



A Quality Rural Lifestyle - in a vibrant, caring and sustainable community

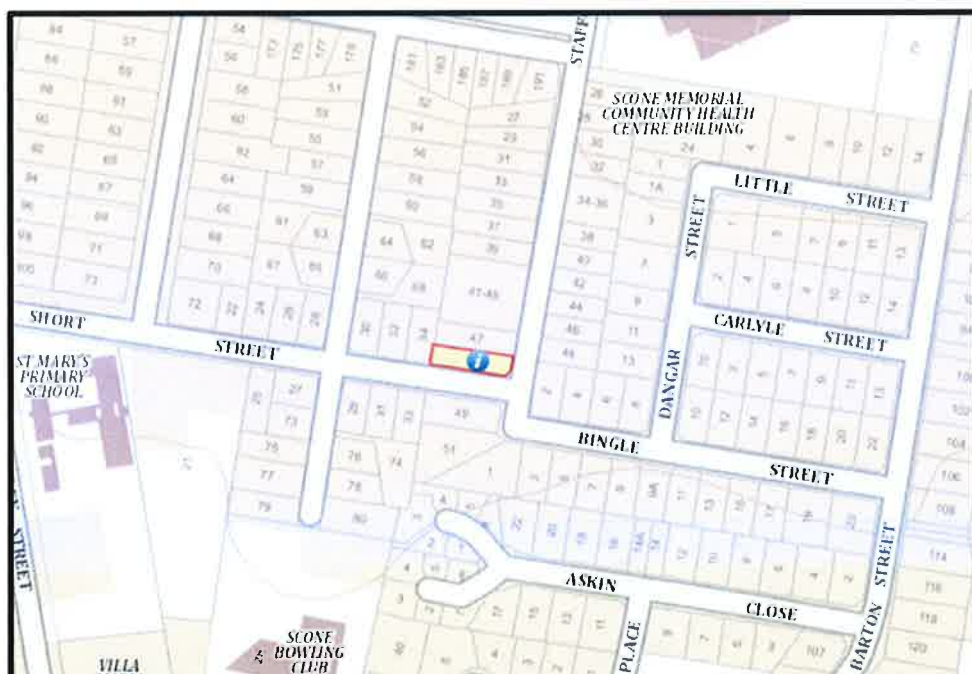
UPPER HUNTER SHIRE COUNCIL

PLANNING PROPOSAL

(February 2015)

RECLASSIFICATION OF LAND

LOT 12 DP 239406 Cnr Short & Stafford St, Scone



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PLANNING PROPOSAL

Local Government Area : Upper Hunter Shire

Name of Draft LEP : Upper Hunter Local Environmental Plan (UHLEP)
2013 (Amendment No. X)

INTRODUCTION

Summary of Planning Proposal

This planning proposal relates to land identified as Lot 12 DP 2239406 which is currently classified as community land for the purposes of the *Local Government Act* 1993 (LG Act). The subject parcel is shown on the locality map below (Figure 1)..

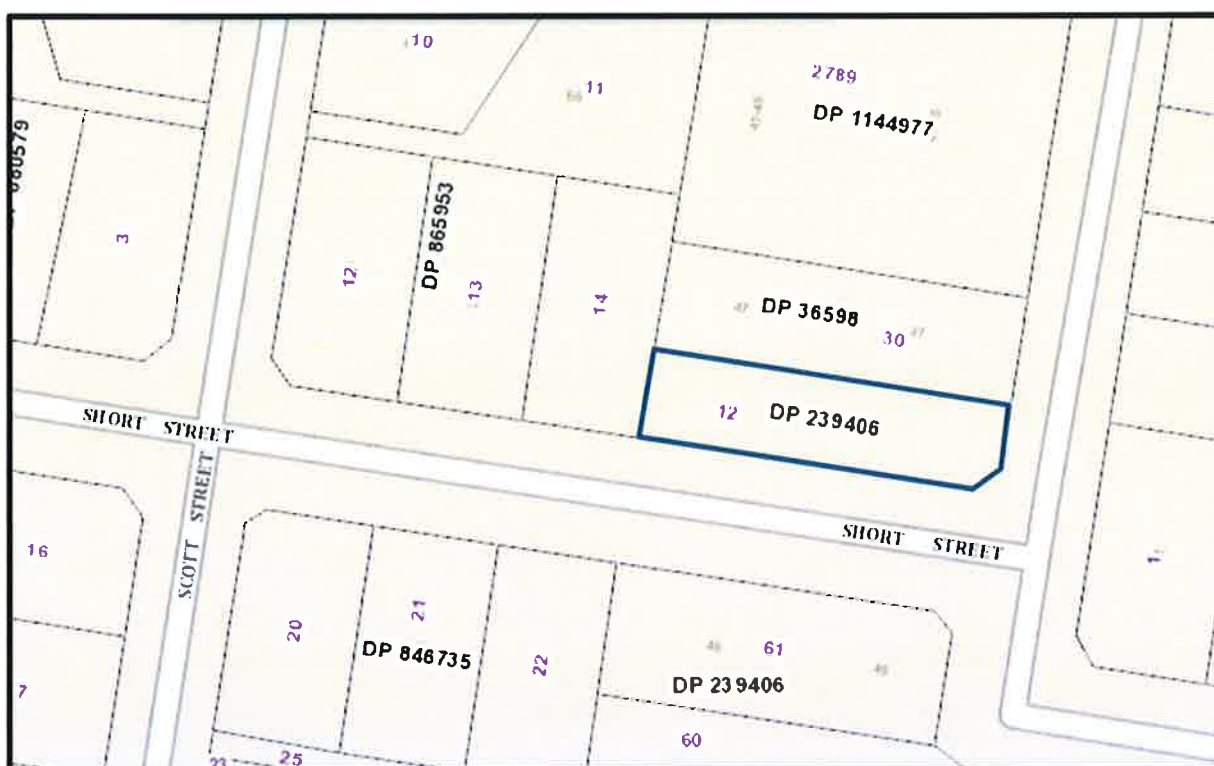


Figure 1 Site Location

The subject land has an area of approximately 720m².

Council has identified that this land is surplus to its needs and wishes to sell the land to enable it to be developed for residential purposes.

This planning proposal seeks to reclassify the subject land from community land to operational land under the provisions of the *Local Government Act* 1993 (LG Act). This involves the amendment of Schedule 4 of the UHLEP 2013 to incorporate reference to the reclassification of Lot 12 DP 239406.

PLANNING CONTEXT

The land was dedicated as Public Reserve when Council approved the subdivision of land including this lot in 1969. The subdivision was subsequently registered in 1970. Refer to extract of the DP plan below.

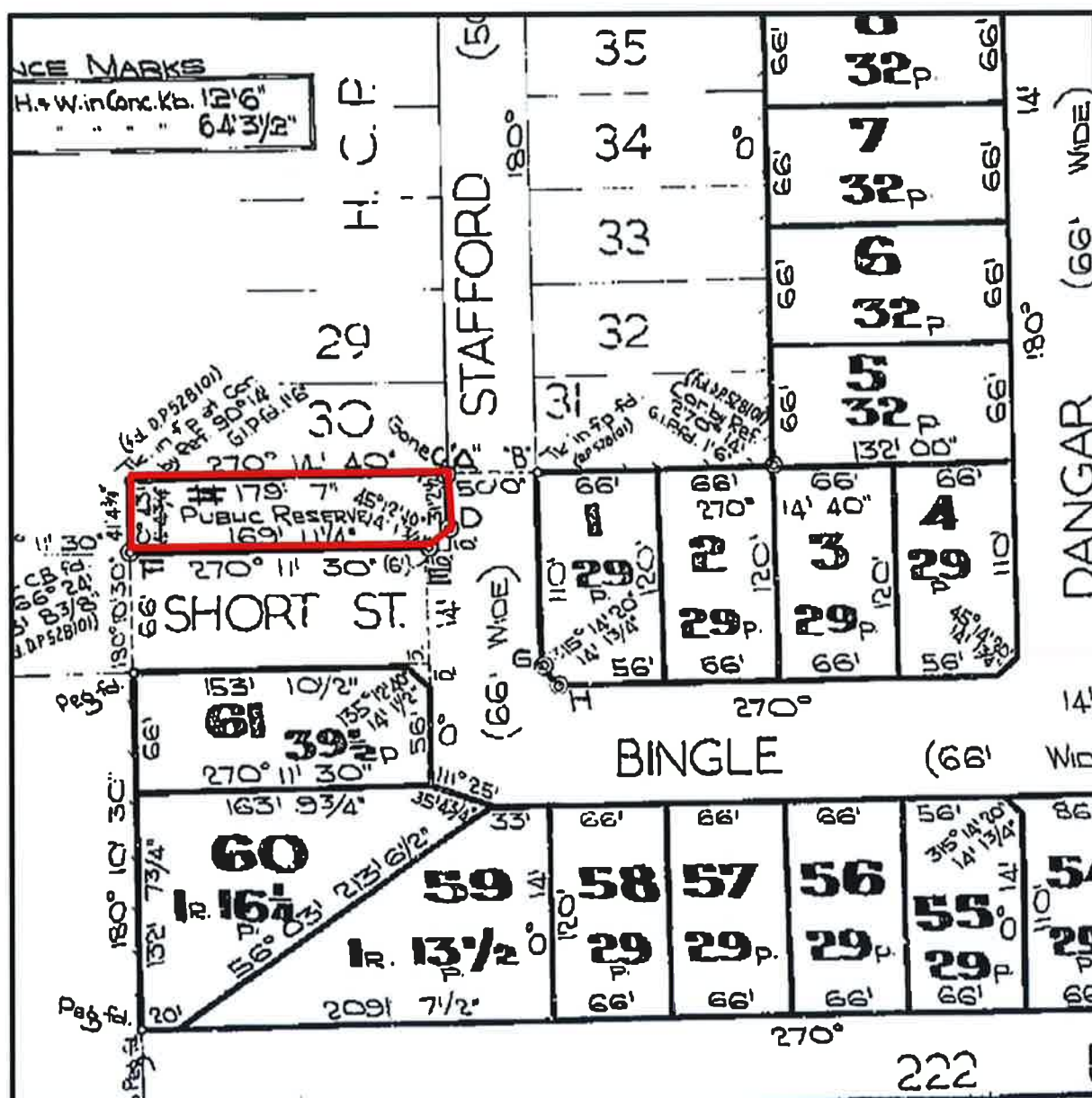


Figure 2 extract from DP 239406 showing public reserve dedication

The subject land was in Council's ownership at the time of commencement of the LG Act. Due to its dedication as public reserve, it became classified as community land by default following the commencement of the LG Act provisions. Note however that the subject land is currently zoned R1 under the UHLEP 2013 and was previously zoned Residential 2(a) under the Scone Local Environmental Plan 1986 as shown below.

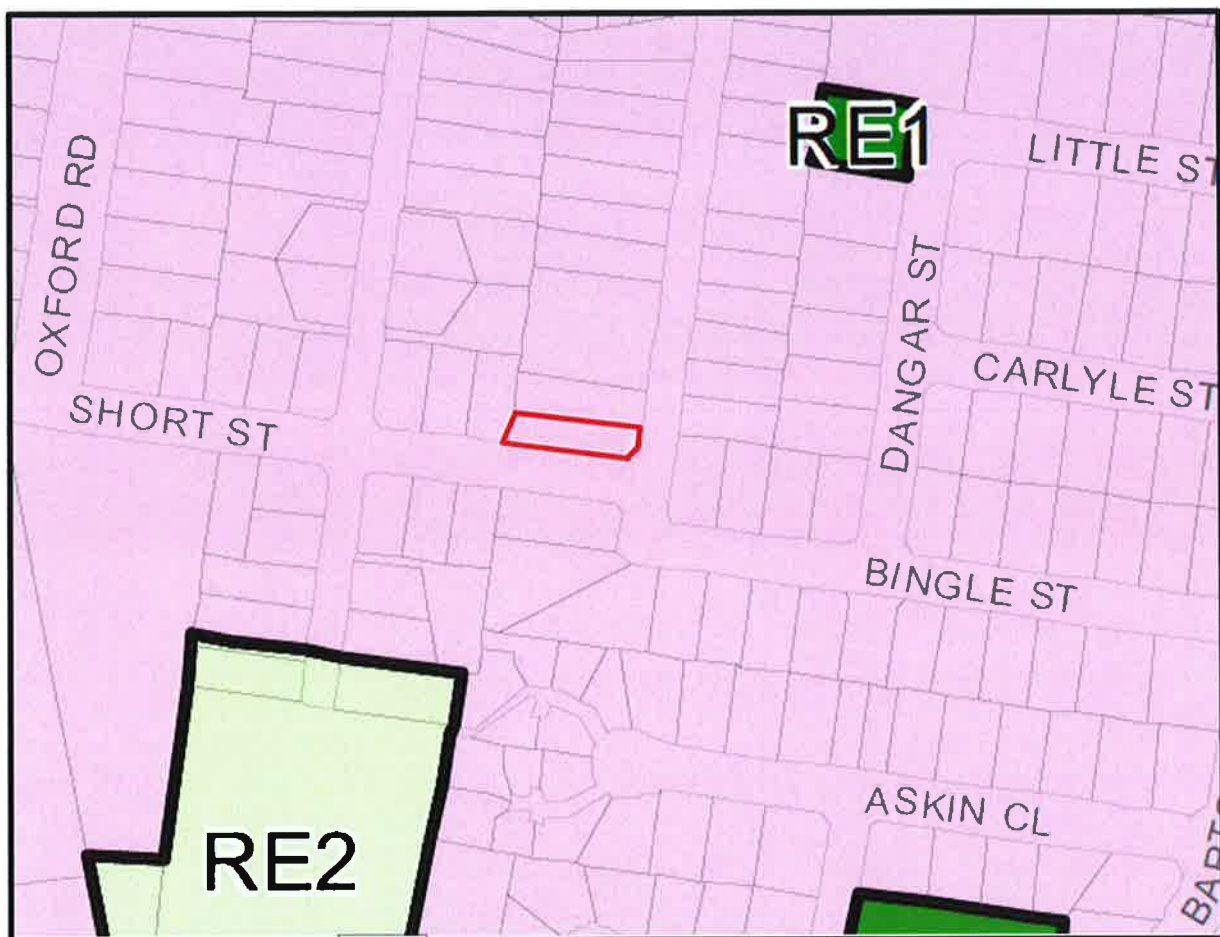


Figure 3 Extract from UHLEP Maps - land zoned R1

The reclassification of the land was considered by Council at its Ordinary Meeting in December 2013, whereby the following was resolved:

That Council

- 1 *Prepare a planning proposal in respect of the reclassification of land identified as lot 12 DP 239406 in Scone from community land to operational land under Section 30 of the Local Act 1993*
- 2 *Submit the planning proposal to the Minister for Planning for a Gateway Determination under s56 of the Environmental Planning and Assessment Act, 1979; and*
- 3 *If approved, proceed with a public hearing as required under s29 of the Local Government Act 1993*

A copy of the report and subsequent resolution is contained in Appendix C

Given that the land is Council owned and Council's associated commercial interest in the site, this planning proposal has been prepared having regard for the Department of Planning and Infrastructure's Practice Note PN 09-003 - Classification and reclassification of public land through a local environmental plan and Best Practice Guideline: LEPs and Council Land.

Information addressing the requirements of the practice note and guideline and the rationale for the reclassification is contained in Table 1 below.

Table 1 – Site Assessment

Site	Lot 12 DP 239406
Land Register ID	
Current Classification	Community Land
Proposed Classification	Operational Land
Reason for classification/ reclassification	To enable Council to offer the land for sale for potential residential development.
Reason for the Draft LEP	To insert reference to Lot 12 DP 239406 in Schedule 4 of the UHLEP 2013 to enable the reclassification of the subject land from community land to operational land.
Ownership of the land	Upper Hunter Shire Council
Nature of Council's Interest	Council received the land by dedication as a public reserve as part of a residential subdivision in 1970. Being a public reserve, the land was classified as community land upon commencement of the LG Act in 1993. Council determined that the land is surplus to requirements and the land should be sold for potential residential use.
Other parties with interests	Nil
Change of interests resulting from classification/ reclassification	Not applicable – there are no other parties with an interest in this land.
Special agreements applicable to the land	No special agreements apply to the land other than the land being dedicated and registered as a public reserve.
Financial issues	The reclassification of the land will enable Council to sell the land and provide for its potential future development
Asset issues	The subject land is vacant and has never been developed for recreational purposes as envisaged by its original dedication.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is:

- to reclassify lot 12 DP 239406 from community land to operational land to enable it to be sold.

It is intended to amend Schedule 4 of the Upper Hunter Local Environmental Plan 2013

PART 2 – EXPLANATION OF THE PROVISIONS

This planning proposal will result in the amendment of Schedule 4 of the UHLEP 2013 to incorporate reference to the reclassification of Lot 12 DP 239406 from community land to operational land for the purposes of the Local Government Act 1993

PART 3 – JUSTIFICATION FOR THE PROVISIONS

Section A – Need for the Planning Proposal

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

The planning proposal is the result of an internal review of the use of the subject land with its current classification as community land.

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

The planning proposal to reclassify Lot 12 DP 239406 as operational land is necessary to enable the land to be sold and potentially developed for an appropriate residential use.

Refer to the rationale for the reclassification contained in Table 1.

Section B – Relationship to Strategic Planning Framework

3. 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 (UHSRLUP) was released in September 2012. The plan *“outlines a range of key challenges facing the Upper Hunter region and lists clear actions to address these challenges”* (p7).

The planning proposal seeks to reclassify one allotment to enable its potential development for residential purposes. The lot is constrained however due its overall width and the location of a sewer main. It is likely therefore that only a small dwelling or possibly duplex would practicably be able to be erected on the land.

In this regard, the UHSRLUP indicates that

“one issue that is relevant across the entire region is the current lack of housing choice through the provision of smaller and more affordable housing options such as one and two bedroom houses and townhouses”(p51)

While the planning proposal is in respect of a single lot, it is reasonable to suggest a level of consistency with the strategic strategy.

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

The reclassification of the land is consistent with Council's Community Strategic Plan 2013+. In particular, the following Community Strategic Objectives

Economic

- 5) Enhance Economic and Employment Opportunities and Promote Development
- 17. Facilitate and provide for a growing population

Civic Leadership

- 7) Provide community leadership through open, accountable and efficient governance
- 24. Effectively and efficiently manage the business of the Council within its Charter

The plan also reaffirms Council's Charter which includes

To bear in mind that it is the custodian of public assets and to effectively plan for, account for and manage the assets for which it is responsible.

The subject land was dedicated as public reserve in 1970. Additional land was also dedicated for the same purpose at the time in close proximity as shown below in figure 4.

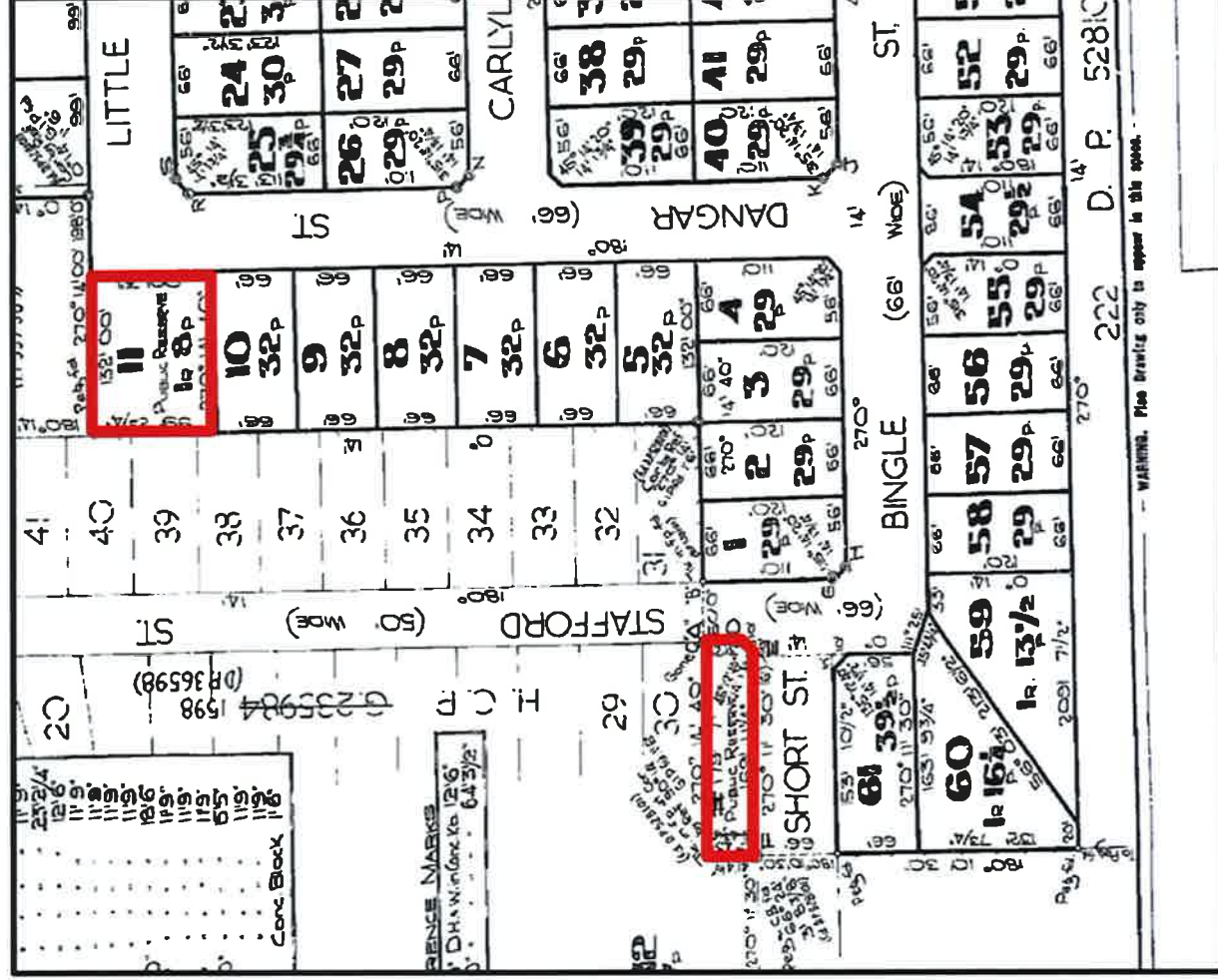


Figure 4 Extract from DP 239406 - two lots dedicated as public reserve

Lot 11 shown in figure 4 was reclassified via an amendment to the Scone LEP 1986 (LEP Amendment 43) and subsequently, sold, subdivided and developed for residential purposes.

A much larger allotment was also dedicated as public reserve in 1982 in relatively close proximity as shown below and which has been developed as Amaroo Park.

Council has no intention of developing further recreation sites in this locality therefore, the best use for lot 12 DP 239406 would be to enable it be used for residential purposes.

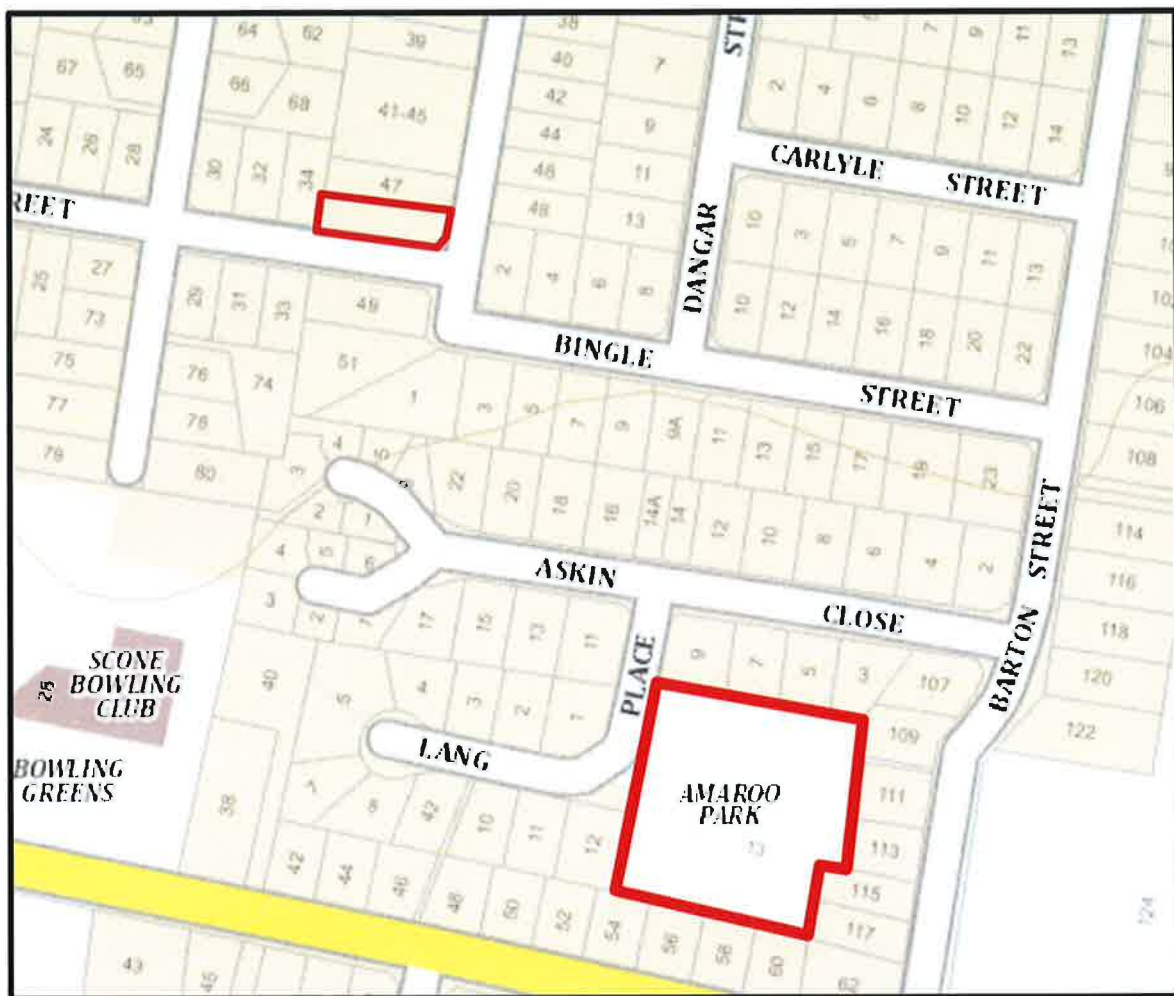


Figure 5 Proximity of subject land to Amaroo Park

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

The planning proposal is consistent with state environmental planning policies as detailed in Appendix A.

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

The planning proposal is consistent with the s.117 directions or they are not applicable to the subject land / circumstances.

Section C – Environmental, Social and Economic Impact

7. 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?

The subject land is vacant, within a residential area and has no significant vegetation as shown below. There are no concerns in respect of the matters listed.



Figure 6 Aerial view of land to be reclassified

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

The subject site is not shown as being flood affected land on Upper Hunter Shire Council's Flood Mapping.

Future development of the subject site will be subject to the 'usual' considerations including availability and provision of services. There are no concerns in this regard, however there is an existing sewer main near the northern boundary which may require relocation to enable the land to be developed. It is understood that such costs would be met by a future owner / developer.

No Environmental Audit or Contamination Assessment has been undertaken at this time. The land is vacant and has not been used for any purpose which would suggest the possibility or likelihood of any contamination.

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

The proposed reclassification will provide one additional lot to the residential stock of the Scone township. The constraint on the lot (location of existing sewer main) together with the narrow width of the lot would suggest that a building with a relatively small footprint is the likely outcome of future development.

Availability of such a lot would be a positive outcome as would future development of housing on the land

It is unlikely that there would be any adverse impacts in terms of either social or economic associated with the planning proposal.

Section D – State and Commonwealth Interests

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

The subject land is within a developed residential area. As such all required services to enable further residential development are available to the land.

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

There has not been any gateway determination at this time. Consultation with relevant authorities will be undertaken upon favourable determination from the gateway.

PART 4 – MAPS

4.1 Site Identification Map



Figure 7 Location Plan - lot 12 DP 239406

4.2 Existing and Proposed zoning map

There are no changes to maps required. The subject land is already zoned R1 Residential in the Upper Hunter Local Environmental Plan 2013 as shown on figure 3

PART 5 - COMMUNITY CONSULTATION

The community consultation proposed for the planning proposal is to be for a minimum 28 days.

The Gateway Determination will likely confirm that a public hearing is required under s29 of the Local Government Act 1993 for the reclassification of the land together with any other requirements for the exhibition of the proposal.

ANNEXURES

Appendix A: State Environmental Planning Policies

NO	SEPP	APPLICABLE	CONSISTENCY	COMMENTS
1	Development Standards	No	N/A	This does not apply to the Upper Hunter LGA as per Clause 1.9 of the UHLEP 2013.
14	Coastal Wetlands	No	N/A	
15	Rural Landsharing Communities	No	N/A	
19	Bushland in Urban Areas	No	N/A	
21	Caravan Parks	No	N/A	
26	Littoral Rainforests	No	N/A	
29	Western Sydney Recreation Area	No	N/A	
30	Intensive Agriculture	No	N/A	
33	Hazardous and Offensive Development	No	N/A	
36	Manufactured Home Estates	No	N/A	
39	Spit Island Bird Habitat	No	N/A	
44	Koala Habitat Protection	No	N/A	
47	Moore Park Showground	No	N/A	
50	Canal Estate Development	No	N/A	
52	Farm Dams and Other Works	No	N/A	
55	Remediation of Land	Yes	Yes	The subject land is not included in Council's list of Contaminated Sites. There is no indication from past use that the land would be contaminated.
59	Central Western Sydney Regional Open Space and Residential	No	N/A	
62	Sustainable Aquaculture	No	N/A	
64	Advertising and Signage	No	N/A	
65	Design Quality of Residential Flat Development	Yes	Yes	Land is already zoned R1
70	Affordable Housing (Revised Schemes)	No	N/A	
71	Coastal Protection	No	N/A	
	(Affordable Rental Housing) 2009	Yes	Yes	Land is already zoned R1
	(Building Sustainability Index: BASIX) 2004	Yes	Yes	
	Exempt and Complying Development Codes) 2008	Yes	Yes	
	(Housing for Seniors or People with a Disability) 2004	Yes	Yes	
	(Infrastructure) 2007	No	N/A	
	(Kosciuszko National Park—Alpine Resorts) 2007	No	N/A	
	(Kurnell Peninsula) 1989	No	N/A	
	(Major Development) 2005	No	N/A	
	(Mining, Petroleum Production and Extractive Industries) 2007	No	N/A	
	(Miscellaneous Consent Provisions) 2007	No	N/A	

(Penrith Lakes Scheme) 1989	No	N/A	
(Rural Lands) 2008	No	N/A	
(SEPP 53 Transitional Provisions) 2011	No	N/A	
(State and Regional Development) 2011	No	N/A	
(Sydney Drinking Water Catchment) 2011	No	N/A	
(Sydney Region Growth Centres) 2006	No	N/A	
(Three Ports) 2013	No	N/A	
(Urban Renewal) 2010	No	N/A	
(Western Sydney Employment Area) 2009	No	N/A	
(Western Sydney Parklands) 2009	No	N/A	

Appendix B: Section 117 Ministerial Directions

DIRECTIONS APPLICABILITY – CONSISTENCY - COMMENTS

1 - Employment and Resources

1.1 Business and Industrial Zones

Applicability: No
Consistency: N/A
Comments: Nil

1.2 Rural Zones

Applicability: No
Consistency: N/A
Comments: Nil

1.3 Mining, Petroleum Production and Extractive Industries

Applicability: No
Consistency: N/A
Comments: Land is already zoned for residential purposes

1.4 Oyster Aquaculture

Applicability: No
Consistency: N/A
Comments: Nil

1.5 Rural Lands

Applicability: No
Consistency: No
Comments: Nil

2 - Environment and Heritage

2.1 Environment Protection Zones

Applicability: No
Consistency: N/A
Comments: Does not affect any environment protection zone

2.2 Coastal Protection

Applicability: No
Consistency: Not applicable
Comments: Nil.

2.3 Heritage Conservation

Applicability: No
Consistency: Not Applicable
Comments: Nil

2.4 Recreation Vehicle Areas

Applicability: No
Consistency: Not Applicable
Comments: Nil.

3 - Housing, Infrastructure and Urban Development

3.1 Residential Zones

Applicability: Yes

Consistency: Yes

Comments: The land is already zoned for residential purposes

3.2 Caravan Parks and Manufactured Home Estates

Applicability: No

Consistency: Not Applicable

Comments: Nil.

3.3 Home Occupations

Applicability: Yes

Consistency: Yes

Comments: The land is already zoned R1 where Home Occupations are permissible without development consent.

3.4 Integrating Land Use and Transport

Applicability: No

Consistency: N/A

Comments: Nil.

3.5 Development near Licensed Aerodromes

Applicability: No

Consistency: Not Applicable

Comments: Nil.

3.6 Shooting Ranges

Applicability: No

Consistency: Not Applicable

Comments: The land is not adjacent to or adjoining an existing shooting range

4 - Hazard and Risk

4.1 Acid Sulphate Soils

Applicability: No

Consistency: Not Applicable

Comments: Nil

4.2 Mine Subsidence and Unstable Land

Applicability: No

Consistency: Not Applicable

Comments: Nil.

4.3 Flood Prone Land

Applicability: No

Consistency: Not Applicable

Comments: Nil

4.4 Planning for Bushfire Protection

Applicability: No

Consistency: N/A

Comments: Nil.

5 - Regional Planning

Applicability: No

Consistency: Not Applicable

Comments: Nil

6 - Local Plan Making

6.1 Approval and Referral Requirements

Applicability: Yes

Consistency: Yes

Comments: Nil

6.2 Reserving Land for Public Purposes

Applicability: Yes

Consistency: Yes

Comments: The subject land is zoned for residential purposes however it is classified as community land following dedication as public reserve in 1970. The planning proposal seeks, as part of the process, relevant approvals from Government Agencies as an integral part of the process.

6.3 Site Specific Provisions

Applicability: No

Consistency: Not Applicable

Comments: Nil.

7 - Metropolitan Planning

No directions in this section apply to the subject site or its proposed uses.

Appendix C: Report to Council Meeting December 2013

Ordinary Council Meeting

16 December 2013

GENERAL ADMINISTRATION REPORTS

Section

General Administration Reports

REP-8/23/13

G.12.1 RECLASSIFICATION OF LAND TO OPERATIONAL - LOT 12 DP 239406

RECOMMENDATION:

That Council:

1. Prepare a planning proposal in respect of the reclassification of land identified as lot 12 DP 239406 in Scone from community land to operational land under Section 30 of the Local Government Act 1993;
2. Submit the planning proposal to the Minister Planning for a Gateway Determination under S56 of the Environmental Planning and Assessment Act 1979; and
3. If approved, proceed to hold a public hearing as required under S29 of the Local Government Act 1993.

BACKGROUND:

Lot 12 is located on the corner of Short and Stafford Streets Scone. The lot was created as Public Reserve when the subdivision was registered in 1969. The land has not been used as a public reserve due to its location on the corner of relatively busy streets, and being only 680m² in area it is a difficult lot to utilise in any manner for public recreation.

Council has undertaken a formal market valuation of the land for the purpose of selling the land.

ISSUES:

A previous public reserve, Lot 11, within the same subdivision was converted to Operational Land and sold in the past.

The land is a difficult shape and size for residential development. It is surplus to the needs of Council and the community. Council cannot sell the land unless it is reclassified as Operational Land.

SUSTAINABILITY:

Public reserves are useful if located in appropriate places and are large enough to be utilised by the public.

COMMUNITY INTERACTION:

If the planning proposal is approved by the Minister for Planning, a public hearing would be required as per S29 of the Local Government Act, 1993.

OPTIONS:

Accept, reject or modify the recommendations.

FINANCIAL CONSIDERATIONS & RISK IMPLICATIONS:

The costs associated with reclassification and sale of the land will be recovered from the proceeds of sale of the land.

Enclosures:

1. Linen Plan

RESOLVED that Council:

1. Prepare a planning proposal in respect of the reclassification of land identified as lot 12 DP 239406 in Scone from community land to operational land under Section 30 of the Local Government Act 1993;
2. Submit the planning proposal to the Minister Planning for a Gateway Determination under S56 of the Environmental Planning and Assessment Act 1979; and
3. If approved, proceed to hold a public hearing as required under S29 of the Local Government Act 1993.

Moved: Cr K Fisher

Seconded: Cr D Peebles

CARRIED

Appendix D: Summary of submissions received during the public exhibition

Public exhibition from XXX to XXX (28 days)

SUBMISSION NO.

SUMMARY OF SUBMISSION

(Details to be added after exhibition)