



PLANNING PROPOSAL 1/2013

**Proposed Amendment to Upper Hunter *Local Environmental* 2013 -
Rezone Lot 52 DP 750941 Middlebrook Road Scone**

Upper Hunter Shire Council
24/04/2015

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PART 1: INTRODUCTION AND SITE IDENTIFICATION

MM Hyndes Bailey & Co has submitted a planning proposal to Council to amend the Upper Hunter *Local Environmental Plan 2013 (UHLEP 2013)*.

The purpose of this planning proposal is to amend the zoning and minimum lot size of approximately 14 hectares of land within Lot 52 DP 750941 from RU4 Primary Production Small Lots to R5 Large Lot Residential and from 40ha to 1ha respectively. This allotment is situated approximately 5km northwest of Scone with frontage to Middlebrook Road to the east and Middlebrook Creek to the west. An existing dwelling is located on the north-eastern portion of the site, this will not be affected by the planning proposal.

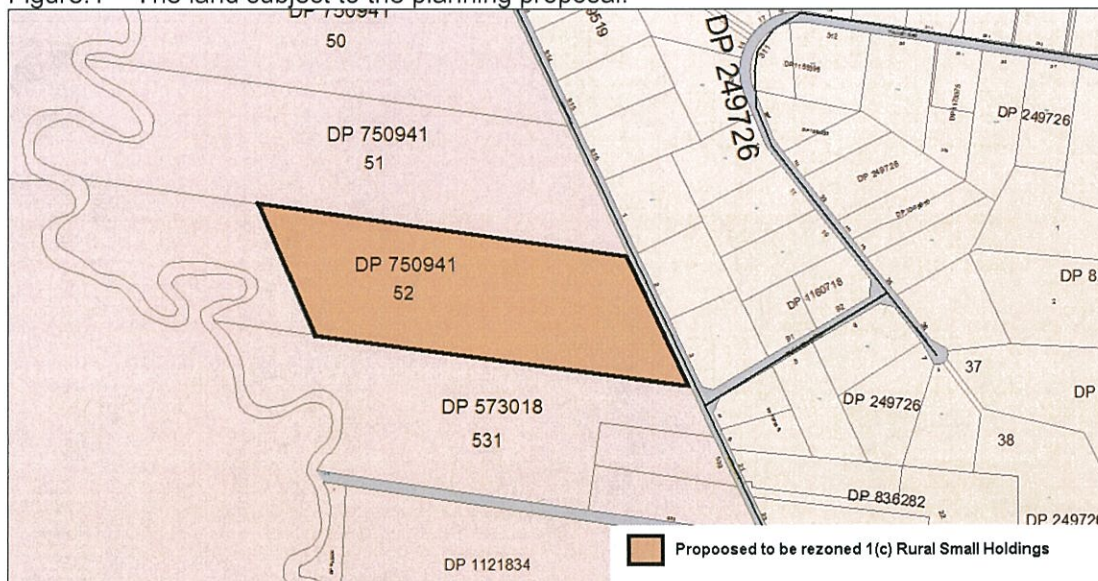
PART 2: OBJECTIVES

The objective of the planning proposal is to increase the supply of land suitable for rural residential development in the Upper Hunter Shire Local Government Area.

PART 3: EXPLANATION OF PROVISIONS

In order to achieve the objective it is proposed that the *Upper Hunter Local Environmental Plan 2013* Land Zoning Map – Sheet LZN_008 and Lot Size Map – Sheet LSZ_005B be amended so that the land identified in Figure.1 is zoned R5 Large Lot Residential with a minimum lot size of 1 hectare.

Figure.1 – The land subject to the planning proposal.



Land Subject to Planning Proposal

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Infrastructure's Guide to Preparing Planning Proposals, this section provides a response to the following issues:

- Section A: Need for proposal
- Section B: Policy Context
- Section C: Potential Environmental, Social and Economic Impact; and

- Section D: Other Government Interests

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

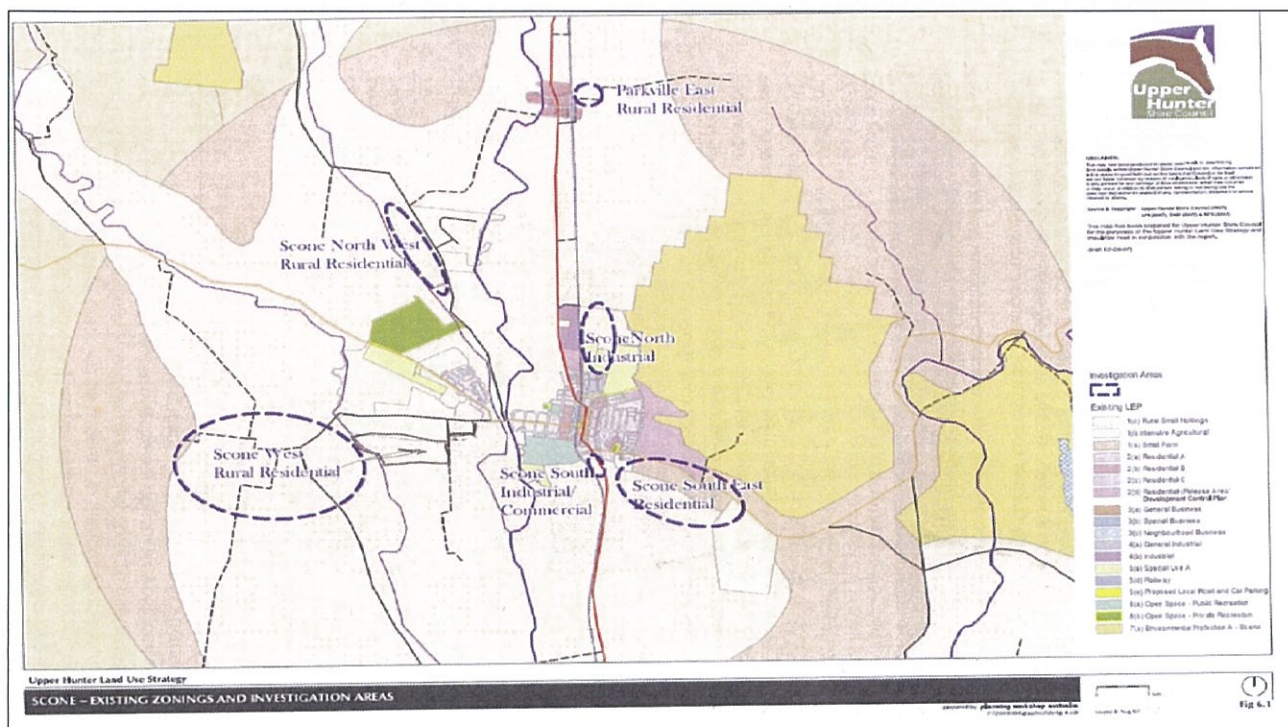
The planning is supported by the *Upper Hunter Land Use Strategy 2008*.

The *Upper Hunter Land Use Strategy 2008* recommends action to achieve Council's land use objectives and make changes to Scone, Merriwa and Murrurundi Local Environmental Plans reflective of Council's community vision and the NSW State Government directives.

Chapter 6 of this strategic study identifies land suitable to sustain anticipated demand for urban growth in towns and villages within the Upper Hunter Local Government Area. This chapter relates to this planning proposal as it identifies the site as within the 'Scone North West Rural Residential Investigation Area' (refer to Fig.2). The *Upper Hunter Land Use Strategy 2008* recommends that this site be investigated as a potential 'urban expansion area'.

It is therefore considered that this planning proposal to amend the zoning and lot size of 14 hectares of land within a strategic 'urban expansion area' for rural residential use is consistent with the *Upper Hunter Land Use Strategy 2008*.

Figure.2 2008 land use zonings and investigation areas for future urban development (Upper Hunter Land Use Strategy, 2008 pp: 57).



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

This planning proposal is considered to be the best way of achieving the objective. Amendments to the zoning and minimum lot size of the land under the Upper Hunter LEP 2013 will allow its subdivision into rural residential allotments. The land owner has initiated this planning proposal and through the preparation of a preliminary subdivision plan indicated his intention to subdivide the land into rural residential lots should the planning proposal succeed.

3. Is there a community benefit?

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adopted. In some cases the Evaluation Criteria has been modified or removed to ensure the criteria is meaningful to this Planning Proposal.

Net Community Benefit Evaluation Criteria	Planning Comment
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?</i>	The proposal is compatible with the <i>Upper Hunter Strategic Land Use Plan 2012</i> . This plan was prepared in relation to the Upper Hunter, Muswellbrook, Singleton, Dungog and Gloucester Local Government Areas. The rezoning proposed is consistent with the type of rural residential and lifestyle housing growth promoted by this plan.
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/ subregional strategy?</i>	The subject site is not within an area affected by any such strategy.
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	The planning proposal is consistent with the strategic direction of the <i>Upper Hunter Land Use Strategy 2008</i> . It will expand on existing rural residential land in the locality and is consistent with a precedent created by a previous rural residential rezoning in the locality.
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	There is a significant demand for rural residential zoned land in the Upper Hunter Local Government Area. LEP amendments similar to that proposed have been quite successful across the Shire and there has not been a cumulative adverse impact affecting the supply or functionality of other land use zones.
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	There will be no impact on or loss of employment lands as a result of this proposal.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	The planning proposal seeks to increase the supply of rural residential land. Although the proposal is not anticipated to have a significant impact on housing supply or affordability it is expected that any impact would be a slight improvement on the current supply and affordability of land in the township of Scone.

Net Community Benefit Evaluation Criteria	Planning Comment
<i>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?</i>	The site is within 5 minutes of the Scone CBD and is accessible via Middlebrook Road. Further consideration would be given to site accessibility should an application be received for the subdivision of the land, however there are no obvious deficiencies in relation to site access and the availability of transport.
<i>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?</i>	The Planning Proposal will have no impact on Government infrastructure or services in the area.
<i>Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?</i>	The site is within 5km of the Scone CBD and any increase in road traffic and associated emissions will be negligible.
<i>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?</i>	The western portion of Lot 52 DP 750941 is identified as flood prone and a potential habitat of the Hunter Floodplain Red Gum Woodland. To ensure the proposal will not create further opportunities for development of environmentally sensitive land this land is not to be included in the rezoning and will remain zoned RU4 Primary Production Small Lots with a minimum lot size of 40 hectares.
<i>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?</i>	A Land Use Conflict Risk Assessment (LUCRA) has been completed by the proponent in relation to the proposal. This assessment indicates the land is primarily located adjacent to small rural lots to the north and south, rural residential land to the east and a rural grazing property to the west, separated from the site by Middlebrook Creek. This assessment considers the risk of land use conflict with these adjoining lands to be low. The findings of this assessment are considered reasonable and acceptable given the compatibility of surrounding land uses and the lack of intensive agricultural activities in the immediate locality. Given the site's close proximity to an existing rural residential area, the proposal is considered a logical expansion of this established land use.

Net Community Benefit Evaluation Criteria	Planning Comment
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	The planning proposal is in the public interest as it will help to address a current shortage of available large lot residential land in the area and provide greater opportunity for rural residential housing. The proposal should place downward pressure on the price of rural residential land making it more affordable. A decision not to proceed with this planning proposal will see the supply of rural residential land remain relatively static, reliant upon infill development.

SECTION B –RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The *Upper Hunter Strategic Regional Land Use Plan 2012* was prepared in relation to the Upper Hunter, Muswellbrook, Singleton, Dungog and Gloucester Local Government Areas and is a relevant consideration for this planning proposal.

Chapter Six of the *Upper Hunter Strategic Regional Land Use Plan 2012* relates to Housing and Settlement. This Chapter promotes Policy Response Objectives and Actions to encourage housing development consistent with identified Settlement Planning Principles. These Policy Response Objectives, Actions and Settlement Planning Principles are all relevant considerations for this proposal and are commented on below.

The Policy Response Objectives identified by the *Hunter Strategic Regional Land Use Plan 2012* are:

- Ensure adequate supply of housing to meet community needs
- Ensure greater diversity of housing types, including smaller housing types, rental housing and temporary housing.
- Improve supply and range of affordable housing.
- Build cohesive and liveable communities by ensuring towns and villages are well designed and provide a range of housing types.

Planning Comment: The Policy Response Objectives do not conflict with the Planning Proposal's Objectives in relation to providing additional rural residential land in the Upper Hunter Shire Local Government Area.

The Actions identified by the *Hunter Strategic Regional Land Use Plan 2012* which are applicable to Council are:

- 6.3 Local Council's will zone land through their local environmental plans to ensure adequate supply of land for residential development and to facilitate the delivery of a range of housing types.

Planning Comment: The proposal will increase the supply of land zoned Large Lot Residential under the Upper Hunter LEP 2013. The planning proposal will help achieve the intended outcomes of this Action.

- 6.4 Local Council's will ensure that new residential development makes a positive contribution to liveability and character by ensuring residential areas are planned in accordance with the settlement planning principles in this plan.

Planning Comment: This planning proposal has been assessed against the settlement planning principles specified by the *Upper Hunter Strategic Regional Land Use Plan 2012* (pp: 53). The table below contains a summary of each planning principle and a comment on its relationship to this proposal. It is considered that the planning proposal is generally consistent with the settlement planning principles and any future rural residential development is likely to reflect these principles and contribute to the liveability and character of the area.

Settlement Planning Principle	Planning Comment
Development will contribute to the diversity of housing types available. Any medium or higher density housing should be located in central and accessible locations to ensure access to a full range of services within a reasonable distance.	The proposal will increase the supply of large lot residential land. The future development of the site will contribute to the diversity of housing choices available in the Upper Hunter Shire.
Development will be located to maximise the efficiency of essential urban infrastructure, services and facilities, including transport, health and education	The site is situated approximately 5km from the Scone CBD. A range of urban services are available in Scone including primary and secondary education, recreation facilities, youth services, regional transport and health care. The site itself is accessible via Middlebrook road and has access to electrical, telecommunication services and garbage collection. Reticulated water and sewage services are not available to the site. The services available are appropriate for rural residential development.
Development will respect and respond to the character of the area and the identified settlement hierarchy of the region.	The subject site adjoins an established rural residential area and existing rural allotments smaller than the minimum lot size. The area therefore has an established character of rural residential development and this planning proposal which seeks to increase the quantity of rural residential land available is seen to be consistent with the settlement hierarchy of the region.
New residential areas will be planned with streets that make it is easy for people to walk and cycle with and with recreational and open space.	The opportunity for new walk and cycleways will be considered with any future subdivision. This is considered unnecessary and impractical in relation to this proposed large lot residential area given that it is locate 5km from the Scone CBD.
New residential and rural residential areas will respect environmental and cultural heritage and avoid areas most affected by natural hazards or having high cultural heritage significance.	The subject site is not identified as containing any items of local or state heritage significance. The land has previously been disturbed and cleared as a result of its agricultural use, it is unlikely that any items of Aboriginal or early European cultural significance are contained within the site. An Due Diligence Archaeological Assessment may be required following the Gateway Determination or in relation to a future development application for subdivision.

Settlement Planning Principle	Planning Comment
New residential and rural residential areas should minimise the potential for land use conflict with land needed for valuable economic activities, such as valuable agricultural land and natural resource lands. This includes avoiding locations where possible adverse impacts associated with industry (such as noise, dust, visual impacts or other amenity impacts) are likely to affect future residents.	The subject land adjoins other land zoned R5 Large Lot Residential. Agricultural enterprises in the area are therefore accustomed to a level of rural residential development. As this proposal relates to the rezoning of no more than 14 hectares of land it is not anticipated to result in or exacerbate any land use conflicts in the area.
New rural residential areas should be located adjacent to, or in close proximity to, existing urban centres and be within easy access of relevant infrastructure and services.	The subject land is adjacent an existing rural residential area and within close proximity (5km approximate) to the Scone township. The infrastructure available to the site is discussed above and is appropriate for rural residential development.

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

The planning proposal is consistent with the Key Focus Areas and Aspiration Goals 3 and 5 of the Upper Hunter Shire Council Community Strategic Plan: *"(3) Protect the natural and built environment and plan for a sustainable future for our Shire and our planet; (5) Enhance economic and employment opportunities and promote development"*.

The proposal will not have a significant detrimental impact on the natural and built environment, will facilitate a sustainable form of development and will provide for a growing population.

The *Upper Hunter Land Use Strategy 2008* has been prepared in relation to the Upper Hunter Local Government Area and has been adopted by Council.

As discussed in Section A of this report the *Upper Hunter Land Use Strategy 2008* identifies the site is within the 'Scone North West Rural Residential Urban Development Investigation Area'. This area is identified for potential rural residential growth and therefore this planning proposal is consistent with this Strategic Plan.

It is noted that the Strategy identifies this locality for larger rural residential allotments with a minimum lot size of 2 ha and an average of 4 ha. The proposed 1 ha lot size is therefore inconsistent with the strategy in this respect, however, the inconsistency is considered justified for the following reasons:

- The proposed 1 ha lot size is consistent with the minimum lot size of the adjoining Tullong Road rural residential area immediately to the east of the site.
- The western portion of the site has been set aside to allow for the protection of environmentally sensitive land (ie potential habitat of the Hunter Floodplain Red Gum Woodland) and to address flooding issues. This land is not to be included in the rezoning and will remain zoned RU4 Primary Production Small Lots with a minimum lot size of 40 hectares. As a result, it is necessary to reduce the proposed minimum lot size to 1 ha on the developable portion of the site to achieve a reasonable lot yield.
- A smaller lot size is desirable to achieve a more efficient use of land and economical provision of infrastructure.

With respect to the locational criteria prescribed by Table 11 in Section 7.1 of the *Upper Hunter Land Use Strategy 2008*, each of the criteria is addressed in the following table:

Broad Location Criteria	Comment
Distance from town	The subject land is approximately 5km (5 minute drive) from the Scone CBD.
Provision of services	Sealed road access, reticulated power and telephone are available to the site. Water and sewer can be adequately managed on site.
Location	The proposal is not a stand-alone large lot residential development. The subject land adjoins an existing large lot residential area and will therefore contribute to achieving a critical mass to support the provision of future services such as reticulated water.
Capacity for onsite water storage	Onsite water storage can be provided on future lots as an alternative to a reticulated water supply.
Minimal impact on existing infrastructure	The land has access to power and telephone services. These utilities can be extended to service future allotments.
Good sealed road access	Existing road services are adequate.
Avoid prime agricultural land, or adjoining land	The land subject to the planning proposal is not considered to be prime agricultural land. However, further investigation and consultation with NSW Department of Primary Industries will be undertaken following the Gateway determination.
Exclude environmentally sensitive land	Areas of environmentally sensitive land have been excluded from the proposal.
Exclude areas of high bushfire hazard	The subject land is not considered to be in an area of high bushfire hazard.
Exclude known mineral and extractive resources	There are no known mineral or extractive resources in the vicinity of the site.
Exclude areas near non-compatible land uses	There are no non-compatible land uses in the vicinity of the site.
Exclude water supply catchment land	An appropriate buffer is provided to Middlebrook to minimise the potential for contamination from onsite sewage management systems.
Avoid areas with unsuitable soils, and land with slopes greater than 18 degrees	The slope of the land is much less than 18 degrees while the soils are likely to be suitable for future development.
Avoid contaminated land	A preliminary site contamination assessment has been undertaken which confirms that the site has a low risk of contamination and is suitable for a residential subdivision (refer to Appendix C).
Avoid saline land and areas with soils unsuitable for onsite effluent disposal	The land is not known to be saline or contain soils unsuitable for onsite effluent disposal.
Avoid flood prone land	Flood prone land has been excluded from the planning proposal.

Broad Location Criteria	Comment
Avoid Aboriginal and European heritage areas and sites	There are no known sites of Aboriginal or European heritage significance on the land. A Due Diligence Assessment was prepared – no Aboriginal artefacts or items of significance were identified on the site.
Avoid areas with high groundwater tables or shallow soils	The site is unlikely to contain high groundwater tables or shallow soils. Further investigation will be undertaken following the Gateway determination.

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

The State Environmental Planning Policies (SEPPs) that are relevant to this planning proposal are outlined below

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
<i>SEPP No 44 Koala Habitat Protection</i>	The site is predominantly cleared as a result of its previous agricultural use. It is unlikely that any core koala habitats are located on the site. This can be confirmed if an ecological assessment is required through any Gateway Determination by the Department of Planning and Infrastructure.
<i>SEPP No 55 Remediation of Land</i>	A preliminary site contamination assessment has been prepared by RCA Australia in relation to this planning proposal. The assessment included a site inspection and soil sample collection and analysis (refer to Appendix C). It concluded that risk of contamination of the property is not significant and suggests the land is suitable for rural residential development. It is therefore unlikely that the site is contaminated and requires remediation in accordance with the SEPP.
<i>SEPP (Rural Lands) 2008</i>	The SEPP (Rural Lands) 2008 applies to the land and the Rural Planning Principles and Rural Subdivision Principles identified in Clauses 7 and 8 of the SEPP respectively are relevant considerations. The Scone locality is predominantly a rural areas with towns villages and rural residential estates which provide a range of residential living opportunities. This planning proposal is consistent with Part (f) of the Rural Planning Principles because it provides opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities Considering the site is identified as a 'potential urban expansion area' by the <i>Upper Hunter Land Use Strategy 2008</i> the planning proposal is considered to be broadly aligned with the principles and the aims of this SEPP.

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
	A land use conflict risk assessment has been prepared in relation to the proposal in accordance with the NSW Department of Industry Guidelines 'Living and Working in Rural Areas' (refer to Appendix B). This assessment considers the risk of land use conflict with surrounding rural land to be low given the lack of intensive agricultural activities in the area, the relatively small size of the surrounding rural allotments and the established character of the area as being rural residential. The proposal is unlikely to compromise the production potential of nearby agricultural land.
<i>Hunter Regional Environmental Plan 1989 (Heritage)</i>	The subject land does not contain or adjoin any items of heritage significance listed under the Hunter REP 1989 (Heritage).

2. 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 Planning Proposal and confirming consistency

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.1 Business and Industrial Zones	NA	Not applicable
1.2 Rural Zones	Y	Consideration has been given to the objectives of this Direction to protect land zoned for rural purposes. The proposal relates to the rezoning of rural land to large lot residential. As this proposal is supported by the <i>Upper Hunter Land Use Strategy 2008</i> the planning proposal is justified and may proceed despite any inconsistencies with this directive.
1.3 Mining, Petroleum Production and Extractive Industries	NA	Not applicable
1.4 Oyster Aquaculture	NA	Not applicable
1.5 Rural Lands	Y	This Ministerial Direction seeks to protect the agricultural productive value of rural land. This proposal relates to the rezoning of rural land to rural residential and this directive is therefore applicable. Direction 1.5 Rural Lands requires a planning authority to be satisfied that a planning proposal is consistent with the Rural Planning Principles and Rural Subdivision Principles listed in <i>SEPP (Rural Lands) 2008</i> . This SEPP has been considered throughout this report and the proposal is considered to be consistent with the relevant Principles. The proposal is therefore considered to be consistent with this Direction.

s.117 Direction Title	Applies	Consistency of Planning Proposal
<i>2.1 Environment Protection Zones</i>	Y	Consideration has been given to the objectives of this Direction as a portion of the lot subject to the planning proposal is identified as a Hunter Flood Plain Red Gum Woodland Complex. The portion of land identified as a habitat for this community is situated west of the proposed zone boundary and will remain zoned RU4 Primary Production Small Lots.
<i>2.2 Coastal Protection</i>	NA	Not applicable
<i>2.3 Heritage Conservation</i>	NA	Not applicable
<i>2.4 Recreation Vehicle Areas</i>	NA	Not applicable
<i>3.1 Residential Zones</i>	Y	The planning proposal is consistent with the objectives of this Direction. The proposal will create additional large lot residential land and broaden the choices of land available for housing. The proposal is therefore considered consistent with this Direction.
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	NA	Not applicable
<i>3.3 Home Occupations</i>	NA	Not applicable
<i>3.4 Integrating Land Use and transport</i>	NA	Not applicable
<i>3.5 Development Near Licensed Aerodromes</i>	NA	Not applicable
<i>4.1 Acid Sulfate Soils</i>	NA	Not applicable
<i>4.2 Mine Subsidence and Unstable Land</i>	NA	Not applicable
<i>4.3 Flood Prone Land</i>	Y	Consideration has been given to this Direction as a portion of the subject allotment is identified as flood prone. The flood prone land is located outside the area subject to the planning proposal and therefore there will be no opportunity for development on the floodplain as a result of this proposal. In this regard, the proposal is consistent with the requirements of this Direction.
<i>4.4 Planning for Bushfire Protection</i>	Y	The planning proposal includes a Bush Fire Threat Assessment which demonstrates how future development can comply with the requirements of this Direction and Planning for Bush Fire Protection 2006.
<i>5.1 Implementation of Regional Strategies</i>	NA	Not applicable
<i>5.2 Sydney Drinking Water Catchments</i>	NA	Not applicable
<i>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</i>	NA	Not applicable
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	NA	Not applicable
<i>5.6 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	NA	Not applicable
<i>5.9 Second Sydney Airport: Badgerys Creek</i>	NA	Not applicable
<i>6.1 Approval and Referral Requirements</i>	NA	Not applicable

s.117 Direction Title	Applies	Consistency of Planning Proposal
6.2 Reserving Land for Public Purposes	NA	Not applicable
6.3 Site Specific Provisions	NA	Not Applicable
7.1 Implementation of the Metropolitan Strategy	NA	Not applicable

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

1. 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?

Council's mapping system identifies the western boundary of the lot subject to this planning proposal as a potential habitat for the Hunter Floodplain Red Gum Woodland ecological community. To limit the potential impact of this proposal on this ecological community it is proposed to exclude the land identified from any rezoning. Figure.3 below indicates the habitat of this ecological community. When this figure is compared with Figure.1 (proposed rezoning) it can be seen that the Hunter Flood Plain Red Gum habitat is outside the proposed R5 Large Lot Residential zone boundary and will remain zoned RU4 Primary Production Small Lots.

There is likelihood that the other vegetation present on site could be identified as an endangered ecological community under Schedule 1 (namely: White Box Yellow Box Blakely's Red Gum Woodland) of the *Threatened Species Conservation Act 1995*. It would therefore be necessary to under the seven-part test of significance pursuant to Section 5A of the Environmental Planning and Assessment Act 1979 either following the Gateway Determination or in relation to a future development application for subdivision.

A further investigation of the ecological values of the site was undertaken as required by the Gateway Determination.

The proponent submitted a *Seven Part Test on Threatened Flora and Fauna* (Wildthing Environmental Consultants, October 2014) – the full report is provided in Appendix D. The report confirms the presence of the endangered ecological community of Hunter Floodplain Red Gum Woodland which is located at the far eastern part of the site as shown in Figure 3. However it acknowledges that there are a significant number of hollow bearing trees which are likely to provide important habitat. It recommends that where possible these trees are retained through the establishment of building envelopes on future residential lots. Any tree removal must be carried out in the presence of a qualified ecologist to supervise the removal and relocation of displaced fauna. The *Seven Part Test on Threatened Flora and Fauna* concludes that the proposed rezoning and future development of the site is unlikely to have a significant impact on any threatened species, endangered ecological communities and populations. It makes the following recommendations:

Positioning of Building Envelopes and Bushfire Asset Protection Zones

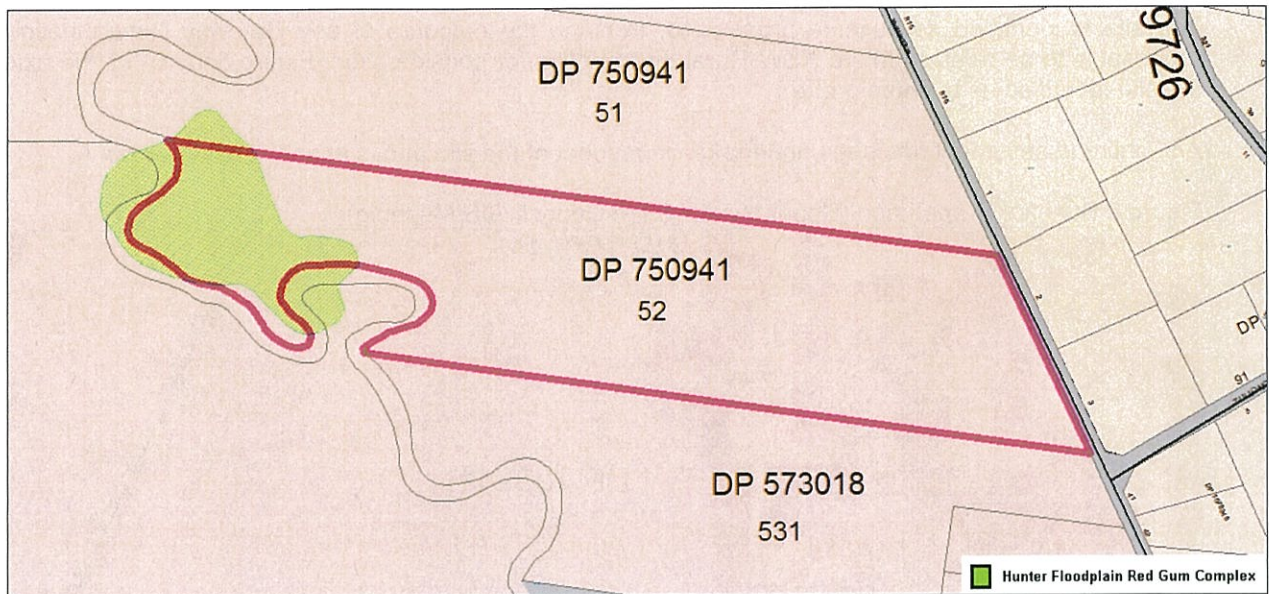
- All future development should avoid where possible the removal of mature trees within the site.

Enhancement of Hunter Floodplain Red Gum Woodland

- All trees are to be left in-situ
- It is recommended that periodic weed control be undertaken
- All fallen timber should be left on the ground.

It is proposed that this recommendation will be addressed in relation to future development applications for the subdivision of the land through appropriate conditions of consent and/or Planning Agreements.

Figure.3 Hunter Flood Plain Red Gum Woodland Community (Upper Hunter Shire Council GIS Mapping)

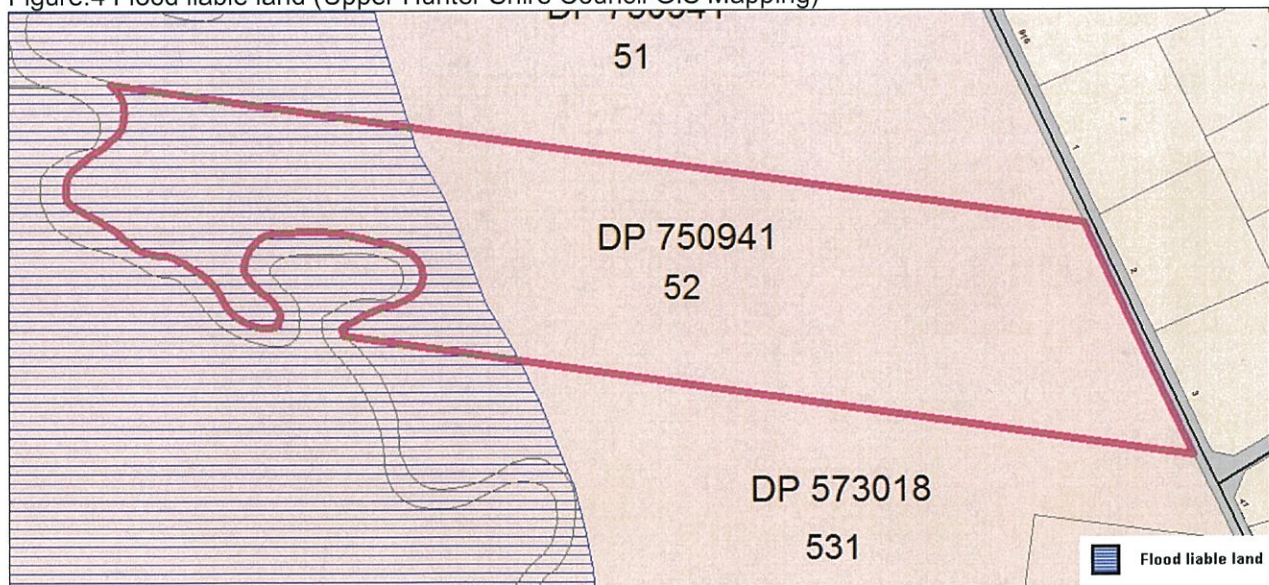


2. Are there any other environmental effects as a result of the planning proposal and how are they proposed to be managed?

The environmental effects anticipated to result from this planning proposal have largely been considered throughout this report. This section will pass more detailed comments on the proposal's relationship to flood risk and bushfire prone land briefly commented on above and its proximity to the proposed Kyoto Wind Farm.

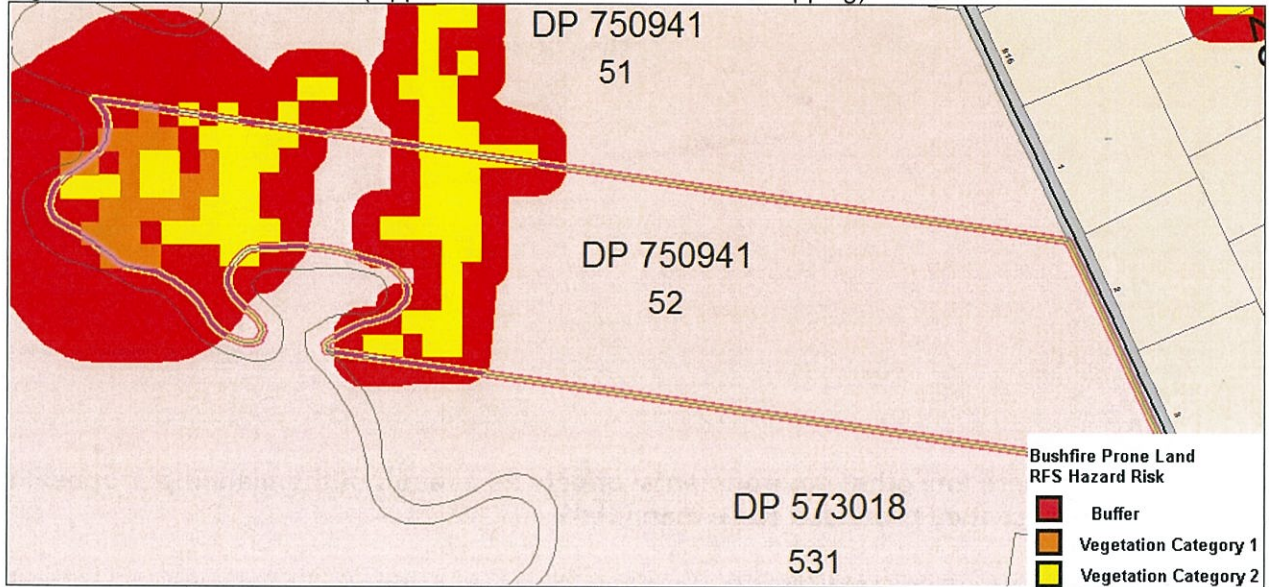
Land west of the site is identified as flood liable land by the Scone Flood Study (November 1996). A contour survey undertaken by the proponent suggested the flood level for the land to be 232AHD. To ensure greater certainty for future development and a sound basis for this planning proposal to proceed, the land subject to the planning proposal will not have a ground level less than 235AHD. All flood liable land below 235AHD will remain within the RU4 zone and no additional opportunities for development on the flood plain will be created.

Figure.4 Flood liable land (Upper Hunter Shire Council GIS Mapping)



A bushfire assessment has been undertaken in respect of the site and is attached at Appendix A.

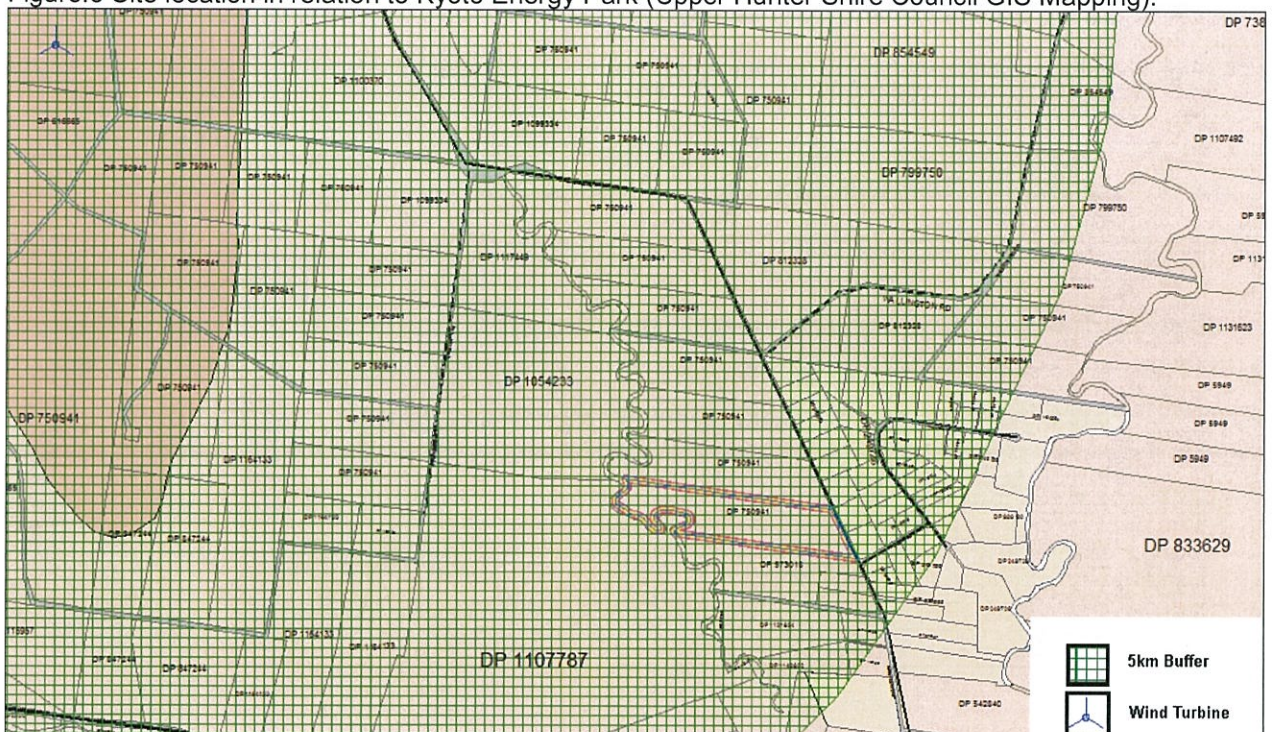
Figure.5 Bushfire Prone Land (Upper Hunter Shire Council GIS Mapping)



The site is within a 5km radius of the Kyoto Energy Park. A wind turbine is proposed to be located approximately 4 kilometres from the site.

The proximity of the site to the Kyoto Energy Park poses no restriction to future development of the land other than from the potential visual impact of the wind turbines and potential television and radio interference. Conditions were imposed on the development consent in respect of the Kyoto Energy Park which will address these issues.

Figure.6 Site location in relation to Kyoto Energy Park (Upper Hunter Shire Council GIS Mapping).



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

This planning proposal will result in the opportunity for additional land to be developed for rural residential use. This is likely to have beneficial social and economic impacts by providing additional housing opportunities in the Scone area, contributing to local economic growth and development and strengthening the local community associated with additional residents.

SECTION D – COMMONWEALTH AND STATE INTERESTS

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

The site has good vehicular access while telecommunication and electrical services are available in the locality. The site is a short distance from the Scone Township and CBD.

2. What are the views of State and Commonwealth public authorities in accordance with the Gateway determination?

The planning proposal was referred to the NSW Department of Primary Industries (Minerals and Petroleum), NSW Department of Primary Industries (Agriculture), Office of Environment and Heritage and NSW Rural Fire Service. The comments are summarised below:

Agency	Comment
NSW Department of Primary Industries (Minerals and Petroleum)	It is not considered likely that the rezoning would negatively impact on future resource exploitation or extraction.
NSW Department of Primary Industries (Agriculture)	The DPI cautions that the effect of the rezoning and future subdivision would be the loss of land that is part of the Upper Hunter's key primary production enterprises (grazing), and would restrict the agricultural potential of the surrounding RU Primary Production Small Holdings zoned land. It does acknowledge that the land is identified as a candidate for large lot residential development under the Upper Hunter Land Use Strategy.
Office of Environment and Heritage	Does not object to the planning proposal on the grounds of any biodiversity issues. The land is largely cleared for agriculture.
	Recommended that a Due Diligence Archaeological Assessment of the land be provided. The Due Diligence assessment was provided in March 2015. No artefacts or relics were found during the field survey.
NSW Rural Fire Service	The planning proposal did not include a statement that addresses the criteria of s117 Direction 4.4 Planning for Bushfire Protection. This statement must be included in the planning proposal. The RFS has no objection to the rezoning. The Planning Proposal has been amended in Section 2 to address this requirement.

PART 5: COMMUNITY CONSULTATION

The planning proposal was placed on public exhibition from 6 November 2014 to 4 December 2014. Three submissions were received raising concerns summarised in the below table.

Submission	Issues	Response
D.A and D.M Reid 530 Middlebrook Road Scone	Lack of planning for reliable water supply – to the subdivided lots. The reliance on 100,000 Litre water tanks and groundwater is not sufficient for the climate.	It is acknowledged that the site does not have a reliable water supply. It is recommended that Council prepares a Section 64 Contributions Plan for the area that requires future subdivisions to pay a contribution to the provision of water infrastructure.
	Road access The condition of Middlebrook Road is poor and will not support the additional traffic flow.	Middlebrook Road is a sealed local road, as previously mentioned in Section D, the site has good vehicular access. Appropriate upgrade works would be required in relation to the construction of an intersection. This would be required as part of the future subdivision.
Ross and Shirley Watson 'Kalinda' Middlebrook Drive Scone	The rezoning has the potential to alienate agricultural land.	The site is part of an Investigation Area identified in the Upper Hunter Shire Land Use Strategy and adjoins existing residential land.
	1 ha lots are too big for rural residential lot and too small for rural lifestyle lots. Such lots have the potential to result in overgrazing, land degradation and weed infestation.	The 1 ha lot size is consistent with the adjoining R5 Large Lot Residential Zone. The 1ha lots were considered necessary to allow the western portion of the site to be set aside to allow for the protection of environmentally sensitive land (ie potential habitat of the Hunter Floodplain Red Gum Woodland) and to address flooding issues.
	The rezoning would create a precedent for other landholders with 2ha to create 1ha lots.	The adjacent R5 Large Lot Residential Zone to the east already has a minimum lot size of 1ha. It should be noted that under the Scone Local Environmental Plan 1986 (repealed) the lot size was 4,000m ² .
	1ha lots may not provide sufficient buffer between lots with on-site sewerage.	A lot area of 1ha is generally sufficient to allow on-site sewage disposal.
	1ha lots may not provide sufficient buffer between lots with adjoining agricultural activities.	A future subdivision would include a requirement/restriction to be imposed on the title of each lot requiring the establishment of a 50m buffer area to prevent the erection of dwelling-houses near adjoining agricultural land.

	Council should not be allowing this form of intensive rural residential development without access to a reticulated water supply.	See above comments.
W.R. Watson 563 Middlebrook Road Scone	The Land Use Strategy identifies that allotments in the Scone North-West Investigation Area should be a minimum 2ha and average 4ha. No adequate justification has been given for the 1ha lot size. The proposed 1ha lot size is out of character with surrounding settlement pattern.	The reason to the inconsistency with the Land Use Strategy was provided on Page 12 of this Planning Proposal.
	The land adjoins highly productive agricultural lands. Requiring lot sizes no less than 2ha in this area is considered important to enable suitable buffers to be established.	See above comments.
	Potential for lots to have access to water from Middlebrook will give Basic Rights under the Water Management Act 2000. This will divert water away from non-agricultural uses.	Only Lot 6 would have direct access to Middlebrook, and therefore would have the basic right.

PART 6: PROJECT TIMELINE

The project timeline in respect of the planning proposal is provided in the following diagram.

The anticipated timeframe for the proposed amendment to the Upper Hunter Local Environmental Plan 2013 from submission of the proposal to NSW Planning and Environment to gazettal of the LEP amendment is fifteen (15) months.

REVISED PROJECT TIMELINE

	April 2014	May 2014	June 2014	July 2014 - April 2015	May 2015	June 2015	July 2015
STAGE 1 Submit Planning Proposal to NSW Planning & Environment							
STAGE 2 Anticipated commencement date (Gateway Determination)							
STAGE 3 Completion of additional supporting studies/ investigations as required by Gateway determination							
STAGE 4 Consultation – Community/ Public Authorities							
STAGE 5 Review / consideration of submissions to public exhibition							
STAGE 6 Report to Council							
STAGE 7 Finalise the Local Environmental Plan using Minister's plan making delegations.							

APPENDIX A: BUSHFIRE ASSESSMENT

APPENDIX B: LAND USE CONFLICT RISK ASSESSMENT

APPENDIX C: PRELIMINARY CONTAMINATION ASSESSMENT

APPENDIX D: SEVEN PART TEST ON THREATENED FLORA AND FAUNA

5th November 2014.

The General Manager,
Upper Hunter Shire Council,
P O Box 208,
SCONE NSW 2337

Attention: Mathew Pringle

Dear Sir,

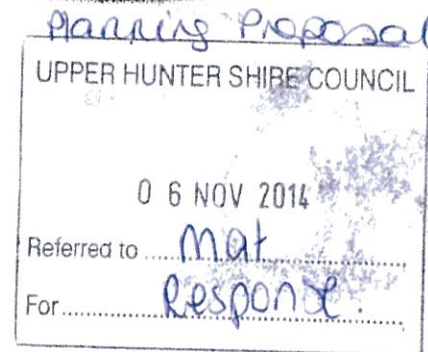
I refer to your letter dated 31st October 2014 regarding **Notice of Proposed Planning Proposal 1-2013 for Lot 52 DP750941, Middlebrook Road Scone.**

Thank you for your time today when we discussed our concerns with this proposal.

While we do not object to the general proposal to subdivide this land, we do have two matters that cause serious concern – matters that should be addressed at this stage of planning rather than on an individual ad-hoc basis at a later time.

These matters are:

1. **Lack of planning for provision of a reliable water supply to the subdivided blocks.** The proposal glosses over the water issue and mentions that future buildings will require a 100,000 litre water tank as a rainwater supply and the possibility of a bore for additional water. Experience has shown that this supply is inadequate given our climate. Also any bores drilled on the individual blocks are extremely likely to provide a low flow rate and the water to be brackish and unsuitable for garden use. As a result it is highly likely the block owners will seek to pump, either directly from Middlebrook creek or from a well located close to Middlebrook creek. The Middlebrook aquifer is already struggling to produce enough water to service existing licenced users and additional demands must be avoided in order to prevent a collapse of the aquifer supply.
2. **Road Access.** The report states that road access is satisfactory. While there is a narrow sealed road (Middlebrook Road) providing access to the entrance of the subdivision, we believe the road requires upgrading to a similar standard to recently completed roadwork on Middlebrook Road from Wallington Road intersection for approximately one km north west. This work is required from approx 350 Middlebrook Rd to Lot 52 development entrance. The current narrow, eroded edges, potholed and uneven surface is dangerous and will be exacerbated by additional traffic generated by this development.



Our residence is only a few hundred meters distant from the proposed subdivision.
We have lived there in excess of 30 years and have significant experience with water supply and bore conditions in this location.

We will be overseas until 8th December 2014 but would welcome the opportunity to further discuss our concerns on our return.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'D A & DM Reid', written in a cursive style.

D A & DM Reid.
530 Middlebrook Road.
P O Box 342,
Scone 2337

General Manager

Upper Hunter Shire Council

PO Box 208, Scone NSW2337.

Dear Sir,

Subject: **NOTICE OF PROPOSED PLANNING PROPOSAL 1-2013**

UPPER HUNTER SHIRE COUNCIL
3 DEC 2014
Referred to
For

REZONE FROM RU4 PRIMARY PRODUCTION SMALL LOTS TO R5 LARGE LOT RESIDENTIAL

LOT 52 DP 750941, MIDDLEBROOK ROAD SCONE

I refer to the letter from Mathew Pringle, Director Environmental Services, dated 31 October 2014, reference OUT-12036/14 in relation to the above subject and wish to make the following comments.

1. I understand that the subject land is part of the Scone North-West Investigation Area identified in the Upper Hunter Land Use Strategy and one of several properties, including those owned by my wife and I, along the western side of Middlebrook Road that may at some stage be rezoned to residential land use in accordance with the Scone Local Environmental Plan-Amendment 53. This LEP currently indicates allotments should be a minimum 2ha average 4ha.

2. The proposal seeks to alter the current provisions of the LEP to provide for the inclusion of a development standard with a minimum lot size of 1ha for this site without compelling reason.

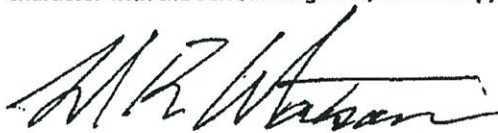
3. The proposed 1ha lot size is inconsistent with the minimum allotment size of a recent nearby subdivision and the majority of existing rural allotments in the area rendering the proposal out of character with the surrounding settlement and the nature of the settlement envisaged by Council when it endorsed the initial rezoning of a minimum allotment size of 2ha average 4ha.

4. Should this planning proposal succeed it would create a precedent with undeniable entitlement to other landholders in the area for similar treatment of future proposals for developments that may be inconsistent with Council's Land Use Strategy thereby undermining the Strategy's integrity.

5. The subject land adjoins highly productive agricultural lands to the north currently used for cropping and grazing which has potential for land use conflict, given the density of the residential development proposed. Requiring lot sizes no less than 2ha in this area is considered important for establishing suitable buffer distances between dwelling sites and adjacent agricultural lands and the activities that take place thereon. It is also an important consideration in the matter of addressing onsite effluent disposal in areas without access to a reticulated sewerage service.

6. Potential for residential allotments having access to water under basic rights [Water Management Act 2000] diverting water to non-agricultural use is of concern in the protection of the water resources of Middlebrook Creek for agricultural pursuits.

SUMMARY: I am not opposed to the development of the subject land in accordance with current provisions of the LEP, but because this proposal appears to me to be inconsistent with those provisions, it would not provide for rural lifestyle opportunities and has the potential to set a precedent for development out of character with the surrounding area, I am unsupportive at this time.



W R Watson,

563 Middlebrook Road, Scone. 2337.

1st December, 2014.

GENERAL MANAGER
UPPER HUNTER COUNCIL
PO BOX 208
SCONE.NSW.2337.

UPPER HUNTER SHIRE COUNCIL

4 DEC 2014

Referred to

Mat. P

For

info

Dear Sir,

Re: NOTICE OF PROPOSED PLANNING PROPOSAL 1-2013.

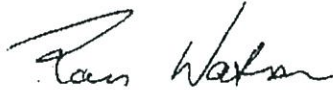
REZONE FROM RU 4 PRIMARY PRODUCTION SMALL LOTS to RS LARGE LOT RESIDENTIAL

LOT 52 DP 750941 MIDDLEBROOK ROAD.

I refer to the letter from Matthew Pringle, Director Environmental Services, dated 31 October 2014 , reference OUT- 12036/14 in relation to the above subject.

1. We understand Council has identified the subject land and land adjoining to the north of this property for future potential rural residential subdivision development, with allotments of 2 ha in area, which is largely consistent with the majority of properties in the Middlebrook area. We do acknowledge that if additional rural residential allotments are required then it would be appropriate to consolidate them in areas where this development is already in place, rather than alienating new agricultural land areas.
2. This proposal seeks to have 1 ha allotments approved. We would not agree to this more intensive subdivision. It is not consistent with the general character of this area and more recent land subdivision. In our opinion, 1 ha allotments are too big for a rural residential area and too small for the typical rural lifestyle pursuits, resulting in poorly maintained or managed land areas. Already, there are multiple examples of similar allotments in this area where such lifestyle activities are pursued, where overgrazing, land degradation and weed infestations are the consequence of this type of development.
3. Should this proposal be approved , it would most certainly create an undeniable precedence for other landholders with existing 2 ha properties or other land areas to then be seeking for 1 ha allotments.
4. It is also considered that 1 ha allotments may not provide sufficient buffer between allotments for on site reticulated sewerage disposal and also a insufficient buffer with existing rural and agricultural activities in the area.

5. Our main objection ,is that Council should not be allowing this form of intensive rural residential development in areas without access to Council supplied water systems. These large residential allotments invariably have extended lawn or pasture areas. In addition many often run a few livestock or horses on these blocks. These extended landscape areas and additional livestock activities, significantly increase the overall water demand of these type of allotments . Rainfall catchment from the residential buildings on these allotments alone , under our highly erratic , variable and low rainfall environment , **can not sustain** the total water demands of these properties. Council should not allow such unsustainable development. This type of development without Council regulated water supplies, invariably results in these "non riparian" landholders then seeking to gain water access licences from the Middlebrook Creek system or undertaking water bore drilling into the aquifer. Multiple licences which might result from such an intensive development would create an unacceptable demand on the limited water resources of this Creek and aquifer. *Council would need to install a reliable reticulated clean water supply to all of the Middlebrook area to sustain current and any future additional residential occupation.*



Regards

Ross & Shirley Watson

Kalinda

Middlebrook Drive

Scone.NSW 2337.

1st December 2014.



NSW RURAL FIRE SERVICE



General Manager
Upper Hunter Shire Council
PO Box 208
SCONE NSW 2337

UPPER HUNTER SHIRE COUNCIL
P.P. 1/2013
17 DEC 2014
Referred to: Paul S
For: info

Your reference PP 1-2013
Our reference LEP/0174
DA14110494513AB

Attention Paul Smith

10 December 2014

Dear Mr Smith

Agency Comment:- Upper Hunter Local Environmental Plan 2013; Planning Proposal to Rezone Lot 52 DP 750941 to R5 Large Lot Residential

I refer to your letter dated 31 October 2014 seeking comments and recommendations from the NSW Rural Fire Service (RFS) with respect to the above planning proposal.

The RFS has reviewed the referred documentation and notes that the report did not include a statement that addresses the criteria of S117 Direction 4.4 Planning for Bushfire Protection. Council is required to address the criteria when preparing a Planning Proposal that involves mapped bush fire prone land.

However, as the land has a minor mapped bush fire hazard, in this instance, the RFS has no objection to the Planning Proposal and provides the following advice:

- Any future subdivision development application will be required to comply with the 'specifications and requirements' of Planning for Bush Fire Protection 2006.
- This RFS advice does not endorse the concept residential subdivision plan that accompanied the planning proposal.

For any queries regarding this correspondence please contact Alan Bawden on 1300 NSW RFS.

Yours Sincerely

John Ball
Manager – Customer Service Centre Coffs Harbour

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

Postal address

NSW Rural Fire Service
Coffs Harbour Customer Service Centre
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

Street address

NSW Rural Fire Service
Coffs Harbour Customer Service Centre
Suite 1, 129 West High Street
COFFS HARBOUR NSW 2450

T (02) 6691 0400
F (02) 6691 0499
www.rfs.nsw.gov.au



Office of
Environment
& Heritage

Your reference: OUT-12036/14
Our reference: DOC14/259043-02
Contact: Karen Thumm, 4908 6829

Mr Waid Crockett
General Manager
Upper Hunter Shire Council
PO Box 208
SCONE NSW 2337

Attention: Paul Smith

UPPER HUNTER SHIRE COUNCIL	
11 NOV 2014	
Referred to	Paul S
For	info

Dear Mr Crockett

RE: PLANNING PROPOSAL TO REZONE FROM RU4 PRIMARY PRODUCTION SMALL LOTS TO R5 LARGE LOT RESIDENTIAL: LOT 52 DP750941, MIDDLEBROOK ROAD SCONE

I refer to your letter dated 31 October 2014 requesting advice from the Office of Environment and Heritage (OEH) regarding the above mentioned planning proposal.

In terms of onsite biodiversity, OEH does not object to the progression of this Planning Proposal, as Lot 52 DP750941 is largely cleared of native vegetation due to previous agricultural uses, and there are few biodiversity values remaining on site.

In term of Aboriginal cultural heritage, OEH recommends that a Due Diligence Archaeological Assessment of the subject lands is conducted. For information on what is required for a Due Diligence Archaeological Assessment please find the guidelines on the OEH website:

www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf

Council should note that the *National Parks and Wildlife Act 1974* (NPW Act) clearly establishes that Aboriginal objects and places are protected and may not be harmed, disturbed or desecrated without an Aboriginal Heritage Impact Permit. Council and the proponent should ensure they are familiar with the requirements of the NPW Act during the development and any subsequent assessment processes. Further advice regarding Aboriginal cultural heritage can be found on OEH's website at:

www.environment.nsw.gov.au/cultureandheritage.htm.

If you have any enquiries concerning this advice, please contact Karen Thumm, Conservation Planning Officer, on 4908 6829.

Yours sincerely

 6 NOV 2014

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations



4th December 2014

Mathew Pringle
Director Environmental Services
Upper Hunter Shire Council
PO Box 208
Scone NSW 2337

Emailed: council@upperhunter.nsw.gov.au

Your Reference:OUT-12036/14
Our Reference (TRIM):OUT14/39609

Dear Mr Pringle

Re: Notice of Proposed Planning Proposal 1-2013

Thank you for the opportunity to provide advice on the above matter. This is a response from NSW Trade & Investment – Geological Survey of New South Wales (GSNSW).

The proposal area overlies Quaternary alluvium and the Jerrys Plains subgroup of the Permian Wittingham Coal Measures. The nearest bore data indicates that coal seams underlie the site from a depth of approximately 30-40 metres.

The proposal area is approximately six kilometres east of the nearest coal title, A286, held by the Department. The nearest company-held title is assessment lease AL19, held by Muswellbrook Coal Company Ltd. The site overlies petroleum exploration licence PEL4, held by AGL Upstream Investments Pty Limited.

The rezoning would add approximately 14 hectares to the adjoining large area which is already zoned R5 (approximately 150 hectares). Previous assessments have determined that there is minor potential for an underground coal resource to be present in this region. However given the small size of this site, and the existing surface constraints (Middle Brook, Kingdon Ponds, Equine CIC, existing residences), it is not considered likely that this rezoning will impact negatively on future energy resource exploration or extraction. As such GSNSW has no issues with the proposed rezoning.

Geoscience Information Services

The GSNSW has a range of online data available on line through the following website address:

<http://www.resources.nsw.gov.au/geological/online-services>

This site hosts a range of data to enable research into exploration, land use and general geoscience topics. Additionally, the location of exploration and mining titles in NSW may be accessed by the general public using the following online utilities:

NSW Department of Trade and Investment, Regional Infrastructure and Services
RESOURCES & ENERGY DIVISION
PO Box 344 Hunter Region Mail Centre NSW 2310
Tel: 02 4931 6666 Fax: 02 4931 6726
ABN 51 734 124 190
www.dtriris.nsw.gov.au

1. **MinView** allows on-line interactive display and query of exploration tenement information and geoscience data. It allows spatial selection, display and download of geological coverages, mineral deposits and mine locations, geophysical survey boundaries, drillhole locations, historical and current exploration title boundaries and other spatial datasets of New South Wales. This online service is available at:
<http://www.resources.nsw.gov.au/geological/online-services/minview>
2. **NSW Titles** enables the public to access and view frequently updated titles mapping information across NSW. This online service is available at:
<http://nswtitles.minerals.nsw.gov.au/nswtitles/>

Queries regarding the above information, and future requests for advice in relation to this matter, should be directed to the GSNSW Land Use team at landuse.minerals@trade.nsw.gov.au.

Yours sincerely



Cressida Gilmore
Team Leader - Land Use



Department of Primary Industries

OUT15/12175

General Manager
Upper Hunter Shire Council
135 Liverpool Street
PO Box 208
Scone NSW 2337

21 May 2015

Attention: Paul Smith

Dear Paul

**Planning Proposal 1/2013
Proposed Rezoning, Lot 52 DP 750941 Middlebrook Road Scone**

Thank you for your correspondence of 31 Oct 2014 regarding the planning proposal for a rezoning to allow a large lot residential development on Lot 52 DP 750941. NSW DPI – Agriculture apologises for the delay in the response, and provides the following advice.

It is understood that the proposed development is for an 11 large lot residential development with each lot being a minimum of 1 ha. Under the current Scone LEP 2013 the proposed site is Zone RU4 Primary Production Small Lots which permits environmental protection works; extensive agriculture; forestry; home occupations; intensive plant agriculture; roads development with consent. Permitting a large lot residential style development within an area that is currently zoned for agriculture raises some issues that need broader consideration.

The proposal does include a Land Use Conflict Risk Assessment (LUCRA) which states a low likelihood of land use conflict, however, further detail pertaining to a strategic assessment would need to be considered and demonstrate that any land use change does not bring about restrictions on the agriculture development of adjoining lands through such activities as incremental rezoning.

The retention of investment opportunities for sustainable primary industries (agriculture, forestry, minerals and aquaculture) requires commitment to a

clear and consistent vision for rural areas and the spatial identification of core resources for agriculture within your local environment. Some key principles are:

- Allowing for land to be developed in a manner consistent with its inherent capability;
- Consolidating existing urban zoned land to limit the spread of urban development across the landscape;
- Protecting the productive capacity of land to support primary industries;
- Protecting water quality and quantity from both the catchment and groundwater; and
- Reducing the risk of land use conflicts.

NSW DPI cautions that the primary effect of the proposed subdivision would be the loss of land that is part of one of the Upper Hunter's key primary production enterprises (grazing), and would restrict the agricultural potential of the surrounding RU4 zoned land of the site. However, the Department does reluctantly acknowledge that the area has been identified as a candidate for large lot residential development under the former Upper Hunter Land Use Strategy, and does not directly oppose the proposal.

NSW DPI also reiterates that under the current review of the Upper Hunter Land Use Strategy, that this review considers land use and its resources, particularly access to agricultural land as a key long term objective for land use in the Upper Hunter Shire. Part of this is to ensure any conversion of land for primary production to other uses is justified strategically with long term outcomes that minimise the impacts of this on agricultural land supply..

Yours Sincerely

A handwritten signature in black ink, appearing to read 'H. Squires', written in a cursive style.

Helen Squires
Resource Management Officer (Hunter)