

REPORT ON LOCAL PLANNING PROPOSAL

Including assessment in accordance with Section 79C
Environmental Planning and Assessment Act 1979



ADDRESS: Lot 101 DP 8123328, Middlebrook Road Scone

APPLICATION No: PP 1/2011

PROPOSAL: Rezone a 6.9 ha part allotment from 1(i) Intensive Agriculture to 1(c) Small Rural Holdings

PLANS REF: DRAWINGS NO. DRAWN BY DATE RECEIVED

PLANNING RELATED DRAWINGS / INFO			
Survey Plan	MM Hyndes Bailey & Co	No Date	6.04.2011
Existing Zoning	MM Hyndes Bailey & Co	No Date	6.04.2011
Proposed Zoning	MM Hyndes Bailey & Co	No Date	6.04.2011

OWNER: Zurc Investments Pty Ltd

APPLICANT: MM Hyndes Bailey & Co
208 Bridge Street
MUSWELLBROOK NSW 2333

AUTHOR: Paul Smith

DATE LODGED: 6 April 2011

AMENDED:

ADD. INFO REC'D:

DATE OF REPORT: 13 July 2011

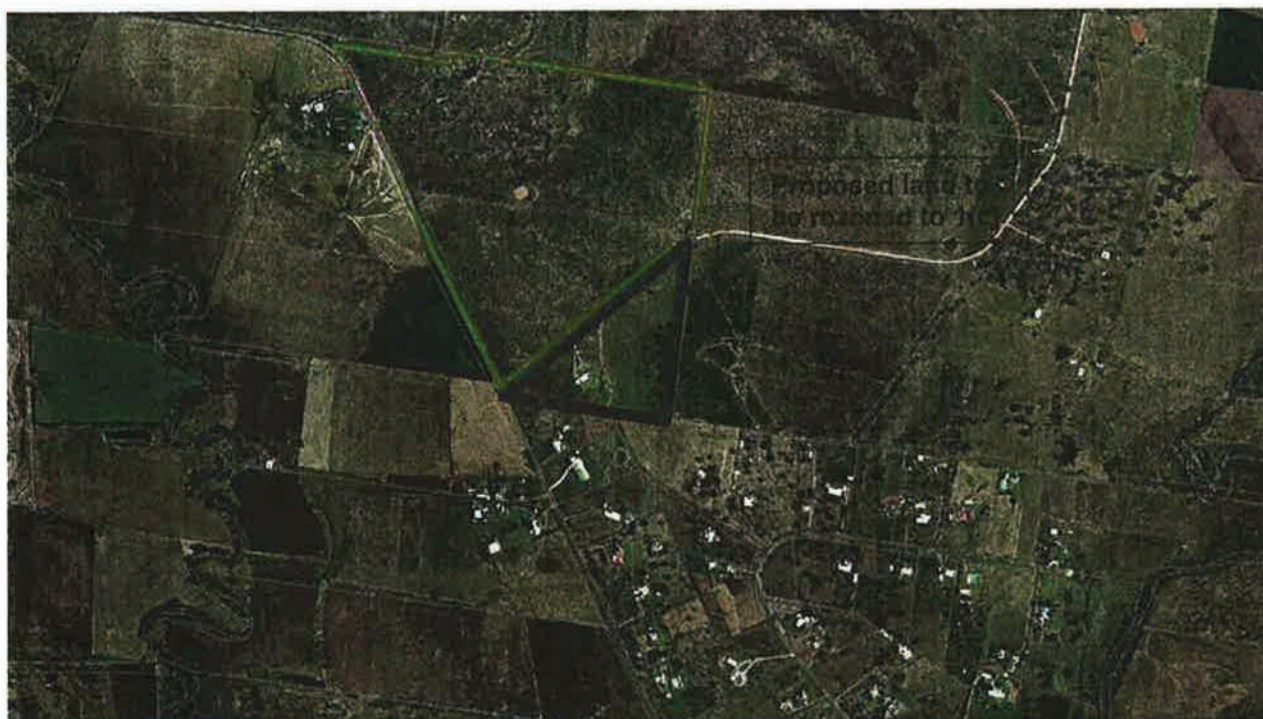
SUMMARY OF FACTS

ISSUES: This planning proposal is inconsistent with the Upper Hunter Shire Land Use Strategy. It has the potential to set a precedent for unplanned spot rezoning and the undermining of the Land Use Strategy. It creates the potential for the fragmentation of agricultural land and land use conflict.

SUBMISSIONS: Not publicly exhibited at this stage.

RECOMMENDATION: That the Planning Proposal is not supported at this time because it is inconsistent with the Upper Hunter Shire Land Use Strategy.

LOCATION MAP



DESCRIPTION OF PROPOSAL

The site for the proposed rezoning is a 7.4 ha triangular portion of land within a 42.49ha allotment with an approximate 529m frontage to Wallington Road. It is located approximately 7km from the commercial centre of Scone. The proposal involves rezoning the land from 1(i) Intensive Agriculture to 1(c) Small Rural Holdings in the Scone Local Environment Plan 1986.

RELEVANT HISTORY

The land is a rural allotment with an existing dwelling.

CONSULTATION

No consultation has occurred at this stage.

JUSTIFICATION

Section A – Need for the Planning Proposal

Is the planning proposal the result of any strategic study?	No the subject land is not identified as a future release area in the Upper Hunter Shire Land Use Strategy.
Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The planning proposal seeks to rezone land to a residential use to enable additional allotments to be created that could support dwellings. This could not be achieved by any other means other than the rezoning.
Is there a community benefit? (Has a Net Community Benefit Test been provided?)	No Net Community Benefit Test was provided. The proponent suggests that the development will facilitate the orderly economic development of land and increase the housing stock for the region. However given that the allotment has an area of 7.4ha there would be a relatively small lot yield – potentially 3 additional allotments based on the large lot pattern of the existing adjoining residential area. However based on the minimum lot size requirements of 4,000 sq metres in the 1(c) Small Rural Holding Zone more allotments could be achieved. This does not account for necessary buffer distances to the adjoining 1(i) Intensive

Agriculture Zone, which would likely result in only one additional allotment being created.

Section B – Relationship to Strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?	The planning proposal is broadly consistent in that it provides a minor addition to residential land in the Upper Hunter Shire. However it is also inconsistent in that it seek to remove an area of potential productive agricultural land. The site is not identified as a future release area in the Upper Hunter Shire Land Use Strategy.
Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?	The Community Strategic Plan has not identified this area as a site for future rezoning for residential use.
Is the planning proposal consistent with applicable State Environmental Planning Policies?	See the Attachment 1 for a full consideration. The planning proposal is not considered to be consistent with the State Environmental Planning Policy (Rural Lands) 2008. It creates a new residential area that is bounded on two sides (of a triangle area) by 1(i) Intensive Agricultural land. This means that the subject site is more exposed to the surrounding agricultural land and therefore has a higher potential for future land use conflict. The NSW Industry and Investment recommend as a guide that a 50 m buffer distance is provided between land used for livestock grazing, 200-300m for activities such a cropping or horticulture. In most cases the required buffer distances cannot be achieved.
Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?	See the Attachment 1 for a full consideration. Direction 1.2 Rural Zone has the objective to protect the agricultural production value of rural land and is applicable in the Upper Hunter Shire. This requires that a draft LEP shall not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. In summary the planning proposal is not identified in the Land Use Strategy and is not considered of minor significance. The land is also identified as bushfire prone land and as such Direction 4.4 Bushfire Protection applies to the proposal. At this stage the proposal has not been referred to the Rural Fire Service.

Section C – Environmental, Social and Economic Impact

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 land is cleared of tree vegetation however it does contain native grasslands. The proponent has not provided a Flora and Fauna Assessment of the site at this stage so it is not possible to determine whether or not there will be an impact on threatened species, populations or ecological communities, or their habitats.
Are there any other environmental effects as a result of the planning proposal and how are they proposed to be managed?	The planning proposal provided by the proponent suggests that the rezoning is unlikely to have any adverse environmental effects. However the method in arriving at such a conclusion in some areas is not considered adequate. This would need to be given further significant consideration should the Planning Proposal be approved by the Gateway Determination process.
How has the planning proposal adequately addressed any social and environmental effects?	This would need to be given further consideration should the Planning Proposal be approved by the Gateway Determination process.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?	There is no existing water supply service available to the subject land. There is no sewerage disposal service available to the site. The existing allotment has direct access from an unsealed local road (Wallington Road).
What are the views of State and Commonwealth public authorities in accordance with the Gateway determination?	This would need to be given further consideration should the Planning Proposal be approved by the Gateway Determination process.

SUBMITTORS CONCERNS

The planning proposal has not been placed on public exhibition at this stage. State agencies have not been consulted at this stage.

CONCLUSION

The Council's planning officer has undertaken a preliminary assessment of the planning proposal and identified a number of areas for concern. These concerns are:

These issues are:

- Although the site to be rezoned adjoins an existing 1(c) Small Rural Holdings Zone it is not in anyway connected by an internal road network.
- The planning proposal reduces the productive potential of an agricultural allotment.
- The planning proposal creates the potential for land use conflict with the surrounding 1(i) Intensive Agricultural land (the site is not sufficiently large enough to allow for appropriate buffer distances)
- The site is not serviced by water and sewerage infrastructure.
- The site does not fit into the intended future and preferred land release areas currently identified in the Land Use Strategy.

Furthermore approval of this planning proposal would create a precedent for other proposals to undertake spot re-zoning of land. This is inconsistent with the preferred strategic planning approach and would undermine the integrity of the endorsed Land Use Strategy.

RECOMMENDATION

That the Planning Proposal is not supported at this time because it is inconsistent with the Upper Hunter Shire land Use Strategy.

PAUL SMITH
ENVIRONMENTAL PLANNING OFFICER

Attachment 1: Consideration of State Environmental Planning Policy (Rural Lands) 2008

Clause 7 of the SEPP – Rural Lands establishes the following rural land planning principles:

The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

The planning proposal seeks to remove an area of land from productive agricultural land potential.

Recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

The planning proposal reduces the size of an agricultural allotment from 42ha to 34ha. The minimum lot size development standard in the 1(i) Intensive Agriculture Zone is 40ha. This is deemed to be the minimum require to sustain a productive agricultural holding. This planning proposal will reduce the size of a rural allotment to a size that is less productive. In this regard the planning proposal fails to recognise the importance of agricultural land. It also could lead to further requests for rezoning of the residual portion because of its less productive potential.

Recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

The development involves removing land from agricultural production and facilitating residential development. This is inconsistent with the Upper Hunter Shire Land Use Strategy.

In planning for rural lands, to balance the social, economic and environmental interests of the community,

The development is effectively a spot rezoning that happens to adjoin an existing 1(c) Small Rural Holding Zone (R5 - Large Lot Residential Zone). The area does not have access to key infrastructure such as a reticulated water and sewerage service and as such the site is not capable of supporting a large number of additional dwellings to warrant the removal of agricultural land. The planning proposal does seek to create residential land for dwellings that is in the interests of the community.

The identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

As mentioned the subject land does not have access to a reticulated sewerage service. It is unclear as to whether or not the site is suitable for on-site sewerage management systems. The land consists of grazed grassland. No Flora and Fauna Assessment has been undertaken.

The provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

The planning proposal creates opportunities for rural lifestyle, settlement and housing. In this regard the development satisfies this criterion. It is therefore suggested that the rezoning should create a low density rural residential zoning that may only allow for no more than 1-3 additional 1(c) Small Rural Holding Zone allotments.

The consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

The site does not have access to a reticulated water and sewerage service. It is unlikely that such infrastructure will become available.

Ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The development is not identified with the Upper Hunter Shire Land Use Strategy.

Attachment 2: Consideration of Direction 1.2 Rural Zones

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

The planning proposal for the LEP amendment is not adequately justified by the Upper Hunter Land Use Strategy.

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

The subject land is not identified as a future land release or investigation area in the Upper Hunter Land Use Strategy.

(iii) is approved by the Director-General of the Department of Planning, or

The Upper Hunter Land Use Strategy was approved by the Director-General of the Department of Planning.

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

The proponent has not provided such a study.

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

There is not regional or sub-regional strategy applicable to the Upper Hunter Shire.

(d) is of minor significance.

The planning proposal is seeking to rezone a 7.4ha area of agricultural land that adjoins an existing 1(c) Small Rural Holdings precinct. In this regard it could be argued that the LEP is of minor significance. However significance should not necessarily be related to the area of land to be rezoned. There are a number of planning issues that are a concern.

These issues are:

- Although the site to be rezoned adjoins an existing (c) Small Rural Holdings Zone it is not in anyway connected by an internal road network.
- The planning proposal reduces the productive potential of an agricultural allotment.
- The planning proposal creates the potential for land use conflict with the surrounding agricultural land (the site is not sufficiently large enough to allow for appropriate buffer distances)
- The site is not serviced by water and sewerage infrastructure.
- The site does not fit into the intended future and preferred land release areas identified in the Land Use Strategy.

Furthermore approval of this planning proposal would create a precedent for other proposals to undertake spot re-zoning of land. This is inconsistent with the preferred strategic planning approach and would undermine the integrity of the endorsed Land Use Strategy.

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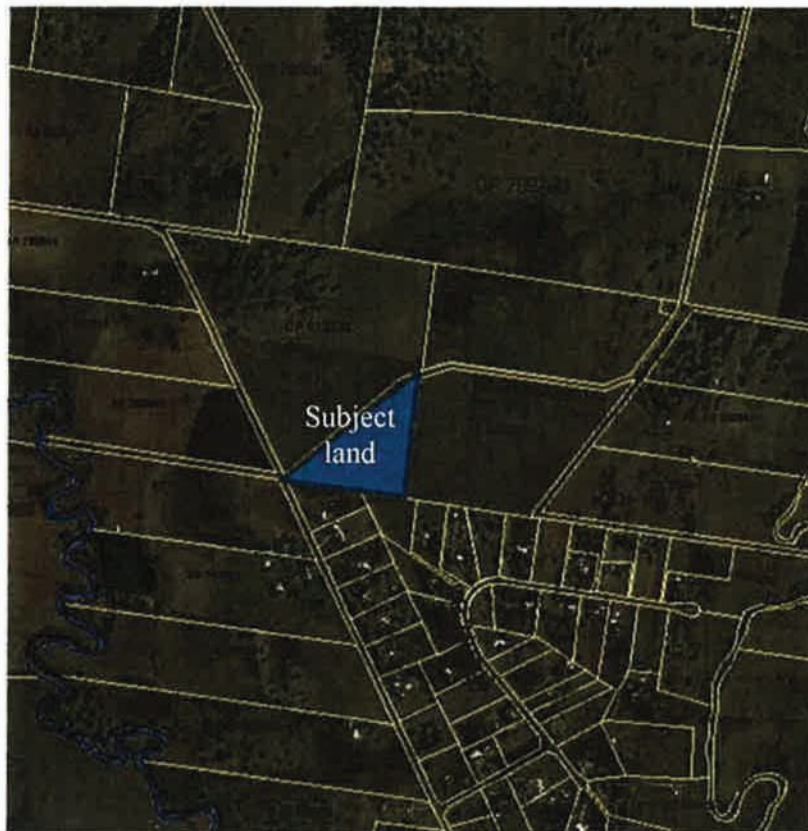
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PLANNING PROPOSAL

Site: Lot 101 in DP 812328, Wallington Road, Scone (*'the site'*)
Proposal: Partial Rezoning of the Rural 1(i) to Small Holdings Zone No 1 (c)
Report No: 211104
Date: 16 March 2011



Locality / Aerial Photo from Upper Hunter Shire On Line Mapping

Prepared by:

Michael Cole

M.M. Hyndes Bailey & Co. - Consulting Surveyors

208 Bridge Street, Muswellbrook

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ATTACHMENTS:

- A. Copy of Deposited Plan 812328
- B. Survey Plan of Subject site (prepared by M.M. Hyndes Bailey & Co.)
- C. Existing Zoning Map under Scone LEP 1986
- D. Proposed Zoning Map Changes (prepared by M.M. Hyndes Bailey & Co.)
- E. Bushfire Threat Assessment (prepared by M.M. Hyndes Bailey & Co. - Consulting Surveyors)
- F. Site Photos
- G. Heritage Search

1.0 Legislative Framework

This report has been prepared (in accordance with NSW Department of Planning's "*A guide to preparing planning proposals (July 2009)*") to assist the Relevant Planning Authority (RPA) – Upper Hunter Council (ref. S54 Environmental Planning and Assessment Act 1979 (EPAA)) in its consideration of preparing a planning proposal to be forwarded to the Minister for Planning (NSW Department of Planning) for a Gateway Determination (ref. S56 EPAA) in order to prepare a Draft Environmental Planning Instrument (ref. S57-s60 EPAA).

This report provides an explanation of and justification of a planning proposal (ref. S55 EPAA) including:

- (a) A statement of the objectives or intended outcomes of the proposed instrument
- (b) An explanation of the provisions that are to be included in the proposed instrument,
- (c) The justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117),
- (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,
- (e) Details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

2.0 Subject Land

The site fronts Wallington Road, Scone and incorporates a singular allotments being:

- Lot 101 in DP812328

The subject land is zoned Rural 1(i) under Scone Local Environment Plan 1986 (See Zoning Map in **Attachment B**).

Lot 101 in DP812328 Wallington Road Scone (*the site*) shown in Figure 1 below.



Figure 1 Locality / Aerial Photo from Upper Hunter Shire On Line Mapping

Description: The subject site is legally known as Lot 101 in DP 812328, Wallington Road, Scone and is provided with vehicle access directly off Wallington Road. The site shown on the location aerial photo as detailed in **Figure 1**. The site is located approximately 5.0km north west of the Scone Town Centre.

The subject land comprises approximately 7.4ha within the 42.49 allotment (refer to attachment A DP Plan 812328). The land has a triangle shape and is bisected by Wallington Road as shown within **Figure 2**.

Topography:

Topographically, the site has a moderate slope, with a cross fall from Wallington Road to south east corners of the site. The site is generally clear from trees and vegetation. As noted in figure 2.



Figure 2 – Image displaying lack of vegetation on subject land (Upper Hunter Shire On Line Mapping)

Existing Works:

Existing onsite structures include a dwelling and associated out buildings.

Site Burdens / Constraints:

Bushland

As previously indicated, the site is predominantly a grassed area being clear of trees and understory vegetation. As such it is not envisaged that constraints in relation to significant effects on threatened species, populations or ecological communities, or their habitats would be prevalent. However, if required, details of site vegetation and ecological communities may be subject to a future flora & fauna report, if considered necessary in the Gateway Determination.

Contamination

As previously detailed the site is predominantly vacant the exception of a single dwelling house with associate outbuildings and has been used for agricultural purposes for a significant period of time. As such it is not envisaged that constraints in relation to site contamination would be prevalent on site given that hazardous land uses have not been conducted on the land to which this proposal is associated. It is considered unlikely that the circumstances should warrant a further detailed site contamination report, however the proponents will obviously comply with any such requirements if specified in a Gateway Determination.

Bushfire

A bushfire threat assessment for the site has been conducted see ***Attachment D***.

3.0 Description of Proposal

This Planning Proposal seeks the rezoning of the subject site (Part of Lot 101 in DP 812328, Wallington Road, Scone) from the Rural 1(i) to Rural Small Holdings Zone No 1 (c) under the Scone Local Environmental Plan 1986 (area shown in ***Appendix D1***).

4.0 Purpose of the Proposal

As detailed in Section 3.0 above the subject planning proposal seeks:

Amendment of the existing Scone Local Environmental Plan 1986 Land Zoning Map (see ***Attachment C*** of this report) in accordance with the defined area shown in ***Attachment D*** of this report from Rural 1(i) to Rural Small Holdings Zone No 1 (c)

The mapping changes will facilitate:

- the existing provisions within the Rural Small Holdings Zone No 1 (c) Land Use table stipulated within *Scone Local Environmental Plan 1986* to apply to the 'rezoned' land including the existing provisions within Part 2 Permitted or prohibited development;
- the existing provisions within Clauses 11 Subdivision of Land within Zone No 1 (c) stipulated within *Scone Local Environmental Plan 1986* to apply to the 'rezoned' land presently an average lot size of:
 - (a) not less than 4000 square metres, for allotments with on-site disposal of liquid wastes, or
 - (b) not less than 2000 square metres, for allotments to be served with a common sewage disposal system.

The Planning Proposal will:

- allow for a future subdivision application to be lodged with the relevant consent authority under Part 4 of the EPAA at a later stage

In taking into account the strategic intention of the proposed rezoning, consideration is given to the Criteria for identifying land suitable for large lot residential and rural small holdings detailed within Table 11 of the Upper Hunter Land Use Strategy prepared by Planning Workshop Australia dated May 2008) as follows;

Broad Location Criteria	Comment	Planning Proposal Assessment Comment	Consistency with Requirement
Distance from town	Land should be within reasonable travelling distance/time from the centre of an urban area (e.g. less than 10km or 10 minutes from Scone, Aberdeen, or Merriwa).	The land is located within the distances specified from the Scone township	Complies
Provision of services	Provide reticulated water, electricity, telecommunications, bushfire services and sealed road access, plus reticulated sewer for small lots.	Reticulated water or sewer are not available. Middlebrook Rd is sealed, however Wallington Road is not. Electricity, telecommunications and bush fire services are available.	The land is adjacent to other 1(c) zoned land. On site sewerage will be utilised and it is anticipated that sealing the road frontage would be a requirement of future subdivision of the land.
Location	Avoid 'stand-alone' large lot residential and rural small holding development unless it is a logical extension of an existing large lot residential or small holdings area that will contribute	The land represents an extension of existing rural residential land. The subject land will share a boundary with two lots zoned 1(c).	Complies

	to achieving a critical mass to support the provision of basic services.		
Capacity for onsite water storage	Onsite tank storage shall be encouraged for large lot residential and larger rural small holdings that do not have a reticulated water supply.	On site water storage will be required by UHSC for potable supply and bush fire fighting purposes	Complies
Minimal impact on existing infrastructure	Sufficient reserve capacity should exist in power, school bus and telecommunications, and other services.	The are no known concerns in relation to the infrastructure specified.	Complies
Good sealed road access	Efficient use needs to be made of the existing road network. In general, existing road services are adequate.	The subject land has a frontage of approximately 500m to the unsealed Wallington Rd which intersects with the sealed Middlebrook Road.	It is anticipated that sealing of the frontage would be a condition of development consent. If so, the requirements will be satisfied.
Avoid prime agricultural land, or adjoining land	Impacts on nearby agricultural land and activities need to be considered. Prime agricultural land (suitability classes 1 to 3) is not to be zoned for large lot residential or rural small holdings, unless there are adjoining areas with advantageous locational attributes for this type of development.	The subject land has an area of less than 8 ha. It is separated from the larger 'balance' of the lot by Wallington Road. The rear boundary is shared with two rural residential lots within the 'Middelbrook' subdivision. Rezoning of such a small area would represent a minute diminution of prime agricultural land within the Upper Hunter Shire.	Complies
Exclude environmentally sensitive land	Sought after large lot residential and rural small holding areas often have good visual outlook, vegetation and privacy. Avoid rural areas with potentially high visual impact (e.g. along highways or tourist routes, along or adjacent to ridges).	The subject land is not located on a prominent ridge line. The development of dwellings on the land would not represent any significant impact on the overall aesthetics or outlook of the locality.	Complies
Exclude areas of high bushfire hazard	Avoid locating large lot residential and rural small holdings in areas of high bushfire hazard.	The UHSC mapping indicates that the subject land is bushfire prone. Aerial photography and the bush fire assessment confirm that the subject land does not represent a high bushfire hazard.	Complies
Exclude known mineral and extractive resources	Ensure appropriate buffers to mines, extractive industries and other non-compatible land uses.	No known reserves within proximity of the subject land.	Complies
Exclude areas near noncompatible land uses	Provide appropriate buffers to uses such as sewage treatment works, etc.	No such services or land uses are located in close proximity.	Complies.
Exclude water supply catchment land	Locate small holding development to avoid contamination from onsite treatment systems. May also relate to water access rights and usage.	The area is not within a water supply catchment	Complies
Avoid areas with threatened species or endangered ecological communities	Vegetated rural land is often preferred for amenity and privacy. However, this land is also likely to have high biodiversity values, and presence of endangered ecological communities and	The land has been significantly cleared in the past as demonstrated on the aerial imagery. It is highly unlikely that there would be any concerns regarding EEC on the allotment – a further study can be undertaken	Further study to be undertaken in deemed necessary.

	threatened species. Ensure that these values are taken into account.	if deemed necessary.	
Avoid areas with unsuitable soils, and land with slopes greater than 18 degrees	Avoid large lot residential and rural small holding development on steep land, as well as land with unsuitable soil characteristics to minimise land erosion and land slip.	The land has a relatively gentle slope and is significantly less than 18 degrees.	Complies
Avoid contaminated land	Review previous land uses and undertake investigation of areas with potential contamination.	There is no suggestion that past use of the land would have caused or been effected by contamination of any sort.	Complies
Avoid saline land and areas with soils unsuitable for onsite effluent disposal	Although not an absolute constraint, development of these lands would require alternative treatment systems and building design.	The land is not saline. The area of future allotments will be satisfactory for on site disposal – the appropriate type of system / parameters for disposal to be confirmed by geotechnical investigation as part of a future subdivision proposal	Complies
Avoid flood prone land	Acceptable only if flood free access, building sites and waste disposal areas are available.	The subject land is not flood prone	Complies
Avoid Aboriginal and European heritage areas and sites	Examples include the curtilage surrounding historic dwellings	There are no heritage items on or near the subject land. An Aboriginal cultural assessment would be proposed to be undertaken.	Complies – Aboriginal cultural assessment to be undertaken
Avoid areas with high groundwater tables or shallow soils	Land capability limitations may result in problems with onsite waste disposal	No such limitations are known	Complies

As detailed above, subject to a number of matters to be addressed after the Gateway Determination the subject site is able to satisfy the stipulated criteria within the Upper Hunter Land Use Strategy.

In addition to the above, as detailed elsewhere within this report the objectives (See **Section 4.0**) of the proposal, the outcomes of this Planning Proposal are considered appropriate for the following reasons:

- Enable the redevelopment of the site for higher density residential development that provides:
 - An alignment of rural residential lands with natural boundaries (Wallington Road to the north of the site). The proposal recognises Wallington road as logical physical boundary between rural residential and general rural land.
 - An increase of housing stock and ability for housing variety without adverse impacts to the amenity and environment of the local area; The adjoining

“Middlebrook” rural residential subdivision (to the south) has been developed in primarily 2ha lots. There have been a number of subsequent subdivisions into 1 ha lots. The vast majority of the lots within the subdivision have been developed with dwellings on them.

- Enable an alternate rural residential land use to be provided to meet the day to day needs of residents and the community.
 - To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbours.
 - Promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.
 - Minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development
 - Facilitate and encourage a mix of small rural holdings on land deemed potentially suitable for such use to meet demands for lifestyle allotments, small productive agricultural units, animal boarding breeding or training establishments and hobby farms
 - Allow for development which maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and to agricultural activity, and
 - Allow for development which is ecologically sustainable and carried out in a manner that will not have any adverse impact on the environmental qualities of the locality, particularly any adverse cumulative impact.
- Protect Primary Agricultural lands through the orderly economic development of land through:
 - An ability to provide diversity in primary industry enterprises and systems appropriate for the area.
 - An ability to minimise conflict between land uses within the zone and land uses within adjoining zones. Rezoning would provide an improved ‘buffer’ between potential agricultural use and rural residential occupation.

Wallington road together with an appropriate setback for future dwellings will mitigate potential impacts / conflicts with agricultural use of the adjoining land.

- Protection of the agricultural potential of rural land not identified for alternative land use.
- An ability to maintain the rural landscape character of the land in the long term.
- The rezoning will not impact upon any ability to ensure that development for the purpose of extractive industries.
- Provide for the orderly and economic use of land.
- Provide for a future development for which the scenic qualities of the region and local contexts will remain unchanged;
- Provide for a future development which is commensurate to surrounding development
- Provide for a future development for which the character of the local area will remain unchanged
- Result in a future development which is considered to enable a design which can result in no adverse impact upon the amenity of neighbouring properties will occur with regard to solar access, view loss, acoustic privacy etc (see **Section 5.0 Urban Design Opportunities** within this report for further detail)
- The planning proposal will result in a development that is not inconsistent with the surrounding land uses
- The planning proposal will result in a development that is not inconsistent with either the of the zones objectives
- The planning proposal will result in a development that will result is greater economic viability of the subject land and given the variation in land uses that may occur on the smaller holdings would contribute to the local economy
- The planning proposal will result in a development that will not result in any inconsistencies with regard to a regional planning context
- The planning proposal will result in a development that will not adversely impact upon the surrounding public domain

- The site is not constrained by adjoining or nearby land uses which would make the planning proposal unfeasible
- The planning proposal would not result in a future level unmanageable transport demands
- The site does not pose any special physical or engineering constraints (subject to the Gateway Determination) which would make the site unsuitable for the proposed development.
- The development is consistent with the objects of the EPAA in that the proposal maintains the orderly economic development of land.
- The development will enable the provision for small holdings in appropriate locations
- Allow the market to determine the demand for the holdings
- Allow for allotments to be created, being accessible, being in close proximity to existing settlements and availability of services, to enable the logical progression of urban form without adversely impacting on agricultural activities,
- Will enable an independent environmental assessment to ensure that the development will satisfy all relevant criteria (including water supply, effluent disposal, solid waste disposal and soil type) as determined by the Council for the location of such holding, and
- And will enable development to be designed to encourage sustainable development which can be carried out in a manner that will not have any adverse impact on the environmental qualities of the locality, particularly, any adverse cumulative impacts.

5.0 Site Opportunities

A summary of the subject site's opportunities for future development is provided below:-

Opportunities

- Close proximity to the Scone town centre provided good access to shops, banks and medical facilities etc.
- Close proximity to amenities including Scone town centre, Health Services, Institute of TAFE, schools, early learning centre and open space recreational areas.
- Ability for an appropriate future urban form (see detail below)

Urban Design

Development on future allotments can be appropriately designed to provide an appropriate urban form which limits amenity impacts to other lots within the development and upon adjoining lands with respect to:

- streetscape design,
- urban form,
- Safety and security
- Views
- Access to sunlight
- Landscaped open space
- Appropriate building setbacks and a consistent building alignment
- Private open space
- Privacy
- Building bulk
- Roof design
- Sustainability including the conservation of energy and water through BASIX
- Site facilities
- Traffic, access and car parking including:
 - Parking facilities (visual impact)
 - Traffic access and safety
 - On-site loading and unloading
 - Provision of car parking
 - Design of car parking areas

- Soil and water management including:
 - Management of stormwater and flooding
 - Erosion and sedimentation

6.0 Evaluation criteria for new LEP's:

DEPARTMENT OF PLANNING CRITERIA

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of transit node)?

Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (section 117) directions?

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

COMMENT

Yes, the Planning Proposal will provide for increased housing on site that is strategically located within close proximity to the Scone town centre which has a taxi service, bus services, and train lines, whilst maintaining Rural Production lands.

A review of the NSW Department of Planning website indicates that there is no State or Regional strategic direction applying to the subject site.

It is considered that the Planning Proposal will be generally consistent with State and Regional policies and Ministerial (section 117) Directions.

See **Sections 7.0 & 8.0** for further detail on the consistency of the Planning Proposal with State and Regional policies and Ministerial Directions for details.

The Planning Proposal is located within a Regional area and will have no impact upon any strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy

The Planning Proposal is for higher residential yield on small holdings and will facilitate housing for other employment generating activities such as agriculture, forestry—including plantation forestry; home activities etc.

Will the LEP be compatible / complementary with surrounding land uses?

Yes, the Planning Proposal will be compatible with surrounding and adjoining land uses, which is predominantly low density rural housing within the same zone that is proposed . It should be noted that the development is not considered to detract from other surrounding Rural Production Uses.

Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?

No, it is considered that the Planning Proposal will not create a precedent. As the site is uniquely located adjacent to existing rural residential land.

Will the LEP deal with a deferred matter in an existing LEP?

Not applicable to the Planning Proposal

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

In this regard consideration of this planning proposal provided against the 'do nothing' option is not considered to be a reasonable feasible alternative in this instance.

In terms of strategic town planning, the do nothing approach would not achieve the range of economic and social benefits and opportunities which would be achieved by the proposal.

Is there a net community benefit?

The net community benefit provided by the planning proposal is the orderly economic development of land, consistency with the objectives of the EPAA and the future increase in housing stock for the region which will supplement the future economic growth of the regional centre (for further detail see Section 3.0 of this report).

7.0 Consideration of Planning Proposal against State Environmental Planning Policies

	STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABILITY / COMMENTS
SEPP 1	Development Standards	Applicable subject to future development applications, the planning proposal does not prevent compliance of future development.
SEPP 2	Minimum Standards for Residential Flat Buildings. Repealed by SEPP 20	Repealed
SEPP 3	Castlereagh Liquid Waste Depot Repealed by Infrastructure SEPP	Repealed
SEPP 4	Development Without Consent and Miscellaneous Complying and Exempt Development	Applicable subject to future onsite works, the planning proposal does not prevent compliance of future development.
SEPP 5	Housing for Older People with a Disability	Repealed
SEPP 6	Number of Storeys in a Building	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP 7	Port Kembla Coal Loader Repealed by Infrastructure SEPP	Repealed
SEPP 8	Surplus Public Land Repealed by Infrastructure SEPP	Repealed
SEPP 9	Group Homes Repealed by Infrastructure SEPP	Repealed
SEPP 10	Retention of Low Cost Rental Accommodation	Repealed
SEPP 11	Traffic Generating Developments Repealed by Infrastructure SEPP	Repealed
SEPP 12	Public Housing (dwelling houses). Repealed by SEPP 53	Repealed
SEPP 13	Sydney Heliport Repealed by Sydney REP 26	Repealed
SEPP 14	Coastal Wetlands	Not inconsistent with the provisions of policy as there are no identified coastal wetlands on the subject site

SEPP 15	Multiple Occupancy of Rural Land	Not inconsistent with and does not prevent consistency of other allotments complying with the provisions of policy as the existing (part) allotment is less than 10ha - as such the provisions do not apply to the existing or future allotments.
SEPP 16	Tertiary Institutions Repealed by Infrastructure SEPP	Repealed
SEPP 17	Design of Buildings in Certain Business Centres	Did not Proceed
SEPP 18	Public Housing	Did not Proceed
SEPP 19	Bushland in Urban Areas	Not applicable as the site is located in a rural area.
SEPP 20	Minimum Standards for Residential Flat Buildings.	Prohibited for proposed zone 1(c)
SEPP 21	Caravan Parks	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP 22	Shops and Commercial Premises	Prohibited for zone 1(c) apart from general stores subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP 24	State Roads	Repealed
SEPP 25	Residential Allotment Sizes.	Repealed
SEPP 26	Littoral Rainforests	Not inconsistent with the provisions of policy as there are no identified littoral rainforests on the subject site
SEPP 27	Prison Sites	Repealed
SEPP 28	Town Houses & Villa Houses.	Repealed
SEPP 29	Western Sydney Recreation Area	Not Applicable
SEPP 30	Intensive Agriculture	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development (subject to the zoning permissibility's of the LEP)
SEPP 31	Sydney (Kingsford Smith) Airport	Repealed
SEPP 32	Urban Consolidation (Redevelopment of Urban Land)	Not inconsistent with policy.

SEPP 33	Hazardous & Offensive Development	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development (subject to the zoning permissibility's of the LEP)
SEPP 34	Major Employment Generating Industrial Development.	Repealed
SEPP 35	Maintenance Dredging of Tidal Waterways	Repealed
SEPP 36	Manufactured Home Estates	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development (subject to the zoning permissibility's of the LEP)
SEPP 37	Continued Mines & Extractive Industries	Repealed
SEPP 38	Olympic games & Related Projects	Repealed
SEPP 39	Split Island Bird Habitat	Not applicable
SEPP 41	Casino/Entertainment Complex	Not Applicable
SEPP 42	Multiple Occupancy & Rural Land	Repealed
SEPP 43	New Southern Railway	Repealed
SEPP 45	Koala Habitat Protection	Not inconsistent with as no Koala Habitat on site. (subject to further consideration under a flora and fauna report if required to be prepared following a Gateway Determination)
SEPP 45	Permissibility of Mining	Repealed
SEPP 46	Protection & Management of Native Vegetation.	Repealed
SEPP 47	Moore Park Showground	Not applicable
SEPP 48	Major Putrescible Landfill Sites	Repealed
SEPP 50	Canal Estate Development	Applicable to the effect of prohibiting Canal Estate Developments
SEPP 51	Eastern Distributor	Repealed
SEPP 52	Farm Dams & Other Works in Land Water Management Plan Areas	Not applicable
SEPP 53	Metropolitan Residential Development	Not applicable
SEPP 54	North-side Storage Tunnel	Repealed

SEPP 55	Remediation of Land	Applicable subject to future onsite works, the planning proposal does not prevent compliance of future development.
SEPP 56	Sydney Harbour Foreshores & Tributaries.	Repealed
SEPP 58	Protecting Sydney's Water Supply	Repealed
SEPP 59	Central Western Sydney Economic & Employment Area	Not applicable
SEPP 60	Exempt & Complying Development	Applicable subject to future onsite works, the planning proposal does not prevent compliance of future development.
SEPP 61	Exempt & Complying Development for White Bay & Glebe Island Prots	Repealed
SEPP 62	Sustainable Aquaculture	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development (subject to the zoning permissibility's of the LEP).
SEPP 63	Major Transport Projects	Repealed
SEPP 64	Advertising & Signage	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP 65	Design Quality of Residential Flat Buildings	Not relevant as Residential Flat Buildings are prohibited development within the 1(c) zone.
SEPP 67	Macquarie Generation Industrial Development Strategy	Repealed
SEPP 69	Major Electricity Supply Projects	Repealed
SEPP 70	Affordable Housing (Revised Schemes)	Not applicable as site of planning proposal is outside the Greater Metropolitan Area.
SEPP 71	Coastal Protection	Not applicable as site of planning proposal is within Coastal zone
SEPP 72	Linear Telecommunications Development – Broadband	Repealed
SEPP 73	Kosciuszko Ski Reports	Repealed
SEPP 74	Newcastle Port & Employment Lands	Repealed

SEPP	(Housing for Seniors or People with a Disability) 2004	Not Applicable as land is not zoned primarily for urban purposes.
SEPP	Building Sustainability Index: BASIX 2004	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP	(ARTC Rail Infrastructure) 2004	Repealed
SEPP	(Sydney Metropolitan Water Supply) 2004	Repealed
SEPP	(Development on Kurnell Peninsula) 2005	Not applicable
SEPP	(Major Projects) 2005	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP	(Sydney Regional Growth Centres) 2006	Not applicable
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP	(Temporary Structures and Places of Public Entertainment) 2007	Not applicable
SEPP	(Infrastructure) 2007	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP	(Rural Lands) 2008	Not inconsistent with and does not prevent consistency with the objectives of or principles within the SEPP.
SEPP (REP)	Hunter Regional Environmental Plan 1989 (Heritage)	The Hunter Regional Environmental Plan 1989 (Heritage) – now a deemed SEPP - applies to the subject site, notwithstanding the subject site is not heritage listed, nor is the site within the vicinity of any heritage conservation area.

8.0 Consideration of Planning Proposal against Section 117(EPA) Directions

	SECTION 117 DIRECTIONS	APPLICABILITY / COMMENTS
1.0	EMPLOYMENT	
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Adjacent to existing rural residential zoned and earmarked rural residential land, with physical Wallington Road Boundary to the north of the site.
1.3	Mining, Petroleum Production and Extractive industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural lands	Adjacent to existing rural residential zoned and earmarked rural residential land, with physical Wallington Road Boundary to the north of the site
2.0	ENVIRONMENT AND HERITAGE	
2.1	Environmental protection zones	Not inconsistent with direction subject to: ▪ A review of Council's zoning maps which indicates that the existing allotment is not mapped as environmentally sensitive. A Flora and Fauna Study will be prepared if deemed necessary in the Gateway Determination. ▪ the requirements previously stipulated within this report under s117 directions 1.5 Rural Lands
2.2	Coastal protection	Not applicable
2.3	Heritage Conservation	Not inconsistent with the direction subject, no heritage items. (See State Heritage Office List of Items List of Heritage Items obtained from NSW Heritage Office Website http://www.heritage.nsw.gov.au accessed 1 Oct 2010)
2.4	Recreation Vehicle Areas	Not inconsistent with the direction as the subject site is not sought to be used as a recreational vehicle area as part of the planning proposal, in addition, the land is not within an environmental protection zone or land that comprises a beach or a dune adjacent to or adjoining a beach, as such no further consideration of this direction is considered to be warranted.

3.0	HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT	
3.1	Residential Zones	Not applicable
3.2	Caravan Parks and Manufactured Home Estates	Consistent within the existing zoning provisions under the Scone LEP 1986
3.3	Home Occupations	Consistent within the existing zoning provisions under the Scone LEP 1986
3.4	Integrated Land Use and Transport	Not inconsistent as the location of the site is approximately 5.0km of the Scone Town Centre. The location would enable future residents to walk or cycle using the existing road reserves (footpaths and roads respectively) for access to the centre.
3.5	Development Near Licensed Aerodromes	Not applicable
4.0	HAZARD AND RISK	
4.1	Acid Sulphate Soils	Not applicable
4.2	Mine Subsidence and Unstable land	Not applicable
4.3	Flood Prone Land	Not applicable, the subject land is not designated as flood prone by the Upper Hunter Shire Council.
4.4	Planning for Bushfire Protection	Consistent See Bushfire Assessment in <i>Attachment D</i> of this report.
5.0	REGIONAL PLANNING	
5.1	Implementation of Regional Strategies	The site is consistent with the policies and objectives for land suitable for large lot residential in the Upper Hunter Shire.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on The NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development in the Vicinity of Ellalong, Paxton And Millfield (Cessnock LGA)	Not applicable
5.6	Sydney to Canberra Corridor	Not applicable
5.7	Central Coast	Not applicable
5.8	Second Sydney Airport Badgerys Creek	Not applicable

6.0	LOCAL PLAN MAKING	
6.1	Approval and Referral Requirements	Consistent. Planning proposal seeks mapping changes and no new provisions are proposed which would require concurrence, consultation or referral of development applications beyond that which already exist.
6.2	Reserving Land for public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable, the proposal seeks a mapping change to an existing establish zone and does not seek the inclusion of a site specific provision within the Scone LEP 1986

9.0 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

9.1 General Considerations

9.1.1 Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or local strategic plan?

The site complies with the policies and objectives for large lot residential and is located directly adjacent to existing large lot residential which is key point.

The land is also directly adjacent to an area identified as "Scone North West Rural Residential" in the Upper Hunter Land Use Strategy which was adopted in 2010, and which suggests in the document that there is potential for approximately 30 lots within the indicative 120 ha.

It is acknowledged that that while the land which is proposed to be rezoned is adjacent to an existing Rural 1(c) zone, the abovementioned Land Use Strategy does suggest that this area (Tullong Rd (c) 150 ha) is

"Fully developed. No change to development potential or large lot residential or rural small holding zoning proposed" (Table 12 – Upper Hunter Land Use Strategy)

The proponents would suggest however that the land which is proposed to be rezoned has a small area, and represents a logical minor extension to this existing area which, as

indicated has been fully developed and in which there are only approximately 10 lots which are vacant. Proximity to the Scone North West Rural Residential area, as identified by the Upper Hunter Shire Council would suggest that Council does anticipate that this area in general will be not only appropriate for further rural residential development but suited to it.

9.1.2 Is there any likelihood that critical habitat or threatened species, population or Ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The subject land has been substantially cleared (as demonstrated in aerial photography in Figure 2) A Flora and Fauna report to determine the impact upon critical habitat or threatened species, population or Ecological communities, or their habitats will however be completed if required by the Gateway Determination.

9.1.3 Are there any other likely environmental effects as a result of the Planning Proposal?

The Planning Proposal is unlikely to result in any adverse environmental effects. Future development applications will investigate the potential for other likely environmental effects arising for a particular forms of land uses and varying development. Any further studies required by the Gateway Determination would be taken into consideration in further development on the site.

9.1.4 How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal will help to reduce the pressure in terms of the provision of residential accommodation and provide additional housing stock and options. The proposal promotes the efficient utilisation of land, services and support facilities and encourages the orderly growth of the area.

Accordingly, it is considered that the Planning Proposal will have a neutral or positive effect on the local economy and community.

9.1.5 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal is unlikely to place significant additional burden on public infrastructure given the low density of the proposed zoning (as permitted under the current zoning controls) and its proximity to Scone Town Centre.

Connection to reticulated water for the locality in general is feasible, however there has been a lack of community support to contribute to the costs to provide such connection. There is no reticulated supply to the existing 1(c) zone area and it would not be reasonable to require such a connection for this small area. Water supply for potable and bush fire purposes will be via on site storage tanks, in accordance with existing requirements of the Council.

Connection to utility services such as electricity will be a requirement of future subdivision of the land. On site disposal of effluent will be utilised with geotechnical assessment of soils to be undertaken as a condition of future subdivision consent.

Waste management and recycling services will be available through existing services of the Upper Hunter Shire Council.

The area is generally well-serviced with Education & Medical facilities, Police, Ambulance and Fire and other emergency services.

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

The appropriate State and Commonwealth public authorities have not yet been identified as the Gateway Determination has yet to be issued for the proposal.

9.2 General Environmental Factors

9.2.1 Flora and Fauna

Flora and Fauna report to determine the impact upon critical habitat or threatened species, population or Ecological communities, or their habitats to be completed if required by the Gateway Determination.

9.2.2 Traffic Generation, Road Capacity and Site Access

It is considered that the existing access to Wallington Road enjoys acceptable sight lines and distances in both directions, the local road network has sufficient capacity to accommodate any minor increase in traffic volume that would be generated by development of this site and is considered capable of being upgraded to support a residential subdivision. Further details of traffic generation and access is to be completed after the Gateway Determination.

If deemed necessary by Council, the frontage to the proposed subdivision would be sealed from the intersection with Middlebrook Road as a condition of development consent for subdivision of the land.

9.2.3 Water Supply

Based on the Water and Sewer System Map detailed on the Upper Hunter Shire Council Online Mapping system - town water is not currently available to the site and is located approximately 4.8km to the north of the closest connection point in Middlebrook Road shown in Figure 3 below. As previously mentioned, Upper Hunter Shire Council has sought residence support for extension of a water service to the locality, however sufficient support has not been forthcoming to date.



Extending provision of town water to existing and / or proposed dwellings further into the site is feasible however refer to previous comments regarding provision of reticulated supply.

9.2.4 Sewerage Supply

Based on the Water and Sewer System Map detailed on the Upper Hunter Shire Council Online Mapping system – reticulated sewerage town water is not currently available to the site. As such, connection to the town reticulated sewerage system is not possible. On-site sewage disposal is the option to be utilised with geotechnical assessment to confirm the appropriate type of systems and site area required. Such studies will be considered at future DA stage.

9.2.5 Landscape and Visual

Landscape plans are not included with this Rezoning Submission. However any future development proposal will have landscaping features incorporated into the design.

9.2.6 Bushfire Considerations

A detailed Bushfire Threat Assessment was undertaken on site. The assessment concludes that future further development of the subject site could comply with the requirements of Planning for Bushfire Protection (*NSW Rural Fire Service & Planning NSW 2006*). At development application stage for subdivision a Bushfire Safety Authority under Section 100B of the *NSW Rural Fires Act 1997* will be required.

10.0 Community Consultation

This Planning Proposal is considered to be of a type that falls within the definition of a '*low Impact Planning Proposal*'. Therefore, it is likely to be on exhibition for a minimum period of 14 days. It is suggested however that a period of 28 days would be preferable so as to be consistent with Council's general policy for advertisement of rezoning proposals.

The community would be notified by the Relevant Planning Authority of the commencement of the exhibition period via a notice in a local newspaper. Unless stipulated otherwise by legislation or Council code / policy the written notice will:-

- Give a brief description of the objectives or intended outcomes of the Planning Proposal;
- Indicate the land affected by the Planning Proposal;
- State where and when the Planning Proposal can be inspected;
- Give the name and address of the Relevant Planning Authority for the receipt of any submissions and
- Indicate the last date for submissions.

During the exhibition period, the following material would be made available for inspection by the Relevant Planning Authority including:-

- The Planning Proposal, in the form approved for community consultation by the Director General of Planning;
- The Gateway determination; and

- Any studies relied upon by the Planning Proposal

11.0 Conclusion

This Planning Proposal is simple in nature, seeking a mapping change (with no proposed variations to LEP or DCP wording) to amend the existing zoning for the subject site.

The Planning Proposal is considered to be appropriate as:

- The proposal is consistent with the objectives and policies criteria stipulated within the Upper Hunter Land Use Strategy large lot residential.
- The proposed lot is has an adjoining boundary with existing Rural 1(c) zoned land and represents a minor extension to such area.
- The proposed rezoning will allow for a range of housing stock and other permissible land uses in the proposed rural residential zone to serve the needs of people who live in, work in and visit the local area;
- The proposed rezoning will be located within an accessible location to an arterial road, being close proximity to the town centre, other commercial uses which is consistent with the intent of providing flexibility in the planning controls and will provide appropriate use of existing infrastructure;
- The proposed rezoning will result in a future development which is residential in nature and which is consistent with the surrounding land uses within proximity of the township of Scone.
- The proposed rezoning is envisaged to allow for a future development application for subdivision to be forwarded to Council to allow for the construction of single dwellings (in addition to other permitted land uses under the proposed residential zone) which is considered to maintain the scenic qualities of the region and local contexts;
- It is considered that the proposed rezoning will not alter the character of the local area;
- The proposed rezoning will allow for development which can be designed to result in development having a scale, bulk, height, mass, form, character and design of

the development which is consistent with that of other detached style dwellings in the area;

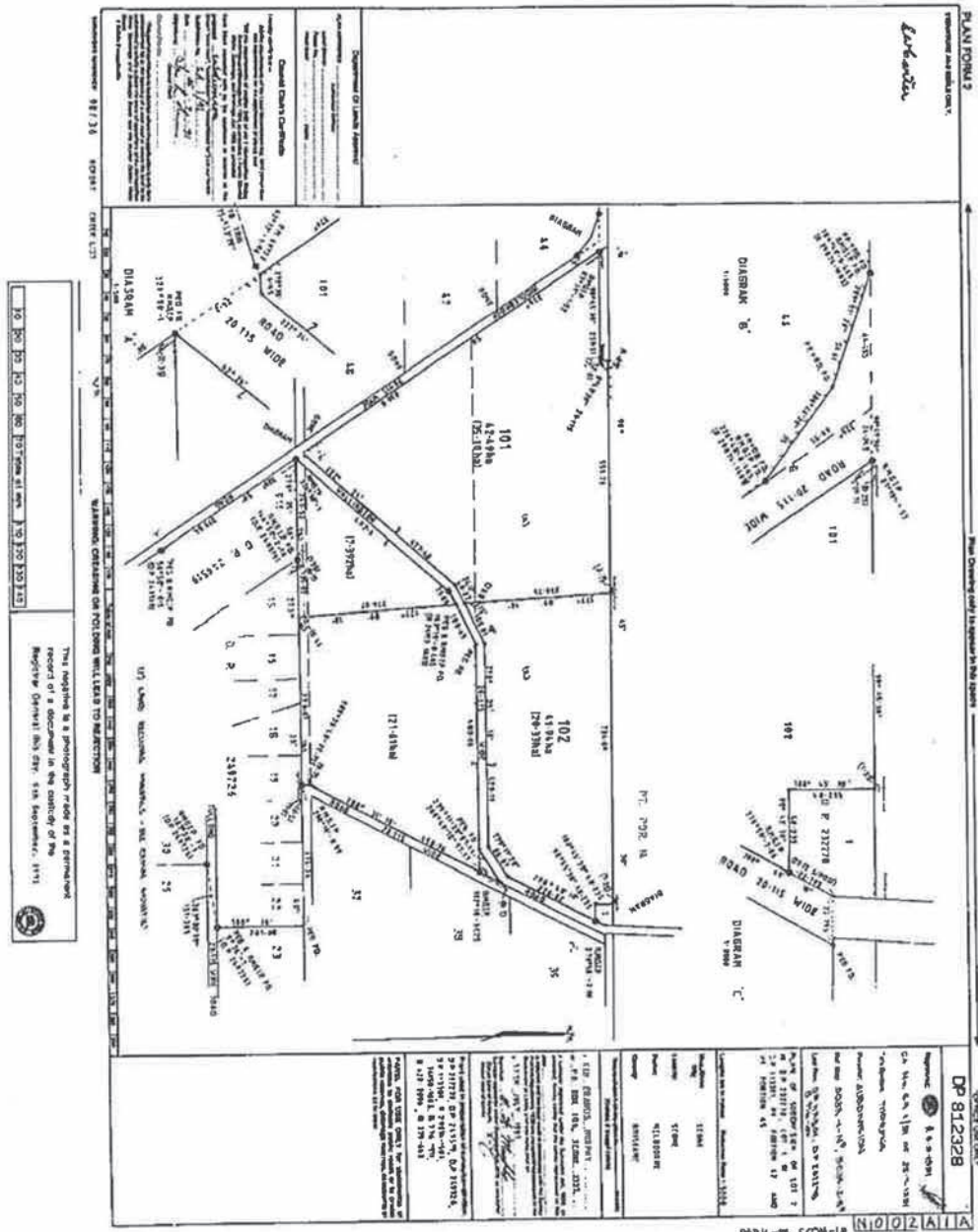
- The proposed rezoning will allow for development which is not inconsistent with the surrounding land uses
- The proposed rezoning is not considered to result in traffic generation which will adversely impact upon the road networks capacity.
- The allotment is capable and appropriate of accommodating the planning proposal
- The site is not constrained by adjoining or nearby land uses which would make the subject development unfeasible
- The site does not pose any special physical or engineering constraints (subject to studies detailed within this report, future development designs, applications and assessments) which would make the site unsuitable for the proposed development
- The development is consistent with the objects of the EPAA in that the proposal maintains the orderly economic development of land.
- The site has been identified as having potential for residential development, and housing and infrastructure developments can be provided within the identified site constraints.

It is therefore requested that the rezoning of this site to No. 1(c) Rural Small Holdings be favourably considered and that the Relevant Planning Authority progress the matter to a Gateway Determination as per the provisions of the Environmental Planning and Assessment Act 1979.

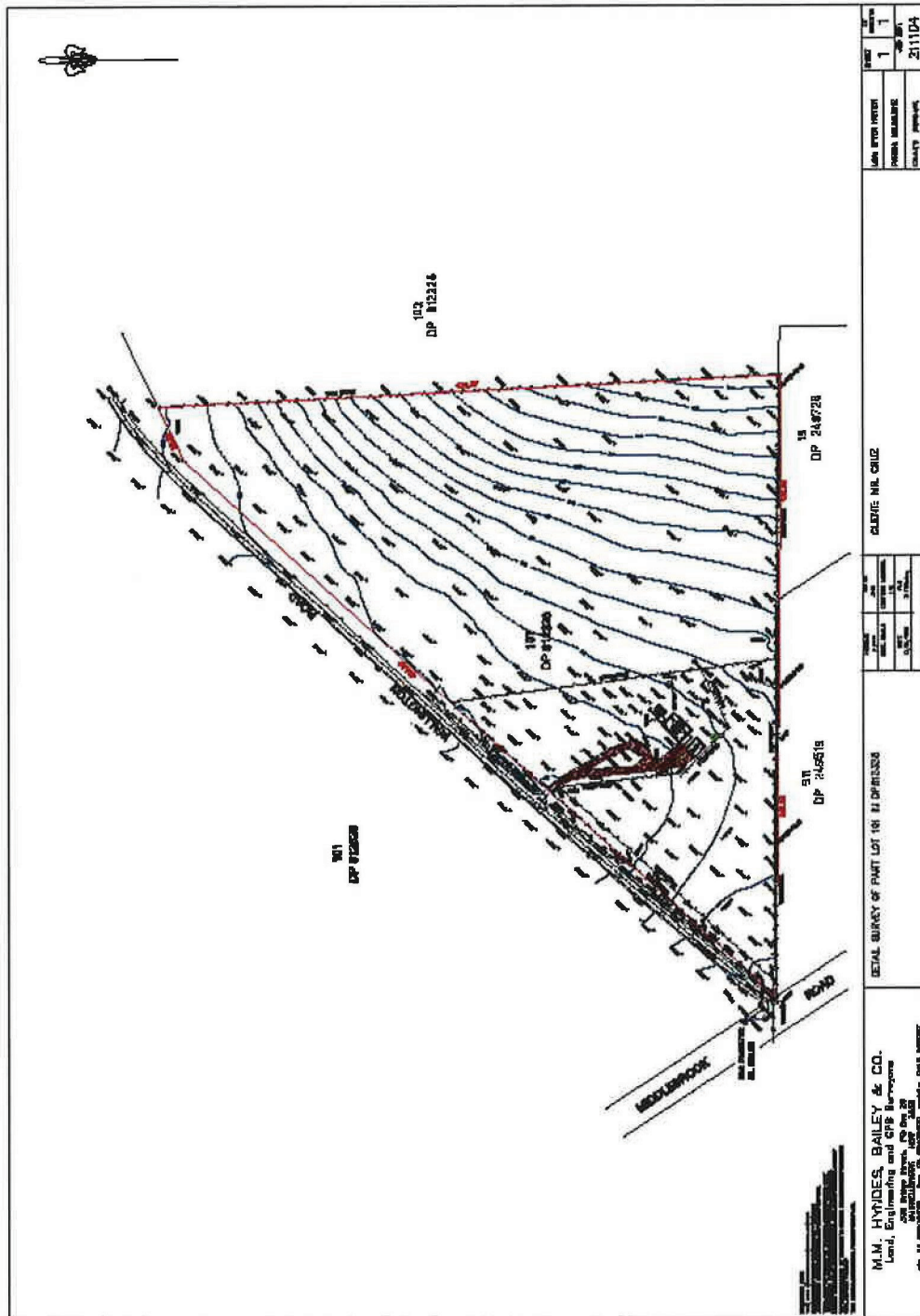
INDEX OF ATTACHMENTS:

- A. Copy of Deposited Plan 812328
- B. Survey Plan of Subject site (prepared by M.M. Hyndes Bailey & Co.)
- C. Existing Zoning Map under Scone LEP 1986
- D. Proposed Zoning Map Changes (prepared by M.M. Hyndes Bailey & Co.)
- E. Bushfire Threat Assessment (prepared by M.M. Hyndes Bailey & Co. - Consulting Surveyors)
- F. Site Photos
- G. Heritage Search

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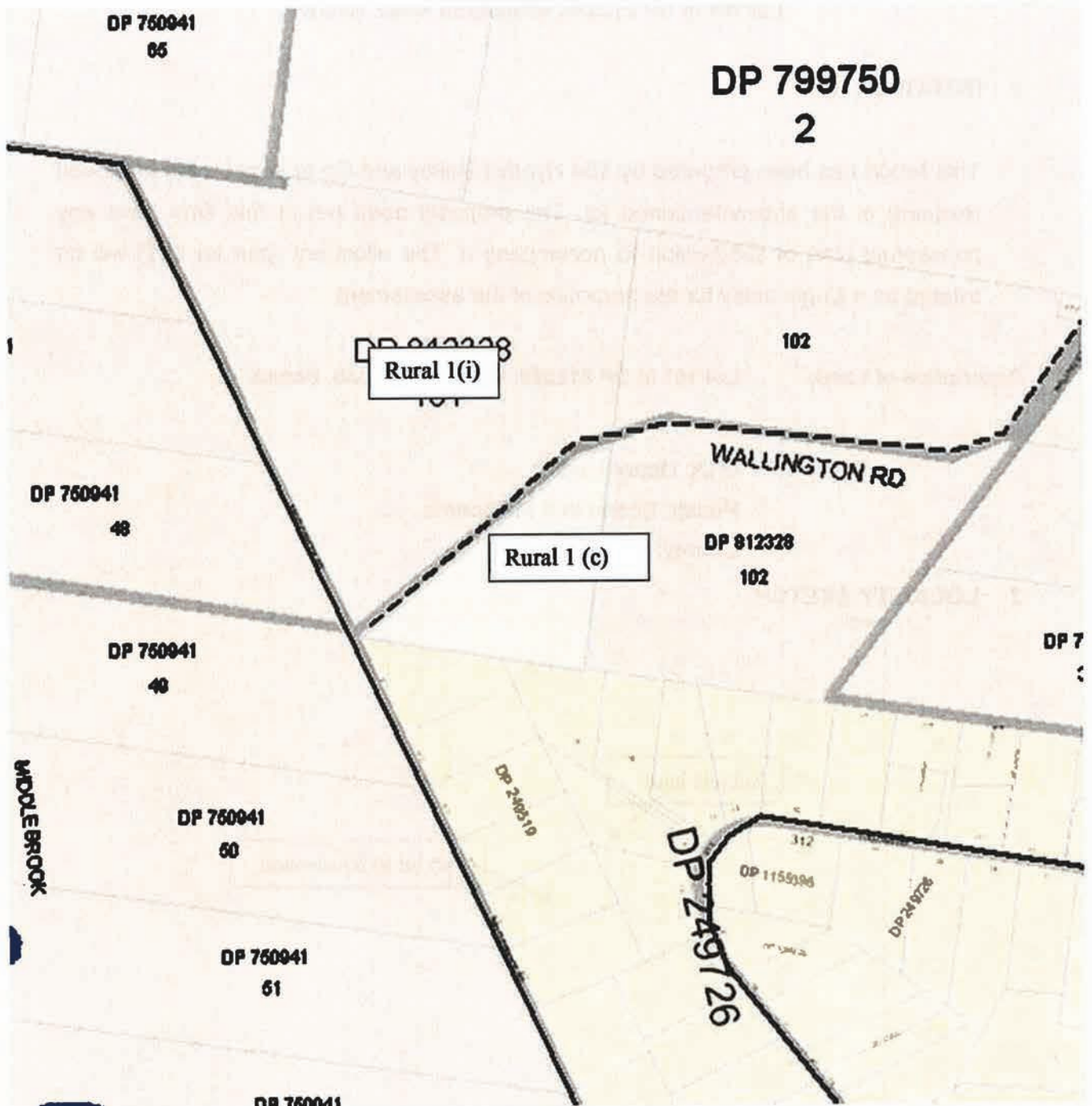


B. Survey Plan of Subject site (prepared by M.M. Hyndes Bailey & Co.)



An aerial photograph overlaid with a cadastral map. The map shows several land parcels outlined by thin grey lines. Thick black lines represent major roads or boundaries. A dashed black line runs from the center towards the top right. Labels include parcel identifiers such as "DP 760941 85", "DP 812328 101", "DP 760941 48", "DP 760941 40", "DP 760941 50", "DP 760941 61", "DP 799750 2", "DP 812328 102", "DP 249726", "DP 1155394", "DP 249726", and "DP 7". Two specific areas are highlighted with white rectangular boxes containing the text "Rural 1(i)" and "Rural 1(c)". A road labeled "WALLINGTON RD" is shown as a dashed line. On the left edge, the text "MIDDLE BROOK" is written vertically.

D Proposed Zoning Map Changes



Attachment E

Bushfire Threat Assessment

Proposed Rezoning

Bushfire Assessment

Lot 101 in DP 812328, Wallington Road, Scone

1 INTRODUCTION

This report has been prepared by MM Hyndes Bailey and Co to support the proposed rezoning of the abovementioned lot. The proposal does not at this time have any conceptual plan of subdivision to accompany it. The allotment (part lot 101) will be treated as a single entity for the purposes of the assessment.

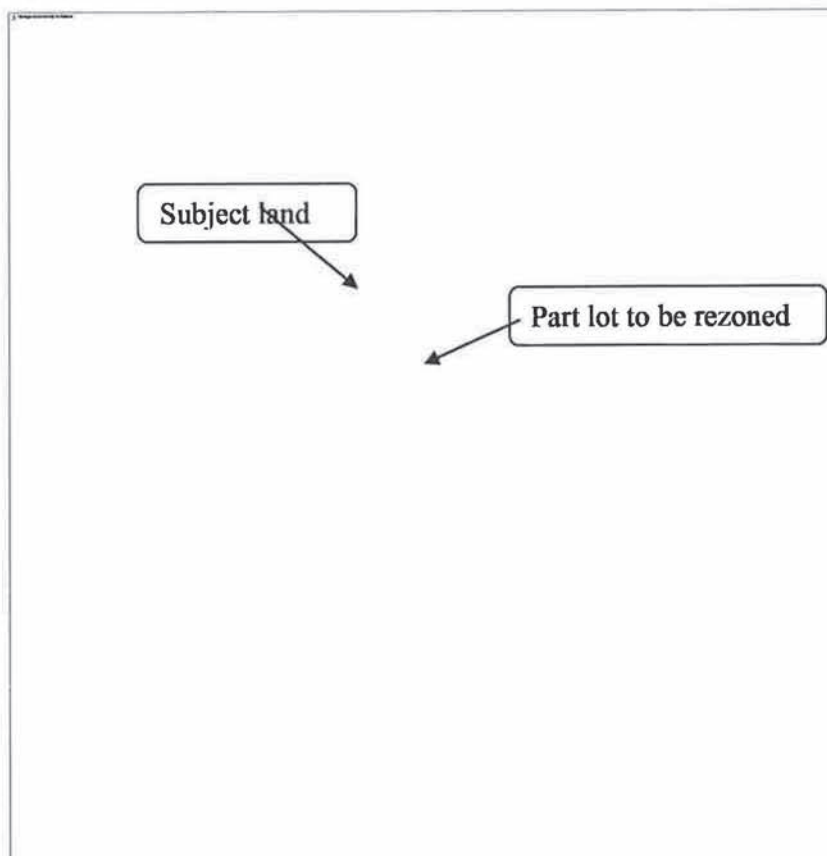
Description of Land: **Lot 101 in DP 812328, Wallington Road, Scone**

LGA: Upper Hunter

Parish: Scone and Melbourne

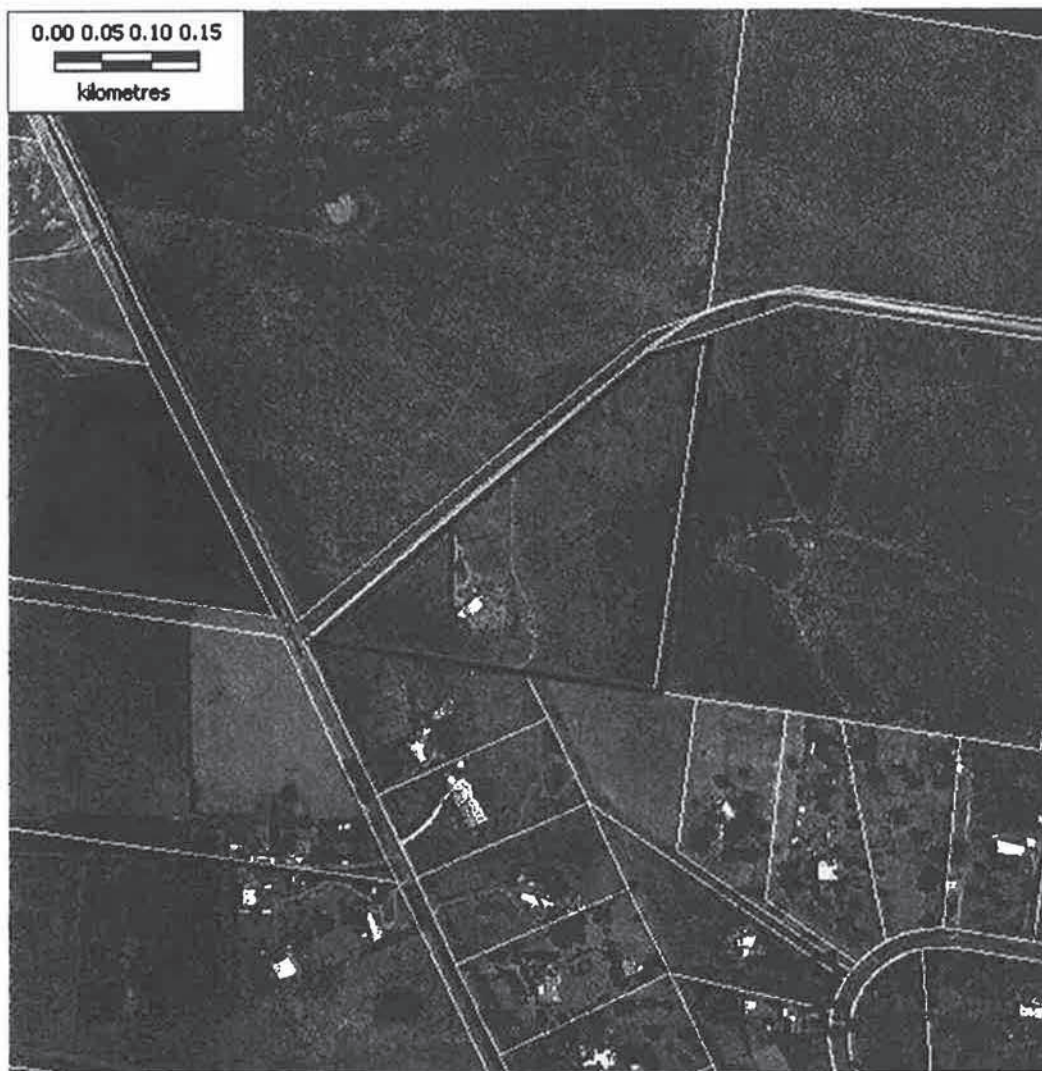
County: Brisbane

2 LOCALITY SKETCH



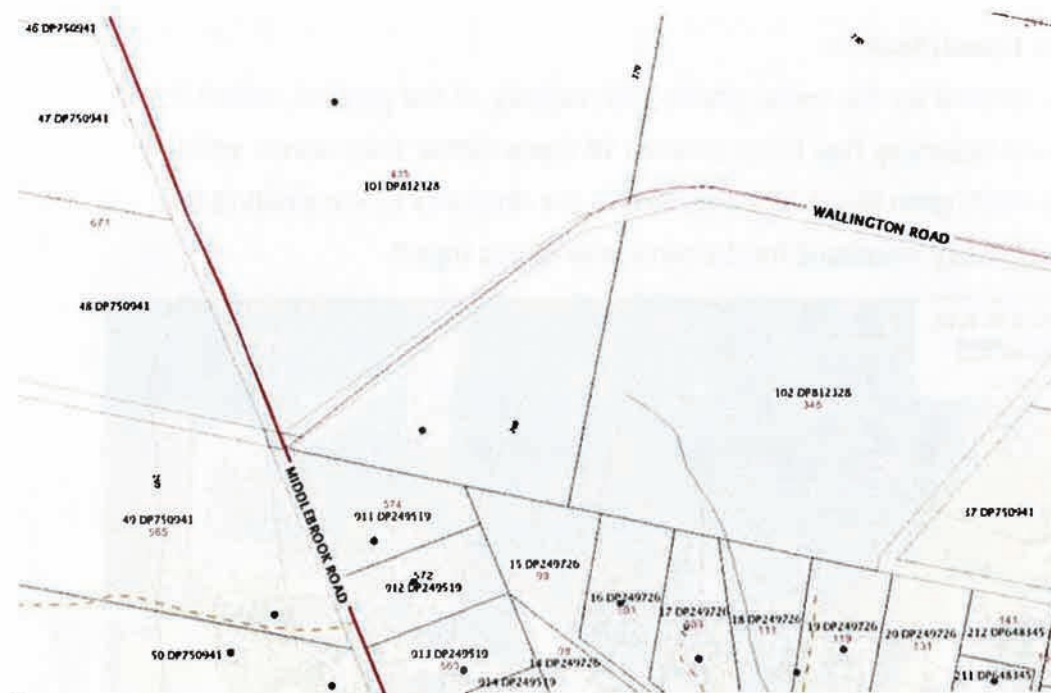
Vegetation Classification

As can be verified by the aerial photo, the majority of the part lot, which is the subject of the proposed rezoning has been cleared of trees (other than some which are along the frontage to Wallington Road and adjacent to the driveway to the existing dwelling). The site is classified grassy woodland for the purposes of this report.



Slope Analysis

Topographically, the site has a moderate slope, with a cross fall from Wallington Road to south east corners of the site. The following map showing 10m contours confirms that there is a downhill slope of maximum 5 degrees from Wallington Rd.



3 Asset Protection Zones

Vegetation Classification is of grassy woodland with 5° Slope and FDI (100) for Upper Hunter. Table A2.4 which recommends a minimum 10m asset protection zone to boundaries in residential and rural residential subdivisions for class 1 and 2 buildings, which will be adopted.

4 Threatened Species

The subject land has been predominately cleared of vegetation and had past use for agricultural purposes. The percentage of land that would be required to be cleared for asset protection in relation to the whole of the land is extremely small, and it is suggested that any such clearing is unlikely to require removal of any significant vegetation. As such it is considered that the potential impact on threatened species is insignificant.

5 Archaeological

The applicant is not aware of any Aboriginal Cultural issues associated with the site.

6 Water Supply

The rezoning (if approved) and any subsequent subdivision would be for rural residential allotments in a locality where no town water supply is available. The application does not seek any development consent for dwellings at this time however future applications will comply with Council's and / or Rural Fire Service requirements in terms of provision of minimum rain water storage tanks with appropriate connections and capacity for rural fire service use.

7 Access

The subject land has direct road frontage to Wallington Road.

8 Electricity

Power supply is available to the land.

9 Construction Requirements

The application is in respect of the proposed rezoning of the land. No applications for subdivision and / or further dwellings have been lodged at this time. Any new dwellings in the future will require installing of suitable storage capacity for fire fighting purposes together with appropriate storz fittings etc.

10 Compliance with objectives of Chapter 4 PBP 2006 – Rural Development

1. APZ – the subject land, and adjoining land within 100m classified as grassy woodland having a grade of 3° and 10m asset protection zones are proposed.
2. Access
Public Roads – the subject land has direct access to Wallington Road, which is a public through road.
3. Fire Trails – Not applicable for this subdivision.
4. Services
 - Electricity is an existing overhead supply and it is not considered practical to require it be placed underground.
 - Telecommunication services should be available given the nearby development

- There is no reticulated water supply currently available to the land.
- 5. SFPP – Not applicable to this subdivision.
- 6. Infill development – This is not an infill subdivision.

11 Conclusion

The proposal has been assessed in accordance with the guidelines outlined in "Planning for Bushfire Protection" document. Given the vegetation and slope of the land a 10m asset protection zone is adequate for any new dwelling (should the rezoning and subsequent subdivision of the land be approved). Conditions of development consent for dwelling will require an appropriate level of water storage for fire fighting purposes in accordance with council requirements. This together with the suitable site access and will provide a safe rural development.

Yours faithfully,

Michael Cole
Registered Surveyor

Attachment F

Site Photos



Intesection of Wallington Road and Middlebrook Rd



Access to dwelling on subject land



View showing residence and dwelling at rear boundary



Existing gravel road from dwelling access to Middlebrook Road



Existing gravel road from north eastern boundary
with adjoining rural res land and residences in
background

Attachment G

Heritage Search

Statutory Listed Items

Information and items listed in the State Heritage Inventory come from a number of sources. This means that there may be several entries for the same heritage item in the database. For clarity, the search results have been divided into two sections.

- **Section 1.** contains items listed by the **Heritage Council** under the NSW Heritage Act. This includes listing on the State Heritage Register, an Interim Heritage Order or protected under section 136 of the NSW Heritage Act. This information is provided by the Heritage Branch.
- **Section 2.** contains items listed by **Local Councils & Shires and State Government Agencies**. This section may also contain additional information on some of the items listed in the first section.

Section 1. Items listed under the NSW Heritage Act.

Click on an item name to view the full details.

The search results can be re-sorted by clicking on the **(sort)** option at the top of each column.

Item Name (sort)	Address (sort)	Suburb (sort)	LGA (sort)	Listed Under Heritage Act
Old Court Theatre	41 Kingdon Road	Scone	Upper Hunter	Yes
Scone Civic Theatre	144 Kelly Street	Scone	Upper Hunter	Yes
Scone Railway Station	Main Northern railway	Scone	Upper Hunter	Yes

There were 3 records in this section matching your search criteria.

Section 2. Items listed by Local Government and State agencies.

Item Name (sort)	Address (sort)	Suburb (sort)	LGA (sort)	Information Source (sort)
Alan Cunningham Memorial	Rotary Park	Scone	Upper Hunter	GAZ
Alan Cunningham Memorial	Rotary Park	Scone	Upper Hunter	LGOV
Belltrees & Outbuildings	Grundy Road	Scone	Upper Hunter	GAZ
Boorers Mill (former)	Willow Street	Scone	Upper Hunter	GAZ
Boorers Mill (former)	Willow Street	Scone	Upper Hunter	LGOV
Campbells Corner	177-181 Kelly Street	Scone	Upper Hunter	GAZ
Campbells Corner	177-181 Kelly Street	Scone	Upper Hunter	LGOV

<u>Catholic Cemetery</u>	New England Highway	Scone	Upper Hunter	GAZ
<u>Catholic Cemetery</u>	New England Highway	Scone	Upper Hunter	LGOV
<u>Glenrock Station</u>		Scone	Upper Hunter	GAZ
<u>Glenrock Station</u>		Scone	Upper Hunter	LGOV
<u>Grammar School (former)</u>	Kingdon Street	Scone	Upper Hunter	GAZ
<u>Grammar School (former)</u>	Kingdon Street	Scone	Upper Hunter	LGOV
<u>Hospital</u>	Smith Street	Scone	Upper Hunter	GAZ
<u>Hospital</u>	Smith Street	Scone	Upper Hunter	LGOV
<u>Invermein House and petrified stump</u>	Moobi Road	Scone	Upper Hunter	GAZ
<u>Invermein House and petrified stump</u>	Moobi Road	Scone	Upper Hunter	LGOV
<u>Lockup (former)</u>	Kingdon Street	Scone	Upper Hunter	GAZ
<u>Lockup (former)</u>	Kingdon Street	Scone	Upper Hunter	LGOV
<u>Mill Cottage</u>	Willow Street	Scone	Upper Hunter	GAZ
<u>Mill Cottage</u>	Willow Street	Scone	Upper Hunter	LGOV
<u>Monument for Commonwealth</u>	Rotary Park	Scone	Upper Hunter	GAZ
<u>Monument for Commonwealth</u>	Rotary Park	Scone	Upper Hunter	LGOV
<u>Nandowra</u>	Smith Street	Scone	Upper Hunter	GAZ
<u>Nandowra</u>	Smith Street	Scone	Upper Hunter	LGOV
<u>Old Court Theatre</u>	41 Kingdon Road	Scone	Upper Hunter	LGOV
<u>Original building</u>	Stafford Street	Scone	Upper Hunter	SGOV
<u>Rouse - Lench</u>	Denman Road	Scone	Upper Hunter	LGOV
<u>Satur</u>	Smith Street	Scone	Upper Hunter	GAZ

<u>Satur</u>	Smith Street	Scone	Upper Hunter	LGOV
<u>School of Arts (former)</u>	Kingdon Street	Scone	Upper Hunter	GAZ
<u>Scone Conservation Area</u>		Scone	Upper Hunter	GAZ
<u>Scone Conservation Area</u>		Scone	Upper Hunter	LGOV
<u>Scone Railway Precinct</u>	Susan Street	Scone	Upper Hunter	SGOV
<u>Segenhoe & Outbuildings</u>	Segenhoe Road	Scone	Upper Hunter	GAZ
<u>Segenhoe & Outbuildings</u>	Segenhoe Road	Scone	Upper Hunter	LGOV
<u>St. Aubin's Arms</u>	245 Kelly Street	Scone	Upper Hunter	GAZ
<u>St. Aubin's Arms</u>	245 Kelly Street	Scone	Upper Hunter	LGOV
<u>St. Aubin's House & Outbuildings</u>	New England Highway	Scone	Upper Hunter	GAZ
<u>St. Aubin's House & Outbuildings</u>	New England Highway	Scone	Upper Hunter	LGOV
<u>St. Luke's Group</u>	Liverpool Street	Scone	Upper Hunter	GAZ
<u>St. Luke's Group</u>	Liverpool Street	Scone	Upper Hunter	LGOV
<u>St. Mary's Roman Catholic Church</u>	Short Street	Scone	Upper Hunter	GAZ
<u>St. Mary's Roman Catholic Church</u>	Short Street	Scone	Upper Hunter	LGOV
<u>Thornthwaite</u>	Upper Dartbrook Road	Scone	Upper Hunter	GAZ
<u>Thornthwaite</u>	Upper Dartbrook Road	Scone	Upper Hunter	LGOV
<u>Turanville</u>	New England Highway	Scone	Upper Hunter	GAZ
<u>Turanville</u>	New England Highway	Scone	Upper Hunter	LGOV
<u>Willow Tree Hotel (former)</u>	Willow Street	Scone	Upper Hunter	GAZ
<u>Willow Tree Hotel (former)</u>	Willow Street	Scone	Upper Hunter	LGOV
<u>Willowgate Hall/ School of Arts</u>	91 Kingdon Street	Scone	Upper	LGOV

<u>(former)</u>			Hunter	
<u>Yarrandi</u>	Merriwa Road (off)	Scone	Upper Hunter	GAZ
<u>Yarrandi</u>	Merriwa Road (off)	Scone	Upper Hunter	LGOV