



Planning & Infrastructure

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Our ref: PP_2012_SINGL_003_00 (11/21827)
Your ref:

Ms Lindy Hyam
General Manager
Singleton Council
PO Box 314
SINGLETON NSW 2330

Dear Ms Hyam,

Planning proposal to amend either the Singleton Local Environmental Plan (LEP) 1996 or the draft Singleton LEP 2012

I am writing in response to your Council's request for 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 either the Singleton Local Environmental Plan (LEP) 1996 or draft Singleton LEP 2012 to rezone land at Dalwood Road, Branxton for residential purposes.

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 amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible following agency consultation. 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 NSW 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 Katrine O'Flaherty of the regional office of the department on 02 4904 2700.

Yours sincerely,

Richard Pearson
A/Director-General

Gateway Determination

Planning proposal (Department Ref: PP_2012_SINGL_003_00): to amend either Singleton Local Environmental Plan (LEP) 1996 or draft Singleton LEP 2012

I, the Director-General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to either the Singleton Local Environmental Plan (LEP) 1996 or draft Singleton LEP 2012 to:

- (a) rezone Lot 4 DP533318 and Lots 31-33 DP571275 (Site A) from 1(a) Rural Zone to part 2 Residential Zone, 1(d) Rural Small Holdings Zone and 7 Environmental Protection Zone,
- (b) rezone Lot 6 DP827226 and Lot 2 DP 237057 (Site B) from 1(a) Rural Zone and 1(d) Rural Small Holdings Zone to part 2 Residential Zone and 7 Environmental Protection Zone,
- (c) apply a minimum lot size for lots resulting from subdivision of land, and
- (d) prepare a development control plan,

for land at Dalwood Road, Branxton should proceed subject to the following conditions:

1. Council is to undertake the following studies prior to the commencement of public exhibition:
 - a. Any additional flora and fauna studies required by Council and the Office of Environment and Heritage;
 - b. A cultural heritage study consistent with Council and the Office of Environment and Heritage requirements; and
 - c. Any relevant studies to address and identify any impacts from the adjoining poultry farm.
2. It is noted that Council has submitted two separate planning proposals for adjoining land which use the same justification and produce the same outcome. Council is therefore to combine the two planning proposals for the purposes of public exhibition.
3. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' to accurately identify the range of land uses expected on the site following an amendment to either the Singleton LEP 1996 or draft Singleton LEP 2012.
4. Prior to undertaking public exhibition, Council is to amend the planning proposal to include proposed land zoning, lot size and urban release area maps which clearly identify the subject land and intended land uses, following the consolidation of the two planning proposals as required by Condition 2 above. These maps should be placed on public exhibition with the planning proposal.
5. In regards to the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands, Council is to satisfy the Director General of the department that the inconsistencies are of minor significance prior to the finalisation of the planning proposal.
6. Council is to clarify that Site A satisfies the requirements of State Environmental Planning Policy No 44 (SEPP 44) – Koala Habitat Protection. The planning proposal is to be updated to include this information prior to public exhibition.

7. Council is to clarify that Site B satisfies the requirements of State Environmental Planning Policy Rural Lands 2005. Council is to provide further information to confirm the rezoning of Site B does not jeopardise the adjoining poultry farm. The planning proposal is to be updated to include this information prior to public exhibition.
8. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. Council is to prepare an initial site contamination investigation to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
9. 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 must be made publicly available for **28 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).
10. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services
 - Office of Environment and Heritage
 - Department of Primary Industries – Agriculture
 - NSW Rural Fire Service
 - Adjoining LGAs

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.
11. Further to Condition 10 above, Council is to consult the Office of Environment and Heritage in relation to S117 Direction 2.1 Environmental Protection Zones. Council should gather any additional information required on flora and fauna and cultural heritage to demonstrate consistency with Local Planning Direction prior to finalisation of the LEP.
12. Further to Condition 10 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition

13. 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).
14. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated

4

day of

October

2012.



Richard Pearson
A/Director-General
Delegate of the Minister for Planning and
Infrastructure