

Singleton Council

# Section 73A Amendment

Lot: 4 Sec: 7 DP: 758542, Lot: 13 DP: 1114589, Lot: 36 DP: 876398, Lot: 371  
DP: 882063, Lot: 1 DP: 545913

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## EXECUTIVE SUMMARY

<b>Local Government Area:</b>	Singleton Council (SC)
<b>Name of the Draft Local Environmental Plan (LEP):</b>	<i>Singleton Local Environmental Plan 2013</i> - Section 73A Amendment – Various Items
<b>Subject land:</b>	<ul style="list-style-type: none"> <li>• Lot 4 Sec 7 DP 758542 - 27-31 Doyle Street, JERRYS PLAINS.</li> <li>• Lot 36 DP 876398 - 163 Racecourse Lane WHITTINGHAM.</li> <li>• Lot 13 DP 1114589 – 2669 Putty Road, MILBRODALE.</li> <li>• Lot 371 DP 882063 – 5835 Putty Road, HOWES VALLEY.</li> <li>• Lot 1 DP 545913 – 5863 Putty Road, HOWES VALLEY.</li> </ul>
<b>Land owner(s):</b>	<ul style="list-style-type: none"> <li>• Minister for Education and Training (Lot 4 Sec 7 DP 758542).</li> <li>• Mr G C &amp; Mrs L T Moore (Lot 36 DP 876398).</li> <li>• Mr R A &amp; Mrs N E Smith (Lot 13, DP 1114589).</li> <li>• Mr D J Peach and Mrs V L Graham (Lot 371, DP 882083).</li> <li>• Mr M A Halton and Ms R N Merrick (Lot 1, DP 545913).</li> </ul>
<b>Applicant:</b>	Singleton Council
<b>Council file reference:</b>	PGR4/2017
<b>CM9 document reference:</b>	18/6497

<b>NSW Department of Planning &amp; Environment (DP&amp;E) reference:</b>	
<b>Version:</b>	1.2
<b>Date:</b>	29/01/2018
<b>Officer:</b>	Gina Hamilton-Avery
<b>Manager:</b>	Mary-Anne Crawford

## PART 1 – OBJECTIVES OF THE PLANNING PROPOSAL

The planning proposal aims to amend *Singleton Local Environmental Plan (LEP) 2013* by making amendments under Section 73A of the *Environmental Planning and Assessment Act 1979*.

The objectives of the planning proposal are to:

- a. Correct the zoning of Lot 371 DP882063 and Lot 1 DP545913, E2 Environmental Conservation when the Singleton LEP 2013 was being finalised;
- b. Remove the terms “existing holdings” and “1980 holding” and related sunset clause provisions, under Part 4, Clause 4.2A, which relate to dwellings in the *RU1 Primary Production*, *RU2 Rural Landscape*, *RU4 Primary Production Small Lots* and *E3 Environmental Management* zones;
- c. List certain heritage items, under Schedule 5, Part 1 and Part 3, of the Singleton LEP 2013, as being items of local and State heritage significance.

## PART 2 – EXPLANATION OF THE PROVISIONS

The proposed objectives of the planning proposal will be achieved by amending the SLEP 2013 as outlined below:

Item no.	Explanation of provisions
1	<ul style="list-style-type: none"> <li>Lot Zoning Map</li> <li>Amend the <i>Land Zoning Map Sheet LZN_005</i> to rezone Lot 371, DP882063 and Lot 1, DP545913 for <i>E2 Environmental Conservation Zone</i> to <i>RU2 Rural Landscape Zone</i>.</li> </ul>
2	<ul style="list-style-type: none"> <li>Lot Size Map</li> <li>Amend the Lot Size Map Sheet LSZ_005 to reflect the minimum lot size of 40 hectares for Lot 371, DP882063 and Lot 1, DP545913.</li> </ul>
3	Amend Schedule 5, Part 1 <ul style="list-style-type: none"> <li>Omit the Item Name of Item No. 125 and replace with: Jerry’s Plains Public School.</li> <li>Omit the item significance (Local) of Item No. 150 and replace with: State</li> </ul>
4	<ul style="list-style-type: none"> <li>Amend Schedule 5, Part 3</li> <li>List “Baime Cave” as being an item of State Significance:</li> <li>Item name: Baime Cave;</li> <li>Suburb: Milbrodale;</li> <li>Address: 2669 Putty Road, Milbrodale;</li> <li>Property description: Lot 13, DP1114589;</li> <li>Significance: State.</li> </ul>
5	<ul style="list-style-type: none"> <li>Amend Heritage Map</li> <li>Identify Baime Cave as being an item of <i>State heritage significance</i> on Map: <i>HER_009</i>.</li> </ul>

## PART 3 – JUSTIFICATION OF THE PROVISIONS

### SECTION A: NEED FOR THE PLANNING PROPOSAL

**1. *Is the planning proposal a result of any strategic study or report?***

The planning proposal is not the result of a site specific strategic study or report. Singleton Council has prepared the planning proposal to correct minor zoning, heritage items and correct the listing of certain heritage items, identified since the making of the SLEP 2013, remove a transitional clause.

**2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The amendments to the Singleton LEP 2013 as described by this planning proposal are considered to be the only and best means of achieving the objectives and intended outcomes as described in Part 1 of this proposal.

The Department of Planning and Environment acknowledges that application of Section 73A of the Environmental Planning and Assessment Act 1979 to rectify anomalies in LEP spatial data and correct misdescriptions and transitional matters was appropriate.

Table 1 below provides an assessment of the proposal against the provision of section 73A of the *Environmental Planning and Assessment Act, 1979*.

Proposed s73A - Amendment	Justification
1. Correct the zoning of Lot 371 DP882063 and Lot 1 DP545913 – Howes Valley.	The cadastre needs to be realigned to apply the correct a zone error for Lot 371 DP882063 and Lot 1 DP545913. Under the Singleton LEP 1996 the land was zoned 1(a) <i>Rural Zone</i> . The cadastre base shifted during the making of the <i>Singleton LEP 2013</i> resulting in the subject land at Howes Valley being zoned <i>E2 Environmental Conservation</i> . This land should be zoned <i>RU2 Rural Landscape</i> , particularly as its cleared land being used for agricultural activities and housing and surrounded by cleared land of similar land uses.
2. Remove the terms “existing holdings” and “1980 holding” and related sunset clause provisions, under Part 4, Clause 4.2A.	Removing existing holding provisions and related sunset clause provision under the Singleton LEP 2013 would address matters in the principle instrument that are of a consequential, transitional nature. The clause sunset 12 months after the making of the Singleton LEP 2013.

3. List certain heritage items, under Schedule 5, Part 1 and Part 3, of the Singleton LEP 2013, as being items of local and State heritage significance.	The heritage items are incorrectly referenced, misdescribed or not listed. The amendment will not have any material effect on the ground.
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**Option 1:** Do nothing and continue providing incorrect/ inaccurate information to the Community through the Singleton LEP 2013.

**Option 2:** Making the amendments as proposed under Section 73A of the Environmental Planning and Assessment Act 1979 as proposed. This would ensure that heritage items are correctly listed under Schedule 5, Part 1 and Part 3 of the Singleton LEP 2013. It would also provide clarity to the community about terms and sunset clause provisions that no longer apply to the erection of a dual occupancy or dwelling house, in rural and environmental zones.

## **SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

**1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional or district strategy (including exhibited draft strategies)?***

### **Hunter Regional Plan (HRP) 2036**

The administrative nature of the amendment will not conflict with the objectives of the HRP.

### **Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) 2012**

The administrative nature of the amendment will not conflict with the objectives of the UHSRLUP. This Plan primarily relates to agriculture and mining, as proposed the amendment would have no material effect on the ground.

**2. *Is the planning proposal consistent with the local Council's Community Strategic Plan or other local strategic plan?***

### **Singleton Community Strategic Plan (SCSP) 2017-2027**

As proposed the administrative amendment under s73A would:

- Provide for the continuation of agriculture related activities on the land would be in general accordance with *Pillar 2: Our Places* and *Pillar 4: Our Community Leadership* of the SCSP as it would ensure that agricultural heritage is maintained, and continues to contribute to a diverse economy, which is important to the agricultural and broader community.
- List certain heritage items, under Schedule 5, Part 1 and Part 3 of the SLEP 2013 – Listing the items would help ensure that important heritage items of Aboriginal and European significance are maintained, protected and valued into the future. It would help maintain the sense of identity, place, and cultural diversity for the local and

broader community. Listing the items would generally be in accordance with Pillar 1: Our Community and Pillar 2: Our Places of the SCSP. It would ensure that heritage items are recognised. This would help build on the community's sense of identity and place by providing opportunity to continue to value its cultural heritage.

- Remove existing holdings and related subset clause provisions to cease to apply to certain rural and environmental zones, 12 months after the making of *Singleton LEP 2013*. This would be consistent with Pillar 2 Our Places by providing certainty to the community about land use planning and development outcomes that contribute in a positive way to the environment and community. Correct information about land use planning and development would be provided to the community.

### **Singleton Land Use Strategy (SLUS) 2008**

The proposal is consistent with the SLUS. This administrative amendment will not conflict with the aims of the SLUS as it seeks to rectify shifts in the cadastral base for certain zone maps, correctly list heritage items and amend a clause under the Singleton LEP 2103. This would provide clear direction for Council, its community and State Government to guide decisions relating to land use within the Singleton LGA.

### ***3. Is the planning proposal consistent with applicable state environmental planning policies?***

*Appendix A* contains an assessment of consistency with applicable State Environmental Planning Policies (SEPPs). SEPPs relevant to this proposal are discussed in more detail below:

#### **SEPP (Rural Lands) 2008**

SEPP (Rural Lands) 2008 applies to rural lands within the Singleton LGA and the land at Howes Valley, respectively. The remainder of the proposal relates to administrative amendments to the SLEP 2013 (listing heritage items, clause amendments and mapping corrections). As proposed the land at Howes Valley would be rezoned from zone *E2 Environmental Conservation* to *RU2 Rural Landscape* zone. Under *Singleton LEP 1996* this land was zoned *1(a) Rural* but during its translation was inadvertently mapped *E2*. Given the land is being used for agriculture (orchards, grazing etc.) and rural living activities application of the *RU2* zone would help ensure rural lands are maintained for rural purposes and would align the land and land uses under the Singleton LEP 2013. Appropriately zoning the land for rural purposes would also be consistent with Rural Planning and Subdivision Principles of SEPP Rural Lands.

#### **SEPP (Vegetation in Non-Rural Areas) 2017**

The SEPP applies to land within environmental zones. Land at Howes Valley is zoned *E2 Environmental Conservation*. The land was inadvertently zoned *E2* during the making of *Singleton LEP 2013*, which does not reflect existing agricultural, residential land uses or previous *1(a) Rural* zone.

As proposed, the planning proposal is administrative and does not relate to disturbance or clearing of trees or other vegetation. Future development would need to consider the provisions of the SEPP.



#### **4. Is the planning proposal consistent with applicable s117 Ministerial Directions?**

Appendix B contains an assessment of consistency with applicable s117 Ministerial Directions. Directions relevant to this proposal are discussed in more detail below:

##### **Direction 1.2 Rural Zones**

The planning proposal does not include any matters that would affect the agricultural production value of rural land. Primarily the proposal is administrative.

Land at Howes Valley would be rezoned from *E2 Environmental Conservation* to *RU1 Primary Production*, which would ensure continuation of agricultural activities on that land.

##### **Direction 1.5 Rural Lands**

Given the administrative nature of the planning proposal, rural lands are unlikely to be affected by the proposed changes. Land at Howes Valley that was inadvertently zoned *E2 Environmental Conservation* would be zoned *RU1 Primary Production*, which was the intent of the Singleton LEP 1996 and intended outcome of the translation of the LEP into the Singleton LEP 2013.

##### **Direction 2.1 Environmental Protection Zones**

Land at Howes Valley was inadvertently zoned *E2 Environmental Conservation* during the translation of the Singleton LEP 1996 to Singleton LEP 2013. The E2 zone provides for environmental facilities, environmental protection works, roads, water storage facilities with development consent. The land has established dwellings and associated infrastructure, and is also being used for agricultural purposes. Prior to the translation of the Singleton LEP 1996 to Singleton LEP 2013, the land was zoned *1(a) Rural*. Given the extent of development of the land and its agricultural activities, zone E2 is not appropriate.

Overall the planning proposal relates to administrative changes and correction of anomalies in the Singleton LEP 2013 and is unlikely to have effect on the ground for Environmental Protection Zones.

##### **Direction 2.3 Heritage Conservation**

The planning proposal would list certain items under Schedule 5, Part 1 and Part 3 of the SLEP 2013 as being items of local and State heritage significance and identify certain of those items on the Heritage Map.

The heritage component of the proposal would help conserve items of heritage significant (Jerrys Plains Public School and Neotsfield) and identify a new place of Aboriginal cultural heritage significance (Baime Cave). It is not expected to generate any adverse impacts within heritage conservation areas. It would “conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance and be consistent with the objectives of Direction 2.3.

##### **Direction 4.4 Bushfire Protection**

A Bushfire Assessment has not been prepared for the LEP amendment proposal.

The LEP amendment proposal would rezone land at Howes Valley from *E2 Environmental Conservation* to *RU2 Rural Landscape*. The sites have been identified as being bushfire

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prone land (Vegetation Category 1 and 2) on Council's Bushfire Prone Land Map. The planning proposal would rectify a zone mapping error, which occurred during the making of SLEP 2013.

Established residences and associated infrastructure exist on the sites. Application of zone RU2 would align with adjoining RU2 zoned land to the north and west of the sites. The change in zone is not expected to generate any significant adverse impacts with respect to bushfire, as it does not constitute further development of the sites. This component of the planning proposal is not expected to generate any adverse bushfire impacts.

The remainder of the proposal relates to administrative changes and correction of mapping anomalies in the Singleton LEP 2013.

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#### **Direction 5.10 Implementation of Regional Plans**

The *Hunter Regional Plan* (HRP) (2036) applies to the land in the Upper Hunter, which includes Singleton LGA. Consistency with the HRP addressed in Section B, Part 1.

The planning proposal is administrative in nature and proposal is generally consistent with *Direction 5.10 Implementation of Regional Plans*.

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## **SECTION C: ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

### ***1. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The administrative nature of the proposal would not have adverse impact on the environment or adjoining land.

The planning proposal would amend the SLEP 2013 to rezone Lot 371, DP882063 and Lot 1, DP545913 Howes Valley from *E2 Environmental Conservation* to *RU2 Rural Landscape*. The sites are generally cleared land used for rural purposes (intensive plant agriculture, minor grazing and rural living). Established residences and associated infrastructure are constructed on the sites. Land to the south and west of Lot 371 and south of Lot 1 is zoned E2. The south eastern corner of Lot 371 also adjoins Yengo National Park (Refer to Figure: 1a).

The sites are not listed under Schedule 1 Threatened species, Part 1 Critically endangered species or Part 2 Endangered Species of the Biodiversity Conservation Act 2017. There are no known threatened species or threatened species habitat identified on Lot 371, DP882053 and Lot 1, DP545913 Howes Valley on the Council's mapping.

According to mapping prepared by Hunter Councils in 2015, one flora species is considered to have some degree of (at least marginal) habitat available on land zoned RU2 to the west of Lot 371, and Lot 1:

- *Rutidosis heterogama* – Heath Wrinklewort.

According to Council's mapping prepared by Hunter Councils in 2015, there are no known threatened species or their habitat identified on Lot 371, DP883063 or Lot 1, DP545913, Howes Valley.

The following threatened species are considered to have some degree of (marginal) habitat on surrounding lands:

- *Callocephalon fimbriatum* – Gang Gang cockatoo;
- *Calyptorhynchus lathami* – Glossy black-cockatoo;
- *Chthonicola sagittata* – Speckled warbler;
- *Climacteris picumnus victoriae* – Brown Treecreeper (eastern species);
- *Dasyurus maculatus* – Spotted - tailed Quoll;
- *Neophema pulchella* – Turquoise Parrot;
- *Ninox connivens* – Barking Owl;
- *Stagnopleura guttata* – Diamond Firetail; and
- *Xanthomyza phrygia* – Regent Honeyeater.

Since the proposal would rezone Lot 371 and Lot 1 from *E2 Environmental Conservation Zone* to *RU2 Rural Landscape Zone*, minimum lot size requirements would remain (40ha). The proposal is not expected to impact on listed threatened species or their habitat on the sites or surrounding lands.

This component of the proposal is not expected to impact on listed threatened species or their habitat, on the subject sites or within land surrounding the sites.

The remainder of the planning proposal provides for the listing of heritage items and clause amendments. The planning proposal is not expected to have any adverse impacts on critical habitat.

**2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

**Surface Water**

Overall the proposal is administrative in nature and unlikely to result in adverse environmental effects on surface water.

**Groundwater**

A ground water assessment has not been prepared for the planning proposal. Any likely effects are unknown. Given the administrative nature of the proposal, impacts on groundwater are unlikely.

## **Heritage (Aboriginal and European)**

An Aboriginal Cultural Due Diligence Assessment has not been prepared for the planning proposal.

According to the *Local Aboriginal Land Council Regions and Boundaries Map – NSW* Aboriginal Land Council website, the sites at Howes Valley and Milbrodale (Baime Cave) are within the Wanaruah Local Aboriginal Land Council Region.

The planning proposal would amend the SLEP 2013 to:

- Rezoning Lot 371, DP882063 and Lot 1, DP545913 is not anticipated to result in any further development of the sites as part of the planning proposal. The sites are relatively cleared and primarily used for intensive plant agriculture, minor grazing, rural living and associated activities. Minimum lot size requirements would remain 40 hectares, which would reduce potential impacts on items or places of significance. This component of the planning proposal is not expected to result in disturbance of items or places of Aboriginal Cultural Heritage Significance.

The south-eastern corner of Lot 371 adjoins Yengo National Park. Land to the east and south of Lot 371 and Lot 1 is zoned E2 Environmental Conservation. The planning proposal does not constitute further development of the sites. Items or places of Aboriginal Cultural Heritage Significance within the National Park are not expected to be impacted by the planning proposal.

- List certain items, under Schedule 5, Part 1 and Part 3 of the SLEP 2013, as being items of local or State heritage significance. Baime Cave has been listed on the State Heritage Register, under section 37(1) (a) of the Heritage Act 1997 (published on 31 July 2015 in Government Gazette No. 64, pp.2271). The SLEP 2013 and associated Heritage Map would be updated to reflect the State significance of Baime Cave. The planning proposal would list Baime Cave, as an important Aboriginal place, under Schedule 5, Part 3: Archaeological sites of the SLEP 2013. This would recognise the Aboriginal heritage significance of the place, its rock artwork and its importance to the local Wanaruah people and wider community.
- The planning proposal would also list certain items, under Schedule 5, Part 1 and Part 3 of the SLEP 2013, as being items of local or State heritage significance. The amendment would identify Jerrys Plains Public School, under the correct address and list Neotsfield as being of State heritage significance under Schedule 5, Part 1. Baime Cave would be listed as a new item of State heritage significance, under Schedule 5, Part 3. This would ensure that the important local and State significance of the items and place are properly recognised, identified, maintained and protected into the future. It would have a positive effect on Historic Heritage.

Overall the planning proposal would have a positive effect on Aboriginal and European heritage.

## **Bushfire**

A bushfire assessment has not been prepared for the planning proposal.

The rezoning of Lot 371, DP882063 and Lot 1, DP545913 Howes Valley is the only component of the planning proposal that relates to specific land.

According to Council's bushfire prone mapping, the sites are mapped as bushfire prone land (Vegetation Category 1 and 2) on Council's Bushfire Prone Land Map.

Rezoning the sites would align the land with adjoining RU2 zoned land to the north and west. The sites are generally used for rural purposes. Lot 371 is being used for intensive plant agriculture, which is not permissible in the E2 zone. Well established residences and associated infrastructure are erected on the sites. The change in zone is not expected to generate any significant adverse bushfire impacts because it does not constitute further development of the sites.

The remainder of the planning proposal is administrative. It provides for the listing of certain heritage items and clause amendments. No significant bushfire impacts are anticipated.

Environmental effects are unlikely to result from this minor administrative amendment. As proposed, rezoning land at Howes Valley would correct mapping errors that occurred during the translation of the SLEP 1996 to SLEP 2013. The remainder of the amendment relates to clause and listing of heritage items.

### **Soil, land and agriculture capability**

A soil, land and agricultural capability assessment has not been prepared for the planning proposal. The proposal primarily relates to administrative changes to SLEP 2013 and does not in itself constitute land development. All future development of land within the Singleton LGA would be subject to site specific investigation and assessed on individual merit. Singleton Development Control Plan 2014 provides guidance around the appropriate environmental outcomes for development to avoid any adverse impacts on the environment.

### **Traffic and transport, including public transport**

A traffic, access and transport study has not been prepared for the planning proposal.

The rezoning of Lot 371, DP882063 and Lot 1, DP545913 is the only component of the planning proposal that relates to specific land. The site has direct access to Putty Road, providing access opportunity from the site to the broader road network. The existing level of traffic generated by the sites would remain. No further development of Lot 371 or Lot 1 is proposed as part of this planning proposal. Given the remote location of this land, the area is not serviced by public transport. Existing rural land use activities would continue. Rezoning the sites is not expected to generate additional traffic, access and transport (private and public) impacts.

The remainder of the planning proposal is administrative. It provides for the listing of certain heritage items and clause amendments. Traffic, access and transport impacts are not anticipated.

### **Infrastructure**

Infrastructure requirements are not relevant to the planning proposal as it is administrative and does not relate to specific land. The land at Howes Valley has established infrastructure on-

site that service individual dwellings. Electricity and telecommunications are connected to the site but there is no known gas supply connection. Lot 371 and Lot 1 have on-site water storage tanks that supply potable water and the properties use on-site sewerage management (septic) systems to services the individual lots. Additional demand on infrastructure as a result of the proposal, while unknown is unlikely.

### **Visual amenity**

Given the administrative nature of the planning proposal visual amenity impacts are unlikely.

Lot 371, DP882063 and Lot 1, DP545913, Putty Road, Howes Valley, which is located within the Singleton LGA, approximately 65km south west of Singleton CDB.

Howes Valley is a narrow relatively remote valley area. Agricultural lands are located to the north and west of the sites. The eastern and southern boundaries of Lot 371 and southern boundary of Lot 1, adjoin heavily vegetated conservation land. Yengo National is also located off the south eastern corner of Lot 371. The landscape surrounding the valley is relatively steep and rugged. Visual amenity has not been assessed as part of this proposal. Existing rural activities are expected to continue. The proposal would amend a mapping error that occurred during the making of the SLEP 2013.

### **Flooding**

Overall the proposal is administrative in nature and unlikely to result in adverse environmental effects on surface water.

### **Air Quality**

An air quality assessment has not been prepared for the planning proposal, given its administrative content. The land at Howes Valley, is located in a remote valley setting, is unlikely to generate impacts on air quality as existing rural and residential activities, commensurate with the valley are likely to continue.

### **Noise**

The planning proposal is administrative and a noise impact assessment has not been prepared. The site at Howes Valley is unlikely to generate adverse noise impacts as rural related land use activities would continue, without increased noise disturbance.

### ***3. Has the planning proposal adequately addressed any social and economic effects?***

A detailed social economic impact assessment has not been prepared for the planning proposal. As amended, the proposal would ensure correct landuse information is provided to the local and broader community, particularly for mapping errors, correctly listing heritage items, and appropriate land use. This would result in positive socio-economic benefits.

## **SECTION D: STATE AND COMMONWEALTH INTERESTS**

### ***1. Is there adequate public infrastructure for the planning proposal?***

The amendment does not warrant changes to the delivery of public infrastructure.

**2. What are the views of the State and Commonwealth public authorities proposed to be consulted following the gateway determination?**

As the planning proposal is subject to Gateway determination from the NSW Department of Planning and Environment, the views of relevant State and Commonwealth public authorities are unknown. Given the administrative nature of the proposal, consultation is not required.

## **PART 4 – MAPPING**

Part 2 of this planning proposal describes the effect of the proposal in terms of LEP mapping. Maps showing the site context and proposed LEP map changes are contained in *Appendix C*. Copies of the draft technical LEP maps for the amendment are contained in *Appendix D*.

## **PART 5 – COMMUNITY CONSULTATION**

Community consultation is not required under section 73A of the EP&AA, 1979.

## **PART 6 – PROJECT TIMELINE**

Anticipated timeframes for Gateway Determination and making of the amendment to Singleton LEP 2013 are outlined below:

<b>Task</b>	<b>Timeline</b>
Gateway determination	2/02/2018
Completion of required technical information	Not required under Section 73A of the EP&AA, 1979.
Government agency consultation	Not required under Section 73A of the EP&AA, 1979.
Public exhibition period	Not required under Section 73A of the EP&AA, 1979.
Consideration of submissions	Not required under Section 73A of the EP&AA, 1979.
Submission to the Department to finalise the LEP	22/12/2017
Making of the plan (if delegated)	Council is requesting delegation for this plan.
Forward notification to the Department.	30 March 2018

## CONCLUSION AND RECOMMENDATION

The planning proposal plans to amend the Singleton LEP 2013 by making amendments under Section 73A of the Environmental Planning and Assessment Act, 1979.

As proposed the amendment is administrative in nature. It would:



- Correct obvious cadastral inaccuracies in certain zoning maps,
- Correctly list certain heritage items under Schedule 5, Part 1 and Part 3 of the Singleton LEP 2013; and
- Remove existing holding and related sunset clause provisions under Clause 4.2A of the Singleton LEP 2013.

No additional studies are required for the amendment as it is administrative in nature and should proceed.

This planning proposal has been prepared to explain the intended effect of the proposed amendment to the Singleton Local Environmental Plan 2013 and sets out the justification for making that amendment.

Pursuant to Section 58 of the Environmental Planning and Assessment Act 1979, Council may, at any time, vary the proposal as a consequence of its consideration of any submission or report during community consultation or for any other reason. It may also, at any time, request the Minister to determine that the matter not proceeds.

This planning proposal (version: 1.2) has been reviewed by the Manager Development and Environment and deemed suitable for the purposes of lodgement with the Department of Planning and Environment. It is also deemed suitable for the purposes of lodgement for gateway determination.

		
<b>Gina Hamilton-Avery</b>		<b>Sarah Hyatt</b>
Strategic Land Use Planner		Acting Manager Development and Environment



## APPENDIX:

### ANNEX A - Planning proposal assessment against State Environmental Planning Policies (SEPP's)

SEPP	Overview	Applicable	Consistency
SEPP No. 1 - Development Standards	Makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.	N/A	<p>Clause 1.9(2) of the Singleton Local Environmental Plan 2013 excludes application of the SEPP to the land.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 14 - Coastal Wetlands	Provides for the preservation and protection of coastal wetlands.	N/A	<p>The LEP amendment proposal does not relate to coastal wetlands.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP 19 - Bushland in Urban Areas	Provides for the protection and preservation of bushland in urban areas within certain local government areas.	N/A	<p>The SEPP does not apply to the Singleton LGA.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 21 - Caravan Parks	Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years	N/A	<p>The LEP amendment proposal does not relate to a movable dwelling proposal, caravan park or camping ground.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>

SEPP	Overview	Applicable	Consistency
SEPP No. 26 - Littoral Rainforests	Provides for the preservation of specific littoral rainforest areas identified on the technical map series for the SEPP.	N/A	<p>The LEP amendment proposal does not relate to littoral rainforest areas identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 30 - Intensive Agriculture	Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.	N/A	<p>The LEP amendment proposal does not relate to a cattle feedlot, piggery or composting facility.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 33 - Hazardous and Offensive Development	Requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy.	N/A	<p>The LEP amendment proposal does not relate to 'potentially hazardous' or 'potentially offensive' development.</p> <p>Choose an item.</p>
SEPP No. 36 - Manufactured Home Estates	Helps establish well-designed and properly serviced manufactured home estates in suitable locations.	N/A	<p>The LEP amendment proposal does not relate to a manufactured home estate.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 44 - Koala Habitat Protection	Encourages the conservation and management of natural vegetation areas that provide habitat for	N/A	<p>The site does not contain established trees to constitute potential koala habitat.</p>

SEPP	Overview	Applicable	Consistency
	koalas to ensure permanent free-living populations will be maintained over their present range.		Consistency with the SEPP is not relevant to the proposal.
SEPP No. 47 – Moore Park Showground	Provides for the redevelopment of Moore Park Showground (Sydney) in a manner that is consistent with its status as an area of importance for State and regional planning in New South Wales	N/A	<p>The LEP amendment proposal does not relate to Moore Park Showground as identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 50 - Canal Estates	Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments	N/A	<p>The LEP amendment proposal does not relate to a canal estate.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Requires development consent for certain artificial waterbodies (carried out under farm plans to implement land and water management plans) for land identified on the technical map series for the SEPP,	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 55 - Remediation of Land	Contains state-wide planning controls for the remediation of contaminated land. The policy requires councils to be notified of all remediation proposals and requires lodgement of information for rezoning proposals where the history of use of land is unknown or knowledge incomplete.	N/A	<p>According to the study information for the LEP amendment proposal, the site does not contain contaminated land/potentially contaminated land.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 62 - Sustainable Aquaculture	Encourages the sustainable expansion of aquaculture in NSW.	N/A	The LEP amendment proposal does not relate to aquaculture.

SEPP	Overview	Applicable	Consistency
			Consistency with the SEPP is not relevant to the proposal.
SEPP No. 64 - Advertising and Signage	Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.	N/A	<p>The LEP amendment proposal does not relate to advertising or signage.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 65 - Design Quality of Residential Flat Development	Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development.	N/A	<p>The LEP amendment proposal does not relate to residential flat development.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 70 - Affordable Housing (Revised Schemes)	Provides for revised affordable housing provisions to be inserted into environmental planning instruments for certain land within the Greater Metropolitan Region.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP No. 71 - Coastal Protection	Provides for the preservation and protection of land within the coastal zone.	N/A	<p>The LEP amendment proposal does not relate to land within the coastal zone.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Affordable Rental Housing) 2009	Provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and	N/A	The LEP amendment proposal does not relate to affordable rental housing.

SEPP		Overview	Applicable	Consistency
		expands the role of not-for-profit providers		Consistency with the SEPP is not relevant to the proposal.
SEPP Sustainability BASIX) 2004	(Building Index:	Ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.	N/A	<p>The LEP amendment proposal does not relate to implementation of the BASIX scheme.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Exempt and Complying Development Codes) 2008		Provides exempt and complying development codes that have State-wide application.	N/A	<p>The LEP amendment proposal does not relate to implementation of the exempt and complying development codes.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Housing for Seniors or People with a Disability) 2004		Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.	N/A	<p>The LEP amendment proposal does not relate to housing for seniors or people with a disability.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP 2007	(Infrastructure)	Provides greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.	N/A	<p>The LEP amendment proposal does not affect implementation of the Infrastructure SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Integration and Repeals) 2016		Repeals certain Regional Environmental Plans and State	N/A	The LEP amendment proposal does not relate to the repeal of any

SEPP	Overview	Applicable	Consistency
	Environmental Planning Policies.		Regional Environmental Plans or State Environmental Planning Policies.  Consistency with the SEPP is not relevant to the proposal.
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Provides for the protection and enhancement of alpine resorts in that part of the Kosciuszko National Park identified on the technical map series for the SEPP.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.  Consistency with the SEPP is not relevant to the proposal.
SEPP (Kurnell Peninsula) 1989	Through application of appropriate development controls, provides for the protection of the natural environment of the Kurnell Peninsula (within the Shire of Sutherland) as identified on the technical map series for the SEPP.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.  Consistency with the SEPP is not relevant to the proposal.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State.	N/A	The LEP amendment proposal does not relate to an extractive industry proposal.  Consistency with the SEPP is not relevant to the proposal.
SEPP (Miscellaneous Consent Provisions) 2007	Contains miscellaneous provisions relating to matters such as the subdivision of land, the erection of a building, the demolition of a building and the erection of temporary structures.	N/A	The LEP amendment proposal does not affect implementation of the Miscellaneous Consent Provisions SEPP.  Consistency with the SEPP is not relevant to the proposal.
SEPP (Penrith Lakes Scheme) 1989	Through application of appropriate development controls, provides for the protection of the natural	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.

SEPP	Overview	Applicable	Consistency
	environment and environmental heritage on land identified on the technical map series for the SEPP (Penrith Lakes).		Consistency with the SEPP is not relevant to the proposal.
SEPP (Rural Lands) 2008	Contains rural planning principles and rural subdivision principles, which must be taken into consideration before developing rural land. Provides for rural land to be subdivided below the minimum lot size for subdivision for the purpose of primary production.	Yes	<p>The LEP amendment proposal relates to land within an existing environment protection zone.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (State and Regional Development) 2011	Confers functions on joint regional planning panels to determine development applications for relevant State Significant Development, State Significant Infrastructure and Critical State Significant Infrastructure.	N/A	<p>The LEP amendment proposal does not relate to functions conferred on joint regional planning panels.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (State Significant Precincts) 2005	Facilitates the development, redevelopment and protection of important urban, coastal and regional sites of economic, environmental or social significance to the State, so as to facilitate the orderly use, development or conservation of those State significant precincts for the benefit of the State.	N/A	<p>The LEP amendment proposal does not relate to land within an existing or proposed State significant precinct.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Sydney Drinking Water Catchment) 2011	Through application of appropriate assessment and approval provision, provides for the protection of the Sydney drinking water catchment as identified on the technical map series for the SEPP.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>

SEPP	Overview	Applicable	Consistency
SEPP (Sydney Region Growth Centres) 2006	Provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region as identified on the technical map series for the SEPP.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Three Ports) 2013	Provides a coordinated and consistent approach to the development and re-development of certain land at Port Botany, Port Kembla and the Port of Newcastle (as identified on the technical map series for the SEPP) for port purposes.	N/A	<p>The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Urban Renewal) 2010	Establishes a process for assessing and identifying sites as urban renewal precincts, to facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts, and to facilitate delivery of the objectives of any applicable government State, regional or metropolitan strategies connected with the renewal of urban areas that are accessible by public transport.	N/A	<p>The LEP amendment proposal does not relate to land within an existing or proposed urban renewal precinct.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Aims to protect the biodiversity values of trees and other vegetation in non-rural areas of NSW and preserve the amenity of such areas through the preservation of trees and other vegetation.	Yes	<p>The LEP amendment proposal relates to land within a zone to which the SEPP applies.</p> <p>Consistency with the SEPP is not relevant to the proposal.</p>
SEPP (Western Sydney Employment Area) 2009	Provides for the co-ordinated planning and development of land in the Western Sydney	N/A	The LEP amendment proposal does not relate to land identified on the



SEPP	Overview	Applicable	Consistency
	Employment Area as identified on the technical map series for the SEPP.		technical map series for the SEPP.  Consistency with the SEPP is not relevant to the proposal.
SEPP (Western Sydney Parklands) 2009	Provides for development of the land identified on the technical map series for the SEPP into multi-use urban parkland for the region of western Sydney.	N/A	The LEP amendment proposal does not relate to land identified on the technical map series for the SEPP.  Consistency with the SEPP is not relevant to the proposal.

## ANNEX B - Planning proposal assessment against section 117(2) Ministerial Directions

Ministerial Direction	Overview	Applicable	Consistency
<b>1. Employment and Resources</b>			
1.1 Business and Industrial Zones	Applies to planning proposals affecting existing or proposed business or industrial zone land.  By requiring consistency with the objectives of the direction, retention of areas of business and industrial zoned land, protection of floor space potential, and/or justification under a relevant strategy/study; the direction seeks to protect employment land in business and industrial zones, encourage employment growth in suitable locations and support the viability of identified centres.	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 Rural Zones	Provides for protection of the agricultural production value of rural land by requiring planning proposals to be justified by a relevant strategy or study if they seek to rezone rural zoned land to a residential,	Yes	The LEP amendment proposal relates to land within a proposed rural zone.

Ministerial Direction		Overview	Applicable	Consistency
		business, industrial, village or tourist zone or increase the permissible density of rural (except RU5) zoned land.		Consistency with the direction is not relevant to the proposal.
1.3	Mining, Petroleum Production and Extractive Industries	Seeks to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials is not compromised by inappropriate development.	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>Consistency with the direction is not relevant to the proposal.</p>
1.4	Oyster Aquaculture	Provides for the protection of priority oyster aquaculture areas and surrounds from land uses that may adversely impact upon water quality and consequently, on the health of oysters and oyster consumers.	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	Rural Lands	<p>Applies to planning proposals relating to existing or proposed rural or environmental protection zoned land and proposals that seek to change the minimum lot size for subdivision of such land.</p> <p>By requiring consistency with the rural planning principles and rural subdivision principles of SEPP (Rural Lands) 2008 or justification under a relevant strategy, the direction seeks to protect the agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.</p>	Yes	<p>The LEP amendment proposal relates to land within an existing environmental protection zone.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
<b>2. Environment and Heritage</b>				

Ministerial Direction	Overview	Applicable	Consistency
2.1 Environment Protection Zones	<p>Applies to planning proposals affecting land within an environment protection zone or land otherwise identified for environment protection purposes.</p> <p>Provides for the protection and conservation of environmentally sensitive areas, by ensuring that planning proposals do not reduce the environmental protection standards applying to such land unless it is suitably justified by a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)..</p>	Yes	<p>The LEP amendment proposal relates to land within an existing environmental protection zone.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
2.2 Coastal Protection	<p>Applies to land within a coastal zone, as defined in the Coastal Protection Act 1979.</p> <p>The direction seeks to implement the principles of the NSW Coastal Policy by requiring relevant planning proposals to be consistent with the NSW Coastal Policy, the Coastal Design Guidelines and the NSW Coastline Management Manual or that they be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).</p>	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 Heritage Conservation	<p>Requires relevant planning proposals to contain provisions to facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	Yes	<p>The site contains a listed heritage item under the provisions of the Singleton Local Environmental Plan 2013.</p> <p>The information lodged for the proposal demonstrates</p>

Ministerial Direction	Overview	Applicable	Consistency
			consistency with the direction.
2.4	Recreation Vehicle Areas	Seeks to protect land with significant conservation values and other sensitive land from being developed for the purposes of recreation vehicle areas, unless they are suitably justified under a relevant strategy or study or considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A
			The LEP amendment proposal does not seek to enable land to be developed for the purposes of a recreational vehicle area.  Consistency with the direction is not relevant to the proposal.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.  Requires planning proposals that seek to introduce or alter an E2 or E3 zone into a relevant LEP to be consistent with the Northern Councils E Zone Review Final Recommendations, except where considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A
			The LEP amendment proposal does not relate to land within the local government areas of Ballina, Byron, Kyogle, Lismore or Tweed.  Consistency with the direction is not relevant to the proposal.
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1	Residential Zones	Applies to planning proposals affecting existing or proposed residential zoned land or other zoned land upon, which significant residential development is or will be permitted.  Requires relevant planning proposals to include provisions that encourage housing development, ensures satisfactory arrangements for servicing infrastructure and will not reduce the permissible residential density of land; unless it is suitably justified	N/A
			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.  Consistency with the direction is not relevant to the proposal.

Ministerial Direction	Overview	Applicable	Consistency
	under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		
3.2 Caravan Parks and Manufactured Home Estates	<p>Applies to planning proposals that seek to identify suitable zones and/or locations and/or provisions for caravan parks or manufactured home estates (excludes certain land reserved or dedicated under the Crown Lands Act 1989 National Parks and Wildlife Act 1974).</p> <p>Provides for a variety of housing types and opportunities for caravan parks and manufactured home estates, through application of requirements for relevant planning proposals.</p>	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 Home Occupations	<p>Requires home occupations to be permissible without development consent in dwelling houses under the relevant provisions of a planning proposal, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate), it is considered to be of minor significance.</p>	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 Integrating Land Use and Transport	<p>Requires planning proposals, which seek to create, alter or remove a zone or provision relating to urban land (including land zoned for residential, business, industrial, village or tourist purposes), to be consistent with the aims, objectives and principles of 'Improving Transport Choice – Guidelines for planning and development' and 'The Right Place for Business and Services – Planning Policy' or that they</p>	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>

Ministerial Direction	Overview	Applicable	Consistency
	be suitably justified under a relevant strategy or study or be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate)..		
3.5 Development Near Licensed Aerodromes	Applies development criteria and consultation requirements to planning proposals that seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. Inconsistency with the development criteria and/or consultation requirements can be considered if the inconsistency is suitably justified under a relevant strategy or study or is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	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 Shooting Ranges	Requires planning that proposals not rezone land adjacent to and/ or adjoining to an existing shooting range where it would permit more intensive land uses than those that are permitted under the existing zone or land uses that are incompatible with the noise emitted by the existing shooting, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	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>
<b>4. Hazard and Risk</b>			
4.1 Acid Sulfate Soils	Requires the provisions of planning proposals must be consistent with the Acid	N/A	According to the study information for the LEP amendment proposal,

Ministerial Direction		Overview	Applicable	Consistency
		Sulfate Soils Planning Guidelines and other such relevant provisions provided by the Director-General of the Department of Planning, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		the site does not contain acid sulfate soils/potential acid sulfate soils.  Consistency with the direction is not relevant to the proposal.
4.2	Mine Subsidence and Unstable Land	Applies requirements to planning proposals that would have the effect of permitting development on land within a proclaimed Mine Subsidence District, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	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.  Consistency with the direction is not relevant to the proposal.
4.3	Flood Land	Prone Applies requirements for planning proposals that seek to create, remove or alter a zone or a provision that affects flood prone land except where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	The LEP amendment proposal relates to flood prone land within the meaning of the NSW Government's 'Floodplain Development Manual 2005'.  The information lodged for the proposal demonstrates consistency with the direction.
4.4	Planning Bushfire Protection	for Applies requirements for planning proposals affecting land mapped as being bushfire prone land (or land in proximity to such land); except where the Commissioner of the NSW Rural Fire Service has issued written advice to Council that,	Yes	The LEP amendment proposal relates to bushfire prone land.  The information lodged for the proposal demonstrates consistency with the direction.





Ministerial Direction	Overview	Applicable	Consistency
	Planning and Environment (or nominated delegate); consistency with the North Coast Regional Plan 2036 and Section 4 of the report titled Northern Rivers Farmland Protection Project - Final Recommendations, (February 2005), would be achieved.		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Applies requirements to planning proposals that affect land that is traversed by the Pacific Highway, within the Port Stephens and Tweed Shire Council LGA's, to (inter-alia) protect the function of the highway and manage commercial and retail development along the highway except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); non-compliance with the requirements of the direction is considered to be of minor significance.	N/A	<p>The LEP amendment proposal does not relate to land traversed by the Pacific Highway.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
<u>Note:</u> Directions 5.5 – 5.7 have been repealed.			
5.8 Second Sydney Airport: Badgerys Creek	Provides that planning proposal must not contain provisions, that would permit the carrying out of development which could hinder the potential for development of a Second Sydney Airport at Badgerys Creek, unless the provision(s) are suitably justified under a relevant strategy or study or considered to be of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).	N/A	<p>The LEP amendment proposal does not relate to land at Badgerys Creek.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
5.9 North West Rail Link Corridor Strategy	Provides that planning affecting land located within the North West Rail Link (NWRL) Corridor must be consistent with the NWRL Corridor Strategy and the	N/A	The LEP amendment proposal does not relate to land located within the North West Rail Link Corridor.

Ministerial Direction	Overview	Applicable	Consistency
	objectives of the direction, except where the proposal is suitably justified under a relevant strategy or study or where non-compliance is of minor significance in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate).		Consistency with the direction is not relevant to the proposal.
5.10 Implementation of Regional Plans	Requires that planning proposals be consistent with relevant regional strategies released by the Minister for Planning, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	Yes	<p>The Hunter Regional Plan 2036 (HRP) applies to the LEP amendment proposal.</p> <p>The information lodged for the proposal demonstrates consistency with the direction.</p>
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	Applies requirements for planning proposals, which seek to incorporate provisions into a Local Environmental Plan (LEP) that require concurrence, consultation or development application referral to a minister or public authority.	N/A	<p>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.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
6.2 Reserving Land for Public Purposes	Applies requirements to planning proposals which seek to create, alter or reduce existing zonings or reservations of land for public purposes.	N/A	<p>The LEP amendment proposal does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.</p> <p>Consistency with the direction is not relevant to the proposal.</p>

Ministerial Direction	Overview	Applicable	Consistency
6.3 Site Specific Provisions	Applies requirements for planning proposals seeking to incorporate provisions into an environmental planning instrument so as to amend another environmental planning instrument.	N/A	<p>The LEP amendment proposal does not seek to incorporate provisions into the instrument that would amend another environmental planning instrument.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
<b>7. Metropolitan Planning</b>			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Requires that relevant planning proposals be consistent with the NSW Government's 'A Plan for Growing Sydney' (Dec 2014), except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A	<p>The LEP amendment proposal does not relate to land to which the NSW Government's 'A Plan for Growing Sydney' (Dec 2014) applies.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	Provides that planning proposals affecting land located within the Greater Macarthur Land Release Investigation Area, as identified in the Preliminary Strategy; must be consistent with the Preliminary Strategy, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A	<p>The LEP amendment proposal does not relate to land within the Greater Macarthur Land Release Investigation Area.</p> <p>Consistency with the direction is not relevant to the proposal.</p>
7.3 Parramatta Road Corridor Urban Transformation Strategy	Provides for the incremental transformation and development of land identified on the Parramatta Road Corridor Map (on pages 14 and 15) contained in the Parramatta Road	N/A	The LEP amendment proposal does not relate to land identified on the Parramatta Road Corridor Map of the Parramatta Road Corridor Urban

Ministerial Direction	Overview	Applicable	Consistency
	Corridor Urban Transformation Strategy (November, 2016), where consistent with the strategy and associated corridor implementation toolkit.		Transformation Strategy.  Consistency with the direction is not relevant to the proposal.
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the North West Land Use and Infrastructure Strategy, except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A  The LEP amendment proposal does not relate to land to which the North West Land Use and Infrastructure Strategy applies.  Consistency with the direction is not relevant to the proposal.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A  The LEP amendment proposal does not relate to land to which the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan applies.  Consistency with the direction is not relevant to the proposal.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Requires that relevant planning proposals be consistent with the Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan except where, in the opinion of the Secretary of the NSW Department of Planning and Environment (or nominated delegate); the inconsistency is considered to be of minor significance and the intent of the strategy is not undermined.	N/A  The LEP amendment proposal does not relate to land to which the Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan applies.  Consistency with the direction is not relevant to the proposal.

ANNEX C - EXPLANATORY MAPS

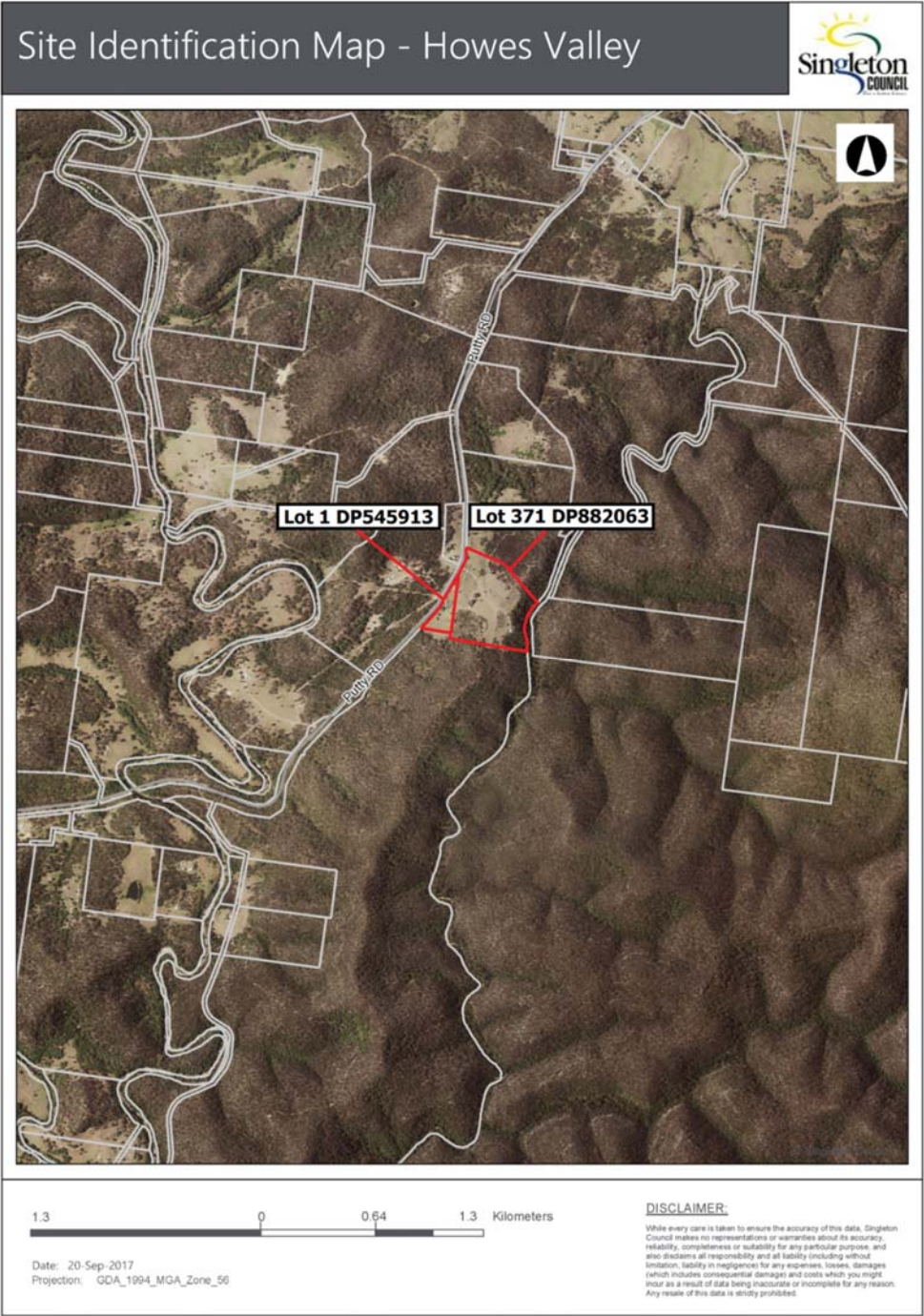
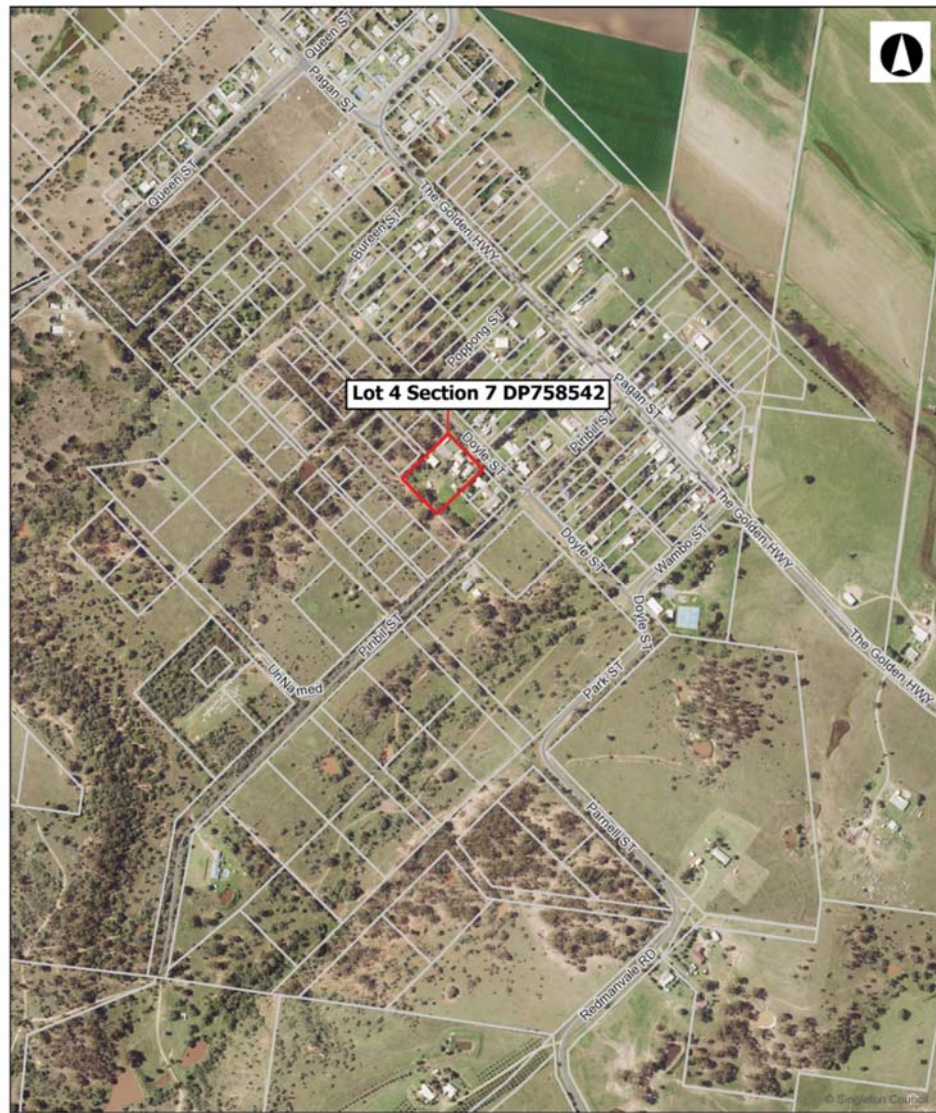


Figure 1: Site Identification Map - Howes Valley



## Site Identification Map - Jerrys Plains



0.4 0 0.19 0.4 Kilometers

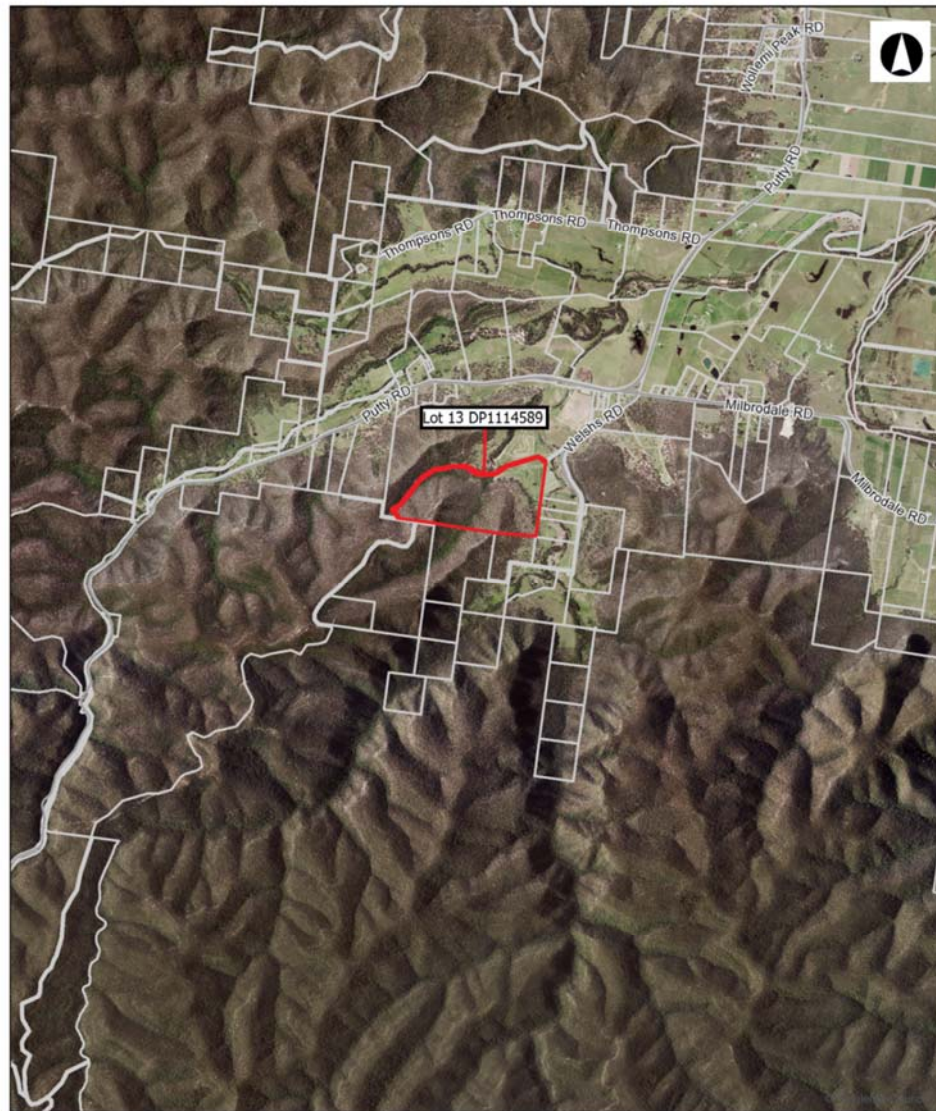
Date: 20-Sep-2017  
Projection: GDA\_1994\_MGA\_Zone\_56

### DISCLAIMER

While every care is taken to ensure the accuracy of this data, Singleton Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose, and also disclaims all responsibility and all liability (including without limitation, liability in negligence) for any expenses, losses, damages (which includes consequential damages) and costs which you might incur as a result of data being inaccurate or incomplete for any reason. Any resale of this data is strictly prohibited.

Figure 2: Site Identification Map - Jerrys Plains

# Site Identification Map - Baime Cave, Milbrodale



2.5 0 1.27 2.5 Kilometers

Date: 20-Sep-2017  
Projection: GDA\_1994\_MGA\_Zone\_56

## **DISCLAIMER:**

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**Figure 3: Site Identification Map - Baime Cave, Milbrodale**



# Site Identification Map - Neotsfield, Whittingham



1.3 0 0.64 1.3 Kilometers

Date: 20-Sep-2017  
Projection: GDA\_1994\_MGA\_Zone\_56

## DISCLAIMER

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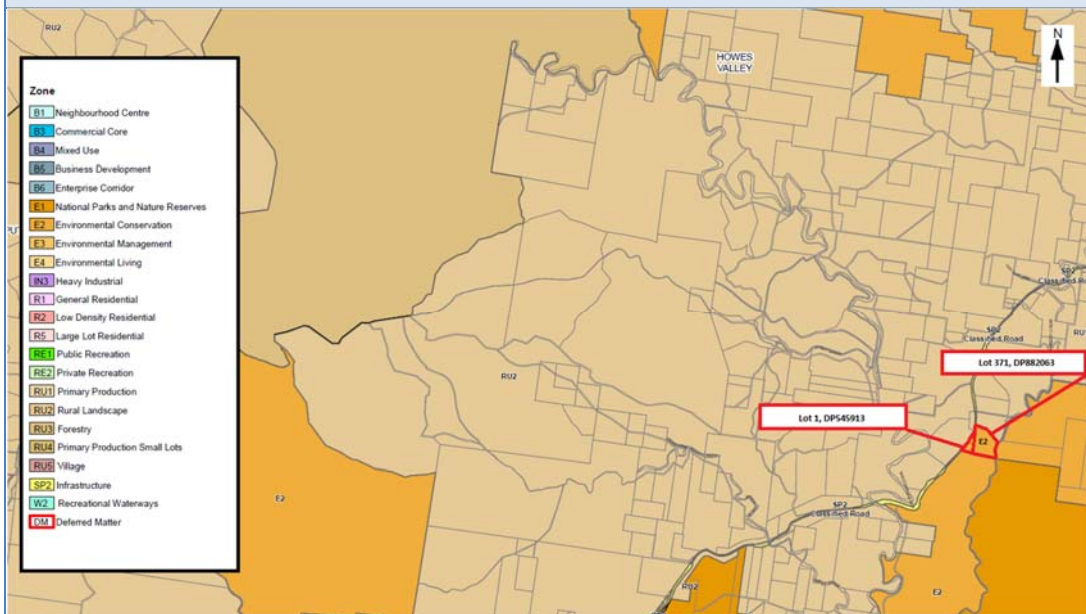
Figure 4: Site Identification Map - Neotsfield, Whittingham



### Current land use zoning

The land at Howes Valley (Lot 371, DP882063 and Lot 1, DP545931) is currently zoned *E2 Environmental Conservation*, under the SLEP 2013. The remainder of the planning proposal relates to administrative matters not zone changes (Refer to Figure 2: Current Land Use Zoning – Singleton LEP 2013).

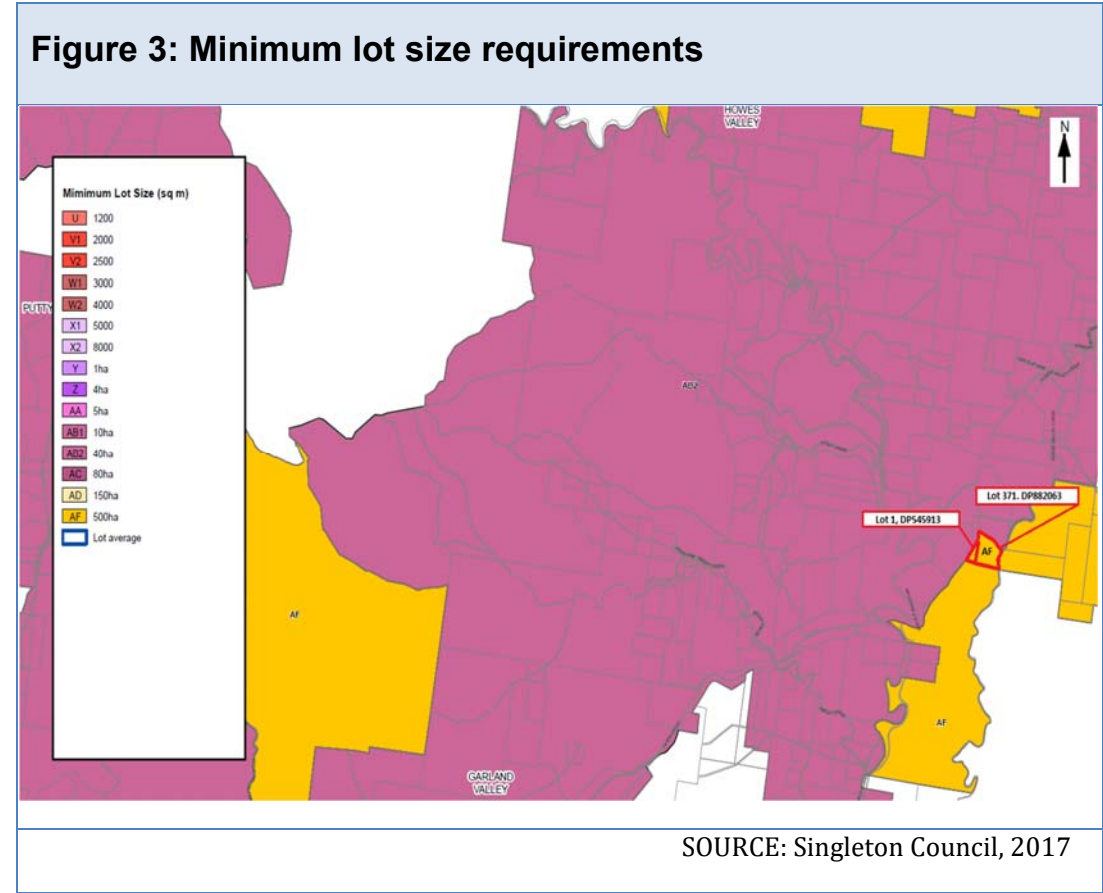
**Figure 2: Current land use zone(s) applying to the land**



SOURCE: Singleton Council, 2017

**Current minimum lot size requirements**

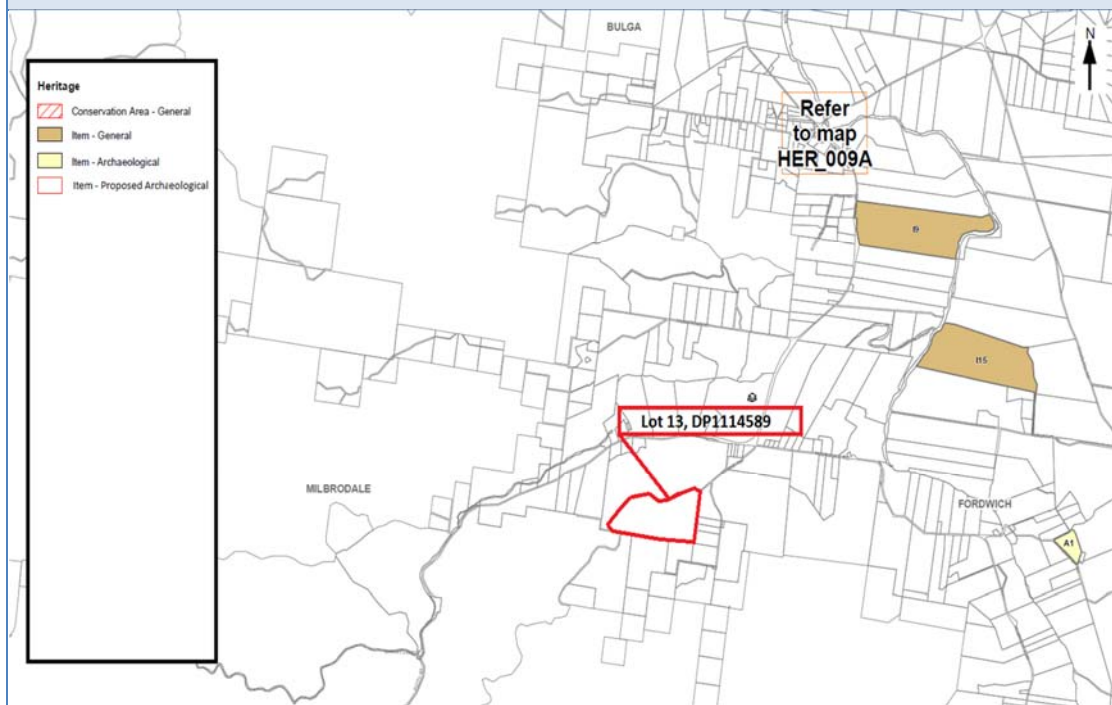
The land at Howes Valley (Lot 371, DP882063 and Lot 1, DP545931) is currently zoned *E2 Environmental Conservation*, under the SLEP 2013. Minimum lot size requirements that apply to the E2 zone are 500 hectares. The remainder of the planning proposal relates to administrative matters not zone changes (Refer to Figure 3: Current Minimum Lot Size Map – Singleton LEP 2013).



## Current Heritage Map

The current heritage map does not identify Baime Cave (Lot 13, DP1114589) as being an item of State significance, under Schedule 5, Part 3, of the *Singleton Local Environmental Plan 2013*. (Refer to Figure 4: Current Heritage Map – Singleton LEP 2013).

**Figure 4: Current Heritage Map – Baime Cave, Milbrodale**

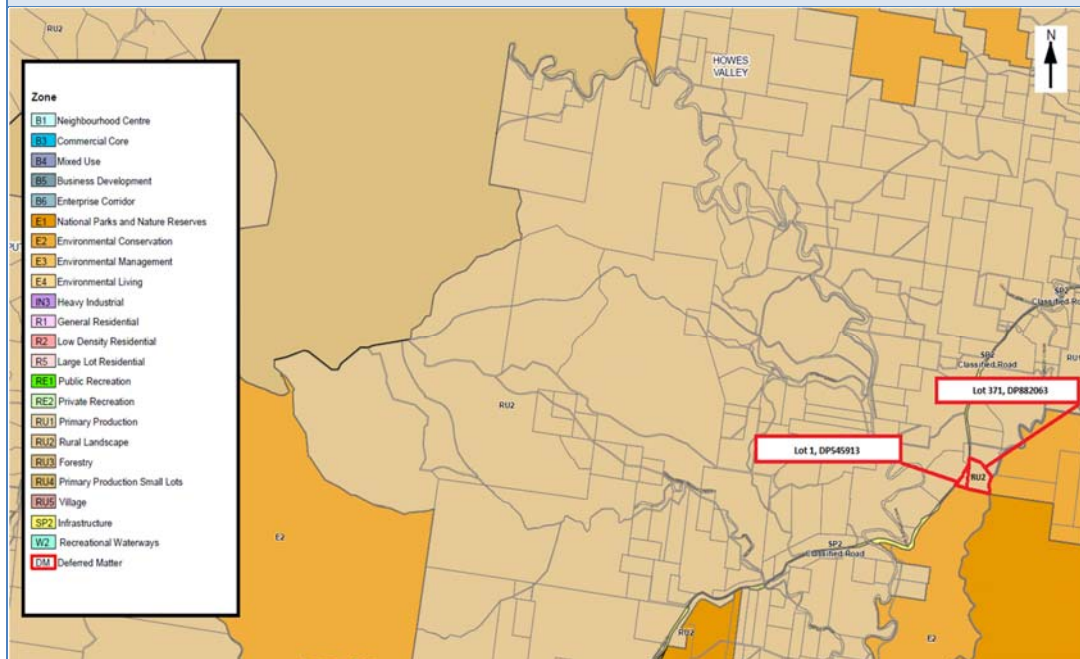


SOURCE: Singleton Council, 2016

## Change(s) to land use zoning

Proposed changes to the land use zoning, primarily relates to land at Howes Valley (Lot 317, DP882063 and Lot 1, DP545913). The planning proposal would apply zone *RU2 Rural Landscape*, under the SLEP 2013, to the sites (Refer to Figure 4: Proposed land use zones – Howes Valley – Singleton LEP 2013).

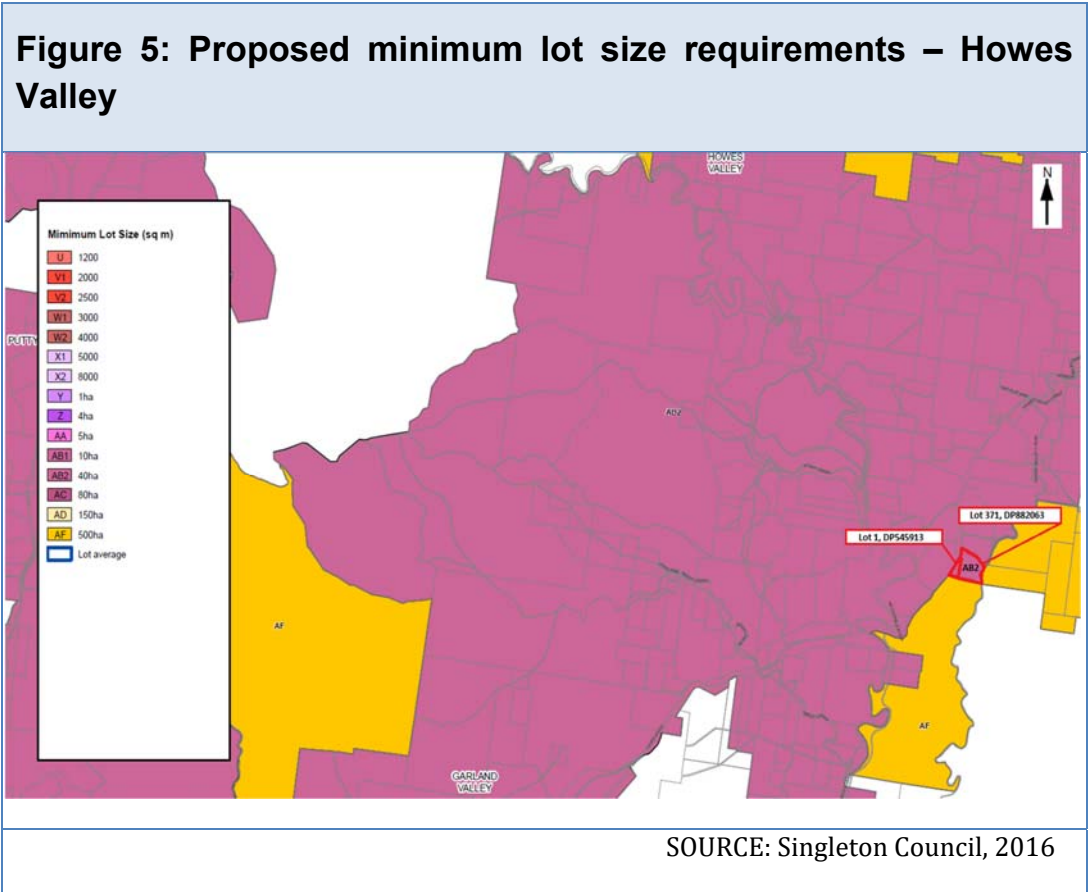
**Figure 4: Proposed land use zoning – Howes Valley**



SOURCE: Singleton Council, 2016

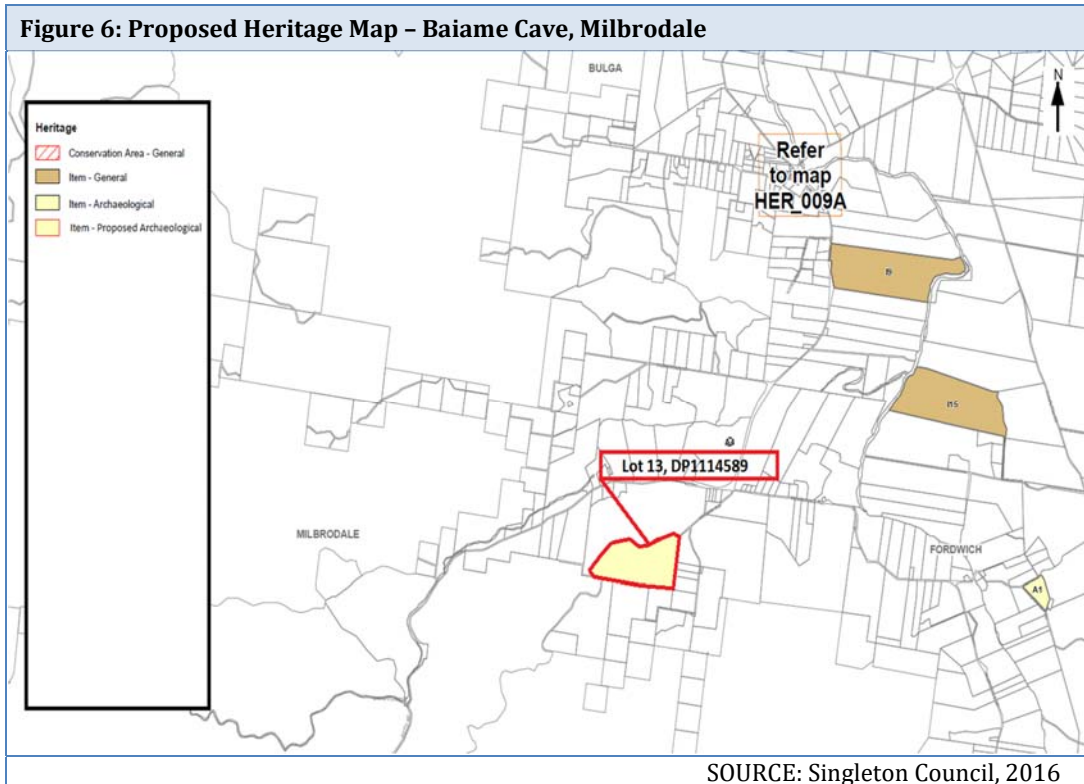
**Change(s) to minimum lot size requirements**

The proposed minimum lot size requirements, under zone *RU2 Rural Landscape* for the land at Howes Valley (Lot 371, DP882063 and Lot 1, DP545913) is 40 hectares (Refer to Figure 5: Proposed minimum lot size requirements – Howes Valley – Singleton LEP 2013).



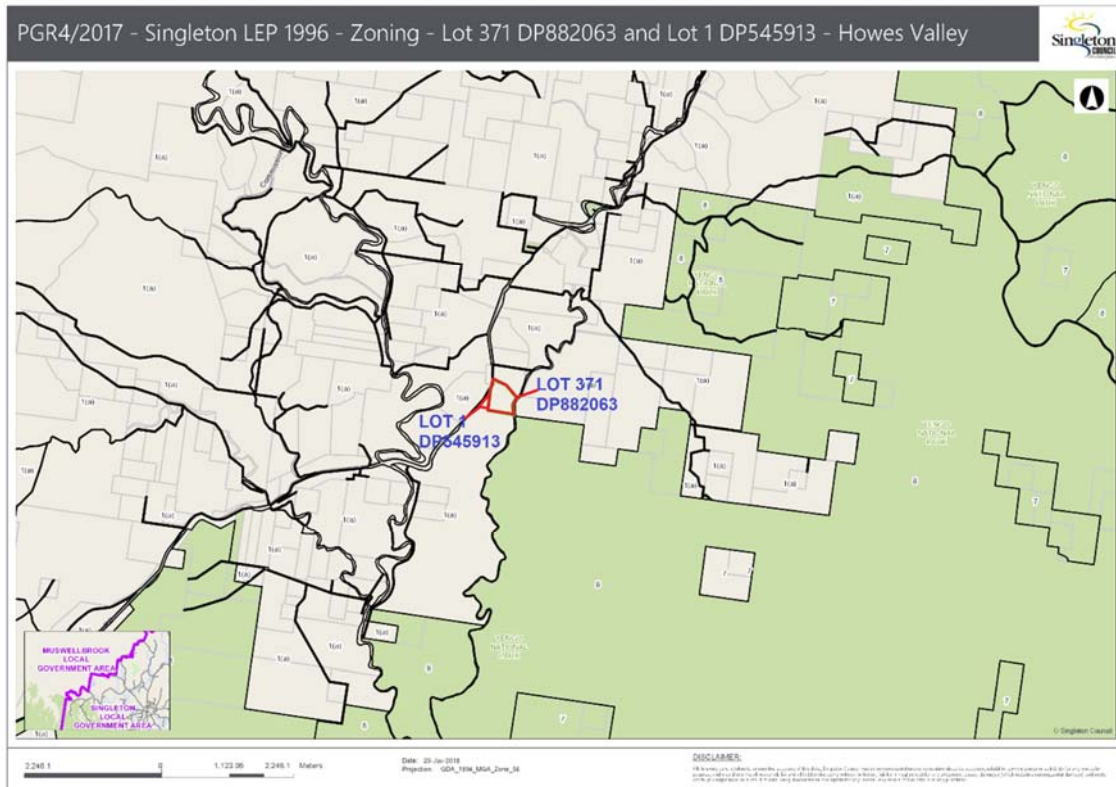
### Change(s) to Heritage Map

The planning proposal would identify Baiame Cave (Lot 13, DP1114589) as being an item of State heritage significance, under Schedule 5, Part 3, of the SLEP 2013 (Refer to Map 6: Proposed Heritage Map – Baiame Cave, Milbrodale – Singleton LEP 2013).





## ANNEX D – Additional Support Information



**Figure 1: Singleton LEP 1996 - Land Zoning Map - Howes Valley (Note: 1(a) Rural Zone and Zone 8 – National Parks and Nature Reserves Zone)**

New South Wales Government  
**NSW legislation**

SearchBrowseNotification-GazetteAs MadeBillsLegInfoLinks

Contents (1996 - 303)
Skip contents

### Singleton Local Environmental Plan 1996

#### Status information

#### Part 1 Preliminary

- What is this plan called?
- What are the aims and objectives of this plan?

#### "Greylands" & Outbuildings

- GOWRIE  
Maison Dieu Road  
Gowrie Private Cemetery
- JERRY'S PLAINS**  
Doyle Street  
Police Station  
Public School

Figure 2: Singleton LEP 1996 - Heritage Listing Schedule 3 - Jerry's Plains Public School (Outlined in Red)

New South Wales Government  
**NSW legislation**

SearchBrowseNotification-GazetteAs MadeBillsLegInfoLinks

Zone RE1 Public Recreation  
Zone RE2 Private Recreation  
Zone E1 National Parks and Nature Reserves  
Zone E2 Environmental Conservation  
Zone E3 Environmental Management  
Zone E4 Environmental Living  
Zone W2 Recreational Waterways

#### Part 3 Exempt and complying development

##### 3.1 Exempt development

##### 3.2 Complying development

##### 3.3 Environmentally sensitive areas excluded

#### Part 4 Principal development standards

##### 4.1 Minimum subdivision lot size

##### 4.565 Minimum subdivision lot size for community title schemes

Frederick	"Chertree"	124 Coleridge Road	Lot 18, DP 10022	Local	111
Glenbrook	St Mary's Anglican Teacher Church	82 Glenbrook Lane	Lot 1, DP 1005810	Local	116
Glenbrook	"Glenbrook" and outbuildings	923 Glenbrook Road	Lot 3, DP 563490	Local	117
Glenbrook Brook	"Moorvale"	1108 Glenbrook Road	Lot 142, DP 4113191	Local	118
Glenbrook Creek	"Kangaroo" homestead (formerly "Dulrick")	482 Middle Fallow Road	Lot 8, DP 248454	Local	119
Glenwidling	Glenwidling Presbyterian Church Cemetery	Patty Road	Part Lot 1, DP 910418	Local	120
Glenwidling	Forest pumping station	15 Waterworks Lane		Local	121
Gowrie	Gowrie Private Cemetery	3 Hanchindra Hill Road	Part Lot 4, DP 873262	Local	122
Greenlands	"Greylands" and outbuildings	665 Greenagulla Road	Lot 111, DP 1085409	Local	123
Hanchindra Hill	"Hanchindra Hill"	531 Hanchindra Hill Road	Lot 3, DP 749894	Local	124
Jerry Plains	Police station	28-30 Doyle Street	Lots 14-16, Section 4, DP 738142	Local	125
Jerry Plains	Police station	21-23 Doyle Street	Lot 4, Section 1, DP 738142	Local	125

Figure 3: Singleton LEP 2013 - Heritage Listing Schedule 5 - Jerry's Plains Public School (Outlined in Red)



New South Wales Government  
NSW legislation

Search Browse Notification-Gazette As Made Bills LegInfo Links

Contents (1996 - 303) Skip contents

### Singleton Local Environmental Plan 1996

#### Status information

#### Part 1 Preliminary

- 1 What is this plan called?
- 2 What are the aims and objectives of this plan?
- 3 How are the aims and objectives implemented?
- 4 Where does this plan apply?
- 5 How does this plan affect other environmental planning instruments?
- 6 How does this plan affect covenants etc?
- 7 Who is the consent authority for this plan?
- 8 How is consultation with Government Departments undertaken?
- 9 How are terms defined in this plan?

#### Part 2 General restrictions on development of land

- 10 What temporary use of land is allowed?
- 11 What general subdivision controls apply?
- 12 What provisions apply generally to subdivision in the Rural and Environment Protection Zones?
- 13 (Repealed)
- 14 What provisions apply to subdivision in the Hobby Farms and Rural Small Holdings Zones?
- 14A What provisions apply generally to development in the Gowrie Links, Huntergreen and Bridgman Ridge Urban Release Areas?
- 14B Development in the Whittingham Industrial Estate
- 14C Development in the Burbank Crescent residential estate
- 14D Development in the Standen Drive Environmental Living Estate
- 14E Development in Radford Park Rural-Residential Release Area
- 14F Development in Elderslie Road South Rural-Residential Release Area
- 14G Development in certain other release areas
- 14H (Repealed)
- 15 What zones apply in this plan?
- 16 How do zone objectives and zoning controls affect land?

### Schedule 3 Heritage items

(numbers in parentheses are street numbers)

#### Part 1 Items classified as being of State significance

- BRANXTON
  - "Dalwood" Homestead & Outbuildings
- LIDDELL
  - Old Singleton Road
  - Former Chain of Ponds Hotel
- SINGLETON
  - Church & Bathurst Streets
  - Showground Group
  - Elizabeth Street
  - Court House & Associated Buildings (39)
  - George Street
  - Former Post Office
  - "Ewbank" & Outbuildings
  - Howe Street
  - Crail House
- WARKWORTH
  - "Wambo" & Outbuildings
- WHITTINGHAM
  - "Baroona" & Outbuildings
  - "Minimbah" & Outbuildings
  - Neotsfield Lane
  - "Neotsfield"

Figure 4: Singleton LEP 1996 - Heritage Listing Schedule 3 - Neotsfield – Whittingham (Outlined Red and Green)

New South Wales Government NSW legislation							legislat
Search	Browse	Notification-Gazette	As Made	Bills	LegInfo	Links	
Zone R21 Public Recreation	Singleton	Former police station	83-87 York Street	Lot 1, DP 561563	Local	1139	
Zone R22 Private Recreation	Stadhope	Johnson Cottage	426 Stadhope Road	Lot 6, DP 57589	Local	1140	
Zone E1 National Parks and Nature Reserves	Warkworth	"Archerfield" and outbuildings	Off Comber Road	Lot 2, DP 876447	Local	1141	
Zone E2 Environmental Conservation	Warkworth	St Philip's Church	Off High Road	Part Lot 21, DP 755267	Local	1143	
Zone E3 Environmental Management	Warkworth	"Stuffed", homestead and "Clifford", homestead (ruins)	Long Point—West Road	Lot 25, DP 58779	Local	1142	
Zone E4 Environmental Living	Warkworth	"Wambo" homestead and outbuildings	Off The Golden Highway	Lot 82, DP 548749	State	1144	
Zone W2 Recreational Waterways	West Gosford	Beckers Bridge	218 Main Road	Road reserve	State	1147	
Part 3 Exempt and complying development	Westbrook	"Spottwood"	462B Merriam Road	Lot 90, DP 730286	Local	1145	
3.1 Exempt development	Westbrook	"Oliver Nevins"	399 Westbrook Road	Lot 11, DP 1002203	Local	1146	
3.2 Complying development	Whittingham	Whittingham Anglican Cemetery	Cemetery Lane	Lot 46, DP 1116691	Local	1148	
3.3 Environmentally sensitive areas excluded	Whittingham	"Minimbah" and outbuildings	119B Mainimbah Road	Lot 1, DP 157881	Local	1149	
Part 4 Principal development standards	Whittingham	"Neotsfield"	Neotsfield Lane	Lot 36, DP 871098	Local	1150	
4.1 Minimum subdivision lot size							
4.1A Minimum subdivision lot size for community title schemes							

Figure 5: Singleton LEP 2013 - Heritage Listing Schedule 5 - Neotsfield Whittingham (Outlined Red and Green)

## NSW Heritage Council Advice – Baiame Cave



**Heritage Council**  
of New South Wales

3 Marist Place  
Parramatta NSW 2150

Telephone: 61 2 9873 8500  
Facsimile: 61 2 9873 8599

Locked Bag 5020  
Parramatta NSW 2124  
DX 8225 PARRAMATTA

[heritage@heritage.nsw.gov.au](mailto:heritage@heritage.nsw.gov.au)  
[www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au)

Contact: Bronwyn Hanna  
Phone: 02 9873 8585  
Fax: 02 9873 8599  
Email: [bronwyn.hanna@environment.nsw.gov.au](mailto:bronwyn.hanna@environment.nsw.gov.au)  
File: EF14/6345

Steve McGrath  
General Manager  
Singleton Council  
PO Box 314  
SINGLETON NSW 2330



Mr McGrath

**Re: Listing on the State Heritage Register:  
Baiame Cave, Milbrodale Notice pursuant to 37(1)(a) of the *Heritage Act 1977*  
(NSW)**

I advise that the Minister for Heritage has, on the recommendation of the Heritage Council of NSW, directed the listing of the above-mentioned heritage item on the State Heritage Register. The listing, a copy of which is attached, was published on 31 July 2015 in Government Gazette No. 64 p 2271.

The item was listed due to its heritage significance to the people of the state of New South Wales. The details of the item, including the statement of significance, can be viewed on the SHR via the Heritage Division, Office of Environment & Heritage (OEH) website at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au) by selecting *Search the State Heritage Register* and following the instructions.

Should you have any enquiries regarding this matter, please contact Bronwyn Hanna, Heritage Officer at the Heritage Division, OEH, on 9873 8500.

Yours sincerely

07-08-2015

**Dr Siobhan Lavelle OAM**  
Manager, Listings  
Heritage Division  
Office of Environment & Heritage

**As Delegate of the Heritage Council of NSW**

encl  
Curtilage map  
Gazettal notice

Helping the community conserve our heritage



**State Heritage Register - SHR 1942, Plan 2611**  
**Baime Cave**

Gazettal Date: 31 July 2015

0 100 200 Metres

Scale: 1:5,000  
 Datum/Projection: GCS GDA 1994



**Legend**

- SHR Curtilage
- Land Parcels
- LGAs
- Suburbs

## Government Notices

- b. Weeding, watering, mowing, top-dressing, pest control and fertilizing necessary for the continued health of plants, without damage or major alterations to layout, contours, plant species or other significant landscape features.
- c. Pruning (to control size, improve shape, flowering or fruiting and the removal of diseased, dead or dangerous material) between 10% and 30% of the canopy of a tree within a period of 2 years.
- d. Removal of dead or dying trees which are to be replaced by trees of the same species in the same location.
- e. Tree surgery by a qualified arborist, horticulturist or tree surgeon necessary for the health of those plants.

### 7. Farming

All activities associated with the ongoing use of the land for domestic, pastoral and agricultural purposes, including road maintenance and fencing but excluding any new development or construction that would materially affect the significance of the item.

### 8. Safety and Security

- a. The erection of temporary security fencing, scaffolding, hoardings or surveillance systems to prevent unauthorised access or secure public safety which will not adversely affect significant fabric of the Cox's Road and Early Deviations including landscape or archaeological features of its curtilage.
- b. Emergency stabilisation, erosion control, hazard reduction or bushfire prevention works, necessary to secure safety where Cox's Road and Early Deviations precincts have been damaged or destabilised and there exists a safety risk to users or the public.

### 9. Bushfire Prevention

To permit the undertaking of fire prevention works in accordance with a Local Council, NPWS or Rural Fire Services approved Fire Management Plan for any Cox's Road and Early Deviations precinct. This includes works relating to hazard reduction, reduce vulnerability, maintain defensible space and protect, maintain and enhance the biodiversity and ecological values of any relevant Cox's Road and Early Deviations precincts or adjoining land Reserves.

### 10. Minor Development Endorsed by the Heritage Council of NSW

Minor development specifically identified as exempt development by a conservation policy or strategy within a conservation management plan or a conservation management strategy which has been endorsed by the Heritage Council of NSW, where such work would not materially impact on heritage significance.

### 11. Works on Private Land

The listing of Cox's Road and Early Deviations includes some small areas within private freehold land holdings as shown on the Heritage Council Plans prepared for the listing. The Heritage Council's interest for Cox's Road and Early Deviations—Woodford, Old Bathurst Road Precinct is confined to the area within the listing boundary as shown on HC Plan 2640.

Affected land parcels are:

Part Lot 2/1083452  
Part Lot 2/562051  
Part Lot 1/133947

The Heritage Council's interest is confined to works which directly affect the area of the Cox's Road and Early Deviations identified by the listing and specifically, to works which would affect the historic fabric of the road.

All other works within these allotments (not in the listed area) are exempt from the need to seek approval under the *Heritage Act 1977*.

## HERITAGE ACT 1977

Notice of Listing on the State Heritage Register  
under Section 37 (1) (b)

Baiaume Cave  
Welshs Road, Milbrodale

SHR No 1942

In pursuance of section 37 (1) (b) of the *Heritage Act 1977* (NSW), the Heritage Council gives notice that the item of environmental heritage specified in Schedule "A" has been listed on the State Heritage Register in accordance with the decision of the Minister for Heritage made on 23 July 2015 to direct the listing. This listing applies to the curtilage or site of the item, being the land described in Schedule "B".

HERITAGE COUNCIL OF NEW SOUTH WALES

### Schedule "A"

The item known as Baiaume Cave, situated on the land described in Schedule "B".

### Schedule "B"

All those pieces or parcels of land known as Part Lot 13 DP 1114589 in Parish of Milbrodale, County of Northumberland shown on the plan catalogued HC 2611 in the office of the Heritage Council of New South Wales.