



New South Wales

Singleton Local Environmental Plan 2013 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

GREG SULLIVAN

As delegate for the Minister for Planning and Public Spaces

Singleton Local Environmental Plan 2013 (Amendment No 10)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Singleton Local Environmental Plan 2013 (Amendment No 10)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to Lot 1, DP 1233583, 257 Hermitage Road, Pokolbin.

4 Maps

The maps adopted by *Singleton Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Singleton Local Environmental Plan 2013

[1] Clause 4.4

Omit the clause. Insert instead—

4.4 Floor space ratio

- (1) The objectives of this clause are as follows—
 - (a) to regulate the density of development,
 - (b) to ensure that new development reflects the desired character of the locality in which it is located and minimises adverse impacts on the amenity of that locality.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

[2] Clause 4.5

Omit the clause. Insert instead—

4.5 Calculation of floor space ratio and site area

(1) Objectives

The objectives of this clause are as follows—

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to—
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be—

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) **Exclusions from site area**

The following land must be excluded from the site area—

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) **Strata subdivisions**

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) **Only significant development to be included**

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) **Certain public land to be separately considered**

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) **Existing buildings**

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) **Covenants to prevent “double dipping”**

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) **Covenants affect consolidated sites**

If—

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) **Definition**

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

[3] Clause 7.12

Insert after clause 7.11—

7.12 Development of land at 257 Hermitage Road, Pokolbin

- (1) This clause applies to land at 257 Hermitage Road, Pokolbin, being Lot 1, DP 1233583.
- (2) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that—
 - (a) each resulting lot will have an area of at least 10 hectares, and
 - (b) the subdivision is for one or more of the following purposes—
 - (i) cellar door premises,
 - (ii) function centres,
 - (iii) information and education facilities,
 - (iv) intensive plant agriculture,
 - (v) restaurants or cafes,
 - (vi) tourist and visitor accommodation (other than backpackers' accommodation, hotel or motel accommodation or serviced apartments), and
 - (c) the development is sympathetic to the scenic value and built character of the surrounding area.
- (3) Development consent must not be granted for the erection of a dwelling house on a lot resulting from a subdivision under this clause unless the consent authority is satisfied that—
 - (a) the dwelling is ancillary to the purpose for which the lot was created by the subdivision, and
 - (b) the development is sympathetic to the scenic value and built character of the surrounding area.
- (4) Development consent must not be granted for development for any of the following purposes on a lot resulting from a subdivision under this clause unless the consent authority is satisfied that the development is sympathetic to the scenic value and built character of the surrounding area—
 - (a) cellar door premises,
 - (b) function centres,
 - (c) information and education facilities,
 - (d) restaurants or cafes,
 - (e) tourist and visitor accommodation (other than backpackers' accommodation, hotel or motel accommodation or serviced apartments).
- (5) Clause 4.6 does not allow development consent to be granted for development that would contravene subclause (2).
- (6) This clause applies despite any other provision of this Plan.

[4] Dictionary

Omit “[Not adopted. See clause 4.4.]” from the definition of *Floor Space Ratio Map*.