



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

10/23293

Att: Gary Pearson

Dear Sir

I refer to your letter of 1 November 2010, requesting a conversion of the draft *Singleton LEP 1996* (Amendment 43) for Lot 252 in DP 804008 and Lot 12 in DP 1062336, Mirannie Road, Sedgfield from a pending LEP to a Planning Proposal.

I am writing to notify you that I have determined, as delegate of the Director General under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan making provisions will cease to apply to the draft LEP. The current provisions under Part 3 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) will now apply.

Furthermore I have, as the delegate for the Minister for Planning, determined under clause 122(2) of Schedule 6 to the *EP&A Act 1979*, to dispense with all conditions precedent to section 57 of the *EP&A Act 1979* for the making of this draft LEP. The Planning Proposal will therefore commence at section 57(1) of the *EP&A Act 1979*.

The draft LEP may be submitted to the Director General subject to the Council satisfying the following requirements:

1. The Planning Proposal and draft Development Control Plan (DCP) are to be placed on public exhibition for 28 days.
2. A DCP is to be prepared as previously outlined in the draft instrument, and is to contain a concept plan consistent with the requirements of the RFS. The DCP is to be reviewed by the relevant agencies during exhibition, particularly the Catchment Management Authority to determine the likelihood of gaining approval under the Native Vegetation Act (2003).
3. Resolution of the outstanding objection from the Rural Fire Service prior to obtaining an opinion from Parliamentary Counsel.

As previously indicated, whilst a variety of lot sizes is encouraged, a 'lot averaging' provision is not supported by the Department for rural-residential development.

However, as the Plan protects and conserves environmentally important land, if Council favours proceeding with varying minimum lot sizes / average lot size provisions, a minimum lot size map should be prepared based on the capabilities of the land.

Council is to finalise the LEP within 9 months of the week following the date of this letter. Council's request for the Department to draft and finalise the LEP should be made 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 section 54(2)(d) of the *EP&A Act* if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Susan Blake, of the Department's Newcastle Office to assist you. Susan can be contacted on telephone number (02) 4904 2709.

Yours sincerely



Neil McGaffin
Acting Deputy Director General
Plan Making & Urban Renewal
(as delegate of the Minister and the Director General)