

## Planning Services

### Gateway determination report

<b>LGA</b>	Upper Hunter
<b>PPA</b>	Upper Hunter Shire Council
<b>NAME</b>	Proposal to change the minimum lot size of part lot 17 DP 1196235, Gundy Road, Scone from 4 hectares to 1 hectare (60 homes, 0 jobs)
<b>NUMBER</b>	PP_2019_UPHUN_001_00
<b>LEP TO BE AMENDED</b>	Upper Hunter Local Environmental Plan 2013
<b>ADDRESS</b>	Part Lot 19 Gundy Road, Scone
<b>DESCRIPTION</b>	Part Lot 19 DP 1196235
<b>RECEIVED</b>	8 January 2019
<b>FILE NO.</b>	SF19/2157
<b>POLITICAL DONATIONS</b>	To the knowledge of the Regional Office there are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	To the knowledge of the Regional Office there have been no communications with registered lobbyists with respect to this proposal

### INTRODUCTION

#### Description of planning proposal

To change the minimum lot size (MLS) of part lot 17 DP 1196235, Gundy Road, Scone from four hectares to one hectare.

#### Site description

The site is shown in Figure 1. The northern section of the holding, with Gundy Road frontage, has been developed at the 4ha standard. The subject land, the southern section of the holding, is undeveloped but substantially cleared. The site contains limited vegetation with several watercourses, is generally flat and rises toward south east corner of the site.



**Figure 1: Site outlined red (approximate)**

### **Existing planning controls**

The zoning of the site is R5 Large Lot Residential and will remain so. The Minimum Lot Size (MLS) standard is 4ha. No other development standards apply.

### **Surrounding area**

Land between the site and Gundy Road to the north (1.1km), has been subdivided into 18 lots at the current 4ha MLS and developed for dwelling houses (Figure 2). Land to the south, west and east is undeveloped farm land.

More broadly, the strategic centre of Scone is located approximately eight kilometres to the north east. It is the largest township in the Upper Hunter LGA and serves as the LGA's main commercial and administrative centre, while providing support services to agricultural and equine industries in the region (Figure 3). The site is otherwise surrounded by farm land used for primary production and rural small holdings purposes with a minimum lot size of 40 ha. Other sites zoned for rural residential development are situated outside Scone to the west and north west. This land is zoned R5, with a 1 ha MLS applying (Figure 4).





Figure 2: Adjoining lands (site in red)



Figure 3: Locality Map

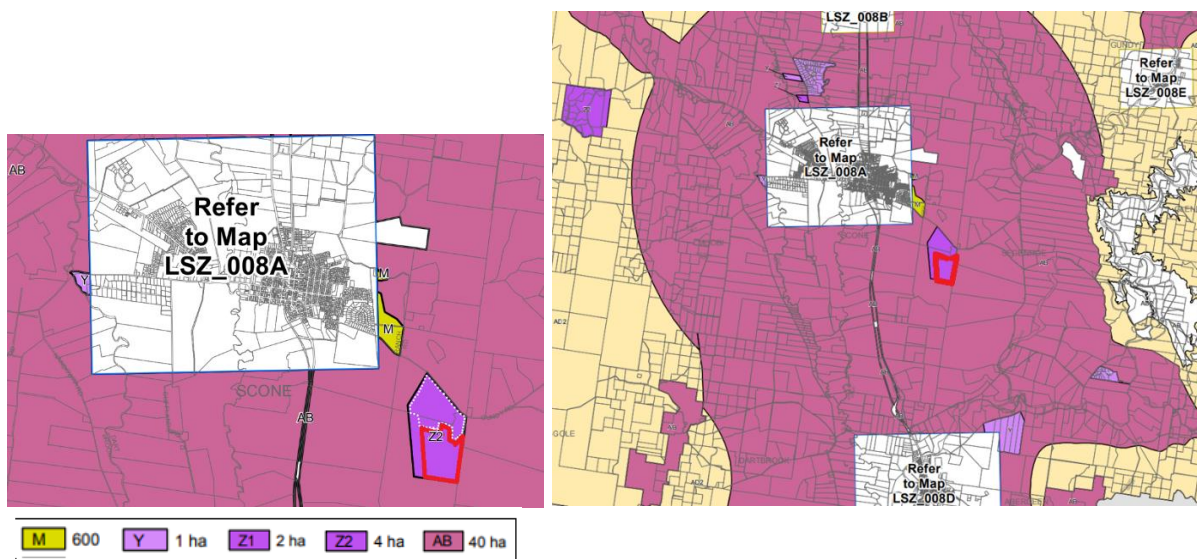


Figure 4: Minimum lot size for the site (red outline, to change to category Y), existing development adjoining the site at 4ha lot size (edged white) and other rural residential precincts around Scone

### Summary of recommendation

It is recommended that the proposal proceed subject to conditions. Conditions are proposed to evaluate consistency with the Upper Hunter Strategic Regional Land Use Plan, specify consultation requirements and completion timeframe.

### PROPOSAL

#### Objectives or intended outcomes

Council seeks to reduce the lot size on this existing R5 Large-lot zoned land to:

- increase lot-yield/ house numbers

- achieve better land utilisation in the face of a current shortage of such larger rural lots across the shire
- avoid rezoning rural land elsewhere for residential use
- produce lot sizes still capable of accommodating on-site wastewater treatment and an alternative lifestyle

### **Explanation of provisions**

The planning proposal identifies that the lot size map is to change. No other change to the LEP is proposed.

### **Mapping**

The Minimum Lot Size map will be amended to show a 1ha minimum for this land, to supersede the current 4ha development standard.

### **NEED FOR THE PLANNING PROPOSAL**

---

Council advises that the proposal is not the result of a strategic study or report but has been initiated by the landowner.

Council supports the proposal, noting that it is generally consistent with its Upper Hunter Land Use Strategy 2017 which seeks to give a high priority to the protection of agricultural lands. It states that by increasing dwelling capacity on this site it relieves the need to rezone existing agricultural lands to residential.

The need for the proposal is supported. The site is already zoned for rural residential development. Enabling increased residential development on the site makes more efficient use of the land and associated infrastructure. It also reduces the need for Council to progress the preliminary investigation areas identified around Scone.

While Council advises that there is generally adequate rural residential supply, it is evident that land with a one hectare MLS are developing well in other estates around Scone. Given this, over supply issues are not considered a concern in this instance and the one hectare minimum lot size proposed is supported.

### **STRATEGIC ASSESSMENT**

#### **State**

There are no State level strategies that apply.

#### **Regional / District**

##### Hunter Regional Plan 2036

The proposal is consistent with the Hunter Regional Plan 2036. Key directions relevant to the proposal are:

*Direction 5 Transform the productivity of the Upper Hunter*

*Direction 13 Plan for greater land use capability*

*Direction 22 Promote housing diversity*

Council identifies direction 5 as being relevant because the proposal is consistent with action 5.4 to protect the availability and quality of resources to sustain agricultural industries in the region. This is generally agreed. In enabling more dwellings in an area already identified for rural lifestyle development, Council is avoiding the need to rezone other agricultural land to meet its housing needs.

Similarly, the proposal is consistent with direction 13, specifically action 13.2 which seeks to limit rural housing encroachment identified agricultural resource areas.

The proposal is also consistent with direction 22, specifically the guidance provided in action 22.5 relating to the locational requirements for rural residential development.

#### Upper Hunter Strategic Regional Land Use Plan (SRLUP)

While aimed at balancing mining and agricultural activities in the Upper Hunter, the SRLUP identifies biophysically important agricultural land and critical clusters of agricultural industries. It seeks to recognise the strategic importance of this land and protect it for agricultural use.

Land around Scone is identified as Biophysical Strategic Agricultural Land (BSAL). Detailed mapping provided in the SEPP (Mining, Petroleum Production and Extractive Industries) 2007 indicates that the site is not mapped as BSAL (Figure 5).

While it is mapped as being within the equine critical industry cluster (CIC), it is already zoned for rural residential development and enabling more residential development on the site as proposed is not considered likely to adversely affect the CIC. This said, consultation with Department of Primary Industries (Agriculture) should occur to confirm. Consistency with the SRLUP can then be determined by Council and this assessment included in the planning proposal. Gateway determination conditions are recommended accordingly.

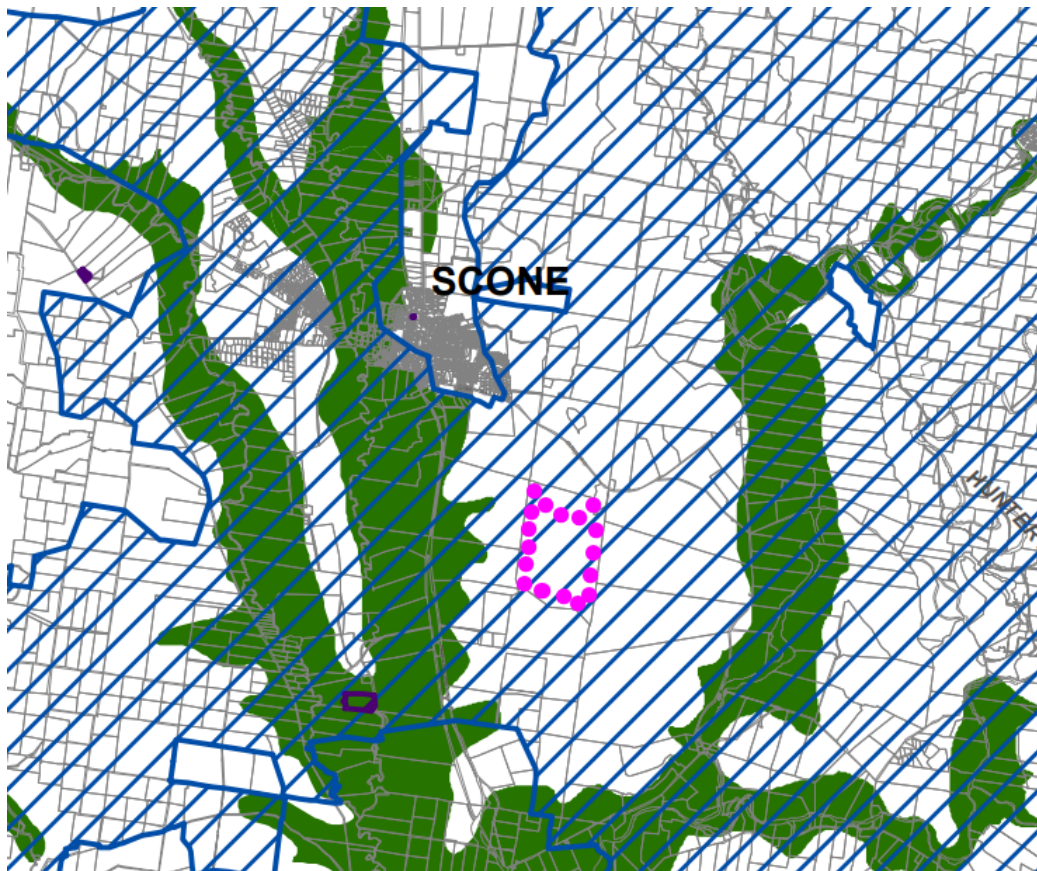


Figure 5: SEPP mapping (green = BSAL, striped = equine CIC, site outlined approximately).



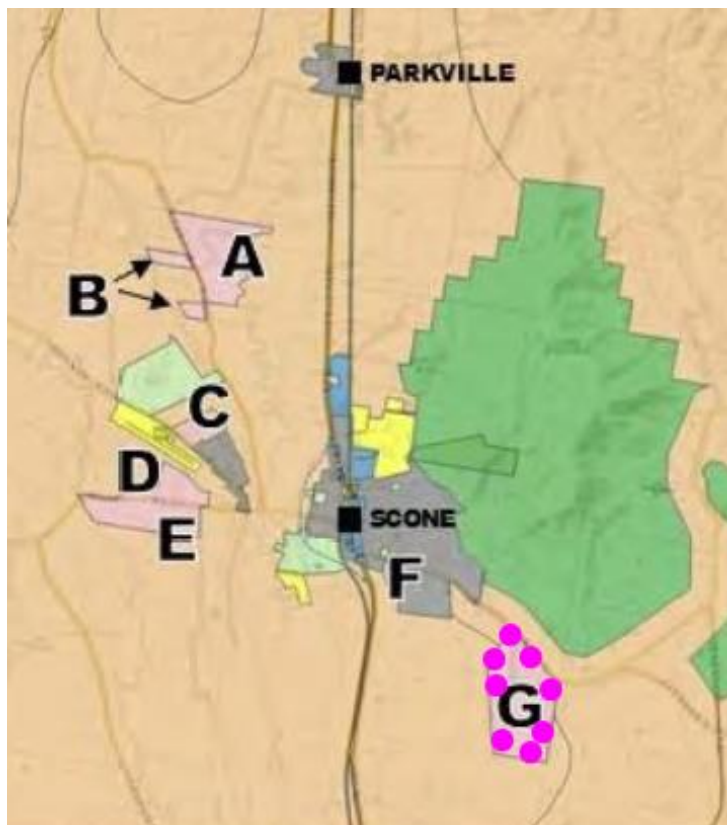
## Local

### *Upper Hunter Land Use Strategy 2017*

The Upper Hunter Land Use Strategy (UHLUS) has been conditionally endorsed by the Department. The endorsement supported the identification of some rural zoned land as potential future residential areas subject to further investigation. Priority investigation areas were supported but not preliminary investigation areas.

As this site was already zoned for rural residential development, the terms of the endorsement are not applicable. The Strategy recognises the site as one of several existing zoned rural residential areas that are to provide dwelling supply for Scone (Figure 6).

As noted earlier, a key outcome of the strategy is to facilitate residential growth while protecting agricultural lands. The proposal is consistent with this outcome because it would increase dwelling capacity in an area already zoned for rural residential development.



 The Site

**Figure 6: Site and other Scone development precincts zoned for rural residential development**

The strategy does not provide any specific guidance for zoned rural residential sites where it is proposed to increase the density of dwellings. Considerations are detailed for proposed new rural residential sites and the proposal is consistent with these matters.

## Section 9.1 Directions

### Direction 2.3 Heritage Conservation

The direction applies because items of aboriginal cultural heritage have been identified on the site. It is recommended that Council consult with the Office of

Environment and Heritage and the Wanaruah Local Aboriginal Land Council (LALC) before consistency with this direction can be determined.

#### Direction 3.1 Residential Zones

The direction applies because the proposal is making changes to a planning instrument that will affect land within a residential zone.

For consistency, a proposal should:

- (a) encourage housing variety and choice,
- (b) provide access to and make efficient use of infrastructure and services, and
- (c) minimise the impact of residential development on the environmental and resource lands.

Where multiple choice of sites exists, the above criteria are to be considered in relative terms. Compared to the current and prevailing large lot densities around Scone, the proposal will diversify choice.

With utilities already extended to the 4ha lots to the north of the site, the proposal will intensify the use of the site. Council has advised that there is access to relevant infrastructure, notwithstanding the need to upgrade water infrastructure. It also notes that further investigation into effluent management is required, but that there is adequate land for onsite disposal if reticulated sewer is not feasible.

The proposal is considered consistent with this direction.

#### Direction 4.4 Planning for Bushfire Protection

The direction applies because part of the site is bushfire prone. A bushfire assessment has been prepared and referral of the proposal to NSW Rural Fire Service is conditioned.

### **State Environmental Planning Policies (SEPP)**

#### SEPP 55 Remediation of Land

The site is already zoned for residential development and so a preliminary study under clause 7 of the SEPP is not required. Notwithstanding, Council intends to undertake further investigation post-Gateway. This is a matter for Council.

### **SITE-SPECIFIC ASSESSMENT**

#### **Social**

No adverse social impacts are anticipated.

#### **Environmental**

Council notes that the landowner has indicated a willingness for vegetated parts of the site to be included in a reserve. Council states that this is a matter that can be resolved at the development application stage. This is agreed. Vegetation on the site is limited and does not warrant a change to the planning controls. It can be resolved as part of a future subdivision.

Council also notes that proposal may adversely affect salinity due to increased development and possibility of on-site effluent disposal. It is understood that salinity issues are adversely affecting farmland and buildings in and around Scone. Council intends to investigate this matter further post-Gateway in consultation with the Department of Industry (Land and Water).

## **Economic**

No adverse economic impacts are anticipated.

## **Infrastructure**

As discussed previously, the site has access to services. Further investigation into effluent management is intended.

## **CONSULTATION**

---

### **Community**

Council has not suggested a consultation timeframe. As the land is already zoned for rural residential development, and this proposal seeks to increase density only, a 14-day consultation period is recommended.

### **Agencies**

As discussed, consultation with OEH, LALC, RFS, Department of Industry (Land and Water) and the Department of Primary Industries (Agriculture) is recommended.

## **TIME FRAME**

---

Council has nominated a seven month completion time frame. A twelve month time frame is recommended to provide adequate time for agency consultation and a buffer for any unanticipated delays.

## **LOCAL PLAN-MAKING AUTHORITY**

---

Council has requested to be the local plan-making authority. This is supported as the proposal is consistent with local and regional strategies.

## **CONCLUSION**

---

The planning proposal should proceed subject to conditions. This is because it is consistent with local and regional strategies and enables the more efficient use of existing rural residential zoned land. It would provide up to an additional 60 additional dwellings at Scone.

## **RECOMMENDATION**

---

It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Directions 2.3 Heritage Conservation and 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to exhibition, Council is to update the planning proposal to detail consistency with the guidance in the Upper Hunter Strategic Regional Land Use Plan regarding potential impacts on the equine critical industry cluster, including advice received from the Department of Primary Industries (Agriculture).
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. Consultation is required with the following public authorities:
  - Office of Environment and Heritage



- Department of Industry (Land and Water)
  - Department of Primary Industries (Agriculture)
  - NSW Rural Fire Service
  - Wanaruah Local Aboriginal Land Council
4. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
  5. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.

**Ben Holmes**  
**A/Team Leader, Hunter**



27/2/2019  
**Monica Gibson**  
**Director Regions, Hunter**  
**Planning Services**