



PLANNING PROPOSAL

Gundy Road Rural Residential Area - Gundy Road, Scone
Scone Local Environmental Plan 1986

May 2012

Prepared for

Bootle Investments Pty Ltd and

AM & TL McMullin Pty Ltd

Prepared by

DPS (NSW) Pty Ltd



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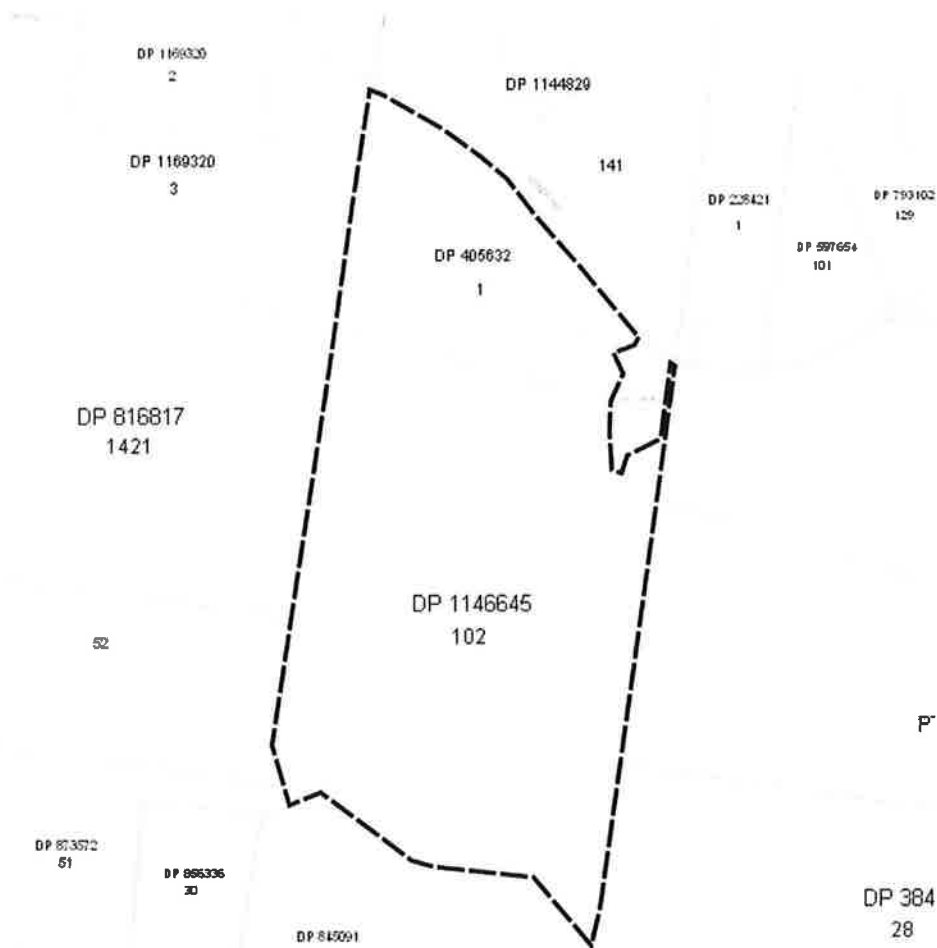
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INTRODUCTION

The land subject to this Planning Proposal is identified as the 'Gundy Road Rural Residential Area' and is located within the Upper Hunter Shire Council. The land comprises two landholdings that are owned by Bootle Investments Pty Ltd and AM & TL McMullin Pty Ltd. The Planning Proposal seeks to implement minimum lot size standard of 4 hectares in Scone Local Environmental Plan (LEP) 1986 that is site specific to the Gundy Road Rural Residential Area. The proposed amendment is consistent with Council's local strategic planning framework and will be easily adaptable to the Standard LEP Template format when Council introduces its new LEP.

Land Details

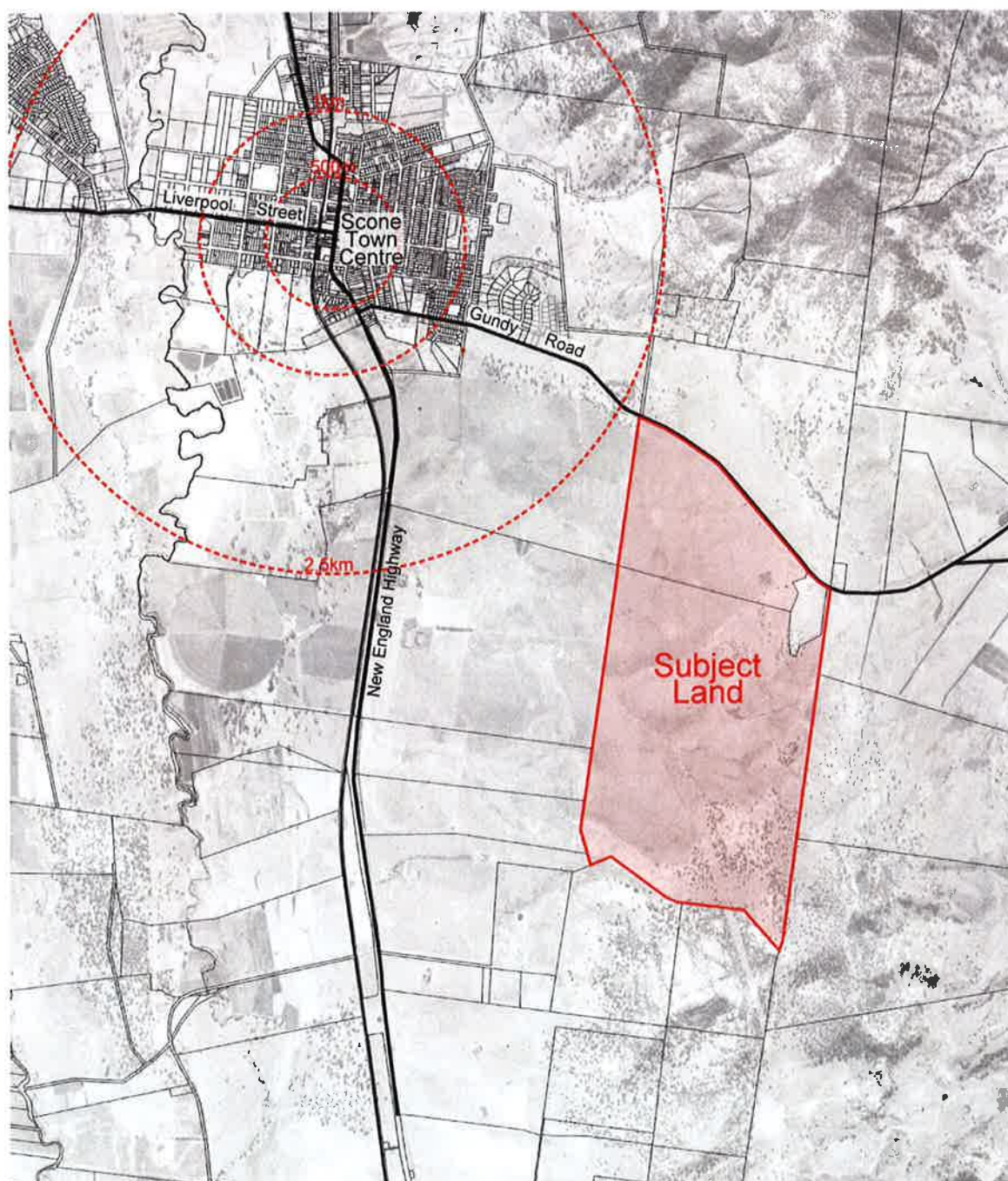
The land is identified as Lot 1 DP 405632 and Lot 102 DP 1146645, which owned by Bootle Investments Pty Ltd and AM & TL McMullin Pty Ltd respectively. The total area of the site is approximately 477ha, comprising two land parcels of 113ha (Lot 1 DP 405632) and 346ha (Lot 102 DP 1146645).



The land is zoned '1(C) Rural Small Holdings Zone', '1(i) Intensive Agricultural Zone' and '1(s) Small Farm Zone' under the Scone Local Environmental Plan (LEP) 1986. The Planning Proposal specifically relates to the area zoned 1(C) Rural Small Holdings Zone, which comprises an area of approximately 194ha.

Location and Site Description

The site is located approximately 4km south-east of the Scone Town Centre and fronts Gundy Road to the north and existing rural properties to the east, south and west.



The land is undulating, generally sloping from a crest within the western portion of the rural residential development area to a number of small drainage lines which traverse the site.

The site is cleared land which has been highly modified as a result of ongoing grazing/agricultural activities. Scattered fragments of mature vegetation exist within the rural residential site.

Subdivision Proposal

A Development Application to subdivide the subject site for rural residential purposes has been lodged with Council and is current under assessment. The subdivision proposal seeks to create 39 rural residential allotments ranging in size from 4 to 8 hectares (Refer to Attachment 1 – Subdivision Plan). The subdivision application is in accordance with Council's existing LEP, and therefore, is not reliant on the finalisation of this Planning Proposal. However, Council's LEP allows a minimum lot size that inconsistent with the character of the proposed rural residential subdivision of the subject site, infrastructure servicing capacities and the rural setting. Accordingly, the Planning Proposal seeks to implement a minimum lot size standard that is site specific to the rural residential development at Gundy Road.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The primary objective of the Planning Proposal is to enable a rural residential development at Gundy Road that maintains a consistent 'rural' character and lot sizes that reflect the setting, servicing constraints and proximity of the site to the Scone townsite.

Supporting objectives for the proposal include:

- To ensure a subdivision layout that responds to the topographic features of the site
- To ensure a subdivision pattern reflects the broader rural character of the locality
- To provide new housing opportunities for Scone
- To secure a level development that is commensurate with the capacity of essential servicing infrastructure and roads available to the site
- To deliver a level of development that is appropriate with its proximity to the Scone townsite, which will not impose unreasonable additional demands for Council resources
- To ensure the character of the rural residential subdivision and the amenity and expectations of its residents is protected

The proposed subdivision promotes a defined rural residential character with an underlying lot size range of 4 to 8 hectares. Notwithstanding, the minimum lot size applying to the subject land is 4000m². Therefore, without site specific statutory controls the larger allotments could be subdivided which would be detrimental to the character of the rural residential subdivision and the broader rural character of the locality. Accordingly, the establishment of site specific minimum lot size standards that will uphold the values of the proposed development is sought.

The intended outcome is to a minor amendment to include minimum lot size standards in 'Schedule 6 Special development provisions' of Council's LEP is sought.

PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of this Planning Proposal are to be achieved by inserting site specific minimum lot size standards into Scone LEP 1986. It is noted that the Upper Hunter Shire Council has not substantially commenced preparing a new Council-wide LEP under the Standard Template, and therefore, amendment to Council's existing LEP is proposed. Notwithstanding, the proposed minimum lot size standards will be easily adaptable to the new Standard LEP Template format when the transition to the new format occurs.

The rural residential land is zoned "No 1 (c) (Rural Small Holdings Zone)" under Scone LEP 1986. Clause 11 of the LEP imposes the following minimum lot size standards for land zoned No 1(c) Rural Small Holdings Zone:

11 *Subdivision of land within Zone No 1 (c)*

- (1) This clause applies to land within Zone No 1 (c).*
- (2) The Council shall not grant consent to an application to subdivide land to which this clause applies unless the area of each allotment created by the subdivision will be:*
 - (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 rural residential development at Gundy Road will not be serviced with a 'common sewage disposal system' so a minimum lot size standard of 4000m² applies.

The 4000m² minimum lot size is significantly below the minimum lot size being adopted for the Gundy Road rural residential subdivision for various reasons discussed later in this report. Accordingly, the establishment of site specific development provisions to control minimum lot sizes for the development is sought.

Scone LEP 1986 includes a schedule that contains site specific development provisions for certain land within the Upper Hunter Local Government Area, which is identified as 'Schedule 6 Special development provisions'. This enables the ability to establish specific mandatory development standards and land use requirements for certain parcels of land.

Accordingly, it is proposed to introduce minimum lot size standards into Schedule 6 of Scone Local Environmental Plan 1986 as follows:

Schedule 6 Special development provisions

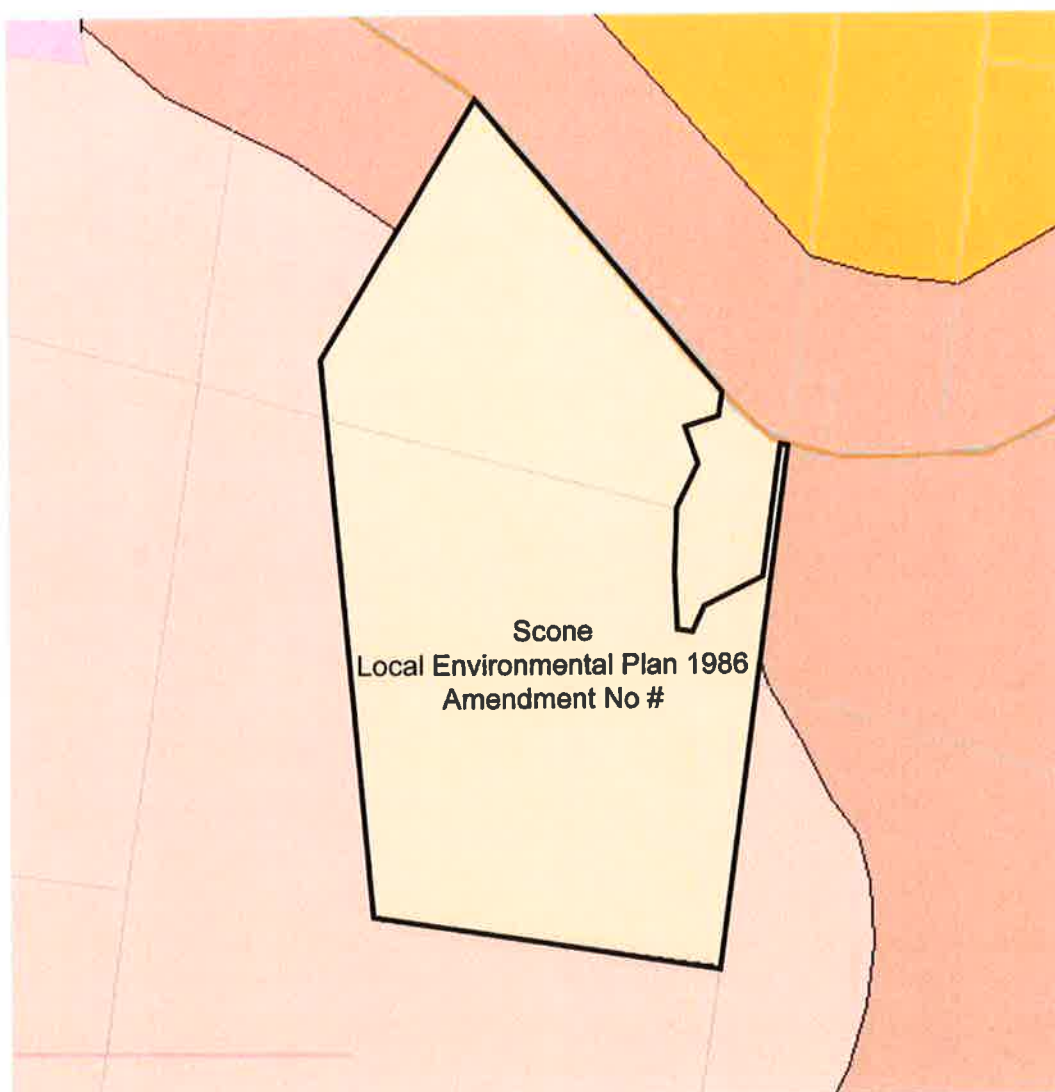
Column 1

Despite the minimum lot size requirements in Clause 11 of this plan, subdivision of land for Rural Residential purposes is to have a minimum lot size of 4 hectares.

Column 2

Part Lot DP 405632 and Part Lot 102 DP 1146645 at Gundy Road, Scone, as shown edged in heavy black on the map marked "Scone Local Environmental Plan 1986 (Amendment No #)".

In accordance with an amendment to Schedule 6 of Council's LEP, the zoning maps will need to identify the land subject to the proposed minimum lot size standards as follows:



PART 3 – JUSTIFICATION

Section A - Need for the planning proposal.

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

This Planning Proposal is minor in nature and is not the result of any strategic study or report. However, the proposal is consistent with the Upper Hunter Land Use Strategy, which has been approved by Upper Hunter Shire Council and endorsed by the Department of Planning and Infrastructure. More detail on the proposal's consistency is discussed in Section B of this report.

The proposal is consistent with the detailed site investigations and reporting that has been completed to support a Development Application for the rural residential subdivision of the subject site. The reporting includes investigations into the following:

- Traffic and Transport
- Flora and Fauna
- Bushfire
- Riparian Ecology
- Archaeological and Cultural Heritage
- Soil and Salinity

The detailed reporting on the proposed rural residential subdivision associated with the subject site confirms the suitability for subdivision the site into 39 allotments ranging in area between 4 and 8 hectares.

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

The proposed modification sought in this Planning Proposal is the best means of achieving the objectives and intended outcomes. There is no other more appropriate statutory mechanism to implement site specific minimum lot size standards for the proposed rural residential allotments. For example, standards in an LEP will override minimum lot size standards imposed through covenants on Land Titles.

As Council's LEP is specifically intended to control land use and establish principle development standards, an amendment to Scone LEP 1986 is the most appropriate means to establish minimum lot size standards for the proposed rural residential development at Gundy Road.

3. Is there a net community benefit?

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adapted from the Draft Centres Policy (April 2009). In some cases the Evaluation Criteria have been modified or removed to ensure the criteria are meaningful to this Planning Proposal.

Net Community Benefit Evaluation Criteria	Response
<i>Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800 metres of a transit node)?</i>	The Department of Planning has prepared a strategy named 'Coal Mining Potential in the Upper Hunter Valley – Strategic Assessment'. The subject site is not within an area identified for coal mining potential. The proposal is therefore compatible with State and regional strategic directions for development in the area.
<i>Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</i>	The subject site for this Planning Proposal is not within an area affected by regional/subregional strategy.
<i>Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?</i>	The Planning Proposal is in accordance with the existing rural residential zoning for the subject site and the established local planning framework, which has been approved by Council and endorsed by the Department of Planning & Infrastructure. Therefore, it is not likely to set an undesirable precedent. The proposal will not create a precedent or change land owner expectations of development outcomes in the locality.
<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?</i>	The Planning Proposal is not representative of a spot rezoning proposal.

Net Community Benefit Evaluation Criteria	Response
<i>Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?</i>	There will be no impact or loss of employment lands resulting from the proposal. The proposal will enable the construction of a rural residential development, which will generate employment during the construction phase of development.
<i>Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?</i>	The Planning Proposal will increase residential land supply in Scone, and therefore, will have a positive impact on affordability, living choices and diversity.
<i>Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?</i>	Essential servicing infrastructure and road requirements have been comprehensively investigated as part of the subdivision application to Council. The reporting on these infrastructure components has confirmed that the rural residential development relating to this proposal can be adequately serviced.
<i>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?</i>	There are significant Government investments in augmenting the water supply from Glenbawn Dam. Augmentation of the supply is to enable further growth within the Upper Hunter region. The proposal will increase potential patronage of the upgraded water services, and therefore, improved efficiency of the Government investment. Notwithstanding, any expected impacts resulting from this proposal will be minimal.
<i>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</i>	A flora and fauna assessment has been completed as part of the subdivision application. The assessment has confirmed that there are no areas requiring protection and there will be no environmental impacts. Furthermore, the land is not subject to flooding.

Net Community Benefit Evaluation Criteria	Response
<i>Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?</i>	The proposal for large rural residential allotments is compatible and desirably complementary with adjacent rural land uses. There will be minimal impacts from the rural residential development, which is currently permissible under Council's LEP. The Planning Proposal seeks to establish larger minimum lot sizes than what is currently permitted, and therefore, it will make the LEP more compatible and complementary with the surrounding rural uses. The public domain will be of a high standard for rural residential development.
<i>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</i>	The public interest reasons for progressing the Planning Proposal, including: 1. It will provide increased housing supply for Scone with greater housing options. 2. The proposal will deliver appropriate lot sizes that are commensurate with essential services capacities. 3. It will regulate the level of development that is within a rural setting, which will promote a rural character for the locality. The implications of not proceeding with the proposed minimum lot size requirements will be that the development will not be constructed, which will have an adverse effect on the shortage of land for new housing in Scone.

There is a net community benefit resulting from the Planning Proposal, particularly as it will ensure the delivery of new housing opportunities for Scone and deliver development that is compatible with its rural setting, servicing capacities and proximity to Scone.

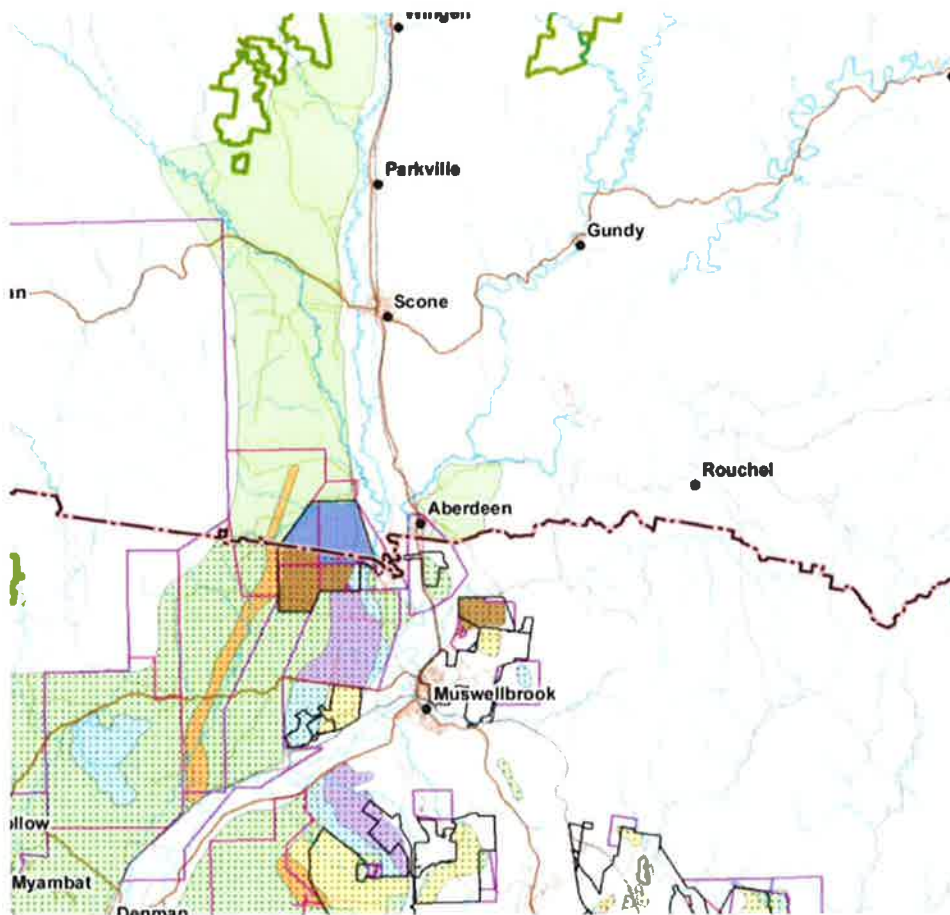
Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

There are no regional and sub-regional strategies applying to the subject site. There is however a regional strategic assessment titled 'Coal Mining Potential in the Upper Hunter Valley – Strategic Assessment', dated December 2005 and produced by the Department of Planning. This is the only strategy of regional significance in the regional planning framework.

The subject site is not located within an area identified as having Coal Resource Development Potential.

Coal Resource Development Potential Plan



The subject site, Scone and land surrounding the townsite is not identified as existing or future coal resource potential. In addition, there are no exploration licences or tenements affecting the site. Accordingly, the Planning Proposal is consistent with the regional/sub-regional strategic planning framework.

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

The Upper Hunter Shire Council has prepared a Land Use Strategy to inform the preparation of its new Standard Template LEP. The Planning Proposal is consistent with the Upper Hunter Land Use Strategy (LUS), which has been endorsed by the Director General of the Department of Planning. The LUS identifies rural residential areas throughout the Upper Hunter Local Government Area, including Gundy Road (Area H).

The LUS notes that appropriate minimum lot sizes need to be considered for the subject site 'having regard to environmental constraints and the potential for water and sewer servicing' (P34). As a Development Application containing a subdivision plan and associated development investigation studies, which has been lodged with Council for determination, appropriate lot sizes have been determined in accordance with environmental and servicing constraints of the site. Therefore, the proposed minimum lot size of 4ha has been considered in detail prior to preparing this Planning Proposal.

The LUS states that there are three broad types of large lot/rural smallholding forms of development in demand (P55), as follows:

Lot Size Range	Description
4000m ² – 2ha	Urban fringe, generally in estates adjacent to an urban area with services such as sealed roads, water and reticulated sewer.
2ha – 10ha	Comprising residential use within a rural environment, generally close to a town and with some services.
10ha – 40ha	Primarily residential in use, but where small scale agricultural activities are also carried out.

The subject land and proposed minimum lot sizes is consistent with the 2ha – 10ha types of rural residential development as the site is within a rural environment and generally close to Scone and will have connection to some services. Whilst the current zoning would allow lot sizes down to 4000m², the site is not located on the urban fringe of Scone and connection to sewer services is not feasible. Therefore, the delivery of the smaller type of residential development (4000m² – 2ha) at the subject site is not an appropriate form of development. Accordingly, the proposed inclusion of a 4ha minimum lot size for the subject site in Scone LEP 1986 will result in a land use that is more consistent with Council's LUS.

The LUS identifies that there is 'little current supply available' for rural holdings of 4ha to 10ha and that a key land use and planning issue is the 'provision of additional land for large lot residential and rural small holding development in appropriate locations' (P56). The establishment of the 4ha minimum lot size for the site will ensure the early delivery of suitable rural residential development at an appropriate location, which is consistent with Council's LUS.

A key strategic direction in the LUS relating to rural residential development in proximity to Scone is to 'ensure that future urban growth options are not constrained by large lot residential and rural small holding development' (P63). In addition, the existing subject site (Gundy Road H) be investigated for small rural holdings purposes with regard to 'potential for water and sewer servicing' (P64).

The proposal is consistent with these strategies as the development site will not inhibit the future urban growth of Scone and the site has been investigated for water and sewer connections. The LUS identifies the 'Scone South East Residential' investigation area for urban growth, which comprises Stage 1 and Stage 2. Stage 1 identifies an area that is suitable for residential development within the next 10 years. Stage 2 is identified for development after the 10 year period.

Stage 1 identifies an approximate overall lot yield of 250 to 350 residential allotments and has been zoned for residential purposes since the LUS was finalised. This area has not been developed for residential purposes as yet but will form the main growth area for Scone for the next 5 to 10 years. Stage 2 has not been zoned but contains more than adequate land to accommodate the urban growth of Scone beyond the 5 to 10 year timeframe. In light of the above, the establishment of a 4ha minimum lot size for the subject site is consistent with this strategic direction. In addition, there is adequate short term and long term supply of new residential land available in Scone.

The provision of water and sewer services for the subject site has been comprehensively investigated as part of the subdivision proposal prepared for the site. Provision of sewer services is not feasible and reticulated water services are available. Given that no sewer services are available, the proposed larger allotments of 4ha are more suitable and appropriate for the provision of onsite sewer disposal for each residence.

The Planning Proposal is entirely consistent with Council's LUS and the proposed minimum lot size provisions for the subject site will result in development that is more consistent with the LUS.

s.117 Direction Title	Applies	Consistency of Planning Proposal
<i>4.1 Acid Sulfate Soils</i>	NA	Not applicable
<i>4.2 Mine Subsidence and Unstable Land</i>	NA	Not applicable
<i>4.3 Flood Prone Land</i>	NA	Not applicable
<i>4.4 Planning for Bushfire Protection</i>	Y	The Planning Proposal is consistent with this Ministerial Direction as the Commissioner of the NSW Rural Fire Service has been consulted as part of the Development Application process for the rural residential subdivision. A comprehensive bushfire assessment demonstrating compliance with Planning for Bushfire Protection 2006 has been prepared for the rural residential development.
<i>5.1 Implementation of Regional Strategies</i>	NA	Not applicable
<i>5.2 Sydney Drinking Water Catchments</i>	NA	Not applicable
<i>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</i>	NA	Not applicable
<i>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</i>	NA	Not applicable
<i>5.6 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</i>	NA	Not applicable
<i>5.9 Second Sydney Airport: Badgerys Creek</i>	NA	Not applicable
<i>6.1 Approval and Referral Requirements</i>	NA	Not applicable
<i>6.2 Reserving Land for Public Purposes</i>	NA	Not applicable

Section C - Environmental, social and economic impact.

8. 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 Planning Proposal is of minor significance in relation to critical habitat or threatened species, populations or ecological communities, and therefore, does not adversely impact on any environmental values or matters of environmental significance.

Notwithstanding, an ecological and riparian assessment of the site has been undertaken as part of the site investigations for the Development Application for the rural residential subdivision, which is currently being assessed by Council. This assessment has identified that the site mostly comprises degraded woodland species, with some mature scattered patches of native vegetation (predominantly Narrow Leaved Iron Bark and Grey Box species). The assessment outlines that no areas of vegetation match the criteria of any Endangered Ecological Communities and that no threatened species, communities and/or populations of any flora or fauna species were recorded onsite.

The assessment also confirms that only one of the three perennial watercourses that have been previously identified onsite has any value as a riparian zone, which is located within the south-east corner of the rural residential development site. The report recommends that a 10m wide "Core Riparian Zone" (5m either side) be provided along this drainage line.

The assessment confirms that the site is suitable for the proposed development from an environmental perspective.

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

The Planning Proposal does not impact on any environmental values or matters of environmental significance, and there are no other environmental considerations relating to the proposal. Accordingly, there are no likely environmental effects that could result from this proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal is of minor significance in regard to the social and economic effects of the rural residential development.

Whilst the rural residential development associated with this proposal could be approved regardless of the outcome of this proposal, the proposal will ensure a level of development that is appropriate

for the rural character of the locality, servicing capacities and the proximity to the Scone service centre.

The associated rural residential development will create greater housing opportunities for Scone without having a significant impact for new services and generate economic activity during construction. It will also build capacity within the local community to support improved lifestyle diversity, economic viability and social activity and opportunity.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal will be of minor significant in relation to public infrastructure servicing requirements. Notwithstanding, detailed investigations to confirm that adequate levels of servicing infrastructure can be provided to the subject site has been undertaken as part of the subdivision application. This has included the provision of reticulated potable water supply and electricity connections. Therefore, adequate infrastructure has been already been demonstrated for the proposed rural residential development associated with this proposal.

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

Given the minor nature of this Planning Proposal no State or Commonwealth public authorities have been consulted,

PART 4 – COMMUNITY CONSULTATION

The Planning Proposal is considered to be “low impact” as it is consistent with surrounding land uses and the strategic planning framework, and presents no infrastructure issues. Accordingly, an exhibition period of the Planning Proposal documentation should extend for a maximum of 14 days.

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Upper Hunter Shire Council website; and
3. in writing to adjoining landowners.

Attachment 1

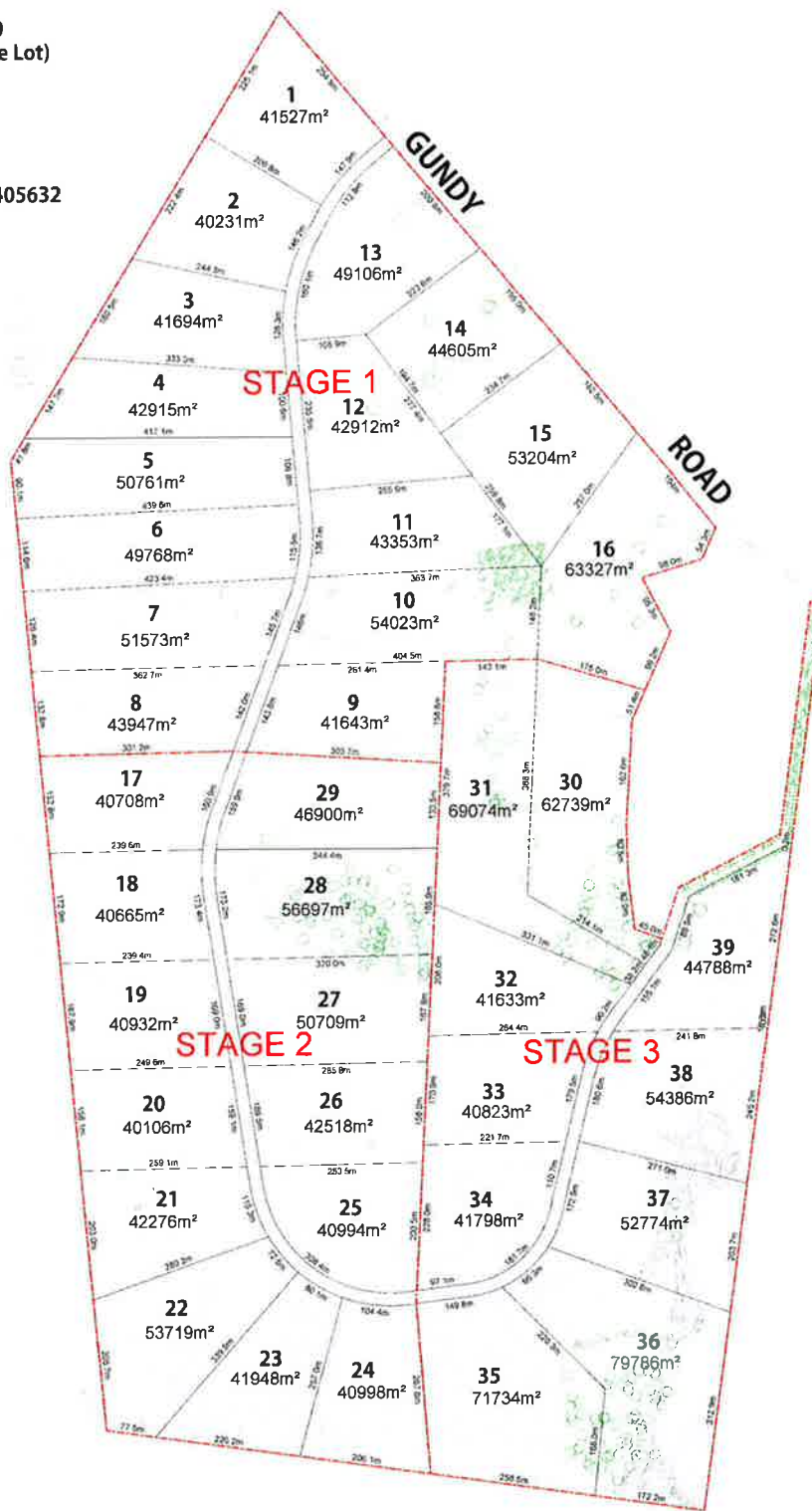
Subdivision Plan

40
(Residue Lot)

Lot 1 DP405632

41
(Residue Lot)

Lot 102 DP1146645



Staging Boundary	
STAGE 1	16 Lots
STAGE 2	13 Lots
STAGE 3	10 Lots

AREA H - STAGING PLAN

SCONE

dpd
Plan No. STASC017-B - Revision B
Date: 21/03/2012 - Scale 1:4000 @ A1
Note: All areas and dimensions subject to detail survey