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PLANNING PROPOSAL

Land Subject of Planning Proposal	• Lot 13, DP: 595347, 137 Elderslie Road, Branxton; • Lot 22, DP: 861508, 103A Elderslie Road, Branxton; • Lot 121, DP: 628116, 211 Elderslie Road, Branxton; and • Lot 140, DP: 619407, 181 Elderslie Road, Branxton.
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PART 1 – INTRODUCTION AND OVERVIEW

Introduction

The land subject of this planning proposal is:

- Lot 121, DP: 628116, 211, Elderslie Road, Branxton
- Lot 22, DP: 861508, 103A, Elderslie Road, Branxton
- Lot 140, DP: 619407, 181 Elderslie Road, Branxton; and
- Lot 13, DP: 595347, 137 Elderslie Road, Branxton.

This planning proposal (Council file reference: LA64/2008) seeks to amend the Lot Size Map created by Amendment No. 64 to the *Singleton Local Environmental Plan 1996* (SLEP 1996).

The map changes will correct a mapping error which makes the Lot Size Map inconsistent with the site specific Development Control Plan (DCP) maps that were exhibited concurrently with Draft Amendment No. 64 to the SLEP 1996.

The DCP maps for the site reflect a reasonable approach to development of the site, taking into consideration site constraints and opportunities. As such, the current LEP map does not reflect the most effective and efficient development of the site.

The draft Lot Size Map for Amendment No. 64 did not segregate the site to apply different specific minimum lot sizes to different (defined) areas of the site. Instead it comprised a written averaging provision (Minimum lot size of 2,000m², with a minimum average lot size of 4,000m²) which applied across the overall site. The averaging of lot sizes is recommended by the Singleton Land Use Strategy (SLUS).

Subsequent to exhibition, the Lot Size Map was changed so that it did not apply the blanket averaging provision. This was done in response to the direction from the Regional office of the NSW Department of Planning dated 23 September 2010 which detailed that it would be unsuitable to use the written averaging provision for the rural-small holdings proposal.

The map was then modified to show specific minimum lot sizes in different areas across the site to achieve the approximate average lot size across the overall site. Since making of Amendment No. 64, two errors have been identified with the LEP Lot Size Map, being:

- 1) The map was supposed to show a 5,000m² minimum lot size for specific section of the site. Instead, the minimum lot size stated on the map for that defined area is 6,000m².

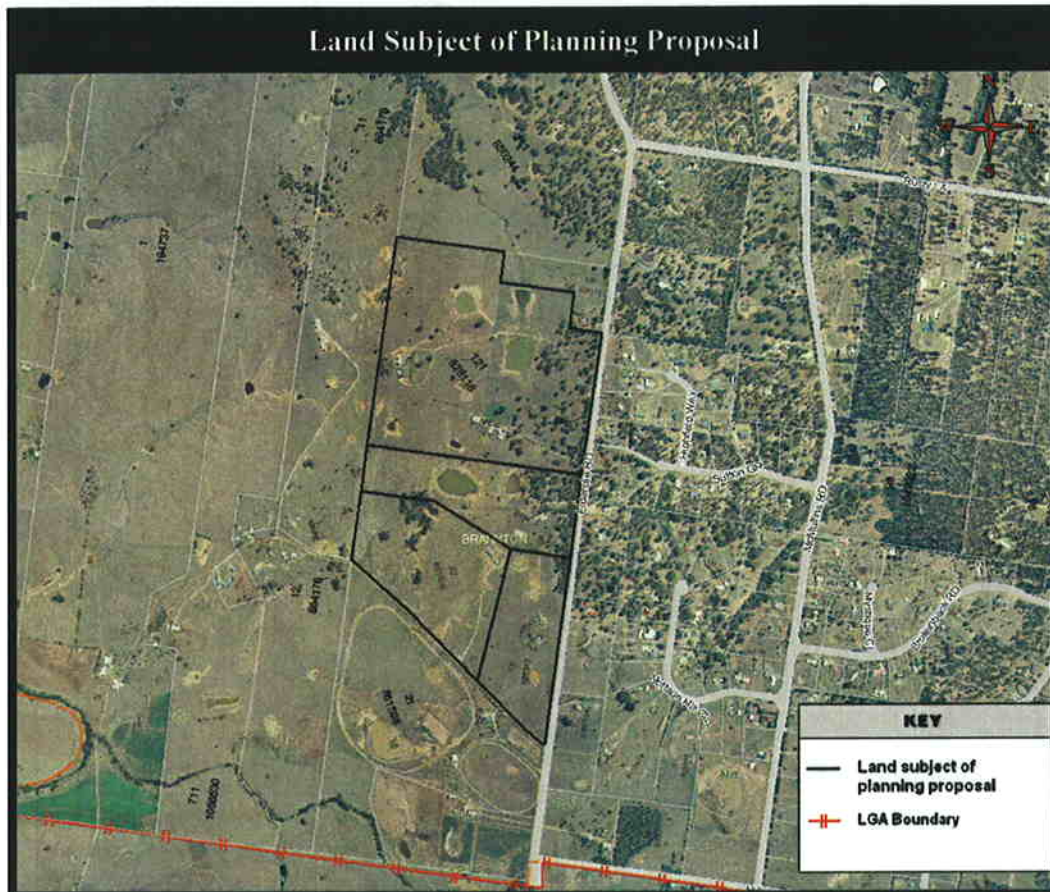
- 2) The alignment of a boundary between 2 different minimum lot size areas was incorrect, applying a 3,000m² minimum lot size to a section of the site, where a minimum lot size of 2,000m² was intended.

Expedited processing of this planning proposal is sought pursuant to Section 73A of the *Environmental Planning and Assessment Act 1979*. The changes to the map are considered to be minor in nature and more closely reflect the information which was exhibited with the draft instrument for Amendment No 64.

Given that the changes to the LEP Minimum Lot Size Map occurred subsequent to exhibition of Amendment No. 64 and that the changes to the map would be consistent with the exhibited draft LEP and concurrently exhibited DCP plans, further public authority consultation and re-exhibition is not considered to be warranted.

Site Description

The site subject of this planning proposal is identified in the plan which follows.

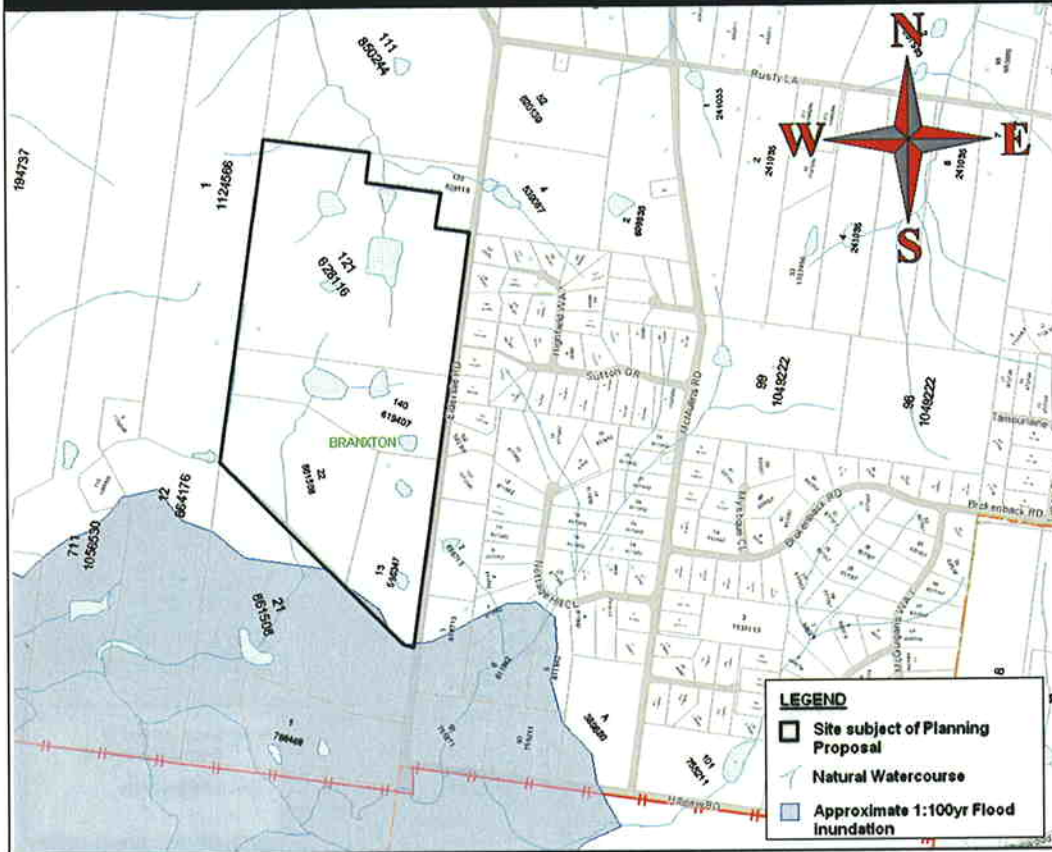


The land is substantially cleared of significant vegetation, comprising predominantly unimproved grassland and scattered groups of trees. The site has a hilly topography and is dissected by intermittent natural watercourses.

Historical flood mapping suggests that the 1:100yr flood could potentially affect the southern boundary of the site. This mapping was prepared at a Local Government Area (LGA) wide scale and cannot be relied upon at the site specific level.

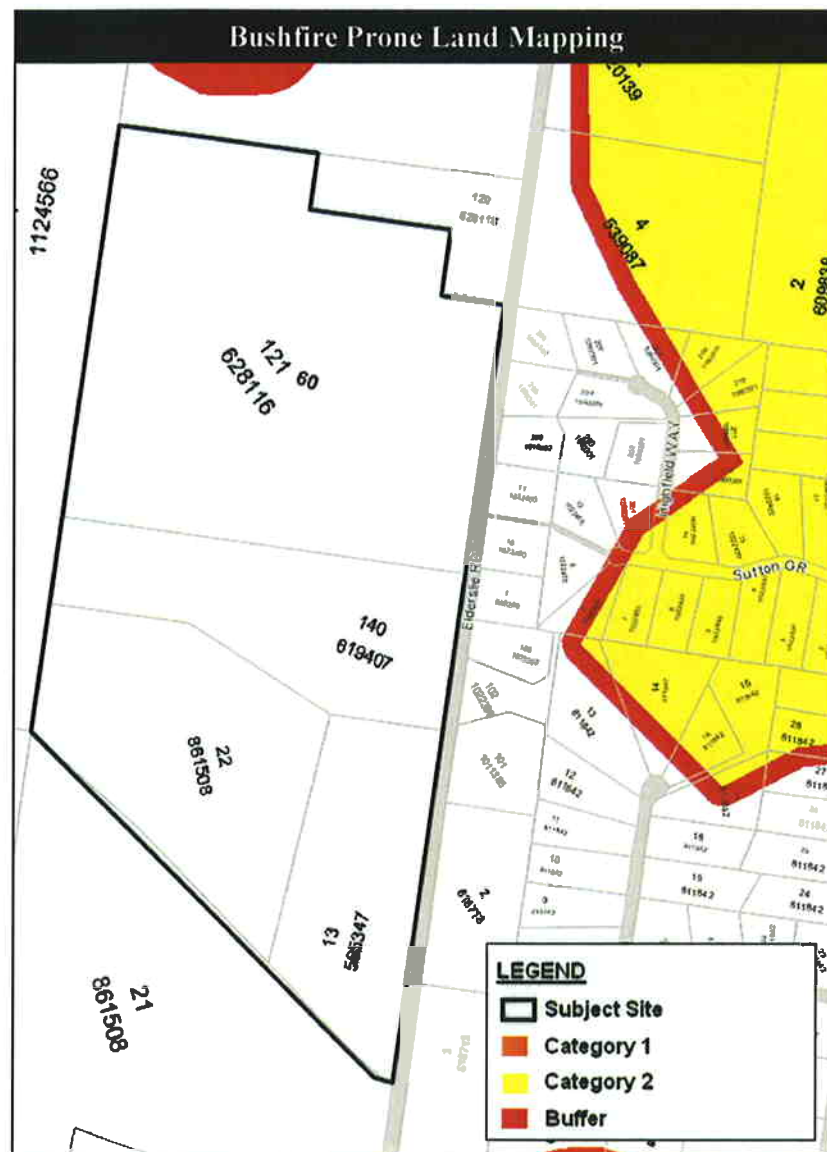
Recent flood study information prepared for a proposal to rezone the adjoining site indicates that the subject boundary would not be impacted by the 1:100yr flood. The site subject of this planning proposal is therefore not considered to be flood prone.

Historical Flood Mapping





The site is not identified as being bushfire prone land on Council's Bushfire Prone Land mapping.



PART 2 – OBJECTIVES/INTENDED OUTCOMES OF PROPOSED LEP

Objectives

The intention of this planning proposal is to correct errors which have occurred to the Lot Size Map for Amendment No. 64 to the *Singleton Local Environmental Plan 1996*.

The objectives of the proposed LEP are:

- (a) To replace the subject Lot Size Map with a revised lot size map; and
- (b) To make changes to the written instrument to reference the revised Lot Size Map.

Intended Outcomes

Council is currently operating under the SLEP 1996. Like most Councils in NSW, Singleton Council is in the process of drafting a new LEP in accordance with the LEP standard instrument (SI) template. The SI LEP will replace the SLEP 1996.

Preparation of Singleton Council's SI LEP is not prioritized by the NSW Department of Planning as reflected in its list of SI LEPs proposed to be fast-tracked, which was publicized in 2009. In consideration of timing, the subject amendment would be expected to occur to the Singleton LEP 1996.

PART 3 – EXPLANATION OF THE PROVISIONS TO BE INCLUDED IN THE LEP

Explanation of Provisions

Description

Implementation of this planning proposal as an amendment to the SLEP 1996 would involve:

- Deletion of "Singleton Local Environmental Plan 1996 (Amendment No 64)—Sheet 3" from the definition of 'Lot Size Map' in clause 9(1) of the SLEP 1996.
- Inclusion of the reference to the subject amendment in the definition of 'Lot Size Map' of clause 9(1) of the SLEP 1996.

The map which follows illustrates the proposed changes to the lot size map. The changes are highlighted in yellow for the purposes of this planning proposal.



LOT SIZE MAP

Minimum Lot Size



LOCALITY BRANXTON PARISH BRANXTON COUNTY NORTHUMBERLAND

ENVIRONMENT PLANNING & ASSESSMENT ACT, 1979

SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 (AMENDMENT NO.)

DRAWN BY	DATE	SCALE	1:10,000	SHEET	3 of 3	
SUPERVISING DRAFTSPERSON	STATEMENT OF RELATIONSHIP WITH OTHER PLANS THIS PLAN AMENDS SINGLETON LOCAL ENVIRONMENTAL PLAN 1996 IN THE MANNER SET OUT IN SCHEDULE 1					
PLANNING OFFICER						G. PEARSON
COUNCIL FILE NUMBER						LA64/2008
DEPT. FILE NUMBER						
CERTIFICATE PLAN NUMBER	CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS					
CERTIFICATE ISSUED UNDER SEC. 65 E.P.A. ACT						
DATE PUBLISHED						
		GENERAL MANAGER / DELEGATE DATE				

PART 4 – JUSTIFICATION FOR OBJECTIVES, OUTCOMES, PROVISIONS AND IMPLEMENTATION PROCESS

Need for the Planning Proposal

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

The site subject of this planning proposal is identified by the Singleton Land Use Strategy 2008 (SLUS) as being suitable for rural-residential development. The SLUS recommends implementing a minimum lot size of 2,000m² and a minimum average lot size of 4,000m² to subdivision of the land. It also recommends preparation of DCP provisions for such sites.

The changes to the Lot Size Map are consistent with the recommendations of the SLUS and will enable the LEP Lot Size Map to be consistent with the DCP concept plans for the site.

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

The planning proposal seeks to correct errors in the LEP lot size mapping. This planning proposal is considered to be the most appropriate method of seeking the correction to the mapping.

Is there a net community benefit?

The changes to the LEP lot size mapping will provide for the site to be developed in accordance with the adopted DCP plans for the site. Compliance with the current Lot Size Map would reduce the number of lots able to be yielded from the site, which would result in an outcome which does not reflect the most effective and efficient use of the site.

The proposal is considered to be of benefit to the community as it will provide for additional lots to be created for rural-residential development in an appropriate location, which are consistent with the DCP plans for the site.

Relationship to Strategic Planning Framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The land subject of this planning proposal is not within a regional strategy endorsed by NSW Planning.

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

Council does not have a Community Strategic Plan. This planning proposal is however, consistent with Council's Management Plan 2010/11 – 2012/13. The proposal is consistent with the provisions of the SLUS.

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

No State Environmental Planning Policies are identified as impacting upon the planning proposal.

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

The table which follows contains a response to each of the s117 directions in relation to the planning proposal.

Compliance with Section 117 Directions	
Direction	Response
1.1. Business and Industrial Zones	This direction is not applicable to the planning proposal.
1.2. Rural Zones	Land is zoned 1(d) (Rural Small Holdings). The corrections sought by the is planning proposal would provide for 4 additional lots to be yielded from the site than is permissible under the current adopted LEP Lot Size Map: • 2 x additional lots would be able to be realized as a result of the re-alignment of the Lot Size Boundary; and • 2 x additional lots would be able to be realized by reducing the 6,000m² minimum lot size to 5,000m² in the specific section of the site. The amendment to the LEP Lot Size Map is consistent with the provisions of the Singleton Land Use Strategy (SLUS) and is considered to be justified.
1.3. Mining, Petroleum Production and Extractive Industries	This direction is not relevant to the planning proposal. The map corrections are consistent with the provisions of the SLUS. The proposal would not have the effect of prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials. The proposal is not viewed to restrict the potential development of resources of coal, other minerals, petroleum or extractive

	materials which are of State or regional significance.
1.4. Oyster Aquaculture	This direction is not applicable to the planning proposal.
1.5. Rural Lands	The land subject of this planning proposal is zoned 1(d) (Rural Small Holdings). The minimum lot size requirements for subdivision of the site is determined by a lot size map, (which was made by Amendment No. 64 to the SLEP 1996). This planning proposal will correct mapping errors associated with the LEP Lot Size Map applying to the site. It will modify the Lot Size Map by realigning one of the lot size boundaries and changing one of the minimum lot size figures. These changes would be consistent with the intent of Amendment No. 64 to the SLEP 1996 and the SLUS.
2.1. Environment Protection Zones	The land is not within an environmental protection zone or land otherwise identified for environmental protection purposes. The proposal is not expected to have a significant adverse impact in regard to flora, fauna or biodiversity. The site is not classified as being an environmentally sensitive area of state significance as defined by <i>State Environmental Planning Policy (Major Projects) 2005</i>. The site is not identified as being an environmentally sensitive area of regional significance.
2.2. Coastal Protection	This direction is not applicable to the planning proposal.
2.3. Heritage Conservation	Direction: 2.3. Heritage Conservation applies to the proposal. The existing <i>Singleton Local Environmental Plan 1996</i> comprises provisions that facilitate the conservation of European heritage items and places. The draft LEP does not comprise provisions in regard to Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>. It is expected that Council's new comprehensive Local Environmental Plan will comprise provisions regarding heritage. The Aboriginal Cultural Heritage Site Survey and Assessment report for the proposal details that 3 isolated artefacts were identified on the site. These artefact sites have been

	identified as being of limited scientific significance and poor integrity. Section 90 consent for the destruction and/or collection and salvage of Aboriginal objects will be required where future development of the site will impact upon Aboriginal Cultural Heritage. It is viewed that the provisions of the proposal that would be inconsistent with Direction: 2.3. Heritage Conservation would be of minor significance.
2.4. Recreation Vehicle Areas	This direction is not relevant to the planning proposal.
3.1. Residential Zones	This direction is not relevant to the planning proposal.
3.2. Caravan Parks and Manufactured Home Estates	This direction is not relevant to the planning proposal.
3.3. Home Occupations	The equivalent definition for "home occupation" in the Singleton LEP 1996 is "home activity". Home activities are exempt from requiring development consent in the 1(d) (Rural Small Holdings zone). A change of the land use zone is not proposed by this planning proposal. The planning proposal is considered to be consistent with this direction.
3.4. Integrating Land Use and Transport	This planning proposal does not seek to create, alter or remove a zone or a provision relating to urban land. Direction: 3.4. Integrating Land Use and Transport therefore does not apply to the proposal.
3.5. Development Near Licensed Aerodromes	This direction is not relevant to the planning proposal.
4.1. Acid Sulphate Soils	This direction is not relevant to the planning proposal. The Singleton LGA is not mapped by the Acid Sulphate Soils Planning Maps held by the NSW Planning.
4.2. Mine Subsidence and Unstable Land	This direction is not applicable to the planning proposal. The sites are not within a Designated Mine Subsidence district and have not been identified as being unstable land.
4.3. Flood Prone Land	This direction does not apply to this planning proposal. Flood study information indicates that the site would be unlikely to be inundated by floodwaters during the 1:100yr ARI flood event.
4.4. Planning for Bushfire Protection	This direction does not apply to the proposal. The site does not comprise bushfire prone land within the meaning of the <i>Rural Fires Act 1997</i> .
5.1. Implementation of Regional Strategies	This direction is not applicable to the planning proposal.
5.2. Sydney Drinking Water Catchments	This direction is not applicable to the planning proposal.

5.3. Farmland of State and Regional Significance on the NSW Far North Coast	This direction is not applicable to the planning proposal.
5.4. Commercial and Retail Development along the Pacific Highway, North Coast	This direction is not applicable to the planning proposal.
5.5. Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	This direction has been revoked and is not applicable to the planning proposal.
5.6. Sydney to Canberra Corridor	This direction has been revoked and is not applicable to the planning proposal.
5.7. Central Coast	This direction has been revoked and is not applicable to the planning proposal.
5.8. Second Sydney Airport: Badgerys Creek	This direction is not applicable to the planning proposal.
6.1. Approval and Referral Requirements	This planning proposal does not include provisions that require the concurrence, consultation or referral of development applications to a minister or public authority and does not identify development as designated development.
6.2. Reserving Land for Public Purposes	This direction is not relevant to the planning proposal.
6.3. Site Specific Provisions	This direction is not relevant to the planning proposal. The proposal does not intend to amend another environmental planning instrument in order to allow a particular development proposal to be carried out.
7.1. Implementation of the Metropolitan Strategy	This direction is not applicable to the planning proposal.

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 site is predominantly cleared of significant vegetation and comprises mainly unimproved grassland with some scattered trees. No critical habitat, threatened species, populations or ecological communities, or their habitats have been identified on the site. The Singleton DCP comprises provisions to conserve vegetation wherever possible.

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

The proposal is not expected to generate any significant adverse environmental impacts.

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

This planning proposal is not expected to generate any significant adverse social or economic impacts. The proposal seeks to correct a mapping error so as to improve the development opportunities for the site. No significant adverse economic impacts have been identified as likely to result due to the proposal.

State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The site subject of this planning proposal has adequate access to electricity, telecommunications, road, reticulated water and sewer supply infrastructure. Some upgrades will be required to provide for the proposal, however such upgrades are not considered to make the proposal uneconomical.

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

Consultation with relevant public authorities was undertaken as part of the process associated with making Amendment No. 64 to the Singleton LEP 1996. **Appendix 2** to this planning proposal comprises the relevant public authority responses.

PART 5 – PROPOSED COMMUNITY CONSULTATION

Approval from the Director-General

The Director General has not issued approval to carry out community consultation. Expedited processing of this planning proposal is sought pursuant to Section 73A of the *Environmental Planning and Assessment Act 1979*.

The proposed changes to the Lot Size Map are considered to be minor in nature and more closely reflect the information which was exhibited with the draft instrument for Amendment No 64. As such, it is requested that the director general give permission to dispense with the usual community consultation requirements.

Community Consultation

The subject planning proposal is considered to be a low impact planning proposal. The land adjoins the existing Braxton rural-residential area and will form a logical extension to the rural-residential area. The proposal is consistent with the SLUS and has no major obstacles in regard to infrastructure servicing. The LEP is not a principle LEP and does not reclassify public land.

PART 6 – CONCLUSION AND RECOMMENDATION

This planning proposal seeks to correct a mapping error which occurred after exhibition of Amendment No. 64 to the SLEP 1996. The current adopted Lot Size Map for the site is inconsistent with the concept DCP plans which apply to the site. The DCP plans were consistent with the exhibited draft Lot Size Map and represent a reasonable approach to development of the site. The current Lot Size Map, however, unnecessarily reduces the yield potentially able to be realized from the site. The mapping changes proposed by this planning proposal are considered to be appropriate.

This planning proposal is consistent with Council's strategic planning framework and addresses concerns raised by public authorities during the exhibition of draft Amendment No. 64 to the SLEP 1996. It is recommended for this planning proposal to be supported expedited through the Gateway LEP making process.

**Appendix 1 – Public Authority Submissions to Amendment No. 64 to the
Singleton Local Environmental Plan 1996**