

Amendment for Standen Drive, Lower Belford, Singleton LGA

Proposal Title : **Amendment for Standen Drive, Lower Belford, Singleton LGA**

Proposal Summary : **Rezone approximately 130ha of land currently zoned 1 (a) Rural to Environmental Living. The majority of the site has been identified within the endorsed Singleton Land Use Strategy as a candidate area for rural residential development, with an average minimum lot size of 5ha, with an absolute minimum of 4ha. This proposal aims to increase the boundary of the candidate area by including an additional 12ha, and aims to decrease the minimum lot size to an average of 1ha, with an absolute minimum of 8000².**

PP Number : **PP_2010_SINGL_011_00**

Dop File No :

09/04150

Proposal Details

Date Planning : **22-Nov-2010**

Proposal Received :

LGA covered :

Singleton

Region : **Hunter**

RPA :

Singleton Shire Council

State Electorate : **CESSNOCK**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **7 Standen Drive**

Suburb : **Lower Belford**

City : **Singleton**

Postcode : **2335**

Land Parcel : **Lot 11 DP 84443**

Street : **5 Standen Drive**

Suburb : **Lower Belford**

City : **Singleton**

Postcode : **2335**

Land Parcel : **Part Lot 12 DP 1100005**

Street : **133 Standen Drive**

Suburb : **Lower Belford**

City : **Singleton**

Postcode : **2335**

Land Parcel : **Part Lot 13 DP 100005**

Street : **Standen Drive**

Suburb : **Lower Belford**

City : **Singleton**

Postcode : **2335**

Land Parcel : **Part Lot 6 DP 237936**

Street : **147B Standen Drive**

Suburb : **Lower Belford**

City : **Singleton**

Postcode : **2335**

Land Parcel : **Lot 91 DP 1138554**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : Gary Freeland
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha)	130.00	Type of Release (eg Residential / Employment land) :	
No. of Lots :	125	No. of Dwellings (where relevant) :	125
Gross Floor Area :	0	No of Jobs Created :	0

Supporting notes

Internal Supporting Notes : This Planning Proposal was resolved to be supported by Council on 15 November 2010.
To date, all dealings with this Planning Proposal have adhered to the Lobbyist Code of Conduct.

External Supporting Notes : This Planning Proposal was reviewed by the Gateway on 21.01.10, and recommended not to proceed (letter uploaded in documents). The uncertainties with the proposed zone have been resolved.
The applicant and Council have provided additional justification to support the need for this Planning Proposal at this time.
Since the endorsement of the Strategy, land for 5 rural residential lots has been rezoned. Numerous rezonings for rural residential land are currently progressing at numerous stages. 150 lots are expected around Singleton, most likely within 9-12 months (being transitioned now).
160 lots are expected to be rezoned around Branxton in early 2011. The majority of these lots will be 4000m². Rezonings for an additional 20 lots are within the system, but yet to be exhibited. None of these lots will be within the 8000m-1ha range in size.
In addition existing rural residential land for 310 lots to the south of Branxton is now part of the Huntlee proposal – currently a major project (numerous proposed zones including residential and rural residential).
The Strategy nominates that an immediate land bank of 750 lots be rezoned.
There are 70 existing lots and 330 currently proceeding through the system.

Adequacy Assessment

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

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

Comment : One of the subject lots was created for agriculture under the Rural Lands SEPP. Under the SEPP a dwelling cannot be placed on the land. Council has received its own legal advice that this limitation will still occur after rezoning, given the SEPP over-rides the LEP. The Regional Office intend to liaise with the Legal Services Branch, post Gateway, to determine how to overcome this issue.

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

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

Comment : The proposal involves the utilisation of the 7(b) Environmental Living zone. This zone will be transitioned into the Standard Instrument E4 zone within Singleton principal plan. Whilst the Regional Office concurs that an increase in density from that identified within the Strategy may be appropriate due to limited site constraints and will minimise the need for additional rural residential land, the final subdivision lay out should be determined after further consultation with DECCW and CMA. There is EECs on site, which will trigger the Native Vegetation Act.

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

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.3 Site Specific Provisions

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

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? **No**

Comment : The final boundary and minimum lot size should be determined in consultation with DECCW and CMA prior to the Planning Proposal being submitted for finalisation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal recommends that it be exhibited for a period of 28 days

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 :

Comments in relation
to Principal LEP :

Council have undertaken agency consultation, and are finalising the draft LEP prior to submitting it under section 64 of the Act. Singleton Council are not on the priority list.

Assessment Criteria

Need for planning
proposal :

The endorsed Singleton Land use Strategy recommends rezoning a land bank of 10 years supply of rural residential land (750 lots). Branxton is nominated to provide 350 of these lots. Since endorsement of the strategy land for only 4 lots have been rezoned. In addition, Hanwood Estate, existing but undeveloped rural residential zoned land to provide 310 lots to the south of Branxton, is now part of the Huntlee Proposal – which is currently under assessment as a major project with numerous proposed zones.

Consistency with
strategic planning
framework :

The site is identified within the endorsed Singleton Land Use Strategy as a candidate area for rural residential development. This planning proposal slightly increase the area by 8ha, and increases the density from 5ha average to a 1 ha average minimum lot size. The applicant argues that the new boundary reflects the development potential, where the previous boundary was based on cadastres.
The increase in density has strategic merit of providing additional dwellings in an area designated for development, but the final lot layout should be determined by the DCP, utilising consultation with DECCW and CMA to ensure there is no impact on the watercourses and EEC located on the site.

Environmental social
economic impacts :

The proposal will provide additional housing stock, consistent with the strategic planning framework.

The planning proposal is supported by a range of studies, which should be made available to agencies and community during consultation.
The environmental and social impacts can be managed and mitigated via requiring a DCP to be prepared prior to development.

Assessment Process

Proposal type :

Consistent

Community Consultation
Period :

28 Days

Timeframe to make
LEP :

12 Month

Delegation :

DDG

Public Authority
Consultation - 56(2)(d)
:

Aboriginal Land Council
Catchment Management Authority - Hunter / Central Rivers
Department of Environment, Climate Change and Water
Department of Primary Industry (Agriculture)

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Roads and Traffic Authority

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
Council cover letter.pdf	Proposal Covering Letter	Yes
Council resolution 15.11.10.pdf	Determination Document	Yes
Council report 15.11.10.pdf	Determination Document	Yes
Map.pdf	Map	Yes
Gateway response 8.2.10.pdf	Determination Document	No

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**
- 3.4 Integrating Land Use and Transport**
- 4.4 Planning for Bushfire Protection**
- 6.3 Site Specific Provisions**

Additional Information : **Proceed.**

The DG issue the opinion that the inconsistency with s.117 direction 1.2 Rural Zones is justified by an endorsed strategy.

The final boundary and minimum lot size should be determined in consultation with DECCW and CMA prior to the Planning Proposal being submitted for finalisation.

A DCP is required to be prepared to the satisfaction of Council prior to subdivision.

Studies that have been conducted to be made available to agencies and community during consultation period.

Supporting Reasons : **Identified within an endorsed strategy**

This amendment will provide for short to medium term land supply for rural residential style development, consistent with the strategic framework.

Amendment for Standen Drive, Lower Beflord, Singleton LGA

Signature:

Gary Freeland

Printed Name:

Gary Freeland

Date:

26/11/2010