

PLANNING PROPOSAL

Amendment to the Upper Hunter Local Environmental Plan 2013



Planning Proposal 3/2018 – Proposed Amendment to Upper Hunter Local Environmental Plan 2013.

Rezone Part Lots 101 & 102 DP 1074572 and Lots 2 & 3 DP 29080, 2-4 Philip Street & 2 Muffett Street, Scone

Version 01

PART 1: OBJECTIVES AND BACKGROUND

The objective of this planning proposal is to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone as follows:

- Rezone Part Lot 101 DP 1074572 from R1 General Residential and RE2 Private Recreation to IN1 General Industrial.
- Rezone Lots 2 and 3 DP 29080 from R1 General Residential to part IN1 General Industrial and part RE2 Private Recreation to allow the development of a vehicle repair station and establishment of a zone buffer. It is understood that the owner of Lots 2 and 3 operates a mobile vehicle repair service and seeks to develop a permanent base for the business to accommodate demand.
- Rezone Part Lot 102 DP 1074572 from RE2 Private Recreation to IN1 Industrial.

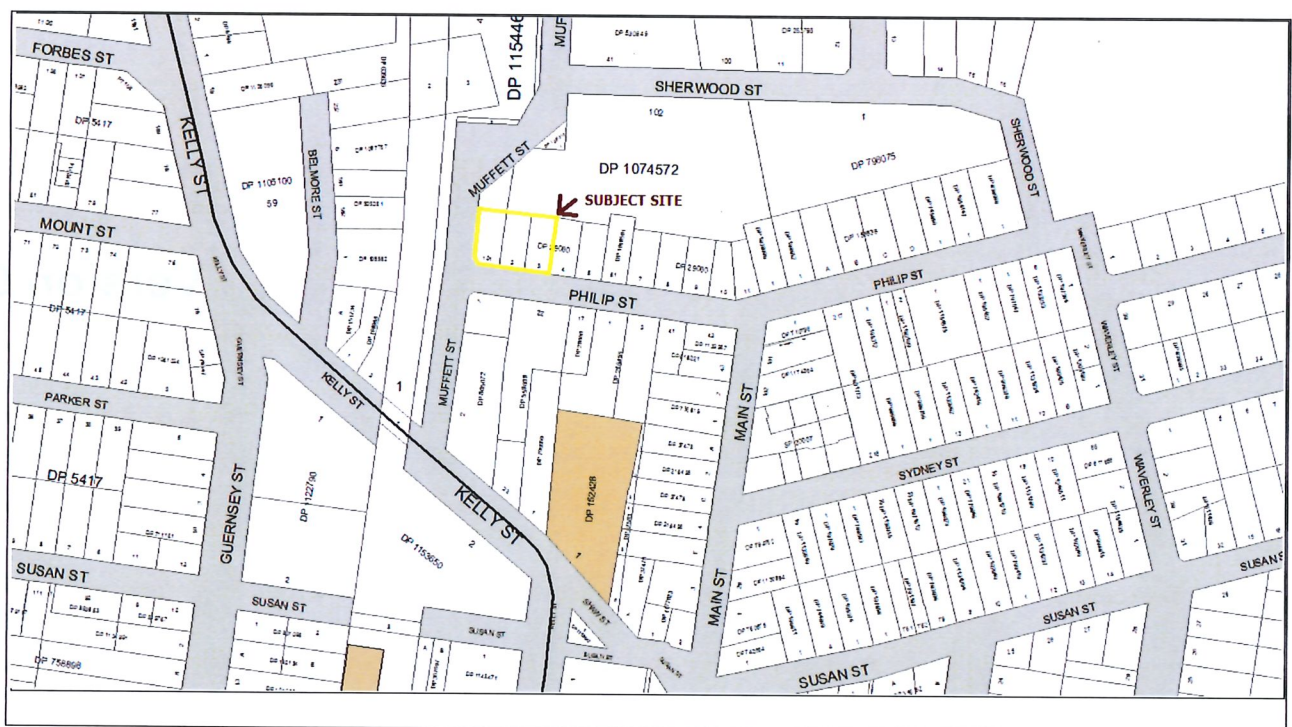
The land that is the subject of this planning proposal is located on the corner of Muffett and Phillip Streets, Scone and comprises a total area of approximately 2690m². The land has a very gentle gradient, is currently vacant and cleared and adjoins existing industrial development to the north, commercial development to the south, residential land to the east and the Main Northern Railway Line to the west, on the opposite side of Muffett Street.

The land is significantly impacted by rail movements and heavy vehicle traffic accessing the Scone Industrial Area on Muffett Street and therefore residential uses of the land are undesirable. The proposed rezoning will allow more appropriate uses of the land that are in keeping with the industrial and commercial character of the area.

In order to provide a buffer between future development on the land and adjoining residential development to the east, on Philip Street, it is proposed to rezone a strip of land (9m wide) along the eastern boundary of Lot 3 DP 29080 from R1 General Residential to RE2 Private Recreation. This would be consistent with an existing buffer which separates the existing residential zone from the general industrial zone to the north. As the proposed zoning of the land would be consistent with the IN1 General Industrial zone to the north, the buffer immediately to the north of Lots 2 and 3 (and within Lot 101) would become redundant and is therefore proposed to be rezoned to IN1 General Industrial.

The land that is the subject of this planning proposal is identified in Figure 1 below.

Figure 1. – Locality Map



The existing land zoning is shown in Appendix A while the proposed zoning is shown in Appendix B of this report.

Conceptual plans have been prepared by the owners of Lots 2 and 3 DP 29080 to demonstrate how the land could be developed for the purpose of a vehicle repair station and ensure minimal impact on surrounding properties and compatibility with adjoining development and the streetscape. A copy of the conceptual plans is provided in Appendix F.

PART 2: 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_008A be amended so that the land identified in Figure.1 is zoned partly IN1 General Industrial and partly RE2 Private Recreation.

In addition, it is proposed to amend the following maps to ensure consistency with the development standards applicable to the adjoining land zoned IN1 General Industrial:

- Lot Size Map (Sheet LSZ_008A) to provide for a minimum lot size of 1000m² on the land;
- Floor Space Ratio Map (Sheet FSR_008A) to provide for a maximum floor space ratio of 1:1; and
- Height of Buildings Map (Sheet HOB_008A) to remove the maximum building height applicable to the land.

Draft maps are provided in Appendix C, D and E of this report.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment'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 proposal is not the result of any strategic study.

The Upper Hunter Land Use Strategy 2017 recognises that existing supplies of industrial lands in Scone and Aberdeen are expected to be capable of meeting demands for the next 5 years to 10 years, however some rationalisation of established industrial areas in both towns would improve interfaces to growing residential areas. In this regard, the proposal will rationalise land on the interface of an established industrial area to minimise potential land use conflict and ensure that future development is compatible with the character of the area. In this regard, it is considered that IN1 General Industrial is the most appropriate zoning for the subject land given the nature of surrounding development and its proximity to the Main Northern Railway line and the entry to the Scone Industrial Area.

Furthermore, the proposal is consistent with the objective of Strategic Direction 1.4: Urban employment lands and centres which is to provide an adequate supply of industrial land to meet demand for development and facilitate employment opportunities. In this regard, the proposal will increase available employment lands in an appropriate location within Scone.

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, lot size, floor space ratio and building height of the land under the Upper Hunter LEP 2013 will ensure consistency with the adjoining industrial land to the north whilst facilitating the future development of compatible land uses (such as a vehicle repair station).

The current zoning of the land as R1 General Residential is not considered appropriate given its location at the entry to the Scone industrial area and proximity to the Main Northern Railway Line; the predominant commercial and industrial character of the area and the zoning of adjacent land. Whilst development of the land for residential purposes is unlikely, such development would have the potential to create further land use conflict. Therefore, residential uses of the land are undesirable and should not be permitted.

In order to minimise the potential impacts of future development on adjoining residential land to the east, it is proposed to establish a buffer along the eastern boundary of the site by rezoning a strip of land to RE2 Private Recreation. This would be consistent with an existing buffer which separates the existing residential zone from the general industrial zone to the north. The impacts of future development on the land can be further reduced through good site design and operational management which would be assessed as part of a future development application for use of the land.

3. Is there a community benefit?

The proposal will have a net community benefit by providing additional employment land in a suitable location. The proposal will facilitate investment in Scone that will generate additional employment opportunities and have positive flow on effects for the local economy.

The proposal will facilitate future development that will reinvigorate and reinforce the entry to the Scone Industrial area and will reduce the potential for land use conflict by preventing future residential development in an inappropriate location.

Given the small area of land subject to the proposed rezoning, the proposal will have minimal impact on the overall supply of industrial land in Scone and other centres throughout the Upper Hunter Shire LGA.

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?

In relation to the Hunter Regional Plan, the proposal is consistent with the actions of Direction 24 'Protect the economic functions of employment land' in that the location of the subject land is unlikely to result in conflict with surrounding residential uses and the proposal will help protect the economic functions of existing employment land by preventing the establishment of residential uses within an area that is predominantly industrial in nature and subject to a range of impacts from adjoining activities.

5. 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 following Community Strategies of Goal 4 – Plan for a sustainable future and Goal 5 – A sustainable and prosperous economy:

CS13 *"Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Control Plans, which reflect the needs and expectations of the broad community"*

CS19 *"Encourage retail and commercial business to locate and prosper within our Shire"*

CS20 *"Encourage and support innovative industry and a diversity of businesses that provide a range of services and employment opportunities for current and future generations"*

The proposal will not have a significant detrimental impact on the natural and built environment, will facilitate sustainable forms of development and will encourage a diverse economy with a thriving and growing business community.

6. 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	Consistency of Planning Proposal
<i>SEPP No 55 Remediation of Land</i>	The planning proposal does not trigger the need for any remediation or further investigation of land contamination as the proposed IN1 General Industrial zoning will permit land uses that are no more sensitive to land contamination than the uses currently permitted in the R1 General Residential and RE2 Private Recreation zones (eg centre-based child care facilities). Council does not hold any information which suggests that the land is contaminated or is land specified in Clause 6(4) of SEPP No. 55.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Each s9.1 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming consistency.

s.9.1 Direction Title	Applies	Consistency of Planning Proposal
<i>1.1 Business and Industrial Zones</i>	Yes	The planning proposal is consistent with the objectives of Direction 1.1 as the proposal will encourage employment growth in a suitable location, will protect and enhance employment land in an industrial zone and will support the viability of the Scone industrial area. The proposal will retain and support an existing industrial zone and will increase the total potential floor space area for industrial uses in an industrial zone. It is noted that the proposal is not in accordance with a strategy that is approved by the Secretary of the Department of Planning & Environment. However, as the proposal relates to a relatively small area of land (approximately 2690m²) on the periphery of an existing industrial area, the support of an endorsed strategy is not considered warranted. Accordingly, the inconsistency with the terms of the direction is considered to be of minor significance.
<i>1.2 Rural Zones</i>	NA	Not Applicable
<i>1.3 Mining, Petroleum Production and Extractive Industries</i>	NA	Not Applicable
<i>1.4 Oyster Aquaculture</i>	NA	Not Applicable
<i>1.5 Rural Lands</i>	NA	Not Applicable
<i>2.1 Environment Protection Zones</i>	NA	Not Applicable
<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>	Yes	The planning proposal is inconsistent with the terms of Direction 3.1 as it will result in the prohibition of residential development on the subject land. However, the proposal relates to a relatively small area of land (approximately 2690m²) on the periphery of an existing industrial area and aims to allow more appropriate uses of the land that are in keeping with the industrial and commercial character of the area. Accordingly, the inconsistency with the terms of the direction is considered to be of minor significance.
<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>	NA	Not Applicable
<i>4.4 Planning for Bushfire Protection</i>	NA	Not Applicable
<i>5.1 Implementation of Regional Strategies</i>	NA	Not Applicable

s.9.1 Direction Title	Applies	Consistency of Planning Proposal
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
7.1 Implementation of the Metropolitan Strategy	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?**

The planning proposal relates to cleared and vacant land. Surrounding land is developed for urban purposes.

The planning proposal is not likely to have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats.

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

The environmental impact of future development on adjoining residential land to the east will be mitigated through the provision of a 9m wide buffer along the eastern boundary of the site which will be zoned RE2 Private Recreation. This would be consistent with an existing buffer which separates the existing residential zone from the general industrial zone to the north. The impacts of future development on the land can be further reduced through good site design and operational management which would be assessed as part of a future development application for use of the land.

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

This planning proposal is likely to have positive social and economic impacts due to the increased opportunity for development that is in keeping with the industrial and commercial character of the area, resulting in greater investment certainty for land owners. The proposal will support economic diversification and the establishment of new employment generating businesses.

SECTION D – COMMONWEALTH AND STATE INTERESTS

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

The land subject to the planning proposal is serviced by adequate public infrastructure, including access to local roads, power, water, sewerage and telephone, to meet the needs of future development.

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

Relevant State and Commonwealth public authorities will be consulted in accordance with the Gateway determination.

PART 5: COMMUNITY CONSULTATION

The planning proposal will be placed on public exhibition following the Gateway Determination.

PART 6: PROJECT TIMELINE

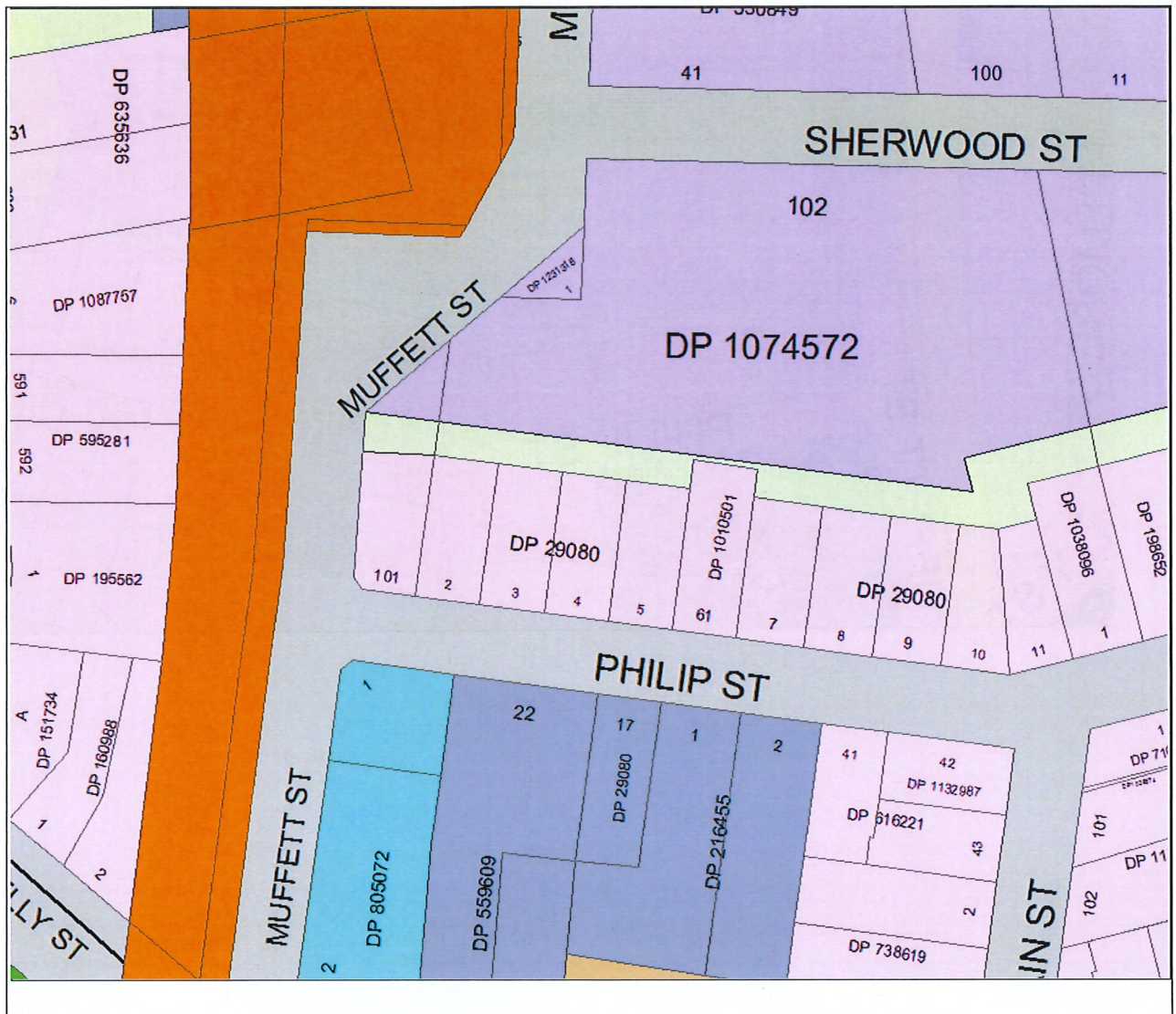
The project timeline in respect of the planning proposal is provided in the following diagram.

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 seven (7) months.

PROJECT TIMELINE

		February 2019	March 2019	April 2019	May 2019	June 2019	July 2019	August 2019
STAGE 1	Submit Planning Proposal to NSW Planning & Environment							
STAGE 2	Anticipated commencement date (Gateway Determination)							
STAGE 3	Consultation – Community/ Public Authorities							
STAGE 4	Review / consideration of submissions to public exhibition							
STAGE 5	Report to Council							
STAGE 6	Finalise the Local Environmental Plan using Minister's plan making delegations.							

APPENDIX A: EXISTING ZONING MAP



APPENDIX B: PROPOSED ZONING MAP



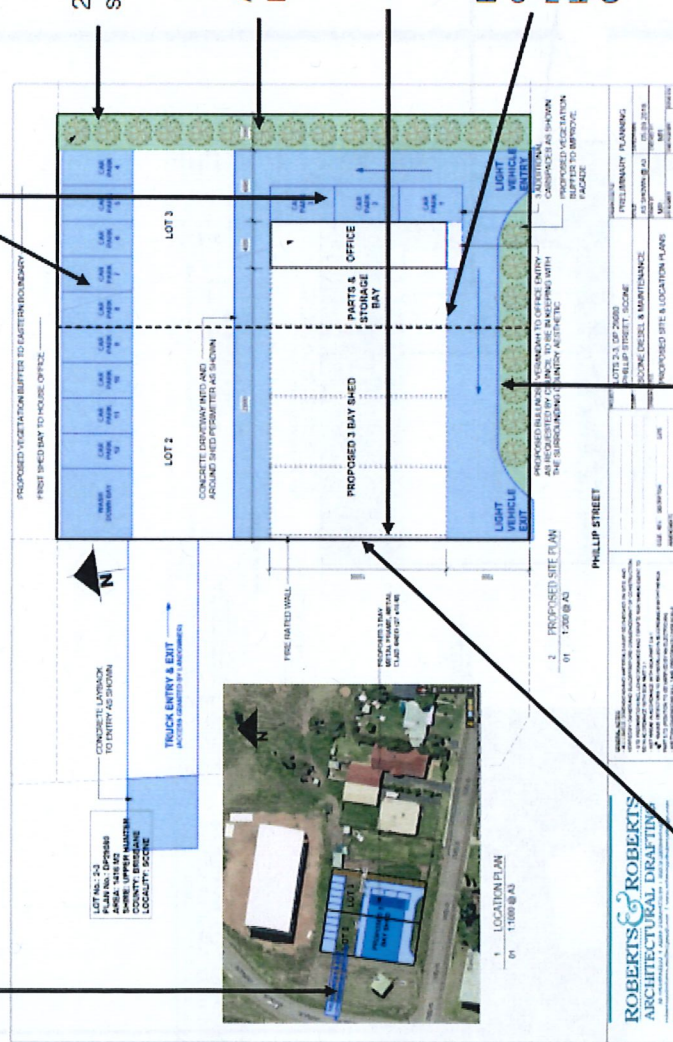
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SITE PLAN



Truck entry & exit to reduce traffic on Philip Street –
Access granted by landowner

Parking for 12 vehicles



2m high lapped & capped timber fencing providing a sound barrier to eastern side of lot 3

Australian native lilli pilli to be used as a dense hedge providing a further sound barrier

Fire rated western wall

Exterior of shed clad with Colorbond steel & timber cladding as per council specifications (contrasting materials). Cladding from ground to a height of 2.5m in keeping with the town & street aesthetic. Remainder in Colorbond steel



Landscaping to street frontage to create a pleasing street frontage

Timber cladding to extend from the front façade around to the western wall by 2m



Lapped & capped timber fence



Hedge

Train line

PROMISED AT CITATION BUFFER TO EASTERN BOUNDARY -----
FIRST 9-60 DAY TO HOUSE OFFICE -----

AROUND 5000 MEMBERS AND GROWING

PROPOSED 3 BAY SHED

[illegible]

FRONT & REAR ELEVATION

