

Upper Hunter Shire Council Planning Proposal 2023 2169

Report on the Public Hearing, 27th March 2024 regarding the proposed reclassification of four parcels of land in Scone:

Lot 1 DP 212047 – 97 Hill Street, Scone

Lot 3 DP 212047 – 97 Hill Street, Scone

Lot 12 DP 227553 – 98 Hill Street, Scone

Lot 21 DP 1235763 – 2912 New England Highway, Scone

Under the requirements of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979

Report prepared by Jan Fallding, RPIA (Fellow), April 2024

Venue: Upper Hunter Shire Council office, Scone

Hearing opened: 5pm

Present:

- Ms Jan Fallding RPIA (Fellow), Independent (self-employed) town planner ('Chair')
- Mr Greg McDonald, General Manager, Upper Hunter Shire Council ('General Manager')
- Mr Matt Clarkson, Manager Planning, Building and Regulatory Services, Upper Hunter Shire Council ('Manager')
- Mr Terrence Rosenblatt, 95 Hill St Scone
- Ms Sharon Rosenblatt, 95 Hill St Scone
- Ms Lauren St Clair, 96 Hill St Scone
- Mr Allan McHardie, 55A Kingdon St Scone

The **Chair** explained the process for the proposed reclassification of the four parcels of land from 'operational' to 'community', and the requirement for the public hearing (under the requirements of the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*), and confirmed that she has never been an employee or Councillor of Upper Hunter Shire Council ('Council').

The Chair reiterated (as provided in the Planning Proposal) Council's reasons for proposing the reclassification of 2912 New England Highway and 97 and 98 Hill Street, Scone, and Council's intention regarding 97 and 98 Hill Street that "funds raised will be allocated to Council's reserve funds set aside for future property investments or repayment of property loans".

The Chair also explained that the public hearing and process cannot answer all questions about the process of the sale of any of these parcels of land; the process merely gives the opportunity for the land to be reclassified so that sale can even be considered. She also explained that the process also does not change the zoning or any other planning control of the land in any way.

It was noted that all residents present were interested in 97 and 98 Hill Street, so the hearing from that point related to those properties and did not discuss issues relating to 2912 New England Highway.

The Chair explained that although only Mr Rosenblatt had registered to speak to the hearing, each resident present was welcome to address her for a maximum of 5 minutes, and was also welcome to present her with any written material.

The Chair asked if there were any questions about the process before we proceed. No questions were asked, so the Chair offered Mr Rosenblatt to address her.

Mr Rosenblatt (95 Hill St, Scone) spoke to the points that were made in his submission to the public exhibition relating to the 2 lots at 97 Hill Street adjoining his property:

- He would like clarification from Council as to whether Council intends to develop and/or sell the two lots; and
- If the lots are to be sold, he asks that:
 - the lots be amalgamated into one lot prior to the sale;
 - access be provided to the lots by extending the roadway / bitumen pavement to the southern boundary of Lots 1&3 DP212047 so that they have a road frontage
 - connection to services including telephone, electricity, water and sewerage should be made having no impact to his property at 95 Hill Street; the sewer main is in his yard and he has concerns if his land needs to be disturbed
 - any modifications to the existing surface levels to Lots 1&3 DP212047, have no impact on the surface water / storm water run-off from his property 95 Hill Street as storm water flows to the south west

Providing these four points are achieved, he does not object to the proposal or sale of land.

The **General Manager** replied that Council hasn't got to the point of the decision of selling the properties yet; selling is one option, another is for council to develop housing on the property. If Council develops the land, Council's planning processes (separate to its property function) will come into effect.

The **Manager** explained regarding the 2 lots at 97 Hill Street that:

- the property is zoned R1 General Residential
- each lot is approximately 500sqm
- the minimum lot size in that area is 600sqm, so the lots will need to be amalgamated if dwelling(s) are proposed to be developed and this would be a condition of consent of any application for development (DA)
- connection of services and extension of the road would also be conditions of consent

The **Manager** explained regarding the lot at 98 Hill Street that the lot is too small for the development of a dwelling.

The **General Manager** explained that if Council were to:

- sell land, there would be public notification as it would be sold through an open process
- develop land, it has to lodge a DA and go through the same processes as anyone lodging a DA is required to, including a public notification process which gives the community a 'second chance' to comment on the proposal for the land

The **Manager** further explained regarding the DA process that:

- the DA would be independently reviewed
- stormwater issues are assessed as part of the DA
- public notification for a single dwelling is at the discretion of the Manager - if there are potential impacts on neighbours, then it makes sense to notify it
- note that complying development (development within certain state government parameters) does not require public notification

There was brief discussion regarding the history of stormwater issues in the area of Hill Street and White Park and also a previous suggestion that the Hill Street lots may be used for White Park carparking or access.

The Chair offered **Ms Rosenblatt** (95 Hill St) to address her or ask questions, who had no questions.

The Chair offered Ms St Clair (96 Hill St) to address her or ask questions.

Ms St Clair wanted to confirm that 98 Hill Street was too small to place a house on.

It was agreed that the property is below the minimum lot size for the approval of a dwelling.

The **General Manager** explained that:

- Re 98 Hill Street:
 - an adjoining neighbour could purchase the land (although it has to be offered on the open market) and its future use, especially as a currently undersized lot, is determined by what it could potentially be amalgamated with
 - it is the most sensible option for Council to dispose of this land
- Re 97 Hill Street, there is the potential for Council to place a house or units on this land especially in the current housing shortage. In this case, it could either develop and retain (lease) or develop and sell the property.

The Chair offered Mr McHardie (55A Kingdon St) to address her or ask questions.

Mr McHardie:

- explained the current path of stormwater through the sites into White Park and the implications of future earthworks and mitigation
- wanted to confirm that any future access to 97 Hill Street would be from Hill Street only
- asked why Council needed to dispose of the land

The **General Manager** explained that:

- these issues are addressed during the Development Application process and required as conditions of consent
- access would only be given from Hill Street, not via White Park
- 97 and 98 Hill Street are not required for White Park

The General Manager explained regarding **2912 New England Highway**, that the State Government previously indicated they could potentially give funding to council for an overpass from the New England Highway to the industrial area on the northern end of Scone, so Council bought this land in readiness.

Mrs Rosenblatt asked if future sewerage access for 97 Hill Street would affect the plantings around the manhole on their property on 95 Hill Street. The General Manager and Manager explained that this is assessed at the DA stage and there are different technologies to deal with connections.

The **Chair** explained that:

- after the hearing, she will prepare [this] report for Council, which will be publicly available and will also be attached to the Planning Proposal that is then forwarded to the NSW Dept of Planning, Housing and Infrastructure, who make the ultimate decision as to whether the reclassification is approved
- normally anyone who has made a written submission to a Planning Proposal like this is notified (ie Mr Rosenblatt).

The hearing concluded at 5.25pm