

PLANNING PROPOSAL

Amendment to the Scone Local Environment Plan 1986



Planning Proposal 5/2011

Scone Local Environment Plan (Amendment No XX) 1986

Part Lot 2 DP 813125
Mareeba Road Scone

Attachment to PNC 001192
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Version 01
23 May 2012

PLANNING PROPOSAL

Planning Proposal Ref:	5/2011
Local Government Area:	Upper Hunter Shire
Name of Draft LEP:	Scone Local Environmental Plan 1986 (Amendment No.XX)
Applicant:	MM Hyndes Bailey and Co
Owner:	AJ and RJ Stafford

PROJECT BACKGROUND

This report has been prepared (in accordance with NSW Department of Planning's "*A guide to preparing planning proposals (July 2009)*") under Section 54 of the Environmental Planning and Assessment Act 1979 (EPAA) to facilitate 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.

SITE IDENTIFICATION

The site is located approximately 8 km north of the Scone commercial area and 1km east of Parkville. The land consists of an area 32.94ha, with a 754 metre frontage to Mareeba Road. It is proposed that the 15ha will be rezoned to a rural residential zone. The site identification map is attached as Appendix 1. The land is currently zoned as 1(i) Intensive Agriculture under the Scone Local Environmental Plan 1986 as shown in Appendix 2. This land is identified in the Upper Hunter Land Use Strategy as the Parkville East Investigation Area which identified the 15ha area for future rezoning to a large lot residential or rural residential use.

PART 1: OBJECTIVES OR INTENDED OUTCOMES

The planning proposal seeks to:

- rezone part of the land identified as Lot 2 DP 813125 from 1(i) Intensive Agriculture to 1(c) Rural Small Holdings in the Scone Local Environmental Plan 1986.
- Ensure that the minimum lot sizes reflect the surrounding rural landscape.

PART 2: EXPLANATION OF PROVISIONS

The objective of this planning proposal is intended to be achieved through amending the Scone Local Environmental Plan 1986 (SLEP). The amendment would involve a change to the land zoning. This involves a change to Clause 5(1) of the SLEP as an additional amendment map would need to be included in this clause.

This is described in Table 1 below and shown in the existing zoning and proposed zoning maps in **Appendix 2 – Existing Zoning Map and Appendix 3 – Proposed Zoning Map.**

Table1: Proposed Rezoning

Land Description	Current Zoning	Proposed Zoning
Part Lot 2 DP 813125 (Total Area:15 ha)	1(i) Intensive Agriculture	1(c) Small Rural Holdings Zone

Although Clause 11 in relation to the 1(c) Small Rural Holdings Zone of the SLEP allows minimum lot sizes of 4,000 sq metres (in locations that does not have a reticulated sewerage service) and 2,000 sq metres (in locations with a reticulated sewerage service), it is considered that in order to maintain consistency with the small intensive agricultural allotments to the immediate south and the Land Use Strategy that a minimum lot size of 1 ha is established. In this regard a Special Development Provision under Clause 41 of the SLEP will be inserted into Schedule 6 that limits subdivision of the land to minimum lot sizes of 1ha.

The provisions of the 1(c) Small Rural Holdings Zone under the current SLEP would be equivalent to the R5 – Large Lot Residential Zone under the Upper Hunter Local Environment Plan 20XX (once gazetted) as this zone would provide for residential housing in a rural setting while preserving and minimising the impacts on environmentally sensitive locations and the scenic rural quality of the location.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Infrastructure's Guide to Preparing Planning Proposals, this section provides a response to the following issues:

- Section A: Need for proposal
- Section B: Policy Context
- Section C: Potential Environmental, Social and Economic Impact; and
- Section D: Other Government Interests

SECTION A – NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal the result of any strategic study?

The Planning Proposal for the rezoning is identified as the Parkville East Rural Residential Investigation Area in the Upper Hunter Shire Land Use Strategy (LUS).

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

The provision of additional land for residential development is one of the key objectives of the LUS. This is consistent with the objectives of this Planning Proposal. It is considered that an amendment to the SLEP through the Gateway process is the most effective method to achieve the objectives of the LUS.

3. Is there a community benefit? (Has a Net Community Benefit Test been provided?)

The net community benefit provided by the planning proposal reflect 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.

The benefits to the community of this planning proposal include:

- An increase of housing stock and ability for housing variety without adverse impacts to the amenity and environment of the local area;
- Enable other land uses 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.
- Facilitate and encourage a mix of small rural holdings on land deemed potentially suitable for such use to meet demands for lifestyle allotments.
- Allow for development which maintains and contributes to the rural residential 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.

SECTION B –RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

No. The Upper Hunter Shire is not included in a regional or sub-regional strategy.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Council has prepared the LUS, which identifies this site as part of the Parkville East Rural Residential Investigation Area.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with the applicable State Environmental Planning Policies. Refer to Appendix 4.

Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

Ministerial Direction	Relevance	Consistency and Implications
Employment and Resources		
Rural Zones	The objective of this direction is to protect the agricultural production value of rural land.	Acceptable against direction as the Upper Hunter Land Use Strategy has earmarked the subject site for rezoning into small holding allotments.
Mining, Petroleum Production and Extractive Industries	To ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	Not applicable
Rural Lands	To protect the agricultural production value of rural land, and facilitate the orderly and economic development of rural lands for rural and related purposes.	Acceptable against direction as the Upper Hunter Land Use Strategy has earmarked the subject site for rezoning into small holding allotments.
Environment and Heritage		
Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Not applicable. The land is not an environmental protection zone.
Housing, Infrastructure and Urban Development		
Residential Zones	(a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Not applicable
Caravan Parks and Manufactured Homes Estate	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Consistent within the existing zoning provisions under the Scone LEP 1986
Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent within the existing zoning provisions under the Scone LEP 1986
Integrated Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services,	The proposal is to rezone land for approximately 15 rural residential lots. The land is located approximately 12km from the Scone Town Centre. The location is likely to be too remote to enable future residents to walk or cycle using the existing road reserves (footpaths and roads respectively) for access to the centre. Given the scale of the proposal however, it is considered to be of minor significance and not necessary to comply.
Development Near Licensed Aerodromes	The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an	Not applicable

obstruction, hazard or potential hazard to aircraft flying in the vicinity, and
 (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.

Hazard and Risk

Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Not applicable
Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	Not applicable
Flood Prone Land	(a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Acceptable against direction. It is considered that the preparation of a flood study as part of the Gateway Determination should not be necessary as the land is not in close proximity to any waterbodies and has not been identified as flood prone land.
Planning for Bush Fire Protection	(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	A review of Council maps and aerial photography confirms this as a minor issue in terms of any potential impact from bushfire. If deemed necessary by Gateway, a Bushfire Assessment will be undertaken.

Regional Planning

Not applicable.

Local Plan Making

Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	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.
Reserving Land for Public Purposes	(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Not applicable
Site Specific Planning Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	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

SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. 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?

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 deemed necessary by the Gateway Determination. Note that the land has irrigation infrastructure and has been actively and recently subject to 'cropping'. It is considered that it is most unlikely that the rezoning would result in any impact in this regard.

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

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 particular forms of land uses and varying development. Further investigation may be required following the Gateway determination, however adverse effects are not envisaged.

Roads and Traffic

The subject land has frontage to Mareeba Rd which is a Council maintained road. It has a small section sealed with the majority being gravel as per photo 3 & 4 below. It is envisaged that the section of road with frontage to the subject land will be upgraded to a sealed surface.

An additional 15 lots in this locality will, when fully developed, place more vehicles onto the road network. It is suggested that the road currently has relatively small amounts of traffic and that sealing of the section will provide an improvement to this service.

Access to the New England Highway involves crossing of the railway. The level crossing at this location is provided with lights and barrier, therefore the additional traffic would have minimal if any impact in this regard.

A Traffic Impact Assessment may be warranted to consider the impacts of additional traffic on the intersection of Mareeba Road and the New England Highway. It is suggested however that the additional traffic on the New England Highway would represent a very small percentage increase.

Further details of traffic generation and access are to be completed if deemed necessary after the Gateway Determination.

Water Supply

There is no reticulate water supply to the village of Parkville or its surrounding area. Future dwellings would therefore rely on collection of roofwater runoff in adequately sized storage tanks (UHSC requires minimum 100,000 litres with 20,000 litres available for fire fighting purposes).

There is a possibility that an untreated water supply could be available in the future from Council however there is not specific time frame for this, and for the purposes of this Proposal, is not being considered.

Sewerage Service

There is no reticulated sewerage system to the village of Parkville or its surrounding area. On-site sewage disposal will be required for future dwellings. The proposed minimum lot size for the area to be rezoned is 1ha which should provide more than adequate area for on site disposal. This will be considered at future DA stage depending on the proposed onsite land use.

Landscaping and Visual

Landscape plans are not included with this Rezoning Submission. There is minimal vegetation at the site. Future rural residential development will be sympathetic to and consistent with development in the Parkville process via the normal assessment process and it is suggested that no further plans are required to be prepared in this circumstance.

Bushfire Considerations

A detailed Bushfire Threat Assessment has not been undertaken on site with the planning proposal. As previously identified, there is no vegetation classified as bush fire prone on that part of the land identified for rezoning. Concerns therefore for bushfire impact are minimal. If required detailed Bushfire Threat Assessment will be undertaken after the Gateway Determination.

Land Use Conflict

Although identified as a release area in the Land Strategy the site is surrounded by land that is zoned 1(i) Intensive Agriculture. The proposed rezoning has the potential to result in some level of land use conflict between residential and rural uses. It may be appropriate for a Land Use Conflict Risk Assessment to be undertaken to establish the level of risk at this site and possible measures to mitigate such risks (if any).

9. How has the planning proposal adequately addressed any social and environmental effects?

The Planning Proposal will help to alleviate the pressure in terms of the provision of residential accommodation and provide potential for additional alternate, housing stock on land with a minimum area of 1ha which is not currently available in the immediate locality. The proposal promotes the efficient utilisation of land, services and support facilities and encourages the orderly growth of the area. Additional houses, close to the village of Parkville and subsequent population increase will likely provide beneficial effects to the small community.

SECTION D – COMMONWEALTH AND STATE INTERESTS

10. 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 and proposed zoning controls) and its proximity to Scone Town Centre.

Connection to reticulated water may be possible in the medium term, however reliance on roofwater supply will be the primary source of water to the locality, as is the case for the village of Parkville.

Connection to utility services such as electricity and creation of on-site sewer management systems (through consideration of a Waste Water Management Report) is a matter for a future DA. The minimum 1ha size will be adequate area for on-site disposal of effluent.

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

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

11. What are the views of State and Commonwealth public authorities 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.

PART 5: 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 required to be on exhibition for a minimum period of 14 days. In the past however, Upper Hunter Shire Council has generally adopted a minimum 28 day period to which there is no objection.

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.

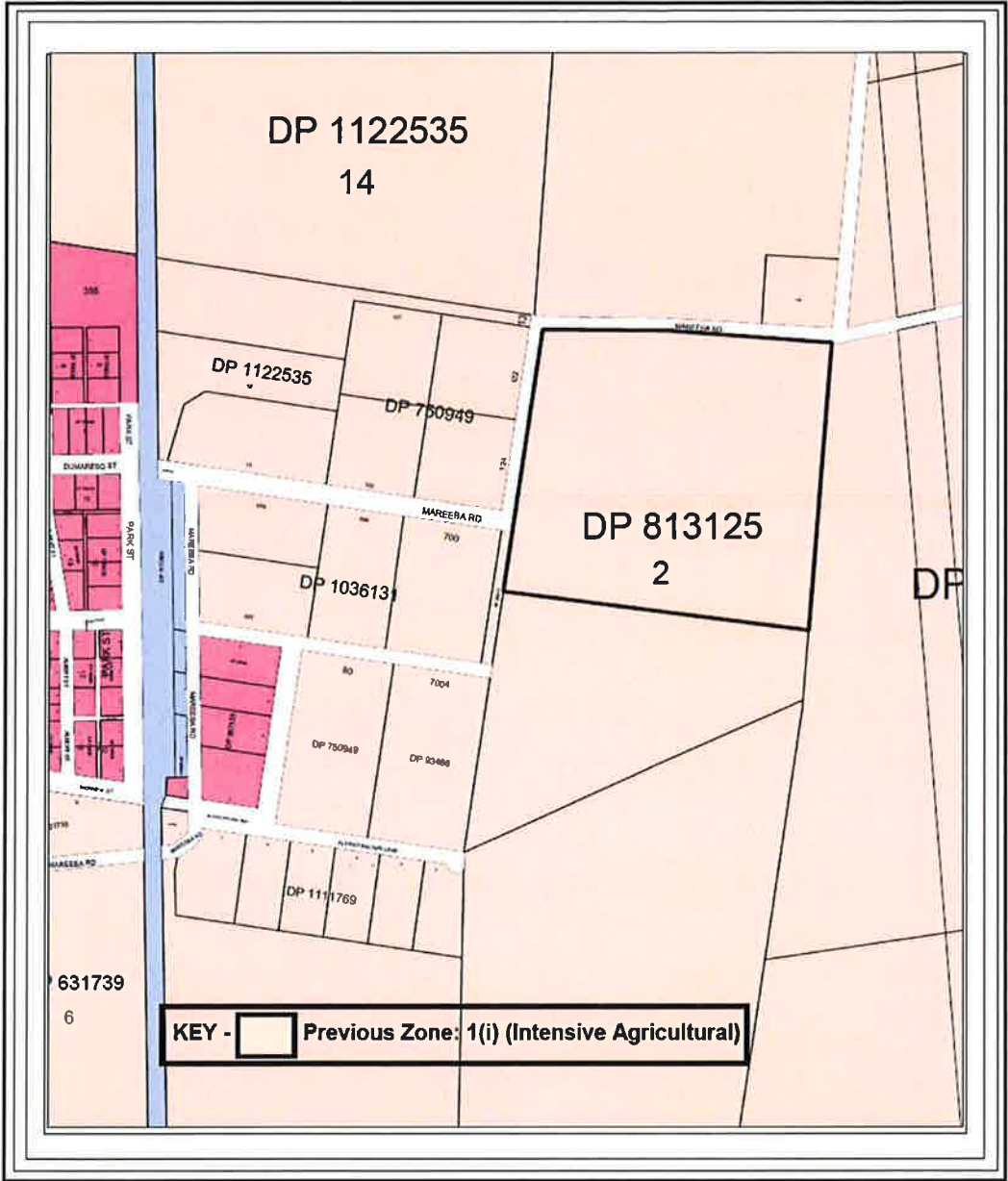
During the exhibition period, the following material would be made available for inspection by the Relevant Planning Authority including:-

- 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

APPENDIX 1: LOCATION MAPS

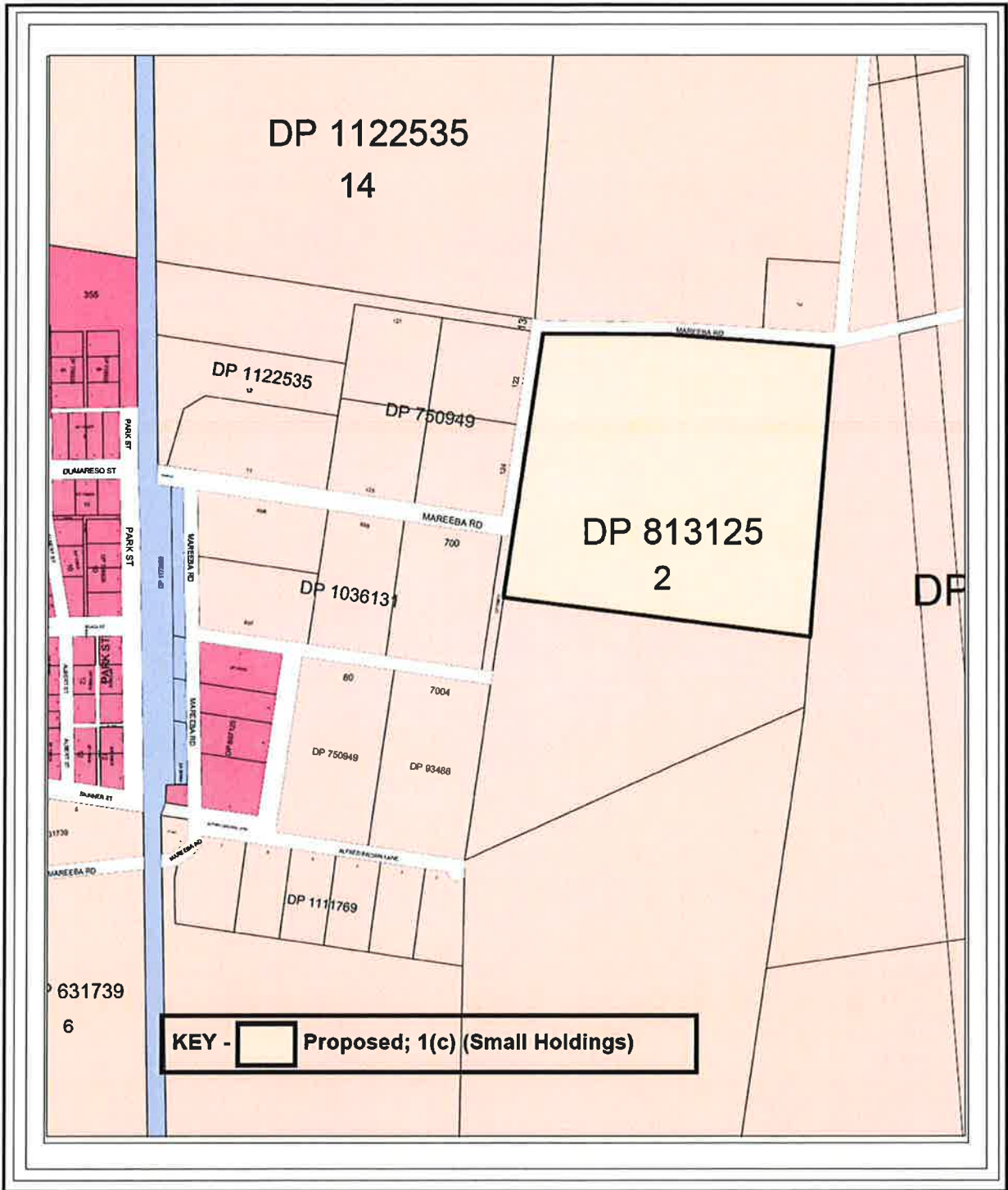


APPENDIX 2: EXISTING ZONING MAP



SCALE: 1:8000 LOCALITY: PARISH OF PARK, COUNTY OF BRISBANE		
Planning Officer: Paul Smith Council File No. LEP 72 Dept File No. Govt Gazette of	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SCONE LOCAL ENVIRONMENTAL PLAN 1986 (AMENDMENT NO. 72)	STATEMENT OF RELATIONSHIP WITH OTHER PLANS
		AMENDS SCONE L.E.P. 1986 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS GENERAL MANAGER DATE

APPENDIX 3: PROPOSED ZONING MAP AND MINIMUM LOT SIZE MAP



SCALE: 1:8000 LOCALITY: PARISH OF PARK, COUNTY OF BRISBANE

Planning Officer: Paul Smith Council File No. LEP 72 Dept File No. Govt Gazette of	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 SCONE LOCAL ENVIRONMENTAL PLAN 1986 (AMENDMENT NO. 72)	STATEMENT OF RELATIONSHIP WITH OTHER PLANS AMENDS SCONE L.E.P. 1986 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 AND REGULATIONS GENERAL MANAGER DATE
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APPENDIX 4: STATE ENVIRONMENTAL PLANNING POLICIES

	STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABILITY	CONSISTENCY	COMMENTS
SEPP 1	Development Standards	Yes	Yes	Applicable subject future development applications, the planning proposal does not prevent compliance of future development.
SEPP 4	Development Without Consent and Miscellaneous Complying and Exempt Development	Yes	Yes	Applicable subject to future onsite works, the planning proposal does not prevent compliance of future development.
SEPP 6	Number of Storeys in a Building	Yes	Yes	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP 21	Caravan Parks	Yes	No	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 22	Shops and Commercial Premises	Yes	Yes	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 30	Intensive Agriculture	Yes	Yes	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 32	Urban Consolidation (Redevelopment of Urban Land)	No	Not inconsistent with policy.	
SEPP 33	Hazardous & Offensive Development	Yes		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 39	Split Island Bird Habitat			Not applicable
SEPP 44	Koala Habitat Protection	Yes		Not inconsistent with as no Koala Habitat on site. (subject to further consideration under a flora and fauna report to be

				prepared subject if required by a Gateway Determination)
SEPP 55	Remediation of Land	Yes	Yes	Applicable subject to future onsite works, the planning proposal does not prevent compliance of future development.
SEPP 60	Exempt & Complying Development	Yes	Yes	Applicable subject to future onsite works, the planning proposal does not prevent compliance of future development.
SEPP 62	Sustainable Aquaculture	Yes	Yes	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 64	Advertising & Signage	Yes	Yes	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP	(Affordable Rental Housing) 2009	Yes	Yes	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development
SEPP	(Building Sustainability Index: BASIX) 2004	Yes	Yes	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP	(Exempt and Complying Development Codes) 2008	Yes	Yes	Applies to the subject land. The Planning Proposal has no effect.
SEPP	(Housing for Seniors or People with a Disability) 2004	No	Not Applicable as land is not zoned primarily for urban purposes.	
SEPP	(Infrastructure) 2007	Yes	Yes	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP	(Major Development) 2005	Yes	Yes	Applicable subject to future Development Applications, the planning proposal does not prevent compliance of future development.
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007			Not applicable
SEPP	(Rural Lands) 2008	Yes	Yes	The planning proposal is inconsistent with the Rural Lands SEPP as it is rezoning lands zoned for rural purposes to a rural

				residential purpose and therefore not facilitating the orderly and economic development of rural land for rural related purposes. However the site is identified within the endorsed LUS as an Investigation Area for rural residential development.
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SKETCH PLAN

LOT 2 IN DP813125

MAREEBA ROAD

LOT 219
12.3ha

LOT 201
1.07ha

LOT 202
9656m²

LOT 203
1.24ha

LOT 204
1.1ha

LOT 205
1.1ha

LOT 206
1.1ha

LOT 211
1.04ha

LOT 212
1.04ha

LOT 210
1.11ha

LOT 209
1.12ha

LOT 208
1.31ha

LOT 207
1.37ha

LOT 213
1ha

LOT 214
1ha

LOT 215
1ha

LOT 216
1ha

LOT 217
9745m²

LOT 218
1.15ha

DP813125

DP726272

DP5949

13
DP1122535

122

124

700

7004

39

42

DP5949

IMPORTANT NOTE
THIS PLAN IS PREPARED FOR ALLAN & RONALD STAFFORD
FROM EXISTING RECORDS FOR PLANNING PURPOSES
AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
ALL AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY.

APPENDIX 6: COUNCIL DOCUMENTS

Ordinary Council Meeting

25 June 2012

Section: Standing Committee Reports

REP-200/12

SC.06.2 DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE

RECOMMENDATION:

That Council:

1. Note the minutes of the Development and Environmental Services Committee held on 12 June 2012; and,
2. Adopt the following recommendations:
 - DESC.06.1 DA 22/2012 Consolidation and Subdivision into 5 Lots
 - a) Development Application No 22/2012 Consolidation and Subdivision into 5 lots, be granted *deferred commencement consent* subject to the recommended conditions of consent and that the deferred commencement condition in relation to the Voluntary Planning Agreement be valid for 12 months.
 - b) Notify those persons who made a submission of Council's decision.
 - DESC.06.2 Planning Proposal – Rezoning of Land at Part Lot 2 DP 813125 Mareeba Road Parkville
 - c) That pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, Council forward Planning Proposal (Amendment No 71) to the Department of Planning and Infrastructure with the request for a Gateway Determination.
 - DESC.06.03 DA 266/2011 – Child Care Centre
 - d) Approve Development Application No. 266/2011 for a childcare centre at Lot 1 DP1169320 Gundy Road, Scone subject to the recommended conditions of consent.
 - DESC.06.04 DA 255/2011 – Site Infrastructure Works
 - e) Approve Development Application No. 255/2011 for site infrastructure works at Lot 1 DP1169320 Gundy Road, Scone subject to the recommended conditions of consent.
 - DESC.06.05 DA 254/2011 Independent Living Units and Community Facility
 - f) Approve Development Application No. 254/2011 for the erection of 23 independent living units (ILU's) and community facility at Lot 1 DP1169320 Gundy Road, Scone subject to the recommended conditions of consent.
 - DESC.06.05 Planning Proposal – New Minimum Lot Size for land at Lot 1 DP 405632 and Lot 102 DP 1146645 Gundy Road Scone
 - g) That pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, Council forward the Planning Proposal to the Department of Planning and Infrastructure with the request for a Gateway Determination.

BACKGROUND:

The Development and Environmental Services Committee met on the 12 June 2012 at the Administration Centre, Scone.

ISSUES:

Refer to the attached minutes. In relation to DESC.06.2 – Planning Proposal: It is advised that the Department of Planning and Infrastructure has advised Council that further land rezoning may not be possible unless it can be justified through the Land Supply Monitor. It should also be noted that the Department's endorsement of the Land Use Strategy was conditional upon the completion of a Land Supply Monitor. In this regard the rezoning may not be consistent with the Land Use Strategy.

SUSTAINABILITY:

All reports being considered have some relationship with economic, social and environmental matters of sustainability within the local and broader community.

COMMUNITY INTERACTION:

The meeting was attended by three members of the public who were given an opportunity to participate.

OPTIONS:

To accept the recommendations of the Committee or amend them as deemed necessary.

FINANCIAL CONSIDERATIONS:

Not applicable.

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Daryl Dutton
GENERAL MANAGER

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Upper Hunter Shire Council held on Monday 25 June 2012


MAYOR


GENERAL MANAGER

12 June, 2012

Prepared by: Paul Smith, Environmental Planning Officer

Enclosures:

1 Development & Environmental Services Committee - 12 June 2012 - Minutes

RECOMMENDATION:

That Council:

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 - g) That pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, Council forward the Planning Proposal to the Department of Planning and Infrastructure with the request for a Gateway Determination.

**DESC.06.2 PLANNING PROPOSAL - REZONING OF LAND AT PART LOT 2 DP
813125 MAREEBA ROAD PARKVILLE**

RECOMMENDATION:

That pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, Council forward Planning Proposal (Amendment No 71) to the Department of Planning and Infrastructure with the request for a Gateway Determination.

BACKGROUND:

Applicant: MM Hyndes Bailey and Co
Owner: AJ and RJ Stafford
Location: Part Lot 2 DP 813125, Mareeba Road Scone
Proposal: Amend the Scone Local Environmental Plan 1986 such as to rezone land from 1(i) Intensive Agriculture to 1(c) Small Rural Holdings

The planning proposal involves rezoning land to the east of the village of Parkville from 1(i) Intensive Agriculture to 1(c) Small Rural Holdings. The land comprises approximately 15 hectares of vacant land identified as the "Parkville East Rural Small Holdings" Investigation Area in the Upper Hunter Shire Land Use Strategy, which was adopted by Council and endorsed by the Department of Planning and Infrastructure.

ISSUES:

- The land has been previously identified as a "Rural Small Holdings" investigation area in the Land Use Strategy.
- The site is surrounded by 1(i) Intensive Agricultural zoned land.
- The site is serviced by an unsealed Council local road (Mareeba Road).
- The site is not serviced by reticulated water and sewerage systems. It is anticipated that future dwellings would be serviced by water tanks and on-site sewerage management systems.
- The potential for adjoining land use conflict with agricultural activities will need to be managed in the future subdivision layout and development of the land.
- Further detailed studies, investigations and reports are likely to be required as a result of the Gateway Determination.

SUSTAINABILITY:

The rezoning of this land provides an opportunity for increasing the supply of small lot rural holdings in the Scone area, which is consistent with the endorsed land use strategy.

COMMUNITY INTERACTION:

Community consultation with the public and relevant government agencies will be a requirement of the Gateway Determination by DoPI.

OPTIONS:

1. Council adopt the recommendation and forward the planning proposal to DoPI seeking a Gateway Determination.
2. Council not support the planning proposal and provide reasons to the proponent why the proposal should not proceed.

FINANCIAL CONSIDERATIONS:

Rezoning fees of \$1,650 have been paid.

RECOMMENDED that pursuant to Section 59 of the Environmental Planning and Assessment Act 1979, Council forward Planning Proposal (Amendment No 71) to the Department of Planning and Infrastructure with the request for a Gateway Determination.

Moved: L Watts

Seconded: P Secombe

CARRIED