



New South Wales

Scone Local Environmental Plan 1986 (Amendment No 66)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (09/02785)

NEIL MCGAFFIN

As delegate for the Minister for Planning

2011 No 17

Clause 1 Scone Local Environmental Plan 1986 (Amendment No 66)

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under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Scone Local Environmental Plan 1986 (Amendment No 66)*.

2 Commencement

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

3 Land to which Plan applies

This Plan applies to land known as “St Aubins”, being part of Lot 2, DP 804243, Gundy Road, Scone, as shown coloured light scarlet, edged heavy black and lettered “2 (a)” on the map marked “Scone Local Environmental Plan 1986 (Amendment No 66)” deposited in the office of the Upper Hunter Shire Council.

Schedule 1 Amendment of Scone Local Environmental Plan 1986

[1] Clause 5 Interpretation

Omit the definition of *Council* from clause 5 (1). Insert instead:

Council means the Upper Hunter Shire Council (formerly known as the Council of the Shire of Scone).

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

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[3] Part 3, Division 10

Insert after Division 9 of Part 3:

Division 10 Special requirements

46 Development control plan—“St Aubins”, Gundy Road, Scone

- (1) The objective of this clause is to ensure that development on the land to which this clause applies occurs in a logical and cost-effective manner, in accordance with a staging plan and only after a development control plan that includes specific controls has been prepared for the land.
- (2) This clause applies to land known as “St Aubins”, being part of Lot 2, DP 804243, Gundy Road, Scone, as shown coloured light scarlet, edged heavy black and lettered “2 (a)” on the map marked “Scone Local Environmental Plan 1986 (Amendment No 66)”.
- (3) Development consent must not be granted for development on the land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.
- (4) The development control plan must provide for all of the following:
 - (a) a staging plan for the timely and efficient release of land making provision for necessary infrastructure and sequencing,
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,

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- (c) a traffic and transport impact study, undertaken in accordance with the Roads and Traffic Authority's document titled *Guide to traffic generating developments* (October 2002),
 - (d) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,
 - (e) a network of passive and active recreational areas,
 - (f) stormwater and water quality management controls,
 - (g) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,
 - (h) detailed urban design controls for significant development sites,
 - (i) measures to encourage higher density living around transport, open space and service nodes,
 - (j) measures to accommodate and control appropriate neighbourhood commercial and retail uses,
 - (k) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.
- (5) Subclause (3) does not apply to any of the following development:
- (a) a subdivision for the purpose of a realignment of boundaries that does not create additional lots,
 - (b) a subdivision of land if any of the lots proposed to be created is to be reserved or dedicated for public open space, public roads or any other public or environmental protection purpose,
 - (c) a subdivision of land in a zone in which the erection of structures is prohibited,
 - (d) proposed development on land that is of a minor nature only, if the consent authority is of the opinion that the carrying out of the proposed development would be consistent with the objectives of the zone in which the land is situated.

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- (6) If a development application has been made before the commencement of this clause in relation to land to which this clause applies and the application has not been finally determined before that commencement, the application must be determined as if this clause had not commenced.

Note. Division 4B of Part 3 of the Act applies if a development application is made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended.