

Rusty Lane Branxton, Amendment to Singleton LEP 1996

Proposal Title :	Rusty Lane Branxton, Amendment to Singleton LEP 1996		
Proposal Summary :	To rezone approximately 42 hectares of land from 1(a) Rural Zone to 1(d) Rural Small Holdings Zone to facilitate the development of 35 rural residential lots.		
PP Number :	PP_2011_SINGL_005_00	Dop File No :	11/17387

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Resubmit**

S.117 directions :

- 1.2 Rural Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information :

The Planning Proposal should be resubmitted after Council have;

- undertaken the necessary studies to support the proposal, including biodiversity assessment and independent infrastructure and services status report.
- considered the application of an environmental zoning to portions of the site.
- provided additional explanation regarding the inclusion of Lot 404 DP866648 which does not form part of the candidate area.
- provided a lot size map for exhibition.
- considered consistency with s117 direction 3.1 Residential Zones
- provided additional justification regarding the inconsistency with the endorsed Strategy.

It is also recommended that Council generally undertake a higher level of investigation into sites within the endorsed strategy prior to requesting a gateway determination and establish a transparent and consistent approach to determining requirements for sewer connection.

Supporting Reasons :

The planning proposal should not proceed because it is considered inadequate and there are a number of outstanding matters that will result in ongoing delays to the proposal if it was to proceed at this point in time. Council should be asked to undertake the additional work required before resubmitting the proposal to the gateway for determination.

In particular the proposal;

- Is inadequate because it does not provide a lot size map that clearly identifies the distribution of lot sizes across the site. Without this information the size of the lot or lots that contains the portion of EEC on the site is not known and therefore cannot be commented upon.
- Is inadequate because it does not justify the amendment to Lot 404 DP866648
- Is inadequate because the studies necessary to assess the impact upon biodiversity, determine the appropriate lot size in light of the site constraints and independently assess the servicing potential have not been undertaken.
- Is inadequate because it is not the most effective and timely method available to achieve the objectives. The proposed average lot size approach and development control plan are considered likely to take considerable time and are the only mechanisms

considered to address the site constraints of contours, vegetation and bushfire risk. The potential to zone the remnant vegetation to an environmental zoning with sufficient cleared land to accommodate a dwelling has not been considered.

- Is inadequate because it does not adequately justify the inconsistency with the endorsed Singleton Strategy. The Strategy had indicated that a much higher yield from this site could be possible. The proponents suggest that the require sewer connection required to accommodate this higher density is not economically feasible. Council needs to consider how their support for the proposal provides for the highest and best use for the site close to the existing town of Branxton and does not act as a precedent for all other identified release areas.

Panel Recommendation

Recommendation Date : 15-Dec-2011

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council will need to undertake a number of additional studies to further demonstrate the form and content of the planning proposal and provide this additional information as part of its planning proposal for exhibition purposes. The following matters need to be addressed:
 - Undertake studies to support the proposal including:
 - o biodiversity and ecological assessment;
 - o heritage assessment;
 - o bushfire hazard assessment;
 - o traffic impact assessment;
 - o geotechnical studies; and
 - o infrastructure and service strategy report.
 - The identification of appropriate zones for the subject site based on the outcomes of the above studies and consultation with key agencies;
 - Consider the application of an environmental zone(s) to portions of the site based on the outcomes of the above studies;
 - Provide additional explanation regarding the inclusion of Lot 404 DP 866648 which does not form part of the candidate area;
 - Provide a lot size map for exhibition that clearly identifies the distribution of lot sizes across the site taking into consideration the outcomes of the above studies;
 - Consider consistency with S117 Direction 3.1 Residential Zones; and
 - Provide additional justification regarding the inconsistency with the endorsed Singleton Strategy which identifies that a higher density development outcome can be achieved from the subject site given its close proximity to Branxton.
2. Depending on the timing for the completion of the above studies and taking into account the status of Council's Standard Instrument LEP currently being prepared, Council is to prepare public exhibition material which clearly identifies the proposed draft LEP as an amendment to the Singleton LEP 1996 and/or draft Standard Instrument Singleton LEP. A copy of all proposed exhibition material is to be provided to the Department's Regional Planning Team. Council should liaise with the Regional Planning Team to ensure the appropriate material is prepared.
3. Council is to prepare appropriate mapping for the planning proposal which clearly identifies the intended land use zones (based on the outcomes of the studies above) proposed for the site. If the amendment proceeds as an amendment to the Council's SI LEP, minimum lot size, Floor Space Ratio (FSR) and Height of Buildings (HOB) controls for the site are also to be prepared and exhibited. These maps are to be prepared in accordance with the Department's Technical Guidelines for the preparation of maps.
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 following public authorities under section 56(2)(d) of the EP&A Act:

- Hunter Water Corporation
- NSW Rural Fire Service
- Office of Environment and Heritage
- NSW Department of Primary Industries - Agriculture

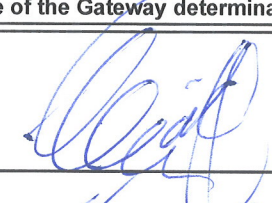
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may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

6. Following completion of the required additional studies (and required pre-exhibition consultation with nominated agencies in accordance with relevant S117 Directions), Council is to undertake assessment of the revised form of the planning proposal against relevant S117 Directions and provide this revised assessment as part of the planning proposal for exhibition purposes.

7. 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).

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

Signature:



Printed Name:

Neil McGavin

Date:

20.12.11