

Environmental & Customer Services

DESC.06.2

***PLANNING PROPOSAL NO. 1/2013 REZONE LAND FROM
RU1 PRIMARY PRODUCTION SMALL LOTS TO R5 LARGE
LOT RESIDENTIAL***

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PURPOSE

The purpose of this report is to consider the outcomes of community and agency consultation undertaken in relation to Planning Proposal 1/2013 to amend the Upper Hunter Local Environmental Plan 2013.

RECOMMENDATION

That Council:

1. Continue to support Planning Proposal 1/2013 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Lot 52 DP 750941 from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend the minimum lot size to 1 hectare.
2. Proceed to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979 under delegation from the Minister for Planning.
3. Prepare a Section 64 Contributions Plan to enable the provision of appropriate water infrastructure to service future development.

BACKGROUND

At its 24 February 2014 ordinary meeting, Council resolved to support Planning Proposal 1/2013 to rezone land from RU4 Primary Production Small Lots to R5 Large Lot Residential and refer the planning proposal to the Department of Planning for Gateway Determination.

On 26 May 2014 the Department of Planning and Environment issued a Gateway Determination that the planning proposal should proceed subject to the provision of a flora and fauna assessment, public exhibition, agency consultation, and amending the LEP maps prior to public exhibition. In addition Council has been authorised to exercise its delegation to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979.

REPORT/PROPOSAL

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.

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OPTIONS

1. That Council:
 - (i) Continue to support Planning Proposal 1/2013 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Lot 52 DP 750941 from RU4 Primary Production Small Lots to R5 Large Lot Residential and amend the minimum lot size to 1 hectare.
 - (ii) Proceed to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979 under delegation from the Minister for Planning.
 - (iii) Prepare a Section 64 Contributions Plan to enable the provision of appropriate water infrastructure to service future development.
2. That Council not support Planning Proposal 1/2013 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Lot 52 DP 750941 from RU4 Primary Production Small Lots to R5 Large Lot Residential and amending the lot size to 1 Hectare.
3. That Council defer Planning Proposal 1/2013 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Lot 52 DP 750941 from RU4 Primary Production Small Lots to R5 Large Lot Residential and amending the lot size to 1 Hectare, pending further investigation into the provision of water infrastructure to the site and appropriate review of the Section 64 Contributions Plan.

CONSULTATION

The planning proposal was placed on public exhibition from 6 November 2014 to 4 December 2014. Three submissions were received raising concerns in relation to the lack of reliable water supply, inadequate road access, inappropriate lot size (ie too small for rural lifestyle pursuits) and land use conflict with surrounding agricultural uses (copies of the submissions are provided in Attachment 2).

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. A summary of the issues raised is provided in the Planning Proposal (Attachment 1).

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The planning proposal is relevant to Key Focus Areas and Aspiration Goals 3 and 5 of the 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”*.

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b. Delivery Program

The review of land use zones is consistent with the objectives of town planning: *“To provide an ongoing review of local planning instruments to ensure that they are appropriate for current local and regional circumstances”*.

c. Other Plans

The *Upper Hunter Land Use Strategy 2008* identifies the site as being located within the ‘Scone North West Rural Residential Urban Development Investigation Area’. This area is identified for potential rural residential growth and therefore the planning proposal is consistent with this Strategic Plan.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979.

d. Risk Implications

Nil

e. Other Implications

The location currently does not have access to a reticulated water supply service. The provisioning of a reticulated water supply would require an extension of the Council service approximately 5km from Liverpool Street or 2km from Scone Racecourse. As it would not be feasible to place this requirement on a small individual subdivision, it is recommended that Council update its Section 64 Contributions Plan to incorporate the Scone North West Rural Residential Investigation Area or prepare a new plan to allow the collection of contributions as land in the area is progressively developed. Should Council receive a development application for subdivision of the land prior to the completion of a Section 64 contributions plan it may be possible to enter into a planning agreement with the developer to ensure appropriate contributions for water infrastructure are payable.

There are concerns that creating the potential for an additional rural residential estate without consideration of water in this area could result in future residents demanding that Council provide a reticulated water service to ensure a secure and reliable supply, particularly in times of drought.

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CONCLUSION

The planning proposal has been assessed as satisfactory against the *Upper Hunter Land Use Strategy 2008*, the *Upper Hunter Strategic Regional Land Use Plan 2012*, applicable State Environmental Planning Policies and the relevant Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979.

The proposal is considered appropriate having regard to the site context and suitability, the likely social, economic and environmental impacts and the interests of the broader community.

ATTACHMENTS

- 1 Planning Proposal 1/2013
- 2 Public Submissions
- 3 NSW Planning & Environment - Response to Revised Planning Proposal to amend Upper Hunter Local Environmental Plan 2013 LEP - Gateway ~ 22 05 2014
- 4 Response from NSW RFS
- 5 Response from NSW Department of Primary Industries (Agriculture)
- 6 Response from NSW Trade and Investment
- 7 Response from Office of Environment and Heritage