

Planning Services

Gateway Determination Report

LGA	Singleton
RPA	Singleton Council
NAME	RU1 to E4 (1 additional dwelling)
NUMBER	PP_2017_SINGL_002_00
LEP TO BE AMENDED	Singleton LEP 2013
ADDRESS	612 Gresford Road, Sedgefield
DESCRIPTION	Lot 69 & 70 DP752488
RECEIVED	8 December 2017
FILE NO.	SF17/56763
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of Planning Proposal

The Proposal seeks to rezone 612 Gresford Road, Sedgefield from RU1 Primary Production to E4 Environmental Living and amend the minimum lot size to create one additional lot. The submitted planning proposal also indicates that *Clause 4.1C Lot averaging subdivision in certain residential and environmental zones* of the *Singleton LEP 2013* will be amended to apply to the site.

Site Description

The site is 17 hectares and comprises two adjoining lots. The site is mostly cleared, slightly undulating, has an existing dwelling house and rural sheds and is used for grazing. Councils advises a second dwelling is permissible on the site under existing planning controls. Figure 1 outlines the site in blue.

There is an intermittent drainage line across the site and a small stand of EEC (Swamp Oak Floodplain Forest) approximately 3,614m² on part of the site.

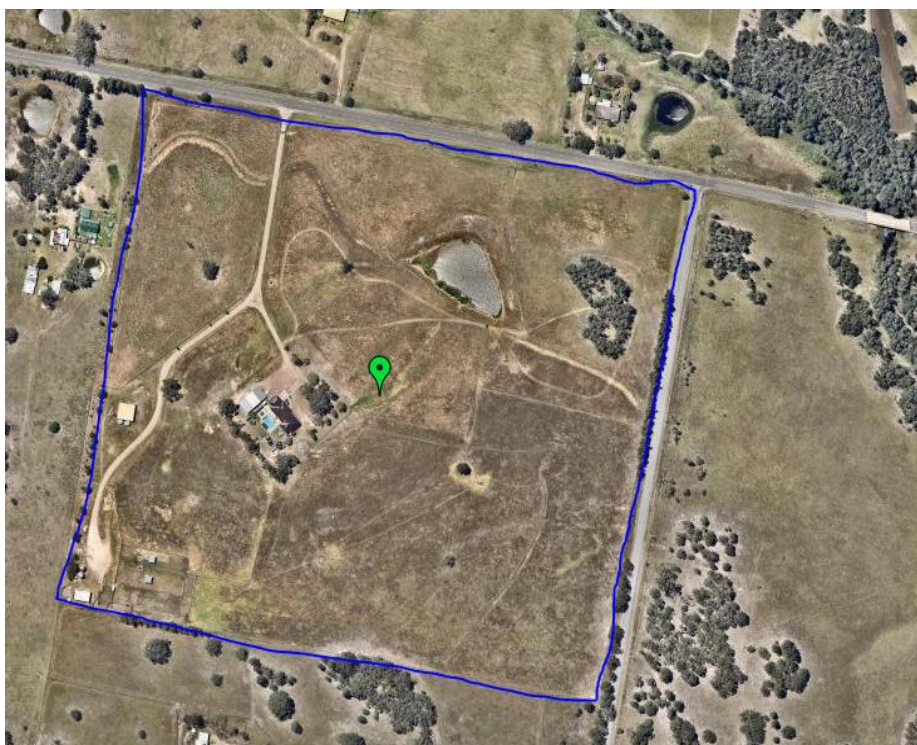


Figure 1: Site

Surrounding Area

The site is around 9km from Singleton CBD and surrounded by other rural residential and rural grazing properties. Figure 2 provides an indication of the surrounding land use zones and context. The site is within the Sedgefield release area identified by Council through the Singleton Land Use Strategy 2008 and endorsed by the Department 8 June 2008. Large sections of the release area have already been zoned E4 Environmental Living with a 5 hectare minimum lot size.

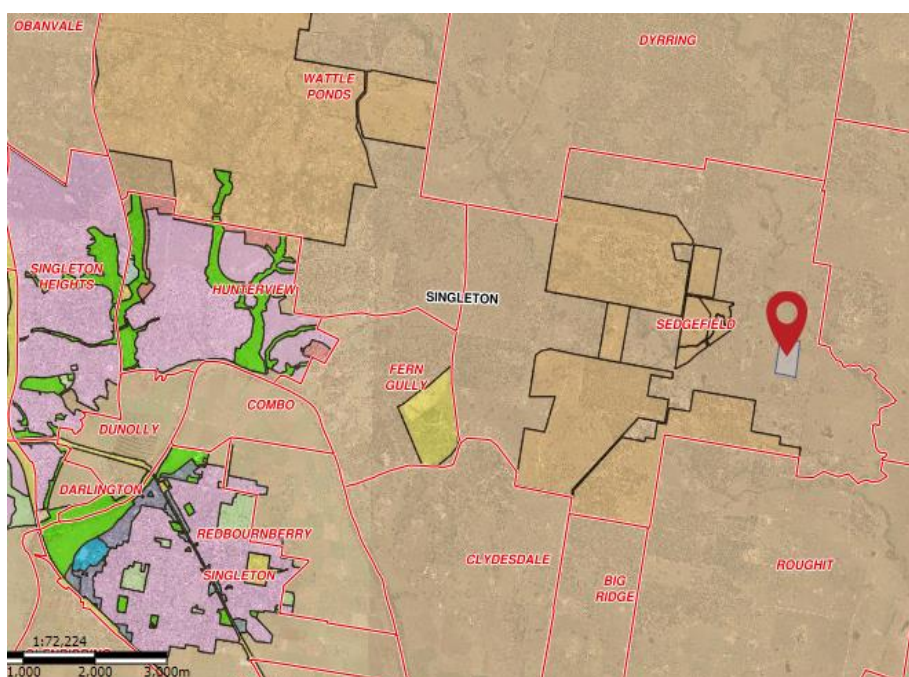


Figure 2: Broader Locality

Summary of Recommendation

The planning proposal is supported to proceed with conditions as it is a minor amendment and is consistent with an endorsed local strategy. Any inconsistency with Section 117 Direction 1.2 Rural zones is justified.

PROPOSAL

Objectives or Intended Outcomes

The objectives of the proposal clearly state the intention to rezone 612 Gresford Road, Sedgefield from RU1 Primary Production to E4 Environmental Living and amend the minimum lot size to create one additional lot. The objectives also indicate that *Clause 4.1C Lot averaging subdivision in certain residential and environmental zones* of the *Singleton LEP 2013* will be amended to apply to the site however later in the proposal Council confirms that this is not supported. The objectives will require amendment prior to exhibition to avoid any confusion.

Explanation of Provisions

The LEP amendments proposed under the proposal will require map amendments to the land use zone and lot size maps, this is clearly explained in the Explanation of Provisions.

Mapping

The maps included in the proposal clearly show the current and proposed controls.

NEED FOR THE PLANNING PROPOSAL

Council has undertaken a strategic approach to development in this locality through the preparation of the Singleton Land Use Strategy 2008 and Sedgefield Structure Plan 2009. Both documents identify the area as having the potential for minor intensification through an E4 zone and 5 hectare MLS and large parts of the release area have been previously rezoned although are not fully developed. A planning proposal is the only means by which to facilitate the rezoning of the land and intensification of uses.

The proposal represents a small parcel of the remaining land. It would be more advantageous to combine the resources and energies of multiple land owners in this area rather than doing ad-hoc proposals. The most appropriate way to achieve the intended outcomes would be to rezone large sections of the release area rather than proceed in an incremental fashion. **Attachment G** identifies the whole area and the land remaining to be rezoned. Council has advised that they consulted other land owners seeking interested owners to take part in the proposal but no others were interested at the time.

In the circumstances this minor planning proposal is the most appropriate way to achieve the intended outcome. The letter to Council will encourage Council to undertake a more holistic and strategic approach in the future.

STRATEGIC ASSESSMENT

State Environmental Planning Policies

SEPP (Rural Lands) applies to the site. Council made an assessment against the rural planning and rural subdivision principles in the SEPP and it concluded that the proposal is consistent. Council's position is supported with the strategic assessment undertaken through the local strategy demonstrating that the proposal is consistent with the principles of the SEPP.

The State Environmental Planning Policy *Mining, Petroleum Production and Extractive Industries* 2007 applies to the LGA in general. The Sedgefield Structure Plan (2009) identified a buffer zone to a prospective mine. Department of Primary Industries (Mineral Resources and Energy) advised in 2015 the Sedgefield candidate area is no longer subject to this buffer area and removed their objection to development within this specific area.

Section 117(2) Ministerial Directions

The proposal is consistent with all Directions under this section with the exception of Direction 1.2 Rural Zones because it is proposing to increase the density of rural land. This inconsistency can be justified because the proposal is consistent with a local strategy that has given consideration to the objectives of this direction and been endorsed by the Department.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is justified under clause 5 a of this direction.

In relation to other applicable s117 directions it is noted that the site is not identified as Bushfire Prone on Council's Bushfire Prone map and the Department of Industry has already confirmed that there are no mineral resource concerns. An assessment against the rural planning and rural subdivision principles identified under direction 1.5 Rural Lands concludes that the proposal is consistent.

Regional / District

The Hunter Regional Plan applies to the Singleton LGA. There are some key Directions that apply to the proposal and that are considered to be consistent, being:

- Direction 10 – Protect and enhance agricultural productivity
- Direction 13 – Plan for greater land use compatibility
- Direction 14 – Protect and enhance natural areas
- Direction 22 – Promote housing diversity

The proposal is consistent with all the above Directions with the possible exception of Direction 10 because the proposal will not protect and enhance agricultural productivity. A strategic assessment of the site's development potential and consideration of the role of this area in agriculture production more broadly has been examined through the local strategic planning process which has been endorsed by the Department. The rezoning and intensification of this site is not expected to have any significant impact on agricultural productivity.

The Upper Hunter Strategic Regional Land Use Plan 2012 also applies to the Singleton LGA. While the focus with the strategy is on land use compatibility/balance with mining, there are other principles within the plan such as infrastructure,

economic development, housing and settlement, community health and amenity, natural environment, hazards and climate change and cultural heritage. The proposal is consistent with the strategy as it provides a different type of housing stock and manages its environmental characteristics through the E4 Environmental Living zone.

Local

The site is within an area identified as a 'short term potential' candidate area for rural residential development and recommended for rezoning to E4 Environmental Living with a 5 hectare minimum lot size in the following local strategies and plans:

- Singleton Rural Residential Development Strategy 2005
- Singleton Land Use Strategy 2008
- Sedgefield Structure Plan 2009

As such the proposal is consistent with the local strategic planning framework.

SITE SPECIFIC ASSESSMENT

Social

The proposal does not identify any significant social impacts as a result of this proposal and suggests that the proposal is minor and will likely contribute in a positive way.

Environmental

The site mostly cleared, slightly undulating, with an intermittent drainage line across the site. A small stand of Swamp Oak Floodplain Forest Ecological Endangered Community (EEC) is located on the north-eastern part of the site. The site is predominantly cleared and the application of an E4 Environment Living zone to such land is not consistent with the current policy of the Department. Noting that larger areas of the release area have been previously zoned E4 in the circumstances this can be considered a suitable zone. It is proposed to consult with OEH to confirm that these site specific protection measures are appropriate and Council will be encouraged to consider the use of the E4 Environmental Living zone in their LGA more broadly in the future.

Economic

The proposal does not identify any significant economic impacts as a result of this proposal and suggests that the proposal is minor and will likely contribute in a positive way.

Infrastructure

The site is proposed to be zoned E4 Environmental Living which is not included as an urban release area, hence no state infrastructure requirements apply.

There is no water or sewer service to the area with only electricity and telecommunication available. The site will require on-site water tanks for storage and onsite effluent disposal. The minimum lot size accommodates the needs for sewer disposal and while it does not address the cumulative impacts of sewer disposal on ground water that "the site is generally suitable for domestic on-site sewer dispersal.

CONSULTATION

Community

Council propose a 14 day community consultation timeframe which is considered appropriate given the minor nature of the proposal when assessed against the Department's guidelines.

Agencies

Council propose to consult with NSW Department of Primary Industries (Agriculture) and Office of Environment and Heritage. The Gateway will only require consultation with OEH.

TIMEFRAME

Council has not proposed a timeframe for completing the LEP. It is considered a 12 month timeframe is appropriate given the minor nature of the proposal, the need to consult with government agencies and the resources Council has the progress such proposals.

DELEGATION

Council has requested the use of plan making delegations and it is agreed that the planning proposal should be delegated to Council to finalise as the plan is minor.

CONCLUSION

The planning proposal is supported to proceed with conditions as it is minor amendment and has both strategic and site specific merit.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. Agree any inconsistencies with Section 117 Direction 1.2 – Rural Zones is minor and justified;

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal be amended prior to exhibition to remove the reference to *Clause 4.1C Lot averaging subdivision in certain residential and environmental zones* of the *Singleton LEP 2013*;
2. Consultation is required with the Office of Environment and Heritage prior to exhibition;
3. The planning proposal should be made available for community consultation for a minimum of 14 days;
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination; and
5. Given the nature of the planning proposal, Council should be authorised to exercise delegation to make this plan.



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