

PLANNING PROPOSAL

Amendment to the Scone Local Environment Plan 1986



Scone Local Environment Plan (Amendment No 1/2012) 1986 – Amend Minimum Lot Size.

**Parts Lot 1 DP 405632 & Lot 102 DP 1146645
Gundy Road Scone**

**Version 01
[Date]**

Attachment to PNC 001193

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PART 1: INTRODUCTION AND SITE IDENTIFICATION

Development Planning Strategies Pty Ltd have submitted a Planning Proposal on behalf of AM & TL McMullin Pty Ltd and Bootle Investments Pty Ltd, to amend the Scone Local Environmental Plan (1986).

The land relevant to this Planning Proposal is located approximately 4km south-east of the Scone Town Centre, and comprises parts of land identified as Lot 1 DP 405632 and Lot 102 DP 1146645. This land fronts Gundy Road to the north and existing rural properties to the east, south and west.

PART 2: OBJECTIVES

The objective of the Planning Proposal is to maintain a consistent 'large lot rural' character that reflects the landscape and topography, servicing constraints and location of the site, by imposing a minimum lot size for subdivision.

PART 3: EXPLANATION OF PROVISIONS

In order to achieve the objective, it is proposed that SLEP1986 be amended to create a site specific minimum lot size of 4ha (40,000m²) to apply to the land.

A Development Application has been lodged with Council and is currently under assessment for the subdivision of the land into 39 rural residential allotments ranging size from 4ha to 8ha in size. The new allotments will be zoned 1(c) Rural Small Holdings under SLEP (1986), and would normally be subject to a minimum lot size of 4000m². The imposition of a site specific minimum lot size of 4ha over the land will restrict the opportunities for further subdivision and ensure the original subdivision pattern and integrity of the design and layout of lot boundaries is maintained and protected.

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

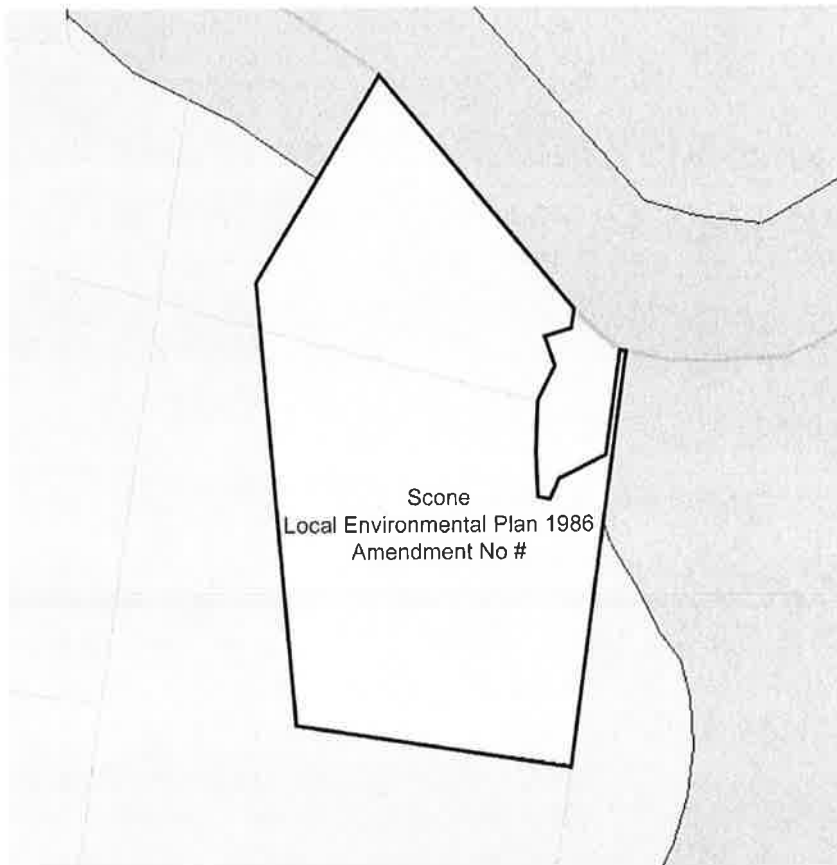
Column 1

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 4: 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 is not the result of any strategic study or report. However, the zoning of the land and ability to subdivide into rural residential allotments 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 and SLEP 1986. More detail on the proposal's consistency is discussed in Section B of this report.

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

There is no other appropriate statutory mechanism to implement site specific minimum lot size standards over the land. 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.

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

As suggested in the Department's Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adopted. In Some cases the Evaluation Criteria has been modified or removed to ensure the criteria is meaningful to this Planning Proposal.

Net Community Benefit Evaluation Criteria

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)?

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/ subregional strategy?

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

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?

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?

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?

Response

The proposal is not incompatible with State and regional strategic directions for development in the area.

The subject site for this Planning Proposal is not within an area affected by regional/subregional strategy.

The Planning Proposal is relatively unique by proposing a larger minimum subdivision size and is unlikely to create an undesirable precedent. The proposal will create certainty in land owner expectations of development outcomes.

The Planning Proposal is unique and not representative of other spot rezoning proposal. There are no cumulative impacts.

There will be no impact or loss of employment lands resulting from the proposal.

The Planning Proposal has the potential to marginally affect the overall supply of rural residential land by imposing a subdivision standard that is greater than the current minimum standard. However the proposal will not have a negative impact on affordability, living choices and diversity.

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.

The Planning Proposal will have no impact on Government infrastructure or services in the area.

The proposal has the potential for improved environmental outcomes by limiting future subdivision and thereby minimising environmental impacts such as vegetation removal, land disturbance and fragmentation of drainage lines. The land is not subject to flooding.

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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?

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The Planning Proposal seeks to establish larger minimum lot sizes than what is currently permitted, resulting in subdivision layout more in keeping with surrounding rural land uses.

The planning Proposal is in the public interest in terms of providing clear and consistent subdivision standards for future landowners. Not proceeding with the proposal will allow for future resubdivision, which would erode the integrity of the original subdivision layout.

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?

There are no regional and sub-regional strategies applying to the subject site.

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.

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

The State Environmental Planning Policies (SEPPs) that are relevant to this planning proposal are outlined below

Relevant SEPP/Deemed SEPP	Consistency of Planning Proposal
SEPP No 1 - Development Standards	The provisions under SEPP No 1 will not apply.
SEPP (Rural Lands) 2008	The proposal will not affect permissibility of land uses associated with the SEPP. Accordingly, the proposal is consistent with the SEPP.
Hunter Regional Environmental Plan 1989 (Heritage)	All Heritage considerations will be in accordance with the Hunter REP.

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

Each s117 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming consistency

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.1 Business and Industrial Zones	NA	Not applicable

1.2 Rural Zones	Y	Consideration has been given to the objectives of this Direction to protect land zoned for rural purposes. The proposal relates to land that is currently zoned for the rural residential development. The proposal will result in a level of development that is more compatible with the adjoining rural land, which enhances the agricultural values of the surrounding land. Accordingly, the provisions in the Planning Proposal are justified.
1.3 Mining, Petroleum Production and Extractive Industries	NA	Not applicable
1.4 Oyster Aquaculture	NA	Not applicable
1.5 Rural Lands	Y	This Ministerial Direction seeks to protect the agricultural productive value of rural land. The proposal relates to land that is zoned for rural residential purposes and identified in Council's local planning strategy for rural residential development. Furthermore, the proposal will not diminish existing rural zoned land for agriculture, and therefore, the Planning Proposal is consistent with this Direction.
2.1 Environment Protection Zones	Y	The outcomes of the Planning Proposal will not impact on environmentally sensitive areas. The Planning Proposal is consistent with this direction.
2.2 Coastal Protection	NA	Not applicable
2.3 Heritage Conservation	NA	Not applicable
2.4 Recreation Vehicle Areas	NA	Not applicable
3.1 Residential Zones	NA	Not applicable
3.2 Caravan Parks and Manufactured Home Estates	NA	Not applicable
3.3 Home Occupations	NA	Not applicable
3.4 Integrating Land Use and transport	NA	Not applicable
3.5 Development Near Licensed Aerodromes	NA	Not applicable
4.1 Acid Sulfate Soils	NA	Not applicable
4.2 Mine Subsidence and Unstable Land	NA	Not applicable
4.3 Flood Prone Land	NA	Not applicable
4.4 Planning for Bushfire Protection	Y	The Planning Proposal is consistent with this Ministerial Direction
5.1 Implementation of Regional Strategies	NA	Not applicable
5.2 Sydney Drinking Water Catchments	NA	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	Not applicable
5.6 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NA	Not applicable
5.9 Second Sydney Airport: Badgerys Creek	NA	Not applicable
6.1 Approval and Referral Requirements	NA	Not applicable
6.2 Reserving Land for Public Purposes	NA	Not applicable

6.3 Site Specific Provisions	Y	The Planning Proposal will provide site specific provisions relating to minimum lot size standards in Scone LEP 1986. When Council adopts the Standard Principal Instrument format, the minimum lot size maps will correspond with this site specific standard under the existing Scone LEP 1986. Accordingly, the Planning Proposal is consistent with this Ministerial Direction.
7.1 Implementation of the Metropolitan Strategy	NA	Not applicable

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?

The Planning Proposal will have no impact of significance in relation to the protection of threatened species populations, or ecological communities. The land is presently zoned 1(c) Rural Small Holdings, and this Planning Proposal will have no impact on this zoning or the type of development permissible on the land. The larger minimum lot size sort by the Planning Proposal will limit the density of any potential subdivision and development of the land, and in this regard the Planning Proposal will potentially create a greater opportunity for the retention of any existing ecological communities and habitats.

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 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 adverse environmental effects that could result from this proposal.

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

The Planning Proposal is of minor significance in regard to social and economic impacts.

The land subject to this Planning Proposal can be subdivided for rural residential development regardless of the outcome of this proposal. This proposal will however ensure that any development of the land occurs in a more sustainable manner that is appropriate for the rural character of the locality, servicing capacities and the proximity to the Scone service centre. Although the imposition of a larger lot size will inhibit the amount of development that can be achieved on the land, this is considered appropriate for the reasons mentioned above.

SECTION D – COMMONWEALTH AND STATE INTERESTS

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

Yes. The site has good vehicular access and the proposed 4ha minimum lot size will provide adequate land area to accommodate an on-site effluent disposal system.

11. What are the views of State and Commonwealth public authorities in accordance with the Gateway determination?

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

PART 5: COMMUNITY CONSULTATION

Community consultation will be specified by the gateway determination from the Department of Planning and Infrastructure.

Section:

Development & Environmental Services Committee Reports

REP-197/12

**DESC.06.6 PLANNING PROPOSAL - NEW MINIMUM LOT SIZE FOR LAND AT
LOT 1 DP 405632 & LOT 102 DP 1146645 GUNDY ROAD SCONE****RECOMMENDATION:**

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:

Applicant: Development Planning Strategies (NSW) Pty Ltd
Owner: AM & TL McMullin Pty Ltd, and Bootle Investments Pty Ltd
Location: Lot 1 DP 405632, & Lot 102 DP 1146645, Gundy Road Scone
Proposal: Amend the Scone Local Environmental Plan SLEP 1986 to introduce a site specific minimum lot size of 40,000m² (4ha) on land zoned 1(c) Small Rural Holdings which presently has a minimum lot size of 4,000m².

A Development Application (DA 277/11) for a thirty nine (39) lot rural residential subdivision is currently being considered by Council on the land to which this Planning Proposal relates.

The Planning Proposal involves applying a new site specific minimum lot size of 40,000m² (4ha) over the land, to replace the present minimum lot size of 4,000m² prescribed to land zoned 1(c) Rural Small Holdings under Scone LEP1986.

ISSUES:

- The developer has a current application for subdivision of the land into 39 rural residential allotments not less than 4ha's. The purpose of the proposal is to protect the integrity of the subdivision layout by minimising the potential for future subdivision.
- The proposal will reduce the overall lot yield or number of lots expected from the zoning of the land.
- The site is surrounded by 1(i) Intensive Agricultural zoned land.
- The site is not serviced by a reticulated sewerage system.

SUSTAINABILITY:

The application of a minimum lot size of 4ha provides the opportunity for any future residential development of the land to be conducted in a more environmentally sustainable manner, with less impact on the natural environment. Larger lot sizes will facilitate improved on-site waste water management, avoid the disturbance of native vegetation and the fragmentation of overland flow paths and detention basins and may encourage the pursuit small scale environmentally sustainable hobby farming activities in keeping with the surrounding rural environment.

COMMUNITY INTERACTION:

Community consultation with the public and relevant government agencies will be a requirement of the Gateway Determination issued 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 the Planning Proposal to the Department of Planning and Infrastructure with the request for a Gateway Determination.

Moved: L Carter

Seconded: P Seccombe

CARRIED