

Woodlands Ridge Extension, Amendment 13

Proposal Title : **Woodlands Ridge Extension, Amendment 13**

Proposal Summary : **The proposal seeks to rezone 40ha of land from RU1 Primary Production to R5 Large Lot Residential.**

PP Number : **PP_2015_MUSWE_002_00**

Dop File No : **15/14017**

Proposal Details

Date Planning
Proposal Received : **17-Sep-2015**

LGA covered : **Muswellbrook**

Region : **Hunter**

RPA : **Muswellbrook Shire Council**

State Electorate : **UPPER HUNTER**

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

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Lot 42 DP 748269**

DoP Planning Officer Contact Details

Contact Name : **Amy Blakely**

Contact Number : **0249042723**

Contact Email : **amy.blakely@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Pathum Gunasekara**

Contact Number : **0265493860**

Contact Email : **pathum.gunasekara@muswellbrook.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :

Release Area Name :

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

Consistent with Strategy : **N/A**

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MDP Number :		Date of Release :	
Area of Release (Ha) :	40.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	29
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **An application for the same proposal was lodged with Council in 2010.**

At the time the Department determined that the proposal should not proceed at for the following reasons;

- 1. The proposal is more appropriately considered within the strategic context of Council's Rural Land Strategy which should be finalised prior to a rezoning being sought**
- 2. Proposals for additional rural residential development should be justified, in part, on the basis of supply and demand for this type of development.**

The required strategic investigations have now been completed. The Muswellbrook Residential and Rural Strategy was adopted by Council in March 2014, and partially endorsed by the Department in May 2015.

Council do not wish to use plan making delegations in this instance. Some studies require to be updated, and Council consider a greater level of independence and objectivity in the process would be obtained by not using delegations.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The statement of the objectives explains that the planning proposal intends to enable the land to be developed for large lot residential living purposes.**

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 provided explains that the planning proposal will make amendments to the land zoning, lot size and height of buildings map of the Muswellbrook LEP 2009. A proposed minimum lot size of 4000m2 is supported.**

The explanation of provisions is supported.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

3.1 Residential Zones

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

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? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council recommends the community consultation be 28 days. Although Council agree that the proposal also meets the 'low impact' criteria specified by the Department, and a 14 day exhibition would also be appropriate.**

The proposal has not nominated any specific consultation with State agencies, and indicates that it will be undertaken upon a favourable determination from the gateway.

Consultation with the Mine Subsidence Board (MSB) has been undertaken. The MSB has no objection to the proposal.

Consultation is required with the Rural Fire Service, as the land is mapped as Bush Fire Prone.

It is recommended that Council not be required to consult with Department of Primary Industries (DPI) – Agriculture, despite the loss of 40 hectares of rural land. This is because the land is not mapped as Important Agricultural land by DPI (Singleton - Muswellbrook Pilot Area Important Agricultural Land 5 Main Commodities, Department of Primary Industries 2012). The land is also an endorsed candidate area, with the Department giving consideration to the Upper Hunter Strategic Land Use Plan as part of the endorsement process.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **The Muswellbrook Residential and Rural Strategy was adopted by Council in March 2014, with the subject land endorsed as a candidate area by the Department in May 2015.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Muswellbrook Local Environmental Plan 2009, consistent with the Standard Instrument, is in force.**

Assessment Criteria

Need for planning proposal : **The subject land, consistent with endorsed local planning strategies, represents an extension to the neighbouring large lot residential area in this location.**

The planning proposal will provide for the efficient use of existing infrastructure.

Council has undertaken an assessment of large lot residential supply and demand for the Muswellbrook locality. The assessment determines that under a medium growth scenario, an additional 62 lots will be required by 2021. This land will assist in meeting this determined demand.

Consistency with
strategic planning
framework :

UPPER HUNTER STRATEGIC REGIONAL LAND USE PLAN (SRLUP)

The Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) was released in September 2012. The UHSRLUP contains a number of Settlement Planning Principles aimed to guide development in the Upper Hunter. The proposal is consistent with the planning principles as it will contribute to housing diversity while maximising the efficiency of essential urban infrastructure, services and facilities.

The subject land has been used for limited agricultural activities in the past, and Council has determined that the land is not considered to be prime agricultural land.

The proposal is not considered to be inconsistent with the UHSRLUP.

MUSWELLBROOK RESIDENTIAL AND RURAL RESIDENTIAL STRATEGY (2014)

The Muswellbrook Residential and Rural Strategy was adopted by Council in March 2014, and partially endorsed by the Department in May 2015.

The strategy, and endorsed component, identifies this land as a "Category 1" candidate area, being land which is "a logical extension of and located in close proximity of existing developed areas, building upon existing services and amenities and requires the augmentation of infrastructure."

An assessment of large lot residential supply and demand indicates that based on a medium growth scenario, Muswellbrook will be 62 lots short by 2021-2026. The Strategy recommends releasing additional land after 2016, prior to 2021.

STATE ENVIRONMENTAL PLANNING POLICIES**SEPP 55 - Remediation of Land**

The proposal identifies this SEPP as applicable but states that the land is unlikely to contain any contaminants because it has only been used for light agricultural activities. The 'Managing Land Contamination - Planning Guidelines' advises contamination is more likely to occur if the land is currently zoned and used for agricultural purposes. It is not apparent from the planning proposal if Council has adequately considered whether the land is contaminated as required by the SEPP and Guidelines. It is recommended that Council be advised to undertake appropriate investigations in accordance with the SEPP.

Rural Lands 2008

The proposal aims to increase the density of rural land, and remove the land from agricultural production.

The proposal determines that the land represents a relatively small reduction in available agricultural land and is well suited for large lot residential development due to its location, availability of services and proximity of existing large lot residential land uses.

The land is not mapped as Important Agricultural Land by the Department of Primary Industries(DPI). Its location, adjacent to existing large lot residential development, will provide additional housing opportunities to meet the determined demand, while limiting potential land use conflict.

SECTION 117 LOCAL PLANNING DIRECTIONS**1.2 Rural Zones**

The planning proposal is inconsistent with this Direction as it proposes to rezone land from rural to a residential zone.

The submitted planning proposal justifies the inconsistency with this Direction due to the identification of the subject site in the Muswellbrook Residential and Rural Residential

Strategy (MRRRS). While the MRRRS does not give explicated consideration to the objective of this Direction and does not consider the loss of zoned agricultural land for this site or the cumulative impacts, the endorsement process considered the subject land within the principles of the Upper Hunter Strategic Regional Land Use Plan.

The inconsistency with this direction is considered minor. The land has been assessed through a strategic process and is not considered to be Prime Agricultural land or Important Agricultural Land.

1.5 Rural Lands

This Direction is applicable as the planning proposal proposes to change the existing minimum lot size on land within a rural zone. The planning proposal is inconsistent with the Rural Subdivision Principles, and thus the objectives of this Direction.

The inconsistency with this direction is considered minor. The land has been assessed through a strategic process and is not considered to be Prime Agricultural land or Important Agricultural Land.

4.4 Bushfire Protection

The land is mapped as bushfire prone land. As such, to be consistent with this direction Council must consult with the NSW Rural Fire Service following receipt of a gateway determination.

Environmental social
economic impacts :

The subject site is not mapped by Council as containing significant biodiversity. An Ecological Impact Assessment has been prepared which outlines development assessment type provisions to minimise any impact of the proposed development on the natural environment. This approach seems appropriate for this proposal.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	14 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

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. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name

DocumentType Name

Is Public

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**
- 3.1 Residential Zones**
- 4.4 Planning for Bushfire Protection**

Additional Information :

- 1. 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 a minimum of 14 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 & Environment 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant section 117 Directions:

- **NSW Rural Fire Service**
- **NSW Transport - Roads and Maritime**

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. This should occur prior to community consultation.

3. 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).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

In the covering letter, Council should be advised the following:-

- **Council have not requested to use the Minister's Plan-Making delegations for this planning proposal;**
- **The studies prepared to support the 2010 proposal most likely require updating, as recommended by Council; and**
- **The inconsistencies with section 117 Directions 1.2 Rural Zones and 1.5 Rural Land are of minor significance.**

Supporting Reasons : **The planning proposal is consistent with an endorsed local strategy.**

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Signature:



Printed Name:

K O'Haherty

Date:

2/10/15.