Development & Environmental Services Committee Agenda

12 February 2019
To All Councillors

You are hereby notified that the next meeting of the Development & Environmental Services Committee will be held on 12 February 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 - Nil

5. BUSINESS ITEMS

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6. COUNCILLOR QUESTIONS
DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.02.1  UPPER HUNTER DEVELOPMENT CONTROL PLAN 2015 - AMENDMENT NO. 1 ST AUBINS ESTATE

RESPONSIBLE OFFICER:  Mathew Pringle - Director Environmental & Community Services

AUTHOR:  Paul Smith - Senior Environmental Planner

PURPOSE

The purpose of this report is to consider an amendment to the Upper Hunter Development Control Plan 2015 in relation to Part 13a St Aubins Estate (referred to as Amendment No. 1) following public exhibition.

RECOMMENDATION

That Council adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015 as amended.

BACKGROUND

On 22 November 2017 Council received a request by Charles David Pty Ltd to amend the Upper Hunter Development Control Plan 2015 (DCP) – Part 13a St Aubins Estate. The draft DCP was submitted concurrently with Development Application No. 163/2017 for a 423 lot residential subdivision at Lot 2 DP 1169320 Gundy Road Scone. Following public exhibition and internal consultation, the DCP was referred to the Development and Environmental Services Committee meeting held on 13 November 2018. The Committee raised issues in relation to road widths, inadequate public open space and the need for public amenities.

At the 23 November 2018 meeting, Council resolved to:

 defer the adoption of the Upper Hunter Development Control Plan (Amendment No. 1) 2015 until the following amendments are made:
 a) increase the minimum road widths to accommodate on-street car parking;
 b) include provisions requiring larger areas of open space with appropriate facilities and accessible public amenities;

REPORT/PROPOSAL

The draft Development Control Plan for St Aubins Estate has been amended such that the collector road has a total width of 20m (carriageway width 11m and verge width 4.5m) and the local roads have a total width of 18m (carriageway width 9m and verge width 4.5m). This is consistent with the requirements of the Council’s Engineering Guidelines for Subdivisions and Development and Part 3 of the Upper Hunter Development Control Plan 2015.

The area of the two areas of Open Space (Parks) has been increased to approximately 2,000m² (park adjacent to the drainage reserve) and 3,000m² (park located near southern boundary). In addition the DCP has been amended such as to require the provision of park public amenities including public toilets, playground equipment, and tables and seating (refer to Page 7 of the amended draft DCP – Attachment 1).
OPTIONS

1. That Council adopt the draft Upper Hunter Development Control Plan (Amendment No. 1) 2015, as amended.
2. That Council adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015 subject to further amendment.
3. That Council not adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015.

CONSULTATION

The draft Development Control Plan (DCP) was placed on public exhibition from 18 January 2018 to 16 February 2018. No submissions were received. Council officers were also consulted and the abovementioned issues were raised.

STRATEGIC LINKS

a. Community Strategic Plan 2027

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

Goal 3 Protect the natural and built 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

- Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community
- Plan, facilitate and provide for a changing population for current and future generations.
- Implement policies to ensure the protection of strategic agricultural lands, equine critical industry clusters, natural resources and heritage.

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 application is in accordance with the Town Planning Community Strategies: 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, and
CS14 – Provide efficient and effective advisory, assessment and regulatory services focused on being Customer ‘friendly’, responsive and environmentally responsible.

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

NA

b. Financial Implications

Nil

c. Legislative Implications

Section 3.43 of the Environmental Planning and Assessment Act 1979 allows Council to prepare a development control plan to provide guidance on the following matters to the persons proposing to carry out development in relation to: (a) giving effect to the aims of any environmental planning instrument that applies to the development, (b) facilitating development that is permissible under any such instrument, (c) achieving the objectives of land zones under any such instrument. The provisions of a development control plan made for these purposes are not statutory requirements.

d. Risk Implications

Nil

e. Other Implications

Nil

CONCLUSION

The UHDCP Amendment No. 1 will provide an alternative concept for the future development of St Aubins Estate (Lot 2 DP 1169320).

ATTACHMENTS

1. Draft St Aubins - Development Control Plan section - with amendments following 23 November Council meeting
Explanatory outline
Section 13a outlines assessment criteria that relate specifically to the St Aubin’s Estate, Scone. The following matters are covered:
- concept and land uses
- staging and infrastructure delivery
- public road network and street design
- pedestrian and cycling network
- biodiversity, open space and landscape strategy
- flooding and water management
- salinity
- Aboriginal and European heritage
- bushfire management
- significant development sites – seniors living
- residential subdivision
- residential buildings

Note: the requirements of this section are in addition to those specified in other sections for particular development types, for example section 3a Subdivision and section 4a Urban dwellings.

Note: these criteria do not apply where approval is sought by way of a complying development certificate under SEPP (Exempt and Complying Development) Codes 2008. In such cases, the criteria under that SEPP will apply instead.

13a St Aubin’s Estate

<table>
<thead>
<tr>
<th>Column 1: Type of development</th>
<th>Column 2: Applicable land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any Development that requires development consent</td>
<td>Land within the St Aubin’s Estate, Gundy Road, Scone, as shown on Map 18 St Aubin’s Estate, Scone</td>
</tr>
</tbody>
</table>
13a.1 Relevant planning instruments & legislation

*Upper Hunter Local Environmental Plan 2013* is relevant to development to which this section applies. Further planning instruments and legislation may also be relevant. In the event of any inconsistency, the above listed instruments will prevail over requirements or criteria contained in this section.

13a.2 Definitions

There may be terms used in this section that are defined in the Dictionary.

13a.3 Vision for St Aubin’s

The vision for St Aubin’s is to create a high quality residential development that facilitates the orderly growth of the Scone town site. Residential streets will be interconnected and legible to establish safe local streets and convenient access in and out of the development area.
Within the overall development, a site has been earmarked for seniors living purposes. This has encouraged the establishment of social infrastructure and activities that build a sense of community strength.

Riparian areas will be preserved and water management facilities will be provided to ensure minimal environmental impacts result from residential development. A connected pedestrian and cycling pathway network will align with the riparian corridors and connect to existing pathways in Scone.

13a.4 Objectives

The objectives of this section are to:

- create a high quality residential development that facilitates the orderly growth of Scone
- encourage the establishment of social infrastructure and activities that build a sense of community strength
- ensure minimal environmental impacts result from residential development
- ensure that development contributes positively to Scone and the Upper Hunter’s image
- ensure the orderly development of the land and assist in the coordinated programming and provision of essential infrastructure and services
- facilitate urban development that meets environmental sustainability objectives
- ensure all development achieves a high standard of urban and architectural design quality
- promote housing that provides a high standard of residential amenity
- maximise opportunities for seniors living activities
- promote walking and cycling, and provide good access to transport
- maximise opportunities for future residents to access and enjoy the outdoors
- protect riparian corridors, significant trees and vegetation
- ensure the protection of water quality standards and provide water management systems and erosions controls, including during construction
- protect and manage areas and elements of identified Aboriginal and European archaeological heritage
- prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard
- attract and stimulate investment in the Upper Hunter Shire.

13a.5 Supporting plans & documentation

Development applications that are subject to this section should be supported by the following plans and documentation.
Requirements listed below are *in addition* to requirements relating to the relevant type of development e.g. section 3a Subdivision or section 4a Urban dwellings.

<table>
<thead>
<tr>
<th>Item</th>
<th>When required</th>
<th>Plans or information to be provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. General requirements</td>
<td>All applications</td>
<td>Refer to section 2c Lodging a development application.</td>
</tr>
</tbody>
</table>
| B. Servicing strategy | Applications for subdivision and major development (not for individual dwellings) | Information is required to demonstrate the availability and feasibility of providing the following services appropriate for the scale and nature of development:  
- reticulated water, including the size and location of water services including any proposed fire service  
- reticulated sewerage  
- electricity and telecommunications. |
| C. Landscape plan & report | Applications for subdivision and major development (not for individual dwellings) | Plan and report prepared by suitably qualified professional, showing  
- description of ground preparation and ongoing maintenance of landscaping  
- areas of private open space, proposed turf and areas of established gardens  
- location and species of trees and shrubs to be retained or removed  
- schedule of plantings, cross referenced to the site plan indicating species, massing and mature height  
- details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls |
| D. Fauna & flora assessment report | Required in the circumstances outlined in section 11b Biodiversity conservation | Include the matters required under section 11b Biodiversity conservation |
| E. Heritage, aboriginal cultural heritage or archaeological plans & reports | Applications that will potentially impact on land that is listed as or contains: a heritage item, a heritage conservation area, a potential heritage item, an archaeological site, an Aboriginal object | Provide a Due Diligence Report  
Include the matters required under section 9a Heritage conservation |
an Aboriginal place of heritage significance

F Soil & water management plans or reports
Applications for which soil and water management plans or reports are required (refer to section 11f Soil & Water management)
Prepare applicable soil and water management plans or reports, as specified in section 11f Soil & Water management. These could include:
- cut and fill details
- erosion and sediment control plan (ESCP)
- erosion and sediment control strategy (ESCS)
- soil and water management plan (SWMP)
- comprehensive water cycle strategy (CWCS)

G. Flooding
Applications that relate to flood prone land
Include the matters required under 10a Flood risk

H. Bushfire assessment report
Applications that relate to Bush Fire Prone Land
Prepare a Bushfire Assessment Report in accordance with the current version of Planning of Bush Fire Protection, as specified as in section 10b Bushfire Risk

I Geotechnical hazard assessment
Applications potentially subject to geotechnical hazards (refer to section 10c Geotechnical hazard)
Include the matters required under section 10c Geotechnical hazard

J Salinity assessment
Applications for subdivision and major development (not for individual dwellings)
Include the matters required under section 10c Geotechnical hazard

K Traffic & parking plans & reports (various)
Depends on type of development and expected traffic movements and parking requirements
Include the matters required under section 12a Access and vehicle parking

13a.6 Assessment criteria
A performance-based approach will be adopted in the assessment of development applications. Applications will be assessed according to the extent to which the outcomes specified in the left-hand column of the following table will be satisfied or achieved by the design, construction or operation of the proposal.

The design guidelines specified in the right-hand column indicate design and best practice solutions by which the required outcomes can be met. They do not preclude other solutions that may be suitable under particular local circumstances. All proposals will be considered on merit.

Outcomes to be achieved

<table>
<thead>
<tr>
<th>A. Concept &amp; Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Development is undertaken in accordance with Map 19: St Aubin’s Concept Development Plan (CDP) subject to compliance with the objectives and other development outcomes set out in this DCP</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Design guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
</tr>
</tbody>
</table>
Note: The CDP is a general guide to developing the site and variation from the DCP is permitted providing development is consistent with the Vision and Objectives for St Aubin’s.

- Development is undertaken in accordance with Map 20: St Aubin’s Preferred Land Use Plan (PLUP) subject to compliance with the objectives and other development outcomes set out in this DCP.

Note: The PLUP is a guide to allocating land uses to encourage certain activities within the St Aubin’s development. Accordingly, the PLUP does not limit or prevent any other activities that are permissible under the LEP zoning.

B. Staging

- Appropriate essential infrastructure, services and facilities are established with the timely staging of development.
- Staging and sequencing of the residential development occurs in accordance with the staging strategy. The size and boundaries of stages respond to expectant demands for new residential allotments.

C. Public Road Network & Street Design

The development satisfies relevant movement and access criteria contained within:

- section 12a Access & vehicle parking
- Part 3 Subdivision
- Part 4 Urban residential
- UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended

A hierarchy of interconnected streets is provided, that enables safe, convenient and legible access.

Easily accessible connections to Gundy Road are provided.

Carriageways and verges must match the function of the road.

Adequate land is provided within verges for infrastructure, landscaping and pathways (if provided).

D. Pedestrian & cycling network

A pedestrian and cycle pathway network is provided that:

- provides safe and convenient linkages between residences and open space systems, schools, community facilities and shops, and key destinations beyond the St Aubin’s site.
- responds to the topography and achieves appropriate

- Alternative street designs for local streets may be permitted on a case-by-case basis if the functional objectives and requirements of the street design are maintained.
- Street design is to comply with the minimum standards in the cross-sections detailed in Figure 17 St Aubin’s road sections minimum standards.
- Roundabouts are to be provided where a signed intersection cannot adequately manage traffic flows.
- Cul-de-sac roads are permitted, particularly in locations where constraints are present such as sloping land and physical barriers (that is, high voltage transmission lines and riparian corridors).
- Verges abutting open space and riparian areas may be reduced to 1 m in width providing no servicing infrastructure is installed on the non-residential side of the road.

- The efficient use of land is to be encouraged by allowing pedestrian pathways and cycleways to be located within open spaces wherever practical.
- Key pedestrian and cycleway routes are to be provided generally in accordance with Map 23: St Aubin’s Indicative Pedestrian and Cycling Network.
- The development should respond to the movement and access pathways.
grades for safe and comfortable use where possible

- provides accessible connections to existing pathway networks.

**E. Biodiversity, open space & landscape strategy**

- Significant trees and other vegetation of ecological, aesthetic and cultural significance are conserved.
- Riparian corridors which contain habitat features are provided, enhanced and protected
- Groundwater leakage is minimised
- Landscaping and open spaces are provided in accordance with Map 24: St Aubin’s Landscape Strategy.
- Open space meets the recreational needs of the residents, encourages healthy communities and contributes to the character of the estate and provides a safe and healthy environment for all users.
- Open space (parks) is conveniently located and accessible to pedestrians, cyclists and maintenance vehicles.
- **Open space (parks) are provisioned with public amenities including toilets, playground equipment and tables and seating.**

**F. Flooding & water management**

The development considers the provisions of

- section 10a Flood risk
- section 11e Soil and water management
- **UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended**

**G. Geotechnical hazard & salinity**

The development considers the provisions of section 10c Geotechnical hazard

**H. Aboriginal & European heritage**

The development considers the provisions of section 9a Heritage conservation

Any significant sites or items detected on the site are appropriately protected
I. Bushfire management

The development considers the provisions of section 10b Bushfire risk and comply with Planning for Bush Fire Protection

Easily accessible linkages are provided to Gundy Road

Vegetation outside the core riparian area is designed and managed as a low fuel or fuel reduced areas.

J. Significant development sites – seniors living

A range of seniors living accommodation is provided on the site marked ‘Seniors Living’ on Map 19: St Aubin's Concept Development Plan and Map 20: St Aubin's Preferred Land Use Plan, including a Residential Aged Care Facility and Independent Living Units

Childcare, community and other ancillary facilities must also be provided within the site marked ‘Seniors Living’ on Map 19: St Aubin’s Concept Development Plan and Map 20: St Aubin’s Preferred Land Use Plan.

The overall seniors living site is generally consistent with the following design principles

Layout

- The site must present a consistent residential character and sense of place.
- The site must respond to the natural attributes of the site.
- Impacts to the existing streetscape are minimised
- A high level of amenity is given in terms of solar access, views, outlook or proximity to open space
- Clear distinction is made between private and public spaces to encourage casual surveillance of the street.
- High levels of accessibility is provided in all buildings and across the wider site
- Provision of pedestrian linkages throughout the site and to the riparian zone.
- Design site servicing infrastructure, loading, waste storage and collection areas to minimise visual impact on the public domain and impact on neighbours.
- Provision of areas of quality landscaping and deep soil zones for mature tree planting

Built form and structures

- Recognise the specific and special functional
requirements of residential aged care facilities.

- High quality design and materials appropriate to the rural residential character of the area

- Provision of range of building heights with a general character and appearance of two stories to the Gundy Road frontage, with building heights being compatible to the surrounding streets and adjoining uses.

- Provision for consistent setbacks to Gundy Road to allow for significant open spaces opportunities for planting and landscaping

- Provision of landscaped setbacks to internal roads

- Limit blank walls visible from principle streets and the public domain with design techniques and landscaping employed in such a way as to reduce visual impacts

- Provision of a materials and colour palette that responds to the rural residential nature of the area

- The Independent Living Units are generally consistent with the following design principles

- Provision of housing choice through a range of dwelling sizes and types

- Provision of dwellings that have distinct and safe entries

- Provision of quality useable private spaces, landscaped areas and deep soils zones to support mature tree plantings, water percolation and residential amenity

- Provision of adequate on-site parking for residents, visitors and staff having regard to the locality and transport provision on site

- Minimise the dominance of garages within the streetscape through location, dimensions or external finishes and treatments

- Provision of predominantly open front fencing style (that is, visually permeable infill panel of landscaping, decorative steel, wrought iron or timber pickets preferred) where front fencing is proposed.

- The Residential Aged Care Facility is generally consistent with the following design principles:
  - provision of a building form that addresses the functional and operational needs of the facility
while responding to the rural residential nature of the area

- provision of adequate on-site parking for residents, visitors and staff having regard to the locality and transport provisions on site
- provision of safe, secure and usable communal open spaces appropriate for the specific user
- provision of quality landscaped areas and deep soils zones to support mature tree plantings, water percolation and to enhance residential amenity and outlook.

K. Residential subdivision

The development satisfies relevant criteria set out in Part 3 Subdivision

The subdivision layout:

- utilises residential development areas efficiently and respond to the natural attributes of the site
- establishes a consistent residential character and sense of place
- ensures that residential lots are afforded a high level of amenity in terms of solar access views, outlook or proximity to open spaces
- delivers a legible and permeable street network
- responds to the natural site topography
- takes into account the location of existing significant trees
- is consistent with solar design principles
- Street blocks are an appropriate length and width to facilitate pedestrian connectivity, and achieve stormwater management and traffic safety objectives

L. Residential building

The design considers the provisions of section 4a Urban dwellings

An attractive streetscape is provided through the provision of simple and articulated building and roof forms.

- The use of eaves, verandahs, high quality materials/finishes and feature elements on front facades is encouraged.
- The following streetscape design features are encouraged within the primary street facade of a residential building:
  - entry feature or portico
  - awnings or other features over windows
  - recessing or projecting architectural elements
  - open verandahs, and
o  a mixture of building materials and finishes

  Residential buildings are to consistent with the standards in Table 29

Table 29: Residential buildings standards. St Aubin's Estate Scone

<table>
<thead>
<tr>
<th>Dwelling design aspect</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Setback</td>
<td>(Min.): 6 m to main front building line</td>
</tr>
<tr>
<td>Side Setback</td>
<td>(Min.): 1 m</td>
</tr>
<tr>
<td>Site coverage</td>
<td>(Max.): 50% of total lot area</td>
</tr>
<tr>
<td>Building Height</td>
<td>(Max.): 2 storeys</td>
</tr>
<tr>
<td>Dwelling floor area</td>
<td>(Min.): 150 m²</td>
</tr>
<tr>
<td>Building materials – walls</td>
<td>Materials are to comprise brick, stone, glass, timber or concrete</td>
</tr>
<tr>
<td>Building materials – roofs</td>
<td>Materials are to comprise tiles, slate, clay/cement products or pre-painted sheet metal</td>
</tr>
<tr>
<td>Front fencing type</td>
<td>Open style fence (that is, visually permeable, infill panels of landscaping, decorative steel, wrought iron or timber pickets preferred)</td>
</tr>
<tr>
<td>Front fencing height</td>
<td>(Max.): 1 m</td>
</tr>
<tr>
<td>Side fencing height</td>
<td>(Max.): 1.8 m (behind the main front building)</td>
</tr>
<tr>
<td>Attached garages</td>
<td>To be located behind building line</td>
</tr>
<tr>
<td>Outbuilding floor areas</td>
<td>(Max.): 60 m² for combined total of all outbuildings</td>
</tr>
<tr>
<td>Outbuilding materials</td>
<td>To be constructed of the same materials as the primary dwelling unless the outbuilding is located to the rear of the primary dwelling where pre-painted sheet metal is permitted</td>
</tr>
</tbody>
</table>
Map 19: St Aubin’s Concept Development Plan
Map 20: St Aubin's Preferred Land Use Plan
Map 21: St Aubin’s Indicative Staging Strategy
Map 22: St Aubin’s Indicative Road Hierarchy
Map 23: St Aubin’s Pedestrian Cycle Network
Map 24: St Aubin’s Landscape Strategy
Figure 17 St Aubin’s road sections minimum standards

COLLECTOR ROAD

LOCAL ROAD
PURPOSE

On 21 November 2018, Council received Development Application No 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone.

The application is being reported to the Development and Environmental Services Committee as one (1) submission has been received following notification of the application.

RECOMMENDATION

That Council approve Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, subject to the conditions of consent in Attachment 1 and for the reasons listed in Attachment 2.

BACKGROUND

Application No: DA 170/2018
Applicant: P.B Eveleigh Plan Service
Owner: Mr B J Pittman & Mrs Z B Pittman
Proposal: Dwelling Alterations and Shed
Location: Lot 75 DP 262896, 17 Towarri Street, Scone
Lodged: 21 November 2018
Zone: R1 – General Residential

The subject lot has a history of residential use comprising an existing dwelling house.

REPORT/PROPOSAL

The proponent seeks the consent of Council for dwelling alterations and the erection of a steel shed, on a 902.5m², R1 – General Residential zoned lot known as 17 Towarri Street, Scone.

The site features little cross fall requiring minimal site preparation or earthworks, with existing improvements comprising a dwelling with an attached rear awning. The front setback of 9m and side setback of 1.3m will remain unaltered by the proposal.

The proposed dwelling alterations comprise the conversion of the existing attached garage into a fourth bedroom and living space, changes to fenestration to create windows servicing those areas, and the removal of an existing wall to create an open plan kitchen/living area.

The shed will be located in the south-westernmost corner of the property at a distance of 2.5m from the rear boundary and 900mm from the side (southern) boundary. This location is adjacent to the boundary riser, with the sewer main being located within, and servicing the subject property from, the adjoining lot at the rear.
The shed will measure 6x9m, with a peak height of 3.583m, comprising an enclosed section measuring 6x6m and an open bay/awning at the front measuring 3x6m.

Fenestration will comprise a window and door to the north-western facing façade, two conventional roller doors to the north-eastern façade and a small window to the south-western façade to service a sanitary facility.

The car parking spaces required for the dwelling are proposed to be retained within the 9x6m area of the existing driveway.

A submission has been received requesting Council to make a number of considerations when determining the development application. The submission does not expressly object to the proposal.

In response to the items listed in the submission, the applicant resolved to make concessions in an attempt to address the concerns raised, including a reduction in the size of the shed from 12x6m to the dimensions aforementioned; the deletion of the driveway; and, the proposed retention of the existing driveway for car parking.

Each item that is raised within the submission, is set out and addressed within the body of Attachment 2 – Planning Assessment Report.

**OPTIONS**

1. Approve Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, subject to the conditions of consent in Attachment 1 and for the reasons listed in Attachment 2;

2. Refuse Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, and state the reasons for refusal;

3. Defer Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, pending the receipt of further information.

**CONSULTATION**

Surrounding properties were notified of the proposed development between 12 December 2018 and 9 January 2019.

One (1) submission was received by Council from an adjoining land owner. The issues raised in the submission are addressed in the attached report.

A copy of the submission is provided in Attachment 4 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

- Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.
- Provide efficient and effective advisory, assessment and regulatory services focused on being Customer ‘friendly’, responsive and environmentally responsible.
- 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.

The recommendation to Council has been made with the above goals and priorities in mind.

b. Delivery Program
Assessment of the application is in accordance with the Town Planning Community Strategies:

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

c. Other Plans
NIL

IMPLICATIONS

a. Policy and Procedural Implications
NIL

b. Financial Implications

Development application fees totaling $615.00 have been paid by the applicant.

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 attached report). The proposed development is permissible with consent within the R1 – General Residential Zone.

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.

In the case of this development application the relevant considerations under the Environmental Planning and Assessment Act 1979 have been made.

There is a low risk of any third party legal appeal in relation to this development application. There is also low risk that the applicant will appeal Council's determination.

e. Other Implications

NIL

CONCLUSION

The application has been assessed as satisfactory against Section 4.15p of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Development Control Plan 2015.

The proposal is unlikely to detract from the streetscape and locality or result in any significant adverse impacts, and is considered to be an appropriate form of development for the site and within the land use zone.

Accordingly, it is recommended that the application be approved subject to conditions of consent.

ATTACHMENTS

1 Recommended Conditions of Consent
2 Planning Assessment Report
3 Plans
4 Submission
Identification of approved plans:

1. The development being carried out in accordance with the development application, the drawings referenced below and Statement of Environmental Effects dated 21 November 2018 except where amended by the conditions of consent.

<table>
<thead>
<tr>
<th>JOB REFERENCE NO</th>
<th>SHEET No</th>
<th>REVISION No</th>
<th>DRAWN BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>106-18</td>
<td>1-2</td>
<td>A</td>
<td>P.B Eveleigh Plan Service</td>
<td>17/01/19</td>
</tr>
</tbody>
</table>

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Operational conditions imposed under the environmental planning and assessment act and regulations and other relevant legislation:

3. All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by legislation)

4. Home Building Act Requirements

(1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

(a) in the case of work to be done by a licensee under that Act:
   i. has been informed in writing of the licensee’s name and contractor licence number, and
   ii. is satisfied that the licensee has complied with the requirements of the Home Building Act, or

(b) in the case of work to be done by any other person:
   i. has been informed in writing of the person’s name and owner-builder permit number, or
   ii. has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was $10,000. As those regulations are amended from time to time, that amount may vary.
(2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Note: Insurance thresholds are set out in Clause 53 of the Home Building Regulation 2014, stating that for the purposes of sections 92 (3) and 96 (3) (e) of the Act, the amount of $20,000 (inclusive of GST) is prescribed.

(3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

(Reason: Prescribed by legislation)

### Conditions that must be addressed prior to commencement:

5. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with The Blue Book published by Landcom provisions on Erosion and Sediment Control, or a suitable and effective alternative method.

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

6. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

   (a) stating that unauthorised entry to the work site is prohibited;

   (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

   (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: Statutory requirement)

7. No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

(Reason: Prescribed – Statutory)
Conditions that must be complied with during demolition and building work:

8. Any person acting on this consent shall ensure that:

(a) building construction activities are only carried out during the following hours:
   i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
   ii. on a Saturday—8.00am to 5.00pm;

(b) building construction activities must not be carried out on a Sunday or a public holiday;

(c) demolition and excavation works must only be carried out between Monday to Friday
   (inclusive) between 8.00am and 5.00pm;

unless prior written approval has been obtained from Council.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

9. Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from Council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

(Reason: To ensure public safety and amenity on public land)

10. Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council or the relevant public authority.

(Reason: To ensure costs associated with the development are not transferred to the public)

Conditions which must be complied with prior to the issue of any occupation certificate:

11. The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Department of Fair Trading Sewer Service Diagram is to be submitted to Council within seven (7) days following the final drainage inspection and prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the Australian Standard & Local Authority requirements.)

12. The building is not to be used or occupied until a final inspection has been carried out and an Occupation Certificate has been obtained from the Principal Certifying Authority.

(Reason: Prescribed - Statutory.)

Conditions that must be complied with at all times:

13. At all times nothing in this consent shall authorise the use of the shed for commercial or industrial activities.

(Reason: To ensure use is compatible with classification of building.)

14. Nothing in this consent shall authorise the use of the premises for other than a single occupancy.

(Reason: To ensure compliance with the terms of this consent.)

15. At all times, all stormwater from the development, including all hardstandings and overflows
from rainwater tanks, shall be collected and disposed of by way of properly constructed stormwater lines to the kerb and gutter (piped). If concrete footpath exists; pipework is to be under bored to the existing kerb inlet.

(Reason: To ensure the suitable disposal of stormwater generated by the development)

16. The existing driveway parallel and adjacent to the northern boundary, shall be retained and remain unaltered.

(Reason: To ensure that adequate off-street car parking is retained for the dwelling)

**Advice:**

- Nothing in this consent permits the removal of any tree contained within the road reserve.

- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 4.55 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.

- Before preparing documentation in support of a Construction Certificate application Council staff would be pleased to assist in identifying any such changes which may require the submission of a modification of the development consent under Section 4.55 of the Environmental Planning & Assessment Act.

- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the ‘Act’) are to be complied with:
  
  i. A Construction Certificate (if applicable) is to be obtained in accordance with Section 81A(2)(a) of the Act.

  ii. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.

  iii. Council is to be notified at least two (2) days before the intention to commence building works or subdivision works, in accordance with Section 81A(2)(c) of the Act.

- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.

- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.
ADDRESS: LOT: 75 DP: 262896
17 Towarri Street Scone

APPLICATION No: DA 170-2018

PROPOSAL: Dwelling Alterations and Shed with Amenities

PLANS REF:

<table>
<thead>
<tr>
<th>DRAWINGS NO.</th>
<th>DRAWN BY</th>
<th>DATE</th>
<th>RECEIVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheet 1 Rev A</td>
<td>P.B Eveleigh Plan Service</td>
<td>17/01/2019</td>
<td>17/01/19</td>
</tr>
<tr>
<td>Sheet 2 Rev A</td>
<td>P.B Eveleigh Plan Service</td>
<td>17/01/2019</td>
<td>17/01/19</td>
</tr>
</tbody>
</table>

OWNER: Mr B J Pittman & Mrs Z B Pittman

APPLICANT: P.B Eveleigh Plan Service
7 Short Street
Scone NSW 2337

AUTHOR: Mr L Melichar

DATE LODGED: 21 November 2018

AMENDED: 17 January 2019

ADD. INFO REC'D: -

DATE OF REPORT: 24 January 2019

SUMMARY OF FACTS

ISSUES: A submission has been received in relation to the development

SUBMISSIONS: 1 submission

RECOMMENDATION: Approval
DESCRIPTION OF PROPOSAL

The proponent seeks the consent of Council for dwelling alterations and the erection of a steel shed, on a 902.5m² R1 – General Residential lot known as 17 Towarri Street, Scone.

The site features little cross fall requiring minimal site preparation or earthworks, with existing improvements comprising a dwelling with an attached rear awning. The front setback of 9m and side setback of 1.3m will remain unaltered by the proposal.

The proposed dwelling alterations comprise the conversion of the existing attached garage into a fourth bedroom and living space, changes to fenestration to create windows servicing those areas, and the removal of an existing wall to create an open plan kitchen/living area.
The shed will be located in the south-westernmost corner of the property at a distance of 2.5m from the rear boundary and 900mm from the side (southern) boundary. This location is adjacent to the boundary riser, with the sewer main being located within, and servicing the subject property from, the adjoining lot at the rear.

The shed will measure 6x9m, with a peak height of 3.583m, comprising an enclosed section measuring 6x6m and an open bay/awning at the front measuring 3x6m.

Fenestration will comprise a window and door to the north-west facing façade, two conventional roller doors to the north-eastern façade and a small window to the south-western façade to service a sanitary facility.

The car parking spaces required for the dwelling are proposed to be retained within the 9x6m area of the existing driveway.

RELEVANT HISTORY

The subject site was created in 1982 via subdivision numbered 10/82, with the existing dwelling subsequently constructed pursuant to BA 209/88.

A pergola has been constructed at the rear of the dwelling pursuant to BA 169/90, along with a garden shed that has been removed subsequently.

The initial proposal comprised a shed having dimensions of 12x6m and a driveway to an existing layback on Towarri Street. However, upon Council receiving a submission, the applicant resolved to assist in mitigating the concerns by reducing the size of the shed, removing the proposed driveway and resolving to retain the existing driveway.

REFERRALS

- Water & Sewer
  Prior to the lodgement of the subject development application, the applicant consulted with Council with regard to confirming the exact location of the sewer main. Council confirmed on 30 October 2018 that the main is located approximately 1.5m to the west of the rear boundary within the adjoining lot.

  Given the 2.5m setback from the rear boundary to the shed, a total distance of 4m is achieved from the main and as such, the shed is unlikely to be founded within its zone of influence. The boundary riser is considered to be private infrastructure and is thus a private matter, with the shed permitted to be adjacent to such.

SUBMISSIONS

Surrounding properties were notified of the development proposal between 12 December 2018 and 9 January 2019. An advertisement was placed in the Scone Advocate on 12 December 2018.

1 submission has been received with the issues raised being summarised below. These concerns are addressed further on in this report.

<table>
<thead>
<tr>
<th>Name &amp; Address of Submitter</th>
<th>Basis of Submissions</th>
</tr>
</thead>
</table>
| Mr L Hind 15 Towarri Street Scone | - The plans do not depict the location of the awning attached to the rear of the dwelling;  
- No parking to be permitted between the house and the dividing boundary;  
- Air circulation underneath dividing fence be maintained;  
- Trees within the road verge be retained;  
- The existing driveway be retained for parking;  
- That Council puts no cut notices around trees prior to the DA being determined. |

CONSIDERATION
The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

**ENVIRONMENTAL PLANNING INSTRUMENTS**

<table>
<thead>
<tr>
<th>Land Use Table</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning classification</td>
<td>The proposal is inherently consistent with the following objectives of the zone:</td>
</tr>
<tr>
<td>R1 – General Residential</td>
<td>• To provide for the housing needs of the community.</td>
</tr>
<tr>
<td></td>
<td>• To provide for a variety of housing types and densities.</td>
</tr>
<tr>
<td></td>
<td>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</td>
</tr>
<tr>
<td>Zoning permissibility</td>
<td>The proposal is permissible as ancillary development in the R1 – General Residential zone.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 4 – Principal Development Standards</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Height of buildings (Clause 4.3)</td>
<td>The existing height of the dwelling will remain unaltered. The shed has a peak height of 3.583m, which will not exceed the maximum height allowable of 8.5m.</td>
</tr>
<tr>
<td>Floor space ratio (Clause 4.4 and 4.5)</td>
<td>The proposed FSR of 0.23:1 does not exceed the maximum 0.5:1 pursuant to this clause.</td>
</tr>
</tbody>
</table>

| Part 5 – Miscellaneous provisions | None relevant to the proposal. |

<table>
<thead>
<tr>
<th>Part 6 – Additional Local Provisions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Earthworks (Clause 6.1)</td>
<td>The site features minimal cross fall, with approx. 100mm fall maximum across the shed building footprint. In this regard, the objective of this clause has been met and considered favourably against the particulars of subclause (3).</td>
</tr>
<tr>
<td>Groundwater vulnerability (Clause 6.4)</td>
<td>The subject land is located along the fringe of the area nominated by the LEP as groundwater vulnerable. The proposed conversion of the garage to an additional bedroom/living space is consistent with the established land use and is located within the confines of the existing building footprint. The construction of a shed is consistent with improvements within the surrounding locality and will be subject to a condition regulating the use of the building to residential uses. In this regard, it is considered that the proposal is unlikely to result in groundwater contamination or other such adverse impact.</td>
</tr>
<tr>
<td>Airspace operations (Clause 6.7)</td>
<td>Council’s contour information indicates that the subject site is located uniformly between two 210mAHD contours. The OLS is located at 250mAHD, approximately 40m above ground level. Given that the height of the dwelling remains unchanged and the height of the shed will be a maximum of 3.583m, it is considered unlikely that the proposal will breach the OLS.</td>
</tr>
<tr>
<td>Development in areas subject to aircraft noise (Clause 6.8)</td>
<td>The proposal is not located within any ANEF contour.</td>
</tr>
<tr>
<td>Essential Services (Clause 6.10)</td>
<td>All essential services are existing.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE ENVIRONMENTAL PLANNING POLICIES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPP 55 – Remediation of Land</td>
<td>The subject land has a history of residential use and has not been used for a purpose set out in the Contaminated Land Guidelines.</td>
</tr>
</tbody>
</table>
DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

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

REGULATIONS

There are no provisions in the regulations relevant to the proposal or list any relevant clauses of the regulations.

UPPER HUNTER DEVELOPMENT CONTROL PLAN 2015

<table>
<thead>
<tr>
<th>Relevant Part</th>
<th>Considered?</th>
<th>Comment (only if necessary)</th>
</tr>
</thead>
</table>
| Part 4 – Urban Residential | Yes | • The proposed alterations are internal of the dwelling excepting changes in fenestration and a Basix Certificate is not required.  
• Two car parking spaces will be provided within the existing driveway in accordance with Outcome Q and will be subject to a condition of consent.  
• The shed will be located at a sufficient distance from the sewer main per outcome S. The 900mm side setback to the shed exceeds the minimum 450mm required, the structure is located behind the building line and in keeping with the surrounding locality. |
| Part 11 – Environment Protection | Yes | • No tree is proposed to be removed. As such, 11a is not applicable.  
• Groundwater is unlikely to be impacted by the development and the outcomes to be achieved pursuant to 11d will be met;  
• Only minor site preparation is required given the minimal cross-fall over the building pad of the shed. The dwelling alterations are contained wholly within the dwelling. A condition of consent will be imposed requiring sediment and erosion control as necessary. In this regard, the outcomes of 11f will be achieved. |
| Part 12 – Specific Infrastructure Issues | Yes | • 2 car parking spaces will be provided within the existing driveway, subject to a condition of consent being imposed to retain such. The proposal for a driveway servicing the shed has been removed from the subject application in recognition that the existing driveway will service car parking requirements, whilst addressing concerns raised in the submission received by Council. |
### ENVIRONMENTAL IMPACTS

<table>
<thead>
<tr>
<th>Context &amp; Setting</th>
<th>Satisfactory</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Built Form</td>
<td>YES</td>
<td>The dwelling alterations will be wholly contained within the existing dwelling, with the only external changes comprising fenestration typical of dwellings within the surrounding locality. The size, scale and design of the shed is typical of outbuildings within the surrounding locality.</td>
</tr>
<tr>
<td>Potential Impact on Adjacent Properties</td>
<td>YES</td>
<td>The conversion of the existing garage to a bedroom and living area will not intensify the existing use of the building in a manner that will result in adverse impact. The proposed shed will be located adjacent to a detached garage on the neighbouring 15 Towarri Street and approximately 12m from the neighbouring dwelling. A condition will be imposed to regulate the use of the building to prevent commercial or industrial uses that would otherwise impact the adjoining properties.</td>
</tr>
<tr>
<td>Access, Transport and Traffic</td>
<td>YES</td>
<td>Lawful access is available from Towarri Street. A driveway to the shed is not required in recognition of the existing driveway being retained for the purposes of parking two vehicles as required by the DCP.</td>
</tr>
<tr>
<td>Utilities</td>
<td>YES</td>
<td>It is unlikely that the shed will encroach the zone of influence of the sewer main in the adjoining lot.</td>
</tr>
<tr>
<td>Stormwater</td>
<td>YES</td>
<td>The statement of environmental effects states that stormwater incidental of the development will drain to the street gutter.</td>
</tr>
<tr>
<td>Soils</td>
<td>YES</td>
<td>Minimal earthworks are required with regard to the construction of the shed and thus, minimal impact is likely to result.</td>
</tr>
<tr>
<td>Flora and Fauna</td>
<td>YES</td>
<td>The proposal is unlikely to impact flora or fauna.</td>
</tr>
<tr>
<td>Energy</td>
<td>YES</td>
<td>A Basix certificate is not required for the conversion of the garage as such works do not exceed the threshold for Basix affected development.</td>
</tr>
<tr>
<td>Noise and Vibration</td>
<td>YES</td>
<td>The domestic nature of the development is unlikely to result in the excessive emission of noise or vibration that would adversely impact the surrounding properties.</td>
</tr>
<tr>
<td>Safety, Security and Crime Prevention</td>
<td>YES</td>
<td>The shed will offer opportunity for lockable storage of possessions. The conversion of the garage will not affect or alter the security of the dwelling.</td>
</tr>
<tr>
<td>Social Impact on Locality</td>
<td>YES</td>
<td>The proposal has the propensity to increase the usability of property, with the additional bedroom capable of supporting a growing family residing within the community.</td>
</tr>
<tr>
<td>Economic Impact on Locality</td>
<td>YES</td>
<td>The proposal has the propensity to increase the value of the subject property.</td>
</tr>
</tbody>
</table>
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>Concerns Raised</th>
<th>Planning Comment</th>
</tr>
</thead>
</table>
| The proposed location of the shed adjacent to similar improvements on the neighbouring properties will limit any resultant impact. The internal design of the dwelling alterations represents efficient use of internal space without the need to increase the dwelling footprint. | Council notes that an open awning has been constructed at the rear of the existing dwelling and has not been indicated on the plan. However, this is inconsequential with regard to the subject development, as the shed location is determined by the setbacks to the rear and side boundaries. No vehicle access is proposed to the shed nor is it necessary to determine a clearance from the finished edge of the awning for turning space. As the awning does not affect the shed, nor will it......
affect the provision of natural lighting to the new bedroom with respect to compliance with the Building Code of Australia, the inclusion of such on the plan is not seen to be relevant.

<table>
<thead>
<tr>
<th>No parking to be permitted between the house and the dividing boundary.</th>
<th>The applicant has elected to delete the driveway from the development application in response to this concern. It should be noted that the adjacent property features a driveway along this common boundary mirroring the previous proposal and thus, loss of amenity would have been minimal.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air circulation underneath dividing fence to be maintained.</td>
<td>The applicant has elected to remove the driveway that would have been constructed along the dividing boundary. Notwithstanding, Council does not possess jurisdiction pursuant to the <em>Dividing Fences Act 1991</em> and in this regard, the particulars regarding a dividing fence are not relevant to the proposal and is subject to the processes set out in that Act.</td>
</tr>
<tr>
<td>Trees within the road verge be retained.</td>
<td>The applicant has elected to delete the driveway from the development application in response to this concern. These trees are not located within the subject property and thus, any removal of said trees is at the discretion of Council having regard to due process and appropriate consideration.</td>
</tr>
<tr>
<td>The existing driveway be retained for parking.</td>
<td>A condition can be imposed on the consent that the existing driveway be retained in perpetuity of the development, for the purposes of parking two vehicles as is required by the DCP.</td>
</tr>
<tr>
<td>That Council puts no cut notices around trees prior to the DA being determined.</td>
<td>The trees are located within the road reserve and are on public land. Any removal by a party, other than Council in a manner consistent with due process, would constitute an offence and it is not seen as necessary to install signage advising of such. Advice can be included in the consent to advise that the granting of such a consent does not imply approval for the removal of any tree within the road reserve.</td>
</tr>
</tbody>
</table>

**CONSISTENCY WITH THE AIMS OF PLAN**

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and development controls.

As such, consent to the development may be granted.

**CONCLUSION**

The application has been assessed as satisfactory against Section 4.15 of the *Environmental Planning and Assessment Act 1979*, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent.
RECOMMENDATION

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

THAT Council, as the consent authority, grant consent to Development Application No. 170/2018 subject to the conditions set out in the Notice of Determination.

REASONS FOR RECOMMENDATION

- The proposal is consistent with the provisions of the Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Development Control Plan 2015;
- The proposal has been assessed as satisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979;
- The proposal is unlikely to have a significant adverse impact on the amenity of the neighbourhood.

LACHLAN MELICHAR
SENIOR HEALTH & BUILDING SURVEYOR
15 Towarri Street
SCONE NSW 2337

17 December, 2018

General Manager
Upper Hunter Shire Council
Mat Pringle
Director Environmental & Community Services
PO Box 208
Scone NSW 2337

Dear Sir,

Submission re: Proposed Development-DA170-2018

Applicant’s Omission
Small-slope iron extension A.

Driveways & Parking

B to C
no parking allowed;
air circulation under bottom rails of common fence to be maintained;
Council to continue preservation of two large trees on verge-entry driveway to be rerouted;

D
a strip of existing driveway at least 2.8 m wide to be left for parking.

I ask that Council put large “no-cut” notices around both large trees on the verge at least until the Development and Environmental Committee has made its decision re this DA170-2018.

Your etc

Lewis John Hind
DESC.02.3  PLANNING PROPOSAL 3/2018 - REZONE LAND AT 2-4 PHILIP STREET & 2 MUFFETT STREET, SCONE

RESPONSIBLE OFFICER: Steve McDonald - General Manager
AUTHOR: Mathew Pringle - Director Environmental & Community Services

PURPOSE

Planning Proposal 3/2018 proposes to amend the Upper Hunter Local Environmental Plan 2013 to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone from R1 General Residential and RE2 Private Recreation to IN1 General Industrial and RE2 Private Recreation.

RECOMMENDATION

That Council:
1. Support Planning Proposal 3/2018 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone from R1 General Residential and RE2 Private Recreation to IN1 General Industrial and RE2 Private Recreation.
2. Forward the planning proposal to the NSW Minister for Planning for a gateway determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.

BACKGROUND

Council has received a request from the registered owners of Lots 2 and 3 DP 29080, 4 Philip Street Scone to prepare a planning proposal to rezone the land from R1 General Residential to IN1 General Industrial under the Upper Hunter Local Environmental Plan 2013. The owners are seeking to develop the land for the purpose of a vehicle repair station.

The owners of the adjoining Lot 101 DP 1074572, 2 Phillip Street, Scone have also expressed an interest in rezoning their land from R1 General Residential and RE2 Private Recreation to IN1 General Industrial to allow development that is more appropriate for the site given its location and the fact that it is significantly impacted by rail movements and heavy vehicle traffic accessing the Scone Industrial Area on Muffett Street.

REPORT/PROPOSAL

The objective of this planning proposal is to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone as follows:

- Rezone Part Lot 101 DP 1074572 from R1 General Residential and RE2 Private Recreation to IN1 General Industrial.
- Rezone Lots 2 and 3 DP 29080 from R1 General Residential to part IN1 General Industrial and part RE2 Private Recreation to allow the development of a vehicle repair station and establishment of a zone buffer. It is understood that the owner of Lots 2 and 3 operates a mobile vehicle repair service and seeks to develop a permanent base for the business to accommodate demand.
- Rezone Part Lot 102 DP 1074572 from RE2 Private Recreation to IN1 Industrial.
The land that is the subject of this planning proposal is located on the corner of Muffett and Phillip Streets, Scone and comprises a total area of approximately 2690m². The land has a very gentle gradient, is currently vacant and cleared and adjoins existing industrial development to the north, commercial development to the south, residential land to the east and the Main Northern Railway Line to the west, on the opposite side of Muffett Street.

The land is significantly impacted by rail movements and heavy vehicle traffic accessing the Scone Industrial Area on Muffett Street and therefore residential uses of the land are undesirable. The proposed rezoning will allow more appropriate uses of the land that are in keeping with the industrial and commercial character of the area.

In order to provide a buffer between future development on the land and adjoining residential development to the east, on Philip Street, it is proposed to rezone a strip of land along the eastern boundary of Lot 3 DP 29080 from R1 General Residential to RE2 Private Recreation. This would be consistent with an existing buffer which separates the existing residential zone from the general industrial zone to the north. As the proposed zoning of the land would be consistent with the IN1 General Industrial zone to the north, the buffer immediately to the north of Lots 2 and 3 (and within Lot 101) would become redundant and is therefore proposed to be rezoned to IN1 General Industrial.

Conceptual plans have been prepared by the owners of Lots 2 and 3 DP 29080 to demonstrate how the land could be developed for the purpose of a vehicle repair station and ensure minimal impact on surrounding properties and compatibility with adjoining development and the streetscape. A copy of the conceptual plans are included in the planning proposal report provided in Attachment 1.

The proposal will have a net community benefit by providing additional employment land in a suitable location. The proposal will facilitate investment in Scone that will generate additional employment opportunities and have positive flow on effects for the local economy.

The proposal will facilitate future development that will reinvigorate and reinforce the entry to the Scone Industrial area and will reduce the potential for land use conflict by preventing future residential development in an inappropriate location.

Given the small area of land subject to the proposed rezoning, the proposal will have minimal impact on the overall supply of industrial land in Scone and other centres throughout the Upper Hunter Shire LGA.

The planning proposal is consistent with the Upper Hunter Land Use Strategy 2017, the Hunter Regional Plan, applicable State Environmental Planning Policies and the relevant Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979.

OPTIONS

1. Accept the recommendation that Council:
(i) Support Planning Proposal 3/2018 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone from R1 General Residential and RE2 Private Recreation to IN1 General Industrial and RE2 Private Recreation.

(ii) Forward the planning proposal to the NSW Minister for Planning for a gateway determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.

2. Not support Planning Proposal 3/2018 to amend the Upper Hunter Local Environmental Plan 2013 for valid reasons.

CONSULTATION

To date, consultation has been undertaken with the Department of Planning and Environment and the registered owners of Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone

STRATEGIC LINKS

a. Community Strategic Plan 2027

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

Goal 4 – Plan for a Sustainable future.

CS13 “Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Control Plans, which reflect the needs and expectations of the broad community”

Goal 5 – A sustainable and prosperous economy.

CS19 “Encourage retail and commercial business to locate and prosper within our Shire”

CS20 “Encourage and support innovative industry and a diversity of businesses that provide a range of services and employment opportunities 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.

A stronger economic base to attract and retain residents, particularly our young people.
b. **Delivery Program**

- Assessment of planning applications.
- Preparation of planning proposals, flood studies and associated management plans.

c. **Other Plans**

The Upper Hunter Land Use Strategy 2017 recognises that existing supplies of industrial lands in Scone and Aberdeen are expected to be capable of meeting demands for the next 5 years to 10 years, however some rationalisation of established industrial areas in both towns would improve interfaces to growing residential areas. In this regard, the proposal will rationalise land on the interface of an established industrial area to minimise potential land use conflict and ensure that future development is compatible with the character of the area. In this regard, it is considered that IN1 General Industrial is the most appropriate zoning for the subject land given the nature of surrounding development and its proximity to the Main Northern Railway line and the entry to the Scone Industrial Area.

Furthermore, the proposal is consistent with the objective of Strategic Direction 1.4: Urban employment lands and centres which is to provide an adequate supply of industrial land to meet demand for development and facilitate employment opportunities. In this regard, the proposal will increase available employment lands in an appropriate location within Scone.

**IMPLICATIONS**

a. **Policy and Procedural Implications**

NIL

b. **Financial Implications**

NIL

c. **Legislative Implications**

Section 3.31 of the Environmental Planning and Assessment Act 1979 provides that a local plan-making authority (which can be a Council) may make environmental planning instruments for the purpose of environmental planning. Section 3.34 of the Act provides after preparing a planning proposal, the planning proposal authority may forward it to the Minister.

d. **Risk Implications**

NIL

e. **Other Implications**

NIL

**CONCLUSION**

The planning proposal has been assessed as satisfactory against the Upper Hunter Land Use Strategy 2017, the Hunter Regional Plan, applicable State Environmental Planning Policies.
and the relevant Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979.

The proposal is considered appropriate having regard to the site context and suitability, the likely social, economic and environmental impacts and the interests of the broader community.

For the above reasons, the planning proposal should proceed.

ATTACHMENTS

1 Planning Proposal 3/2018 - Rezone land at 2-4 Philip Street & 2 Muffett Street, Scone

Rezone Part Lots 101 & 102 DP 1074572 and Lots 2 & 3 DP 29080, 2-4 Philip Street & 2 Muffett Street, Scone
PART 1: OBJECTIVES AND BACKGROUND

The objective of this planning proposal is to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone as follows:

- Rezone Part Lot 101 DP 1074572 from R1 General Residential and RE2 Private Recreation to IN1 General Industrial.
- Rezone Lots 2 and 3 DP 29080 from R1 General Residential to part IN1 General Industrial and part RE2 Private Recreation to allow the development of a vehicle repair station and establishment of a zone buffer. It is understood that the owner of Lots 2 and 3 operates a mobile vehicle repair service and seeks to develop a permanent base for the business to accommodate demand.
- Rezone Part Lot 102 DP 1074572 from RE2 Private Recreation to IN1 Industrial.

The land that is the subject of this planning proposal is located on the corner of Muffett and Phillip Streets, Scone and comprises a total area of approximately 2690m². The land has a very gentle gradient, is currently vacant and cleared and adjoins existing industrial development to the north, commercial development to the south, residential land to the east and the Main Northern Railway Line to the west, on the opposite side of Muffett Street.

The land is significantly impacted by rail movements and heavy vehicle traffic accessing the Scone Industrial Area on Muffett Street and therefore residential uses of the land are undesirable. The proposed rezoning will allow more appropriate uses of the land that are in keeping with the industrial and commercial character of the area.

In order to provide a buffer between future development on the land and adjoining residential development to the east, on Philip Street, it is proposed to rezone a strip of land (9m wide) along the eastern boundary of Lot 3 DP 29080 from R1 General Residential to RE2 Private Recreation. This would be consistent with an existing buffer which separates the existing residential zone from the general industrial zone to the north. As the proposed zoning of the land would be consistent with the IN1 General Industrial zone to the north, the buffer immediately to the north of Lots 2 and 3 (and within Lot 101) would become redundant and is therefore proposed to be rezoned to IN1 General Industrial.

The land that is the subject of this planning proposal is identified in Figure 1 below.

Figure 1. – Locality Map
The existing land zoning is shown in Appendix A while the proposed zoning is shown in Appendix B of this report.

Conceptual plans have been prepared by the owners of Lots 2 and 3 DP 29080 to demonstrate how the land could be developed for the purpose of a vehicle repair station and ensure minimal impact on surrounding properties and compatibility with adjoining development and the streetscape. A copy of the conceptual plans is provided in Appendix F.

PART 2: EXPLANATION OF PROVISIONS

In order to achieve the objective it is proposed that the Upper Hunter Local Environmental Plan 2013 Land Zoning Map – Sheet LZN_008A be amended so that the land identified in Figure.1 is zoned partly IN1 General Industrial and partly RE2 Private Recreation.

In addition, it is proposed to amend the following maps to ensure consistency with the development standards applicable to the adjoining land zoned IN1 General Industrial:

- Lot Size Map (Sheet LSZ_008A) to provide for a minimum lot size of 1000m² on the land;
- Floor Space Ratio Map (Sheet FSR_008A) to provide for a maximum floor space ratio of 1:1; and
- Height of Buildings Map (Sheet HOB_008A) to remove the maximum building height applicable to the land.

Draft maps are provided in Appendix C, D and E of this report.

PART 3: JUSTIFICATION

In accordance with the Department of Planning and Environment’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.

   The Upper Hunter Land Use Strategy 2017 recognises that existing supplies of industrial lands in Scone and Aberdeen are expected to be capable of meeting demands for the next 5 years to 10 years, however some rationalisation of established industrial areas in both towns would improve interfaces to growing residential areas. In this regard, the proposal will rationalise land on the interface of an established industrial area to minimise potential land use conflict and ensure that future development is compatible with the character of the area. In this regard, it is considered that IN1 General Industrial is the most appropriate zoning for the subject land given the nature of surrounding development and its proximity to the Main Northern Railway line and the entry to the Scone Industrial Area.

   Furthermore, the proposal is consistent with the objective of Strategic Direction 1.4: Urban employment lands and centres which is to provide an adequate supply of industrial land to meet demand for development and facilitate employment opportunities. In this regard, the proposal will increase available employment lands in an appropriate location within Scone.

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

   This planning proposal is considered to be the best way of achieving the objective. Amendments to the zoning, lot size, floor space ratio and building height of the land under the Upper Hunter LEP...
2013 will ensure consistency with the adjoining industrial land to the north whilst facilitating the future development of compatible land uses (such as a vehicle repair station).

The current zoning of the land as R1 General Residential is not considered appropriate given its location at the entry to the Scone industrial area and proximity to the Main Northern Railway Line; the predominant commercial and industrial character of the area and the zoning of adjacent land. Whilst development of the land for residential purposes is unlikely, such development would have the potential to create further land use conflict. Therefore, residential uses of the land are undesirable and should not be permitted.

In order to minimise the potential impacts of future development on adjoining residential land to the east, it is proposed to establish a buffer along the eastern boundary of the site by rezoning a strip of land to RE2 Private Recreation. This would be consistent with an existing buffer which separates the existing residential zone from the general industrial zone to the north. The impacts of future development on the land can be further reduced through good site design and operational management which would be assessed as part of a future development application for use of the land.

3. Is there a community benefit?

The proposal will have a net community benefit by providing additional employment land in a suitable location. The proposal will facilitate investment in Scone that will generate additional employment opportunities and have positive flow on effects for the local economy.

The proposal will facilitate future development that will reinvigorate and reinforce the entry to the Scone Industrial area and will reduce the potential for land use conflict by preventing future residential development in an inappropriate location.

Given the small area of land subject to the proposed rezoning, the proposal will have minimal impact on the overall supply of industrial land in Scone and other centres throughout the Upper Hunter Shire LGA.

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?

In relation to the Hunter Regional Plan, the proposal is consistent with the actions of Direction 24 ‘Protect the economic functions of employment land’ in that the location of the subject land is unlikely to result in conflict with surrounding residential uses and the proposal will help protect the economic functions of existing employment land by preventing the establishment of residential uses within an area that is predominantly industrial in nature and subject to a range of impacts from adjoining activities.

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

The planning proposal is consistent with the following Community Strategies of Goal 4 – Plan for a sustainable future and Goal 5 – A sustainable and prosperous economy:

CS13 “Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Control Plans, which reflect the needs and expectations of the broad community”

CS19 “Encourage retail and commercial business to locate and prosper within our Shire”

CS20 “Encourage and support innovative industry and a diversity of businesses that provide a range of services and employment opportunities for current and future generations”

The proposal will not have a significant detrimental impact on the natural and built environment, will facilitate sustainable forms of development and will encourage a diverse economy with a thriving and growing business community.
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.

<table>
<thead>
<tr>
<th>Relevant SEPP</th>
<th>Consistency of Planning Proposal</th>
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<tbody>
<tr>
<td>SEPP No 55 Remediation of Land</td>
<td>The planning proposal does not trigger the need for any remediation or further investigation of land contamination as the proposed IN1 General Industrial zoning will permit land uses that are no more sensitive to land contamination than the uses currently permitted in the R1 General Residential and RE2 Private Recreation zones (eg centre-based child care facilities). Council does not hold any information which suggests that the land is contaminated or is land specified in Clause 6(4) of SEPP No. 55.</td>
</tr>
</tbody>
</table>

7.  **Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?**

Each s9.1 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming consistency.

<table>
<thead>
<tr>
<th>s.9.1 Direction Title</th>
<th>Applies</th>
<th>Consistency of Planning Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 Business and Industrial Zones</td>
<td>Yes</td>
<td>The planning proposal is consistent with the objectives of Direction 1.1 as the proposal will encourage employment growth in a suitable location, will protect and enhance employment land in an industrial zone and will support the viability of the Scone industrial area. The proposal will retain and support an existing industrial zone and will increase the total potential floor space area for industrial uses in an industrial zone. It is noted that the proposal is not in accordance with a strategy that is approved by the Secretary of the Department of Planning &amp; Environment. However, as the proposal relates to a relatively small area of land (approximately 2690m²) on the periphery of an existing industrial area, the support of an endorsed strategy is not considered warranted. Accordingly, the inconsistency with the terms of the direction is considered to be of minor significance.</td>
</tr>
<tr>
<td>1.2 Rural Zones</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>1.3 Mining, Petroleum Production and Extractive Industries</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>1.4 Oyster Aquaculture</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>1.5 Rural Lands</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.1 Environment Protection Zones</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2.2 Coastal Protection</td>
<td>NA</td>
<td>Not Applicable</td>
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<tr>
<td>2.3 Heritage Conservation</td>
<td>NA</td>
<td>Not Applicable</td>
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<tr>
<td>2.4 Recreation Vehicle Areas</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>s.9.1 Direction Title</td>
<td>Applies</td>
<td>Consistency of Planning Proposal</td>
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<tr>
<td>3.1 Residential Zones</td>
<td>Yes</td>
<td>The planning proposal is inconsistent with the terms of Direction 3.1 as it will result in the prohibition of residential development on the subject land. However, the proposal relates to a relatively small area of land (approximately 2690m²) on the periphery of an existing industrial area and aims to allow more appropriate uses of the land that are in keeping with the industrial and commercial character of the area. Accordingly, the inconsistency with the terms of the direction is considered to be of minor significance.</td>
</tr>
<tr>
<td>3.2 Caravan Parks and Manufactured Home Estates</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>3.3 Home Occupations</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>3.4 Integrating Land Use and transport</td>
<td>NA</td>
<td>Not Applicable</td>
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<tr>
<td>3.5 Development Near Licensed Aerodromes</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.1 Acid Sulfate Soils</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>4.2 Mine Subsidence and Unstable Land</td>
<td>NA</td>
<td>Not Applicable</td>
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<tr>
<td>4.3 Flood Prone Land</td>
<td>NA</td>
<td>Not Applicable</td>
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<tr>
<td>4.4 Planning for Bushfire Protection</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.1 Implementation of Regional Strategies</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.2 Sydney Drinking Water Catchments</td>
<td>NA</td>
<td>Not Applicable</td>
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<tr>
<td>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.6 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>5.9 Second Sydney Airport: Badgerys Creek</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.1 Approval and Referral Requirements</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>6.2 Reserving Land for Public Purposes</td>
<td>NA</td>
<td>Not Applicable</td>
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<tr>
<td>6.3 Site Specific Provisions</td>
<td>NA</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>7.1 Implementation of the Metropolitan Strategy</td>
<td>NA</td>
<td>Not Applicable</td>
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</table>

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 relates to cleared and vacant land. Surrounding land is developed for urban purposes.

The planning proposal is not likely to have an adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats.
9. **Are there any other environmental effects as a result of the planning proposal and how are they proposed to be managed?**

   The environmental impact of future development on adjoining residential land to the east will be mitigated through the provision of a 9m wide buffer along the eastern boundary of the site which will be zoned RE2 Private Recreation. This would be consistent with an existing buffer which separates the existing residential zone from the general industrial zone to the north. The impacts of future development on the land can be further reduced through good site design and operational management which would be assessed as part of a future development application for use of the land.

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

    This planning proposal is likely to have positive social and economic impacts due to the increased opportunity for development that is in keeping with the industrial and commercial character of the area, resulting in greater investment certainty for land owners. The proposal will support economic diversification and the establishment of new employment generating businesses.

**SECTION D – COMMONWEALTH AND STATE INTERESTS**

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

    The land subject to the planning proposal is serviced by adequate public infrastructure, including access to local roads, power, water, sewerage and telephone, to meet the needs of future development.

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

    Relevant State and Commonwealth public authorities will be consulted in accordance with the Gateway determination.

**PART 5: COMMUNITY CONSULTATION**

The planning proposal will be placed on public exhibition following the Gateway Determination.

**PART 6: PROJECT TIMELINE**

The project timeline in respect of the planning proposal is provided in the following diagram.

The anticipated timeframe for the proposed amendment to the Upper Hunter Local Environmental Plan 2013 from submission of the proposal to NSW Planning and Environment to gazettal of the LEP amendment is seven (7) months.
## PROJECT TIMELINE

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<tbody>
<tr>
<td>STAGE 1</td>
<td>Submit Planning Proposal to NSW Planning &amp; Environment</td>
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<tr>
<td>STAGE 2</td>
<td>Anticipated commencement date (Gateway Determination)</td>
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<tr>
<td>STAGE 3</td>
<td>Consultation – Community/ Public Authorities</td>
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<tr>
<td>STAGE 4</td>
<td>Review / consideration of submissions to public exhibition</td>
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<tr>
<td>STAGE 5</td>
<td>Report to Council</td>
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<tr>
<td>STAGE 6</td>
<td>Finalise the Local Environmental Plan using Minister's plan making delegations</td>
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</table>
APPENDIX A: EXISTING ZONING MAP
APPENDIX B: PROPOSED ZONING MAP
APPENDIX C: PROPOSED LOT SIZE MAP
APPENDIX D: PROPOSED FLOOR SPACE RATIO MAP
APPENDIX E: PROPOSED HEIGHT OF BUILDINGS MAP
EXTERIOR FAÇADE & LANDSCAPING

Truck entry & exit to reduce traffic on Philip Street – Access granted by landowner

Parking for 12 vehicles

2m high lapped & capped timber fencing providing a sound barrier to eastern side of lot 3

Australian native lilli pilli to be used as a dense hedge providing a further sound barrier

Fire rated western wall

Exterior of shed clad with Colorbond steel & timber cladding as per council specifications (contrasting materials). Cladding from ground to a height of 2.5m in keeping with the town & street aesthetic. Remainder in Colorbond steel

Timber cladding to extend from the front façade around to the western wall by 2m

Landscaping to street frontage to create a pleasing street frontage
Front & Rear Elevation

Rear elevation (facing Toyota Wideland shed)

Most suppliers use use 0.35mm BMT cladding. Best Sheds have upgraded our wall sheeting to 0.42mm BMT thickness increasing the noise buffer.

Sound proofing installed in eastern end wall of workshop providing a further sound barrier.

Number of roller doors facing Philip Street reduced to 2, further minimising noise.

Office

Front elevation – Philip Street frontage (facing CRT rural supplies shed).

137 Stackton Street, Stackton Street, Murrurundi, NSW 2338
Phone: (02) 6841 3377
Email: sales@bestsheds.com.au

Customer Name: [Redacted]
Site Address: [Redacted]
Drawn by: [Redacted]
Scale: 1:20
Date: [Redacted]
Job Number: [Redacted]