



New South Wales

Singleton Local Environmental Plan 1996 (Amendment No 45)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (NEW0000326-3)

KRISTINA KENEALLY, M.P.,
Minister for Planning

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Clause 1 Singleton Local Environmental Plan 1996 (Amendment No 45)

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under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Singleton Local Environmental Plan 1996 (Amendment No 45)*.

2 Aims of plan

The aims of this plan are as follows:

- (a) to introduce a new zone (Zone 4 (b) (Heavy Industrial Zone)):
 - (i) to provide principally for heavy industrial development, and
 - (ii) to separate incompatible uses, and
 - (iii) to maximise efficiency in providing utility, transport and other services,
- (b) to enable the development of a major industrial estate (the Whittingham Industrial Estate) by rezoning certain land principally for heavy industrial development and environmental conservation purposes,
- (c) to direct the development of land for urban purposes to ensure sensitivity to physical, social and natural environmental values, and environmental heritage,
- (d) to achieve ecological sustainability by the harmonious integration of the natural and the developed landscape,
- (e) to provide controls for industrial development and protect the environment,
- (f) to provide controls for the protection of potentially significant ecological areas in certain parts of the land to which this plan applies,
- (g) to prohibit development for the purposes of bulky goods premises, as defined by the *Standard Instrument (Local Environmental Plans) Order 2006*, on land proposed to be in Zone 4 (b) (Heavy Industrial Zone),

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- (h) to prohibit development for the purposes of neighbourhood shops, as defined by the *Standard Instrument (Local Environmental Plans) Order 2006*, on land proposed to be in Zone 4 (b) (Heavy Industrial Zone).

3 Land to which plan applies

This plan applies to the Whittingham Industrial Estate, being Lot 1, DP 33992, Bell Road, Belford and Lot 4, DP 621020, Lot 1, DP 653039, Lot 2, DP 86239 and Lot 1, DP 806861, New England Highway, Whittingham, as shown edged heavy black on the map marked "Singleton Local Environmental Plan 1996 (Amendment No 45)", deposited in the office of Singleton Council.

4 Amendment of Singleton Local Environmental Plan 1996

Singleton Local Environmental Plan 1996 is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 4)

[1] Clause 9 How are terms defined in this plan?

Insert in appropriate order in the definition of *the map* in clause 9 (1):

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[2] Clause 14B

Insert after clause 14A:

14B Development in the Whittingham Industrial Estate

(1) Application

This clause applies to land in Whittingham Industrial Estate, but does not apply to such land if the whole or any part of it is in a special contributions area (as defined by section 93C of the Act).

(2) Objectives

The objectives of this clause are:

- (a) to require satisfactory arrangements to be made for the provision of designated State public infrastructure before the subdivision of land in Whittingham Industrial Estate to satisfy needs that arise from development on the land, but only if the land is developed intensively, and
- (b) to ensure that development on land in Whittingham Industrial Estate occurs in a logical and cost-effective manner, in accordance with a staging plan, and only after a development control plan including specific controls has been prepared for the land.

(3) Restrictions on subdivision of land

Development consent must not be granted for the subdivision of land in Whittingham Industrial Estate if the subdivision would create a lot smaller than the minimum lot size permitted on the land immediately before the commencement of this clause, unless the Director-General has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.

- (4) Subclause (3) does not apply to:
- (a) any lot identified in the certificate as a residue lot, or
 - (b) any lot created by a subdivision previously consented to in accordance with this clause, or
 - (c) any lot that is proposed in the development application to be reserved or dedicated for public open space, public roads, public utility undertakings, educational facilities or any other public purpose, or
 - (d) a subdivision for the purpose only of rectifying an encroachment on any existing lot.
- (5) *State Environmental Planning Policy No 1—Development Standards* does not apply to the subdivision of land to which subclause (3) applies.
- (6) **Public utility infrastructure arrangements**
- Development consent must not be granted for development on land in Whittingham Industrial Estate unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.
- (7) Subclause (6) does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.
- (8) **Development control plan required**
- Development consent must not be granted for development on land in Whittingham Industrial Estate unless a development control plan that provides for the matters specified in subclause (9) has been prepared for the land.
- (9) The development control plan must provide for all of the following:
- (a) a staging plan for the timely and efficient release of land making provision for necessary infrastructure and sequencing, including a detailed water and sewer servicing plan,
 - (b) appropriate controls to ensure that the site is developed principally for heavier industrial uses, and uses requiring large lot area or significant areas for separation and buffering purposes,
 - (c) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a

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- simple and safe movement system for private vehicles and public transport (including rail access), pedestrians and cyclists,
- (d) future rail access including appropriate controls to ensure that future development does not hinder the future provision of rail access,
 - (e) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (f) stormwater and water quality management controls,
 - (g) amelioration of natural and environmental hazards, including bushfire, flooding, land slip and erosion, and potential site contamination,
 - (h) detailed urban design controls for significant development sites,
 - (i) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking,
 - (j) measures to conserve identified European and Aboriginal heritage.
- (10) Subclause (8) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if the lot that is proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
 - (c) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone within which the land is situated.
- (11) **Generally**
- A provision of this clause prevails over any other provision of this plan to the extent of any inconsistency.

(12) In this clause:

designated State public infrastructure means public facilities or services that are provided or financed by the State (or if provided or financed by the private sector, to the extent of any financial or in-kind contribution by the State) of the following kinds:

- (a) State and regional roads,
- (b) bus interchanges and bus lanes,
- (c) rail infrastructure and land,
- (d) land required for regional open space,
- (e) land required for social infrastructure and facilities (such as land for schools, hospitals, emergency services and justice purposes).

public utility infrastructure, in relation to Whittingham Industrial Estate, includes infrastructure for any of the following:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage.

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[3] Clause 15 What zones apply in this plan?

Insert after the matter relating to Zone 4 (Industrial Zone):

Zone 4 (b) (Heavy Industrial Zone)—identified by heavy black edging and lettered “4 (b)”.

[4] Part 5 Commercial and Industrial Development

Insert after the matter relating to Zone 4 (Industrial Zone) in the Industrial Zoning Table:

Zone 4 (b) (Heavy Industrial Zone)

1 Objectives of zone

- (a) to provide suitable areas for those industries that need to be separated from other land uses,
- (b) to encourage employment opportunities,

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- (c) to minimise any adverse effect of heavy industry on other land uses,
- (d) to facilitate opportunities for a wide range of industrial and similar land uses that complement, support or service the intended predominant heavy industrial function of the zone.

2 Without development consent

Exempt development.

3 Only with development consent

Development not included in item 2 or 4.

4 Prohibited

Development for the purposes of:

agriculture; bulky goods premises (as defined in the *Standard Instrument (Local Environmental Plans) Order 2006*); business premises; caravan parks; child care centres; clubs; dwellings (other than those used in conjunction with industry); educational establishments; farmstay; hospitals; hotels; housing for aged or disabled persons; motels; places of assembly; places of public worship; professional and commercial chambers; professional consulting rooms; residential flat buildings; retail plant nurseries; roadside stalls; shops (other than neighbourhood shops as defined in the *Standard Instrument (Local Environmental Plans) Order 2006*); tourist facilities.

BY AUTHORITY
