

**Singleton Council - Planning Proposal for Lot 4 DP 533318
& Lots 31-33 DP 571275, Dalwood Road, Branxton -
August 2011 (File: LA4/2010)**

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1. Introduction

This planning proposal identifies the potential issues associated with rezoning the subject land from Rural 1(a) to zones which will provide for residential and rural residential development and for conservation purposes. The information contained within the proposal explains the intended effect of the proposed amending LEP and the justification for making it.

In preparing this planning proposal Council staff have extensively used material submitted by JW Planning Pty Ltd in support of the rezoning request.

2. Site Description

The legal description of the subject site is Lot 4 DP 533318 & Lots 31-33 DP 571275, Dalwood Road, Branxton. The site is irregular in shape and has an area of approximately 30 hectares. It could be considered as “infill” development since it adjoins existing rural residential development in the north, south, and west. It also adjoins existing urban residential to the south-west, in the Cessnock City Council LGA. The site has a total area of approximately 32 hectares, with a 440 metre frontage to Dalwood Road along its southern side.

The site is predominately cleared, but does contain some stands of vegetation, particularly in the northwest corner of the site and along drainage lines. The site falls gradually towards Dalwood Road and two 1st order drainage lines, with existing farm dams, drain the land in a southeasterly direction.

A dwelling is located within both Lots 31 and 32, and a redundant machinery shed is located within Lot 33.

The location of the subject site is shown in **Attachment 1**.

An aerial view of the property is provided in **Attachment 2**.

3. The Amending LEP

The following matters address the requirements of a planning proposal as detailed in the Department of Planning “A guide to preparing planning proposals”.

3.1 Objective / Intended Outcomes

The objective of the planning proposal is to amend Singleton Local Environmental Plan (LEP) 1996 to permit (with consent) the subdivision of the subject land for residential, rural residential and conservation purposes.

The site was identified as a candidate area for rural residential development in the *draft Singleton Rural Residential Development Strategy 2005*, but was excluded from the draft Strategy by Council given that it has potential for urban development; that is, a higher and better use given its urban context.

The intended outcomes of rezoning the subject land are derived from the relevant Principles of the *Singleton Land Use Strategy* (adopted by Council, April 2008 and endorsed by DoP, June 2008). The Strategy does not contain specific Strategic directions for urban development in the Branxton area, however, the directions for rural residential development are still largely relevant. These are:

- *rural residential development on small allotments should be provided with a **good quality water supply and the staging of the provision of this service should determine the sequencing** of developing additional areas;*
- *development should be encouraged as close as possible to existing urban areas in order to minimise the cost of providing essential services,*
- *reduce travel time and costs and to **improve accessibility to community services** for residents;*
- *a balance should be achieved between setting land aside for future urban development and land for future rural residential development*
- *on the basis that **between 5 and 10 years' supply of land should be identified***
- *land that is identified as potentially suitable for future urban development should not be developed for rural residential purposes as future re-subdivision would be difficult to achieve;*

In response to the Strategy Principles, the following outcomes are intended by the proposal:

- To ensure there is no disruption to the supply of affordable residential lots in Branxton (supply is likely to be exhausted in 2011 - refer **Section 4.1**);
- To ensure housing choice, price competition and product quality in Branxton by providing an alternative release area to those already identified in the Singleton and Cessnock Settlement Strategies, and the Lower Hunter Regional Strategy;
- To provide for the orderly roll-out of unconstrained land for housing in logical sequence with the most recent release of land for this purpose;
- To provide for the economic use of unconstrained land no-longer viable for agriculture;
- To access existing public and private infrastructure, reducing costs to the community and home buyers.

It is considered that the site can most appropriately support residential lots, including some rural residential lots, given the location of the site at the transition between rural, rural residential and residential land uses. The main riparian corridor through the site and the denser area of native vegetation in the north-west corner may be zoned for conservation. The actual zoning, internal zone boundaries and street and lot layout etc will be resolved as part of the planning proposal process.

3.2 Provisions

Although Singleton has recently completed an agreement for additional funding from the Department of Planning & Infrastructure 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 to two years. Therefore, the rezoning proposal needs to be progressed as an amendment to Singleton LEP 1996.

It is anticipated that the draft LEP will be along the following lines:

1 Name of plan

This plan is *Singleton Local Environmental Plan 1996 (Amendment No ??)*.

2 Aims of plan

This plan aims:

- (a) to rezone land referred to in clause 4 from Zone 1 (a) (Rural Zone) to Zone 2 (Residential Zone), Zone 1(d) (Rural Small Holdings Zone) and Zone 7 (Environment Protection Zone) under *Singleton Local Environmental Plan 1996*,
- (b) to provide a minimum lot size for lots resulting from the subdivision of the land,
- (c) to require a development control plan to be prepared to the satisfaction of Council before consent may be granted to development on the land to which this plan applies.

3 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

4 Land to which plan applies

This plan applies to Lot 4 DP 533318 & Lots 31-33 DP 571275, Dalwood Road, Branxton, as shown edged heavy black on the map marked "Singleton Local Environmental Plan 1996 (Amendment No ??)" deposited in the office of Singleton Council.

Schedule 1 Amendment of Singleton Local Environmental Plan 1996

[1] Clause 9(1)How are terms defined in this plan?

Insert in the definition of "Lot Size Map" in appropriate order:

Singleton Local Environmental Plan (Amendment No ??) Sheet 2
Lot Size Map

Insert in the definition of "the map" in appropriate order:

Singleton Local Environmental Plan (Amendment No ??) Sheet 1

[2] Clause 14F

Insert after clause 14E:

14E What provisions apply generally to the Sedgfield Rural Residential development area?

- (1) This clause applies to the following land:

Lot 4 DP 533318 & Lots 31-33 DP 571275, Dalwood Road, Branxton, as shown edged heavy black on the map marked “Singleton Local Environmental Plan 1996 (Amendment No ??)” deposited in the office of Singleton Council.

- (2) Development consent must not be granted for any development on land to which this clause applies unless a development control plan has been prepared for the land in accordance with subclause (3).
- (3) The development control plan must, to the satisfaction of Council:
 - (a) contain a subdivision layout plan that provides for the conservation, enhancement and regeneration of areas of native vegetation with significant biodiversity value (including riparian corridors), and
 - (b) contain provisions to conserve, enhance and encourage the regeneration of areas of native vegetation with significant biodiversity value (including riparian corridors), and
 - (c) contain a staging plan which makes provision for necessary infrastructure and sequencing to ensure that the development occurs in a timely and efficient manner, and
 - (d) provide for an overall movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles and public transport, and
 - (e) contain stormwater and water quality management controls, and
 - (f) provide for amelioration of natural and environmental hazards, including bushfire, flooding, landslip, erosion, salinity, and potential contamination, and
 - (g) contain measures to conserve any identified heritage.

Attachment 3 illustrates the existing zoning of the Dalwood Road area, including the subject site.

3.3 Justification for Amending LEP

3.3.1 Section A - Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

The proponent for the planning proposal has submitted a report which includes a strategic assessment of the Branxton area. Part of this is reproduced directly below:

This planning proposal serves two purposes. Firstly, it provides Council technical information and analysis of the subject land and a strategic residential land demand and supply analysis in the Branxton area to allow Council to consider the inclusion of the subject land into Singleton Land Use Strategy [2008] (currently undergoing review). Secondly, as a planning proposal, it is seeking to rezone the

subject land parallel to Council's preparation of a comprehensive LEP – either as part of the comprehensive LEP, or as an amendment to the existing LEP.

Council Land Use Strategy

The planning proposal is a response to favorable comments by Council following a submission to the draft Singleton Land Use Strategy in 2007, and more recently, a submission made during Council's preparation of the comprehensive Singleton LEP.

Consultants preparing the Land Use Strategy for Council noted the following in their 2008 report to Council in response to the 2007 submission:

The Lower Hunter Regional Strategy supports the Huntlee proposal to provide for urban residential development in the Branxton area. [The site] needs further investigation as no documentary information is provided in relation to infrastructure servicing and development constraints.

In response to this view, and following discussions with Department of Planning and Council staff, additional investigations have been completed to allow for a full and proper assessment of the in-fill development prospect offered by the land.

In the 2007 submission to the draft Strategy, we identified that the site should be investigated for the purpose of urban infill development to ensure:

- efficient sequencing and use of existing public and private infrastructure investment;*
- reduced pressure to extend into un-serviced green field release areas to cater for predicted population growth;*
- affordable development (given comparative advantages of the site and access to existing infrastructure) without lowering the standard of the built environment.*

Specific merits of the subject site, as noted in our former submission, include:

- The site adjoins existing urban development, being land zoned 2(a) Residential under the Cessnock LEP (1989);*
- The site is within 2km from the town centre of Branxton. Large portions of land between the site and the town centre are constrained by flooding and necessary odour buffers from a sewerage treatment plant and chicken farms (see **Figure 1**);*
- Mapping prepared for the [draft] Singleton Rural Residential Development Control Plan (2004) (now repealed) illustrates that there is no physical constraint to the use of the land for urban purposes;*
- The site has access to existing services and facilities within both the Singleton and Cessnock LGA's, reducing pressure on public and private funds to extend or provide new services and facilities; and*
- Access to the subject area is already constructed, with two streets currently terminating (without cul-de-sac or turning head treatment) at the property boundary of Lot 4 clearly indicating Council's intention in the future of extending these streets into the subject land.*

The proposal is consistent with the Department of Planning's advice to Council concerning Branxton that states:

“Via its local strategy, Singleton Council should consider opportunities for intensifying (or making minor adjustments to) existing and proposed rural residential zones close to Branxton”. (Singleton Land Use Strategy page 84)

The 2007 submission to Council also identified the obvious shortcomings of relying on one primary release area (Huntlee under one land owner) for housing land supply:

- a) creating a monopoly on supply of housing to the market, which reduces the affordability, choice and quality of development which only comes from having competition from a number of release fronts;*
- b) delays in meeting housing demand given the inertia in providing new infrastructure to large new release areas, relative to infill development tapping into, or only requiring minor upgrades to, existing infrastructure (The LHRS makes allowance, and has a preference for, infill development within existing centres – this ensures maximum use of existing infrastructure and bolsters the existing population service levels); and*
- c) Relying on one large release area at the exclusion of small infill opportunities is to place “all eggs in the one basket” in maintaining lot supply and remaining economically and socially sustainable in the interim and the future.*

The uncertainty and likely future delays of the Huntlee release area given recent court decisions vindicate these concerns.

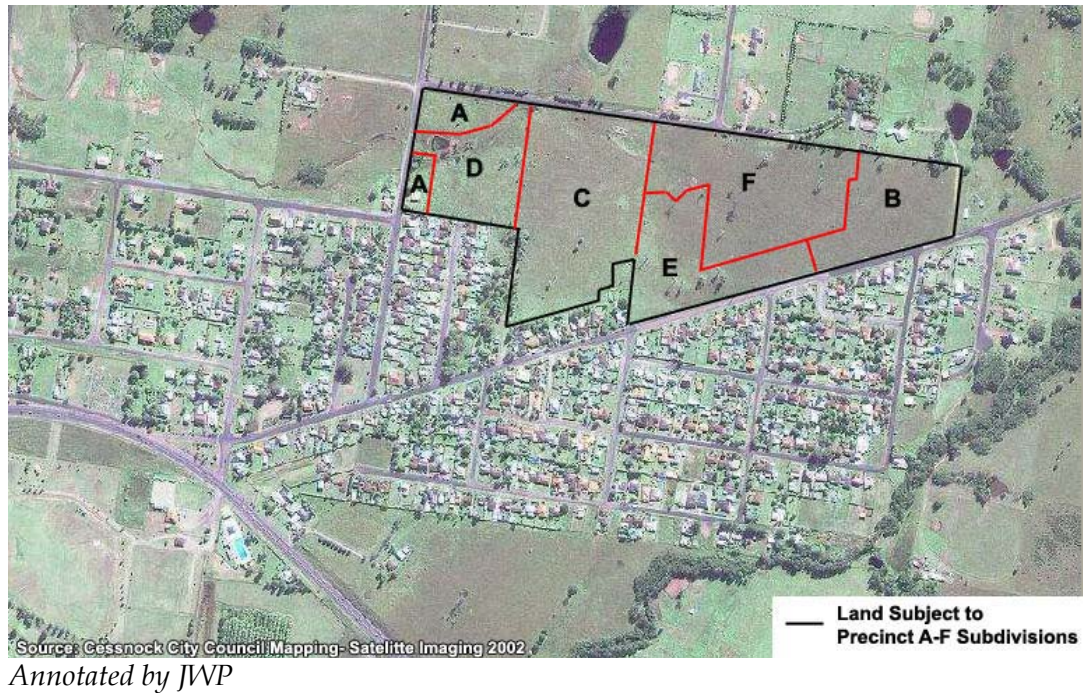
Land Supply and Demand Analysis

There is no information within the Singleton Land Use Strategy in relation to the actual existing demand for residential allotments in the Branxton Urban area. Our own investigations into the supply and demand for residential land in Branxton indicate that:

- a) demand for land in Branxton area is very strong (about 32 lots per annum) Indeed the demand for lots has accelerated with lot take up averaging 40 lots per year since 2008;*
- a) the supply of land is likely to be exhausted in 2011. This timing is consistent with that identified by Cessnock Council’s City Wide Settlement Strategy (2003).*

Our analysis is based on an assessment of the broader Branxton area, where the only available low density residential land supply in Branxton since 1998 was found to immediately adjoin the subject site, a function of the constraints to development illustrated by Figure 1 (refer Figure 8).

Figure 8 Residential Land Pre-Subdivision – 2002 Air Photo (see Table 1)



Precincts A to F generally represent the parent lots subdivided to create conventional residential allotments during the period between 2004 and 2006. The lot 'take-up' during that period is illustrated in **Figure 9**

Figure 9 Residential Land Subdivision & Take Up - 2008 Air Photo (see Table 1)



Recent aerial photography taken in June 2010 illustrates the take up of allotments in the last two years (**Figure 10**).

Figure 10 Residential Land Subdivision & Take Up - June 2010 Air Photo (see Table 1)



Table 1 Residential Subdivisions within Branxton

Precinct	Plan No.	Reg.	Lots Created	Year Lot Creation	Vacant Lots 2008	Vacant lots 2010	Lot Demand over 6 yrs
A	DP 1062013		16	3.2.2004	5	4	12
B	DP 1068504		30	25.6.2004	2	0	30
C	DP 1077419		54	30.3.2005	31	8	46
D	DP 1083192		34	11.7.2005	13	4	30
E	DP 1087580		29	9.9.2005	9	0	29
F	DP 1103185		46	29.6.2006	36	0	46
	TOTAL		209		96	16	193
	SUPPLY						

Table 1 illustrates the lot demand over the 6 year period between 2004 (first lots created) and June 2010. If the subject site proceeds to a rezoning as a result of this Planning Proposal, the lead times involved in the rezoning, design, development consent and construction phases could supply land to the market significantly faster than Huntlee and the uncertainties of that proposal. This would help maintain an affordable residential land supply in Branxton.

It is worth reiterating that the lot take-up rate identified in this report is consistent with the findings of the Cessnock City Wide Settlement Strategy (2003) which indicated demand would outstrip supply for residential land within Anvil Creek catchment (including Branxton) in 2011.

The lot take-up rate also correlates with the findings of the Macro Plan report prepared for the Huntlee proposed development, which notes that between January 2005 and August 2007, there were a total of 520 sales of houses (286) and land (234) within the Branxton and Greta areas, equating to an average of 17 sales per month (8 sales per month land only) (Macroplan Australia, 2007).

Our research suggests that the forecast expiry of vacant land (12 months from now) is reliable and highly likely. There are very few vacant residential lots currently available within Branxton generally. Our observations are confirmed in

advice received from Mr. Allan Jurd Director of Jurds Real Estate, Cessnock (Attachment E [of supporting JW Planning Pty Ltd Report]).

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

The planning proposal is seen to be the most appropriate way to provide for the residential development of the site. It is best considered as a single amendment to the Singleton LEP 1996, since the timeframe for completion of Council's new comprehensive Standard LEP is very tight and tied to funding milestones. Attempting to include spot rezonings in Council's Standard LEP would risk extending the timeframe and making milestones unachievable. If the Standard LEP were to proceed to finalisation prior to this planning proposal, this proposal could then be converted to an amendment of the Standard LEP.

The consideration of this proposal concurrently with other rezoning requests is consistent with Department of Planning guidelines that seek to reduce the overall number of LEP amendments by requiring minor amendments to be grouped together. However, grouping should be left to the final stages to avoid unnecessary delays and complications.

Is there a net community benefit?

It is considered that support for the proposed rezoning, which has may have the potential to yield about 190 lots, would result in a net community benefit.

The net community benefits include:

- Safer, more cost effective and more sustainable travel to work, and improved living conditions through delivery of affordable housing land located close to places of employment demand (mines and associated industry related employment areas);
- Contributing to the social mix of Branxton and the Singleton LGA, helping to maintain a vibrant and sustainable community;
- Increase in eligible volunteers for community service;
- Contribution to the economic strength of Branxton through increased economic activity directly attributable to population growth;
- Multiplier effects throughout the region as a result of construction employment;
- Jobs in the supply industry as a result of construction activity; and
- Increased trade and economic activity in the surrounding area including more customers for the town of Branxton and existing businesses and services.

3.3.2 Section B - Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub regional strategy?

There is no regional or sub regional strategy that applies to the subject land. However, there is a link to the Lower Hunter Regional Strategy 2006, in two ways.

Firstly, the Regional Strategy refers to the Huntlee urban development proposal, which straddles the local government boundaries of Cessnock and Singleton in the Branxton area. Secondly, the exhibited draft of the Regional Strategy identified the land (within 3 kilometre radius of the railway station) as having potential for urban development. On this basis the Sustainability Criteria from the Regional Strategy has been addressed in relation to the site as follows:

Response to Sustainability Criteria – Lot 31, 32 & 33 DP 571275 and Lot 4 DP 533318

1. Infrastructure Provision

Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way

Infrastructure provision currently exists in the sites context that can be extended into the subject site easily, subject to confirmation from Hunter Water. Any development of the land will involve the preparation of a developer agreement to ensure all required infrastructure is available to the subject site.

2. Access

Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided

Development of the subject site and its context will assist in providing a transport network that will encourage more efficient provision of public transport. The site location in reasonable proximity to the services provided within Branxton, reducing the number and length of vehicle movements required by any future residents of the subject site. Residential development of the subject site will significantly improve the catchment of Branxton that will further add to the viability of public transport servicing the area. The proposal will have no negative impact on any sub regional road, bus, rail or freight network.

3. Housing Diversity

Provide a range of housing choices to ensure a broad population can be housed

The subject site will provide an opportunity for a diversity of housing options within the LGA. Housing types could range from smaller units or dwellings, through standard three or four bedroom dwellings to larger rural residential dwellings. Rezoning of the land will provide a significantly different location and community to the one provided within close proximity to Singleton and will also provide for development in two separate areas to ensure housing affordability is achieved.

4. Employment Lands

Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies

The land is not considered suitable for the provision of employment land.

5. Avoidance of Risk

Land use conflicts, and risk to human health and life, avoided

The site is not within the 1 to 100 year floodplain, nor constrained by high slope or highly erodible soils. The use of the site for residential purposes will be consistent with the context of the site.

6. Natural Resources

Natural resource limits not exceeded/environmental footprint minimized

Site is not located in an area identified as being suitable for agricultural production, extractive industries or the like. Subject to confirmation, the land can be serviced with water infrastructure without creating an over burden on the existing supply system.

7. Environmental Protection

Protect and enhance biodiversity, air quality, heritage and waterway health

The site is not identified as containing significant biodiversity areas. Any areas where vegetation currently exists will be assessed during the rezoning and Development Application processes to ensure all high quality habitat is retained post development of the land.

8. Quality and Equity in Services

Quality health, education, legal, recreational, cultural and community development and other Government services are accessible

An infill development opportunity provided by the subject site will ensure all services available within Branxton remain viable and will provide opportunities for the economic expansion of these services, where required.

Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Singleton Council is currently preparing a Community Strategic Plan (CSP) as required by the NSW Local Government Act. It is anticipated that it will be completed by mid 2012.

The Singleton Land Use Strategy 2008 is the relevant (adopted and endorsed) local strategic plan under which the proposal should be considered.

The *Singleton Land Use Strategy* 2008 indicates that all demand for lots within Branxton will be supplied from the Huntlee proposal, effectively ruling out any further requirements for rezoning of land for residential purposes in this area.

However, both state and local governments have approved a significant number of employment generating development, such as mines in the Upper Hunter, and large tourist developments in the Cessnock and Branxton area over the last 10 years. Despite the Huntlee proposal, there remains a shortfall in the supply of residential land required by current and future employees of these activities. This shortfall leads to higher land prices and higher housing costs which in turn affects the broader economy.

The uncertainty of Huntlee requires the identification of other lands to provide residential land more quickly in the short to mid term.

The objectives of the Land Use Strategy 2008 for residential development are:

- *Singleton will have urban land that is zoned and serviced to meet projected housing needs up to 2032.*
- *Housing will vary in size and form to meet changing household formations and the needs of an ageing population.*

This planning proposal satisfies these objectives and therefore is consistent with the Strategy as follows:

- The area is identified for reticulated sewer and water provision (Hunter Water - Preliminary Service Advise, 2009) and would facilitate development contiguous with the urban areas of Branxton.
- The infill area has ready access to existing public and private infrastructure and should be sequenced to occur logically ahead of green field release areas.
- Due to the above points, the site will provide new residential land at reasonable development costs and hence affordable lots. This is the basis for meeting the varying needs of a changing population in a more sustainable manner.
- The proposal will contribute to the diversity of living areas available in the Singleton and Cessnock LGAs.

Is the planning proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policy (Rural Lands) 2008 applies to the proposal. Clause 7 sets out eight “Rural Planning Principles” that must be considered in preparing any LEP amendments affecting Rural Lands.

1. *The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,*
2. *Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,*
3. *Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,*
4. *In planning for rural lands, to balance the social, economic and environmental interests of the community,*
5. *The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,*
6. *The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,*
7. *The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,*
8. *Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.*

The proposal for the subject site addresses these principles as follows:

- The site has been identified in the Singleton Rural Residential Development Strategy (2005) (now repealed) as being not suitable for regular cultivation. The size of the site, combined with the constraints to ongoing agricultural activities (soil quality, proximity to residential dwellings preventing using of farming inputs including pesticides and fertilisers), precludes primary production significant to the local economy. The current use of the land for horse agistment reflects these factors.
- For the above reasons, any future owner wishing to pursue agricultural activities on the subject land would find it difficult to generate produce from the land and would be reliant on off farm income. In effect, the subject land is already used largely as “rural residential lots”.
- Previous zoning and development decisions have lead to surrounding land being subdivided for rural residential and urban development. These lands and the subject land are likely to have common bio physical attributes that are not conducive to agricultural production.
- No natural resources or areas of significant biodiversity or native vegetation would be adversely impacted by the proposal. The proposed environmental protection zoning over a portion of the site provides for the conservation of biodiversity.
- Urban services and infrastructure will be available.

Future residential development of the site has the potential to be affected by the following state environmental planning policies:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Full consideration of the impacts of these policies will be considered at the development application stage.

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

Direction 1.2 – Rural Zones

The Direction requires that councils (including Singleton) must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

Objective

The objective of this direction is to protect the agricultural production value of rural land.

Consistency

A planning proposal may be inconsistent with the terms of this direction (the objective) only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the

Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

The Singleton Rural Residential Development Strategy (2005) identifies the subject land as Agricultural Suitability Class 3 – *Not suited to regular cultivation - some pasture & arable. Moderate production.* Not being suited for regular cultivation, its relatively small size and being largely surrounded by residential and rural residential dwellings, means that the subject site is rural land with low production values. The proposal is therefore considered to be of minor significance, and that any inconsistency with Direction No 1.2 is fully justified.

Direction 1.5 – Rural Lands

The objectives of Direction 1.5 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. This Direction applies when a council prepares a planning proposal that affects land within an existing or proposed rural or environmental protection zones and when a planning proposal changes the existing minimum lot size on land within a rural or environmental protection zone.

The Direction states that this planning proposal must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008. This has been addressed in the previous section on State Environmental Planning Policies.

The Direction states that a planning proposal may be inconsistent with the terms of this direction only if Council can satisfy the Director-General of the Department of Planning that the provisions of the planning proposal that are inconsistent are:

- justified by a strategy that considers the objective of this directive, identifies the land and is approved by the Director-General, or
- is of a minor significance.

It is considered that the planning proposal is consistent with Direction No. 1.5

Direction 2.1 – Environment Protection Zones

Objective

The objective of this direction is to protect and conserve environmentally sensitive areas.

To be consistent with this Direction, planning proposals are required to include provisions that facilitate the protection and conservation of environmentally sensitive areas.

Areas identified as being ecologically significant will be addressed by the amending LEP requiring relevant DCP provision to be prepared for the development of the site. The use of a conservation zone may also be considered.

The proposal is considered to be consistent with this Direction.

Direction 2.3 – Heritage Conservation

The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This direction applies when a council prepares a planning proposal.

The Direction states that a planning proposal must contain provisions that facilitate the conservation of:

- items, places, buildings, works, relics, moveable objects or precincts of environmental heritage;
- Aboriginal objects or Aboriginal places that are protected under the national Parks and Wildlife Act 1979; and
- Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and peoples.

The Direction states that a planning proposal may be inconsistent with the terms of this direction only if Council can satisfy the Director-General of the Department of Planning that:

- The environmental or indigenous heritage significance of the item, areas, object or place is conserved by existing or draft environmental planning instruments, legislation or regulations that apply to the land, or
- The provisions of the planning proposal that are inconsistent are of minor significance.

The planning proposal will not impact on any known item of environmental heritage. Further investigation would be required to establish whether there are any Aboriginal items or objects on site which require protection. It is possible that further investigation on this aspect of the planning proposal may be required.

It is considered that the planning proposal will be consistent with Direction No. 2.3.

Direction 3.1 Residential Zones

Objective

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The proposal is considered to be consistent with this Direction.

Direction 3.4 Integrating Land Use and Transport

Objective

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Residential development of the subject site will improve the permeability of the existing street network for walking, cycling and buses. This also means access to Branxton rail station and the Hunter rail corridor. This allows for greater viability of any existing and future public transport servicing the area.

The site provides relatively easy access to the large employment providers within the wine and coal industries that necessitate being located considerable distance from residential land uses. Large numbers of employees are required to travel from Maitland, Newcastle and Lake Macquarie to service these industries and an increase in available land within Branxton will assist in reducing the distances travelled for employment.

These issues will also be addressed in the provisions of the DCP which will be required to be prepared. It is therefore considered that the proposal is consistent with this Direction.

Direction 4.4 - Planning for Bush Fire Protection

The objectives of Direction 4.4 are to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas.

The Direction applies when a Council prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone. The subject site is affected by Category 1, 2 and Buffer lands in the north. A small area in the south-east is affected by Buffer (see **Attachment 4**). The remainder of the site is free of bushfire hazard. It is envisaged that future development of the site will be able to comply with Planning for Bushfire Protection 2006 and any subsequent proposal for subdivision will be supported by a Bushfire Protection Assessment.

It is considered that the proposed rezoning is consistent with Direction No. 4.4.

Direction 5.1 Implementation of Regional Strategies

Objective

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The proposal is consistent with the Lower Hunter Regional Strategy (see Relationship to Strategic Planning Framework section above), consistent with this Direction.

Direction 6.1 Approval and referral requirements

Objective

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

The Planning Proposal will not require the concurrence, consultation or consent of a minister or public authority, consistent with this Direction.

Direction 6.3 Site Specific Provisions

Objective

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

No site specific planning controls are proposed, consistent with this Direction.

3.3.3 Section C - Environmental, social and economic impact

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?

The location of Endangered Ecological Communities on site is depicted in **Attachment 5**.

An ecological assessment has been prepared by Pacific Environmental Associates outlining the likelihood of endangered species, populations or communities occurring within the site. The assessment recorded one (1) threatened species, the Grey-crowned Babbler on the site. Habitat was also found for seven (7) other threatened species and one community which had affinities with the Central Hunter Spotted gum Ironbark Grey box forest, an Endangered Ecological Community, and, as such the site could be seen as carrying a moderate level of conservation significance.

Surveys of vegetation communities using quantitative measures was limited by access to the entire study area. Surveys “over the fence” on Lot 4 were undertaken and this vegetation appears to be floristically and structurally more diverse than Lot 31-33.

The 7-part tests conducted on the species at risk concluded that the proposal would not have a significant impact provided the following recommendations are implemented:

- That regional planning incorporate the guidelines for regional species movements;
- The areas shown as conservation (**Figure 7** of supporting JW Planning Pty Ltd Report, being the heavy vegetation to the north-west and the main riparian corridor) should become reserved and rehabilitated to form “reserves” as part of the structure plan for the site;
- A best-practice erosion and sediment control plan would be developed;
- Appropriate stormwater and nutrient control systems would be incorporated into the proposal designed to reduce the effects of runoff and ensure water flowing off the proposal area is of a suitable quality;
- The construction site would be managed to ensure that there is no accidental incursions into areas which are not subject to the proposal; and,
- Any landscaping associated with the proposal would comprise of endemic native plants.

A copy of the report is provided at **Attachment C** of the supporting JW Planning Pty Ltd Report.

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

The site contains areas that may be locally flood liable, although it is not shown as being affected by the 1:100 flood on Council mapping. It is not intended to

develop these areas for residential purposes. The DCP required to be prepared by the amending LEP will include provisions to address this issue.

Bushfire buffers required for residential development will be determined during the preparation of detailed studies to accompany any future development applications, or additional information requested by the Minister. Any required APZ would be accommodated within each allotment, allowing for ongoing maintenance of the APZ without burden on public authorities.

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

The proposal is likely to only have positive social and economic outcomes, as indicated in the net community benefit test.

3.3.4 Section D - State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

The proposal responds to the requirements for public infrastructure as follows.

Roads

The site is accessed from Dalwood Road, a typical rural road with no kerb and guttering. It is expected that the stretch of Dalwood Road fronting the site will be upgraded to be consistent with the treatment provided to this road within the adjoining residential development. This will include kerb and gutter and widening as deemed necessary.

Dalwood Road terminates at the New England Highway via an existing signalized intersection. It is unlikely that this intersection will require an upgrade following development of the site given the imminent construction of the F3 extension that will significantly reduce traffic loads moving through this intersection.

Water and Sewer

Correspondence has been received from Hunter Water in relation to sewer and water servicing of the proposal. The advice indicates that, subject to detailed investigations, the site will be afforded water servicing following the upgrade of the Maitland-North Rothbury water supply system, scheduled to be completed in 2013.

Some capacity does exist for the site to be serviced with sewer, however should additional capacity be required it will be available following the upgrade of the Branxton Waste Water Treatment System that is proposed to be completed by 2011.

Electricity and Telecommunications Services

It is expected that the existing telecommunications and electricity networks servicing the site and adjoining development are able to be augmented to support the proposal.

Waste Management and Recycling Services

The proposed development will serve to improve the viability of the existing waste disposal services afforded within the adjoining rural residential development.

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

A response to this Section can be provided following the gateway determination.

3.4 Community Consultation

The gateway determination will specify the community consultation requirements for this planning proposal.

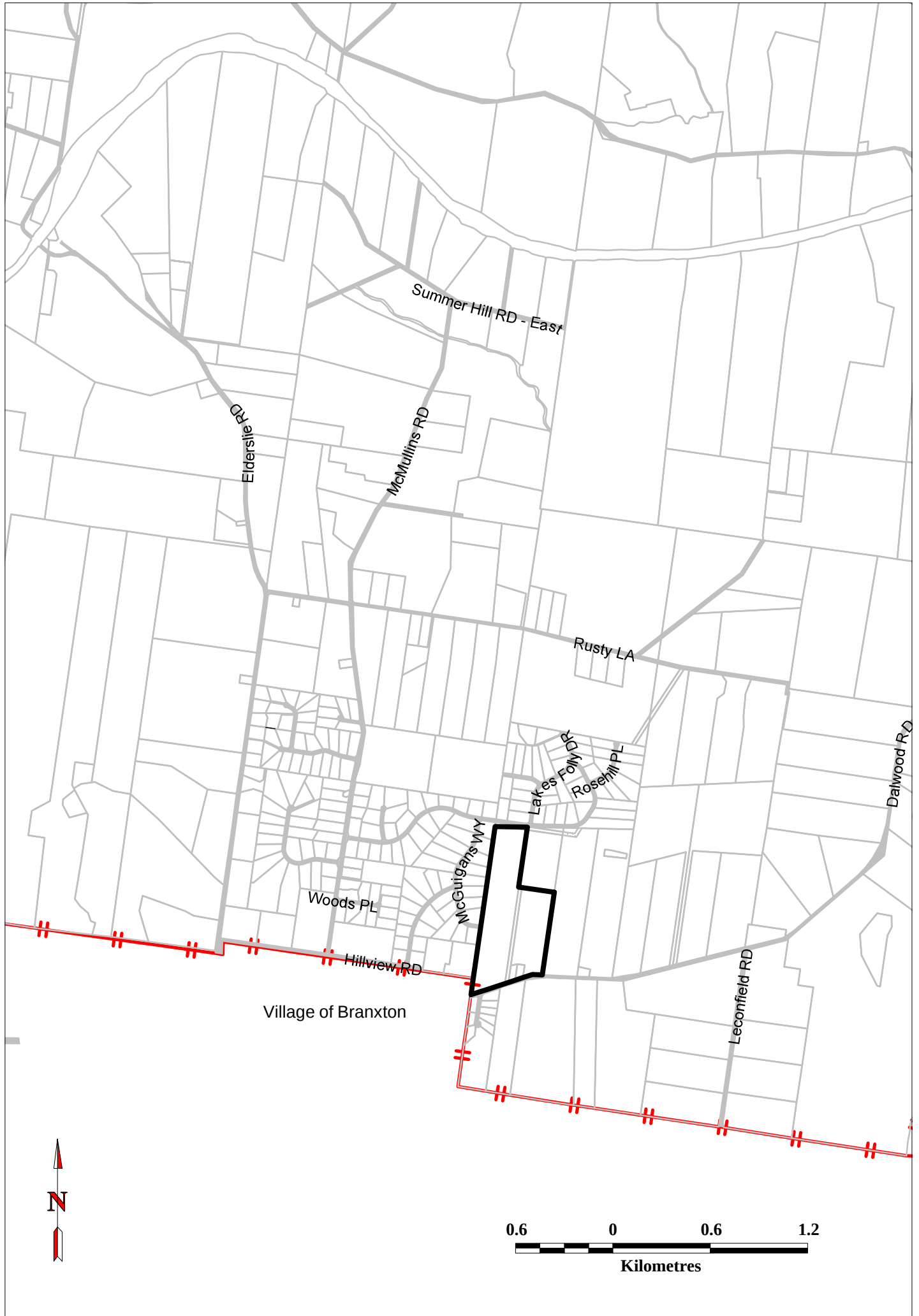
4. Conclusion

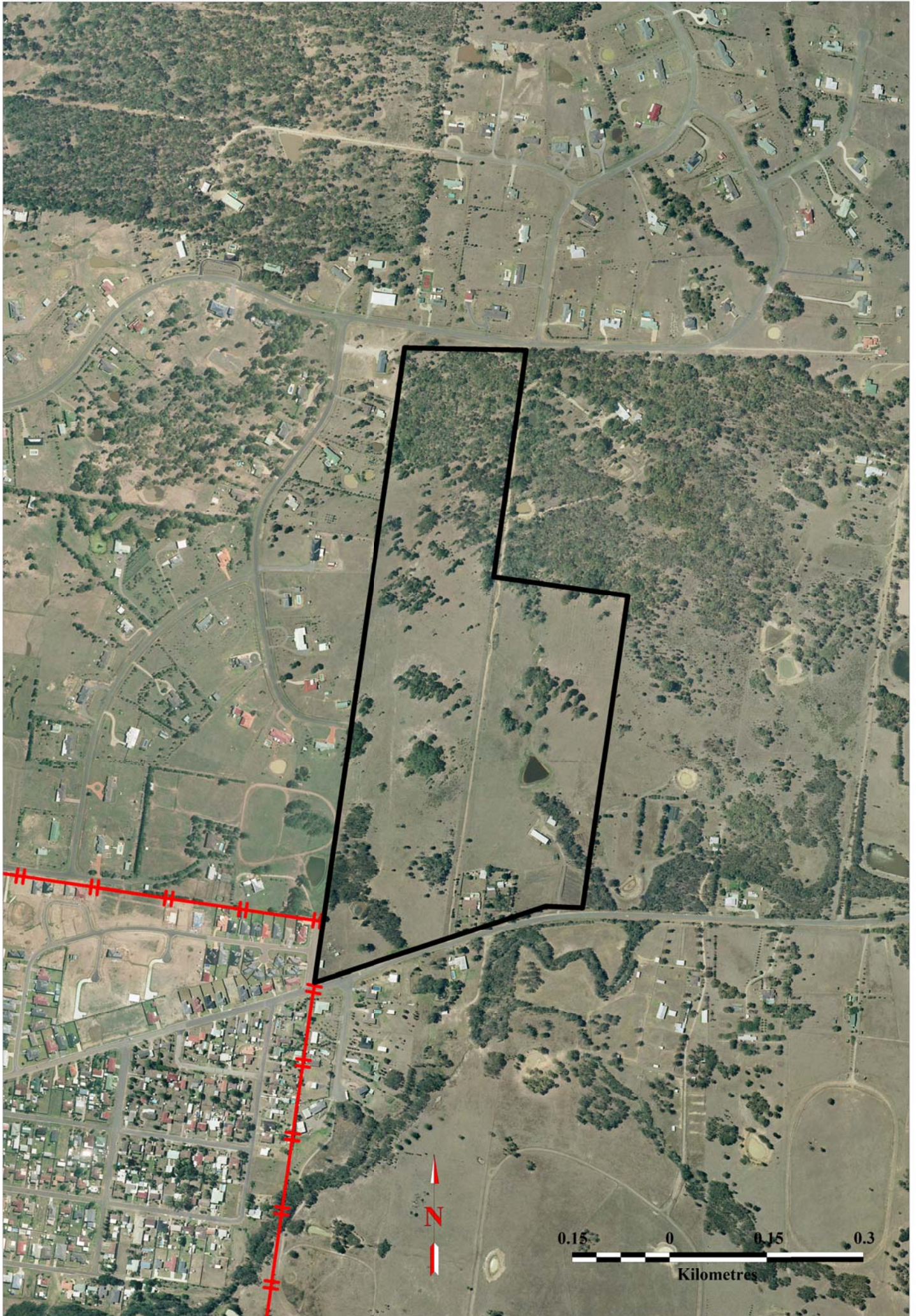
The planning proposal is generally consistent with the Council adopted and Department of Planning endorsed Singleton Land Use Strategy 2008. Although the site is not specifically identified in the Strategy, the proposal generally falls within the sustainability criteria for both the Land Use Strategy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

The site 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.

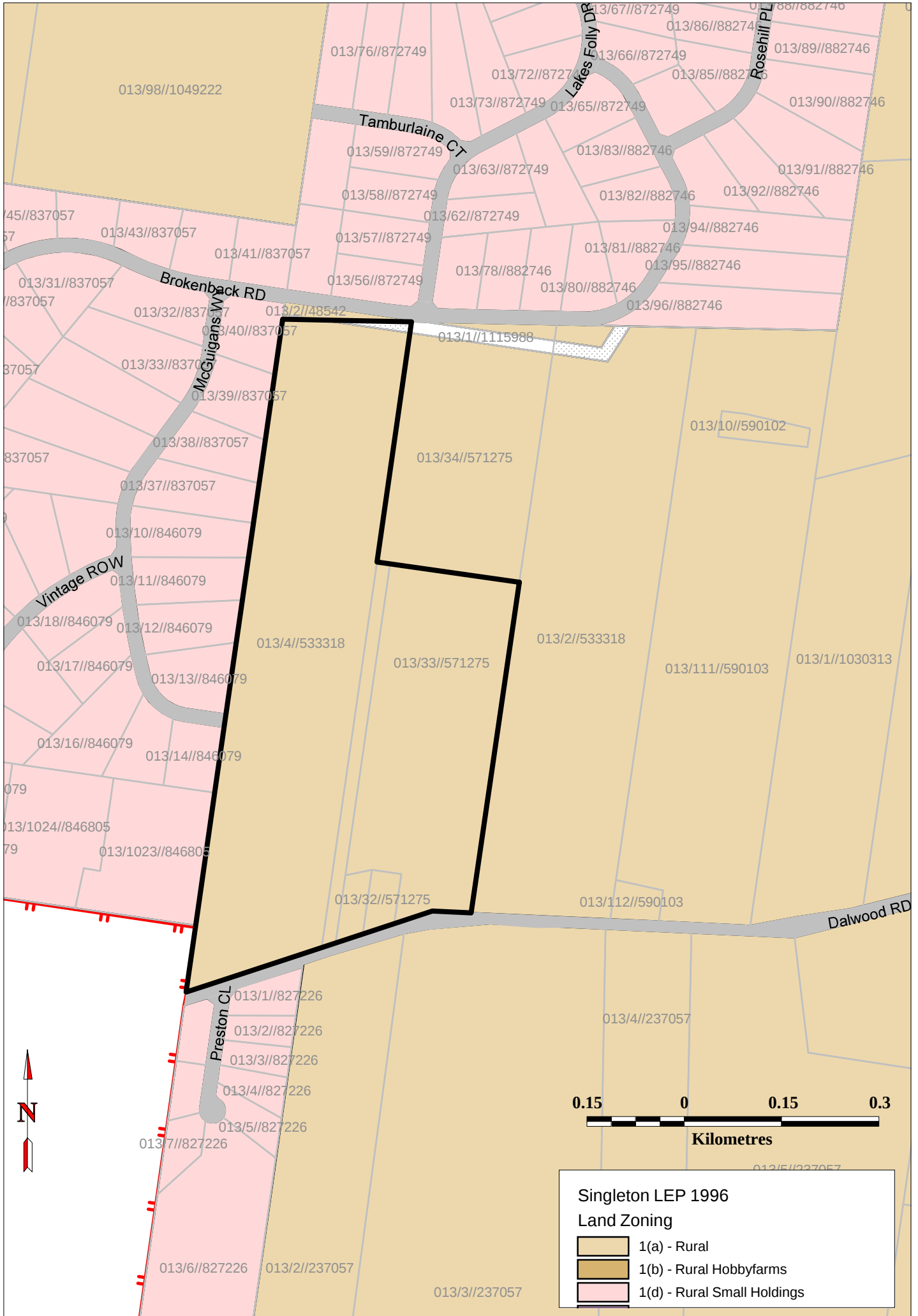
The supply and demand analysis presented by the consultant for the proponent (JW Planning) and quoted in this planning proposal indicates a strong need for further residential land in this area in the short term.

The preliminary investigations undertaken for this planning proposal indicate that the subject site is suitable for rezoning for residential / rural residential purposes, with minimum constraints to development.





ATTACHMENT 3 - EXISTING LEP ZONING - SINGLETON LEP AM - LA4/2010



ATTACHMENT 4 - BUSHFIRE PRONE MAP - SINGLETON LEP AM - LA4/2010

