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Our ref: PP_2011_SINGL_004_00 (11/12319)
Your ref: LA1/2011

Mr Scott Greensill
General Manager
Singleton Council
PO Box 314
SINGLETON NSW 2330

Dear Mr Greensill,

Re: Planning Proposal to amend an enabling clause at Schedule 4 Additional land uses of Singleton LEP 1996 and to rezone land from 2 Residential to 3 Business at Maitland Road and Howe Street, Singleton

I am writing in response to your Council's letter dated 21 June 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Singleton Local Environmental Plan 1996 to:

- amend the enabling clause for land at 2-16 Maitland Road, 1 Howe Street and 2 Kennedy Street, Singleton to extend the area of land to which the clause applies, update the property descriptions, and only permit 'refreshment rooms' as an additional land use; and
- rezone land at Howe Street from 2 Residential to 3 Business.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Department does not favour an amendment to the enabling clause to achieve the intent of Council's planning proposal in this instance. It is noted that the proposed end use of the site (ie fast food restaurants) is a commercial land use. Consequently, the Department believes the site should be zoned appropriately and the community given an opportunity to comment on the proposed change in use. Council is therefore to proceed with the planning proposal as a rezoning proposal rather than an amendment to Schedule 4 of its current LEP. In doing so, Council is to remove the subject land from Schedule 4 and identify an appropriate commercial based zone from its existing Business zones for land identified at Attachment 5 of the planning proposal.

Council will be required to assess the revised rezoning planning proposal against all relevant s117 Directions and demonstrate the proposal's consistency with the relevant Directions. Where the proposal is inconsistent, Council must also provide justification for this inconsistency in accordance with the requirements of each s117 Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Amy Blakely of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



1/8/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_SINGL_004_00): to amend an enabling clause at Schedule 4 Additional land uses of Singleton LEP 1996 and to rezone land from 2 Residential to 3 Business at Maitland Road and Howe Street, Singleton

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Singleton Local Environmental Plan 1996 to:

- amend the enabling clause for land at 2-16 Maitland Road, 1 Howe Street and 2 Kennedy Street, Singleton to extend the area of land to which the clause applies, update the property descriptions, and only permit 'refreshment rooms' as an additional land use; and
- rezone land at Howe Street from 2 Residential to 3 Business

should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Essential Energy

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated *1st* day of *August* 2011.

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand'.

**Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure**