

**469 and 377 Gresford Road Sedgefield - Singleton Local Environmental Plan 2013
Amendment**

Proposal Title : **469 and 377 Gresford Road Sedgefield - Singleton Local Environmental Plan 2013 Amendment**

Proposal Summary : **The proposal intends to rezone land at 377 and 469 Gresford Road Sedgefield from RU1 Primary Production to E4 Environmental Living.**

The proposal will result in a total 4 additional lots (2 additional lots at 469 Gresford Road and 2 additional lots at 377 Gresford Road).

PP Number : **PP_2014_SINGL_003_00** Dop File No : **14/18178**

Proposal Details

Date Planning Proposal Received :	28-Oct-2014	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 :	469 Gresford Road		
Suburb :	Sedgefield	City :	Postcode : 2330
Land Parcel :	Lot 1 DP 710420		
Street :	377 Gresford Road		
Suburb :	Sedgefield	City :	Postcode : 2330
Land Parcel :	Lot 3 DP243558		

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Gary Pearson**
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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Amendment

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	35.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	4
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 : **Two separate planning proposals were lodged by Council for each of the sites; one for 377 Gresford Road and one for 469 Gresford Road. Council has advised it is concerned combining the proposals may result in delays should consultation result in one site requiring additional studies or further information.**

Both proposals rezone land from RU1 to E4, create 2 additional lots for their respective sites, have same applicable SEPP and 117 Directions, and the same proposed timelines. It is recommended that only one Gateway Determination be issued for both sites and for Council to be advised that in the unlikely event state or community consultation requires additional work for only one of the sites, the Department will consider issuing a revised Gateway to separate the proposals.

It is noted that further areas are identified in the Sedgefield Structure Plan for rezoning. It is recommended that these future rezonings take a consolidated approach rather be submitted an ad hoc manner on a site by site basis. It is considered that better planning outcomes and more effective use of resources can be achieved by implementing the Sedgefield Structure Plan in a holistic manner.

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 provided explains the intent of the planning proposal is to allow the subject sites to be used for environmental living purposes.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions explains the proposal will be achieved by an amendment to the Land Use Zoning and Minimum Lot Size maps in the Singleton LEP 2013.**

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

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries

1.5 Rural Lands

4.4 Planning for Bushfire Protection

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

**SEPP No 55—Remediation of Land
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 has proposed a consultation period of 28 days. The proposal is considered of low impact, and as such a minimum period of 14 days is recommended.**

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 :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in
relation to Principal
LEP :

The Standard Instrument Singleton LEP 2013 is in force.

Amendment

Consistency with
strategic planning
framework :

UPPER HUNTER STRATEGIC REGIONAL LAND USE PLAN (SRLUP)

The Upper Hunter SRLUP requires that rural residential housing growth should occur in close proximity to existing centres, towns and villages and is to be consistent with the settlement planning principles.

The proposal is inconsistent with one of the settlement planning principles as the location of the subject sites do not provide easy access to relevant infrastructure and services. Sedgefield is an existing rural residential area located approximately 8km from Singleton. This is not considered to be in close proximity to existing centres. The proposal does however reduce land use conflicts as the majority of land is already zoned for rural residential purposes.

The planning proposal is not considered consistent with the Upper Hunter SRLUP in relation to the location of new rural residential areas away from existing centres. However, Sedgefield is considered to be an existing rural residential area, and this proposal only allows a minor expansion of rural residential housing.

STATE ENVIRONMENTAL PLANNING POLICIES**SEPP No 55—Remediation of Land**

The planning proposal states there is a possibility the sites contain contamination due to past agricultural activities. Council has not undertaken a preliminary hazard analysis due to the low potential yield and low scale grazing uses previously undertaken. Council is satisfied that the land is suitable for rural residential development, and that any remediation can be undertaken as part of the development assessment process. Based on this advice from Council no preliminary hazard assessment has been requested by the Gateway.

SEPP (Rural Lands) 2008

Consistency with this SEPP is discussed in more detail under local planning directions.

SINGLETON LAND USE STRATEGY (2008)

The Singleton Land Use Strategy was endorsed by the Department in 2008 with conditions. A condition relevant to this proposal was for any changes to rural minimum lot sizes to be consistent with the rural subdivision principles of the SEPP (Rural Lands) 2008. Consistency with this SEPP is discussed in more detail under local planning directions.

The Land Use Strategy identifies Sedgefield as a candidate area for rural residential development. The proposal is considered consistent with the Singleton Land Use Strategy.

SEDFIELD STRUCTURE PLAN (2009)

The Department advised Council in 2006 that completion of a Structure Plan was required prior to the assessment of any rezonings in the Sedgefield area.

A Structure Plan was submitted to the Department for endorsement in 2009. The Department acknowledged that the rezoning of land in the Sedgefield area to rural residential may be appropriate given an acceptable yield can be achieved with minimal (vegetation) clearing. The Structure Plan was not endorsed by the Department for the purpose of Section 117 Directions or other relevant legislation.

The planning proposal is considered consistent with the Sedgefield Structure Plan.

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

The planning proposal is inconsistent with this Direction as it reduces the minimum lot size of both sites. The proposal therefore contains provisions that will increase the

permissible density of land within a rural zone.

The inconsistency of this Direction cannot be justified by the Sedgefield Structure Plan as this study has not been endorsed for the purpose of Section 117 Directions.

The inconsistency is considered of minor significance as the proposal only allows four additional lots in an area that is not identified as containing important agricultural land.

1.3 Mining, Petroleum Production and Extractive Industries

The planning proposal is inconsistent with this Direction as it restricts the potential development of mineral resources by permitting a rural residential land use that is likely to be incompatible. It is recommended that Council be required to consult the Director-General of the Department of Primary Industries (DPI) to identify any mineral resources.

1.5 Rural Lands

This Direction is relevant as the planning proposal proposes to change the minimum lot size of the subject sites currently zoned rural.

The Direction requires the proposal to be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. The proposal is considered inconsistent with this Direction as it does not minimise rural land fragmentation.

The inconsistency is considered of minor significance as the proposal only allows four additional lots in an area that is not identified as containing important agricultural land. The proposal is not considered to set a precedent as further subdivision of agricultural land is limited to sites identified in the Sedgefield Structure Plan.

4.4 Planning for Bushfire Protection

This Direction is relevant as the subject sites are mapped as being bushfire prone. In accordance with Clause 4 of this Direction, it is recommended that Council consult the Commissioner of the NSW Rural Fire Service following receipt of the gateway determination.

Environmental social
economic impacts :

ENVIRONMENTAL

Both subject sites both contain remnant native vegetation. 377 Gresford Road contains native vegetation in the north west corner of the site, and native vegetation at 469 Gresford Road is confined to a riparian corridor. Council advises that in both cases the native vegetation can be protected as part of future subdivision of the site.

SOCIAL AND ECONOMIC

The proposal is considered to have limited social and economic impacts for the wider community.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	NSW Department of Primary Industries - Minerals and Petroleum NSW Rural Fire Service		

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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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Singleton Council_28-10-2014_Request for Gateway Determination Lot 3 DP 243558 377 Gresford Road Sedgefield_.pdf	Proposal Covering Letter	Yes
Singleton Council_27-10-2014_Request for Gateway Determination - Lot 1 DP 710420 469 Gresford Road Sedgefield_.pdf	Proposal Covering Letter	Yes
Lot 3 DP 243558 377 Gresford Road Sedgefield - LA22014 - Formal Planning Proposal - Prepared by Council based on information lodged by proponent.pdf	Proposal	Yes
Lot 1 - DP710420 - 469 Gresford Road SEDGEFIELD Formal Planning Proposal -- Version 1 - 06082014.pdf	Proposal	Yes

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
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 is classified as low impact as described in A Guide to Preparing LEPs (Planning & Infrastructure 2013) and 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 (Planning & Infrastructure 2013).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Trade and Investment – Resources and Energy (117 Direction – 1.3 Mining, Petroleum Production and Extractive Industries)
- NSW Rural Fire Service (117 Direction - 4.4 Planning for Bushfire Protection)

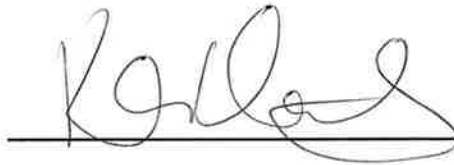
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

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 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is supported as it implements the Sedgefield Structure Plan, and increases the supply of housing lots in an existing rural residential area.

Signature:



Printed Name:

KOFLAHERTY

Date:

13/11/14