

**Singleton Council - Planning proposal for Lot 33 DP
1104533, 1 Wynyard Street, Singleton – March 2011 (File:
LA1/2011)**

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Introduction

This planning proposal has been prepared following the submission of a request on behalf of the property owner from Curtis Delaney Gray Solicitors & Attorneys. During the preparation of Council's Singleton Local Environmental Plan (LEP) 1996, an anomaly occurred in the mapping of the residential land at No. 1 Wynyard Street, Singleton. It was mapped as 6(a) Public Open Space and Recreation, instead of 2 Residential. This probably occurred because the physical road is not constructed in the road reserve in that location.

This was identified a couple of years ago, however, it was decided to correct this with the preparation of Council's Standard Instrument (SI) LEP. However, the property is now up for sale and the zoning anomaly appears to be impacting on its sale. Although it has "existing use rights" banks are reluctant to lend for a house in a 6(a) zone.

Finalisation of Council's SI LEP currently has no definite timeframe and it is considered that the Curtis Delaney Gray request to rectify this anomaly should be followed up in the short term.

Since the purpose of this planning proposal is solely to rectify a minor mapping mistake from several years ago, it is considered to be appropriate to utilise the provisions of Section 73A (Expedited Amendments of Environmental Planning Instruments) of the Environmental Planning & Assessment Act 1979. This will streamline the processing of the planning proposal.

Part 1 – Objectives or Intended Outcomes

To amend Singleton Local Environmental Plan (LEP) 1996 to rectify a mistake which occurred in preparing Map Sheet No 2. A private residence was zoned 6(a) Public Open Space and Recreation instead of 2 Residential. This needs to be returned to the Residential zone so that the property can be sold.

The location of the subject land is shown in **Attachment 1**. Aerial photography is shown in **Attachment 2**, and the existing zoning is shown in **Attachment 3**. The proposed zoning is shown in **Attachment 4**. The original zoning under the Singleton Planning Scheme Ordinance 1966 is shown in **Attachment 5**.

Part 2 – Explanation of Provisions

Although Council has recently been advised that it will be offered funding to complete its Standard Instrument (SI) LEP, a timeframe for completion is yet to be established.

Given that the sale of the subject land appears to be dependent upon its rezoning back to Residential, it would be unreasonable to expect the owner to await the finalisation of the draft SI LEP. The proposal therefore needs to be progressed as an amendment to Singleton LEP 1996.

It is anticipated that the amendment to the Singleton LEP 1996 would be along the following lines:

1. Name of plan

This plan is *Singleton Local Environmental Plan 1996 (Amendment No ??)*.

2. Commencement

This plan commences on the day on which it is published on the NSW legislation website.

3. Aim of the plan

The aim of the plan is to rectify an anomaly in the zoning of a residential block of land which was zoned 6(a) Public Open Space due to a mapping error in the preparation the LEP map sheet no 2 of Singleton Local Environmental Plan 1996.

4. Land to which this plan applies

This plan applies to Lot 33 DP 1104533 being 1 Wynyard Street, Singleton.

Schedule 1 Amendment of Singleton Local Environmental Plan 1996

Clause 9(1) How are terms defined in this plan?

Insert in the definition of “the map” in appropriate order:

Singleton Local Environmental Plan 1996 (Amendment No ??)

Part 3 - Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the result of rectifying a mapping error which occurred when Sheet 2 of the Singleton Local Environmental Plan 1996 LEP maps was originally prepared. Aerial photography, which was not available when the 1996 LEP maps were prepared, makes it clear that the park is actually in the road reserve, not the adjoining land to the east of the road reserve.

This planning proposal is consistent with the Singleton Land Use Strategy 2008 in that there is no intention (and never was any intention) to create a new park in that location.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered to be the best means of achieving the objective or intended outcome of reverting the land to residential within a reasonable timeframe so that it can be sold. Since it is merely rectifying a minor mapping anomaly it is considered that it should be processed under the provisions of Section 73A of the Act.

3. Is there a net community benefit?

There will be benefit to the community in that if the house is sold it will most likely be kept in a state of good repair, whereas if it cannot be sold it will mostly fall into a state of disrepair.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

There is no regional or sub-regional strategy that applies to the land.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the current, relevant strategic plan, which is the Singleton Land Use Strategy 2008.

6. Is the planning proposal consistent with applicable state environmental planning policies?

There are no applicable State Environmental Planning Policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Section 117 Directions that affect the proposal are outlined below:

Direction 3.1 – Residential Zones

The objectives of Direction 3.1 are to encourage a variety of housing types, make efficient use of existing infrastructure and services, and minimise impact on the environment.

This Direction applies when a council prepares a planning proposal that affects land within an existing or proposed residential zone. The proposal is of a very minor nature and insignificant in that it is merely rectifying an anomaly (i.e. correcting the zoning on the land) which occurred some 15 years ago with the preparation of the Singleton LEP 1996 zoning maps. In addition to this it is considered that the planning proposal does actually meet the objectives of the Direction.

It is considered that any inconsistency of the planning proposal with Direction 3.1 is justified.

Direction 6.2 – Reserving Land for Public Purposes

The objectives of Direction 6.2 are to reserve land for public purposes and to facilitate the removal of reservations where the land is no longer required for acquisition.

This Direction applies when a council prepares a planning proposal. The proposal is of a very minor nature and insignificant in that it is merely rectifying an anomaly (i.e. correcting the zoning on the land) which occurred some 15 years ago with the preparation of the Singleton LEP 1996 zoning maps. In addition to this it is considered that the planning proposal does actually meet the second objective of the Direction, in returning the land to a residential zone since there has never been any intention to acquire the land.

It is considered that any inconsistency of the planning proposal with Direction 6.2 is justified.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, there will be no change of use as a result of the rezoning. The land will continue to be used as a residential property.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects associated with this planning proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal allow the continued use of a low cost residential house.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The proposal will not place any additional demand on services and infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

It is anticipated that no consultation with public authorities will be required by the gateway determination.

Part 4 – Community Consultation

Given that the proposal is of a very minor nature and insignificant in that it is merely rectifying an anomaly (i.e. correcting the zoning on the land) which occurred some 15 years ago with the preparation of the Singleton LEP 1996 zoning maps, it is anticipated that no community consultation will be required.

Conclusion

This planning proposal is merely to rectify a mapping error which occurred some 15 years ago in the preparation of Sheet 2 of the Singleton LEP 1996 zoning maps. It will allow the continued use of the land for residential purposes and allow a prospective purchaser to obtain a bank loan of the property.

Given the circumstances, it is considered that this planning proposal should be processed under the provisions of Section 73A of the Act.

LOCALITY PLAN - SINGLETON LEP 1996 AMENDMENT NO (ATTACHMENT 1)



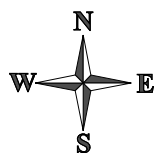
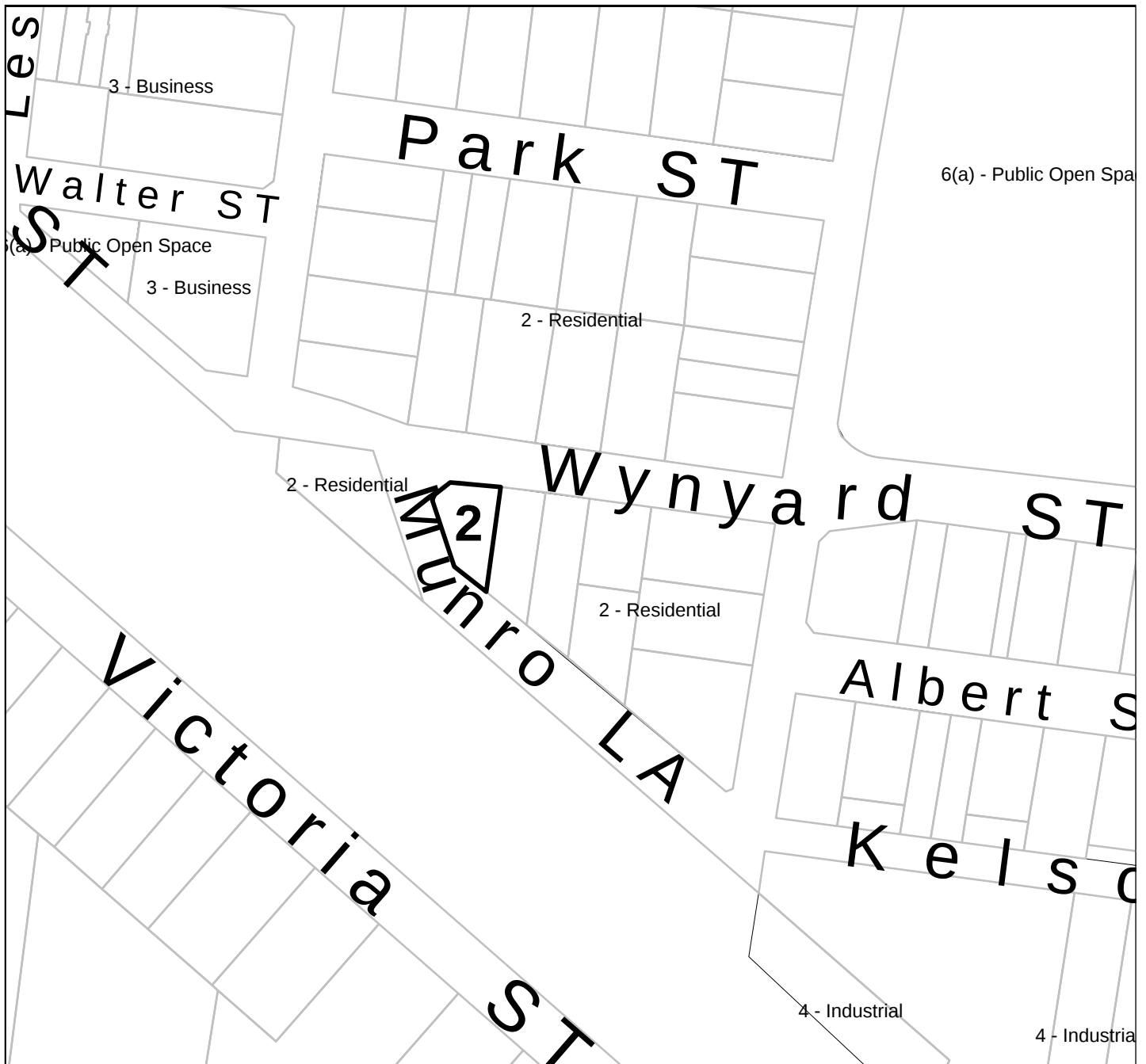
AERIAL PLAN - SINGLETON LEP 1996 AMENDMENT NO (ATTACHMENT 2)



EXISTING ZONING - SINGLETON LEP 1996 AMENDMENT NO (ATTACHMENT 3)



PROPOSED ZONING PLAN - SINGLETON LEP AMENDMENT NO (ATTACHMENT 4)



3	Business	4	Industrial
2	Residential	6(a)	Public Open Space

LOCALITY SINGLETON		PARISH WHITTINGHAM		SHEET 1 of 1	
ENVIRONMENT PLANNING & ASSESSMENT ACT, 1979 DRAFT SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 (AMENDMENT NO)					
DRAWN BY S. TURNER		DATE 23/2/2011		STATEMENT OF RELATIONSHIP WITH OTHER PLANS THIS PLAN AMENDS SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 AS DESCRIBED IN SCHEDULE 1	
PLANNING OFFICER K HORNER					
COUNCIL FILE NO LA 01/2011				CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS GENERAL MANAGER /DELEGATE DATE	
DEPT OF PLANNING					
GATEWAY DETERMINATION DATE					
PUBLISHED ON NSW LEGISLATION WEBSITE ON					

Original Zoning - Singleton Planning Scheme Ordinance 1966
(Attachment 5)

