



NSW GOVERNMENT
Department of Planning

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Office of the Director-General

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Mr Gary Woodman
General Manager
Singleton Council
PO Box 314
SINGLETON NSW 2330

Our ref: N09/00099-1
Your ref: LA43/2005

Dear Mr Woodman,

Re: Section 54(4) Notification – Draft Singleton LEP 1996 (Amendment Nos 37 & 43) – Sedgefield

I am writing in response to Council's letters dated 30 June 2009 advising, under section 54(4) of the Environmental Planning and Assessment Act 1979 ('EP&A Act'), of the Council's decision to prepare two draft local environmental plans ('LEPs') to rezone land within the Sedgefield rural residential Candidate Area to facilitate rural residential development and environmental conservation areas.

The Council may now continue with the preparation of draft LEP amendment Nos. 37 and 43, noting the following:

- Council should consider combining both LEP amendments, as both propose to rezone rural land in Sedgefield for rural residential living and environmental conservation.
- Council is to liaise with the Department of Planning to determine the appropriate zones and minimum lot sizes that reflect the suitability and capability of the land.
- Whilst a variety of lot sizes is encouraged, a 'lot averaging' provision in any draft LEP is not supported by the Department. If favoured by Council, such a policy should be included in a Development Control Plan for the land.

As has been previously noted, Council's Land Use Strategy, which I endorsed on 8 June 2008, identifies the implementation of a Land Release Monitor. I again encourage Council to prepare this monitor as a matter of priority. As such, future land use decisions should be made on the basis of assessment of supply and demand based on the monitor.

I have determined that there is no need for an environmental study to be prepared for these draft LEPs. Therefore sections 57 and 61 of the EP&A Act will not apply. While I have determined that an environmental study is not required, it would be appropriate for any existing studies and supporting material to be brought together for exhibition with any draft LEP.

Pursuant to section 62, Council is to consult with the Department of Primary Industries, Department of Environment and Climate Change, Department of Water and Energy, the Hunter and Central Rivers Catchment Authority and Hunter Water Corporation.

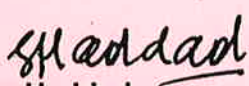
I note that both plans are inconsistent with section 117 Direction 1.2 - Rural Zones. I have formed the opinion that the inconsistency is justifiable as the draft plans and their provisions are in accordance with an endorsed local strategy. My further approval is therefore not required in relation to this matter.

You will be aware that an instrument of delegation in respect of my LEP making functions was executed on 16 February 2006. Use of the delegation in respect of a draft LEP is conditional on receipt by Council of a Written Authorisation to Exercise Delegation. As an Authorisation is not being issued for either draft amendment on this occasion, Council should submit the draft LEPs to the Department seeking a section 65 certificate.

Please forward a copy of the draft plans and any other information to be publicly exhibited in respect of the draft LEPs to the Regional Office with advice to the Department as required under section 64 of the Act when seeking a section 65 certificate.

Should you have any queries in regard to this matter please contact the Regional Office of the Department.

Yours sincerely


Sam Haddad
Director-General

22/7/2009.