

## Gateway Determination

***Planning Proposal (Department Ref: PP\_2017\_SINGL\_001\_00): to repeal the Singleton LEP 1996 and incorporate the 'Deferred Matter' land at Bulga into the Singleton LEP 2013.***

I, the Director Regions, Hunter, at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Singleton Local Environmental Plan (LEP) (2013) to include land identified as being a "Deferred Matter" into the Singleton LEP 2013 by way of rezoning, amending minimum lot size controls and mapping an item of local heritage significance should proceed, subject to the following conditions:

1. Prior to undertaking community consultation, the planning proposal is to be amended to:
  - reflect a revised 18-month timeframe for completion;
  - clarify in the planning proposal 'Objectives' that the proposal intends on completely repealing the Singleton LEP 1996 by using Clause 1.8 of the Singleton LEP 2013 and what savings provisions there will be for existing DAs;
  - update the 'Explanation of Provisions' to identify that the proposal will repeal the Singleton 1996 LEP;
  - incorporate assessment of the Hunter Regional Plan 2036 under 'Relationship to Strategic Planning Framework'; and
  - update Direction 4.2 to identify that the proposal is not within in a Mine Subsidence District.
2. Council is to update the planning proposal to demonstrate consistency with section 117 Direction after further investigation has been completed and/or following agency consultation:
  - Direction 1.2 Rural Zones
  - Direction 1.3 Mining, Petroleum Production and Extractive Industries
  - Direction 1.5 Rural Lands
  - Direction 2.1 Environment Protection Zones
  - Direction 3.1 Residential Zones
  - Direction 4.4 Planning for Bushfire Protection
3. In relation to Section 117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that the Bulga Recreation Ground is owned by Council and used for public recreation purposes. No further approval is required in relation to this Direction.
4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
5. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
  - NSW Office of Environment and Heritage
  - NSW Rural Fire Service
  - NSW Department of Primary Industries – Agriculture
  - NSW Department of Planning and Environment – Resources and Energy

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material prior to public exhibition, and given at least 21 days to comment on the proposal.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
7. The timeframe for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 25<sup>th</sup> day of January 2018.



**Monica Gibson**  
**Director Regions, Hunter**  
**Planning Services**  
**Department of Planning and**  
**Environment**

**Delegate of the Minister for Planning**