

Planning and Assessment

IRF20/5424

Gateway determination report

LGA	Singleton
PPA	Singleton Council
NAME	Country Tennis Club 8A Edinburgh Avenue, Singleton (2 homes, 0 jobs)
NUMBER	PP_2020_SINGL_003_00
LEP TO BE AMENDED	<i>Singleton Local Environmental Plan 2013</i>
ADDRESS	8A Edinburgh Avenue, Singleton
DESCRIPTION	Part of Lot 8 DP 251429
RECEIVED	19 November 2020
FILE NO.	IRF20/5424
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Site description

Part of Lot 8 DP 251429, being the Country Tennis Club at 8A Edinburgh Avenue, Singleton. It consists of grass tennis courts. Detached dwelling houses adjoin the site to the north and south. Orchard Avenue adjoins the site to the east. Additional grass tennis courts and club house adjoin the site to the west. The Tennis Club has provided the community a place to connect since 1939.



Figure 1: Lot 8 DP 251429 showing the site subject to the planning proposal (blue)

1.2 Existing planning controls

The site is zoned RE2 Private Recreation in the *Singleton Local Environmental Plan 2013*. No minimum lot size, floor space ratio or height of building development standards apply to the site.

The site forms part of a heritage item of local significance identified in Schedule 5 Environmental Heritage of the *Singleton Local Environmental Plan 2013*. All of Lot 8 DP 251429 is mapped as forming part of the “tennis club” heritage item.

The site is mapped in the *Singleton Local Environmental Plan 2013* as being within a flood planning area and as being subject to the floor height restrictions for residential accommodation (clause 7.3) which apply to part of Singleton.

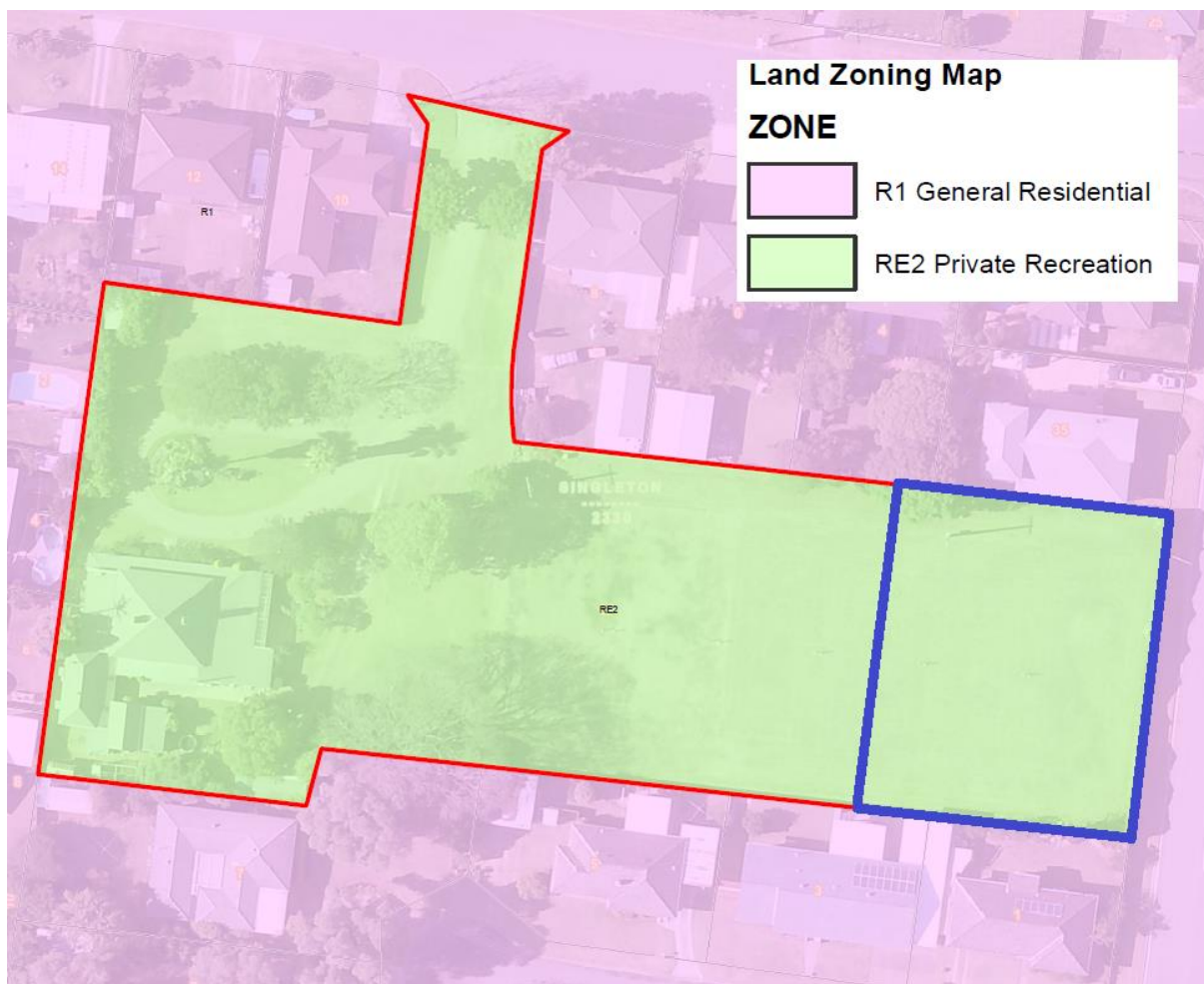


Figure 2: Land use zoning showing the site subject to the planning proposal (blue)

1.3 Surrounding area

The site is in the south eastern part of Singleton and in an area developed for low density residential since the 1970s. The Singleton High School and King Street primary school are 100 and 400 metres to the north-west of the site respectively. The New England Highway is approximately 300 metres to the east. The Singleton town centre is approximately 1.2 kilometres to the north-west.

To the north of the site also is the Howe Park Tennis Club, which is identified in Council's *Open Space and Recreation Needs Study 2013* as Singleton's regional tennis venue.

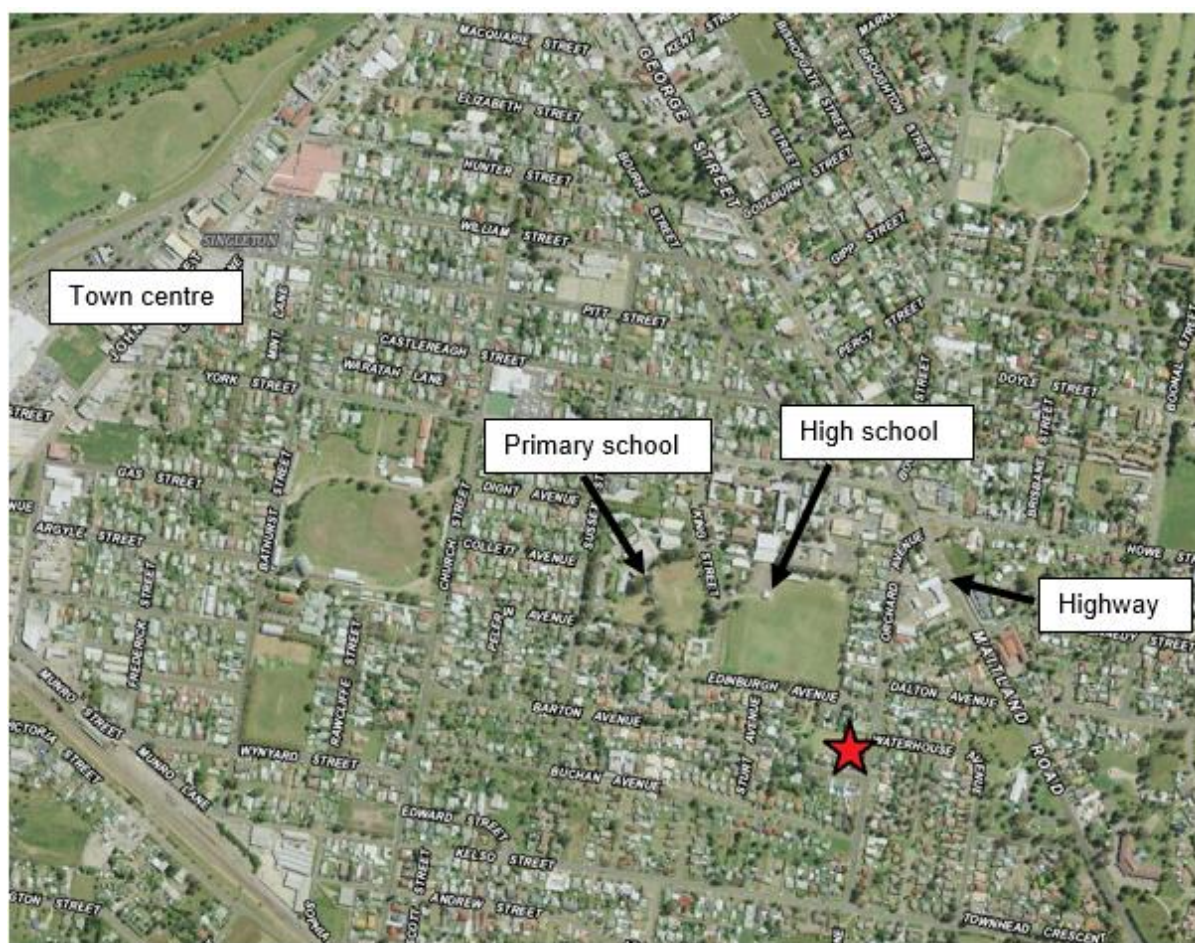


Figure 3: Site in the context of Singleton

2. PROPOSAL

2.1 Description of planning proposal

The planning proposal seeks to facilitate the subdivision and redevelopment of part of the tennis courts for two residential lots.

The planning proposal states the change of zoning and subsequent development will result in much needed funds being available to the Tennis Club which will be used to ensure this not for profit private organisation is able to continue and undertake ongoing maintenance of the heritage listed club house and grounds.

2.2 Objectives or intended outcomes

The objectives of the planning proposal are to amend the *Singleton Local Environmental Plan 2013* to rezone part of Lot 8 DP 251429 from RE2 Private Recreation to R1 General Residential. The objectives are clear and no changes are required.

2.3 Explanation of provisions

The planning proposal would rezone the site from RE2 Private Recreation to R1 General Residential in the *Singleton Local Environmental Plan 2013*.

There is no minimum lot size that applies to R1 General Residential zone. Singleton Council has not stated how it decided on the size of the land to be rezoned.

However, it is noted two residential lots of similar size to those adjoining the site would result and heritage impacts are considered unlikely.

It would also alter the listing of the tennis courts heritage item by removing the area to be rezoned from the heritage schedule. The part of Lot 8 DP 251429 containing the club house and remaining courts would still be listed on the heritage schedule.

2.4 Mapping

Land use zone and heritage maps in the *Singleton Local Environmental Plan 2013* would be changed. The maps included in the planning proposal clearly show the changes proposed, no changes are required.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of a strategic study or Council's Local Strategic Planning Statement. It has been initiated at the request of the landowner.

The landowner intends to raise funds through the sale of the rezoned land to support the maintenance of the Country Tennis Club.

Singleton Council advises the increase in residentially zoned land within the Singleton town centre is consistent with urban infill development principles and objectives of its *Singleton Land Use Strategy 2008*.

Re-use of the site for residential development would be consistent with the local character and provide a small increase in housing opportunities within the Singleton township.

Council's *Open Space and Recreation Needs Study 2013* recommended that no new tennis courts are developed in Singleton.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Hunter Regional Plan 2036

The planning proposal is consistent with Direction 21 Create a compact settlement. The direction includes Action 21.7 Promote new housing opportunities in urban areas to maximise the use of existing infrastructure. Facilitating the re-use of the site for residential development aligns with this outcome.

4.2 Local

Singleton Local Strategic Planning Statement 2041

Singleton Council states the planning proposal is consistent with the following planning priorities of its Local Strategic Planning Statement:

- *Planning priority 2.1 – Places are well planned and maximise access to infrastructure and services*

The planning proposal seeks to rezone land within the Singleton existing urban area, close to shops, services and other facilities. The planning proposal demonstrates the proposal is economically feasible as all required services are existing and available in the area.

- *Planning priority 2.2 – the significance of heritage and cultural identity is embraced*

The planning proposal seeks to maintain the heritage item on the lot. The heritage impact statement (discussed later) demonstrates the surplus land could be rezoned without negative impact to the curtilage of the heritage item, generating additional revenue for the maintenance of the item.

- *Planning priority 2.3 – the housing stock is high-quality, affordable and provides for a range of accommodation choices*

This planning proposal would allow for a small amount of infill development better utilising the existing urban land and available services.

Singleton Land Use Strategy 2008

Singleton Council advises the planning proposal is consistent with the urban infill development principles and objectives in the *Singleton Land Use Strategy 2008*.

4.3 State environmental planning policies (SEPPs)

There are no State Environmental Planning Policies relevant to the planning proposal.

4.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant section 9.1 Ministerial directions, except the following where the planning proposal is either inconsistent or further work is required before consistency can be determined:

2.3 Heritage Conservation

This direction applies because the planning proposal affects a local heritage item listed in Schedule 5 environmental heritage of the *Singleton Local Environmental Plan 2013*. The site forms part of the tennis courts listing, which applies to all of Lot 8 DP 251429 and includes the tennis courts and the club house.

As the planning proposal would remove some of the tennis courts from the listing, the planning proposal is potentially inconsistent with the direction because it would no longer conserve these parts of the item (subclause 4a).

Singleton Council has undertaken a heritage impact statement to evaluate the impact of removing the site on the heritage value of the item. The statement considers the impact would be minimal, noting that neither the significance of the item nor the understanding of its heritage significance would be majorly affected by the loss of the land.

Singleton Council intends to consult with Heritage NSW should the planning proposal be supported by the Gateway. The planning proposal's consistency with the direction can be evaluated after this has occurred.

4.3 Flood Prone Land

This direction applies because the planning proposal alters a zone that affects flood prone land. The site is mapped as being in the flood planning area of the *Singleton Local Environmental Plan 2013*.

As the planning proposal would rezone land from a recreational zone to a residential zone, the planning proposal is inconsistent with the direction (clause 5).

Singleton Council considers the inconsistency to be of minor significance because of the provisions of clause 7.3 floor height restrictions for residential accommodation and tourist or visitor accommodation of the *Singleton Local Environmental Plan*

2013. The clause requires minimum floor heights to be achieved for new residential buildings to manage flood impacts. The clause applies to most of the Singleton township situated south of the Hunter River and north of the railway.

The planning proposal would allow an additional two residential lots in an existing residential area. Singleton Council intends to consult with NSW State Emergency Services should the planning proposal be supported by the Gateway. The planning proposal's consistency with the direction can be evaluated after this has occurred.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

Social impacts resulting from the planning proposal are anticipated to be positive. Sale of the rezoned portion of the Country Tennis Club would help support the operation of the club for members and preservation of the heritage value it provides to the community.

The heritage impact statement considers heritage impacts to be minimal and this can be considered further through consultation with Heritage NSW and the community.

5.2 Environmental

Environmental impacts are anticipated to be minimal. Consultation with the Department's Biodiversity and Conservation Division and the NSW State Emergency Service is proposed regarding flooding impacts.

5.3 Economic

No economic impacts are anticipated.

5.4 Infrastructure

The site can be serviced through existing infrastructure. No infrastructure impacts are anticipated.

6. CONSULTATION

6.1 Community

Singleton Council proposes a 28-day community consultation period. As the planning proposal would only enable an additional two residential lots in an area already developed for residential purposes, a 14-day community consultation period is recommended. This should occur within three months of the Gateway determination being issued.

6.2 Agencies

Singleton Council has indicated it intends to undertake consultation with NSW State Emergency Services and Heritage NSW.

7. TIME FRAME

A six-month completion timeframe is recommended to allow enough time for agency and community consultation as well as plan-making.

8. LOCAL PLAN-MAKING AUTHORITY

Singleton Council has requested to be the local plan-making authority. As the planning proposal is minor and low impact, Singleton Council should be authorised to be the local plan-making authority.

9. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. note consistency with section 9.1 Ministerial directions 2.3 Heritage Conservation and 4.3 Flood Prone Land are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 14 days and occur within three months of the date of the Gateway determination.
2. The time frame for completing the LEP is to be six months from the date of the Gateway determination.
3. Given the nature of the planning proposal, Singleton Council should be the local plan-making authority.



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