



qB183063

11/22547

Department Generated Correspondence (Y)

Contact: Katrine O'Flaherty
Phone: (02) 4904 2707
Fax: (02) 4904 2701
Email: katrine.o'flaherty@planning.nsw.gov.au
Postal: PO Box 1226
Newcastle NSW 2300

Our ref: PP_2011_SINGL_005_00 (11/17387)
Your ref: LA73/2009

Mr Scott Greensill
General Manager
Singleton Council
Po Box 314
Singleton NSW 2330

Dear Mr Greensill,

Re: Planning Proposal to rezone land at in Rusty Lane, Branxton

I am writing in response to your Council's letter dated 22 September 2011 and subsequent correspondence requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Singleton Local Environmental Plan 1996 to rezone approximately 42 hectares of land from 1(a) Rural Zone to 1(d) Rural Small Holdings Zone to facilitate the development of 35 rural residential lots.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

While the Department is supportive of the intent of the planning proposal and recognises that the site is identified within the Singleton Land Use Strategy for residential purposes, Council is reminded of the importance of providing adequate strategic justification for planning proposals in general, and of the need to ensure that a planning proposal clearly identifies the proposed mechanisms (eg appropriate zone identification, FSR, minimum lot size, etc) through which the proposed objectives of the proposal will be achieved.

Prior to exhibition therefore, Council will need to undertake a number of additional studies to further demonstrate the form and content of the planning proposal and provide this additional information as part of its planning proposal for exhibition purposes. The following matters need to be addressed:

- Undertake studies to support the proposal including:
 - biodiversity and ecological assessment;
 - heritage assessment;
 - bushfire hazard assessment;
 - traffic impact assessment;
 - geotechnical studies; and
 - infrastructure and service strategy report.
- The identification of appropriate zones for the subject site based on the outcomes of the above studies and consultation with key agencies;
- Consider the application of an environmental zone(s) to portions of the site based on the outcomes of the above studies;
- Provide additional explanation regarding the inclusion of Lot 404 DP 866648 which does not form part of the candidate area;
- Provide a lot size map for exhibition that clearly identifies the distribution of lot sizes across the site taking into consideration the outcomes of the above studies;
- Consider consistency with S117 Direction 3.1 Residential Zones; and

- Provide additional justification regarding the inconsistency with the endorsed Singleton Strategy which identifies that a higher density development outcome can be achieved from the subject site given its close proximity to Branxton.

To ensure consistency with S117 Directions 2.1 Environment Protection Zones and 4.4 Planning for Bushfire Protection, consultation is required with the Office of Environment and Heritage and the NSW Rural Fire Service respectively prior to public exhibition. The outcomes of the consultation should be reflected in the planning proposal prior to proceeding to exhibition.

Depending on the status of Council's Standard Instrument LEP, Council may need to exhibit the draft LEP as an amendment to both its current (non-Standard Instrument) Singleton LEP1996 and to the draft Singleton SI LEP. Council is encouraged to liaise with the Department's Regional Planning Team to ensure that the appropriate information is provided for the purpose of exhibition and for progressing the planning proposal as an amendment to the planning controls in force at that time for the LGA.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

To ensure that the timeframe for the completion of the draft LEP outlined in this Gateway Determination 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 the Determination Notice. 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. The Department's Regional Planning will work with Council to develop the project timeframe to ensure that Council's proposed timing can be achieved and to identify any stages of the program where assistance from the Department may be needed to achieve the desired outcomes of the planning proposal.

Council is also reminded of previous correspondence from the Department which encouraged Council to undertake a higher level of investigation into sites within the endorsed strategy prior to requesting a Gateway Determination. It is also recommended that Council establish a transparent and consistent approach to determining requirements for sewer connection.

Should you have any queries in regard to this matter, please contact Katrine O'Flaherty of the Regional Office of the Department on 02 4904 2707.

Yours sincerely,


Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_SINGL_005_00): to rezone land at Rusty Lane, Branxton.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *EP&A Act* that an amendment to the *Singleton Local Environmental Plan 1996* to rezone approximately 42 hectares of land from 1(a) Rural Zone to 1(d) Rural Small Holdings Zone to facilitate the development of 35 rural residential lots should proceed subject to the following conditions:

1. Council will need to undertake a number of additional studies to further demonstrate the form and content of the planning proposal and provide this additional information as part of its planning proposal for exhibition purposes. The following matters need to be addressed:
 - Undertake studies to support the proposal including:
 - biodiversity and ecological assessment;
 - heritage assessment;
 - bushfire hazard assessment;
 - traffic impact assessment;
 - geotechnical studies; and
 - infrastructure and service strategy report.
 - The identification of appropriate zones for the subject site based on the outcomes of the above studies and consultation with key agencies;
 - Consider the application of an environmental zone(s) to portions of the site based on the outcomes of the above studies;
 - Provide additional explanation regarding the inclusion of Lot 404 DP 866648 which does not form part of the candidate area;
 - Provide a lot size map for exhibition that clearly identifies the distribution of lot sizes across the site taking into consideration the outcomes of the above studies;
 - Consider consistency with S117 Direction 3.1 Residential Zones; and
 - Provide additional justification regarding the inconsistency with the endorsed Singleton Strategy which identifies that a higher density development outcome can be achieved from the subject site given its close proximity to Branxton.
2. Depending on the timing for the completion of the above studies and taking into account the status of Council's Standard Instrument LEP currently being prepared, Council is to prepare public exhibition material which clearly identifies the proposed draft LEP as an amendment to the Singleton LEP 1996 and/or draft Standard Instrument Singleton LEP. A copy of all proposed exhibition material is to be provided to the Department's Regional Planning Team. Council should liaise with the Regional Planning Team to ensure the appropriate material is prepared.
3. Council is to prepare appropriate mapping for the planning proposal which clearly identifies the intended land use zones (based on the outcomes of the studies above) proposed for the site. If the amendment proceeds as an amendment to the Council's SI LEP, minimum lot size, Floor Space Ratio (FSR) and Height of Buildings (HOB) controls for the site are also to be prepared and exhibited. These maps are to be prepared in accordance with the Department's Technical Guidelines for the preparation of maps.

4. 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)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Hunter Water Corporation
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - NSW Department of Primary Industries - Agriculture

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.
6. Following completion of the required additional studies (and required pre-exhibition consultation with nominated agencies in accordance with relevant S117 Directions), Council is to undertake assessment of the revised form of the planning proposal against relevant S117 Directions and provide this revised assessment as part of the planning proposal for exhibition purposes.
7. 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).
8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

22 day of Dec.

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure