

Amendment to Scone LEP 1986 - Gundy Road, Scone

Proposal Title : Amendment to Scone LEP 1986 - Gundy Road, Scone

Proposal Summary : The Planning Proposal aims to increase the minimum subdivision requirement from 4000sqm to 4ha for the subject land only.

The land is already zoned 1(c) Rural Small Holdings under the Scone LEP 1986. Clause 11 allows the subdivision of this land into 4000sqm allotments.

PP Number : PP_2012_UPHUN_003_00 **Dop File No :** 12/05785

Proposal Details

Date Planning Proposal Received : 03-Jul-2012 **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 : Lot 1 DP 405632

Suburb : Lot 102 DP 1146645 **City :** Gundy Road **Postcode :** Scone

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 : Hamish McTaggart

Contact Number : 0265401650

Contact Email : hamish.mctaggart@upperhunter.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : N/A **Release Area Name :** N/A

Regional / Sub Regional Strategy : N/A **Consistent with Strategy :** N/A

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

:

Residential /

Employment land) :

No. of Lots : 39

No. of Dwellings 39

(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting

Notes :

Council is currently assessing a development application for 39 rural residential allotments over the subject land, with lot sizes ranging from 4ha up to 8ha.

Increasing the minimum allotment size will limit further subdivision and ensure that the approved subdivision design and layout is maintained.

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 intends to Amend Schedule 6 - Special Development provisions to introduce a different minimum lot size for the subject land (4ha instead of 4000sqm).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

6.3 Site Specific Provisions

* May need the Director General's agreement

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 (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 is inconsistent with the Minister's S117 Direction 6.3 Site Specific Provision (4c) because it increases the minimum subdivision requirement from 4000sqm to 4ha 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 to be developed as Rural Small Holdings (allotments <2ha). The Strategy forecasts that there will be demand for 150 rural small holdings over the next 25 years, which can still be accommodated by the existing zoned areas of Moobi Road (160ha) and Scone South (9ha) and the identified investigation areas. It is recommended that the Director General approves this minor inconsistency.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Not required**

Community consultation - s55(2)(e)

Has community consultation been proposed? **No**

Comment : **The PP states that the Department will determine whether consultation is required. This matter is considered to be minor and a 14 day exhibition would be adequate.**

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. Council has experienced delays because of staffing resources.**

Assessment Criteria

Need for planning proposal : **Yes.**

Council is currently assessing a development application for 39 rural residential allotments over the subject land, with lot sizes ranging from 4ha up to 8ha. Increasing the minimum allotment size will limit further subdivision and ensure that the approved subdivision design and layout is maintained.

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Consistency with strategic planning framework :

Council's endorsed Upper Hunter Land Use Strategy identified this land to be developed as Rural Small Holdings (allotments <2ha). The Strategy forecasts that there will be demand for 150 rural small holdings over the next 25 years, which can still be accommodated by the existing zoned areas of Moobi Road (160ha) and Scone South (9ha) and the identified investigation areas.

Environmental social economic impacts :

The PP does not result in any additional environmental, social or economic impacts. Council's s79C assessment of the proposed subdivision will adequately assess these issues.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority Consultation - 56(2)(d)

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. :

If Other, provide reasons :

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
Council's Planning Proposal Gundy Road July 2012.pdf	Proposal	Yes
Applicant's Justification Gundy Road.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **6.3 Site Specific Provisions**

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

1. The Planning Proposal be supported.

2. 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 14 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)

3. Consultation is not required with any public authorities under section 56(2)(d) of the EP&A Act

4. 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 4ha for the subject land.

5. 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.

6. The timeframe for completing the LEP is 9 months from the date of the Gateway Determination.

Supporting Reasons : Increasing the minimum subdivision requirement from 4000sqm to 4ha for the subject land will require an amendment to Schedule 6. This has previously been supported by the Department for PP_2010_UPHUN_002_00 Middlebrook Road, Scone.

When Council completes its Standard Instrument, it will be possible to map the 4ha minimum subdivision requirement on the Lot size Map

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Signature:



Printed Name:

Monica Gibson

Date:

9 July 12