

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

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 Strategic Regional Land Use Plan.

Panel Recommendation

Recommendation Date : 19-Jul-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

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

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

2. Consultation is required with the following public authorities under section 56(2)(d) of

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the EP&A Act:

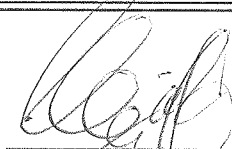
- NSW Department of Primary Industries (Agriculture)
- Transport for NSW (Railcorp)
- NSW Rural Fire Services

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.

3. 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 (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGiffin

Date:

25.7.12