Development & Environmental Services Committee Agenda

9 April 2019
To All Councillors

You are hereby notified that the next meeting of the Development & Environmental Services Committee will be held on 9 April 2019 in the Barry Rose Room at 10.00am, for the purpose of transacting the undermentioned business.

The Development & Environmental Services Committee consists of

Cr Lee Watts, Cr Kiwa Fisher, Cr Sue Abbott and Cr Ron Campbell.

STEVE MCDONALD
GENERAL MANAGER

1. APOLOGIES
2. DECLARATIONS OF INTEREST
3. PUBLIC PARTICIPATION
4. SITE INSPECTIONS
5. BUSINESS ITEMS

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

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6. COUNCILLOR QUESTIONS
Development & Environmental Services Committee Reports

DESC.04.1  DEVELOPMENT APPLICATION 101/2017 - CHANGE OF USE - 46 HAYDON STREET, MURRURUNDI

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services
AUTHOR: Christine Robinson - Manager Planning, Building & Regulatory Services

PURPOSE

On 11 August 2017 Council received Development Application No. 101/2017 for the change of use of part of a building at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi to be used for retail purposes.

Despite a number of requests, the applicant has failed to provide sufficient information to enable the proposal to be adequately assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979. The applicant is using part of the building as a retail premise without consent.

RECOMMENDATION

That Council refuse Development Application No. 101/2017 for the change of use to a retail premises at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi, for the reasons listed in Attachment 1.

BACKGROUND

Applicant: Stone and Co Vintage Interiors
Owner: SR Stone
Location: Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi
Proposal: Change of Use to a Retail Premises
Zone: R1 General Residential

It was brought to Council’s attention that a retail business was operating from the abovementioned premises without consent. A Council Officer subsequently visited the site and verbally advised the business proprietor that development consent was required for use of the building.

On 11 August 2017, Council received the abovementioned development application. To allow the application to be assessed, additional information regarding fire safety was requested from the applicant in writing on 6 December 2017 and following several verbal requests, and again in writing on 14 February 2019.

The information has not been provided and the business is continuing to operate.
REPORT/PROPOSAL

The former Tattersalls Hotel at 46 Haydon Street, Murrurundi was established as a hotel in 1880 and closed c1952. A search of Council's records has not revealed any development consents issued for the site, however after the hotel's closure, it is understood the building was used as residential flats and lodgings. In the past several years, the building has been unoccupied and became derelict. Photographs of the building from 1999 and 2009 are included as Attachment 3.

In 2017 it was brought to Council's attention that part of the building was being used for retail purposes. A Council officer conducted a site visit and advised the business proprietor that development consent was required for use of the building. Development Application 101/2017 was received on 11 August 2017.

The building is a listed heritage item and located within a heritage conservation area, and as such the development application was referred to Council’s Heritage Advisor.

The Heritage Advisor requested additional information in relation to heritage matters. Following receipt of the requested information, the Heritage Advisor supported the application subject to no additional work other than that stated, being carried out.

In accordance with Clause 93 of the Environmental Planning and Assessment Regulation 2000, consent to the change of use of a building must not be granted unless the consent authority is satisfied that the building complies (or will comply when completed) with the applicable fire safety provisions. Schedule 1 of the Regulation requires:

A development application must be accompanied by certain documentation. In the case of a development application that involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure):

(i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and
(ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use,

The applicant (6 December 2017) was requested to submit a report prepared by a suitably qualified person (such as a Fire Engineer) demonstrating that the fire protection and structural capacity of the building is, or will be, appropriate to the building's proposed use.

The applicant was further advised to contact the Expert Fire Panel at the Office of Environment and Heritage to obtain current information on fire rating of heritage significant building fabric. It was recommended to consider a performance based response to fire rating in preference to removal or alteration to significant building fabric.

The requested information was not provided and Council became aware that the retail business was continuing to operate, and additionally a food business was operating from the premises and that building and plumbing work was being carried out on the first floor.
A further site visit and meeting with the business proprietor was carried out by Council’s Officer, Christine Robinson and Council’s Heritage Advisor on 6 February 2019. A letter was provided to the applicant on 14 February 2019 making a final request for the fire engineer assessment report and stating that any alterations and additional uses of the building would require further development consent.

As a result, the business proprietor opted to close the food business. An email was provided to Council requesting an extension to provide the report from the Fire Engineer, when repairs and upgrades were complete.

The retail business continues to operate without consent and work is continuing in the building.

**OPTIONS**

1. That Council refuse Development Application No. 101/2017 for the change of use to a retail premises at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi, for the reasons listed in Attachment 1.

2. To approve Development Application No. 101/2017 for the change of use to a retail premise at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi, subject to conditions of consent.

**CONSULTATION**

Surrounding properties were notified of the development proposal between 28 September 2017 and 13 October 2017. An advertisement was placed in the Scone Advocate on 28 September 2017. No submissions were received by Council.

The site is a heritage item (no. I163) listed in Council’s Local Environmental Plan 2013 and as such the development application was referred to Council’s Heritage Advisor, Mrs Elizabeth Evans. In response to some of the concerns raised by the Heritage Advisor, additional information was requested to be provided by the applicant.

Internal consultation with the Director Environmental and Community Services, Mr Mathew Pringle has been undertaken in preparation of this report.

**STRATEGIC LINKS**

a. Community Strategic Plan 2027

This report links to the Community Strategic Plan 2027 as follows:

**BUILT AND NATURAL ENVIRONMENT**

**Goal 4**

Plan for a sustainable future

CS14 Provide efficient and effective advisory, assessment and regulatory services focused on being Customer ‘friendly’, responsive and environmentally responsible.

We are working to achieve the following Community Priorities:
b. Delivery Program

- Assessment of planning applications.
- Advisory service to the community, including heritage conservation.

c. Other Plans

Not applicable.

IMPLICATIONS

a. Policy and Procedural Implications

Nil.

b. Financial Implications

A development application fee of $110 has been paid.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (see Attachment 1).

d. Risk Implications

Council determinations of development applications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied.

e. Other Implications

Nil.

CONCLUSION

Development Application 101/2017 for the change of use to retail has been lodged with Council as the Consent Authority. The application was not supported by sufficient information required under the Environmental Planning and Assessment Regulation 2000 in relation to fire safety.
While the applicant has been given a number of opportunities to provide the relevant information, to date nothing has been forthcoming.

**ATTACHMENTS**

1. DA 101/2017 - Reasons for Refusal
2. DA 101/2017 - Assessment - Section 79c
3. DA 101/2017 - Plan
4. DA 101/2017 - Historic Photographs of Former Tattersalls Hotel
Reasons for Refusal

1. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the development application does not demonstrate that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building’s proposed use in accordance with Clause 93 of the Environmental Planning and Assessment Regulation 2000.

2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is not permissible within the R1 General Residential zone under the Upper Hunter Local Environmental Plan 2013.

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 5.10(10) of the Upper Hunter Local Environmental Plan 2013 as the proposed development is not in accordance with an approved heritage management document.

4. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest as the application has failed to demonstrate that the development does not pose a risk to public safety.
ADDRESS: LOT: 1 DP: 75638
46 Haydon Street Murrurundi

APPLICATION No: DA 101-2017

PROPOSAL: Change Of Use to Retail Premises

PLANS REF:

<table>
<thead>
<tr>
<th>DRAWINGS NO.</th>
<th>DRAWN BY</th>
<th>DATE</th>
<th>RECEIVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site plan and floor plan</td>
<td>Unknown</td>
<td>Not dated</td>
<td>11/08/2017</td>
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</tbody>
</table>

PLANNING RELATED DRAWINGS / INFO

OWNER: Ms S R Stone

APPLICANT: Stone & Co Vintage Interiors
46 Haydon Street
MURRURUNDI NSW 2338

AUTHOR: Mrs C T Robinson

DATE LODGED: 11 August 2017

AMENDED: -

ADD. INFO REC'D: -

DATE OF REPORT: 2 April 2019

SUMMARY OF FACTS

ISSUES: Insufficient information has been provided to allow adequate assessment of the application

SUBMISSIONS: Nil

RECOMMENDATION: Refusal with reasons
LOCATION MAP

DESCRIPTION OF PROPOSAL

The proposal is for the change of use of part of an existing building to be used for retail purposes.

RELEVANT HISTORY

The site was originally established as a hotel in 1880 and closed down c1952. Information has been gathered from the local community that the building was used after this time as residential flats/boarding house, however a search of Council’s records has not revealed any development consent being issued for this use. Over recent years the building has remained derelict.

REFERRALS

- Heritage Advisor

  The development application was referred to the Council’s Heritage Advisor. The following comments were provided:

  Tattersalls Hotel, Murrurundi is listed in the LEP 2013 and is located in the Murrurundi Conservation Area:

  Former Tattersalls Hotel  46 Haydon Street  Lot 1 DP 75638  Local I163

  The DA for the change of use requires more information in order to assess the potential impact on the heritage value of the building.

  The documentation is required to show any alterations or removal of building fabric. This includes any colour changes, signs and repair that is not replacement of like for like.

  A request for this information was forwarded to the applicant on 21 August 2017. A response was received via email on 29 August 2017.

  The Heritage Advisor reviewed the information provided and advised that subject to the content of the email, the change of use is supported as it will not detract from the heritage values of the building.

SUBMISSIONS
Surrounding properties were notified of the development proposal between 28 September 2017 and 13 October 2017. An advertisement was placed in the Scone Advocate on 28 September 2017.

No submissions were received by Council.

CONSIDERATION

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

<table>
<thead>
<tr>
<th>COMMENT</th>
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</thead>
<tbody>
<tr>
<td><strong>UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Land Use Table</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning classification</td>
<td>R1 General Residential</td>
</tr>
</tbody>
</table>
| Zoning objectives | • To provide for the housing needs of the community.  
• To provide for a variety of housing types and densities.  
• To enable other land uses that provide facilities or services to meet the day to day needs of residents. |
| Zoning permissibility | The proposal is not permissible as a commercial premises in the R1 General Residential zone. (Refer to Clause 5.10 below). |

<table>
<thead>
<tr>
<th>Clauses (Part 4)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of buildings (Clause 4.3)</td>
<td>Maximum height of building 8.5m. The proposal is contained within an existing building and the proposal does not intend to increase the building height.</td>
</tr>
<tr>
<td>Floor space ratio (Clause 4.4 and 4.5)</td>
<td>Ratio 0:5. The proposal is contained within an existing building utilising 96.2m² of existing floor area. The lot has an area of 3,547m².</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Part 5 – Miscellaneous provisions</th>
<th></th>
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</table>
| Heritage conservation (Clause 5.10) | The building (former Tattersalls Hotel) is a listed heritage item and is within a heritage conservation area. The objectives of Clause 5.10 include:  
(a) to conserve the environmental heritage of the Upper Hunter;  
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views; and  
(c) to conserve archaeological sites. |

Clause 5.10(10) Conservation incentives states:  
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:  
(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and  
(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and  
(c) the consent to the proposed development would require that all necessary conservation works identified in the heritage management document is carried out, and  
(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and  
(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area. |
It is considered that these matters have not been adequately addressed by the applicant.

**Part 6 – Additional Local Provisions**

| Flood Planning (Clause 6.2) | The northern section of the allotment (not containing the subject building) is mapped as being within the Murrurundi PMF indicative extent of inundation. |

**STATE ENVIRONMENTAL PLANNING POLICIES**

| SEPP (Infrastructure) 2007 | Not applicable |
| SEPP No. 44 – Koala Habitat Protection | Not applicable |
| SEPP No. 55 – Remediation of Land | The subject property has a history of commercial use and it is considered that the site is not likely to be subject to contamination that would require remediation of the land relative to the proposed development and use of the land. |
| SEPP No. 64 – Advertising and Signage | Not applicable |
| SEPP No. 65 – Design Quality of Residential Flat Development | Not applicable |
| SEPP (Housing for Seniors or People with a Disability) 2004 | Not applicable |
| SEPP Policy (Rural Lands) 2008 | Not applicable |

**REGIONAL ENVIRONMENTAL PLANNING POLICIES**

There are no REP’s applicable to the site.

**DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

There are no draft EPI’s applying to the land.

**DEVELOPMENT CONTROL PLANS**

<table>
<thead>
<tr>
<th>Development control plan</th>
<th>Considered?</th>
<th>Comment (only if necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Hunter Development Control Plan 2015</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Section 94A Levy Contributions Plan 2008</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Upper Hunter Section 94 Contributions Plan 2017</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Upper Hunter Servicing Plan for Water Supply and Sewerage</td>
<td>NA</td>
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</table>
PLANING AGREEMENTS

There are no planning agreements relevant to the proposal.

REGULATIONS

Clause 93 Fire safety and other considerations

(1) This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.
(2) In determining the development application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building’s proposed use.
(3) Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building’s proposed use.

Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to the relevant development consent.
(4) Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4).
(5) The matters prescribed by this clause are prescribed for the purposes of section 4.15(1)(a)(iv) of the Act.

LIKELY IMPACTS OF THE DEVELOPMENT

Built Form
Adequate information has not been provided to assess the likely impacts resulting from the built form of the building.

Potential Impact on Adjacent Properties
The subject lot is a corner lot immediately adjoined by residential properties. The corner opposite to the west contains a hotel (Railway Hotel) and across the street to the south is an antiques/vintage shop which incorporates a milk bar.

Access, Transport and Traffic
There is existing on-street parking on Haydon and Adelaide Streets.

Public Domain
The applicant has not provided sufficient information to ascertain the structural and fire safety of the building.

Heritage
The building is listed as a heritage item in Upper Hunter Local Environmental Plan 2013. It is within a Heritage Conservation area. A Heritage Impact Statement has not been provided.

Safety, Security & Crime Prevention
The applicant has not provided sufficient information to ascertain the structural and fire safety of the building.

Economic Impact on the Locality
The proposed use has the potential to generate local employment opportunities and improve the local economy.

Site Design and Internal Design
Adequate information has not been provided to assess the suitability of the existing building for its proposed use. This includes building fire risk, prevention and suppression; common wall structure and design between proposed uses and likely compliance with the Building Code of Australia.

**SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The suitability of the site cannot be ascertained as adequate information has not been provided.

**THE PUBLIC INTEREST**

The safety of the public cannot be assessed as adequate information has not been provided.

**SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT**

All likely impacts of the proposed development have been considered within the context of this report.

**ENVIRONMENTAL APPRAISAL**

<table>
<thead>
<tr>
<th></th>
<th>CONSIDERED</th>
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<tbody>
<tr>
<td>1</td>
<td>Statutory controls</td>
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<tr>
<td>2</td>
<td>Policy controls</td>
</tr>
<tr>
<td>3</td>
<td>Design in relation to existing building and natural environment</td>
</tr>
<tr>
<td>4</td>
<td>Landscaping/open space provision</td>
</tr>
<tr>
<td>5</td>
<td>Traffic generation and car parking provision</td>
</tr>
<tr>
<td>6</td>
<td>Loading and servicing facilities</td>
</tr>
<tr>
<td>7</td>
<td>Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)</td>
</tr>
<tr>
<td>8</td>
<td>Site Management issues</td>
</tr>
<tr>
<td>9</td>
<td>All relevant S79C considerations of Environmental Planning and Assessment Act 1979</td>
</tr>
<tr>
<td>10</td>
<td>Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993</td>
</tr>
</tbody>
</table>

**CONCLUSION**

The application has been assessed as unsatisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979.

The proposal cannot be adequately assessed as sufficient information has not been provided.

Accordingly, it is recommended that the application be refused with reasons.

**RECOMMENDATION**

PURSUANT TO SECTION 4.16/4.17 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT Council refuse Development Application No. 101/2017 for the Change Of Use of the building on land at Lot: 1 DP: 75638, 46 Haydon Street Murrurundi 2338, as shown on the submitted plans, for the following reasons:-
1. Pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979, the development application does not demonstrate that the building complies (or will, when completed, comply) with such of the Category 1 fire safety provisions as are applicable to the building’s proposed use in accordance with Clause 93 of the Environmental Planning and Assessment Regulation 2000.

2. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is not permissible within the R1 General Residential zone under the Upper Hunter Local Environmental Plan 2013.

3. Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 5.10(10) of the Upper Hunter Local Environmental Plan 2013 as the proposed development is not in accordance with an approved heritage management document.

4. Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest as the application has failed to demonstrate that the development does not pose a risk to public safety.

REASONS FOR RECOMMENDATION

Council is not satisfied that the fire protection and structural adequacy of the building will be appropriate to the building’s proposed use and that the heritage significance of the building will not be adversely affected by the proposal.

CHRISTINE ROBINSON
MANAGER PLANNING, BUILDING & REGULATORY SERVICES

DESCRIPTION

REMOVAL OF RESTRICTION ON THE USE OF LAND

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 7 March 2019 Council received a request to release a restriction on the title of Lot 11 DP 854549 Wallington Road Parkville that “the erection of a building for residential purposes on the lot burdened is prohibited”. The application is being referred to Council as the restriction was registered on title in accordance with condition of consent imposed by Council.

RECOMMENDATION

That Council approve the release of the restriction on title of Lot 11 DP 854549 Wallington Road Parkville, prohibiting the erection of a building for residential purposes.

BACKGROUND

Under the Upper Hunter Local Environmental Plan 2013 (UHLEP) the subject land zoned RU4 Primary Production Small Lots and has a minimum lot size of 40ha. As a result, the lot by virtue of its area (85.84ha) has a dwelling entitlement pursuant to clause 4.2B(3)(a) of UHLEP.

Development Consent No. 32/1994 approved on 17 March 1995, gave approval for the subdivision of land to create Lot 10 (is 4.05ha) and Lot 11 (85.84 ha). As Lot 10 was less than the minimum lot size prescribed by the Scone Local Environmental Plan 1986 (SLEP) (now repealed) the subdivision was approved under State Environmental Planning Policy No. 1 – Development Standards which made provision for a variation of the development standards. The reason given in the application is so that the owners (K &L, K&J and M&E Wenham) can “excise a small lot around the existing cottage that can be owned by Mr John Wenham who will assist other members of the family by being on site to supervise and manage a larger section of the property”.

Council at its ordinary meeting on 20 February 1995 resolved that the objection under State Environmental Planning Policy No. 1 be supported and (of relevance):

“A restriction as to user under Section 88B of the Conveyancing Act shall be placed on the title of proposed Lot 11 which prohibits the erection of a building for residential purposes.”

This was intended to prevent additional dwellings as the SLEP did not have any planning provisions that linked dwelling entitlements to minimum lot sizes. The inconsistency that now exists is because the UHLEP has changed the relevant planning provisions for the rural zones (ie Clause 4.2B(3)(a)), while the Restriction of the title of Lot 11 remains.

REPORT/PROPOSAL

On 7 March 2019 Council received a letter from Hills Solicitors on behalf of the owners, Jennifer and Mark Wenham, formerly requesting that the restriction prohibiting the erection of
a dwelling house on Lot 11 be released. The release of the restriction will enable the erection of a dwelling house on the land. Given that the land has an area of 85ha, it satisfies the minimum lot size development standard of 40ha under Clause 4.2B(3)(a) of the UHLEP and as such the release of the restriction is now warranted.

**OPTIONS**

1. That Council approve the release of the restriction on title of Lot 11 DP 854549 Wallington Road Parkville, prohibiting the erection of a building for residential purposes.
2. That Council not approve the release of the restriction on title of Lot 11 DP 854549 Wallington Road Parkville, prohibiting the erection of a building for residential purposes.

**CONSULTATION**

No consultation has been undertaken.

**STRATEGIC LINKS**

a. **Community Strategic Plan 2027**
   This report links to the Community Strategic Plan 2027 as follows:

   **Goal 3 – Protect the natural environment**
   
   - Ensure that all actions, decisions and policy response to natural hazards and climate change remain current and reflect capacity, Community expectations and changes in environmental and climate change information.

   **Goal 4 – Plan for a sustainable future**
   
   - Plan, facilitate and provide for a changing population for current and future generations

We are working to achieve the following Community Priorities:

- Rural lifestyle and Country feel are valued and protected and the Upper Hunter Shire remains quiet, safe, healthy and welcoming.
- Protect the natural environment.

b. **Delivery Program**
Assessment of the request is in accordance with Town Planning Strategy:

CS13 - Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.

c. Other Plans

NA

IMPLICATIONS

a. Policy and Procedural Implications

NA

b. Financial Implications

It will be necessary for the landowner to bear all the costs associated with releasing the restriction.

c. Legislative Implications

The landowner will need to pursue matters relevant to releasing the restriction under Section 88B of the Conveyancing Act 1919.

d. Risk Implications

NIL

e. Other Implications

NIL

CONCLUSION

Given that under the UHLEP the land satisfies the minimum lot size development standard for the erection of a dwelling house, it is now appropriate to release the restriction.

ATTACHMENTS

1 Plan of Lot 11 DP 854549 Walington Road Parkville