



IRF24/884

Gateway determination report – PP-2022-3868

Elderslie Road, Branxton

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1	Planning proposal.....	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions	1
1.4	Site description and surrounding area.....	3
1.5	Mapping.....	6
2	Need for the planning proposal	6
3	Strategic assessment	7
3.1	Hunter Regional Plan 2041	7
3.2	Local Plan.....	8
3.3	Section 9.1 Ministerial Directions	8
3.4	State environmental planning policies (SEPPs)	9
	The planning proposal is consistent with the provisions of the relevant SEPPs.....	9
4	Site-specific assessment	9
4.1	Environmental.....	9
4.2	Social and economic.....	10
4.3	Infrastructure	11
5	Consultation.....	11
5.1	Community	11
5.2	Agencies.....	11
6	Timeframe	11
7	Local plan-making authority	11
8	Recommendation.....	11

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Aboriginal Cultural Heritage
Bushfire Letter
Preliminary Site Investigation

Relevant reports and plans

ADWJ Integrated Water Management Report

Biodiversity Inventory Report

Biodiversity Letter

Biodiversity Assessment Servicing Report

Land, Soils and Agricultural Report

Housing Needs and Liveability Study

Transport Assessment

Urban Design Report

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Singleton
PPA	Singleton Council
NAME	Elderslie Road, Branxton
NUMBER	PP-2022-3868
LEP TO BE AMENDED	Singleton Local Environment Plan 2013
ADDRESS	225 Elderslie Road; Claret Avenue; 285 Elderslie Road; 94 Alma Road being Lot 122 DP1165184; Part Lot 700 DP1272452; Lot 111 DP850244; and Lot 1 DP1124566 respectively.
DESCRIPTION	Amend the land zoning map; amend the minimum lot size map; apply the lot averaging clause to the site; and include the site within the Urban Release Area map.
RECEIVED	21/02/2024
FILE NO.	IRF24/884
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objective of the planning proposal is to facilitate an expansion of the existing Radford Park Estate which is a large lot residential estate on the northern outskirts of Branxton. The proposal aims to provide a diverse range of lot sizes that respond to topography and ecological constraints. An additional 150-200 lots would be created.

The planning proposal includes objectives which clearly explain the intent of the planning proposal.

1.3 Explanation of provisions

The planning proposal would make the following changes to the *Singleton Local Environmental Plan 2013*:

- amend the Land Zoning Map from RU1 Primary Production to R5 Large Lot Residential. This will allow the land to be developed for the purpose of large lot residential. The R5 Large Lot Residential zone applies to the existing Radford Park Estate to the south.

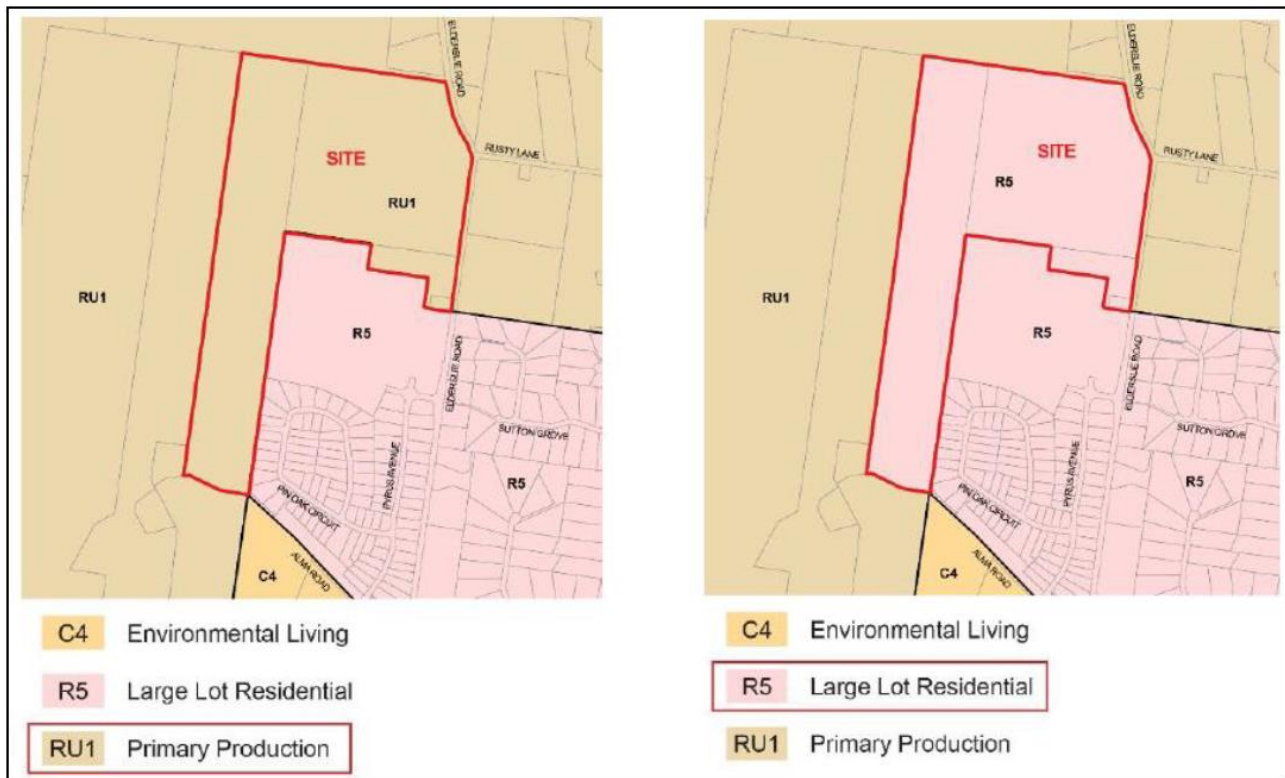


Figure 1: Existing and proposed land zoning (Source: Planning proposal)

- amend the Minimum Lot Size Map from 40ha to 4,000sqm and apply the Lot Averaging provision (clause 4.1C) to the site. The lot size averaging clause allows the creation of lots below the minimum lot size provided the average area of lots resulting from the subdivision is not less than 4,000sqm. This clause applies to the adjoining estate and will enable the subdivision to respond to the features of the site.

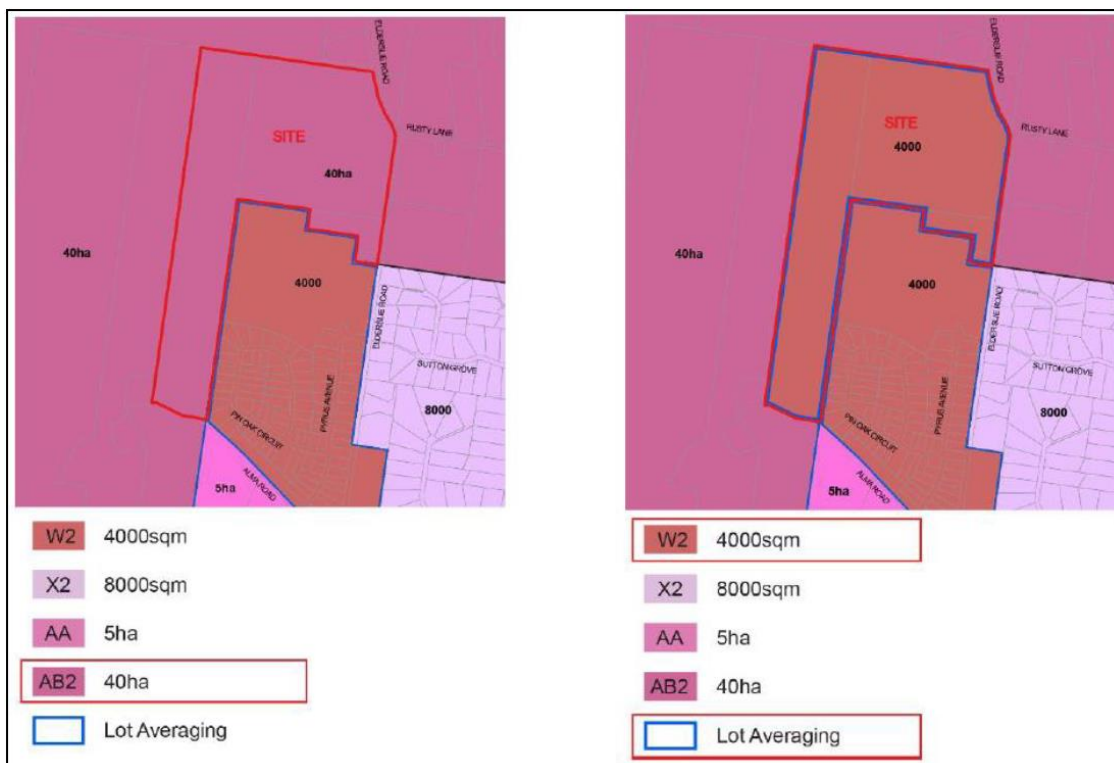


Figure 2: Existing and proposed minimum lot size including the Lot Averaging border (Source: Planning proposal)

- amend the Urban Release Area map to identify the site as being subject to part 6 of the LEP.



Figure 3: Existing and proposed Urban Release Area Map (Source: Planning proposal)

1.4 Site description and surrounding area

The site has a total land area of 93.4 hectares and contains four individual lots. It is zoned RU1 Primary Production, contains several dams and farm structures associated with its former grazing use, and a house (Figure 4). The site is undulating, falling from the north-eastern corner to the creek line and then rising again to a ridge line in the south-west (Figure 5).

The site contains cleared land and remnant vegetation (Figure 6). The site includes several first and second order water courses, with vegetation adjoining the first order watercourse located in the northern portion of the site. Parts of the site are bushfire prone (Figure 7) and flood affected (local drainage) (Figure 8).

The site is approximately 2.5km north of the Branxton train station and New England Highway, and approximately 3km from the Branxton local centre and school. The main shopping centre for the locality is approximately 4km to the south at Huntlee and has a full line supermarket and various speciality shops and services (Figure 9).

The site is surrounded by mostly developed R5 Large Lot Residential zoned land to the south and east on the other side of Elderslie Road. The land to the north and west has not been developed and remains vegetated and/or grazing land zoned RU1 Primary Production. The land rises to the north of the site to a ridge line before falling sharply to the Hunter River (2km north-west).

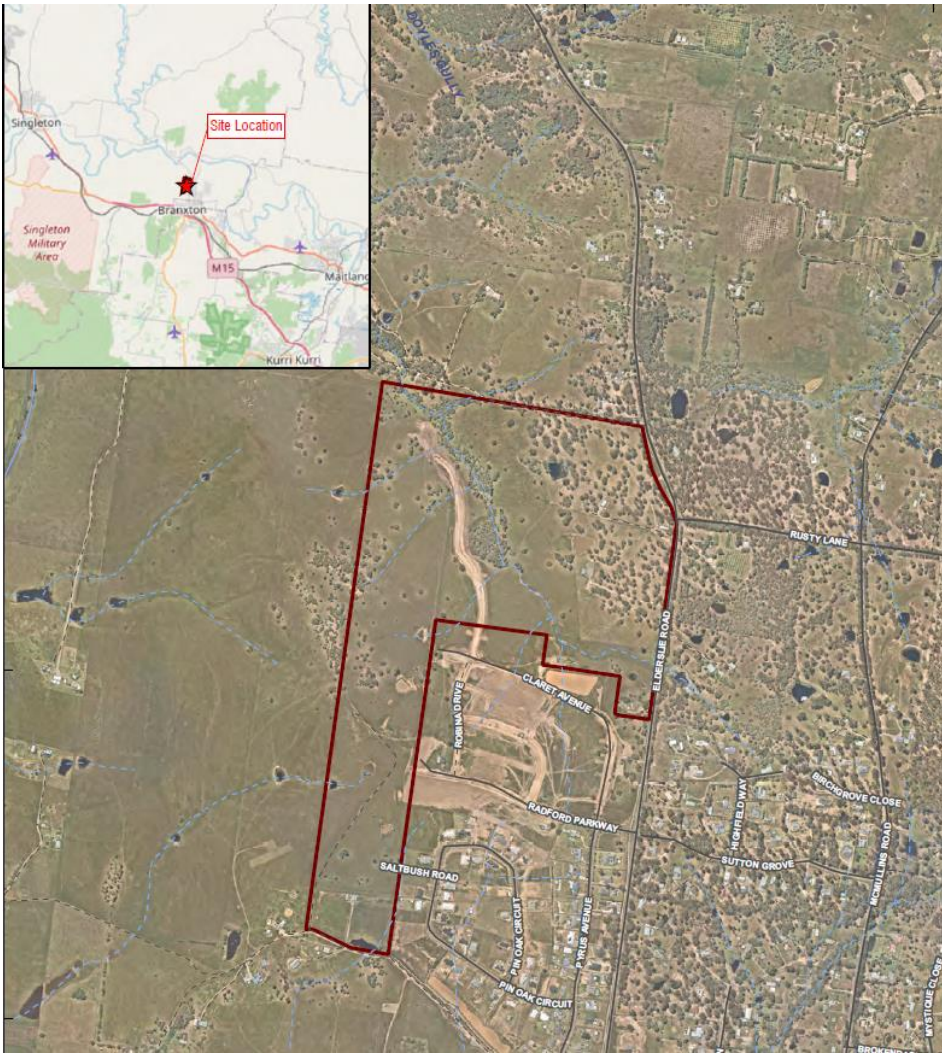


Figure 4: Aerial of site (Source: Planning proposal)

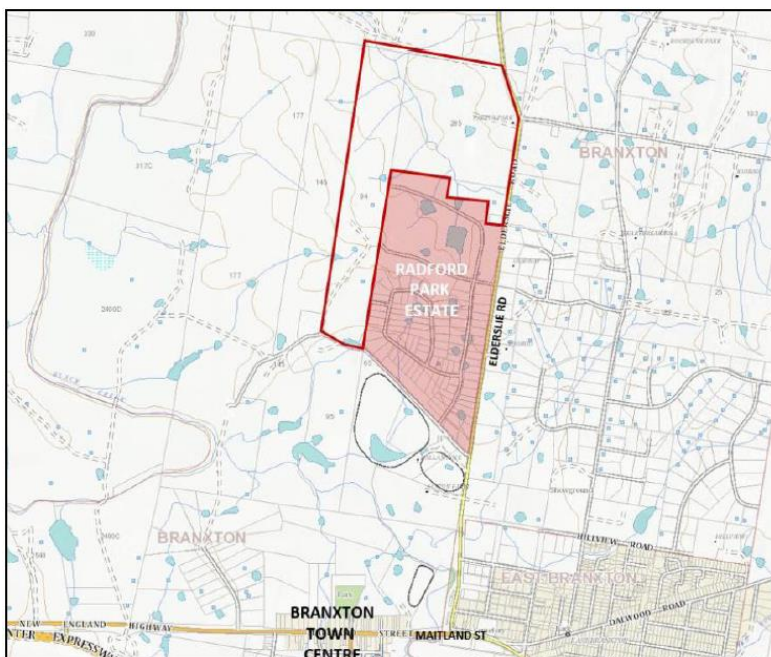


Figure 5: Topography and watercourses (Source: Planning proposal)

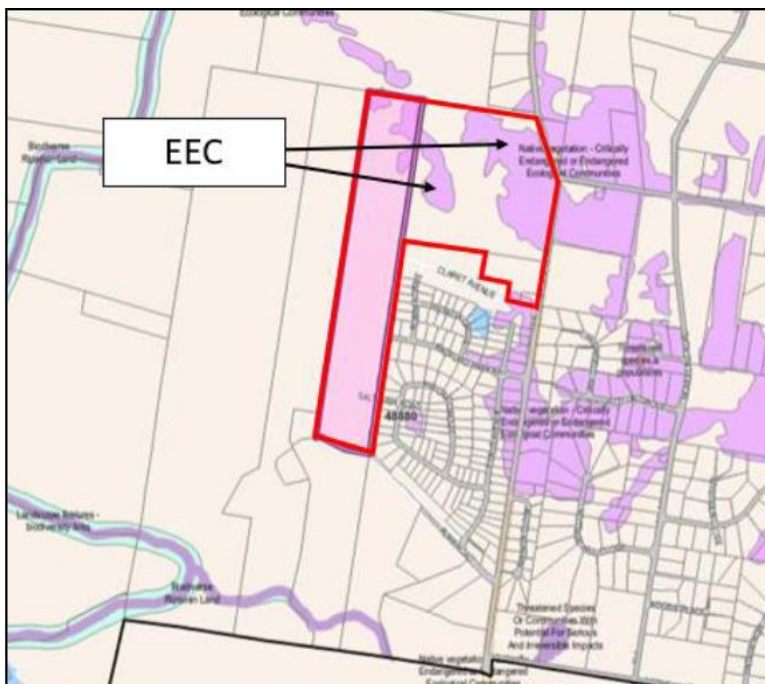


Figure 6: Biodiversity (Source: Planning proposal)

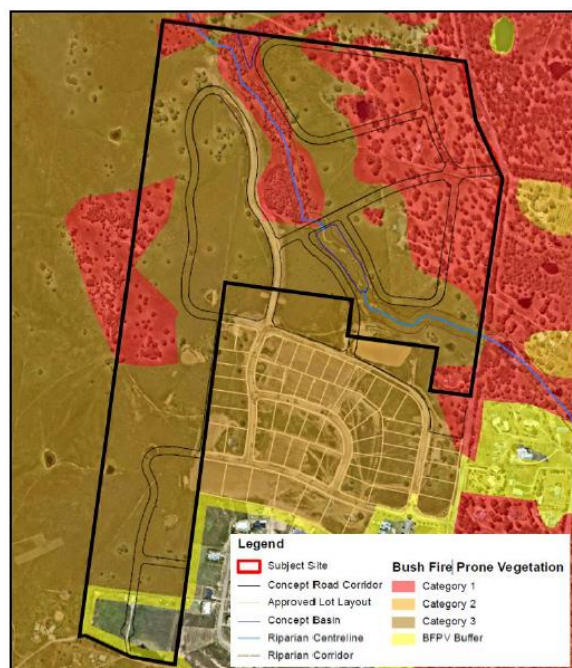


Figure 7: Bush Fire (Source: Planning proposal)

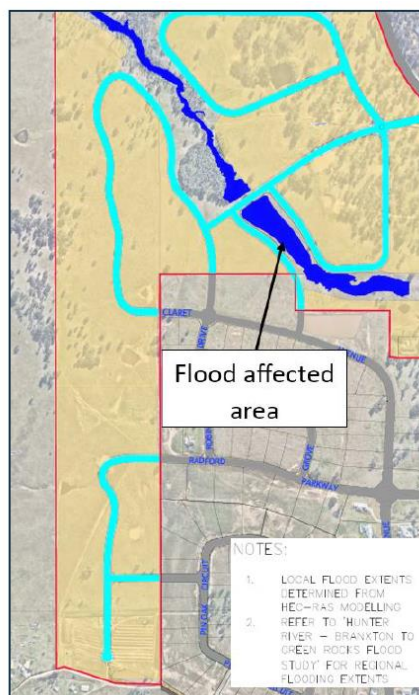


Figure 8: Flooding (Source: Planning proposal)



Figure 9: Locality map (Source: Planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Zoning, Lot Size and Urban Release Area maps, which are suitable for community consultation.

2 Need for the planning proposal

The planning proposal is not a result of a strategic study or report. It has been initiated by the landowner in response to the need for more housing, extending the existing Radford Park Estate which adjoins the site. The existing estate is identified as a strategic growth area in Council's Local Strategic Planning Statement and Housing Strategy.

Council's Housing Strategy does not identify housing investigation areas. Instead, it provides criteria for rezoning land for lifestyle housing. The planning proposal is consistent with the criteria because it addresses a local housing gap (diversity of lot sizes), is a logical extension to an existing lifestyle housing area, can be serviced (water and sewer), avoids high value biodiversity, and will provide a significant public benefit. Public benefit is to be provided through the extension of a footpath along Elderslie Road, better connecting the lifestyle housing in this area to the Branxton village centre. A voluntary planning agreement with Council is proposed.

The proposal is the best means of achieving the objectives and intended outcomes to develop the site for large lot residential with a mix of lot sizes.

Alternative options for achieving the mix of lot sizes have been evaluated by Council. Applying clause 4.1C Lot averaging subdivision in certain residential and conservation zones is considered appropriate. It will provide greater opportunity to retain existing vegetation and has been effective in delivering a mix of lot sizes on the existing estate where it already applies.

3 Strategic assessment

3.1 Hunter Regional Plan 2041

The site sits within the Anambah to Branxton Regionally Significant Growth Area (RSGA) identified in the Hunter Regional Plan 2041 (Figure 10). The regional plan requires planning proposals in RSGAs to be consistent with the place strategy outcomes identified in the plan.

Unlike other RSGAs, place strategy outcomes are not included in the regional plan for the Anambah to Branxton RSGA and need to be developed. The Department is currently preparing these outcomes with councils and infrastructure providers.

As the RSGA includes land within the Cessnock, Maitland, and Singleton LGAs, it is important that a co-ordinated approach is taken to planning so that orderly and efficient growth can occur. Finalised place strategy outcomes will provide this and enable planning proposals to demonstrate strategic merit to the Department, councils, and the relevant agencies if consistent with the outcomes.

For this reason, councils, with the support of the Department, have not sought to progress planning proposals ahead of the place strategy outcomes being developed. This planning proposal is therefore inconsistent with that approach.

However, the Department supports the planning proposal progressing in advance of the place strategy outcomes being finalised. This is because the proposal is for a minor amount of housing and is located on the northern fringe of the RSGA in an area with limited opportunity to further develop.

The site is distant from the centres, rail, and road networks that will support the RSGA, and is isolated from these by lifestyle housing. As a result, and given there is limited undeveloped lands remaining within the RSGA north of the site, it is unlikely that this area would be identified for more intensive development through the place strategy outcomes work.

The planning proposal is otherwise consistent with the relevant strategies and planning priorities of the regional plan.

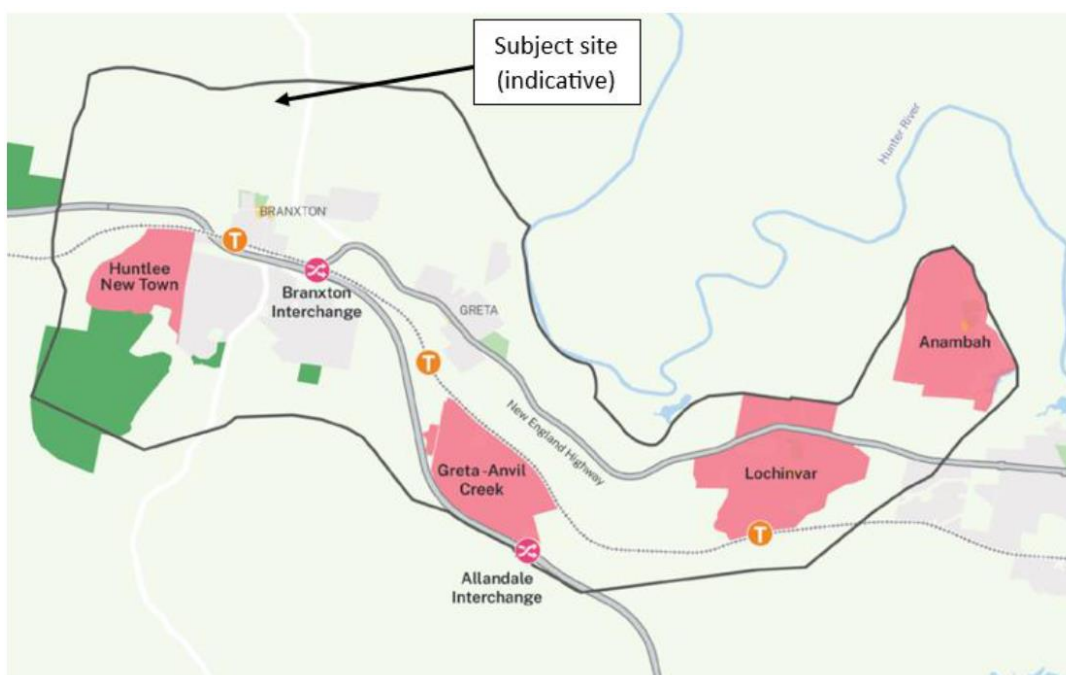


Figure 10: Site location in Anambah-Branxton Regionally Significant Growth Area (Source: Planning proposal)

3.2 Local Plan

The proposal is consistent with the following local plans and endorsed strategies:

Table 3 9.1 Ministerial Direction assessment

Local strategies	Justification
Local Strategic Planning Statement	The planning proposal is consistent with planning priorities 2.1, 2.3 and 3.1.
Local Housing Strategy 2041	The planning proposal is consistent with the criteria for rezoning land to lifestyle living land (Appendix 2 of the LHS).
Branxton Sub Regional District Plan (2016)	The site is identified as suitable for large lot residential, potentially as a medium to long term site depending on current supply.

3.3 Section 9.1 Ministerial Directions

The planning proposal is considered consistent with relevant section 9.1 Directions except as discussed below:

Table 4 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Inconsistency
3.1 Conservation Zones	Undetermined	Council mapping identifies the site as containing endangered ecological communities. The proponent has undertaken a Biodiversity Inventory Report identifying vegetation of various condition, including 24.25 ha of native vegetation comprising of grassland, forest, and woodland. More detailed study following the Gateway determination is proposed. Engagement with the Department of Climate Change, Energy, the Environment and Water will occur post-Gateway to determine consistency.
4.1 Flooding	Inconsistent – minor significance	The site is not mapped as being flood affected land. However, the proponent undertook a local flooding assessment to consider impacts resulting from site drainage to the creeks with tailwater effects from the Hunter River. The study identified a minor flood affectation. The direction states that a planning proposal must not rezone land within the flood planning area from a rural to residential zone. This inconsistency is of minor significance as Council intends to manage impacts through a DCP being prepared to ensure roads and developable land are located to avoid the flood affected areas.

Directions	Consistency	Reasons for Inconsistency
4.3 Planning for Bushfire Protection	Undetermined	The proposal is potentially inconsistent with this direction as it is located on bushfire prone land. The potential inconsistency is unable to be resolved until after consultation with the NSW RFS has been undertaken in accordance with the terms of the direction.
4.4 Remediation of Contaminated Land	Undetermined	A preliminary assessment has been undertaken and Council intends to have a Phase 2 contamination assessment undertaken prior to finalisation of the planning proposal. Council may reconsider consistency with the direction once this has occurred.
5.1 Integrating Land Use and Transport	Undetermined	The planning proposal will facilitate an additional 150-200 with most resulting traffic heading south along Elderslie Road to the intersection with the New England Highway. Consultation with Transport for NSW should occur to determine consistency with the direction.
8.1 Mining, Petroleum Production and Extractive Industries	Undetermined	The proposal is inconsistent with this direction as it will permit an additional use that once established could restrict the potential development of resources. Consultation with NSW Mining, Exploration and Geoscience is recommended to confirm the suitability of the proposal prior to determining the consistency of this direction.
9.1 Rural Zones	Inconsistent – minor significance	The planning proposal is inconsistent with this direction because it would rezone rural land to a residential zone. This inconsistency is of minor significance because the site sits within the Anambah-Branxton RSGA which identifies the area for future growth.

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with the provisions of the relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The planning proposal is not anticipated to have any significant environmental impacts. As has been demonstrated by the approach to flooding, the site is large and can be configured to minimise environmental impacts.

Biodiversity

Further biodiversity assessment is required to verify the quality of the biodiversity identified and suitability of the management measures proposed. The lot size averaging clause, future development control plan and use of covenants to conserve trees provide several options for

avoiding impacts. Consultation with DCCEEW can assist in evaluating impacts and refining the approach.

Contamination

Council intends to require the proponent to undertake further contamination assessment. Council will need to be satisfied that the land can be made suitable for housing.

Transport

Transport impacts are not anticipated due to the relatively low dwelling yield. However, consultation with Transport for NSW is recommended as all traffic will head south to the intersection of Elderslie Road and the New England Highway.

Impacts on watercourses

The site includes several first order and second watercourses. The proposal seeks to extinguish several watercourses, including parts of first order watercourses (Figure 10). While a controlled activity requiring approval from the Natural Resource Access Regulator (NRAR), consultation with NRAR is recommended to mitigate potential risks should the proposed changes not be supported.

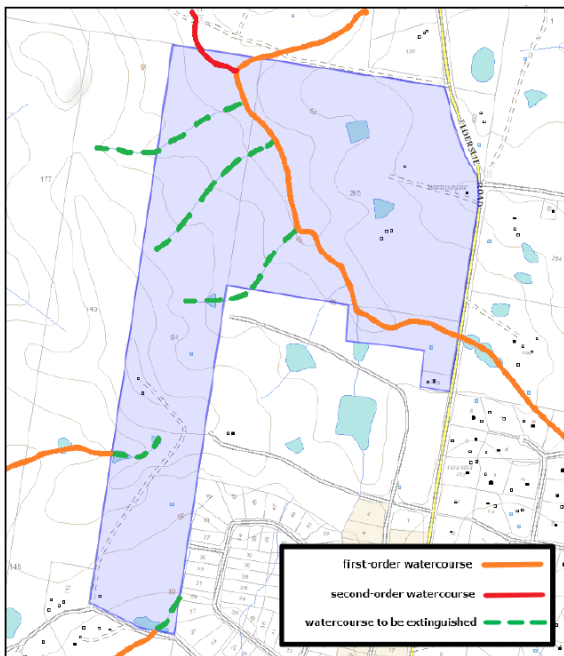


Figure 10: Changes to watercourses (Source: Planning proposal)

Visual impacts

The planning proposal notes that the south-west portion of the site will require mitigation and screening solutions to reduce the visual impacts from Branxton to the site. This can be managed through a future DCP.

4.2 Social and economic

The proposal is anticipated to have positive social and economic impacts by providing more housing and in turn more residents to support local business.

Extension of the footpath through the VPA associated with the planning proposal will improve connectivity for residents, promote healthy lifestyles, and support safer non-car related travel.

4.3 Infrastructure

The planning proposal states that no additional infrastructure (water, sewer) is required to service the site. Confirmation should be sought from Hunter Water. While transport issues are not anticipated, consultation with Transport for NSW can confirm whether any upgrades are required to the State transport network as a result of the proposal. With over a 100 lots proposed consultation with School Infrastructure is recommended.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The following agencies should be given 30 working days to comment on the planning proposal:

- NSW Rural Fire Service
- Transport for NSW
- Hunter Water Corporation
- School Infrastructure NSW
- The Biodiversity Conservation Division of the DCCEE
- Natural Resources Access Regulator
- Cessnock City Council.

6 Timeframe

Council proposes a 12 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

A 12 month timeframe is in keeping with the benchmark timeframes for standard proposals. A condition to this effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is of local significance and is generally consistent with the State, regional and local planning framework, it is recommended that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Direction 4.1 Flooding and 9.1 Rural Zones is justified.

- Note that the consistency with section 9.1 Directions 3.1 Conservation Zones, 4.3 Planning for Bushfire Protection, 4.4 Remediation for Contaminated Land, 5.1 Integrating Land Use and Transport, and 8.1 Mining, Petroleum Production and Extractive Industries is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

1. The planning proposal be publicly exhibited for a minimum of 20 working days.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - Transport for NSW
 - Hunter Water Corporation
 - School Infrastructure NSW
 - The Biodiversity Conservation Division of DCCEEW
 - Natural Resources Access Regulator
 - Cessnock City Council.
3. Council be the local plan-making authority and that the LEP be completed within 12 months from the date of the Gateway determination.



(Signature)

10 May 2024 (Date)

Ben Holmes

Manager, Hunter and Northern NSW



(Signature)

21 May 2024

(Date)

Jeremy Gray

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