

84. **LA10/2011 - Modification of Planning Proposal for site at Cnr Retreat Road and Wattle Ponds Road, Wattle Ponds** **FILE: LA10/2011**
Author: Gary Pearson

Executive Summary

This report seeks support to modify a planning proposal for Lot 221, DP823112 and Lot 22, DP582824, 502 Bridgman Road, Wattle Ponds (refer to **Attachment 1**); which was previously considered by Council at the 15 August 2011 Singleton Council meeting.

The revised planning proposal (appended as **Attachment 2** to this report) changes the land use zoning sought for the site and updates the format and content of the planning proposal to align with advice provided to Council by the NSW Department of Planning and Infrastructure.

RECOMMENDED

1. That Council support the planning proposal as modified and forward it to the NSW Department of Planning and Infrastructure in accordance with the gateway Local Environmental Plan (LEP) making process.

Background:

Lot 22, DP582824 is approximately 36.31Ha in area and Lot 221, DP823112 is approximately 2Ha in area. The site has a predominantly hilly topography and is dissected by an intermittent natural watercourse. It comprises unimproved grassland and scattered groups of trees. The western portion of the site comprises sheds, two dwellings, dressage/horse training rings and dams.

At the 15 August 2011 Singleton Council meeting, Council considered a planning proposal for the subject land. The proposal sought to amend Council's LEP to:

- Rezone the land from 1(a) (Rural Zone) to 1(d) (Rural Small Holdings Zone);
- Apply a minimum lot size of 8,000m² and a minimum average lot size of 1Ha, to subdivision of the land in accordance with the recommendations of the Singleton Land Use Strategy (SLUS). This is intended to be implemented via a Lot Size Map and not a written averaging provision; and
- Require Development Control Plan (DCP) provisions to be prepared for the site to help achieve suitable design outcomes for the site.

The resolution from the 15 August 2011 Council meeting provided support for the planning proposal. Council then sought gateway determination for the proposal from the NSW Department of Planning and Infrastructure (DP&I).

On the 28 September 2011, a response was received from the DP&I, which identified measures to improve the quality of the planning proposal prior to it being provided to the gateway planning panel for consideration. Consulting with Council's about potential issues

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associated with respective planning proposals, prior to gateway determination, reflects a recent change in procedure by the DP&I.

Since receiving the DP&I comments, Council staff have been liaising with the regional office of the DP&I to confirm measures to improve the quality of Council's planning proposals. Such measures have informed preparation of the modified planning proposal.

The site comprises Central Hunter Ironbark-Spotted Gum Grey Box Forest, which is an Endangered Ecological Community (EEC). As such, it shares similar characteristics to the existing rural-residential land in Wattle Ponds.

The *Draft Singleton Local Environmental Plan 2012* (Draft SLEP 2012), which was considered by Council at the 17 October 2011 Singleton Council meeting; proposes to zone land within the existing rural-residential development in Wattle Ponds to "E4 Environmental Living Zone". This is in recognition of the importance of the EEC which exists throughout the rural-residential area.

The intention of the environmental living zone is to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that such development does not have an adverse effect on those values.

Zoning the subject site to an environmental living zoning would enable it to form a logical extension to the existing rural-residential land in Wattle Ponds and would be consistent with the draft SLEP 2012. It would also help acknowledge the importance of the environmental attributes of the site (EEC's).

The need to elevate the importance of land containing EEC's has been historically emphasised by the NSW Office of Environment and Heritage. The proposed modification to the planning proposal would be conducive to achieving this outcome.

The modified planning proposal continues to seek to apply a minimum lot size of 8,000m² and a minimum average lot size of 1Ha for subdivision of the land and require Development Control Plan (DCP) provisions to be prepared for the site.

Management Plan:

Singleton Council's Management Plan 2011-2015 utilises quadruple bottom line indicators (i.e. social, environmental, economic and governance) of sustainability to categorise major corporate actions. These indicators provide the basis for measuring Council's performance in achieving the outcomes of the Management Plan.

The Management Plan also identifies which component of Council is responsible for the respective corporate actions. The corporate actions identified by the management plan for the Planning and Regulated Services Directorate, do not specifically relate to the subject planning proposal. The compatibility of the planning proposal with the Management Plan sustainability indicators can however, be considered.

Social

The proposal is not expected to generate any significant adverse impacts on the community. Rezoning of the land in accordance with the recommendations of the revised

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planning proposal would provide for subdivision of the site into rural-residential allotments to help meet demand for such lots in the Singleton Local Government Area (LGA).

Environmental

The amendment to the Singleton Local Environmental Plan (LEP), as sought by the subject planning proposal; would facilitate rural-residential development of the site, which in turn would change the existing landscape.

Such changes are however, not expected to generate any significant adverse impacts on the environment, provided that development is undertaken in accordance with proposed LEP and DCP provisions. The provisions will encourage retention and rehabilitation of native vegetation and endeavour to achieve biodiversity outcomes which are equivalent to the pre-development situation.

Economic

The revised planning proposal is considered to be economically sustainable and is not expected to generate any significant financial burdens for Council.

Governance

The revised planning proposal is not expected to generate any significant adverse impacts from a governance perspective.

Council Policy/Legislation:Singleton land Use Strategy (SLUS)

The SLUS was adopted by Council on the 12 April 2008. It outlines key land use policies and principles for the Singleton Local Government Area (LGA).

Section 7 of the SLUS identifies candidate areas potentially suitable for rural-residential development. The land subject of the planning proposal is within the Wattle Ponds North West Candidate Area (WPNW Candidate Area), which is proposed to be serviced with reticulated water but not sewer.

In cases where reticulated water is provided and sewer is not provided, the SLUS "Strategic Actions" for rural-residential development indicate, that the absolute minimum size of lots should be no less than 8,000m². Table 12 of the SLUS details that such lots should have a minimum average area of 1Ha. These lot size provisions are considered to be suitable for the subject site.

Table 12 of the SLUS proposes a Large Lot Residential zoning for the WPNW Candidate Area. The site comprises Central Hunter Ironbark-Spotted Gum-Grey Box Forest, which was listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995* in 2010 (i.e. subsequent to endorsement of the SLUS in 2008). In recognition of the environmental importance of the land, the revised planning proposal seeks to rezone the land to an environmental living zoning. This variance from the recommendations of the SLUS is considered to be justified.

Environmental Planning and Assessment Act 1979 (EP&A Act 1979)

The subject planning proposal has been prepared pursuant to Part 3, Division 4 of the EP&A Act 1979, for the purposes of seeking an amendment to Council's LEP.

Financial Implications:

The proposal is not expected to generate any significant adverse financial implications. The request to amend Council's LEP incurred processing fees in accordance with Council's Management Plan – Fees and Charges.

Consultation/Social Implications:

If the proposal is supported by Council and the Department of Planning and Infrastructure's gateway determination, it will need to be exhibited in accordance with the recommendations of the respective gateway response. Pursuant to the requirements of the NSW Department of Planning and Infrastructure's "A Guide to Preparing Local Environmental Plans"; this will involve notifying the owners of land adjoining the subject sites and placing notice of exhibition of the planning proposal on Council's website and in two editions of the local newspaper (Singleton Argus).

The planning proposal is not expected to generate any significant adverse social implications.

Environmental Consideration:

The revised planning proposal comprises provisions which encourage retention and rehabilitation of vegetation and aim to ensure that development of the site results in no net loss of biodiversity. The proposal is not expected to generate any significant adverse environmental impacts.

Risk Implications:

No significant adverse risk implications have been identified as likely to occur as a result of the subject planning proposal.

Options:

The options available to Council are as follows:

- Resolve to support the planning proposal.
- Resolve to not support the planning proposal.

Conclusions:

The revised planning proposal seeks to rezone the subject site to an environmental living zoning. This would make it consistent with the provisions of the current Draft Singleton Local Environmental Plan 2012 and help acknowledge the importance of the environmental attributes of the site (EEC's).

The format and content of the planning proposal has been improved in accordance with recommendations from the Department of Planning and Infrastructure. The intent of the proposal remains the same, apart from the change in land use zoning.

It is recommended that support be provided for the revised planning proposal and that it be lodged with the NSW Department of Planning and Infrastructure for gateway determination.

Attachments

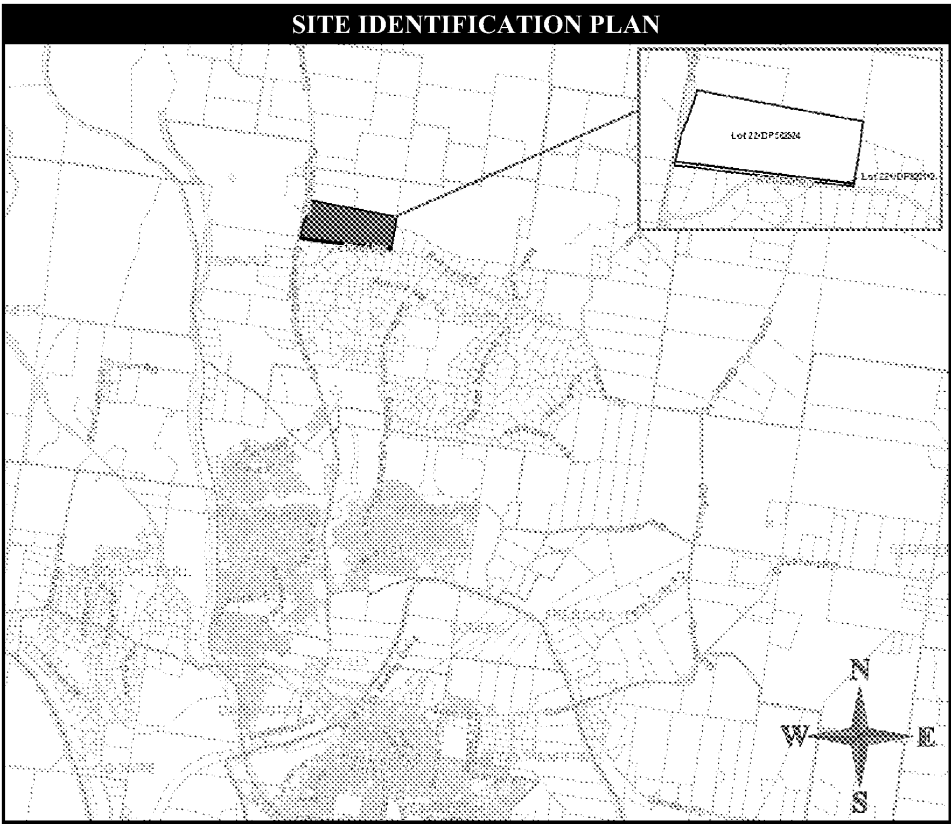
AT-1 Site Identification Plan

AT-2 Revised Planning Proposal

A handwritten signature in black ink that reads "Mark Ihlein". The signature is written in a cursive, slightly slanted style.

Mark Ihlein

Director Planning and Regulations





PLANNING PROPOSAL

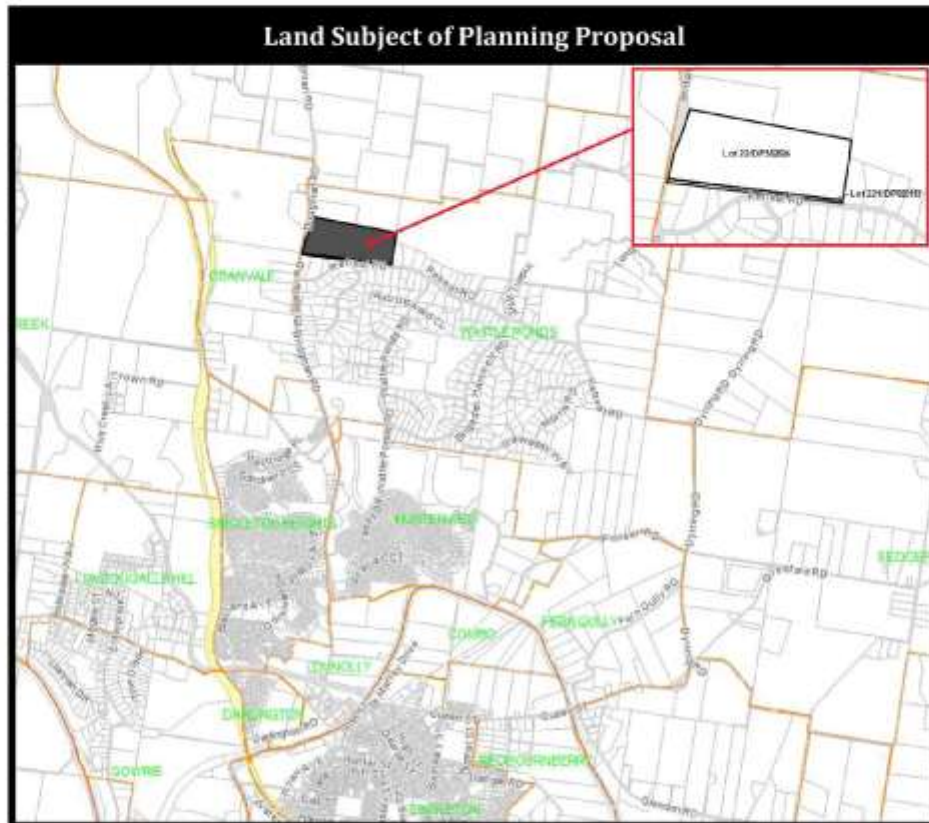
Lot 22, DP582824 and Lot 221, DP823112, 502 Bridgman
Road Wattle Ponds

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SITE DESCRIPTION

The site subject of this planning proposal is identified in the plan which follows.



The site is comprised of two parcels of land being Lot 22, DP582824 and Lot 221, DP823112.

Lot 22, DP582824 is approximately 36.31Ha in area and Lot 221, DP823112 is approximately 2Ha in area. The site has a predominantly hilly topography and is dissected by an intermittent natural watercourse. It comprises unimproved grassland and scattered groups of trees. The western portion of the site comprises dwellings, sheds, dressage/horse training rings and dams.

Note:

The site subject of this planning proposal was the subject of Draft Amendment 42, prior to that proposal being transitioned into the gateway LEP-making process. The transitional planning proposal for Amendment 42 did not incorporate the subject site because the proponent did not wish to proceed with that request. This planning proposal is a new proposal for the site from a different proponent.



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

This planning proposal (Council file reference: LA10/2011) seeks to:

- (a) Rezone Lot 22, DP582824 and Lot 221, DP823112, 502 Bridgman Road Wattle Ponds to "7(b) (Environmental Living Zone)" if the amendment occurs to the *Singleton Local Environmental Plan 1996* or "E4 Environmental Living Zone" if the amendment occurs to Council's Standard Instrument Local Environmental Plan.
- (b) Require Development Control Plan (DCP) provisions to be prepared for the site to the satisfaction of Council.
- (c) Implement a Lot Size Map for the site which is consistent with the DCP plans for the site.

PART 2 – EXPLANATION OF THE PROVISIONS

Amendment of Singleton Local Environmental Plan 1996 (SLEP 1996)

If the amendment sought by this planning proposal occurs to the SLEP 1996, the intended outcomes/objectives would be achieved by:

- **Amendment to the definition of “the map” to include a zoning map for the subject site.**

The zoning map is to show the site as being zoned 7(b) (Environmental Living Zone).

- **Requiring a Development Control Plan (DCP) to be prepared for the site prior to being able to issue development consent for development on the land.**

This requirement is to be implemented as an amendment to the Singleton DCP and shall (*inter alia*):

- (a) Contains a concept subdivision layout plan, which:
 - provides a lot layout with lots having a minimum lot size of 8,000m² and a minimum average lot size of 1Ha;
 - demonstrates compliance with the relevant provisions of the Singleton DCP; and
 - avoids the need to remove remnant vegetation (i.e. to provide for roads, dwelling-house development, hazard management etc).
- (b) Contain a concept staging plan that makes provision for necessary infrastructure and sequencing to ensure that development occurs in a timely and efficient manner.
- (c) Contain a concept movement hierarchy plan which shows the major circulation routes and connections to achieve a simple and safe movement system for private vehicles and public transport.
- (d) Contain a concept vegetation plan for the site and provide details of landscaping and biodiversity conservation/improvement works to be undertaken as part of any development of the site. Such works are to achieve maintained or improved biodiversity outcomes.
- (e) Contain a concept water servicing plan, which complies with the requirements of the responsible servicing authority;
- (f) Contain stormwater and water quality management controls.

- (g) Identify significant development sites which require special consideration and controls (including measures to conserve any identified heritage and habitat).
- (h) Provide for the amelioration of natural and environmental hazards, including bushfire, flooding, landslip and erosion, and potential site contamination.
- (i) Contain measures to minimise the potential for land use conflict.

- **Amendment to the definition of “Lot Size Map” to include a lot size map for the subject site.**

The Lot Size Map for this planning proposal is to be prepared subsequent to undertaking consultation with public authorities and preparing DCP provisions for the site, but prior to public exhibition of this planning proposal.

Preparation of the Lot Size Map, after suitable DCP concept plans have been prepared, will provide for the Lot Size Map to be drafted such that it is consistent with the likely subdivision pattern for the site (i.e. provide for the boundaries of different lot size areas to align with road/lot boundaries).

The DCP concept plans are to demonstrate how the site is able to be effectively developed, such that lots are no less than 8,000m² in area and the average size of lots across the site is 1Ha or greater. This is consistent with the recommendations of the Singleton Land Use Strategy.

The DCP concept plans need to be prepared in consideration of the requirements of Council and Public Authorities. Therefore preparation of the associated draft Lot Size Map should not occur until such consultation has been undertaken.

This planning proposal and the DCP amendment proposal should be exhibited concurrently to enable the public to understand how the site is likely to be developed if rezoned. The draft Lot Size Map is to be provided with the exhibition material as an attachment to this planning proposal.

Amendment to Standard Instrument Local Environmental Plan (SI LEP)

If the amendment sought by this planning proposal occurs to the SLEP 1996, the intended outcomes/objectives would be achieved by:

- **Amendment to the definition of “the map” to include a zoning map for the subject site.**

The zoning map is to show the site as being zoned E4 (Environmental Living Zone).

- **Requiring a Development Control Plan (DCP) to be prepared for the site prior to being able to issue development consent for development on the land.**

This requirement is to be implemented as an amendment to the Singleton DCP and shall (*inter alia*):

- (j) Contains a concept subdivision layout plan, which:
 - provides a lot layout with lots having a minimum lot size of 8,000m² and a minimum average lot size of 1Ha;
 - demonstrates compliance with the relevant provisions of the Singleton DCP; and
 - avoids the need to remove remnant vegetation (i.e. to provide for roads, dwelling-house development, hazard management etc).
- (k) Contain a concept staging plan that makes provision for necessary infrastructure and sequencing to ensure that development occurs in a timely and efficient manner.
- (l) Contain a concept movement hierarchy plan which shows the major circulation routes and connections to achieve a simple and safe movement system for private vehicles and public transport.
- (m) Contain a concept vegetation plan for the site and provide details of landscaping and biodiversity conservation/improvement works to be undertaken as part of any development of the site. Such works are to achieve maintained or improved biodiversity outcomes.
- (n) Contain a concept water servicing plan, which complies with the requirements of the responsible servicing authority;
- (o) Contain stormwater and water quality management controls.

- (p) Identify significant development sites which require special consideration and controls (including measures to conserve any identified heritage and habitat).
- (q) Provide for the amelioration of natural and environmental hazards, including bushfire, flooding, landslip and erosion, and potential site contamination.
- (r) Contain measures to minimise the potential for land use conflict.

- **Amendment to the definition of "Lot Size Map" to include a lot size map for the subject site.**

The Lot Size Map for this planning proposal is to be prepared subsequent to undertaking consultation with public authorities and preparing DCP provisions for the site, but prior to public exhibition of this planning proposal.

Preparation of the Lot Size Map, after suitable DCP concept plans have been prepared, will provide for the Lot Size Map to be drafted such that it is consistent with the likely subdivision pattern for the site (i.e. provide for the boundaries of different lot size areas to align with road/lot boundaries).

The DCP concept plans are to demonstrate how the site is able to be effectively developed, such that lots are no less than 8,000m² in area and the average size of lots across the site is 1Ha or greater. This is consistent with the recommendations of the Singleton Land Use Strategy.

The DCP concept plans need to be prepared in consideration of the requirements of Council and Public Authorities. Therefore preparation of the associated draft Lot Size Map should not occur until such consultation has been undertaken.

This planning proposal and the DCP amendment proposal should be exhibited concurrently to enable the public to understand how the site is likely to be developed if rezoned. The draft Lot Size Map is to be provided with the exhibition material as an attachment to this planning proposal.

PART 3 – JUSTIFICATION**Section A - Need for the Planning Proposal****1. Is the planning proposal a result of any strategic study or report?**

Section 7 of the Singleton Land Use Strategy (**Attachment 1**) identifies candidate areas potentially suitable for rural-residential development. The land subject of this planning proposal is within the Wattle Ponds North West Candidate Area (WPNW Candidate Area). The WPNW Candidate Area is proposed to be serviced with reticulated water but not sewer.

In cases where reticulated water is provided and sewer is not provided, the Singleton Land Use Strategy (SLUS) "Strategic Actions" for rural-residential development, indicate that the absolute minimum size of lots should be no less than 8,000m². Table 12 of the SLUS details that such lots should have a minimum average area of 1Ha. These lot size provisions are considered to be suitable for the subject site.

Based on the proposed 1Ha average lot size, topographical constraints on the site and assuming that approximately 15% of the site is likely to be utilized for roads; subdivision of the land is expected to yield approximately 30-32 allotments.

The prospective lot yield would be clarified further as part of the Development Control Plan (DCP) master-planning process. No interest had been expressed to Council to rezone other sites within the WPNW Candidate Area at the time of preparation of this planning proposal.

Table 12 of the SLUS proposes a Large Lot Residential zoning for the WPNW Candidate Area. The site comprises Central Hunter Ironbark-Spotted Gum-Grey Box Forest, which was listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995* in 2010 (i.e. subsequent to endorsement of the SLUS in 2008).

In recognition of the environmental importance of the land, this planning proposal seeks to rezone the land to an environmental living zoning. The 7(b) (Environmental Living Zone) under the SLEP 1996 and the E4 (Environmental Living Zone) under the SI LEP provide for low-impact residential development in areas with special ecological, scientific or aesthetic values. It is an objective of the zones to ensure that residential development does not have an adverse effect on those values.

In addition using an environmental living zone for the land, this planning proposal seeks to require DCP provisions to be developed for the site. This is

recommended by sections 7 and 9.4. of the SLUS. The proposed DCP provisions shall encourage retention and rehabilitation of vegetation and aim to ensure that development of the site results in no net loss of biodiversity.

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

Placing land use and minimum lot size provisions for subdivision in Council's LEP, in conjunction with appropriate design controls in Council's DCP; is considered to be the most appropriate method for managing subdivision and land use in the locality. This method is supported by the adopted SLUS (2008) and is consistent with the method of managing land use for similar proposals in the Singleton LGA.

3. Is there a net community benefit?

No net community benefit test has been provided by the proponent; however Council envisages that this planning proposal will result in a net community benefit.

The SLUS identifies the need to provide lots with a minimum lot size of 8,000m² and a minimum average lot size of 1Ha, in proximity to the Singleton Township. The subject proposal will benefit the community by providing lots to meet such demand.

Because the lot size provisions sought by this planning proposal are consistent with the SLUS, it is not expected to create an unfavourable precedent or change the expectations of the landowner(s). The proposal will not result in a loss of employment lands.

The site is located on the fringe of the existing Wattle Ponds rural-residential area. The main transport corridor in the vicinity of the site is the New England Highway. The site has access to reticulated water supply infrastructure and is not proposed to be serviced by sewer. Some road upgrades may be required to provide for the additional traffic generated by the development. The costs associated with infrastructure provision are not considered to be cost prohibitive to development of the site. Given the rural-residential nature of the area, pedestrian paths and cycle ways are not intended to be provided as part of the development of the site.

The Development Control Plan (DCP) provisions required by the proposed LEP are intended to contain requirements to conserve, enhance and encourage the regeneration of the native vegetation on the site. While the site is not within a floodplain, some areas of the site may be subject to localized flooding (stormwater) impacts from the natural watercourses during heavy storm periods. DCP provisions are to address such impacts.

Overall, the proposal is considered to generate benefits to the community.

Section B - Relationship to Strategic Planning Framework

- 4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The land subject of this planning proposal is not within a regional strategy endorsed by the NSW Department of Planning (now NSW Department of Planning and Infrastructure).

- 5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?**

Council does not have a Community Strategic Plan. This planning proposal is however, consistent with Council's Management Plan 2011/12 – 2014/15. Preparation of the LEP will involve community consultation and will help manage potential environmental impacts associated with development of the land.

The land subject of this planning proposal is identified by the SLUS potentially being suitable for lots with a minimum lot size of 8,000m² and a minimum average lot size of 1Ha for rural-residential development. Such lots are required to help meet demand identified by the SLUS. The proposal is consistent with the SLUS.

- 6. Is the planning proposal consistent with applicable state environmental planning policies?**

This planning proposal is considered to be consistent with applicable state environmental planning policies.

The Preliminary Contamination Assessment details that the site contains some detectable concentrations of heavy metals, but advises that none of the obtained results exceed the recommended assessment criteria for sensitive or "standard residential land use criteria" (NEHF). It indicates that contamination does not pose a risk to rural-residential development of the site. The proposal is therefore considered to be consistent with *State Environmental Planning Policy No. 55 – Remediation of Land*.

The flora and fauna assessment that has been prepared for the proposal has not identified any koala habitat on the site. No suitable habitat has been

identified on the subject land and the majority of vegetation on the site is intended to be protected; therefore *State Environmental Planning Policy No. 44 – Koala Habitat Protection* does not apply.

7. Is the proposal consistent with applicable Ministerial Directions (s.117 directions)?

The table which follows contains a response to each of the s117 directions in relation to the planning proposal.

Compliance with Section 117 Directions			
Ministerial Direction		Relevance (Yes/No)	Consistency and Implications
No.	Title		
1.1	Business and Industrial Zones	No	This planning proposal does not affect land within an existing or proposed business or industrial zone.
1.2	Rural Zones	No	The planning proposal does not seek to rezone the land to a residential, business, industrial, village or tourist zone.
1.3	Mining, Petroleum Production and Extractive Industries	No	The proposal would not have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials. The proposal is not viewed to restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance.
1.4	Oyster Aquaculture	No	The planning proposal does not seek a change in land use which could result in adverse impacts on a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate". The planning proposal does not seek a change in land use which could result in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or a "current oyster aquaculture lease in the national parks estate" and other land uses.
1.5	Rural Lands	Yes	This planning proposal affects land within an existing rural zone. It also seeks to change the existing minimum lot size for subdivision of the land. The proposal is considered to be generally consistent with the Rural Planning Principles and Rural Subdivision Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> (Rural Lands SEPP). Any perceived inconsistencies with this direction are considered to be justified by

			the Singleton Land Use Strategy (SLUS). The SLUS considered the issues raised by the objectives of this direction, which are to: • protect the agricultural production value of rural land, and • facilitate the orderly and economic development of rural lands for rural and related purposes. The SLUS identifies the site subject of this planning proposal as a candidate area for rural-residential development. The SLUS was approved by the Director-General on the 8 June 2008 and is still in force as at the date of preparation of this planning proposal. This planning proposal seeks confirmation from the Director-General (or delegate) that any inconsistency with this direction is justified and of minor significance.
2.1	Environment Protection Zones	Yes	This planning proposal includes requirements which facilitate the protection and conservation of environmentally sensitive areas. This is achieved through the proposed Environmental Living zoning, by promoting the ecological values of the site via the zone objectives and by requiring development consent for agriculture, which is a key threatening process to the endangered ecological community (EEC) which exists on the site. The impacts of agriculture on the EEC would need to be assessed, prior to consenting to such land use. The current zoning of the land does not require development consent to be obtained for standard agriculture. The Development Control Plan (DCP) provisions seek to require a vegetation plan to be prepared for the site as well as biodiversity and conservation works to be undertaken to achieve maintained or improved biodiversity outcomes. The environmental protection standards that would apply to the site as a result of this planning proposal would increase, when compared to the standards that currently apply to the site. This planning proposal does not reduce the environmental protection standards that apply to the land and is considered to be consistent with the direction.
2.2	Coastal Protection	No	This direction does not apply to the planning proposal because it does not affect land in the coastal zone.
2.3	Heritage Conservation	Yes	The planning proposal is considered to be consistent with this direction. It requires preparation of DCP provisions which

			incorporate measures to conserve any identified heritage. Any perceived inconsistencies with this direction are considered to be of minor significance and justified by the fact that: - The <i>Singleton Local Environmental Plan 1996</i> (SLEP 1996) and draft Standard Instrument Local Environmental Plan (SI LEP) comprise provisions to protect items of environmental heritage. - The <i>National Parks and Wildlife Act 1974</i> comprises provisions to protect objects and places of Indigenous heritage. This planning proposal seeks confirmation from the Director-General (or delegate) that any inconsistency with this direction is justified and of minor significance.
2.4	Recreation Vehicle Areas	No	This planning proposal does not seek to enable land to be developed for the purpose of a recreation vehicle area within the meaning of the <i>Recreation Vehicles Act 1983</i> .
3.1	Residential Zones	No	This planning proposal does not affect land within an existing or proposal residential zone.
3.2	Caravan Parks and Manufactured Home Estates	NO	This planning proposal is not for the purposes of identifying suitable zones, locations or provisions for caravan parks or manufactured home estates.
3.3	Home Occupations	Yes	The mandatory provisions of the SI LEP make home occupations exempt from requiring development consent in the <i>E4 Environmental Living Zone</i>. "Home activity" is the equivalent definition for "home occupation" in the SLEP 1996. Home activities are exempt from requiring development consent in the 7(b) (<i>Environmental Living zone</i>). The objectives of this direction are considered to be addressed by this planning proposal. This planning proposal seeks confirmation from the Director-General (or delegate) that any inconsistency with this direction is justified and of minor significance.
3.4	Integrating Land Use and Transport	No	This planning proposal does not seek to create, alter or remove a zone or a provision relating to urban land.
3.5	Development Near Licensed Aerodromes	No	This planning proposal does not seek to create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6	Shooting Ranges	No	This planning proposal does not seek to create, alter or remove a zone or a provision

			relating to land adjacent to and/or adjoining an existing shooting range.
4.1	Acid Sulfate Soils	NO	This planning proposal does not apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Maps held by the NSW Department of Planning and Infrastructure.
4.2	Mine Subsidence and Unstable Land	NO	The land subject of this planning proposal is not within a designated mine subsidence district and is not identified as being unstable.
4.3	Flood Prone Land	NO	The site is not within a designated floodplain. During significant storm events, water may overflow the banks of the intermittent natural watercourses (drainage gullies) dissecting the site. The site, however, is not considered to be flood prone land as defined by the <i>Floodplain Development Manual 2005</i> .
4.4	Planning for Bushfire Protection	Yes	This planning proposal is considered to be consistent with this direction. The land subject of this planning proposal is mapped as being bushfire prone land on Council's bushfire prone land mapping. This planning proposal seeks to consult with the NSW Rural Fire Service subsequent to gateway determination being issued and prior to undertaking community consultation. A large proportion of the land is cleared of significant vegetation. The site is considered to be capable of providing for development that complies with <i>Planning for Bushfire Protection 2006</i> . The planning proposal requires preparation of DCP provisions which incorporate measures to ameliorate bushfire. Such measures would include avoiding placing inappropriate development in hazardous areas. Bushfire hazard reduction is not intended to be prohibited as part of this planning proposal.
5.1	Implementation of Regional Strategies	No	The regional strategies do not apply to the land subject of this planning proposal.
5.2	Sydney Drinking Water Catchments	No	The land subject of this planning proposal is not within the Sydney Drinking Water Catchment.
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No	This direction does not apply to Singleton Council.
5.4	Commercial and Retail Development along the Pacific Highway, North	No	This direction does not apply to the Singleton Local Government Area.

	Coast		
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	This direction has been revoked.
5.6	Sydney to Canberra Corridor	No	This direction has been revoked.
5.7	Central Coast	No	This direction has been revoked.
5.8	Second Sydney Airport: Badgerys Creek	No	The land subject of this planning proposal is not within the boundaries of the proposed second Sydney airport site or within the 20 ANEF contour as shown on the map entitled "Badgerys Creek-Australian Noise Exposure Forecast-Proposed Alignment-Worst Case Assumptions".
6.1	Approval and Referral Requirements	Yes	This planning proposal is considered to be consistent with this direction. This planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a minister or public authority and does not identify development as designated development.
6.2	Reserving Land for Public Purposes	Yes	This planning proposal is considered to be consistent with this direction. It does not seek to create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site Specific Provisions	Yes	This planning proposal is considered to be consistent with this direction. The proposal does not intend to amend another environmental planning instrument in order to allow a particular development proposal to be carried out. The planning proposal does not refer to drawings for any such development.
7.1	Implementation of the Metropolitan Plan for Sydney 2036	No	This direction does not apply to the Singleton Local Government Area.

Section C - Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Threatened Flora

A Flora and Fauna Assessment has been conducted for the site and is appended as "**Attachment 2**" to this planning proposal. The NSW Office of Environment and Heritage "DSEWPaC" online database indicates that the following four (4) threatened flora species have been previously recorded within 10kms of the site or are considered to have potential habitat (*) within 10kms of the site:

- *Eucalyptus camaldulensis* - *Eucalyptus camaldulensis* population in the Hunter catchment E2
- *Acacia pendula* - *Acacia pendula* in the Hunter catchment E2
- *Eucalyptus glaucina* Slaty Red Gum V
- **Thesium australe* - Austral Toadflax V

The assessment report, details that no threatened flora species were recorded during the survey conducted on the site. Some marginalized habitat, suitable for *Acacia pendula*, *Eucalyptus glaucina* and *Thesium australe* was identified on the site; however, it has been greatly marginalised by past and ongoing anthropogenic uses, including grazing and clearing.

The assessment report indicates that rural-residential development of the site may result in the removal of a small amount of marginal habitat, but given the low likelihood of occurrence on site, this action is considered unlikely to have a significant adverse effect on the lifecycle of any viable local population.

The proposed DCP provisions (Refer to Part 2 of this Planning Proposal), intend to prevent adverse impacts on vegetation and biodiversity and achieve an improved or maintained biodiversity outcome. It is believed, that development of the site should be able to occur without adversely impacting upon threatened flora.

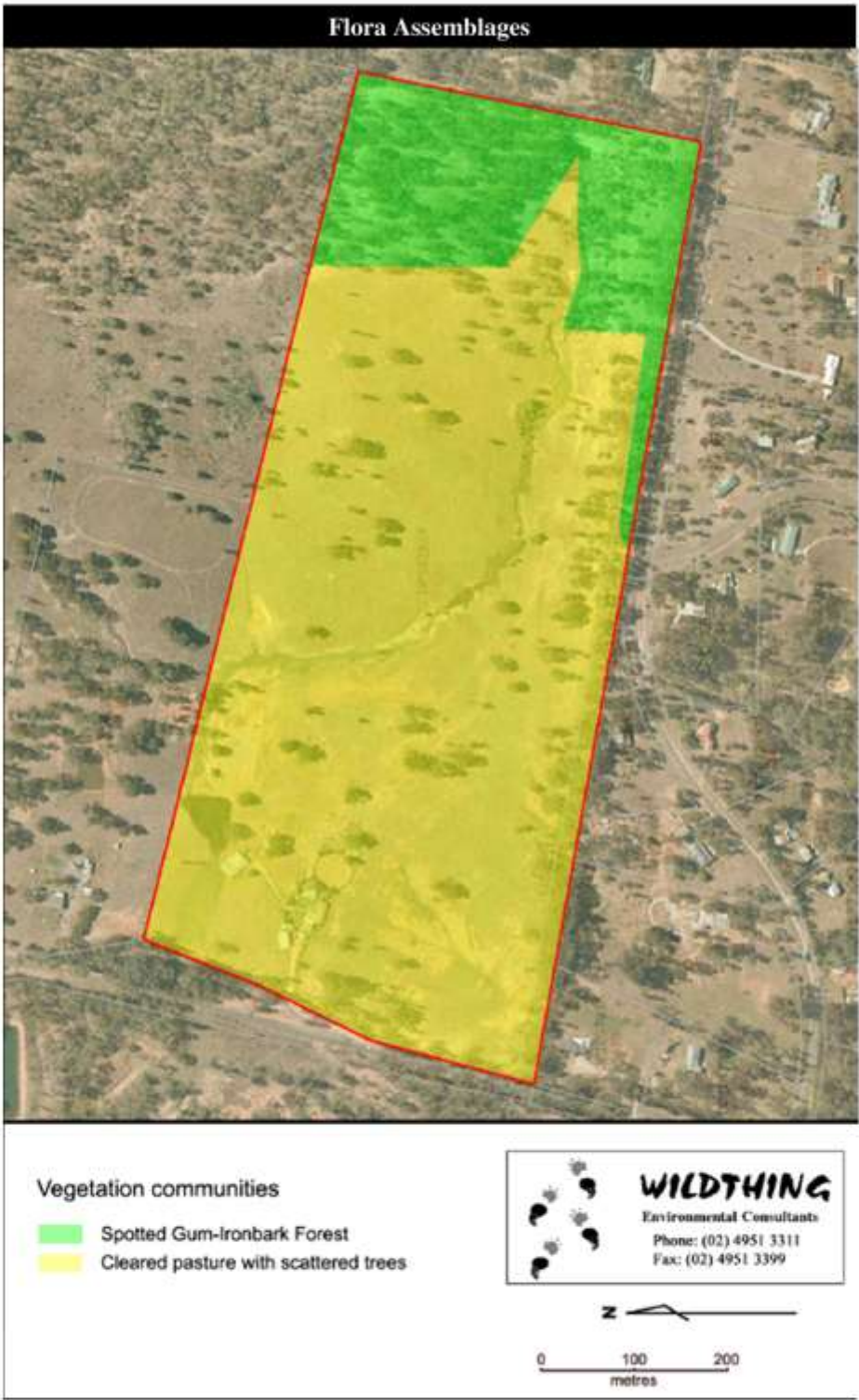
Threatened Fauna Species

The Flora and Fauna Assessment (**Attachment 2**) details that twenty (20) threatened fauna species were considered to have potential habitat resources of varying quality available within the site; however, no threatened fauna species were recorded by the survey conducted for the site.

The proposed DCP provisions (Refer to Part 2 of this Planning Proposal), intend to prevent adverse impacts on biodiversity and achieve an improved or maintained biodiversity outcome. It is believed, that development of the site should be able to occur without having a significant adverse impact upon threatened fauna.

Endangered Ecological Communities (EECs)

The plan which follows shows the flora assemblages existing on the site and has been adapted from the Flora and Fauna Assessment Report that has been prepared and lodged for the proposal.



The assessment report indicates that approximately 6ha of Dry Sclerophyll Open Forest, consistent with Map Unit 27 – Central Hunter Ironbark – Spotted Gum – Grey Box Forest, is present on the site. This community has been highly disturbed due to clearing and grazing, resulting in a substantially reduced understorey.

The Central Hunter Spotted Gum – Ironbark Forest is concentrated in the eastern portion of the site and has been confirmed to be a disturbed remnant of Central Hunter Spotted Gum – Ironbark Forest in the Sydney Basin Bioregion, which is listed as an EEC under the *NSW Threatened Species Conservation Act 1995*.

The assessment report indicates that the canopy is dominated by *Corymbia maculata* (Spotted Gum), *Eucalyptus fibrosa* (Broad-leaved Ironbark) and *Eucalyptus crebra* (Narrow-leaved Ironbark) with few other species present.

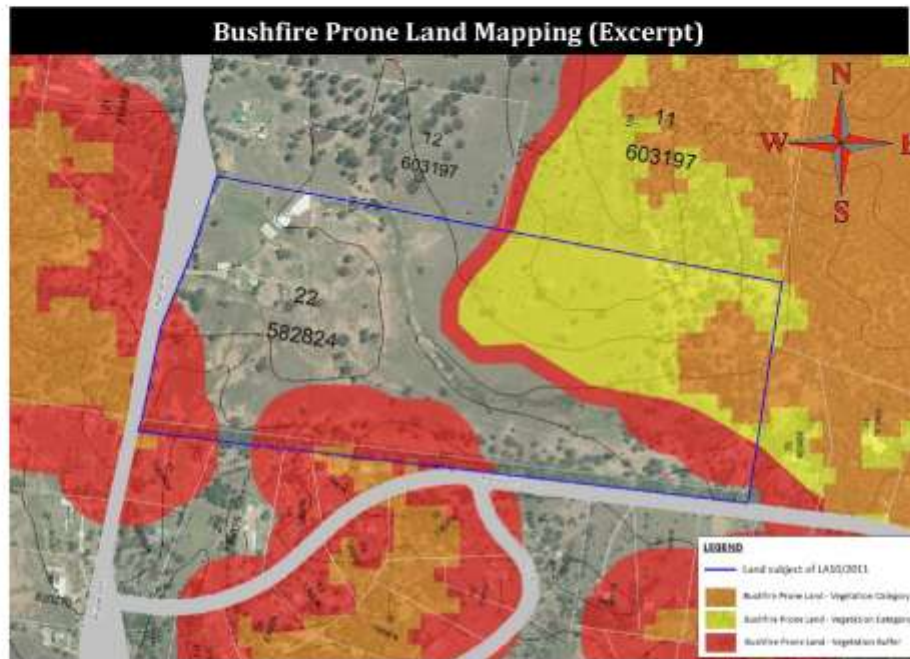
The midstorey of the community is absent. Understorey shrubs are also sparse to absent in most areas with isolated *Daviesia ulicifolia ssp ulicifolia* and *Allocasuarina luehmannii* (Bulloak) present in very small numbers. A number of *Olea europea* (European Olive) are also present within the understorey.

The Development Control Plan (DCP) provisions, required by planning proposal (Refer to Part 2 of this Planning Proposal), are intended to encourage conservation, enhancement and regeneration of the EEC.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Bushfire

The site is identified on Council's Bushfire Prone Land mapping as being bushfire prone land.



A large portion of the site is cleared of significant vegetation. The site is considered to be capable of providing for development which complies with *Planning for Bushfire Protection 2006*.

A Bushfire Impact Assessment Report is considered to be required for this planning proposal. Such a report would be used as the basis for preparation of DCP provisions relating to the amelioration of bushfire impacts.

This planning proposal seeks to consult with the NSW Rural Fire Service subsequent to gateway determination being issued and prior to undertaking community consultation.

The proposal should not have a significant adverse impact in regard to bushfire.

Flooding and Drainage

During significant storm events, water may overflow the banks of the intermittent natural watercourses (drainage gullies) dissecting the site. A Hydrology Report is considered to be required for this planning proposal. Such a report can be used to guide the design of the DCP concept subdivision layout, so that concept lots comprise land suitable for dwelling-house development that is not subject to inundation.

The proposal should not have a significant adverse impact in regard to flooding and drainage.

Native Vegetation

Impacts on biodiversity should be avoided. A Biodiversity Impact Assessment Report prepared in accordance with the *Environmental Outcomes Assessment Methodology of the Native Vegetation Regulation 2005*; is considered to be required for this planning proposal.

The Biodiversity Impact Assessment Report can be used as a basis for preparing the DCP "Concept Vegetation Plan" for the site and associated biodiversity conservation/improvement provisions. The report should demonstrate how maintained or improved biodiversity outcomes will be achieved.

This planning proposal seeks to consult with the NSW Office of Environment and Heritage subsequent to gateway determination being issued and prior to undertaking community consultation.

Soils

A Preliminary Geotechnical Investigation (Attachment 3) and Preliminary Contamination Assessment (Attachment 4) have been conducted for the site.

The Preliminary Geotechnical Investigation identifies an area of the site which is constrained in terms of providing for onsite effluent disposal. The DCP concept subdivision layout will need to provide concept lots with suitable areas for onsite effluent disposal.

The Preliminary Contamination Assessment details that the site contains some detectable concentrations of heavy metals, but advises that none of the obtained results exceed the recommended assessment criteria for sensitive or "standard residential land use criteria" (NEHF). It indicates that contamination does not pose a risk to rural-residential development of the site and that none of the samples contained Organo-chlorides or Organophosphates.

The planning proposal should not have a significant adverse impact in regard to soils.

Loss of Rural Lands

The site is situated within the Wattle Ponds North West Candidate Area as identified by the Singleton Land Use Strategy (SLUS). The need for lots with a minimum lot size of 8,000m² and a minimum average lot size of 1Ha was identified by the SLUS as a result of a demand and supply analysis.

The SLUS candidate areas were identified in consideration of a constraints analysis which considered the need to protect agricultural land of high production value. The planning proposal is not considered to result in a significant loss of rural lands.

Traffic Access and Transport

Based on the projected lot yield, subdivision of the site, as a result of the change in minimum lot size provisions, would generate approximately 270 additional vehicle movements. The additional vehicle movements are not expected to have substantial adverse impacts on the road network. Any necessary road upgrades to provide for the additional traffic are not expected to make the proposal unfeasible.

European Heritage

No items of European heritage significance have been identified on the site.

Indigenous Heritage

Aboriginal cultural heritage items and places have been identified on the site. The Aboriginal Cultural and Archaeological Assessment report (Attachment 5) for the proposal recommends that a permit be sought pursuant to section 90 of the *National Parks and Wildlife Act 1974* for consent to destroy the items/places.

Within Part C, Section 10.0. of the Aboriginal Cultural and Archaeological Assessment report, the archaeologist indicates that a trust fund should be established by the Aboriginal community towards the health, education and employment benefit of the Aboriginal Community and that Council should collect contributions to be paid into such a fund, by all developers in the LGA on a per lot basis.

The reasoning provided by the archaeologist for payment of the monetary contribution is really a commentary on "State-wide" policy and the issues (health, education and employment benefit of the Aboriginal Community) are not attributable to the subject planning proposal. Requiring payment of contributions by developers across the LGA, for such a purpose is not provided for by the *Environmental Planning and Assessment Act 1979*.

The issues raised by the archaeologist cannot be resolved as part of the subject planning proposal. The planning proposal process is not the

appropriate vehicle to seek to introduce 'across the board' contributions to improve the welfare and opportunities available to the Aboriginal community. Consideration of such matters would be better pursued by the archaeologist at a State level.

This planning proposal recommends preparation of DCP provisions for the site which include measures to conserve any identified heritage. As such, the planning proposal is unlikely to have any significant adverse impacts in regard to indigenous heritage.

10. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is not expected to generate any significant adverse social or economic impacts. The proposal forms a logical extension to the existing rural-residential area. The low density and large amount of vegetation retention provides sufficient buffering between neighbouring properties. No significant adverse economic impacts have been identified as likely to result due to the proposal.

Section D - State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

The site subject of this planning proposal has access to electricity, telecommunications, road and reticulated water supply infrastructure. Sewer is not available in the subject area and as such, onsite disposal of effluent would be required (i.e. septic).

A Reticulated Water Servicing Strategy, which demonstrates compliance with the general development provisions of the Singleton Development Control Plan, is considered to be required for this planning proposal. The strategy should demonstrate how concept lots are able to be serviced effectively and efficiently.

It is recommended that Ausgrid be consulted in regard to electricity infrastructure and Telstra be consulted in regard to telecommunications infrastructure.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The following public authorities should be consulted in relation to this planning proposal:

- Ausgrid
- Telstra
- NSW Office of Environment and Heritage
- NSW Rural Fire Service

PART 4 –COMMUNITY CONSULTATION

The public would have the opportunity to view and comment on the planning proposal once the NSW Department of Planning and Infrastructure endorses the proposal to go on public exhibition. It is submitted that the proposal does not fit the definition of a "Low impact Planning proposal" and as such, it should be exhibited for a period of not less than 28 days.

It is recommended that community consultation occur subsequent to public authority consultation and after suitable DCP provisions have been prepared for the site. This will enable the planning proposal and DCP amendment proposal to be exhibited concurrently.

RECOMMENDATION

It is recommended that this planning proposal be supported and that the following studies be prepared prior to undertaking consultation with public authorities:

- Bushfire Impact Assessment Report
- Hydrology Report
- Biodiversity Impact Assessment Report (prepared in accordance with the *Environmental Outcomes Assessment Methodology of the Native Vegetation Regulation 2005*)
- Water Servicing Strategy

Following public authority consultation and prior to community consultation, it is recommended that a Development Control Plan (DCP) amendment proposal be prepared for the site. The DCP proposal should demonstrate compliance with the requirements of Council and relevant public authorities.

Note:

Given the need to prepare studies, it is expected that it will take approximately 18 months to finalize this planning proposal. This estimation is based on the expectation that the studies will be completed by the proponent and lodged with Council within 6 months of the date of issue of the gateway determination and that no significant matters arise during public authority and community consultation.

Attachment 1 – Singleton Land Use Strategy

Attachment 2 – Flora and Fauna Assessment

Attachment 3 – Preliminary Geotechnical Investigation

Attachment 4 – Preliminary Contamination Assessment

Attachment 5 – Aboriginal Cultural and Archaeological Assessment report