

### Amendment 42 to Singleton Local Environmental Plan 1996 Wattle Ponds North East Candidate Area

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|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------|
| Proposal Title :   | Amendment 42 to Singleton Local Environmental Plan 1996 Wattle Ponds North East<br>Candidate Area                                            |               |          |
| Proposal Summary : | The Planning Proposal aims to rezone 88ha of land from rural to an Environmental Living Zone. The rezoning will yield approximately 70 lots. |               |          |
| PP Number :        | PP_2012_SINGL_002_00                                                                                                                         | Dop File No : | 10/21913 |

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :
- 1.5 Rural Lands
  - 2.1 Environment Protection Zones
  - 2.3 Heritage Conservation
  - 3.3 Home Occupations
  - 4.4 Planning for Bushfire Protection
  - 6.1 Approval and Referral Requirements
  - 6.2 Reserving Land for Public Purposes
  - 6.3 Site Specific Provisions

- Additional Information :
1. Council will need to undertake additional studies to further demonstrate that the form and content of the planning proposal can be achieved. This additional information should form part of the exhibition material. The following matters need to be addressed;
    - Undertake studies to support the rezoning, including;
      - i. Bushfire Report
      - ii Biodiversity assessment as required by OEH
    - Utilising the studies undertaken for the rezoning, prepare a Development Control Plan, minimum lot size map and draft land zoning map in consultation with OEH and the Regional Office prior to exhibition.

2. 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).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Local Aboriginal Land Council and any other indigenous group affected
  - Office of Environment and Heritage for biodiversity and cultural heritage matters
  - NSW Rural Fire Service
  - Telstra
  - Ausgrid

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.

4. A public hearing is not required to be held into the matter by any person or body

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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).

5. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

6. Agree to inconsistencies with Directions 1.2 Rural Zones and 2.3 Heritage Conservation. Advise Council that the planning proposal is considered consistent with Direction 3.3 Home Occupations, and no further consultation is required. NOTE: The additional 117 Directions identified by Council are considered consistent (not requiring agreement) or not relevant as discussed previously (Consistency with strategic planning framework).

7. Following completion of the required additional studies (and required pre-exhibition consultation with nominated agencies in accordance the relevant S117 Directions, Council is to undertake assessment of the revised form of the planning against relevant S117 Directions (2.1 Environment Protection Zones and 4.4 Planning for Bushfire Protection) and provide this revised assessment to the Regional Office for review and include as part of the planning proposal for exhibition purposes.

8. To ensure that the timeframe for the completion of the draft LEP is achieved, Council is to prepare and submit a project timetable to the Department's Regional Planning Team for endorsement within 1 month of receipt of this Gateway Determination. The timetable is to clearly identify the key tasks that are to be undertaken to progress the preparation of the LEP including any required pre-exhibition consultation with key agencies, background studies and mapping.

Supporting Reasons :

1. The proposal is consistent with the endorsed Singleton Land Use Strategy 2008 and will provide additional housing stock adjacent to existing development.

2. A number of studies have been completed such as Flora and Fauna Assessment and Aboriginal Cultural and Archaeological Assessment.

3. An 18 months timeframes is required to undertake additional studies, consult with agencies, prepare DCP, exhibit planning proposal and finalise the LEP. 18 month time period should enable the planning proposal to be completed. The project management requirement will ensure this timeframe is achievable.

NOTE: The tracking system does not allow for the selection of 18 months.

**Panel Recommendation**

Recommendation Date : 25-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

The Planning Proposal should proceed subject to the following conditions:

1. Council is to prepare a project plan which clearly identifies the timeframe for the delivery of the planning proposal. The project plan is to be provided to the Department's Regional Planning Team for endorsement within 1 month of the date of the Gateway Determination being issued.

2. The planning proposal may amend either the Singleton LEP 1996 or the draft Singleton Standard Instrument LEP currently being prepared. Council should prepare and exhibit material including zoning maps, minimum lot size maps and other associated material which clearly identifies how the planning proposal will amend both instruments.

3. Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

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4. Council is required to consult with the Office of Environment and Heritage (OEH) as required under the provisions of Section 117 Direction 2.1 Environmental Protection prior to commencing exhibition of the draft plan. Council is to take into account any comments made as per the requirements of the Direction and to amend the planning proposal if necessary to reflect any comments made by the OEH.

5. Following consultation with the NSW Rural Fire Service and OEH as required above, if the planning proposal is amended, Council is to undertake an assessment of the revised planning proposal against all relevant Section 117 Directions and provide that assessment as part of the exhibition material.

6. Following consultation with the NSW Rural Fire Service and OEH, Council is to prepare a Development Control Plan (DCP) which addresses all relevant planning matters for the site. The draft DCP is to be placed on exhibition with the planning proposal.

7. 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).

8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Local Aboriginal Land Council
- Office of Environment and Heritage
- NSW Rural Fire Service
- Telstra
- Ausgrid

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.

9. 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).

10. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_