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Our ref: PP_2012_SINGL_001_00 (11/17396)
Your ref: LA10/2011

Mr Scott Greensill
General Manager
Singleton Council
PO Box 314
SINGLETON NSW 2330

Dear Mr Greensill,

Re: Planning Proposal to rezone approximately 38 hectares of land to facilitate up to 32 rural residential allotments

I am writing in response to your Council's letter dated 6 December 2011 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 either the Singleton Local Environmental Plan 1996 to rezone approximately 38 hectares of land from 1(a) Rural to 7(b) Environmental Living Zone or E4 Environmental Living Zone under the draft Singleton LEP Standard Instrument LEP to facilitate up to 32 rural residential allotments.

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.

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

The Department notes that Singleton Council currently has several planning proposals underway which seek to rezone land in advance of its comprehensive Standard Instrument LEP. The Department is concerned that these planning proposals will ultimately delay the preparation of Council's SI LEP. Council is therefore to prepare a project plan which clearly identifies how this planning proposal will be delivered concurrently with Council's SI LEP. 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.

In addition, should Council seek to bring forward any further areas for rezoning in advance of its principal SI LEP, a detailed land supply and housing demand analysis demonstrating the immediate and short term need for the rezoning to proceed is to be provided.

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, and 2.3 Heritage Zones are of minor significance. No further approval is required in relation to these Directions.

In relation to the planning proposal's consistency with Section 117 Direction 2.1 Environmental Protection, Council is required to consult with the Office of Environment and Heritage (OEH) as required under the provisions of the Direction prior to commencing exhibition of the draft plan. Council is required to note any comments that OEH may have and if necessary, amend the planning proposal prior to exhibition.

In regards to the planning proposal's inconsistencies with S117 Direction 4.4 Planning for Bushfire Protection, 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 the Local Planning Direction.

Council should place the Preliminary Contamination Assessment Report prepared for the site on exhibition with the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 18 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.

Should you have any queries in regard to this matter, please contact Paul Maher of the Regional Office of the Department on 02 4904 2719.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

6/2/12

Gateway Determination

Planning Proposal (Department Ref: PP_2012_SINGL_001_00): to rezone approximately 38 hectares of land from 1(a) Rural and Environmental Living Zone to facilitate up to 32 rural residential allotments.

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 the planning proposal to amend either the Singleton Local Environmental Plan 1996 to rezone approximately 38 hectares of land from 1(a) Rural to 7(b) Environmental Living Zone or E4 Environmental Living Zone under the draft Singleton LEP Standard Instrument LEP to facilitate up to 32 rural residential allotments 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.
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.

Dated 6th day of February 2012.



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