SCR.08.3 ***DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE***

RESPONSIBLE OFFICER: Waid Crockett - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Customer Services

RECOMMENDATION

That Council:

1. Endorse the minutes of the Development & Environmental Services Committee meeting held on 11 August 2015.
2. DESC.08.1
   (i) Continue to support Planning Proposal 1/2014 to amend the Upper Hunter Local Environmental Plan 2013 by:
      (a) Rezoning the land identified in the maps in Attachment 1 from R1 General Residential to B4 Mixed Use and amending the maximum floor space ratio and building height applicable to the land to 1:1 and 10 metres respectively.
      (b) Identifying two (2) additional permitted uses pursuant to Clause 2.5 of the Upper Hunter Local Environmental Plan 2013 as described in Attachment 1 of this report.
   (ii) Proceed to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979 under delegation from the Minister for Planning.

BACKGROUND

The Development and Environmental Services Committee is a Standing Committee of Council which considers reports, advice and recommendations of management regarding strategic land use planning, development applications, environmental, health and building related matters. The Committee subsequently makes recommendations to Council in relation to such matters.

A meeting of the Development and Environmental Services Committee was held on Tuesday, 11 August 2015.

REPORT/PROPOSAL

The Committee considered the report in respect of item DESC.08.1 and unanimously supported the recommendation to proceed with Planning Proposal 1/2014.

A copy of the report is included in the minutes provided in Attachment 1.

In accordance with the Committee's request, a letter will be sent to Mr Gurr formally responding to the issues raised in his submission to the planning proposal.

ATTACHMENTS

1 Minutes of the Development & Environmental Services Committee - 11 August 2015

RESOLVED that Council:

1. **Endorse the minutes of the Development & Environmental Services Committee meeting held on 11 August 2015.**
2. **DESC.08.1**
   - **(i) Continue to support Planning Proposal 1/2014 to amend the Upper Hunter Local Environmental Plan 2013 by:**
     - **(a) Rezoning the land identified in the maps in Attachment 1 from R1 General Residential to B4 Mixed Use and amending the maximum floor space ratio and building height applicable to the land to 1:1 and 10 metres respectively.**
     - **(b) Identifying two (2) additional permitted uses pursuant to Clause 2.5 of the Upper Hunter Local Environmental Plan 2013 as described in Attachment 1 of this report.**
   - **(ii) Proceed to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979 under delegation from the Minister for Planning.**

Moved: Cr D Peebles Seconded: Cr K Fisher CARRIED

MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE TUESDAY 11 AUGUST 2015 - 10.00am

PRESENT:

Cr Kiwa Fisher (Chair), Cr Peter Bishop, Cr Deirdre Peebles, Cr Lee Watts.

APOLOGIES:

Nil

IN ATTENDANCE:

Cr Ron Campbell, Mr Mathew Pringle (Director Environmental & Customer Services), Mrs Angela Kapernick, Mr Ron Gurr

DECLARATIONS OF INTEREST:

Nil

PUBLIC PARTICIPATION:

Nil

AGENDA ITEMS:

DESC.08.1 Planning Proposal 1/2014 Rezone Part Mayne Street Murrurundi

Mr Pringle provided the Committee with an overview of the proposal and summarised the issues raised in Mr Gurr's submission.

Mr Gurr spoke in relation to the matter and asked the Committee for clarification as to whether the planning proposal would affect the Council rates payable in respect of his property. Mr Pringle confirmed that Council's Corporate and Community Services Department advised that the land rates will not change as a direct result of the proposed rezoning. Mr Pringle agreed to write to Mr Gurr confirming this advice.

MEETING CLOSED AT 10.15AM

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.08.1 ***PLANNING PROPOSAL 1/2014 - REZONE PART MAYNE STREET, MURRURUNDI***

RESPONSIBLE OFFICER: Waid Crockett - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Customer Services

PURPOSE

The purpose of this report is to consider the outcomes of community and agency consultation undertaken in relation to Planning Proposal 1/2014 to amend the Upper Hunter Local Environmental Plan 2013.

RECOMMENDATION

That Council:

1. Continue to support Planning Proposal 1/2014 to amend the Upper Hunter Local Environmental Plan 2013 by:
   (a) Rezoning the land identified in the maps in Attachment 1 from R1 General Residential to B4 Mixed Use and amending the maximum floor space ratio and building height applicable to the land to 1:1 and 10 metres respectively.
   (b) Identifying two (2) additional permitted uses pursuant to Clause 2.5 of the Upper Hunter Local Environmental Plan 2013 as described in Attachment 1 of this report.
2. Proceed to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979 under delegation from the Minister for Planning.

BACKGROUND

Council, at its meeting held on 28 April 2014, considered a report in relation to concerns raised by Murrurundi residents regarding land use zoning issues along Mayne Street (New England Highway), Murrurundi.

The Council resolved to:

1. *Receive the report and note the information.*
2. *Consider individual rezoning requests on a case by case basis.*
3. *Undertake a detailed review of the land use zones in Murrurundi and that a report outlining options be prepared for Council's Development and Environmental Services Committee.*

A report and draft planning proposal were subsequently prepared and considered by the Development and Environmental Services Committee at its meeting held on 8 July 2014 and by Council at its meeting held on 28 July 2014.

The planning proposal sought to amend the Upper Hunter Local Environmental Plan 2013 by rezoning a section of Mayne Street, Murrurundi (immediately to the northwest of the B2 Local Centre zone) from R1 General Residential to B4 Mixed Use to more accurately reflect the diversity of existing land uses and to provide greater flexibility and opportunity for future development.

Council, at its meeting held on 28 July 2014 resolved as follows:

(i) Support Planning Proposal 1/2014 to amend the Upper Hunter Local Environmental Plan 2013 by rezoning the land identified in the map in Attachment 6 from R1 General Residential to B4 Mixed Use and amending the maximum floor space ratio and building height applicable to the land to 1:1 and 10 metres respectively.

(ii) Undertake consultation with the Murrurundi community in relation to the planning proposal and a subsequent report be submitted to Council regarding the outcomes of the consultation process.

On 7 August 2014, a public meeting in relation to the planning proposal was held in Murrurundi which was attended by approximately 30 people. Various concerns were raised at the meeting and there was general support to extend the B4 zone along the length of Mayne Street to the northwestern end of the township.

In response to the community concerns, the draft planning proposal was amended to include additional land to be rezoned B4 Mixed Use. A further community meeting was held in Murrurundi on 8 December 2014 which was attended by 23 people. Again, there was a general consensus at the meeting that the B4 zone should be extended further along the length of Mayne Street.

As a result of the community feedback, the Planning Proposal was further amended by extending the proposed B4 Mixed Use zone along the length of Mayne Street from the B2 Local Centre zone to the northwestern end of the township.

Council, at its meeting held on 23 February 2015, resolved as follows:

(i) Support Planning Proposal 1/2014 (as amended) to amend the Upper Hunter Local Environmental Plan 2013 by:

  (a) Rezoning the land identified in the maps in Attachment 2 from R1 General Residential to B4 Mixed Use and amending the maximum floor space ratio and building height applicable to the land to 1:1 and 10 metres respectively.
  (b) Identifying two (2) additional permitted uses pursuant to Clause 2.5 of the Upper Hunter Local Environmental Plan 2013 as described in Attachment 2 of this report.

(ii) Forward the planning proposal to the NSW Department of Planning and Environment for a gateway determination.

(iii) Request the Local Traffic Committee to consider options to improve pedestrian safety on Mayne Street in the Murrurundi town centre.

On 23 March 2015 a gateway determination was made by the Department of Planning and Environment under the delegation of the Minister for Planning that the planning proposal should proceed subject to a number of conditions. A copy of the gateway determination is provided in Attachment 2.

In accordance with the requirements of the gateway determination, the planning proposal was placed on public exhibition for a period of 28 days from 27 April 2015 to 25 May 2015. One submission was received in response to the public exhibition, the details of which are discussed in a later section of this report.

All other conditions of the gateway determination have been satisfied.

REPORT/PROPOSAL

The objective of the planning proposal is to amend the zoning of land along part of Mayne Street (New England Highway), Murrurundi to B4 Mixed Use in order to:

a) reinstate a range of permissible land uses that were previously permitted on the land under the former Murrurundi Local Environmental Plan 1993,
b) more accurately reflect the diversity of existing land uses present,
c) provide greater flexibility and opportunity for business growth and development,

d) encourage the establishment of innovative and creative businesses that respond to market needs, and
e) promote a diverse mix of land uses to reinforce the village character and appeal of Murrurundi.

It is also proposed to amend the maximum floor space ratio and building height limit applicable to the land to ensure consistency with the development standards applicable to other B4 zones in the Upper Hunter Shire Local Government Area.

The proposal will require amendments to be made to the *Upper Hunter Local Environmental Plan 2013* Land Zoning Map – Sheet LZN_007A, Floor Space Ratio Map - Sheet FSR_007A and Height of Buildings Map - Sheet HOB_007A so that the land is zoned B4 Mixed Use with a maximum floor space ratio of 1:1 and maximum building height of 10 metres.

Amendments to the zoning, floor space ratio and building height of the land under the Upper Hunter LEP 2013 will more accurately reflect existing development in the area and will facilitate the future development of compatible land uses (such as tourism development) without significantly impacting the viability of the existing commercial centre of Murrurundi.

The proposal will reinstate a range of land uses that were previously permitted on the land under the former Murrurundi Local Environmental Plan 1993 and will remove current zoning restrictions which limit the diversity of land use and the opportunity for business growth and development.

In addition, it is proposed to identify two (2) additional permitted uses pursuant to Clause 2.5 of the Upper Hunter Local Environmental Plan 2013 (Upper Hunter LEP 2013) in order to acknowledge existing land uses that are contrary to the land zoning and to ensure their lawful continuance (notwithstanding any existing use rights) and potential for future expansion.

The proposed additional permitted uses included in the planning proposal are as follows:

(1) Existing bus depot located on land at Boyd Street, Murrurundi, being Lots 1 and 2, Section 5, DP 758738, and Lot 1 DP 742085, in Zone R1 General Residential.

(2) Existing vehicle body repair workshop located on land at Mayne Street, Murrurundi, being Lot 1 DP 112569 and Lot 2 DP 770132, in Zone R1 General Residential.

The planning proposal is consistent with the *Upper Hunter Land Use Strategy 2008*, the *Upper Hunter Strategic Regional Land Use Plan 2012,* applicable State Environmental Planning Policies and the relevant Ministerial Directions under Section 117 of the Environmental Planning and Assessment Act 1979 (with the exception of some minor, insignificant inconsistencies with Directions 1.1 and 4.3).

A copy of the planning proposal report is provided in Attachment 1.

OPTIONS

1. Accept the recommendation that Council:

(i) Continue to support Planning Proposal 1/2014 to amend the Upper Hunter Local Environmental Plan 2013 by:

(a) Rezoning the land identified in the maps in Attachment 1 from R1 General Residential to B4 Mixed Use and amending the maximum floor space ratio and building height applicable to the land to 1:1 and 10 metres respectively.

(b) Identifying two (2) additional permitted uses pursuant to Clause 2.5 of the Upper Hunter Local Environmental Plan 2013 as described in Attachment 1 of this report.

(ii) Proceed to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979 under delegation from the Minister for Planning.

2. Not support Planning Proposal 1/2014 to amend the Upper Hunter Local Environmental Plan 2013 for valid reasons.

CONSULTATION

The planning proposal was placed on public exhibition from 27 April 2015 to 25 May 2015.

As part of the exhibition process, notices were placed in local newspapers and notification letters were sent to the owners of all properties affected by the proposed rezoning and those that made a previous submission to the draft proposal. The planning proposal was displayed at the Scone and Murrurundi Administration offices during the exhibition period and on Council's website.

One submission was received requesting clarification as to why the land use of a particular property was not identified in the planning proposal but included in the proposed B4 Mixed Use zone and how the rezoning will impact Council rates. A summary of the issues raised in the submission, including Council's response, is provided in Appendix H of the attached report.

The planning proposal was referred to Roads and Maritime Services (RMS) in accordance with the requirements of the Gateway Determination. In response, RMS advised that it had no objection to, or requirements for, the planning proposal.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The planning proposal is relevant to Key Focus Areas and Aspiration Goals 3 and 5 of the Community Strategic Plan: "*(3) Protect the natural and built environment and plan for a sustainable future for our Shire and our planet; (5) Enhance economic and employment opportunities and promote development*".

b. Delivery Program

The review of land use zones is consistent with the objectives of town planning: *"To provide an ongoing review of local planning instruments to ensure that they are appropriate for current local and regional circumstances".*

c. Other Plans

Section 6.7 of the *Upper Hunter Land Use Strategy 2008* suggests that B4 Mixed Use zones should be considered for some sections of urban highway frontage land and that suitable LEP zonings be applied using Standard LEP provisions. In this regard, it is considered that a B4 Mixed Use zone is the most appropriate zoning for the subject land given its highway frontage and the nature of existing uses.

IMPLICATIONS

a. Policy and Procedural Implications

NIL

b. Financial Implications

NIL

c. Legislative Implications

The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979.

d. Risk Implications

NIL

e. Other Implications

There are no other implications of proceeding with the planning proposal.

CONCLUSION

The planning proposal has been assessed as satisfactory against the *Upper Hunter Land Use Strategy 2008*, the *Upper Hunter Strategic Regional Land Use Plan 2012,* applicable State Environmental Planning Policies and the relevant Ministerial Directions under Section 117 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.

In response to the public exhibition of the planning proposal, Council received only one submission which did not specifically raise an objection to the proposal. On this basis, it is considered that the community generally supports the proposal.

For the above reasons, the planning proposal should proceed.

RECOMMENDED that Council:

1. **Continue to support Planning Proposal 1/2014 to amend the Upper Hunter Local Environmental Plan 2013 by:**
   - **(a) Rezoning the land identified in the maps in Attachment 1 from R1 General Residential to B4 Mixed Use and amending the maximum floor space ratio and building height applicable to the land to 1:1 and 10 metres respectively.**
   - **(b) Identifying two (2) additional permitted uses pursuant to Clause 2.5 of the Upper Hunter Local Environmental Plan 2013 as described in Attachment 1 of this report.**
2. **Proceed to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979 under delegation from the Minister for Planning.**

Moved: K Fisher Seconded: P Bishop CARRIED