

Bridgman Road, Obanvale (Singleton North Urban Expansion Area)

Proposal Title : **Bridgman Road, Obanvale (Singleton North Urban Expansion Area)**

Proposal Summary : **It is proposed to rezone land at Bridgman Road, Obanvale to facilitate residential development.**

PP Number : **PP_2013_SINGL_001_00**

Dop File No : **13/08652**

Proposal Details

Date Planning Proposal Received : **17-May-2013**

LGA covered : **Singleton**

Region : **Hunter**

RPA : **Singleton Shire Council**

State Electorate : **UPPER HUNTER**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **349 Bridgman Road**

Suburb : **Obanvale**

City : **Singleton**

Postcode : **2330**

Land Parcel : **Lots 32 and 33, DP634692**

DoP Planning Officer Contact Details

Contact Name : **Dylan Meade**

Contact Number : **0249042718**

Contact Email : **dylan.meade@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Gary Pearson**

Contact Number : **0265787304**

Contact Email : **gpearson@singleton.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A**

Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha)	48.40	Type of Release (eg Residential / Employment land) :	
No. of Lots :	500	No. of Dwellings (where relevant) :	500
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes : Council has not requested use of plan making delegations. Until further studies are complete identifying consistency with relevant SEPPs and Section 117 Directions, confirmation that adequate infrastructure can be provided, and assessment into the suitability of the site for housing, it is recommended that plan making delegations are not given to Council at this stage.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The statement of objectives explains that the proposal intends to facilitate residential subdivision and development of the subject site. The statement of objectives is supported.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions explains that the intent of the proposal will be achieved through either an amendment to Singleton LEP 1996 or the draft Singleton LEP 2013 (should it be finalised before the proposal). For both LEPs, the proposal explains that the zoning and lot size maps will be amended. Council advises that the exact zone and lot size provisions will be subject to the outcomes of studies should the proposal be supported by the Gateway. This approach is supported.

The proposal also explains that the relevant LEP will be amended so that preparation of a DCP will be required prior to development consent of the residential subdivision being given. Should the proposal amend the Singleton LEP 2013, it is considered that the subject site should instead be listed as an Urban Release Area (URA), which will require preparation of a DCP under Clause 6.3 Development Control Plan. Should the proposal amend the Singleton DCP 1996, it is considered that the subject site be listed as an URA, and the above clause 6.3 be inserted into the LEP.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

Is the Director General's agreement required?

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Council requires preparation of relevant studies and referral to agencies to determine consistency with a number of SEPPs and Section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes an exhibition period of 28 days. This is supported as the proposal is considered not of low impact as there are potential issues regarding infrastructure servicing.

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP : **The Singleton LEP is expected to be finalised by the end of 2013.**

Assessment Criteria

Need for planning
proposal :

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

The Singleton Land Use Strategy (SLUS) identifies a target of 170 - 230 new residential dwellings per year to meet projected demand. Council advises that only 145 lots have been released since 2008 in urban expansion areas identified in the SLUS. The proposal considers that the additional urban release area identified in this planning proposal will assist in meeting the estimated shortfall of between 491 - 715 housing lots.

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

It is considered that a planning proposal is the best means of facilitating residential development on the subject site.

3. Is there a community benefit?

The proposal will result in additional housing supply which may assist in reducing the identified housing shortfall.

Consistency with strategic planning framework :

UPPER HUNTER STRATEGIC REGIONAL LAND USE PLAN (UHSRLUP)

The proposal is consistent with the UHSRLUP, particularly in relation to the housing and settlement objectives for councils to zone land through their LEPs to ensure an adequate supply of land for residential development and to facilitate delivery of a range of housing types.

SINGLETON LAND USE STRATEGY (SLUS)

The land subject to the proposal is not identified in SLUS as an urban expansion area, but is identified as part of the potential 'Singleton North' long-term option. Council advises that the existing (short to medium term) residential zoned urban expansion areas are not providing an adequate supply of housing to meet the projected demand identified in the SLUS.

The SLUS indicates that the Singleton North option was not considered as a short to medium term urban expansion option due to limited sewer mains capacity. The proposal states that further investigation is required to demonstrate that the Singleton North expansion area can be sewered physically and economically. It is recommended that Council should demonstrate that waste water infrastructure can be provided to Singleton North before commencing more detailed studies as required by the Gateway.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

The following SEPPs are relevant to the planning proposal:

***SEPP No 44—Koala Habitat Protection**

The proposal indicates that no areas of koala habitat known to exist on the site. However, as an ecological study has not been completed for the site, Council can not confirm consistency with the SEPP. The proposal recommends that a flora and fauna assessment report is prepared after Gateway to determine consistency.

***SEPP No 55—Remediation of Land**

The proposal indicates that the site has been used for livestock grazing and is unlikely to contain contamination that would prevent residential development of the site. The proposal recommends that a geotechnical assessment report which includes consideration of contamination is prepared after Gateway.

***SEPP (Infrastructure) 2007**

Council identifies the proposal as being required to have regard to provisions of this SEPP, particularly in relation to noise and vibration due to the proximity of the site to coal trains on the great northern railway. The proposal recommends that a noise and vibration assessment report is prepared after Gateway. The proposal is considered consistent with this SEPP, however, completion of the study will assist identifying future zone boundaries.

***SEPP (Rural Lands) 2008**

The proposal consistency with the SEPP, particularly the Rural Planning Principles and Rural Subdivision Principles is discussed under Section 117 Direction 1.5 Rural Lands.

MINISTERIAL SECTION 117 DIRECTIONS

The following Section 117 Directions are relevant to the planning proposal, and considered inconsistent or require further consideration:

***1.2 Rural Zones**

As the proposal intends to rezone land from a rural to residential zone, the proposal is inconsistent with Direction 1.5. The inconsistency is justified as the endorsed local planning strategy, the Singleton Land Use Strategy, identifies the land which is the subject of the planning proposal as a proposed urban area.

***1.3 Mining, Petroleum Production and Extractive Industries**

The proposal is inconsistent with this Direction, as by rezoning land from rural to residential, the proposal prohibits the mining of coal and other minerals. It is

recommended that Council consult the Director-General of the Department of Primary Industries (DPI) as required by Clause 4(a) of the Direction.

***4.4 Planning for Bushfire Protection**

The proposal is considered consistent with this Direction, however as part of the site is mapped as bush fire prone, Council must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination.

The following Section 117 Directions are relevant to the planning proposal, and considered consistent:

***1.5 Rural Lands**

This Direction is applicable to the proposal as it affects an existing rural zone and changes the minimum lot size within that zone. The proposal is considered consistent with the Rural Planning Principles and Rural Subdivision Principles.

***2.1 Environment Protection Zones**

Council identifies this Direction as relevant to the proposal. It is considered that the proposal is consistent with this Direction as the proposal does not reduce the environmental protection standards that apply to the land.

***2.3 Heritage Conservation**

Council identifies this Direction as relevant to the proposal. It is considered that the proposal is consistent with this Direction as the Singleton LEP 2004 and draft Singleton LEP 2013 contain relevant provision to ensure conservation of heritage items.

***3.1 Residential Zones**

Council identifies this Direction as relevant to the proposal. It is considered that the proposal is consistent with this Direction as the Singleton LEP 2004 and draft Singleton LEP 2013 contain relevant provision to satisfactory arrangements for infrastructure provision are in place.

***3.3 Home Occupations**

Council identifies this Direction as relevant to the proposal. It is considered that the proposal is consistent with this Direction.

***3.4 Integrating Land Use and Transport**

Council identifies this Direction as relevant to the proposal. It is considered that the proposal is consistent with this Direction.

Environmental social
economic impacts :

ENVIRONMENTAL

The proposal indicates that a Flora and Fauna Assessment has not been prepared, but the site contains a small area of Central Hunter Spotted Gum – Ironbark – Grey Box Forest vegetation, which is listed as being an Endangered Ecological Community (EEC). The proposal suggests that this EEC can be protected through appropriate zoning, but preparation of a Flora and Fauna Assessment is required to determine appropriate management. It is recommended that Council prepares a Flora and Fauna Assessment and consults with the Office of the Environment and Heritage.

The subject site contains intermittent natural watercourses which the proposal indicates could overflow the banks during storm events. Preparation of a Stormwater and Drainage Management Strategy as discussed in the proposal is supported.

The proposal advises that an Archaeological Study has not been prepared yet, but one should be in order to investigate potential impacts that development could have on any Aboriginal and European heritage. This is supported.

SOCIAL AND ECONOMIC

The proposal is considered to have positive social and economic impacts as it will result in additional supply of housing, and jobs associated with housing construction once

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developed.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **24 Month** Delegation : **RPA**

Public Authority **Office of Environment and Heritage**
Consultation - 56(2)(d) **NSW Department of Primary Industries - Agriculture**
NSW Department of Primary Industries - Minerals and Petroleum
NSW Rural Fire Service

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Bushfire

If Other, provide reasons :

Stormwater, Geotechnical, Archeological / Heritage.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **It is recommended that the subject site is identified as an Urban Release Area to ensure satisfactory arrangements for state infrastructure are in place.**

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

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

S.117 directions:

- 1.2 Rural Zones**
- 1.3 Mining, Petroleum Production and Extractive Industries**
- 1.5 Rural Lands**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**

Additional Information : **The Planning Proposal should proceed subject to the following conditions:**

1. Prior to commencing public exhibition, Council is to:

- (a) amend the planning proposal to provide information on how infrastructure will be provided to the site and detail how Council intends for infrastructure to be funded, and
- (b) amend the planning proposal to identify the subject site as an Urban Release Area, and
- (c) provide additional information to support the planning proposal as identified by Council, including drainage and hydrology, soils and erosion hazards, archeological / heritage, and flora and fauna. Council is to include this information as part of the public exhibition material.
- (d) amend the planning proposal to identify relevant residential, open space and / or environmental zones and minimum lot sizes.

2. 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

3. Council is to consult with:

- (a) the Commissioner of the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection, and
- (b) NSW Mineral Resources as per the requirements of S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries

Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

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

- Office of Environment and Heritage
- NSW Rural Fire Service
- NSW Aboriginal Land Council
- Department of Primary Industries - Agriculture
- NSW Trade and Investment - Mineral Resources

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.

5. 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).

6. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway determination.

It is recommended that the ED - R&RPD, as delegate of the DG:

7. Agree that that the inconsistency with S117 Direction 1.2 Rural Zones is justified as the endorsed local planning strategy, the Singleton Land Use Strategy, identifies the land

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which is the subject of the planning proposal as a proposed urban area.

8. Inform Council that the proposal is considered consistent with all other S117 Directions and SEPPs identified in the proposal, including:

- 1.5 Rural Lands
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- SEPP (Infrastructure) 2007
- SEPP (Rural Lands) 2008

9. Inform Council that consistency with SEPP44 and SEPP55 is unable to be determined until completion of relevant studies.

Supporting Reasons :

The planning proposal is supported. Rezoning the subject site to residential will assist in meeting the identified shortfall in housing supply in Singleton. The subject site is considered a logical extension of the existing Singleton urban area. However, further studies are required to inform zone boundaries and demonstrate consistencies with relevant SEPPs and Section 117 Directions.

Signature:



Printed Name:

K. C. FLAHERTY

Date:

31-5-2013