

Q process together or separate as per council reqd
Zoning maps across boundary
+ Strategy maps
Context Muntree

Service
+ Infra.
+ timing
cost



Enquiries to: Ken Horner
02 6578 7331

Our Ref: LA4/2010 & LA6/2011

Your Ref:



28 September 2011

Mr Michael Leavey, Regional Director, Hunter and Central Coast
Department of Planning & Infrastructure
PO Box 1226
NEWCASTLE NSW 2300

Attention: Ms Amy Blakely

Dear Sir/Madam

Subject: Request for Gateway Determinations for two planning proposals
Property 1: Lot 4 DP 533318 & Lots 31-33 DP 571275, Dalwood Road, Leconfield
Property 2: Lot 6 DP 827226 & lot 2 DP 237057, Dalwood Road, Leconfield

Council has prepared two planning proposals, one for each of the above (adjacent) sites, and requests your Department to provide Gateway Determinations.

The proposals will facilitate the development of the subject land for urban residential purposes, with a potential to fill a shortfall in supply in the area in the short term.

A copy of the covering Council report and resolution, including the planning proposals, is enclosed. PDFs of the planning proposals have also been sent by email.

If you have any enquiries please do not hesitate to contact Ken Horner of Council's Planning & Regulated Services on 6578 7331.

Yours faithfully

Mr K A Horner
Coordinator Strategic Land Use Planning

ABN 52 877 492 396

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MAYORAL MINUTE

Australian Army – Singleton School of Infantry Centenary

File: 11/0658

188/11 The Mayor **MOVED** from the Chair that Council:

1. Congratulate the Australian Army on their centenary and in particular the School of Infantry on the week of celebratory functions commencing with the Freedom of Entry on 27 August, 2011;
2. Congratulate and thank Lt. Col. Andrew Lowe for the organisation of several functions that both welcomed and involved the Singleton community.
3. Honour Lt. Col. Andrew Lowe by appointing him as a "Freeman of the Shire".

PUBLIC ACCESS SESSION

Director Planning & Regulations Report No DP&R69/11

Having declared a non pecuniary interest in LA6/2011 Cr McNamara retired from the meeting at 5.41pm.

DP&R69/11 LA4/2010 and LA6/2011 - Dalwood Road Planning

Proposals

FILE:LA4/2010

Public Access was granted to the following who addressed the meeting:

- Ms Sally Flannery, supporting
- Mr Trevor Allen representing JW Planning, supporting.

Council has received two requests to rezone land for residential development, adjoining the eastern side of the village of Branxton. Details are as follows:

<u>Proponent:</u>	JW Planning Pty Ltd on behalf of Gemmell Pty Ltd
<u>Owners:</u>	Mr C H & Mrs C George, Mr E R & Mrs Z J Powell, Mr J King, Mr R W & Mrs J J Lewis & Mr R M Gemmell & Ms P V Gonzales & others
<u>Land & Location:</u>	Lot 4 DP 533318 & Lots 31-33 DP 571275, Dalwood Road, Branxton
<u>Current Zoning:</u>	Zone 1(a) (Rural Zone)
<u>Proposal:</u>	To rezone the land to allow for residential subdivision (potential of approximately 190 lots)
<u>Proponent:</u>	Orbit Planning on behalf of Twin State Properties Pty Ltd
<u>Owner:</u>	Mr D W & Mrs B McNamara
<u>Land & Location:</u>	Lot 6 DP 827226 (via Preston Close) & Lot 2 DP 237057, 162 Dalwood Road, Branxton
<u>Current Zoning:</u>	Zone 1(a) (Rural Zone)
<u>Proposal:</u>	To rezone the land to allow for residential subdivision (potential of approximately 100 lots)

Council planning staff have prepared a planning proposal for each of the above requests based on information submitted by the proponents. The requests are



Acting General Manager



Mayor

generally in accordance with the principles of Council's Singleton Land Use Strategy 2008 and the Department of Planning & Infrastructure's Lower Hunter Regional Strategy, although not specifically identified as a candidate area for development.

- 189/11 **RESOLVED** that Council adopt the two planning proposals attached to this report (being for Lot 4 DP 533318 & Lots 31-33 DP 571275 and Lot 6 DP 827226 & Lot 2 DP 237057) and forward them to the Department of Planning & Infrastructure for gateway determination.

(Nichols/Martin)

Upon being put to the meeting, the motion was declared carried.
For the Motion were Councillors Moore, Martin, Scott, Howlett, Adamthwaite, Harvison, Gallagher, Nichols, Smith, Rogers and MacBain Total (11).
Councillor McNamara having declared a non pecuniary interest was absent for this item of the agenda.

Cr McNamara returned to the meeting at 5.47pm.

Director Planning & Regulations Late Report No DP&R70/11

DP&R70/11 Proposed Warkworth Mine Extension Project

FILE:M6-6

Public Access was granted to the following who addressed the meeting:

- *Ms Carol Russell, Resident;*
- *Mr John Kray, Resident and member Bulga/Milbrodale Progress Association.*

Council will recall considering a report in respect of the proposed Warkworth Mine Extension Project on 21 June, 2010. Council resolved to not support the proposal and forward its objection to the Department of Planning and Infrastructure. Subsequently Council resolved at its meeting held on 5 September 2011 to reaffirm its commitment to the non-closure or realignment of Wallaby Scrub Road and further, that Council writes to the Minister and the Planning Department stating this position. This has been actioned.

- 190/11 **RESOLVED** that Council restates its opposition of unanimous Council Resolution 21 June 2010 and refuses the offer of the VPA as set out in the Report DP&R70/11.

(Howlett/McNamara)

Upon being put to the meeting, the motion was declared carried.
For the Motion were Councillors Moore, Martin, Scott, Howlett, Adamthwaite, Harvison, Gallagher, Nichols, Smith, Rogers, MacBain and McNamara Total (12).



Acting General Manager



Mayor

69. LA4/2010 and LA6/2011 - Dalwood Road Planning
Proposals
Author: Ken Horner

FILE: LA4/2010

Executive Summary

Council has received two requests to rezone land for residential development, adjoining the eastern side of the village of Branxton. Details are as follows:

<u>Proponent:</u>	JW Planning Pty Ltd on behalf of Gemmell Pty Ltd
<u>Owners:</u>	Mr C H & Mrs C George, Mr E R & Mrs Z J Powell, Mr J King, Mr R W & Mrs J J Lewis & Mr R M Gemmell & Ms P V Gonzales & others
<u>Land & Location:</u>	Lot 4 DP 533318 & Lots 31-33 DP 571275, Dalwood Road, Branxton
<u>Current Zoning:</u>	Zone 1(a) (Rural Zone)
<u>Proposal:</u>	To rezone the land to allow for residential subdivision (potential of approximately 190 lots)
<u>Proponent:</u>	Orbit Planning on behalf of Twin State Properties Pty Ltd
<u>Owner:</u>	Mr D W & Mrs B McNamara
<u>Land & Location:</u>	Lot 6 DP 827226 (via Preston Close) & Lot 2 DP 237057, 162 Dalwood Road, Branxton
<u>Current Zoning:</u>	Zone 1(a) (Rural Zone)
<u>Proposal:</u>	To rezone the land to allow for residential subdivision (potential of approximately 100 lots)

Council planning staff have prepared a planning proposal for each of the above requests based on information submitted by the proponents. The requests are generally in accordance with the principles of Council's Singleton Land Use Strategy 2008 and the Department of Planning & Infrastructure's Lower Hunter Regional Strategy, although not specifically identified as a candidate area for development. The requests are detailed in the planning proposals, which are appended as **Attachments 2** and **3** respectively. A Locality Plan for the two proposals is appended to this report as **Attachment 1**.

RECOMMENDED

That Council adopt the two planning proposals attached to this report (being for Lot 4 DP 533318 & Lots 31-33 DP 571275 and Lot 6 DP 827226 & Lot 2 DP 237057) and forward them to the Department of Planning & Infrastructure for gateway determination.

Background:

When the then Department of Planning's Lower Hunter Regional Strategy (LHRS) 2006 was placed on public exhibition as a draft, it identified a growth corridor running westward from Lochinvar to Branxton, with areas within a three kilometre radius of the railway stations (including Branxton) identified for potential urban development. The subject land falls within this radius. However, when the LHRS was finalised, this concept was replaced

Planning and Regulations Report (Items Requiring Decision) - DP&R69/11

by the Huntlee proposal, and the Department did not support any other urban growth areas in that locality.

The LHRS does, however, contain "sustainability criteria" under which smaller proposals for infill / expansion, which are not specifically identified, can be assessed. The Singleton Land Use Strategy 2008 also contains similar criteria. The proponents for the proposals have carried out assessments demonstrating consistency with the sustainability criteria. They have also demonstrated a current shortfall in supply for residential development in the area, which is exacerbated by the Huntlee proposal still not proceeding. The Hunter Expressway is also under construction, which may again increase demand for residential development in the area.

These two proposals can be serviced by upgrades which Hunter Water has proposed to carry out in the near future and are considered to be in an appropriate location to provide some 300 residential lots to address the current shortfall in supply.

Council staff have prepared two separate planning proposals for the two requests. They are appended as **Attachments 2 and 3** to this report. A Locality Plan is appended as **Attachment 1**.

Past experience has demonstrated that if proposals are to be combined into one amendment, it is more effective to combine them toward the end of processing, rather than at the beginning. Different proposals often raise different issues, which are addressed and resolved within different timeframes. There have been a number of cases where proposals which had been combined have been separated so that those where issues have been resolved can be finalised. Otherwise, major needless delays would have been experienced. There have also been instances where government agencies found it difficult to comment on rezoning requests which had been combined into one proposal.

The regional office of the Department of Planning & Infrastructure (DP&I) has in recent times expressed support for this approach of processing proposals separately.

Management Plan:

Not applicable.

Council Policy/Legislation:

The two planning proposals have been prepared in accordance with Section 55 of the Environmental Planning & Assessment Act and the DP guidelines. The proponents prepared formal draft planning proposals which were extensively used in the preparation of the Council planning proposals.

Although Singleton has recently completed an agreement for additional funding from the Department of Planning & Infrastructure (DP&I) to complete its Standard Instrument (SI) LEP it is not expected to take effect (be published on the NSW Legislation website) for another 18 months or more. Therefore, the rezoning proposals need to be progressed as an amendment to Singleton LEP 1996.

The appended planning proposals address legislative requirements in detail.

Financial Implications:

There are no direct financial implications for Council.

Consultation/Social Implications:

The DP&I gateway determinations on the proposals will dictate consultation requirements. They will most likely require consultation with relevant government authorities and the full 28 day public exhibition period.

The proposals, in combination, will provide the potential for approximately 300 residential (including some rural residential) lots. The supporting proponent reports confirm there is currently a constrained supply of residential land in the area.

Environmental Consideration:

Environmental considerations are addressed in the planning proposals. In summary, the two proposals are on largely cleared sites and their development will be planned to avoid the removal of significant vegetation. Environmental issues can be further addressed through the preparation of Development Control Plan (DCP) provisions in accordance with the requirements of the amending LEP.

Risk Implications:

Not applicable.

Options:

Council has the option to support the proposals, not support the proposal, or require them to be modified.

Conclusions:

The planning proposals are generally consistent with the Council adopted and Department of Planning endorsed *Singleton Land Use Strategy 2008*. Although the site is not specifically identified in the Strategy, the proposal generally falls within the sustainability criteria for both the Land Use Strategy and the Department of Planning's *Lower Hunter Regional Strategy 2006* for small sites (less than 50 hectares).

With the Huntlee proposal still not proceeding at this stage, it is considered to be appropriate to support these two proposals to provide some supply of residential land to address demand in the short term in the Branxton area.

The subject area was identified as a Candidate Area for rural residential development in an earlier draft of Council's former *Rural Residential Development Strategy 2005*, but was subsequently excluded in consultation with the Department of Planning on the grounds of its future potential for urban residential development.

Planning and Regulations Report (Items Requiring Decision) - DP&R69/11

The supply and demand analysis presented by the consultant (JW Planning) for the proposal on the northern side of Dalwood Road indicates a strong need for further residential land in this area in the short term (see **Attachment 2**).

The preliminary investigations undertaken for these planning proposals indicate that the subject sites are suitable for rezoning for residential / rural residential purposes, with minimum constraints to development.

Attachments

AT-1	Locality Plan	Attachment Under Separate Cover
AT-2	Planning Proposal - Dalwood Road - Lot 4 and Lots 31 to 33	Attachment Under Separate Cover
AT-3	Planning Proposal - Dalwood Road - Lots 6 and 2	Attachment Under Separate Cover