

LOCAL PLAN PLANNING PROPOSAL

SCONE LOCAL ENVIRONMENTAL PLAN 1986

Residential Rezoning St Aubins, Scone NSW



Prepared for

St Aubins Estates Pty Ltd

By

Development Planning Strategies (NSW)

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INTRODUCTION

St Aubins is a rural property with an approximate overall area of 1500ha which is located the Upper Hunter Shire Council Local Government Area and sits immediately southeast of the Scone townsite. The St Aubins Planning Proposal relates to a 65ha portion of land within Lot 2 DP 804243, which has a total area of 232ha.

The Planning Proposal seeks to rezone land under Council's existing Local Environmental Plan to facilitate urban development that is in accordance with the local strategic planning framework and demands for residential land within Scone. The 65ha area comprises the first stage of an identified urban expansion area in the established strategic planning framework for the Scone townsite.

There a some supporting site investigation studies that have already been undertaken to determine the constraints of the subject land and to inform the development of a concept design.

All the necessary analysis and information to proceed to a Gateway Determination is provided.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Local Plan Planning Proposal is to enable the urban development of a 65ha area of rural land which abuts the existing the Scone townsite. The subject land is strategically located to facilitate the orderly and proper expansion of the Scone urban area.

Urban development of the site will comprise the following land use activities and approximate land areas:

- Residential (includes roads, drainage and local open space): 35ha
- Seniors living: 8ha
- Education: 16ha
- Riparian areas: 6ha

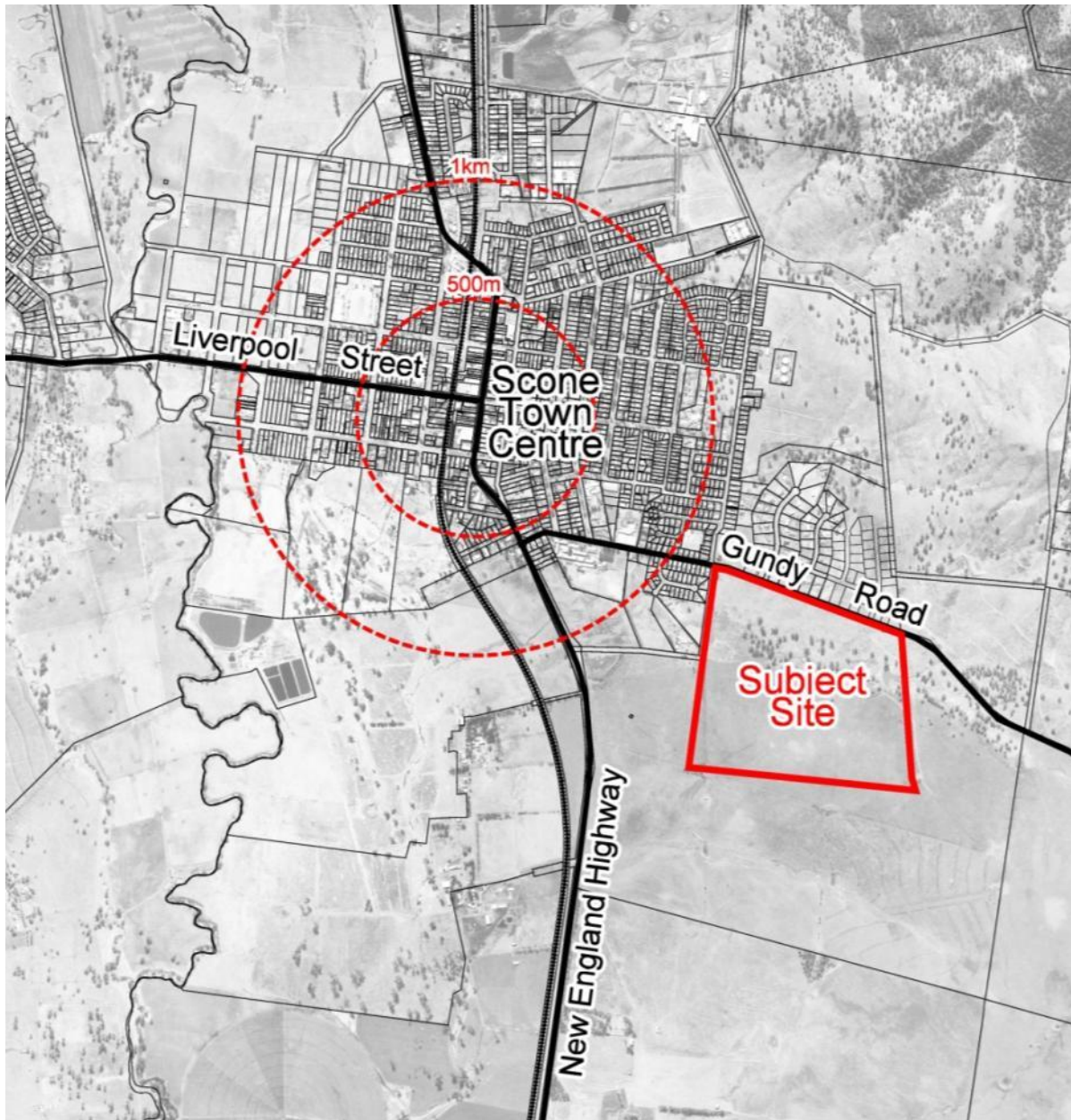
An Indicative Concept Plan has been prepared to provide a structure for the urban layout and to indicate how the various land uses are intended to be allocated across the site. The design adopts a legible and permeable street network for the residential areas and the proposed school site.

Indicative Concept Plan



The subject land is located approximately 1.5kms from the centre of the Scone townsite. It fronts Gundy Road, which is the main road connecting Scone from the east, and abuts existing residential areas to the north and west. Land to the south and east is used for rural purposes. A 330kV powerline easement forms the eastern boundary to the subject site.

Location Plan



The site is gently undulating with a natural drainage line that is orientated east-west, which flows to the west. There is a farm dam located in the eastern portion of the site that is located within the drainage area. The land is mostly cleared except for scattered paddock trees located within and adjacent to the natural drainage area.

Site Plan



PART 2 – EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal are to be achieved by rezoning the subject site to enable the urban development of the site. The Scone Local Environmental Plan 1986 (SLEP 1986) is the relevant Environmental Planning Instrument applying to the subject land. The Upper Hunter Shire Council has not substantially commenced preparing a new Council-wide LEP under the Standard Template, and therefore, amendment to Council's existing LEP is proposed.

Currently there are two rural zones applying to the site under SREP 1986, which include:

- Zone No 1(i) (Intensive Agricultural Zone)
- Zone No 1(s) (Small Farm Zone)

The existing zones applying to the site are not appropriate and do not enable the entire proposed urban development contained in this Planning Proposal. A summary analysis of permissibilities for the proposed and other potential uses within the site include:

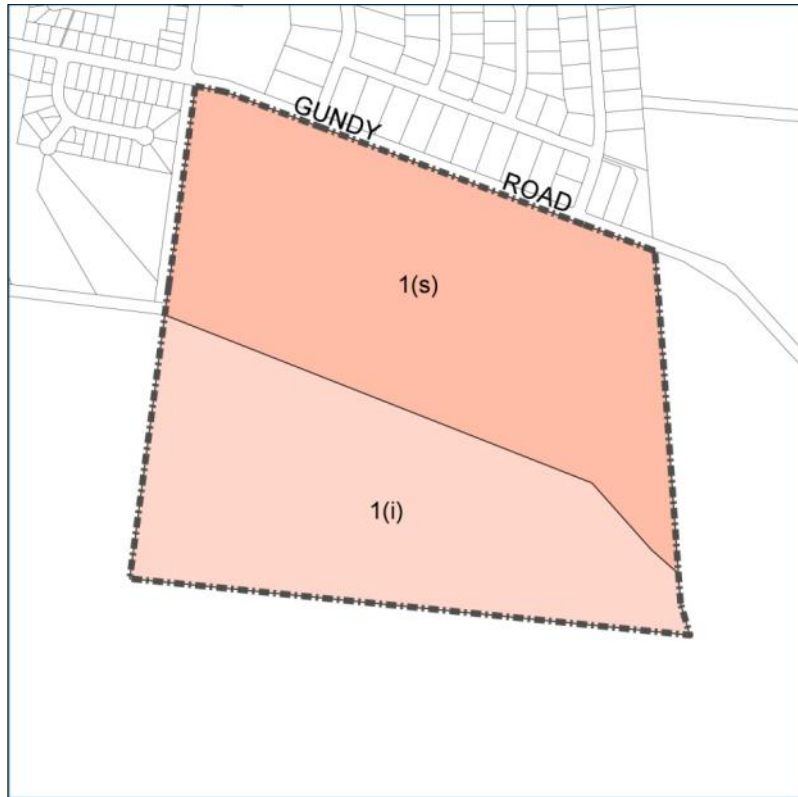
Land Use/Development Classification	Permissibility – Zone No 1(i) (Intensive Agricultural Zone)	Permissibility – Zone No 1(s) (Small Farm Zone)
subdivision (~800m²)	No	No
dwelling-house	Yes	Yes
residential flat building Class A	No	No
child care centre	Yes	Yes
church	Yes	Yes
educational establishment	Yes	Yes
home industry	Yes	Yes
home occupation	Yes	Yes
units for aged persons	No	No

Clause 10 in SLEP 1986 establishes a minimum lot size of 40ha within areas zoned 'Zone No 1(i)' and 'Zone No 1(s)', unless it can be demonstrated that the new allotments are for agricultural purposes. Accordingly, subdivision for the school site, seniors living site and urban development for standard low density residential uses is not permitted under the existing zones. Furthermore, the school and seniors living facility will not seek to locate on the site if they do not form part of a larger urban residential development. In addition, the zones do not permit residential buildings which are necessary for the proposed seniors living development.

Given the permissibility constraints with the existing zones, it is proposed that the SLEP 1986 zoning map be amended to apply the 'Zone No 2(a) (Residential "A" Zone)', which is an existing zone in the LEP.

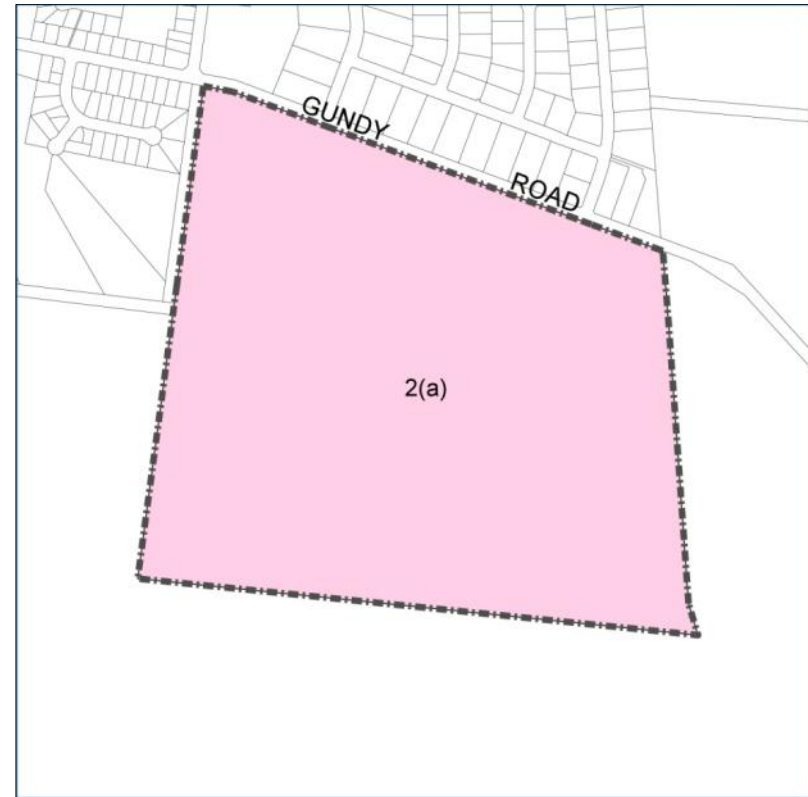
The proposed amendments to the zone maps are on the next page.

Existing Zoning



-  Subject Site
-  Zone 1(i) - Intensive Agricultural Zone
-  Zone 1(s) - Small Farm Zone

Proposed Zoning



-  Subject Site
-  Zone No 2 (a) (Residential "A" Zone)

The existing zone provisions in SLEP 1986 for the 2(a) (Residential “A” Zone) are appropriate to enable the development. The zone objectives and development control table are as follows:

Zone No 2 (a) (Residential “A” Zone)

1 Objectives of zone

To limit the development of land to development for the purposes of dwelling-houses, duplex flats, maisonettes and semi-detached cottages and other purposes which have a minimal impact on the amenity of low density residential environments.

2 Without development consent

Dwelling-houses.

3 Only with development consent

Any purpose other than those included in item 2 or 4.

4 Prohibited

Abattoirs; advertising structures; aerodromes; animal boarding; breeding or training establishments; automotive uses; bulk stores; caravan parks; car repair stations; cemeteries and crematoria; clubs; commercial premises; extractive industries; funeral parlours; generating works; gas holders; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; places of assembly; public buildings; refreshment rooms; residential flat buildings (other than Class “A” or units of two storey construction for aged persons); retail plant nurseries; roadside stalls; road transport terminals; sawmills; service stations; shops; stock and sale yards; timber yards; warehouses; wholesale markets.

The 2(a) zone is specifically focussed at enabling urban development for residential areas and associated uses. Accordingly, the objectives and provisions in the SLEP 1986 do not require any amendment.

A Development Control Plan (DCP) is to be prepared in association with the preparation of the comprehensive LEP following the Gateway Determination. The DCP is to consider the following matters:

- Vision and Development Objectives
- Allocation of Land Use Activities
- Staging and Infrastructure Provision
- Access and Movement (Street Network and Design, Pedestrian and Cycle Network)
- Residential Subdivision Design
- Open Space and Landscaping Strategy
- Setbacks, Dwelling Height and Siting
- Private Open Space, Site Cover and Landscaping
- Garages, Site Access and Parking
- Fencing

PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

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

This St Aubins Planning Proposal is the result of the Upper Hunter Land Use Strategy, which has been approved by Upper Hunter Shire Council and is awaiting endorsement by the Department of Planning. The relationship of the Upper Hunter Land Use Strategy with the Planning Proposal is discussed in greater detail under Question 6.

There are a number of site investigation studies that have been prepared to inform the urban design and development of the site. The site investigation studies include:

- Flooding
- Riparian corridor classification
- Ecology
- Soil and salinity

The findings from the above studies have been used as a basis for the Concept Plan design. Where necessary, more detailed site investigation and supporting studies will be undertaken in accordance with the Gateway Determination

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

A change of zone is the proper and best means of achieving the objectives and intended outcomes in this Planning Proposal. The proposed development outcome in this Planning Proposal cannot be achieved without changing the zoning in Council's LEP from a rural zone to a residential zone, except under Part 3A of the Environmental Planning and Assessment Act. The Part 3A is not considered an appropriate means of achieving the objectives and intended outcome.

3. Is there a net community benefit?

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis have been adapted from the Draft Centres Policy (April 2009). In some cases the Evaluation Criteria have been modified or removed to ensure the criteria are meaningful to this Planning Proposal.

Net Community Benefit Evaluation Criteria	Response
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The subject site for this Planning Proposal is not within an area affected by regional/subregional strategy

Net Community Benefit Evaluation Criteria	Response
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The Planning Proposal is in accordance with the established local planning framework, which has been approved by Council and awaiting endorsement by the Department of Planning. Therefore, it is not likely to set an undesirable precedent.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The Planning Proposal is consistent with the local strategic planning requirements and considerations. Accordingly, any cumulative effect of similar spot rezoning proposals would need to adhere to the local strategic planning policies, which includes the strategic growth of Scone in the Upper Hunter Land Use Strategy.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	There will be no impact or loss of employment lands resulting from the proposal. The proposal will enable the expansion of an existing school and development of a seniors living facility, which will both contribute to growth in employment for the locality.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The Planning Proposal will increase residential land supply in Scone and therefore have a positive impact affordability and diversity. It will also provide various levels of residential accommodation and care for the aging population within the region.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The subject site fronts a major road and can connect with pedestrian and cycling networks within Scone. Scone contains a passenger station for intra- and interstate rail services.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The Government has finalised plans to augment the water supply from Glenbawn Dam. Augmentation of the supply is to enable further growth within the Upper Hunter region. Therefore, no significant impact on the water supply is anticipated.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The land does not contain any areas with high biodiversity values and any flood affected areas will be comprehensively investigated and properly managed as part of the overall development process.

Net Community Benefit Evaluation Criteria	Response
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The Planning Proposal is compatible and complementary with adjacent land uses. Residential development exists on the north and west and rural land to the south and east. In addition, there will be no adverse impact on the broader community and the new residential area will include a quality public domain area.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	There are four main public interest reasons for progressing the Planning Proposal, which cannot be realised without finalising a change to the zoning. 1. The residential land supply in Scone will be increased, which will result in increased competition that promotes greater housing affordability and diversity. 2. The local aging population will have access to a new seniors living facility with independent, low-care and high-care residential accommodation options. 3. The local community will have access to modern and quality educational facilities that meet the needs of Scone residents and the broad rural community in the region. 4. Short term and permanent employment generation for the district.

There is a significant net community benefit resulting from the St Aubins Planning Proposal. There will be increased residential land supply for the next 10 years which will promote housing affordability and housing diversity. Scone currently has only one significant supplier of residential allotments, and therefore, the Proposal will facilitate an additional supplier of residential land to the market. This will therefore improve competition which will put downward pressure on residential land prices.

In addition, the Proposal includes a site that will facilitate the expansion and relocation of existing and new education facilities. The local community will then have access to modern and quality educational facilities that meet the needs of Scone residents and the broad rural community in the region.

The proposal will create short term and permanent employment for the district. Permanent employment will be generated with the school and seniors living facility. In addition, construction employment for the residential development, school, seniors living and associated uses will be significant.

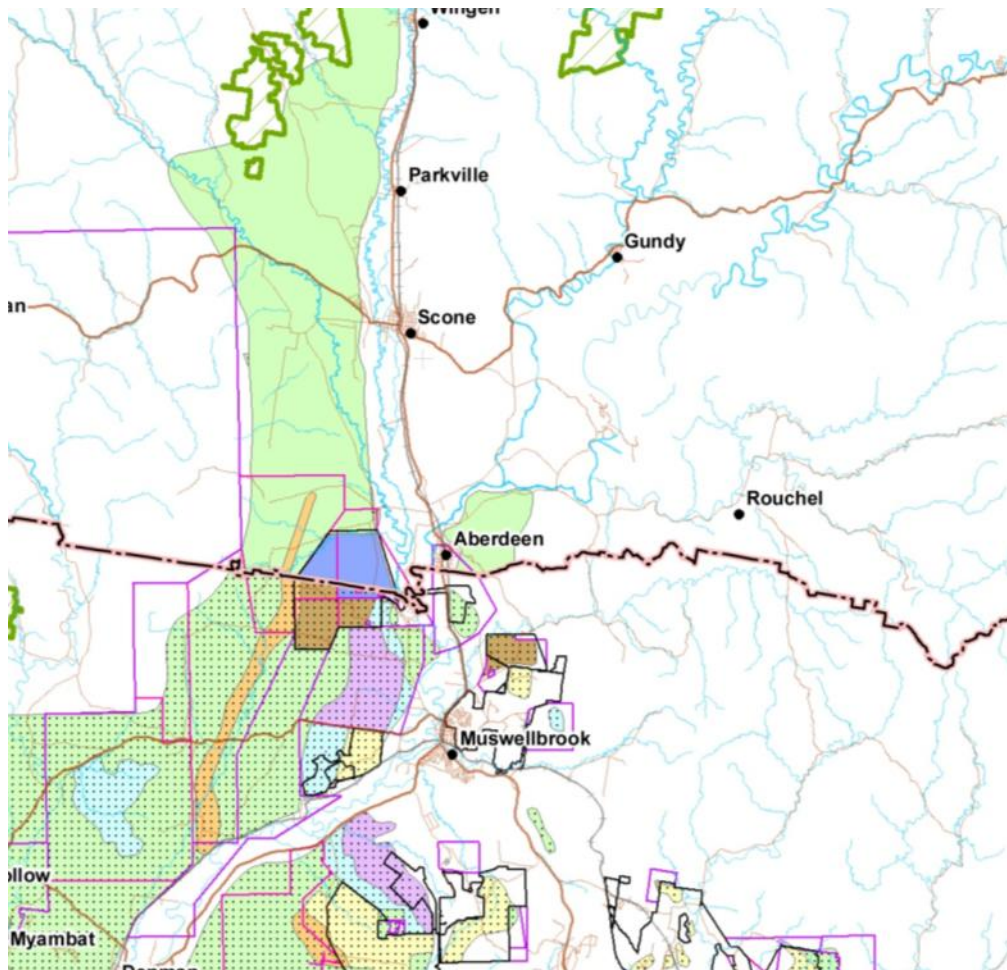
Section B - Relationship to strategic planning framework.

4. 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)?

There are no regional and sub-regional strategies applying to the subject site. There is however a regional strategic assessment titled 'Coal Mining Potential in the Upper Hunter Valley – Strategic Assessment', dated December 2005 and produced by the Department of Planning. This is the only strategy of regional significance in the regional planning framework.

The subject site is not located within an area identified as having Coal Resource Development Potential.

Coal Resource Development Potential Plan



The subject site, Scone and land surrounding the townsite is not identified as existing of future coal resource potential. In addition, there are no exploration licences or tenements affecting the site.

In light of the above, the St Aubins Planning Proposal is consistent with the regional/sub-regional strategic planning framework.

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

The Upper Hunter Shire Council has prepared a Land Use Strategy to inform the preparation of its new Standard Template LEP. The St Aubins Planning Proposal is consistent with the Upper Hunter Land Use Strategy (LUS), which has been endorsed by the Director General of the Department of Planning. The LUS identifies potential urban growth areas throughout the Upper Hunter Local Government Area, including Scone.

The LUS identifies the 'Scone South East Residential' investigation area, which comprises Stage 1 and Stage 2. Stage 1 identifies an area that is suitable for residential development within the next 10 years. Stage 2 is identified for development after the 10 year period.

Stage 1 identifies an approximate overall lot yield of 250 to 350 residential allotments. The Planning Proposal includes a concept plan which will deliver around 250 residential allotments, plus a seniors living development and a new school site.

The Planning Proposal will enable the delivery of a mixture of residential uses which includes seniors living development and low density residential development. The residential lot yield targets will be achieved through a mixture of these types of residential developments.

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

The State Environmental Planning Policies (SEPPs) that are relevant to the St Aubins Planning Proposal are identified below.

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SEPP No 1 - Development Standards	The provision under SEPP No 1 will continue to apply in Scone LEP 1986.
SEPP No 55 - Remediation of Land	Potential for contamination can be investigated as part of the site investigation.
SEPP (Building Sustainability Index: BASIX) 2004	BASIX will continue to apply to the construction of all residential dwellings.
SEPP (Housing for Seniors or People with a Disability) 2004	All seniors living development will be approved and constructed in accordance with the SEPP.
SEPP (Rural Lands) 2008	All changes to rural zones and land use will be consistent with the SEPP.
Hunter Regional Environmental Plan 1989 (Heritage)	All Heritage considerations will be in accordance with the Hunter REP.

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

Each s117 Ministerial Direction is listed below with an annotation stating whether it is relevant to the St Aubins Planning Proposal and confirming its consistency.

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.1 Business and Industrial Zones	NA	Not applicable
1.2 Rural Zones	Y	The Planning Proposal is consistent with this Ministerial Direction. The Planning Proposal is consistent with the strategic growth policy framework identified for Scone and has minimal significance on the availability of agricultural land in the locality.
1.3 Mining, Petroleum Production and Extractive Industries	Y	The Planning Proposal is consistent with this Ministerial Direction. The subject site is not within an identified resource area and therefore is of minor significance.
1.4 Oyster Aquaculture	NA	Not applicable
1.5 Rural Lands	Y	The Planning Proposal is consistent with this Ministerial Direction. The Planning Proposal is consistent with the strategic growth policy framework identified for Scone and has minimal significance on the availability of agricultural land in the locality.
2.1 Environment Protection Zones	NA	Not applicable
2.2 Coastal Protection	NA	Not applicable
2.3 Heritage Conservation	Y	The Planning Proposal is consistent with this Ministerial Direction. Findings from heritage investigations requirements are to be included in the comprehensive Planning Proposal assessment.
2.4 Recreation Vehicle Areas	NA	Not applicable
3.1 Residential Zones	Y	The Planning Proposal is consistent with this Ministerial Direction. The Planning Proposal is consistent with the strategic growth policy framework identified for Scone and will provide diversity in housing choice, particularly for seniors.
3.2 Caravan Parks and Manufactured Home Estates	NA	Not applicable
3.3 Home Occupations	NA	Not applicable

s.117 Direction Title	Applies	Consistency of Planning Proposal
3.4 Integrating Land Use and transport	Y	The Planning Proposal is consistent with this Ministerial Direction. Land uses will be located to ensure access to transport networks is provided via appropriate road, cycling and pedestrian linkages.
3.5 Development Near Licensed Aerodromes	NA	Not applicable
4.1 Acid Sulfate Soils	Y	The Planning Proposal is consistent with this Ministerial Direction.
4.2 Mine Subsidence and Unstable Land	NA	Not applicable
4.3 Flood Prone Land	Y	The Planning Proposal is consistent with this Ministerial Direction. Flooding is to be suitably investigated and appropriately managed in response to any requirements to mitigate any environmental impacts.
4.4 Planning for Bushfire Protection	Y	The Planning Proposal is consistent with this Ministerial Direction.
5.1 Implementation of Regional Strategies	NA	Not applicable
5.2 Sydney Drinking Water Catchments	NA	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	Not applicable
5.6 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	Not applicable
5.9 Second Sydney Airport: Badgerys Creek	NA	Not applicable
6.1 Approval and Referral Requirements	NA	Not applicable
6.2 Reserving Land for Public Purposes	NA	Not applicable
6.3 Site Specific Provisions	NA	Not applicable

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?

A Fauna and Flora Assessment prepared by Sinclair Knight Mertz has investigated the ecological attributes of the subject site. The Assessment included an onsite survey of vegetation, ecological communities, and flora and fauna habitats. The Assessment also classifies the significance of vegetation and identifies potential development constraints.

The SKM Assessment found no threatened flora or fauna species on the subject land and determined that there is a low to moderate potential for some species listed under the *Threatened Species Conservation Act* to be present within the site. Furthermore, the study noted that there was an apparent lack of threatened species and associated habitats which can most likely be attributed to the historical grazing of the St Aubins land that has been carried out over the entire property for several decades.

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

Basic level investigations for flooding and water management issues, and classifying the riparian corridor have been undertaken by GHD. This investigative study identifies land potentially affected by the 1:100 year flood affected area and a preliminary alignment of the riparian corridor. Following the Gateway Determination the impacts from flooding will be more comprehensively investigated and the classification and alignment of the riparian areas will be confirmed with the NSW Office of Water.

A Preliminary Soil and Salinity Assessment by Sinclair Knight Mertz researched soil typology and potential for salinity. A surface examination has identified an area within the drainage line near the western boundary that has potential for saline conditions. The assessment report recommends subsurface testing to determine and confirm any salinity impacts and the preparation of a salinity management plan (if necessary). Accordingly, a more detailed assessment of subsurface soil conditions should be undertaken following the gateway determination.

More detailed site specific investigations that consider the proposed Indicative Concept Plan design will be undertaken following the Gateway Determination as required. This will ensure that all likely environmental effects can be determined and proper safeguards can be implemented at the more detailed design and planning approvals stages. Specific environmental investigations should be undertaken on the following:

- Flooding and water management
- Riparian areas and corridors
- Soils and salinity
- Contamination
- Aboriginal and European heritage

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

The Planning Proposal will create numerous social and economic benefits for the locality and district. The local and broader community will receive new sites for the provision of a new educational facility and a new seniors living development. The seniors living development is particularly important as the existing aged care facility is not in good condition and cannot accommodate the growing aged population of the district.

The Planning Proposal will enable a second provider of residential land to the market, where there is currently only one supplier. This will encourage diversity in housing product and promote housing affordability for local and new residents. In addition, the development proposal will create a significant amount of employment during construction and represents a major investment into the local economy.

Notwithstanding the above, more detailed site specific investigations that consider the urban development indicated in the proposed Concept Plan design will be undertaken as required. This will ensure that all likely social and economic impacts can be determined and adequate measures (i.e. social infrastructure) can be provided at the more detailed design and planning approvals stages.

Section D - State and Commonwealth interests.

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

The local water supply is in the process of being upgraded to accommodate the planned growth of Scone and a new potable water supply infrastructure is to be located nearby on the northern side of Gundy Road. It is also understood a major water main exists along the site boundary within which can provide a potable water supply to the proposed development.

The local sewer treatment plant was upgraded recently and has capacity to accept the sewer requirements for the proposed development. There are sewer mains in close proximity to the subject site. However, a full investigation of the sewer main location and capacity will need to be undertaken.

A new electrical zone substation was recently constructed immediately west of the subject site. If the existing transmission lines cannot provide the electricity requirements to the development, new feeders will need to be provided from the substation to the site.

All essential infrastructure services are available to the development, which supports its suitability for urban development. Further investigations into public infrastructure requirements resulting from the St Aubins development may occur following the Gateway Determination. Engineering assessments are to be undertaken to determine servicing infrastructure and road requirements.

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

This section of the planning proposal is to be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination. There has been no consultation with State and Commonwealth public authorities other than the NSW Department of Planning (DoP).

The Newcastle Office of the DoP has given in-principle support to progress the Planning Proposal and has also provided preliminary feedback on a draft copy of the Planning Proposal document.

Public authorities and associated issues where further consultation is required include:

Public Authority	Issue(s)
NSW Department of Planning	Strategic Planning
Office of Water, NSW Department of Environment, Climate Change and Water	Riparian Corridors
NSW Department of Environment, Climate Change and Water	Ecological Communities
National Parks Branch, NSW Department of Environment, Climate Change and Water	Aboriginal Heritage
NSW Roads and Traffic Authority	Roads and Traffic
NSW Rural Fires Services	Bushfire Protection
NSW Department Primary Industries	Mining and Resources

PART 4 – COMMUNITY CONSULTATION

The St Aubins Planning Proposal is not considered to be “low impact” as it will need to consider servicing infrastructure. Accordingly, an exhibition period of the full Local Plan documentation should extend for a maximum of 28 days.

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Upper Hunter Shire Council website; and
3. in writing to adjoining landowners.