

63. **LA65/2008 - Revised Planning Proposal for Site at Lower Belford** **FILE: LA65/2008**
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Executive Summary

At the 23 November 2009 Council meeting, Council considered a report regarding a planning proposal that had been prepared for the following land:

- Lot 11, DP844443, 7 Standen Drive, Lower Belford;
- Part of Lot 12, DP1100005, 5 Standen Drive, Lower Belford;
- Part of Lot 13, DP1100005, 133 Standen Drive, Lower Belford;
- Part of Lot 6, DP237936, Standen Drive, Lower Belford;
- Lot 91, DP:1138554, 147B Standen Drive, Lower Belford;
- Lot 92, DP:1138554, 147B Standen Drive, Lower Belford.

In accordance with the meeting resolution, the planning proposal was lodged with the NSW Department of Planning for initial consideration under the Gateway LEP making process.

On the 8 February 2010, the NSW Department of Planning issued a Gateway determination for the planning proposal, detailing that the proposal should not proceed. After consultation with the regional office of the NSW Department of Planning, the proponent lodged a revised planning proposal for consideration (**Refer to attachment under separate cover**). The revised planning proposal comprises strengthened justification for the lot yield and exhibits a higher level of consistency with the recommendations of the Singleton Land Use Strategy (2008).

The outcomes sought by the revised planning proposal vary from the earlier planning proposal and as such a new Council resolution is required for the revised proposal. This report presents the revised planning proposal and seeks Council support for the proposal.

RECOMMENDED

that Council support the attached planning proposal and forward it to the NSW Department of Planning for consideration in accordance with the gateway process.

Background:

Council has previously considered and supported a planning proposal for the subject land. That proposal sought to vary from the recommendation of the Singleton Land Use Strategy (SLUS). It proposed rezoning of the site to a rural-residential zone and application of a minimum lot size of 8,000m² to subdivision of the land, with no averaging provision.

The SLUS recommends use of an environmental living zone for the site. It recommends a minimum subdivision lot size of 4Ha, with a minimum average lot size of 5Ha, if the site is not serviced with reticulated water. The SLUS provides for smaller minimum lot sizes if servicing of the site with reticulated water is available. The Hunter Water Corporation has indicated that such servicing will be available to the site in the near future.

Planning and Regulations Report (Items Requiring Decision) - DP&R63/10

The SLUS sets the principle that lots serviced with reticulated water but not sewer; should have a minimum lot size of 8,000m² and a minimum average lot size of 1Ha. The averaging provision reduces the potential for adverse cumulative impacts to occur as a result of onsite effluent disposal (septic). As an added benefit, the averaging provision also encourages concentration of smaller lots in cleared areas and placement of larger blocks in vegetated areas, which minimises segregation of vegetation, which in turn minimises impacts on biodiversity.

On the 8 February 2010, the NSW Department of Planning issued a Gateway determination for the previous planning proposal, detailing that the proposal should not proceed. The reasons provided for not supporting that proposal were:

1. There is clear indication that there is an adequate supply of zoned rural residential lots across the LGA and, therefore, no demonstrated need for the proposal to proceed prior to Council's Principle Plan, scheduled to be submitted to the Department in April/May 2010.
2. Consideration of the proposal within the context of the Principle Plan will provide Council with the opportunity to determine the most appropriate zone for the subject land.

The fact that there is not an adequate supply of rural-residential zoned land within the Singleton LGA and the fact that Council's Principle Local Environmental Plan (LEP) is not listed as being a prioritised LEP by the NSW Department of Planning and has been deferred pending further funding, was emphasised to the NSW Department of Planning by Council and the proponent.

On the 24 June 2010, the NSW Department of Planning issued written advice to Council detailing that a revised planning proposal could be considered. Such a proposal would need to comprise:

- A strengthened analysis of supply and demand;
- Strengthened justification in terms of the supply and demand analysis;
- Identification of the zones to be used and the proposed zone boundaries, reflecting the land's capabilities; and
- Details of the resolution of any environmental issues that have been identified. In this regard, the planning proposal needs to be consistent with advice previously received from the Department of Environment, Climate Change and water (DECCW).

The proponent has been working with Council to prepare a revised planning proposal which responds to the matters raised in the Department of Planning's advice. The revised planning proposal confirms use of the "7(b) (Environmental Living zone)" if the amendment occurs to the Singleton LEP 1996 or use of the "E4 Environmental Living zone" if the amendment occurs to Council's proposed new LEP (Principle Plan). The revised planning proposal incorporates the 1Ha averaging provision in accordance with the recommendations of the SLUS.

The strengthened demand and supply analysis of the revised planning proposal provides justification for the LEP amendment. Environmental issues identified by the Department of

Planning and Regulations Report (Items Requiring Decision) - DP&R63/10

Environment, Climate Change and Water (DECCW) are intended to be addressed through future Development Control Plan (DCP) provisions and as part of the detailed study information to be lodged subsequent to gateway support.

The proposal seeks a minor variation from the SLUS in regard to the western boundary of the rezoning. It seeks to extend the boundary of the rezoning to align with the boundary of vegetation instead of allotment boundaries. This variation is considered to be acceptable and is supported by the planning proposals demand and supply analysis.

Due to the variances between the subject proposal and previous planning proposal, and the fact that the previous proposal was not supported by the gateway process; a new Council resolution is required to enable the subject proposal to be suitably processed in accordance with procedural requirements.

Management Plan:

The planning proposal is consistent with the Management Plan objectives for the Strategic Planning Program Area. The proposal is not expected to generate any significant adverse social, economic, environmental or governance impacts. It consistent with the strategic framework set by the SLUS and would provide land to help respond to identified demand for rural-residential development in the Singleton LGA.

Council Policy/Legislation:

The SLUS has been adopted as Council policy. The site subject of the revised planning proposal is within the Lower Belford Candidate Area identified by the SLUS and is considered to have potential for rural residential development.

The proposal is consistent with the SLUS. Section 7.1. of the SLUS provides for the minor expansion of the Lower Belford Candidate Area to be considered. It also provides for the proposed smaller lot sizes (8,000m² minimum/1Ha average) and thus increased lot yield, given potential to service the site with reticulated water. The environmental living zoning and proposed DCP requirement provides for sustainable design outcomes to be achieved.

Processing of the revised planning proposal is to comply with the requirements of Part 3 of the *Environmental Planning and Assessment Act 1979* and Part 2 of the *Environmental Planning and Assessment Regulation 2000*.

Financial Implications:

The proposal is not expected to generate any significant adverse financial implications. The proposal incurred lodgement fees in accordance with Council's adopted Management Plan – Fees and Charges. The site is within the Hunter Water Corporations Area of Operations and as such, Council would not be responsible for funding utility servicing of the site.

Consultation/Social Implications:

If the proposal is supported by the gateway determination, it will need to be exhibited in accordance with the recommendations of the respective gateway response. Because the proposal would introduce a different landuse pattern to the locality, it is likely that the proposal would not be considered to be a 'Low Impact Planning Proposal'. As such, it is likely that the proposal will need to be exhibited for at least 28 days in accordance with the

Planning and Regulations Report (Items Requiring Decision) - DP&R63/10

NSW Department of Planning's guidelines document titled "A Guide to Preparing Local Environmental Plans".

No significant adverse social implications have been identified with the proposal. Given the proposed lot size provisions and vegetation conservation measures (through the DCP), there should be adequate buffering between the site and nearby rural land uses to minimise the likelihood of land use conflict.

Environmental Consideration:

A preliminary ecological assessment has been undertaken for the site by Cumberland Ecology. The assessment report identifies 3 Endangered Ecological Communities (EEC's) on the site, being:

- Lower Hunter Spotted Gum - Ironbark Forest;
- Central Hunter Ironbark Spotted Gum - Grey Box Forest; and
- Hunter Lowlands Red Gum Forest.

Detailed study information will need to be lodged if gateway support is provided for the proposal. Such information will need to demonstrate that biodiversity values on the site are maintained or improved.

The comprehensive ecological study information will inform the preparation of Development Control Plan (DCP) provisions for the site. Such provisions shall aim to ensure that development of the site does not adversely impact upon the EEC's.

Risk Implications:

The planning proposal is consistent with Council's adopted SLUS, which has been endorsed by the NSW Department of Planning. The requirement to prepare DCP provisions for the site would lessen the risk of adverse design outcomes for the site.

Options:

The options available to Council are as follows:

- Resolve to support the planning proposal and submit it to the NSW Department of Planning for Gateway determination; or
- Resolve not to support the planning proposal in its current form.

Conclusions:

The planning proposal is generally consistent with the recommendations of the Singleton Land Use Strategy. The proposal provides for rural-residential development in a sustainable manner, which achieves positive environmental outcomes. It is recommended that the proposal be supported and lodged with the NSW Department of Planning for consideration.

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Attachments

There are no attachments for this report