

Mr Jason Linnane
General Manager
Singleton Council
PO Box 314
Singleton NSW 2330

Attention: Ken Horner

Dear Mr Linnane

Singleton Local Environmental Plan 2013

I refer to Council's submission under the *Environmental Planning and Assessment Act 1979* ('EP&A Act'), requesting the Minister make the proposed local environmental plan for the rezoning of land at Dalwood Road, Branxton associated with planning proposal PP_2012_SINGL_003_00.

The proposal as submitted by Council contains a number of outstanding issues, including matters which cannot be readily resolved without further amendment to the proposal. A preliminary assessment indicates that current proposal:

- has not responded to the advice of the Office of Environment and Heritage regarding the zoning and subdivision of flood affected land;
- has not responded to advice from the Office of Environment and Heritage regarding biodiversity assessment and the need for offsets;
- has not responded to the concerns of the Department of Primary Industries regarding the impact of the proposal on the existing poultry farm adjoining the site and inadequacy of the proposed mitigation measures;
- proposes a zone and minimum lot size that is not compatible with adjoining land and does not reflect the constraints of the site;
- is inconsistent with the intent and direction for land release in the Branxton subregion as recently adopted by Council through the Branxton Sub-Regional Land Use Strategy;
- is inconsistent with the Gateway determination as issued 2 October 2012 (and since altered); and
- is inconsistent with s117 Ministerial directions 1.2 Rural Zones, 1.5 Rural Lands 2.1 Environment Protection Zones and 4.3 Flood Prone Land and this inconsistency has not been justified.

The Department is unable to support Council's request that the plan be made in its current form. Prior to the Minister's delegate making a decision on this matter, I would like to provide Council with the opportunity to reconsider this matter and advise whether it wishes to seek an extension to the current completion date in order to address the outstanding matters identified above. Any request to extend the time frame should be

accompanied by a detailed project plan and timeline setting out the key milestones to finalise the proposal.

Alternatively Council may consider that the outstanding matters are unable to be resolved quickly at this point in time and may wish request that the Minister's delegate not proceed with the proposal.

It would be appreciated if Council could advise how it wishes to proceed within 28 days of the date of this letter.

Should you have any questions regarding this matter, I have arranged for Ms Katrine O'Flaherty, of the Department's Newcastle Office to assist you. Ms O'Flaherty may be contacted on telephone number (02) 4904 2700.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

Marcus Ray
Deputy Secretary
Planning Services

19/07/2016