

# Planning Proposal

## Elderslie Road, Branxton

Lot 122 DP1165184	225 Elderslie Road
Part Lot 700 DP1272452	Claret Avenue
Lot 111 DP850244	285 Elderslie Road
Lot 1 DP1124566	94 Alma Road

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## EXECUTIVE SUMMARY

<b>Local Government Area:</b>	Singleton Council
<b>Name of Draft LEP:</b>	Elderslie Road, Branxton
<b>Subject land:</b>	Lot 122 DP1165184, 225 Elderslie Road Lot 700 DP1272452, Claret Avenue Lot 111 DP850244, 285 Elderslie Road Lot 1 DP1124566, 94 Alma Road
<b>Land owner(s):</b>	Belford Land Holdings Pty Ltd Mr G Rodgers and Mrs F Hinton-Rodgers
<b>Proponent:</b>	Belford Land Holdings Pty Ltd
<b>Planning portal reference</b>	PP-2022-3868
<b>Council file reference:</b>	60.2023.1
<b>Version:</b>	1.0 – Gateway 2.0 – Exhibition
<b>Date:</b>	22/01/2025
<b>Author:</b>	Emily Riley
<b>Council contact:</b>	Emily Riley, Principal Development Contributions Officer, Singleton Council

Supporting studies	Study	Author	Date
	BAM Stage 1 - Biodiversity Inventory Report	MJD	Apr 2023
	Housing Needs and Liveability Study	Gyde	May 2022
	Infrastructure Servicing Report	ADW Johnson	Mar 2022
	Land, Soils and Agriculture Assessment	SLR	Mar 2022
	Aboriginal Cultural Heritage Assessment Report	Heritage Now	Apr 2022
	Urban Design Report	Gyde	May 2022
	Transport Assessment	ADW Johnson	Mar 2022
	Integrated Water Management Report	ADW Johnson	Mar 2022
	Strategic Bushfire Study	MJD	Nov 2024
	Preliminary Site Investigation	EP Risk	Nov 2022

# INTRODUCTION

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979*. It explains the intended effect and justification for proposed amendments to the Singleton Local Environmental Plan (LEP) 2013 as they relate to the subject site, being 225 Elderslie Road, 285 Elderslie Road, 94 Alma Road, and Claret Avenue Branxton (**Figure 1**).

The purpose of the planning proposal is to:

- Amend the land zoning map as it relates to the site from RU1 Primary Production to R5 Large Lot Residential;
- Amend the minimum lot size map as it relates to the site from 40ha to 4,000sqm and apply the Lot Averaging border to the site; and
- Include the site within the Urban Release Area.

The above amendments will facilitate additional lifestyle living lots in Branxton and provide flexibility to locate lots with consideration to ecology at the site and prominent views.

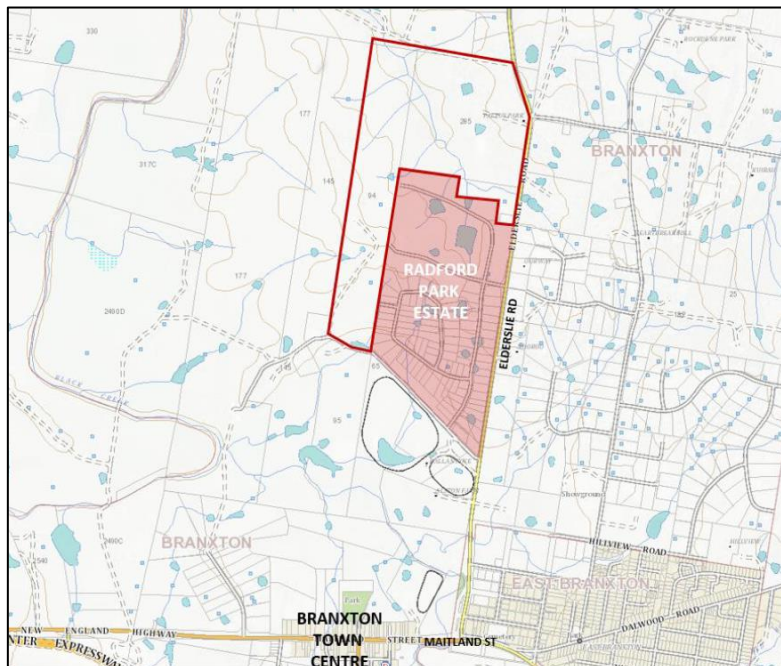


Figure 1: Subject site

Property details			
Property description	Street address	Land area	Landowner
Lot 122 DP1165184	225 Elderslie Road	3,999m <sup>2</sup>	Mr G Rodgers & Mrs F Hinton-Rodgers
Lot 111 DP850244	285 Elderslie Road	38.95ha	Belford Land Holdings Pty Ltd
Lot 1 DP1124566	94 Alma Road	39.35ha	Belford Land Holdings Pty Ltd
Part Lot 700 DP1272452	Claret Avenue	14.7ha	Belford Land Holdings Pty Ltd

## **PART 1 – OBJECTIVES AND INTENDED OUTCOMES**

### **Objective**

To facilitate large-lot residential development at the site and ensure that future lot sizes facilitate lot size diversity and respond to the natural topography and ecological characteristics of the site.

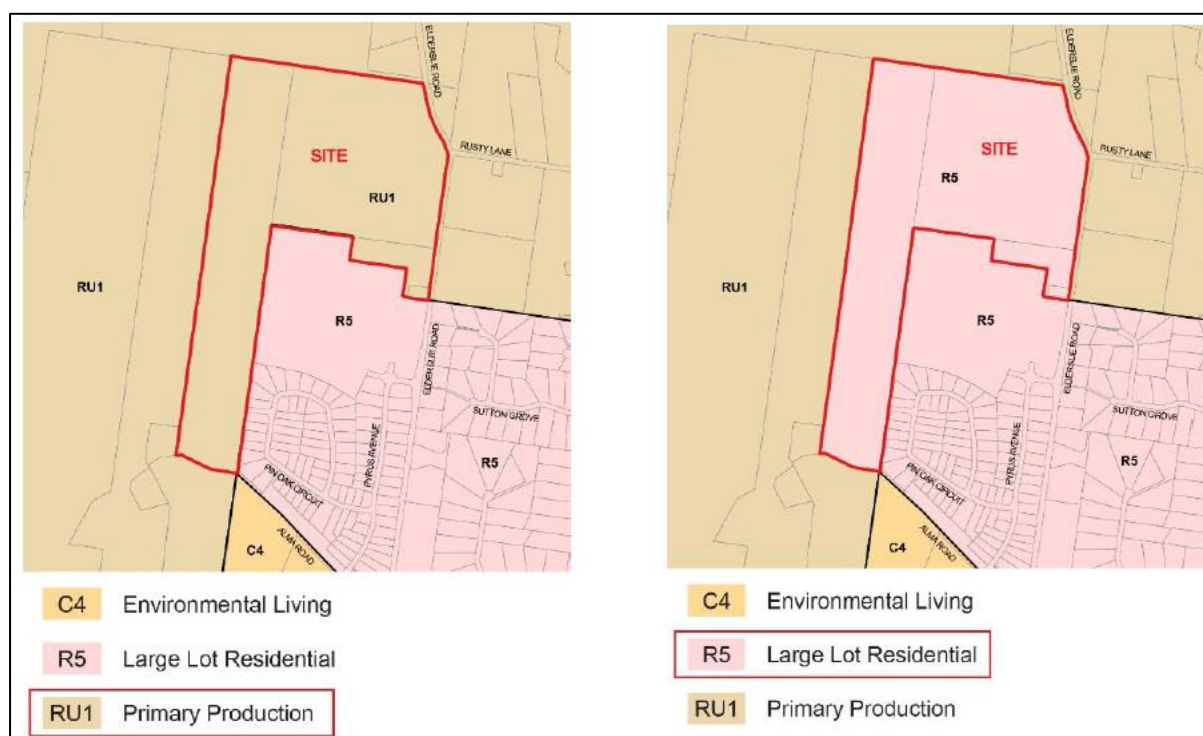
### **Intended outcomes**

- Facilitate the expansion of the existing Radford Park Estate for large lot residential housing.
- Ensure future development contributes to lot size diversity and responds to the natural and ecological characteristics of the land.
- Promote increased connectivity to the Branxton town centre as a result of the proposal.

## PART 2 – EXPLANATION OF PROVISIONS

The proposed objectives of the planning proposal will be achieved by amending the Singleton LEP 2013 as outlined below:

Item no.	Explanation of provisions
1	<ul style="list-style-type: none"> <li>Amend the Land Zoning Map as it relates to the site from RU1 Primary Production to R5 Large Lot Residential (<b>Figure 2</b>).</li> </ul>
2	<ul style="list-style-type: none"> <li>Amend the Lot Size Map as it relates to the site from 40ha to 4,000m<sup>2</sup> and apply the Lot Average border to the site which will enable the provisions of Clause 4.1C of the Singleton LEP to apply (<b>Figure 3</b>).</li> </ul> <p>Applying the Lot Average border to the site will permit subdivision within the area of various lot sizes so long as the average lot size across all lots is at least 4,000sqm.</p>
3	<ul style="list-style-type: none"> <li>Amend the Urban Release Area map to include the site in the Urban Release Area (<b>Figure 4</b>).</li> </ul>



**Figure 2:** Existing and proposed zoning



**Figure 3:** Existing and proposed minimum lot size including Lot Averaging border



**Figure 4:** Existing and proposal Urban Release Area overlay

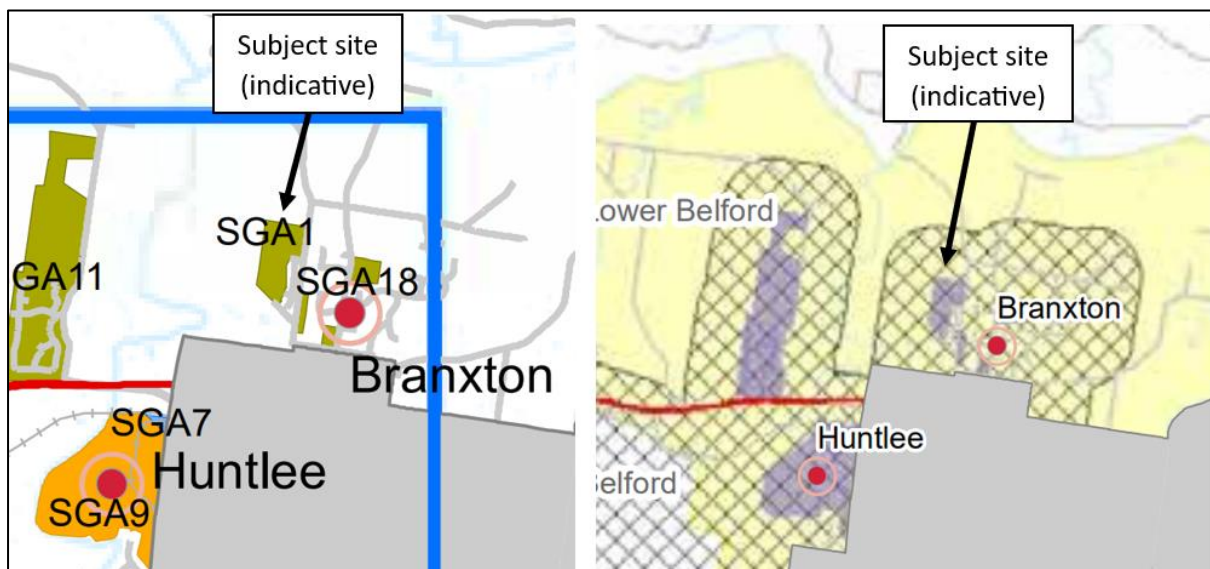


## PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

### SECTION A: NEED FOR THE PLANNING PROPOSAL

#### 1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is not the result of any specific action or priority in the Singleton Local Strategic Planning Statement (LSPS) or other strategic study or report. However, the Radford Park Estate is identified in the LSPS as part of Council's Strategic Growth Areas and the proposal is a logical extension of the existing estate as well as being located within the 'concept urban buffer' surrounding Branxton (**Figure 5**).



**Figure 5:** Location of existing Radford Park subdivision SG A1 (left) and hatched area as 'concept urban buffer' encompassing the site (right)

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

Yes. A planning proposal which amends the Singleton LEP is the only mechanism to give effect to the objectives of the planning proposal. The planning proposal is supported by an Urban Design Report (**Appendix 1**) which outlines the key considerations and principles which informed the proposal.

The proposed LEP amendments as outlined at Part 2 of the planning proposal are considered the most appropriate way to give effect to the desired outcome. Alternative approaches to achieve the intended outcomes that were considered were:

- Facilitate lot size diversity through reduced minimum lot size control and preparation of a site-specific DCP

Applying a 2,000m<sup>2</sup> minimum lot size control and relying on the Development Control Plan required for the site to achieve larger lot sizes was considered. The intent of this approach would be to nominate lots which must be greater than 2,000m<sup>2</sup> in the DCP to ensure that lot size diversity is achieved and that lot sizes and shapes respond appropriately to the natural topography and ecological characteristics of the area.

This approach was not favoured as it was considered that the minimum lot size control should be the minimum lot size which should be accepted, and in this case applying a minimum lot size of 4,000m<sup>2</sup> consistent with surrounding land will achieve this outcome. To achieve lot size diversity, including the site within Clause 4.1C of the Singleton LEP for lot averaging will ensure lot size diversity and is also consistent with surrounding development.

- Facilitate lot size diversity through site-specific provision

An Additional Local Provision under Part 7 of the Singleton LEP was considered which would require future development provide a diversity of lot sizes which also respond to the natural topography and characteristics of the site and broader area. The outcome of a site-specific provision would be similar to identifying the site as 'lot average' under Clause 4.1C of the Singleton LEP.

Given that Clause 4.1C of the LEP can already achieve these outcomes, inclusion of a separate, similar provision was determined not to be the most efficient way to facilitate the desired outcome.

## **SECTION B: RELATIONSHIP TO THE STRATEGIC PLANNING FRAMEWORK**

### ***3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?***

Yes. The planning proposal will give effect to relevant strategic plans applicable to the site as outlined below.

#### **Hunter Regional Plan 2041**

The Hunter Regional Plan (HRP) is the applicable regional plan to the site and is a 20-year land use plan to set the strategic land use framework for continued economic growth and diversification in the region. The proposal is consistent with the following objectives and planning priorities of the HRP:

<b>Part 2 Objectives</b>	
<b>Objective 3</b> Create 15-minute neighbourhoods to support mixed, multi-modal, inclusive and vibrant communities	Future housing will be located close to existing services and amenities of the Branxton town centre.
<b>Objective 5</b> Plan for 'nimble neighbourhoods', diverse housing and sequenced development	Strategies to ensure minimum dwelling outcomes do not apply to the site; however, the proposal is consistent with the objective as the proposed zone will permit various residential housing types and contribute to the supply of large lot residential housing which is a sought-after lifestyle offering in the area.
<b>Part 3 District Planning and Growth Areas - Upper Hunter District</b>	
<b>Branxton to Anambah Regionally Significant Growth Area (RSGA)</b> The Anambah to Branxton area is the convergence of the growth corridors of the New England Highway, Hunter Expressway and the Great Northern Railway.  A Place Strategy will aim to make efficient use of infrastructure, help align state and local investment and lead to stronger place-based planning.	The site is located within the Branxton to Anambah RSGA (below) which will require the preparation of a Place Strategy.  A Place Strategy, which will guide development of the corridor and inform decision-making for the area, is yet to be prepared. Notwithstanding, as the proposal is for a minor increase in dwellings, progression of the planning proposal is not considered to restrict or negatively impact the future objectives or outcomes of a Place Strategy for the corridor.
<b>Upper Hunter District: Planning Priority 1</b> Create housing diversity and sequenced development	The proposal is consistent with this planning priority as the proposed R5 zone for the site will permit diverse housing types and various lot sizes in response to the natural characteristics of the site which will also offer various price points within a lifestyle living neighbourhood.

#### 4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan

Yes. An assessment of consistency with the LSPS and other local strategies and strategic plans is below.

## Singleton Local Strategic Planning Statement

The planning proposal will give effect to the following objectives and actions in the LSPS:

<b>Theme 2, Planning Priority 2.1</b> Places are well planned and maximise access to infrastructure and services	The proposal is consistent with this planning priority as the proposal has demonstrated the subject site can be feasibly developed and serviced and will minimise and manage land use conflicts.
<b>Theme 2, Planning Priority 2.3</b> The housing stock is high-quality, affordable and provides for a range of accommodation choices	The proposal is consistent with the planning priority as application of the lot size averaging provision will ensure that the proposal delivers various lot sizes which will also consider the ecological characteristics of the site.
<b>Theme 3, Planning Priority 3.1</b> Biodiversity is valued, protected and enhanced.	The proposal recognises and will protect areas of high biodiversity value.

## Singleton Local Housing Strategy 2041

The Singleton Local Housing Strategy (LHS) while not an endorsed strategy sets the roadmap for decision-making around housing in the LGA and includes actions to give effect to the goals and housing principles in the strategy.

The LHS identifies that there is a remaining capacity of approximately 757 lifestyle living lots in the LGA of which 362 of these are in the Branxton area. Notwithstanding, Principle 1 of the LHS states that in order not to unreasonably restrict the supply of land for housing which can feasibly be developed, Council may consider rezonings where:

- The rezoning will address the housing gaps identified in the Local Housing Strategy;
- Significant public benefit is provided, where examples of significant public benefit may include infrastructure items which will benefit the local community, commitments to achieve greater environmentally sustainable design, and including responses to achieve greater design, character and liveability.
- The land is suitable for development and complies with the criteria in Appendix 2 of the LHS for Lifestyle Living Land.

An assessment of the proposal against the criteria at Appendix 2 of the LHS is outlined below:

Consideration	Response
1 The rezoning will address the Housing Gaps identified in the Local Housing Strategy	Yes. The proposal will result in lot sizes which address lot size gaps identified in the LHS.
2 Significant public benefit is provided	The proposal provides public benefit via increasing the supply of housing.
3 The land is suitable for development and complies with the criteria in Appendix 2	

<ul style="list-style-type: none"> <li>▪ Should be a logical extension of an existing lifestyle living area and be located within an area where rezonings may be considered</li> </ul>	<p>Yes. The proposal is a direct expansion of the existing Radford Park subdivision which is being developed.</p>
<ul style="list-style-type: none"> <li>▪ Have access to water, reticulated sewer/on-site sewer management system, electricity, telecommunications</li> </ul>	<p>Yes. The area is serviced by Hunter Water Corporation's water and sewer infrastructure and the proposal includes an infrastructure servicing report which demonstrates the site can be serviced.</p>
<ul style="list-style-type: none"> <li>▪ Include a staging and sequencing plan giving consideration to lot sizes based on available water supply, reticulated sewer and other infrastructure such as electricity, telecommunications and bushfire services. Minimum lot sizes for unsewered areas should be demonstrated by the proponent and justified why these are appropriate</li> </ul>	<p>Yes. The proposal includes indicative staging and the site can be adequately serviced.</p>
<ul style="list-style-type: none"> <li>▪ Be consistent with Planning for Bushfire Protection requirements.</li> </ul>	<p>The proposal is supported by a preliminary bushfire assessment letter outlining that Asset Protection Zones for intended residential subdivision can be achieved, access to the land is able to comply with Planning for Bushfire Protection 2019 (PBP), and that servicing of the land is able to be established in line with the criteria set out in PBP. The NSW Rural Fire Service did not raise any concerns and all future development must comply with the PBP requirements.</p>
<ul style="list-style-type: none"> <li>▪ Be free of high biodiversity or ecological value. Where biodiversity constraints exist, applications are required to be accompanied by a Biodiversity Development Assessment Report (BDAR). BDARs at development application stage are not preferred.</li> </ul>	<p>Yes. The planning proposal is supported by a Stage 1 BAM Assessment and subject to further surveys where required, it is considered that applying the lot averaging provisions of the LEP in conjunction with updating the Singleton DCP 2014 for master planned sites for the site can ensure appropriate ecology outcomes.</p>
<ul style="list-style-type: none"> <li>▪ Biodiversity and water and sewer infrastructure reviews be undertaken prior to determining final zoning boundaries and minimum lot sizes.</li> </ul>	<p>Biodiversity and water and sewer infrastructure reviews have been undertaken and will be used to determine development controls to ensure the objectives of the planning proposal are achieved.</p>
<ul style="list-style-type: none"> <li>▪ Should not be proposed in areas identified or better suited for future urban development.</li> </ul>	<p>The site is not considered suitable for urban residential development due to the surrounding area being characterised by lifestyle living developments. Expansion of the current lifestyle living development is appropriate.</p>

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|--|---|
| <ul style="list-style-type: none"> <li>▪ Should not be located so as to increase the potential for water extraction from streams or groundwater and comply with harvestable water rights requirements</li> </ul> | <p>The proposal will not increase the potential for water extraction from streams or groundwater.</p> |
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## 5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes. The planning proposal is consistent with relevant State and regional studies or strategies as outlined below:

### Housing 2041: NSW Housing Strategy

Housing 2041 represents a 20-year vision for housing NSW which embodies the government's goals and ambitions to deliver better housing outcomes by 2041. The proposal is consistent with the four pillars of the strategy of supply, diversity, affordability and resilience in the following ways:

- |   |  |
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| <ul style="list-style-type: none"> <li>• Supply</li> </ul>        | <p>The proposal will contribute to additional large-lot residential lots in the area which will be serviced by reticulated water and sewer.</p>  |
| <ul style="list-style-type: none"> <li>• Diversity</li> </ul>     | <p>The proposed R5 zoning is consistent with surrounding development and permits diverse housing types including dual occupancies and group homes. Secondary dwellings are also permitted with consent in the zone under SEPP (Housing).</p> |
| <ul style="list-style-type: none"> <li>• Affordability</li> </ul> | <p>Diversity of lot sizes will cater to affordability amongst the cohort of future purchasers seeking a rural residential lifestyle.</p>   |
| <ul style="list-style-type: none"> <li>• Resilience</li> </ul>    | <p>Future dwellings will be constructed to minimum standards to ensure residents' comfort and resilience against environmental issues into the future including as a result of climate change.</p>   |

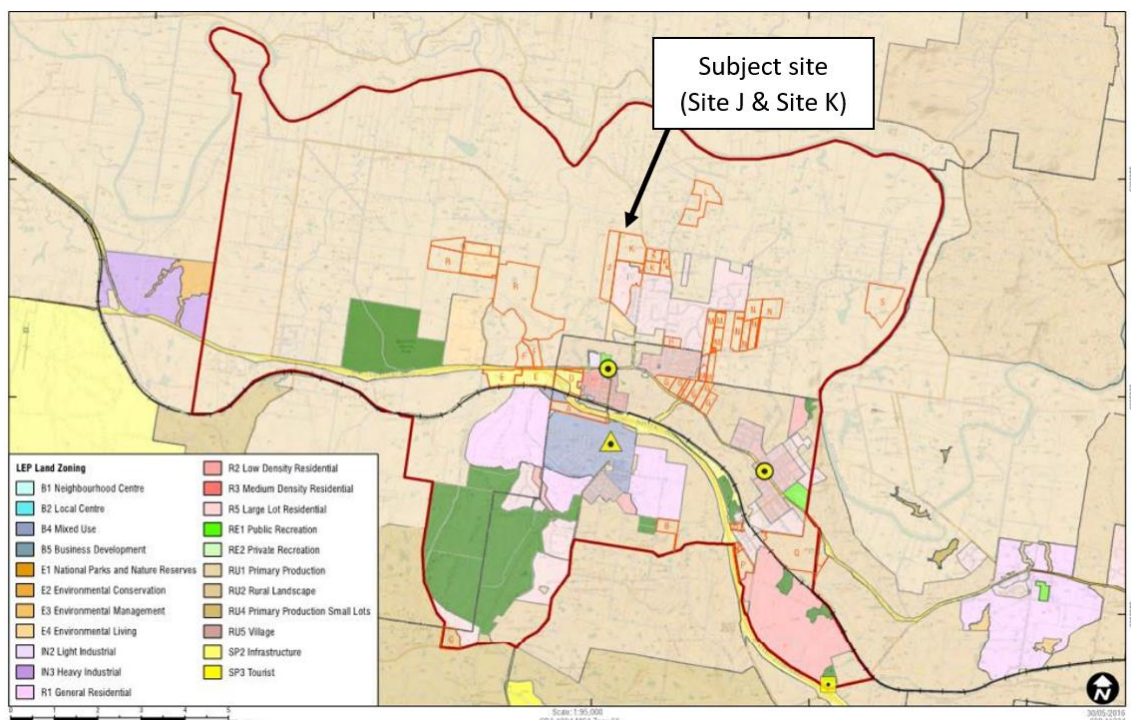
### Branxton Subregion Land Use Strategy and Structure Plan 2016

The Branxton Subregion Land Use Strategy and Structure Plan applies to the site and was adopted in June 2016 and aims to guide the future development of the subregion.

The area 'North Branxton – Radford Park Estate' is identified within the structure plan's indicative land release program. The strategy established that the supply of lands to accommodate rural residential demand is sufficient to meet the anticipated housing supply demands; however, recommends that owner-initiated planning proposals be considered medium term (2-8 years) to longer term (8-20 years) after adoption of the strategy for 'expression of interest lots'. The subject site is identified as 'expression of interest' sites Site J and Site K in the plan (**Figure 6**).

The planning proposal is supported by a Housing Needs and Liveability Study (**Appendix 2**) which demonstrates that the rezoning will ensure an uninterrupted supply of lifestyle living land based on recent and expected demand and so is considered consistent with the strategy.





**Figure 6:** Location of subject site within Brantxton Subregion Land Use Strategy and Structure Plan

## 6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. Consistency with applicable State Environmental Planning Policies (SEPPs) is outlined below. A full assessment against SEPPs is at **Appendix 3**.

### **State Environmental Planning Policy**

#### **SEPP (Biodiversity and Conservation) 2021**

Chapter 3 of the SEPP relates to koala habitat protection. As outlined in the Biodiversity Inventory Report, surveys confirmed the absence of koalas from the site.

#### **SEPP (Building Sustainability Index: BASIX) 2004**

The planning proposal does not include any provisions which would be inconsistent with the SEPP.

#### **SEPP (Exempt and Complying Development Codes) 2008**

The planning proposal does not include any provisions which would be inconsistent with the SEPP.

#### **SEPP (Housing) 2021**

The planning proposal does not include any provisions which would be inconsistent with the SEPP.

#### **SEPP (Resilience and Hazards) 2021**

Chapter 4 of the SEPP relates to Remediation of Land as it must be demonstrated that the site

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is suitable for the proposed use. A Preliminary Contamination Assessment was provided in support of the proposal (**Attachment 4**) which identified the following:

- No areas of potential contamination were identified across the undeveloped grazing land which comprises the majority of the study area and so the potential for contamination of these areas is unlikely
- The disused timber shed and previous vegetable/market garden off Alma Road in the south of the study area may have involved the storage and application of herbicide and pesticides which could result in contamination.

Based on the above, a Stage 2 Detailed Investigation is required to confirm that the area of the site at the location of the disused timber shed and previous vegetable/market garden is suitable for the proposed zone. The planning proposal will not be finalised until an understanding of contamination, if any, at that portion of the site is understood and remediation proposed, if required.

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#### **SEPP (Transport and Infrastructure) 2021**

Clause 2.122 of the SEPP relates to traffic generating development and requires referral to Transport for NSW (TfNSW) if a proposal triggers the size or capacity thresholds of the SEPP.

The trigger for referral to TfNSW for sites with access to a classified road or to a road that connects to a classified road (if access is within 90m of connection, measured along alignment of connecting road) is 75 dwellings. As the proposal will facilitate greater than 75 dwellings at the site, a referral to TfNSW will be undertaken.

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### ***7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?***

Yes. The planning proposal is consistent with applicable section 9.1 Ministerial Directions as outlined below. A full assessment against Ministerial Directions is at **Appendix 5**.

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#### **Focus Area 1: Planning Systems**

##### **1.1 Implementation of Regional Plan**

The objective of the direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans

As outlined in this planning proposal, the proposal is considered to be consistent with the HRP 2041 and the direction.

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##### **1.3 Approval and Referral Requirements**

The proposal does not propose to include any provisions that require concurrence of or referral to a Minister or public authority and does not seek to identify future development as designated development.

The planning proposal is consistent with the direction.

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## 1.4 Site Specific Provisions

The proposal does not seek to include any restrictive site-specific controls.

The planning proposal is consistent with the direction.

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## Focus Area 3: Biodiversity and Conservation

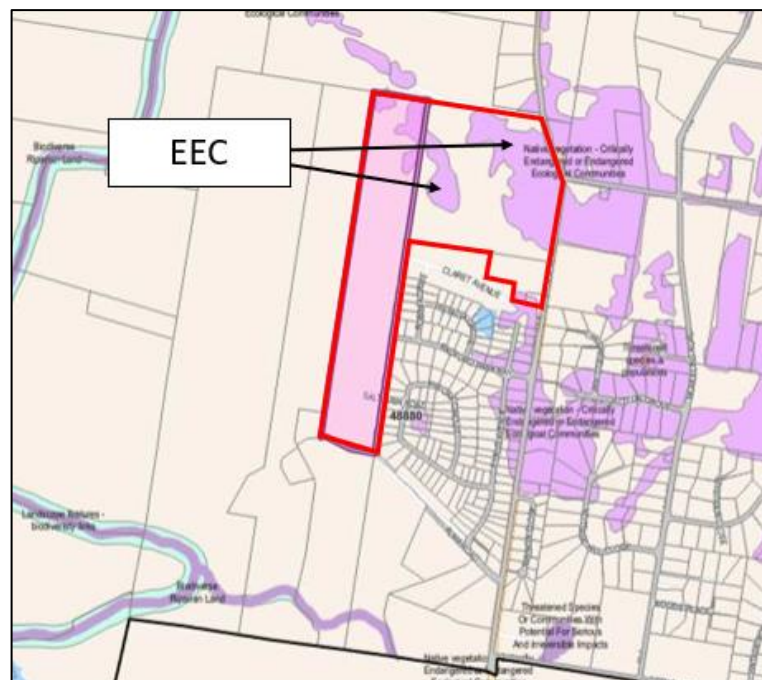
### 3.1 Conservation zones

The objective of the direction is to protect and conserve environmentally sensitive areas. The direction requires that a planning proposal must include provisions to facilitate the protection and conservation of environmentally sensitive areas.

The proposal is supported by a Stage 1 BAM Assessment (**Appendix 6**) which identified two Plant Community Types present at the site, being:

- **PCT 1600** Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrub-grass open forest of the lower Hunter, and
- **PCT 1731** Swamp Oak - Weeping Grass grassy riparian forest of the Hunter Valley.

Two areas of the site are identified within Council mapping as Ecologically Endangered Communities (EEC) (below). The Department of Planning and Environment's Biodiversity Conservation Division was consulted and did not object to the proposal proceeding to the exhibition stage. It was however recommended that a conservation zone be considered for the areas with high ecological values.



**Figure 7:** Vegetation mapping

It is anticipated that the protection and conservation of environmentally sensitive areas can be achieved through updating of the Singleton Development Control Plan (DCP) 2014, which will be required as part of the site being included in the urban release area. Chapter 3 of the DCP relates to Master-Planned Sites and includes a chapter for biodiversity protection. Inclusion of parts of the site as 'vegetation to be protected and enhanced' and 'managed vegetation' will inform appropriate lot sizes and other controls, for example positive covenants or restrictions on title or buildable areas for lots containing ecologically endangered communities as appropriate.

The planning proposal is consistent with the direction.

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### 3.2 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

The direction requires that a planning proposal contain provisions that facilitate the conservation of heritage. The site is not mapped as containing a heritage item. With regard to Aboriginal heritage, an Aboriginal Heritage Cultural Heritage Assessment Report (ACHAR) was prepared in support of the proposal (**Appendix 7**). The report found that there was one surface artefact site in the project area adjacent the riparian corridor which had already been identified as part of previous surveys and one potential archaeological deposit. The report determined that the site can be rezoned and subdivided as the nature of the artefacts does not warrant further investigation at this stage, subject to the following recommendations:

- The Project RAPs are to be kept up to date about project developments so that the ACHAR can be updated for the purpose of a future development application(s).
- If the future development application footprint does *not* overlap with the potential archaeological deposit (HN RP PAD01), then the Aboriginal Cultural Heritage Assessment report should be updated for the purposes of any development application.
- If the future development application footprint *does* overlap with the potential archaeological deposit HN RP PAD01, then subsurface archaeological investigations under the Code of Practice for the Investigation of Aboriginal Objects in NSW is to be undertaken before proposed works commence in the Project Area. The test pitting program would sample areas of potential archaeological deposit HN RP PAD01 where development impact is being proposed. If Aboriginal objects are recovered during investigations, or known archaeological sites will be impacted by the proposed works, then an AHIP will need to be submitted and supported by an ACHA report and Aboriginal consultation.

The above recommendations will be required as part of any future development and the proposal is therefore considered to be consistent with the direction.

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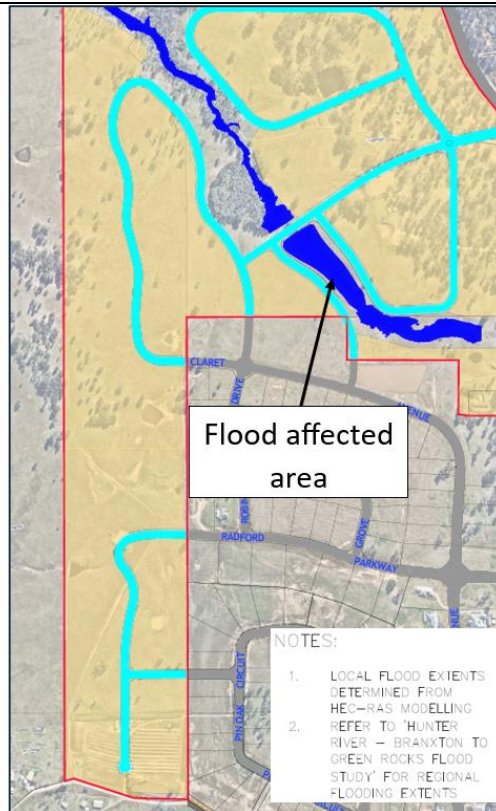
## Focus Area 4: Resilience and Hazards

### 4.1 Flood Planning

The objectives of the direction are to ensure that development of flood prone land is consistent with the principles of the Floodplain Development Manual and ensure that the provisions of a LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

The site is not currently mapped as being flood affected land; however, the proponent undertook a local flooding assessment which simulated one-dimensional flows through a network of open channels, dendritic systems and single river reaches and identified areas of the site which are flood affected (below). A copy of the Integrated Water Management Report is at **Appendix 8**.

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**Figure 8: Flood mapping**

The direction states that a planning proposal must not rezone land within the flood planning area from a rural zone to a residential zone and in this case it is sought to rezone the flood affected portion of the site from a rural zone to residential zone. As the proposal will be required to prepare a Development Control Plan as being part of the urban release area this will ensure that the road layout and developable areas will not be located within flood affected areas. As such, it is considered that inconsistency with the direction is of minor significance and should be supported.

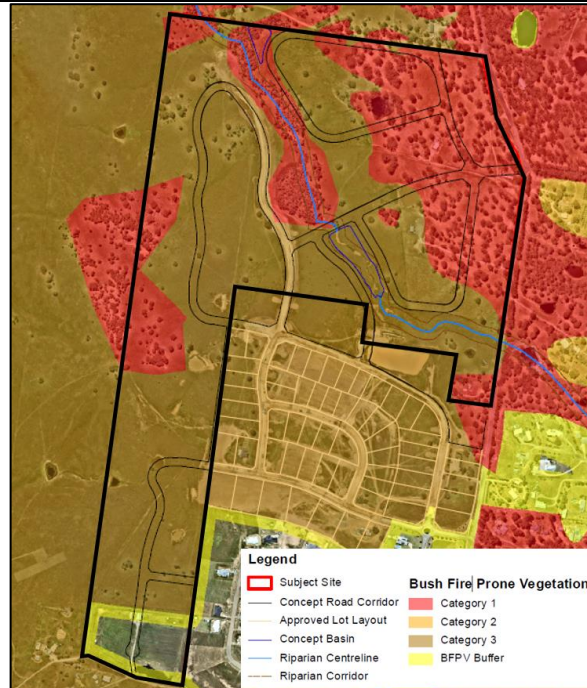
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#### **4.3 Planning for Bushfire Protection**

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

The direction requires that a planning proposal on bushfire prone land must: have regard to Planning for Bushfire Protection 2019; introduce controls that avoid placing inappropriate developments in hazardous areas; and, ensure that bushfire hazard reduction is not prohibited within the APZ. The site is mapped as bushfire prone land containing Category 1 and Category 3 (grasslands) vegetation and associated buffer (below).

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**Figure 9:** Bushfire Prone Land mapping

A Bushfire Letter which gave consideration to Planning for Bushfire Protection 2019 was prepared in support of the proposal (**Appendix 9**) which found:

- Asset Protection Zones can be achieved within the site outside of areas to be retained (riparian corridors).
- Access to the land is able to comply with PBP 2019.
- Servicing of the land is able to be established in line with the criteria set out in PBP 2019.

The NSW Rural Fire Service undertook a review of the proposal and did not raise any concerns. The proposal is therefore considered consistent with the direction.

#### **4.4 Remediation of Contaminated Land**

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.

A Preliminary Contamination Investigation (**Appendix 12**) was undertaken in support of the planning proposal.

The report found that:

- The areas of the site used for former grazing land are unlikely to be contaminated.
- The areas of the site containing the disused timber shed and previous vegetable/market garden off Alma Road at the south of the site may be subject to localised contamination as a result of storage and application of herbicides and pesticides associated with the former market garden.
- Operation of septic tanks onsite.
- The demolition of residential dwellings potentially containing asbestos.

The Preliminary Contamination Investigation found that the site can be made suitable for residential land subject to the implementation of the following recommendations prior to submitting the development application:

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- Further investigation in the identified AECs and consideration of whether the Site is suitable for the proposed development in its current state or whether remediation and/or management is required.
  - Anthropogenic material from the demolition of the existing buildings and infrastructure should be removed from the Site prior to any further vegetation clearance or earthworks activities.
  - High potential salinity soils were identified onsite as part of the desktop review. A Salinity management should be included as part of the construction environmental management plan for the Site.
  - An unexpected finds protocol should be implemented during redevelopment to address any unidentified contamination that may be encountered during any proposed future redevelopment works.

The above recommendations will be required as part of any future development and so the proposal is considered to be consistent with the direction.

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## **Focus Area 5: Transport and Infrastructure**

### **5.1 Integrating Land Use and Transport**

The objective of the 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

The direction requires that a planning proposal locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: *Improving Transport Choice – Guidelines for planning and development (DUAP 2001)*, and *The Right Place for Business and Services – Planning Policy (DUAP 2001)*.

The proposal will provide additional housing adjacent existing urban development with opportunities for walkability and cyclability to services and facilities in Branxton and Greta. A Transport Assessment (**Appendix 10**) was prepared in support of the proposal which noted the following:

- Two access points to the external road network would provide sufficient capacity to service the existing Radford Park Estate and proposed area for rezoning.
- Assessment of intersection requirements can be undertaken at development application stage

The proposal was referred to TfNSW for review. The comments received from TfNSW required the preparation of a Traffic and Transport Strategy (TTS) to support the planning proposal.

The TfNSW comments are noted and it was requested that the proponent provide the TTS prior to exhibition of the proposal. The TTS will also be referred to TfNSW for review during the exhibition period.

Consistency with the direction will be determined after a TTS and TfNSW comments have been received.

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## **Focus Area 6: Housing**

### **6.1 Residential Zones**

The objectives of this direction are to:

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

The proposal is for an extension of the existing Radford Park estate and will be serviced by reticulated water and sewer as well as other essential infrastructure.

The planning proposal is consistent with the direction.

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## **Focus Area 9: Primary Production**

### **9.1 Rural Zones**

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

The site is not identified as Strategic Agricultural Land and is immediately adjacent the existing Radford Park Estate. The proposal is also supported by a Land, Soil & Agriculture Assessment report (**Appendix 4**) which demonstrated that the site is not Biophysical Strategic Agricultural Land or high value agricultural land.

The planning proposal is consistent with the direction.

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### **9.2 Rural Lands**

The objectives of this direction are to:

- a) protect the agricultural production value of rural land,
- b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land,
- f) support the delivery of the actions outlined in the NSW Right to Farm Policy.

The proposal is supported by a Land, Soil & Agriculture Assessment report (**Appendix 4**) which found that the site has limited agricultural capability and production value and given the location immediately adjacent the existing Radford Park Estate, retention and promotion of this land for agricultural production would likely result in land use conflicts with existing residents.

The planning proposal is consistent with the direction.

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## SECTION C: ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

### 8. 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?

As outlined within Section B of the planning proposal, part of the site is mapped on Council's mapping as containing Endangered Ecological Communities. Additional studies for flora and fauna species will be required to determine the most appropriate response to ecology at the site and is anticipated this will be informed by feedback from the Department of Planning and Environment's Biodiversity Conservation Division.

Two areas of the site are identified within Council mapping as Ecologically Endangered Communities (EEC) (below). The Department of Planning and Environment's Biodiversity Conservation Division was consulted and did not object to the proposal proceeding to the exhibition stage. It was however recommended that a conservation zone be considered for the areas with high ecological values.

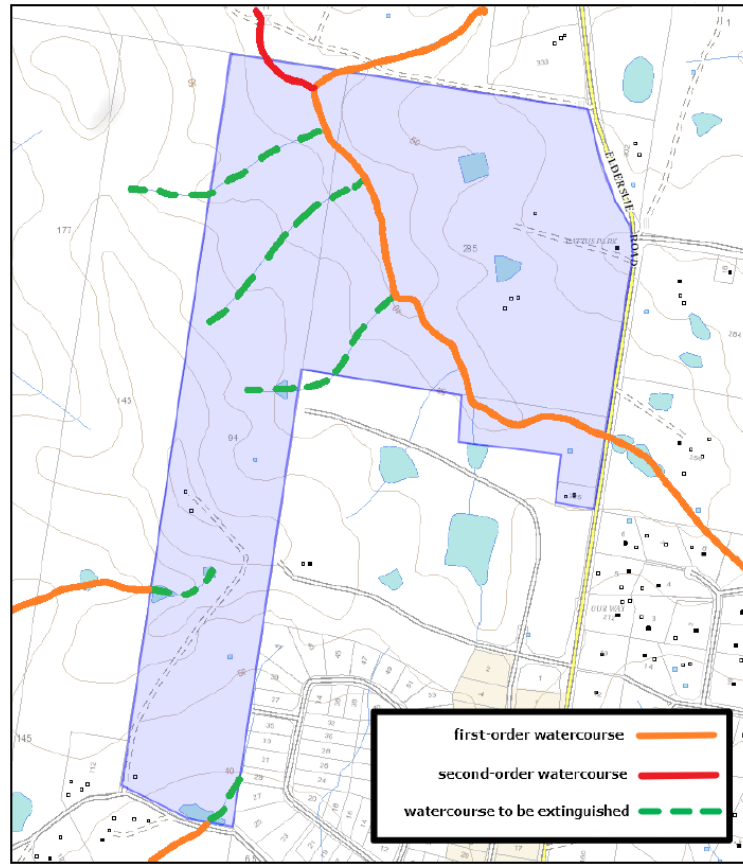
As discussed previously, it is anticipated that the protection and conservation of environmentally sensitive areas can be achieved through updating of the Singleton Development Control Plan (DCP) 2014, which will be required as part of the site being included in the urban release area. Chapter 3 of the DCP relates to Master-Planned Sites and includes a chapter for biodiversity protection. Inclusion of parts of the site as 'vegetation to be protected and enhanced' and 'managed vegetation' will inform appropriate lot sizes and other controls, for example positive covenants or restrictions on title or buildable areas for lots containing ecologically endangered communities as appropriate.

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

#### Watercourses and stormwater

The planning proposal is supported by an Integrated Water Management Report which considered watercourse and stormwater at the site (**Appendix 8**). Several first order and a second order water courses exist across the site. The proposal will seek to extinguish three watercourses as indicated in **Figure 10**. Per the National Resource Access Regulator (NRAR) guidelines for riparian corridors on waterfront land, *stream realignment* is listed as a permitted activity. The remaining watercourses across the site are proposed to be retained. A concept stormwater strategy for the site is envisioned to include detention online to the first-order watercourse including treatment for water quality. This proposed approach can comply with NRAR's guideline.





**Figure 10:** Location of 1<sup>st</sup> order watercourses proposed to be extinguished in green

### Views, Landscape and Scenic Quality

Part of the site in the south-west portion of the site contains a ridgeline which limits views to the northern part of the site from Branxton. The site does have some views south, towards the town centre. New development in this portion of the site will require mitigation and screening to reduce visual impacts from Branxton to the site. Applying lot averaging to the site will provide the flexibility to provide larger lots in this portion of the site which will ensure development can be located away from visually prominent areas.

## ***10. Has the planning proposal adequately addressed any social and economic effects?***

Yes. The Housing Needs and Liveability Report prepared in support of the planning proposal (**Appendix 2**) addresses housing needs, enhancing liveability and planning for community infrastructure.

The social and economic benefits of the proposal are considered to be:

- The proposal will contribute to additional lifestyle living lots which will cater to various price points in the market for large lot rural residential housing within the Branxton subregion.
- The site is well located to nearby services and amenity.
- The planning proposal has offered to enter into a works-in-kind Voluntary Planning Agreement to deliver an extension of the existing footpath along Elderslie Road to the



New England Highway. The delivery of the footpath/cycleway will positively contribute to connectivity and promote healthy lifestyles for current and future residents.

## **SECTION D: INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)**

### **11. Is there adequate public infrastructure for the planning proposal?**

Yes, adequate public infrastructure is available to service the future development and the likely future population. The planning proposal is supported by an Infrastructure Servicing Report (**Appendix 11**) which considers the capability of the site to be serviced by water and sewer, power, telecommunications and gas. The report demonstrates that there is sufficient capacity for all essential services at the site to feasibly be met.

Any future subdivision application of the site will be subject to the relevant local infrastructure contributions plan which will be spent on meeting the infrastructure needs of growth. The plan allows for works to be delivered (or a voluntary planning agreement entered into) in lieu of paying Section 7.11 contributions, and an offer to provide a pathway that is located within both the Singleton and Cessnock LGAs was provided to Council.

Any VPA or works-in-kind will be negotiated in accordance with Council's Planning Agreement Policy as part of the future development application. This included consultation with Cessnock City Council.

## **SECTION E: STATE AND COMMONWEALTH INTERESTS**

### **12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Consultation with relevant agencies was undertaken following a Gateway determination. The following public authorities and agencies were consulted with:

- NSW Rural Fire Service
- Transport for NSW
- Hunter Water Corporation
- School Infrastructure NSW
- The Biodiversity Conservation Division of the Department of Planning and Environment
- Cessnock City Council

The table below summarises the key issues raised by each agency and provides a response to each issue raised:

**Table 1:** Consultation with Agencies

Agency	Comment	Council Response
NSW Rural Fire Service (RFS)	The RFS did not object to the proposal and noted that future residential subdivision of the land is to comply with Planning for Bushfire Protection guidelines.	Noted.
Transport for NSW (TfNSW)	The comments received from TfNSW required the preparation of a Traffic and Transport Strategy (TTS) to support the planning proposal.	The TfNSW comments are noted and it was requested that the proponent provide the TTS prior to exhibition of the proposal. The TTS will also be referred to TfNSW for review during the exhibition period.
Hunter Water Corporation (HWC)	Hunter Water Corporation (HWC) did not object to the proposal.	Noted.
School Infrastructure NSW	No comment were received during the referral period.	N/A
The Biodiversity Conservation Division of the Department of Planning and Environment	<p>The Department of Climate Change, Energy, the Environment and Water has reviewed the information provided and considers that the proposed development/rezoning can proceed to the next stage of assessment.</p> <p>Some areas of the site include areas of High Environmental Value that include habitat for a number of threatened species and riparian habitat along Black Creek.</p> <p>To limit impacts on these areas it was recommended that a C2 Environmental Conservation Zone be introduced into the proposal.</p>	It is considered that the impacts on the areas of high ecological values can be addressed at the Development Application stage as the ecological constraints are likely to be identified through a Biodiversity Assessment Methodology. Further to this, the objectives of the R5 zoning provides consideration for minimising impacts on environmentally sensitive locations.
Cessnock City Council	Cessnock City Council did not object to the proposal. However, It was requested that Singleton Council staff meet with Cessnock City Council staff to discuss avenues to levy contributions for the construction of the	<p>Staff from Singleton Council have contacted relevant staff from Cessnock City Council to discuss options to deliver the shared pathway referred to within their submission.</p> <p>Contributions can only be levied in accordance with a</p>

	cycleways in the areas surrounding the site. Singleton Council staff have reached out to Cessnock Council to discuss the pathway.	contributions plan, and therefore it is currently not possible for Singleton Council to divert funds to Cessnock.
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## **PART 4 – MAPS**

The intended amendments to LEP maps are indicated at Part 2.

## PART 5 – COMMUNITY CONSULTATION

Community consultation will be undertaken in accordance with the Gateway Determination and Council's adopted Community Engagement Strategy, which incorporates the EP&A Regulation.

The draft amendment will be exhibited for a period of 28 days, including being made available on Council's website, published in a relevant local newspaper, and notifying adjoining and adjacent landowners.

Submissions on the amendment will be invited during the public exhibition period and if any objections are received, they will be considered in a future report back to Council with detail of any post-exhibition changes .

## PART 6 – PROJECT TIMELINE

Anticipated timeframes for the LEP making process for the proposal, incorporating Council reporting and associated lead times, are outlined below. It is anticipated the planning proposal can be finalised within 12 months.

Task	May	June	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Gateway Determination received													
Completion of technical information													
Public agency consultation													
Council Reporting													
Public exhibition													
Review submissions													
Post-exhibition review													
Finalisation													
LEP notification													

## CONCLUSION AND RECOMMENDATION

The objective of the planning proposal is to amend the Singleton Local Environmental Plan 2013 to:

- Rezone the site (Lot 122 DP1165184, Part Lot 700 DP1272452, Lot 111 DP850244 and Lot 1 DP1124566) from RU1 Primary Production to R5 Large Lot Residential;
- Amend the Lot Size Map from 40ha to 4000sqm and apply the Lot Average border to the site which will enable the provisions of Clause 4.1C of the LEP to apply to the site; and
- Amend the Urban Release Area map to include the site in the Urban Release Area.

The amendments will enable future development of the site for large lot residential development of various lot sizes which will respond to the natural topography and ecological values of the site.

The proposal is consistent with relevant endorsed strategic plans and is considered suitable for rezoning subject to confirming consistency, with unresolved Ministerial directions as outlined in the planning proposal.

A Gateway determination from the Department of Planning and Environment was issued in May 2024 that requires public exhibition of the proposal.

## **Appendix 1 – Urban Design Report**

## **Appendix 2 – Housing Needs and Liveability Study**



## **Appendix 3 – Assessment against SEPPs**

## **Appendix 4 – Land, Soils and Agriculture Report**

## **Appendix 5 – Assessment against Ministerial Directions**

## **Appendix 6 – Stage 1 BAM Assessment**

## **Appendix 7 – Aboriginal Cultural Heritage Assessment Report**

## **Appendix 8 – Integrated Water Management Report**

## **Appendix 9 – Strategic Bushfire Study**

## **Appendix 10 – Transport Assessment**



## **Appendix 11 – Infrastructure Servicing Report**

## **Appendix 12 – Preliminary Site Investigation**