Current minimum lot size requirements

The land the subject of the PP, being Lot 5 DP 823737, has a current minimum lot size requirement (for the purposes of additional subdivision) of 40 hectares.

The minimum lot size provisions of the land are prescribed by the provisions of Singleton Local Environmental Plan 2013.

Figure 3: Minimum lot size requirements



(Source: JBA Report, December, 2014)



Proposed change to land use zoning

The strategic land use analysis for the Hermitage Road Planning Precinct prepared by Peter Andrews & Associates (March 2014) and adopted by Council on 1 September, 2014, recommends that this land (amongst others that are also zoned RU1 Primary Production) be rezoned to RU4 Primary Production Small Lots. The primary rationale behind this recommendation is that the RU1 zone contains permissible land uses which are inconsistent with the strategic land use planning objectives for Hunter Wine Country.

The PP therefore seeks to rezone that part of the land which is currently zoned RU1 to RU4.



Proposed changes LEP Development Standards

Change(s) to minimum lot size requirements

It is intended to introduce a Local Provision Clause which will permit subdivision of the Site to a size which is less than that shown on the Lot Size Map. The mechanism will be subject to further dialogue with the Department of Planning & Environment, however, it is anticipated that the area to which the Local Provision Clause will apply will be shown on the Lot Size Map.

PART 4 –COMMUNITY CONSULTATION

Note. A planning proposal must outline the proposed community consultation to be undertaken in relation to the proposal. The pre-gateway planning proposal nominates the level of community consultation the planning authority considers to be appropriate for the proposal. The level of consultation actually required to be undertaken is determined by the requirements the Gateway determination.

The proposal is not considered to be a “low impact proposal”. It would therefore be exhibited for a minimum period of 28 days.

Table 11 (below) provides details of the community consultation strategy for this planning proposal:

Table 11: Community consultation strategy

Community Consultation		
Task	Required? Yes/No	Explanation
<i>Notice of exhibition on Council's Corporate website</i>	Yes	Planning proposal exhibitions are advertised on the Council's website
<i>Newspaper notice</i>	Yes	The public exhibition of the PP would be advertised in the Singleton Argus consistent with Council's notification and advertising policy.
<i>Notification letters</i>	Yes	Notification is proposed consistent with Council's notification and advertising policy and the DP&E guidelines.

CONCLUSION AND RECOMMENDATION

The PP seeks to:

1. Rezone the land which is zoned RU1 Primary Production to RU4 Primary Production Small Lots;
2. Facilitate the development of the land into primary production small lots with a 10ha minimum lot size; and
3. Facilitate the development of the land for the purposes of the establishment of one permanent dwelling per lot only on the basis of its integration with site based tourism, viticulture, other forms of agriculture and the like, consistent with the strategic land use planning objectives for Hunter Wine Country and the RU4 zone.

The current RU1 Primary Production zoning of the land creates options for other land uses at the site which are inconsistent with Council's vision for Hunter Wine Country. The Hermitage Road Pokolbin Planning Study 2014 also recommends land within the Study Area which is zoned RU1 should be rezoned to RU4 Primary Production Small Lots.

Properties of 10ha are commonplace in Hunter Wine Country. Strategic land use analysis has shown that bona fide, long term viticultural operations can readily occur on properties in the vicinity of 10ha, and that the aggregation of such viticultural 'value' can often be greater than that of single properties of equivalent size. In this sense, the viticultural 'value' of the land is likely to be improved by the PP. Viticultural operations of this nature are often integrated with cellar door developments, tourist accommodation uses, other forms of agriculture and the like, providing diversity and interest and an important level of service to tourists.

Council's LEP will require further amendment (in addition to land rezoning) to facilitate the subdivision of the land and to ensure that land uses are integrated to Council's satisfaction. The proposed methodology to enable this to occur is the introduction of an Additional Local Provisions Clause which will be the subject of further discussion with the Department of Planning & Environment.

The recent opening of the Hunter Expressway and the associated, improved exposure of the Vineyards District in this location as a result, provides Council with a significant opportunity to promote and market the northern locational components of Hunter Wine Country. Coupled with the improved exposure of Hunter Wine Country at its northern entry in the Singleton LGA is the current opportunity to create a landmark development, a gateway statement, to pronounce the Singleton entry to Wine Country.

The Hermitage Road Pokolbin Planning Study (HRPPS) 2014 identifies eleven (11) issues which a PP for the subject land would need to address if Council were to proceed with the proposal. This PP has been amended from the original PP request in 2012 and has fully addressed all the issues raised in the Study and a further twenty (20) issues which were also raised in the Council report at the time of adoption of the HRPPS.

This planning proposal has been prepared to explain the intended effect of the proposed amendment to the *Singleton Local Environmental Plan 2013* and sets out the justification for making that amendment.

Pursuant to Section 58 of the *Environmental Planning and Assessment Act 1979*, Council may, at any time, vary the proposal as a consequence of its consideration of any submission or report during community consultation or for any other reason. It may also, at any time, request the Minister to determine that the matter not proceed.

This planning proposal (version: 2) has been reviewed by the Director Planning & Sustainable Environment and deemed suitable for the purpose of lodgement with the Department of Planning & Environment to request a Gateway Determination.

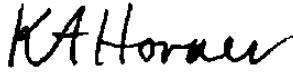
	Signature	
Ken Horner		Mark Ihlein
Coordinator Sustainable Development		Director Planning & Sustainable Environment

Table 12: Attachments to planning proposal

Attachments		
Attachment number	Document description	Document date
1	<i>Gateway Determination: PP_</i>	**specify date of document**
2	<i>Draft LEP Maps</i>	**specify date of document**
3	**Specify name of document appended as Attachment 3**	**specify date of document**
4	**Specify name of document appended as Attachment 4**	**specify date of document**
5	**Specify name of document appended as Attachment 5**	**specify date of document**
6	**Specify name of document appended as Attachment 6**	**specify date of document**
7	**Specify name of document appended as Attachment 7**	**specify date of document**
8	**Specify name of document appended as Attachment 8**	**specify date of document**
9	**Specify name of document appended as Attachment 9**	**specify date of document**
10	**Specify name of document appended as Attachment 10**	**specify date of document**
11	**Specify name of document appended as Attachment 11**	**specify date of document**

****NOTE: REMEMBER TO REFRESH THE TABLE OF CONTENTS ONCE THIS TEMPLATE HAS BEEN COMPLETED****