

COMMITTEE MEETINGS (Continued)

1591. QUESTIONS FOR NEXT MEETING / GENERAL BUSINESS

(i) Constitutional Recognition of Local Government

RESOLVED THAT

- (a) *The Mayor be authorised to complete the LGNSW Survey on behalf of Council in relation to support for constitutional recognition of Local Government.* [Crs Cudmore/Roberts]

(i) Leave of Absence

RESOLVED THAT

- (a) *Cr Ian Lobsey OAM be granted a leave of absence from the July 2015 Council Meeting.* [Crs Cudmore/Roberts]

ENVIRONMENTAL SERVICES COMMITTEE MEETING – 16 JULY 2015

1592. ACTING GENERAL MANAGER REPORT NO 11/15 - AMENDMENT NO. 2 TO THE LIVERPOOL PLAINS SHIRE COUNCIL DEVELOPMENT CONTROL PLAN 2012 [13.6.1]

RESOLVED THAT

- (a) *Acting General Manager Report No 11/15 be received.*
 (b) *In relation to the report "Amendment No. 2 to the Liverpool Plains Shire Council Development Control Plan 2012", Council:*
 (i) *Endorse the public exhibition of Amendment No. 2 to the Liverpool Plains Shire Council Development Control Plan 2012 for a period of 28 days; and*
 (ii) *Requests a report to be submitted to a future meeting of Council to detail the outcome of the public exhibition process.* [Crs Cudmore/Laurie]

Crs K.M. Cudmore, A.M. Hope, A.T. Laurie and M.V. Roberts voted in favour of the motion. There were no votes against the motion.

1593. ACTING GENERAL MANAGER REPORT NO 13/15 – PROPOSED LEP AMENDMENT NO 5 [13.6.1]

Refer Page No 20

RESOLVED THAT

- (a) *Acting General Manager's Report No 13/15 be received.*
 (b) *Authorisation be provided to proceed with the lodgement of the draft Planning Proposal to LEP Gateway (NSW Department of Planning and Environment).* [Crs Roberts/Cudmore]

Crs K.M. Cudmore, A.M. Hope, A.T. Laurie and M.V. Roberts voted in favour of the motion. There were no votes against the motion.

LIVERPOOL PLAINS SHIRE COUNCIL

ENVIRONMENTAL SERVICES COMMITTEE MEETING HELD ON WEDNESDAY 15 JULY 2015 AT 2.40 PM

PRESENT: Cr A.M. Hope (Chair), Crs K.M. Cudmore, A.T. Laurie, I.R. Lobsey OAM and M.V. Roberts.

LEAVE OF ABSENCE: Crs C.W. Stewart and R.J. Webster.

IN ATTENDANCE: Acting General Manager, Director Corporate & Community Services, Director Works, Chief Financial Officer, Communications Manager and Executive Assistant.

1. **ACTING GENERAL MANAGER REPORT NO 11/15 - AMENDMENT NO. 2 TO THE LIVERPOOL PLAINS SHIRE COUNCIL DEVELOPMENT CONTROL PLAN 2012 {13.6.1}**
Refer Page No 1

RECOMMENDATION TO COUNCIL

THAT

- (a) *Acting General Manager Report No 11/15 be received.*
- (b) *In relation to the report "Amendment No. 2 to the Liverpool Plains Shire Council Development Control Plan 2012", Council:*
 - (i) *Endorse the public exhibition of Amendment No. 2 to the Liverpool Plains Shire Council Development Control Plan 2012 for a period of 28 days; and*
 - (ii) *Requests a report to be submitted to a future meeting of Council to detail the outcome of the public exhibition process.*

[Crs Laurie/Cudmore]

Crs K.M. Cudmore, A.M. Hope, A.T. Laurie, I.R. Lobsey OAM and M.V. Roberts voted in favour of the motion. There were no votes against the motion.

2. **ACTING GENERAL MANAGER REPORT NO 13/15 – PROPOSED LEP AMENDMENT NO 5 [13.6.1]**
Refer Page No 20

RECOMMENDATION TO COUNCIL

THAT

- (a) *Acting General Manager's Report No 13/15 be received.*
- (b) *Authorisation be provided to proceed with the lodgement of the draft Planning Proposal to LEP Gateway (NSW Department of Planning and Environment).*

[Crs Roberts/Laurie]

Crs K.M. Cudmore, A.M. Hope, A.T. Laurie, I.R. Lobsey OAM and M.V. Roberts voted in favour of the motion. There were no votes against the motion.

LIVERPOOL PLAINS SHIRE COUNCIL

REPORT TO ENVIRONMENTAL SERVICES COMMITTEE MEETING TO BE HELD ON WEDNESDAY 15 JULY 2015

AUTHOR: KATE CAMPBELL

REPORT NO: GM 13/15

SUBJECT: PROPOSED LEP AMENDMENT NO 5

FILE NO: 13.6.1

MANDATORY STATUTORY REQUIREMENTS

Councillors, applicants, persons making public submissions (written or verbal) and members of the public are advised of the following relevant procedural requirements;

4) Record (Division) of Voting

In accordance with Section 375A(3) of the *Local Government Act 1993*, a Division is required to be called whenever a motion for a planning decision is put at a meeting of the Council or a Council Committee.

A division under Section 375A(3) of the Act is required on this Planning Application.

5) Relevant Planning Application

In accordance with Section 147(4) of the *Environmental Planning and Assessment Act 1979*, a person who makes a relevant planning application to Council is required to disclose the following reportable political donations and gifts (if any) made by a person with a financial interest in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (c) all reportable political donations made to any local councillor of the Council;
- (d) all gifts made to any councillor or employee of the Council.

6) Relevant Public Submission

In accordance with Section 147(5) of the *Environmental Planning and Assessment Act 1979*, a person who makes a relevant public submission to Council in relation to a relevant planning application made to the Council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any associate of that person within the period commencing two years before the submission is made and ending when the submission is determined.

Disclosure of Reportable Political Donations and Gifts

c) Planning Applications

Nil

d) Public Submissions

Nil

**Report to Environmental Services Committee Meeting
held on Thursday 16 July 2015**

LIVERPOOL PLAINS SHIRE COUNCIL

PROPOSED LEP AMENDMENT NO 5 (Continued)

PURPOSE:

Council has received an application proposing an amendment to Schedule 1 'Additional permitted uses' of the *Liverpool Plains Local Environmental Plan* (LEP) 2011. This application proposes an amendment to the LEP in order to facilitate the construction of a service station with development consent on the subject land, described as Lot 3 DP 1121681 and known as 1172 New England Highway, Willow Tree ('Howard's Haulage').

The purpose of this report is to seek authority from Council, allowing the lodgement of a draft Planning Proposal to LEP Gateway (NSW Department of Planning and Environment).

SUPPORTING INFORMATION:

The property owners have engaged Bath, Stewart Associates Pty Ltd to prepare the requisite planning report to support the proposed LEP amendment. Council Officers have completed a draft Planning Proposal, attached as Appendix "A" to this report for the information of Councillors. This Proposal has been prepared in accordance with *A Guide to Preparing Planning Proposals* dated October 2012 and *A Guide to Preparing Local Environmental Plans* dated April 2013 published by the NSW Department of Planning & Infrastructure (now the NSW Department of Planning and Environment).

BACKGROUND:

The subject land has an area of approximately 8 hectares and is described as Lot 3 DP 1121681, known as 1172 New England Highway, Willow Tree. The allotment is located approximately 1 kilometre to the south of the village of Willow Tree on the New England Highway, as demonstrated by Figures 1 and 2, below. The land currently accommodates a truck depot ('Howard's Haulage'), which has been operating from the subject site for approximately thirty (30) years, as well as a grain handling facility which has been operating for approximately twenty (20) years. Access to the development site is provided by the New England Highway in the form of a bitumen sealed access node approximately 24 metres wide.

This Planning Proposal seeks the inclusion of a site specific enabling clause pursuant to Schedule 1 'Additional permitted uses' of the LEP in order to facilitate the construction of a service station with development consent on the subject land. This proposal reflects historic and current land use activities, and will allow for the development of land commensurate with the requirements of relevant agencies as well as Council's local strategic planning objectives. It is noted that such a proposal will require the submission of a future Development Application, upon gazettal of the proposed LEP amendment.

PROPOSED LEP AMENDMENT NO 5 (Continued)

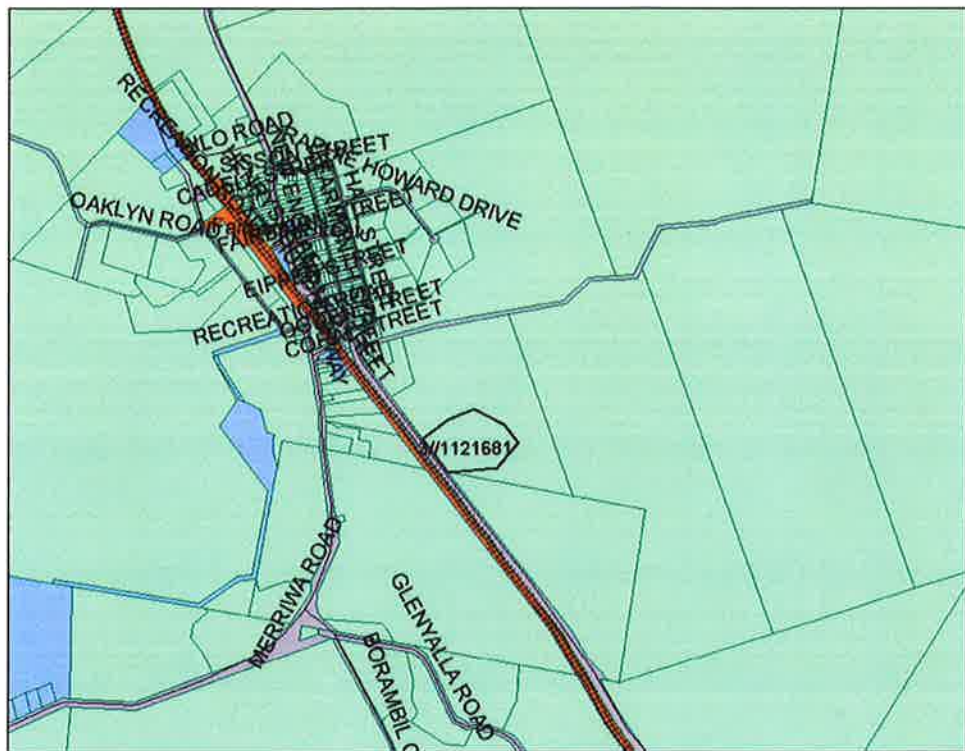


Figure 1 - Cadastral Image of the Subject Land, Lot 3 in DP 1121681, 1172 New England Highway, Willow Tree



Figure 2 - Aerial Image of the Subject Land, Lot 3 in DP 1121681, 1172 New England Highway, Willow Tree

PROPOSED LEP AMENDMENT NO 5 (Continued)

ISSUES & COMMENTS:

As detailed by the documentation attached as Appendix A to this report, the proposed development has been considered in accordance with Council's strategic planning framework as well as State and Commonwealth interests. Thorough assessment of the proposed development indicates that amending Schedule 1 of the adopted LEP is the best means of achieving the objectives of the Planning Proposal.

The proposed development is not expected to create an undesirable precedent in this instance, for the following reasons:

- Commensurate historic and current land uses, comprising a truck depot ('Howard's Haulage'), which has been operating from the subject site for approximately thirty (30) years, as well as a grain handling facility which has been operating for approximately twenty (20) years. The Planning Proposal will ensure that development occurs in an area which is appropriately serviced and located in order to facilitate the clustering of compatible activities, which is expected to support the economic development of the region;
- The allotment is suitably located (in proximity to Willow Tree) and is capable of accommodating the proposed development;
- The size of the allotment, as well as the presence and nature of existing land uses, do not permit the achievement of viable agricultural activities;
- Preliminary consultation with the NSW RMS indicates that they do not have any objection in principle to the proposed additional use. Therefore, the development of the land is expected to be commensurate with the requirements of relevant agencies as well as Council's local strategic planning objectives, and is not expected to result in any localised conflict.

The proposed outcome will be achieved by amending Schedule 1 'Additional permitted uses' of the LEP, as follows:

1 Use of certain land on the New England Highway, Willow Tree

- (1) This clause applies to land identified as "A" on the Additional Permitted Uses Map, being Lot 3 in DP 1121681.*
- (2) Development for the purpose of a service station is permitted with development consent.*

Accordingly, a corresponding Additional Permitted Uses Map shall be gazetted as part of the proposed amendments.

FINANCIAL & RESOURCE IMPLICATIONS:

Application fees, in accordance with Council's adopted Operational Plan, were paid upon lodgement of the Planning Proposal.

LEGAL IMPLICATIONS:

There are no legal implications to report at this time.

PROPOSED LEP AMENDMENT NO 5 (Continued)

STAKEHOLDER CONSULTATION:

Extensive community consultation will be undertaken in accordance with the terms of consent provided by the NSW Department of Planning and Environment as part of their Gateway determination.

OPTIONS:

1. Provide authority to Council staff to proceed with the lodgement of a draft Planning Proposal to LEP Gateway (NSW Department of Planning and Environment); or
2. Elect not to proceed with the Planning Proposal.

CONCLUSION:

As detailed throughout this report as well as in the draft Planning Proposal attached as Appendix A, an amendment to Schedule 1 of the LEP is considered acceptable in this instance as a result of extenuating local circumstances. As such, it is recommended that authorisation be provided by Council to proceed with the lodgement of the draft Planning Proposal to LEP Gateway (NSW Department of Planning and Environment).

LINK TO POLICY AND/OR COMMUNITY STRATEGIC PLAN:

The Planning Proposal is considered to be generally consistent with the objectives of Council's adopted Land Use Strategy - the *Liverpool Plains Growth Management Strategy* (2009). The Strategy acknowledges the roles of transport and services as key sectors in the Shire's economy, as well as the importance of facilitating responsible growth in these sectors.

Furthermore, the proposed amendment is considered to be consistent with the following key strategic directions and actions under the LPSC Community Strategic Plan:-

- *To develop strategies that facilitates growth and guide Council toward ecological sustainability through responsible management of both the natural and built environments.*
- *To maximise the tourism and economic development potential of the Shire and facilitate increased growth and sustained development.*

RECOMMENDATION

THAT

- (a) **Acting General Manager's Report No 13/15 be received.**
- (b) **Authorisation be provided to proceed with the lodgement of the draft Planning Proposal to LEP Gateway (NSW Department of Planning and Environment).**

**R S (Ron) Van Katwyk
Acting General Manager**