

Amendment to Scone LEP 1986 - Mareeba Road, Scone (Parkville East)

Proposal Title : **Amendment to Scone LEP 1986 - Mareeba Road, Scone (Parkville East)**

Proposal Summary : **The Planning Proposal aims to rezone part of the subject land (15ha) from 1(i) Intensive Agriculture to 1(c) Rural Small Holdings under the Scone LEP 1986. This will leave a rural residue of 18ha.**

Clause 11 of the LEP allows the subdivision of land zoned 1(c) Rural Small Holdings into 4000sqm allotments, where sewer is not available. The PP also aims to increase the minimum subdivision requirement from 4000sqm to 1ha in accordance with the recommendation of the endorsed Upper Hunter Land Use Strategy.

PP Number : **PP_2012_UPHUN_004_00**

Dop File No :

12/11148

Proposal Details

Date Planning : **03-Jul-2012**

Proposal Received :

LGA covered :

Upper Hunter

Region : **Hunter**

RPA :

Upper Hunter Shire Council

State Electorate : **UPPER HUNTER**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **Part Lot 2 DP813125**

Suburb : **Mareeba Road**

City : **Scone**

Postcode : **2337**

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Trent Wink**

Contact Number : **0249042716**

Contact Email : **trent.wink@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Paul Smith**

Contact Number : **0265401102**

Contact Email : **psmith@upperhunter.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :	15.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	15	No. of Dwellings (where relevant) :	15
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The Upper Hunter Land Use Strategy was endorsed by the Director General on 21 January 2010. The subject land was identified for further investigation to determine whether it is suitable for rural residential development.**

To date, all dealings with this Planning Proposal have adhered to the Lobbyist Code of Conduct.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal rezones part of the subject land from 1(i) Intensive Agriculture to 1(c) Rural Small Holdings. The residue (18ha) will remain zoned 1(i) Intensive Agriculture.**

A site specific provision is proposed for the change to the minimum lot size for the 1(c) Rural Small Holdings zone (from 4000sqm to 1ha).

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.2 Rural Zones

1.5 Rural Lands

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The PP's inconsistencies with Direction 1.2 Rural Zones, Direction 1.5 Rural Lands & Direction 3.4 Integrated Land Use and Transport are justified by the endorsed Strategy which identifies the subject land for further investigation.

Council needs to consult with the NSW Rural Fire Service before undertaking community consultation to satisfy the requirements of Direction 4.4 Planning for Bushfire Protection.

The PP is inconsistent with the Minister's S117 Direction 6.3 Site Specific Provision (4c) because it increases the minimum subdivision requirement from 4000sqm to 1ha for the subject land only. The existing LEP at clause 11 stipulates a minimum subdivision requirement of 4000sqm, where sewer is not available. Council's endorsed Upper Hunter Land Use Strategy identified this land as a Rural Small Holdings investigation area with 1ha allotments. When Council completes its Standard Instrument, it will be possible to map the 1ha minimum subdivision requirement on the Lot size Map. It is recommended that the Director General approves this minor inconsistency.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

A 14 day exhibition period would usually be considered for strategy-consistent matters, however Council request for a 28 day exhibition is reasonable given the rural location and the challenges with exhibition material and distribution.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **Council has commenced its s62 consultation.**

Assessment Criteria

Need for planning proposal : **A Planning Proposal is required to investigate whether the subject land is suitable for rural residential development and to achieve the zoning and lot size changes.**

Council needs to assess the locational criteria under Table 11 of the endorsed Upper Hunter Land Use Strategy to determine its suitability and for this information to be included in the Planning Proposal. Consideration should also be given to the Settlement Principles in the Draft Upper Hunter Strategic Regional Land Use Plan.

Consistency with strategic planning framework : **The Proposal is consistent with Council's endorsed Upper Hunter Land Use Strategy which identified this land as a Rural Small Holdings investigation area with 1ha allotments.**

When the Director General endorsed the Strategy, Council was advised to establish a land monitor to review residential supply and demand, dwelling and subdivision approvals. It is recommended that the land monitor be prepared and exhibited with this planning proposal.

Environmental social economic impacts : **The land has historically been used for cropping and acts as a buffer between the existing village and the nearby agricultural land uses, such as the poultry sheds to the north and the piggery to the south. It is understood that both these land uses have currently ceased operation.**

A land use conflict risk assessment needs to be prepared to assess the potential conflict with surrounding agricultural land uses, including the possible reestablishment of the poultry and piggery industries and recommend possible mitigation measures. It should also consider the agricultural viability of the rural residue of 18ha.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d) : **NSW Department of Primary Industries - Agriculture
Transport for NSW - RailCorp**

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Bushfire

Other - provide details below

If Other, provide reasons :

A land use conflict risk assessment needs to be prepared to assess the potential conflict with surrounding agricultural land uses, including the possible reestablishment of the poultry and piggery industries and recommend possible mitigation measures. It should also consider the agricultural viability of the rural residue of 18ha.

SEPP 55 Contamination Assessment prepared in accordance with the contaminated land planning guidelines.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
D-G Endorsement letter of LUDS.pdf	Determination Document	Yes
Planning Proposal Mareeba Road, Parkville East.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
 1.5 Rural Lands
 3.4 Integrating Land Use and Transport
 4.4 Planning for Bushfire Protection
 6.3 Site Specific Provisions

Additional Information : **It is recommended that:**

- 1. The Planning Proposal be supported.**
- 2. Council be required to consult with the NSW Rural Fire Service before undertaking community consultation to address the requirements of the Minister's S117 Direction 4.4 Planning for Bushfire Protection.**
- 3. Council be required to assess the locational criteria under Table 11 of the endorsed Upper Hunter Land Use Strategy and the settlement principles of the Draft Strategic Regional Land Use Plan. Council's assessment shall be included in the Planning Proposal before undertaking community consultation.**
- 4. Council be required to address SEPP 55 in the Planning Proposal and prepare a contamination report. The contamination report shall be exhibited with the Planning Proposal.**

5. Council be required to prepare a land use conflict risk assessment to assess the potential conflict with surround agricultural land uses, including the possible reestablishment of the poultry and piggery industries and recommend possible mitigation measures. It should also consider the agricultural viability of the rural residue of 18ha. The land use conflict risk assessment shall be exhibited with the planning proposal and forwarded to the Department of Primary Industries (Agriculture) when consulted.

6. Council be required to establish a land monitor in accordance with the Director General's Strategy endorsement requirements. The land monitor will review residential supply and demand, dwelling and subdivision approvals. The land monitor shall be exhibited with the planning proposal.

7. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

- (a) the Planning Proposal be made publicly available for 28 days;
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009)

8. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Department of Primary Industry (Agriculture)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

9. The Director General (or delegate) approve the inconsistencies with the Minister's S117 Direction 1.2 Rural Zones, Direction 1.5 Rural Lands & Direction 3.4 Integrated Land Use and Transport because the proposed rezoning is justified by the endorsed Upper Hunter Land Use Strategy.

10. The Director General (or delegate) approve the minor inconsistency with the Minister's S117 Direction 6.3 Site Specific Provision (4c) to increase the minimum subdivision requirement from 4000sqm to 1ha for the subject land.

11. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

12. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

Supporting Reasons :

Council's endorsed Upper Hunter Land Use Strategy identified this land as a Rural Small Holdings investigation area with 1ha allotments.

When the Director General endorsed the Strategy, Council was advised to establish a land monitor to review residential supply and demand, dwelling and subdivision approvals. This should also assist with the establish an Urban Development Program, which has been identified as a future action of the draft Strategic Regional Land Use Plan.

Council should prepare a land use conflict risk assessment to assess the potential conflict with surround agricultural land uses.

Also Council should be required to assess the locational criteria under Table 11 of the endorsed Upper Hunter Land Use Strategy and the settlement principles of the Draft

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Strategic Regional Land Use Plan.

Signature:

Maurice Gibson

Printed Name:

Maurice Gibson

Date:

11 July 2012

