

SECTION 3.36 PLANNING REPORT

Completed when the Ministers functions to make the LEP under Section 3.36 of the *Environmental Planning & Assessment Act 1979* have been delegated to Council

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Planning and Sustainable Environment Group

Planning proposal details:

Title:	Singleton Local Environmental Plan (SLEP) 2013 – Gresford Road, Sedgefield
Gateway Approval Number:	PP_2017_SINGL_002_00
Council Reference:	PP1/2018
Summary:	<p>The objective of the planning proposal is to amend <i>Singleton Local Environmental Plan 2013</i> (SLEP 2013) to rezone Lot 69 and Lot 70, DP 752488, 612 Gresford Road, Sedgefield (the Site) from <i>RU1 Primary Production Zone</i> to <i>E4 Environmental Living Zone</i> and amend the minimum lot size requirement for subdivision from 40 hectares to 5 hectares.</p> <p>This would enable future subdivision of the land to create one additional lot for low impact residential purposes, consistent with the environmental living zone</p>
Gateway Determination Date:	25/01/2018

1.0 SUMMARY

The planning proposal seeks to amend the *Singleton Local Environmental Plan 2013* (LEP) in accordance with the Table 1 which follows:

Table 1: Key changes proposed to the Singleton LEP 2013

Component of LEP	Explanation of LEP Amendment
Land Zoning Map	Amend Land Zoning Map Sheet LZN_014 from <i>RU1 Primary Production Zone</i> for Lot 69 and Lot 70 DP752488 and identify the lots as being zoned <i>E4 Environmental Living Zone</i>
Lot Size Map	Amend Lot Size Map Sheet LSZ_014 to apply a 5 hectare minimum lot size requirement for subdivision for Lot 69 and Lot 70 DP752488.

2.0 GATEWAY DETERMINATION

The Gateway Determination for the Planning Proposal was issued on the 25 January 2018. The Gateway Determination identified the timeframe for completing the LEP as 12 months from the week following the date of the Gateway Determination.

Table 2 provides a list of the Gateway Determination conditions for the Planning Proposal and indicates whether the proposal is consistent with the respective conditions.

Table 2: Assessment of compliance with conditions of Gateway Determination

Compliance with conditions of Gateway Determination			
Condition		Consistency (Yes/No)	Justification
No.	Process		
1	Lot averaging	Yes	N/A
2	Consultation with public Authority (Office of Environment and Heritage)	Yes **	N/A
3	Community Consultation	Yes	N/A
4	Public hearing not required	Yes	N/A
5	The timeframe for completing the LEP is 12 months following Gateway determination	Yes	N/A

3.0 COMMUNITY CONSULTATION

The planning proposal was exhibited between 28 February 2018 and 14 March 2018. Table 3 (below) provides a breakdown of the community submission types.

Table 3: Community Submissions

Submission Type	Number of Submissions
Community submission in objection:	2
Community submission in support:	0
TOTAL:	2

The table which follows (Table 4) summarises the main issues raised in community submissions.

Table 4: Summary of Community Submissions

Community Consultation		
Issue Raised	Number of Submissions	Response to Issue



Traffic- the potential upgrade of the Gresford Road / Roughit Lane intersection to improve road safety.	2	It is considered that the intersection is currently functioning within capacity and that no upgrades will be necessitated by the addition of one dwelling entitlement.
The traffic travelling towards the Gresford Road / Roughit Lane intersection along Roughit Lane is currently controlled a double solid line.	2	It is considered that the future lot layout would be resolved during the development application stage. It is however noted that various configuration could be pursued that would not impact on the current traffic controls, which would limit accesses in close proximity to the Gresford Road / Roughit Lane intersection.

4.0 VIEWS OF PUBLIC AUTHORITIES

The table which follows (Table 5) identifies the Public Authorities that were consulted in accordance with the requirements of the Gateway Determination and summarises issues raised in relation to the planning proposal.

Table 5: Summary of Public Authority Referral Responses

Public Authority Consultation			
Public Authority	Response received?	Issues raised	Response to Issue
NSW Office of Environment and Heritage	Yes	OEHL responded that they would not be providing advice on this planning proposal and that most of the biodiversity issues can be addressed at the Development Assessment stage.	Council noted the response.

5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

Table 6 (below) provides a list of Section 117 Directions that are relevant to the *Singleton Local Government Area* (LGA). The table identifies the relationship of this planning proposal to the individual Section 117 Directions and indicates whether this planning proposal is consistent with the respective direction.

Table 6: Assessment of the proposal against relevant s.117 Directions

Compliance with Section 117 Directions			
Ministerial Direction		Relevance (Yes/No)	Consistency and Implications
No.	Title		
1.1	<i>Business and Industrial Zones</i>	N/A	The LEP amendment proposal does not relate to land within an existing or proposed business or industrial zone. Consistency with the direction is not relevant to the proposal.
1.2	<i>Rural Zones</i>	Yes	The LEP amendment proposal relates to land within an existing rural zone.



			The information lodged for the proposal demonstrates consistency with the direction.
1.3	<i>Mining, Petroleum Production and Extractive Industries</i>	N/A	<p>The LEP amendment proposal does not seek to implement provisions that would prohibit or restrict the potential development/mining of coal, mineral or petroleum resources or other extractive materials of State/regional significance.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
1.4	<i>Oyster Aquaculture</i>	N/A	<p>The LEP amendment proposal does not relate to a priority aquaculture area.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
1.5	<i>Rural Lands</i>	Yes	<p>The LEP amendment proposal relates to land within an existing rural zone.</p> <p>The proposal is considered to be consistent with the requirements of Direction 1.5. Any perceived inconsistency is considered to be of minor significance and justified by the SLUS 2008.</p>
2.1	<i>Environment Protection Zones</i>	Yes	<p>The LEP amendment proposal relates to land within a proposed environmental protection zone.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
2.2	<i>Coastal Protection</i>	N/A	<p>The LEP amendment proposal does not relate to land within a coastal zone.</p> <p>Consistency with the direction is not relevant to the proposal</p>
2.3	<i>Heritage Conservation</i>	N/A	<p>According to the study information for the LEP amendment proposal, the site does not contain any heritage items/places. The Singleton Local Environmental Plan 2013 contains provisions that facilitate the conservation of heritage.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
2.4	<i>Recreation Vehicle Areas</i>	N/A	<p>The LEP amendment proposal does not seek to enable land to be developed for the purposes of a recreational vehicle area.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
3.1	<i>Residential Zones</i>	N/A	<p>The LEP amendment proposal does not relate to land within an existing or proposed residential zone or land upon which significant residential development is or will be permitted.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
3.2	<i>Caravan Parks and Manufactured Home Estates</i>	N/A	<p>The LEP amendment proposal does not seek to identify suitable zones and/or locations and/or provisions for caravan parks or manufactured home estates.</p> <p>Consistency with the direction is not relevant to the proposal.</p>



3.3	<i>Home Occupations</i>	N/A	<p>The LEP amendment proposal does not affect the permissibility of home occupations in dwelling houses.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
3.4	<i>Integrating Land Use and Transport</i>	N/A	<p>The LEP amendment proposal does not seek to create, alter or remove a zone or provision relating to urban land.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
3.5	<i>Development Near Licensed Aerodromes</i>	N/A	<p>The LEP amendment proposal does not relate to land in the vicinity of a licensed aerodrome.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
3.6	<i>Shooting Ranges</i>	N/A	<p>The LEP amendment proposal does not relate to land adjoining or adjacent to a shooting range.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
4.1	<i>Acid Sulfate Soils</i>	N/A	<p>According to the study information for the LEP amendment proposal, the site does not contain acid sulfate soils/potential acid sulfate soils.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
4.2	<i>Mine Subsidence and Unstable Land</i>	N/A	<p>The LEP amendment proposal does not relate to land identified as being unstable by a known study, strategy or other assessment. The site is not within a designated mine subsidence district.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
4.3	<i>Flood Prone Land</i>	N/A	<p>The LEP amendment proposal does not relate to flood prone land within the meaning of the NSW Government's 'Floodplain Development Manual 2005'.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
4.4	<i>Planning for Bushfire Protection</i>	N/A	<p>The LEP amendment proposal does not relate to bushfire prone land.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
5.1	<i>Implementation of Regional Strategies</i>	N/A	<p>The LEP amendment proposal does not relate to land to which the South Coast Regional Strategy or Sydney–Canberra Corridor Regional Strategy apply.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
5.2	<i>Sydney Drinking Water Catchments</i>	N/A	<p>The LEP amendment proposal does not relate to land within the Sydney Drinking Water Catchment.</p>



			Consistency with the direction is not relevant to the proposal.
5.3	<i>Farmland of State and Regional Significance on the NSW Far North Coast</i>	N/A	The LEP amendment proposal does not relate to land within the NSW Far North Coast. Consistency with the direction is not relevant to the proposal.
5.4	<i>Commercial and Retail Development along the Pacific Highway, North Coast</i>	N/A	The LEP amendment proposal does not relate to land traversed by the Pacific Highway. Consistency with the direction is not relevant to the proposal.
5.5	<i>Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	No	Revoked 18 June 2010
5.6	<i>Sydney to Canberra Corridor</i>	No	Revoked 10 July 2008
5.7	<i>Central Coast</i>	No	Revoked 10 July 2008
5.8	<i>Second Sydney Airport: Badgerys Creek</i>	N/A	The LEP amendment proposal does not relate to land at Badgerys Creek. Consistency with the direction is not relevant to the proposal.
5.10	<i>Implementation of Regional Plans</i>	Yes	The Hunter Regional Plan 2036 (HRP) applies to the LEP amendment proposal. The information lodged for the proposal demonstrates consistency with the direction
6.1	<i>Approval and Referral Requirements</i>	N/A	The LEP amendment proposal does not seek to incorporate provisions into the instrument that require concurrence, consultation or development application referral to a minister or public authority. Consistency with the direction is not relevant to the proposal.
6.2	<i>Reserving Land for Public Purposes</i>	N/A	The LEP amendment proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes. Consistency with the direction is not relevant to the proposal.
6.3	<i>Site Specific Provisions</i>	N/A	The LEP amendment proposal does not seek to incorporate provisions into the instrument that would amend another environmental planning instrument. Consistency with the direction is not relevant to the proposal.
7.1	<i>Implementation of the Metropolitan Plan for Sydney 2036</i>	N/A	The LEP amendment proposal does not relate to land to which the NSW Government's 'A Plan for Growing Sydney' (Dec 2014) applies. Consistency with the direction is not relevant to the proposal.

6.0 PARLIAMENTARY COUNSEL OPINION

Council lodged a request to Parliamentary Counsel to draft the legal instrument for the LEP amendment on the 07 September 2018. Parliamentary Counsel Opinion was issued on the 02 November 2018.



7.0 OTHER RELEVANT MATTERS

There were no additional matters that are relevant considerations for the making of the plan.

8.0 MAPPING

The technical maps for the LEP amendment are appended as **Attachment 2** to this report.

9.0 RECOMMENDATION

The recommendations are as follows:

1. Council endorse the amendments to the SLEP 2013 as described in the planning proposal for the site at 612 Gresford Road, Sedgefield; and
2. Council support to submit the planning proposal and associated information to the NSW Department of Planning and Environment (NSW DP&E) with a request to make the amendment to the SLEP 2013 be as described by the planning proposal.



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ATTACHMENT 1 – Legal Instrument for LEP amendment

ATTACHMENT 2 – Technical Maps

ATTACHMENT 3 – Gateway Determination

ATTACHMENT 4 – Planning Proposal

