

Dalwood Road, Branxton

Proposal Title : **Dalwood Road, Branxton**

Proposal Summary : **To rezone land at two locations off Dalwood Road in the locality of Leconfield, near the village of Branxton. Site A currently zoned Rural 1(a) and Site B currently zoned Rural 1(a) and 1(d) Rural Residential, are to be rezoned to a mix of residential, rural residential and conservation zones.**

Site A comprises 30 hectares and has the potential to accommodate 190 lots, Site B is 16 hectares and has the potential to accommodate 100 lots.

PP Number : **PP_2012_SINGL_003_00** Dop File No : **11/21827**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **1.2 Rural Zones
1.5 Rural Lands
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions**

Additional Information : **It is recommended that:**

The Director General as delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act that an amendment to the Singleton LEP 1996, or draft Singleton Local Environmental Plan 2012, be prepared to rezone two sites adjoining Dalwood Road Leconfield, to facilitate residential and rural-residential development and the protection of environmentally sensitive land, subject to the following conditions;

- 1. The following studies will need to be completed as part of the Planning Proposal prior to public exhibition:**
 - *any additional flora and fauna studies required by Council and the Office of Environment and Heritage.**
 - *cultural heritage study consistent with Council and the Office of Environment and Heritage requirements.**
 - * any relevant studies to identify and if necessary address impacts from the adjoining poultry farm.**
- 2. That the relevant mapping is prepared and/or revised prior to public exhibition including;**
 - * clarification of the zone boundaries.**
 - * preparation of a lot size map.**
 - * preparation of an urban release area map.**
- 3. That Council revise the explanation of provisions to clarify the range of land uses expected on the site and its identification as an urban release area for the purposes of satisfactory arrangements for state infrastructure, prior to public exhibition.**
- 4 That Council clarify whether or not the proposal is consistent with SEPP 44 Koala Habitat Protection (for Site A), SEPP 55 Remediation of land (for both sites) and SEPP**

Rural Lands 2005 (in relation to the poultry farm) and amend the Planning Proposal to address the matter prior to public exhibition.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

5. Consultation is required with the NSW Rural Fire Service, consistent with s117 direction 4.4 Planning for Bushfire Protection, and any necessary amendments to the Proposal made prior to it being placed on public exhibition.

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- * NSW Transport Roads and Maritime Services
- * Office of Environment and Heritage
- * Department Primary industries (Agriculture)
- * Cessnock City Council

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material. The public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is for an extension of the existing urban area of Branxton and has been identified as able to be serviced and developed within a short timeframe.
The proposal has responded to the issues raised by the earlier Gateway Determination and additional information has been provided.

Panel Recommendation

Recommendation Date : 20-Sep-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to undertake the following studies prior to the commencement of public exhibition:
 - a. Any additional flora and fauna studies required by Council and the Office of Environment and Heritage;
 - b. A cultural heritage study consistent with Council and the Office of Environment and Heritage requirements; and
 - c. Any relevant studies to address and identify any impacts from the adjoining poultry farm.
2. It is noted that Council has submitted two separate planning proposals for adjoining land which use the same justification and produce the same outcome. Council is therefore to combine the two planning proposals for the purposes of public exhibition.
3. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' to accurately identify the range of land uses expected on the site following an amendment to either the Singleton LEP 1996 or draft Singleton LEP 2012.

4. Prior to undertaking public exhibition, Council is to amend the planning proposal to include proposed land zoning, lot size and urban release area maps which clearly identify the subject land and intended land uses, following the consolidation of the two planning proposals as required by Condition 2 above. These maps should be placed on public exhibition with the planning proposal.
 5. In regards to the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones and 1.5 Rural Lands, Council is to satisfy the Director General of the department that the inconsistencies are of minor significance prior to the finalisation of the planning proposal.
 6. Council is to clarify that Site A satisfies the requirements of State Environmental Planning Policy No 44 (SEPP 44) – Koala Habitat Protection. The planning proposal is to be updated to include this information prior to public exhibition.
 7. Council is to clarify that Site B satisfies the requirements of State Environmental Planning Policy Rural Lands 2005. Council is to provide further information to confirm the rezoning of Site B does not jeopardise the adjoining poultry farm. The planning proposal is to be updated to include this information prior to public exhibition.
 8. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the Contaminated Land Planning Guidelines. Council is to prepare an initial site contamination investigation to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
 9. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
 10. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services
 - Office of Environment and Heritage
 - Department of Primary Industries – Agriculture
 - NSW Rural Fire Service
 - Adjoining LGAs
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
11. Further to Condition 10 above, Council is to consult the Office of Environment and Heritage in relation to S117 Direction 2.1 Environmental Protection Zones. Council should gather any additional information required on flora and fauna and cultural heritage to demonstrate consistency with Local Planning Direction prior to finalisation of the LEP.
 12. Further to Condition 10 above, Council is to consult with the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition

13. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

14. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

NEIL SELMAN

Date:

2/10/2012