

Burbank Crescent Hunterview

Proposal Title : **Burbank Crescent Hunterview**

Proposal Summary : **The Planning Proposal affects Lot 12, DP 192528, 14 Burbank Crescent, Hunterview (18.62 ha) which is currently split zoned rural and residential.**
The Planning Proposal aims to:
 1. **Rezone 6336m² of land from rural to residential to permit approximately 10 lots;**
 2. **Rezone 632m² of land from residential to rural to provide a suitable flood free rural dwelling site for the existing rural land;**
 3. **Implement a Lot Size Map for the entirety of rural land, to permit the above rural dwelling but prohibit any further subdivision.**

PP Number : **PP_2012_SINGL_004_00**

Dop File No :

12/18953

Proposal Details

Date Planning : **27-Nov-2012**

Proposal Received :

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 : **14 Burbank Crescent**

Suburb : **Hunterview**

City : **Singleton**

Postcode : **2330**

Land Parcel : **Lot 12 DP 192526**

DoP Planning Officer Contact Details

Contact Name : **Amy Blakely**

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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 :

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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) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	10	No. of Dwellings (where relevant) :	10
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes : Council resolved to support the planning proposal on 19 November 2012.

The existing zoning pattern is a result of Amendment 51 to Singleton LEP 1996, made August 2009. Amendment 51 rezoned 4.5 ha of land to a residential zone, to provide 35 residential lots. Amendment 51 was not formally identified by the endorsed Singleton Land Use Strategy, but was considered to be of minor significance, representing urban infill which would utilise existing urban services.

The proposed residential rezoning within this planning proposal formed part of the residual parcel of rural land remaining after Amendment 51. The subject land was retained rural to provide a means to convey stormwater drainage from Burbank Crescent. The remainder of rural land is flood prone.

The land owner has recently submitted a Development Control Plan for the residential development of land rezoned by Amendment 51. It demonstrated that the stormwater generated within this location can be piped via a different alignment. Council have concluded that it is a logical extension of the residential development to infill this parcel of land, now that it is no longer required for drainage.

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objectives adequately explain the intent of the planning proposal.

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

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

Comment : **The explanation of provisions are considered adequate.**

The planning proposal contains provisions to amend either Singleton LEP 1996 or the Singleton SI LEP.

The planning proposal contains a provision for a Lot Size Map for the rural land under both the Singleton LEP or the Standard Instrument LEP. This planning proposal will either introduce the MLS map, if gazetted prior to the SI LEP or modify the MLS map to remove the MLS from the land zoned residential zoned, if gazetted after. In either case, the Minimum Lot Size map will be 10ha, as consistent with the exhibited SI LEP, to allow for subdivision of the rural parcel from the residential portion of the site, but to limit further subdivision potential.

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

1.5 Rural Lands

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

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

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

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? **Yes**

Comment : **Indicative maps which adequately outline the proposal have been incorporated into the Planning Proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council suggests that the proposal cannot be considered a 'low impact planning proposal', so have recommended a 28 day exhibition period. However, a 14 day timeframe is considered adequate because;**
The proposed zoning is consistent with the surrounding zoning pattern;
The modifications are considered to be of minor significance with little to no impacts;
The proposed zoning is considered consistent with the intent of the strategic planning framework;

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Development of the site presents no issues with regards to infrastructure servicing;
This planning proposal does not attempt to reclassify public land.

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 : **Council have not submitted a project timeframe with their planning proposal as per the updated Guide to Planning Proposals. Council are in the practice of preparing these post Gateway and it is proposed to require it as a condition of consent.**

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP : **The draft LEP was exhibited until 7 September 2012.**

It is considered likely that this will be an amendment to the new standard instrument draft Singleton SI LEP, however it may be finalised as an amendment to the existing Singleton LEP 1996.

Assessment Criteria

Need for planning proposal : **The planning proposal will provide an additional 10 infill residential lots which can utilise existing urban services. Council expect that the proposed lots can be developed in the short- medium term.**

While the endorsed Strategy identified adequate residential land supply in the LGA, delays in development have seen limited residential dwellings being approved over the last five years (500 – 700 less than estimated). The Strategy identified adequate supply due to three separate release areas (2000 lots) being rezoned for residential development in 2007. As of December 2012, only one site has commenced development. Council cite infrastructure servicing costs and the impacts of the Global Financial Crisis on investment in the development industry to be the key reasons for this delay.

Supporting infill development opportunities such as this will assist in providing additional housing in this short-medium term.

Consistency with strategic planning framework :

Singleton Land Use Strategy (2008)

As with the original rezoning of 35 residential lots (Amendment 51), the proposed 10 lots are considered to be minor infill development. The proposed residential land is surrounded by existing residential zoned land on three fronts. In the letter from the Director General formally endorsing the strategy, Council was advised that:

Future development needs to maximise the opportunities for infill in Singleton Township, on appropriate flood free land. As such the planning proposal is considered sufficiently consistent with the Strategy.

Upper Hunter Regional Land Use Plan (2012) (UHSLUP)

The planning proposal is considered consistent with the UHSLUP as:

- It will provide for additional housing development to meet the specified demand, without providing an over supply;
- It is considered the best option for the land, given its location and proximity to existing services and the surrounding zoning pattern;
- The agricultural potential of the land is considered very limited due to the proximity of the neighbouring residential land and its topography.

Section 117 Directions**Direction 1.2 Rural zones**

The land proposed to be zoned residential is not considered to be viable agricultural land. It is a relatively small slither of land located between exiting residential development and land zoned for residential development. The provision of a flood free portion of rural land for a dwelling or flood refuge is considered appropriate to sustain an agricultural enterprise on the remaining rural portion. The inconsistency with this direction is considered to be of minor significance.

Direction 1.5 Rural Lands

The proposed reduction in Minimum Lot Size (MLS) for the rural portion of the site is not considered to be of significance, as is consistent with the exhibited SI LEP. The proposed 10ha MLS will allow for the rural portion to be subdivided off and maintain a dwelling consent, but will not allow for any further rural subdivision or fragmentation. The inconsistency with this direction is considered to be of minor significance.

Direction 3.1 Residential Zones

The 632m² loss of residential land is considered minor. The site will provide a suitable flood free rural dwelling site for the rural portion of the lot. The inconsistency with this direction is considered to be of minor significance.

The planning proposal is consistent with all of the other Section 117 Directions identified by Council.

Environmental social economic impacts :

The current proposal will result in an additional 10 residential lots which will be able to utilise existing urban services. Council expect the proposed lots to be developed in the short- medium term, which may ease the perceived current housing stress in the Singleton Region.

The planning proposal will rezone a small finger of rural land which has been used as a stormwater drainage channel for the existing neighbouring development. During the development of a DCP for the adjoining residential land, council has ascertained that the stormwater will be able to be adequately piped via another route. The prepared geotechnical assessment indicates there is no risk on the basis of contamination. Development of this land will require some filling of the current topography. Council has determined this will not impact flooding for the site or its surrounds.

The southern portion of the site comprises flood prone land. The proposed minimum lot size map will not increase any development potential on this site. The proposed backzoning of 632m² of land from residential to rural land will provide a suitable flood free rural dwelling site on the remaining rural portion.

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Council intends on requesting an Archaeological Due Diligence Assessment for the land proposed to be rezoned residential.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **NSW Aboriginal Land Council**
Office of Environment and Heritage
Telstra
Other

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 Report.pdf	Determination Document	Yes
Extract Minutes.pdf	Determination Document	Yes
Geotechnical Report.pdf	Study	Yes
Eco Assessment exc summary.pdf	Study	Yes
SI zoning map.pdf	Map	Yes
SI MLS map.pdf	Map	Yes
Cover letter.pdf	Proposal Covering Letter	Yes
LA11 2012 Planning Proposal 06 Dec 2012 with attachments.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**
1.5 Rural Lands
3.1 Residential Zones
3.3 Home Occupations

3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
6.1 Approval and Referral Requirements
6.2 Reserving Land for Public Purposes
6.3 Site Specific Provisions

Additional Information :

The Planning Proposal should proceed subject to the following conditions:

1. The planning proposal may amend either the Singleton LEP 1996 or the draft Singleton Standard Instrument LEP currently being prepared. Council should prepare and exhibit material including zoning maps, minimum lot size maps and other associated material which clearly identifies how the planning proposal will amend both instruments.

2. 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 must be made publicly available for 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Local Aboriginal Land Council
- NSW Office of Environment and Heritage
- Telstra
- Ausgrid

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. 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).

5. The timeframe for completing the LEP is to be 18 months from the week following the date of the Gateway determination.

6. That Council prepare a project timeframe for the planning proposal, as per the updated Guide to Planning Proposals, and submit it to the Regional Office within 2 weeks of receiving the Gateway Determination.

7. Agree that inconsistencies with Directions 1.2 Rural Zones, 1.5 Rural Lands and 3.1 Residential Zones are considered minor. NOTE: The additional 117 Directions identified by Council are considered consistent (not requiring agreement).

Supporting Reasons :

The proposal is considered infill to the existing urban area of Hunterview and has been identified as able to be serviced and developed within a short timeframe.

An 18 months timeframe is required to undertake additional studies, consult with agencies, exhibit planning proposal and finalise the LEP. 18 month time period should enable the planning proposal to be completed. The project management requirement will ensure this timeframe is achievable.

NOTE: The tracking system does not allow for the selection of 18 months.

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Signature:



Printed Name:

KOFLAHERTY

Date:

7/12/12