

Environmental & Customer Services

SCR.06.2

***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 14 June 2016.
2. DESC.06.1 - Delegate authority to the General Manager to approve Development Application No 149/2015 for the subdivision of one lot into two lots at Lot 24 DP 1158509, New England Highway Murrurundi subject to the following:
 - (i) The receipt of a satisfactory onsite sewage management assessment report from the applicant demonstrating that the site is suitable for onsite effluent disposal in accordance with the Upper Hunter DCP 2015.
 - (ii) The conditions of consent in Attachment 2, as amended.
3. DESC.06.2 - Approve Development Application No. 20/2016 for a shed at Lot 142 of DP 1055556, 96B Barton St, Scone, subject to the conditions of consent in Attachment 3, as amended.
4. DESC.06.3 –
 - (i) Continue to support Planning Proposal 2/2015 to amend the Upper Hunter Local Environmental Plan 2013 by permitting with consent animal boarding or training establishments and veterinary hospitals at the Hunter Valley Equine Research Centre Precinct, Scone as additional permitted uses under Schedule 1.
 - (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, 14 June 2016.

REPORT/PROPOSAL

In relation to Item DESC.06.1, the Committee resolved to delegate authority to the General Manager to approve the application subject to the receipt of a satisfactory onsite sewage management assessment report demonstrating that the site is suitable for onsite effluent disposal. In addition, the Committee resolved to amend Condition Nos. 4 and 12 as noted in the attached minutes.

Various other recommended conditions of consent have been amended on the basis that the proposed allotments will be serviced by onsite sewage management systems rather than a reticulated sewerage system. Condition No. 3 has been added to ensure that appropriate

Environmental & Customer Services

testing and inspections are undertaken of required civil works that are to be dedicated to Council.

The amended conditions of consent are provided in Attachment 2.

In the event that the applicant fails to demonstrate that the proposed allotments are suitable for onsite effluent disposal, the application will be reported back to the Committee for reconsideration.

In relation to Item DESC.06.2, the Committee resolved to amend Condition No. 18 by allowing security lighting to be installed on the proposed shed which is directed away from neighbouring properties to prevent light spill and intrusion. Condition No. 18 has been amended accordingly.

ATTACHMENTS

- 1 Minutes of the Development & Environmental Services Committee - 14 June 2016
- 2 DA 149/2015 - Recommended Conditions of Consent
- 3 DA 20/2016 - Recommended Conditions of Consent

RESOLVED that Council:

1. **Endorse the minutes of the Development & Environmental Services Committee meeting held on 14 June 2016.**
2. **DESC.06.1 - Delegate authority to the General Manager to approve Development Application No 149/2015 for the subdivision of one lot into two lots at Lot 24 DP 1158509, New England Highway Murrurundi subject to the following:**
 - (i) **The receipt of a satisfactory onsite sewage management assessment report from the applicant demonstrating that the site is suitable for onsite effluent disposal in accordance with the Upper Hunter DCP 2015.**
 - (ii) **The conditions of consent in Attachment 2, as amended.**
3. **DESC.06.2 - Approve Development Application No. 20/2016 for a shed at Lot 142 of DP 1055556, 96B Barton St, Scone, subject to the conditions of consent in Attachment 3, as amended, including the amendment of Deferred Commencement Conditions 1 and 2 as follows:**
 - (i) **Reduce the required minimum setback of the development from the southern boundary to 3 metres and,**
 - (ii) **Reduce the required minimum residual width of the easements between the building and the southern boundary to 3 metres.**
4. **DESC.06.3 –**
 - (i) **Continue to support Planning Proposal 2/2015 to amend the Upper Hunter Local Environmental Plan 2013 by permitting with consent animal boarding or training establishments and veterinary hospitals at the Hunter Valley Equine Research Centre Precinct, Scone as additional permitted uses under Schedule 1.**
 - (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 L Watts

Seconded: Cr K Fisher

CARRIED

**MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE OF UPPER
HUNTER SHIRE COUNCIL HELD ON TUESDAY 14 JUNE 2016 IN THE BARRY ROSE
COMMITTEE ROOM COMMENCING AT 10.00am**

PRESENT:

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

APOLOGIES:

Cr Deirdre Peebles

IN ATTENDANCE:

Cr Maurice Collison, Mr Mathew Pringle (Director Environmental & Customer Services), Mr Paul Smith (Senior Environmental Planner), Miss Shinead Taylor (Governance & Executive Support Officer), Mr David Casson and Mr Bill Greer. Cr Campbell was present for part of the meeting.

DECLARATIONS OF INTEREST:

Nil.

PUBLIC PARTICIPATION:

DESC.06.1 Development Application No. 149/2015 Subdivision of One Lot into Two Lots
Mr David Casson on behalf of the applicant Mr Colmer

DESC.06.2 Development Application No. 20/2016 Storage Shed 96B Barton Street Scone
Mr Bill Greer

AGENDA ITEMS:

DESC.06.1 Development Application No. 149/2015 Subdivision of One Lot into Two Lots

Mr Pringle provided the Committee with an overview of the proposed development including details of previous development applications for subdivision of the land. Mr Pringle advised the Committee that conditions of consent have been recommended requiring Proposed Lot 2 to be connected to Council's reticulated sewerage system (at the applicant's request) and the existing Right of Carriageway servicing the property (Karralee ROW) to be upgraded and dedicated to Council as a public road.

Mr David Casson spoke on behalf of the applicant and requested that the requirement for Lot 2 to be connected to the sewerage system be deleted as wastewater generated by a future dwelling on the lot could be managed and disposed of on site. Mr Casson also suggested that any requirement for an on-site sewage management assessment report should be waived as the proposed allotments have suitable areas for effluent disposal which meet the minimum setback requirements prescribed by the Upper Hunter DCP.

In response, Mr Pringle agreed that Council could consider allowing on-site effluent disposal given the lot areas, however, he asserted that an onsite sewage management assessment report was necessary to demonstrate that Lot 2 in particular is suitable for onsite sewage management.

Committee members agreed with Mr Pringle's comments.

Mr Casson acknowledged the Committee's position and requested that the Committee resolve to recommend approval of the application subject to a satisfactory onsite sewage management assessment rather than deferring the application.

Mr Casson also requested the amendment of Condition No. 12a by deleting the requirement for a restriction on Lot 2 prohibiting the erection of a future dwelling within 25 metres of the eastern property boundary. Mr Casson submitted that the adjoining land use and zoning is unlikely to result in any landuse conflict and therefore a buffer from the adjoining property to the east was unnecessary. In response, the Committee agreed to delete this requirement from Condition No. 12.

Mr Casson made a further request to the Committee to amend Condition No. 4 by requiring street lighting only at the intersection of the proposed public road and Henry Street rather than the entire road. Mr Pringle and a number of Committee members agreed that street lighting may not be appropriate given the semi-rural nature of the area. Accordingly, the Committee agreed to amend Condition No. 4 as requested by Mr Casson.

DESC.06.2 Development Application No. 20/2016 – Storage Shed – 96B Barton Street Scone

Mr Pringle provided the Committee with a detailed explanation of the proposed development and the issues concerning an encroachment of the proposed shed into a number of existing easements and a right of carriageway.

Mr Pringle advised that Infrastructure Services had been consulted in the assessment of the application and had raised no objections.

Mr Pringle advised the Committee that it was recommended that the application be approved subject to deferred commencement conditions requiring variation of the easements and right of carriageway and the submission of a revised site plan demonstrating that the development and associated earthworks would not encroach into an adjoining easement for stormwater drainage and detention.

In response to the issues raised in the submission from a neighbouring property owner, Mr Pringle advised that Condition No. 18 had been recommended prohibiting the installation of any external lighting on the building. While Mr Greer acknowledged the reason for this recommended condition he did request an exemption for security lighting to which the Committee agreed. Condition No. 18 was amended accordingly.

DESC.06.3 Planning Proposal 2/2015 – Additional Permitted Uses Hunter Valley Equine Research Precinct, Scone

After receiving a summary of the background to the proposal from Mr Pringle, the Committee supported the recommendation unanimously.

COUNCILLOR QUESTIONS:

Nil

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.06.1

DEVELOPMENT APPLICATION NO. 149/2015 SUBDIVISION OF ONE LOT INTO TWO LOTS

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Customer Services

AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 2 December 2015, Council received Development Application No. 149/2015 for a subdivision of one lot into two lots at Lot 24 DP 1158509, New England Highway Murrurundi.

The application is being reported to Council due to a non-compliance with the Upper Hunter Development Control Plan 2015

RECOMMENDATION

That Council approve Development Application No 149/2015 subdivision of one lot into two lots at Lot 24 DP 1158509, New England Highway Murrurundi, subject to the conditions of consent in Attachment 1.

BACKGROUND

Applicant: A & L.R. Colmer

Owner: A & L.R. Colmer

Location: Lot 24 DP 1158509, New England Highway Murrurundi

Zone: R5 Large Lot Residential

Development Application No. 149/2015 was lodged with Council on 2 December 2015 for the subdivision of one lot into two lots at Lot 24 DP 1158509, New England Highway Murrurundi. The development application does not comply with the Upper Hunter Development Control Plan 2015 in regard to access and reticulated water supply, stormwater management and street lighting.

REPORT/PROPOSAL

The development site comprises an 18ha rural residential lot with direct frontage to a right of carriageway. The development proposes to subdivide the land to create two lots with areas of 17.96ha (proposed Lot 1) and 10,038m² (proposed Lot 2). Access to the proposed lots is via an existing right of carriageway that services at least six other lots. Proposed Lot 2 will be serviced by the Council's reticulated sewerage system.

The development proposal does not comply with the Upper Hunter Development Control Plan 2015 (Part 3) as the proposed lots do not have direct access from a public road, reticulated water, reticulated stormwater drainage and street lighting (refer to Attachment 2 for discussion of issues).

In relation to the non-compliance with the lots having direct access from a public road it is recommended that the applicant be required to upgrade the existing private road from its intersection with Henry Street for the full frontage of proposed Lots 1 and 2 to a local road standard and then dedicate the road to Council.

OPTIONS

1. That Council approve Development Application No 149/2015 subdivision of one lot into two lots at Lot 24 DP 1158509, New England Highway Murrurundi, subject to the conditions of consent in Attachment 1.
2. That Council refuse Development Application No 149/2015 subdivision of one lot into two lots at Lot 24 DP 1158509, New England Highway Murrurundi, stating the reasons for refusal.

CONSULTATION

Surrounding properties were notified of the development proposal between 10 December 2015 and 7 January 2016. An advertisement was placed in the Scone Advocate on 10 December 2015. No submissions were received.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The proposed development is consistent with the 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

Assessment of the application is in accordance with the Community Strategic Objectives for town planning: *“Facilitate and provide for a growing population, including for example, affordable housing, community amenities, health and welfare services”*.

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development Application and other relevant fees totalling \$503 have been paid by the applicant.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 (see Attachment 2).

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.

e. Other Implications

Nil

CONCLUSION

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015 (subject to variations).

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.

RESOLVED that Council:

- 1. Delegate authority to the General Manager to approve Development Application No 149/2015 for the subdivision of one lot into two lots at Lot 24 DP 1158509, New England Highway Murrurundi subject to the following:**
 - (i) The receipt of a satisfactory onsite sewage management assessment report from the applicant demonstrating that the site is suitable for onsite effluent disposal in accordance with the Upper Hunter DCP 2015.**
 - (ii) The conditions of consent in Attachment 1 as amended.**

Moved: P Bishop

Seconded: L Watts

CARRIED

DESC.06.2

***DEVELOPMENT APPLICATION NO. 20/2016 - STORAGE
SHED - 96B BARTON STREET SCONE***

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Customer Services

AUTHOR: Lachlan Melichar - Health & Building Surveyor

PURPOSE

On 24 March 2016, Council received Development Application No. 20/2016 for a storage shed at Lot 142 of DP 1055556, 96B Barton 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. 20/2016 for a shed at Lot 142 of DP 1055556, 96B Barton St, Scone, subject to the conditions of consent in Attachment 1.

BACKGROUND

Application No: DA 20/2016

Applicant: Mr W M Greer & Mrs P L Greer

Owner: Mr W M Greer & Mrs P L Greer

Proposal: Storage Shed

Location: Lot 142 of DP 1055556, 96B Barton St, Scone

Lodged: 24 March 2016

Zone: R1 General Residential

The subject allotment was created as part of a subdivision approved under DA 21/2001.

Subsequently, consent was granted for the erection of a new dwelling house under DA 283/2007.

REPORT/PROPOSAL

The subject Development Application proposes the construction of a 12x10m colorbond shed ancillary to an existing dwelling house at 96B Barton St Scone.

The subject land is a battle-axe allotment zoned *R1 – General Residential*, with an area of 1.634 Hectares and is directly connected to Barton St via an access handle that forms part of the allotment. This access handle also provides access to two adjacent allotments and is burdened by easements 10m in width, to facilitate the provision of services and for legal access to these properties. The shed is proposed to be constructed at the end of this access handle to facilitate direct vehicular access to and from the development.

The proposed location of the shed encroaches 4 easements and as such, any consent will require the variation of these easements to remove any potential encroachment, prior to the consent commencing operation (refer to the conditions proposed in Attachment 1).

These easements were registered to ensure lawful access to adjacent properties, protect infrastructure and to allow for future subdivision opportunities. Upon completion of development of surrounding lands, these provisions have been made redundant and are no longer required.

Councils Infrastructure Services Department has advised that the variation of these easement will not impact on the purposes for which they were created and there are no objections to the

variation of these easements to allow for the subject development, provided that a minimum width of 4m is retained.

The proposal will be located 4m from the southern boundary (whilst the plans indicate 3m, the 4m setback will be a requirement of a condition of consent to facilitate the sufficient residual width of any modified easements) and located adjacent to a 10m wide easement that serves as overland stormwater drainage, flowing from the north-easternmost boundary to the south. A condition of consent will be required to ensure that this easement is not encroached by any fill or other earthworks, as this will reduce the capacity of the swale and alter the flow of water.

The building will be provided with two roller doors to the western façade, one roller door and a personal access door to the northern façade, one window to the eastern façade and no fenestration will be provided to the southern façade as this faces the adjacent southern boundary.

The submission received in relation to the development does not object to the proposal in principle, but requests that external lighting be restricted given the open nature of the subject allotment and the potential for light spill to the adjoining allotments.

This matter has been discussed with the applicant, who has advised that no external lighting is intended to be provided to the shed and it is agreed that it is reasonable that a condition be imposed on any consent prohibiting the installation of external lighting.

OPTIONS

1. That Council approve Development Application No. 20/2016 for a shed at Lot 142 of DP 1055556, 96B Barton St, Scone subject to the conditions of consent in Attachment 1.
2. That Council refuse Development Application No. 20/2016 for a shed at Lot 142 of DP 1055556, 96B Barton St, Scone and state the reasons for refusal.
3. That Council defer Development Application No. 20/2016 for a shed at Lot 142 of DP 1055556, 96B Barton St, Scone, pending the receipt of further information.

CONSULTATION

Surrounding properties were notified of the development between 7 April 2016 and 21 April 2016.

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.

Council Manager of Civil Assets and Manager of Water and Waste were consulted in relation to the proposed development and the encroachment over existing easements.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The proposed development is consistent with the 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

Assessment of the application is in accordance with the Community Strategic Objectives for town planning: *“Facilitate and provide for a growing population, including for example, affordable housing, community amenities, health and welfare services”*.

c. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

A detailed assessment of the application against relevant Council policies is provided in the attached report.

b. Financial Implications

Development application and other relevant fees totalling \$808 have been paid by the applicant.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 79C 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.

e. Other Implications

There are no other implications of granting approval to the application.

CONCLUSION

The application has been assessed as satisfactory against Section 79C 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 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.

RESOLVED that Council approve Development Application No. 20/2016 for a shed at Lot 142 of DP 1055556, 96B Barton St, Scone, subject to the conditions of consent in Attachment 1, as amended.

Moved: L Watts

Seconded: P Bishop

CARRIED

DESC.06.3

***PLANNING PROPOSAL 2/2015 - ADDITIONAL PERMITTED
USES - HUNTER VALLEY EQUINE RESEARCH PRECINCT,
SCONE***

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 2/2015 to amend the Upper Hunter Local Environmental Plan 2013.

RECOMMENDATION

That Council:

1. Continue to support Planning Proposal 2/2015 to amend the Upper Hunter Local Environmental Plan 2013 by permitting with consent animal boarding or training establishments and veterinary hospitals at the Hunter Valley Equine Research Centre Precinct, Scone as additional permitted uses under Schedule 1.
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

The Scone Racecourse and surrounding land was originally developed with the intention of establishing an equine precinct to service the local thoroughbred breeding and racing industry. The masterplan for the site outlines the development of thoroughbred stables, training facilities and associated businesses. The precinct is currently zoned RE2 Private Recreation and contains the Scone Racecourse, Hunter Valley Equine Research Centre, Scone TAFE campus and privately owned horse stables.

The development of horse stables, training facilities, veterinary hospitals and other associated activities that are not ancillary to the racecourse are currently not permitted uses within the RE2 Private Recreation zone under the Upper Hunter Local Environmental Plan 2013. However, these uses were previously permitted with consent when the land was zoned 6(b) Open Space – Private Recreation under the former Scone Local Environmental Plan 1986.

The Hunter Valley Equine Research Centre Limited has requested that Council reinstate animal boarding or training establishments and veterinary hospitals as permissible land uses within the equine precinct as a matter of urgency as a number of land sales are pending the resolution of this issue.

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

1. *Support Planning Proposal 2/2015 to amend the Upper Hunter Local Environmental Plan 2013 by permitting with consent animal boarding or training establishments and veterinary hospitals within Zone RE2 Private Recreation.*
2. *Forward the planning proposal to the NSW Minister for Planning for a gateway determination pursuant to Section 56 of the Environmental Planning and Assessment Act 1979.*

On 19 January 2016 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.

Condition No. 1 of the gateway determination required Council to exhibit two options for achieving the intent of the Planning Proposal and update the proposal accordingly:

- (a) To permit the uses with development consent in the RE2 Private Recreation zone:
and*
- (b) To permit the uses with development consent at the Hunter Valley Equine Research Centre site as an additional permitted use.*

In accordance with the requirements of the gateway determination, the revised planning proposal was placed on public exhibition for a minimum period of 14 days (25 days from 11 March 2016 to 5 April 2016). No submissions were received in response to the public exhibition.

All other consultation requirements of the gateway determination have been satisfied.

REPORT/PROPOSAL

The objective of the planning proposal is to amend the Upper Hunter Local Environmental Plan 2013 to:

- a) reinstate two permissible land uses (animal boarding or training establishments and veterinary hospitals) that were previously permitted with consent within the Hunter Valley Equine Research Precinct under the former Scone Local Environmental Plan 1986.
- b) provide greater opportunity for equine business growth and development.

As noted in the planning proposal, there are two (2) options available to Council for achieving the intent of the planning proposal as follows:

- 1) to permit the land uses with development consent in the RE2 Private Recreation zone;
and
- 2) to permit the uses with development consent at the Hunter Valley Equine Research Centre Precinct as additional permitted uses.

Option No. 2 is the preferred option as it would limit the permissibility of the additional uses to the Hunter Valley Equine Research Centre Precinct and eliminate any likelihood of development for the purposes of animal boarding or training establishments and veterinary hospitals on other RE2 zoned land throughout the Upper Hunter Shire LGA.

The use of land within the equine precinct for the purpose of an animal boarding or training establishment or veterinary hospital is complementary to other uses within the precinct including the Scone Racecourse and is not inconsistent with the objectives of the RE2 Private Recreation zone.

The proposal will have a net community benefit by providing greater flexibility and opportunity for the establishment of equine related businesses and other associated development, consistent with the original masterplan for the site. This in turn will generate additional employment opportunities and attract investment to the region whilst reinforcing the role and significance of the precinct as a centre for equine related business.

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.

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

OPTIONS

1. Accept the recommendation that Council:
 - (i) Continue to support Planning Proposal 2/2015 to amend the Upper Hunter Local Environmental Plan 2013 by permitting with consent animal boarding or training establishments and veterinary hospitals at the Hunter Valley Equine Research Centre Precinct, Scone as additional permitted uses under Schedule 1.
 - (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. (i) Continue to support Planning Proposal 2/2015 to amend the Upper Hunter Local Environmental Plan 2013 by permitting with consent animal boarding or training establishments and veterinary hospitals within Zone RE2 Private Recreation.
 - (ii) Proceed to make the plan under Section 59 of the Environmental Planning and Assessment Act 1979 under delegation from the Minister for Planning.
3. Not support Planning Proposal 2/2015 to amend the Upper Hunter Local Environmental Plan 2013 for valid reasons.

CONSULTATION

The planning proposal was placed on public exhibition from 11 March 2016 to 5 April 2015.

As part of the exhibition process, notices were placed in local newspapers and notification letters were sent to the owners of all properties surrounding the Hunter Valley Equine Research Precinct that may be potentially affected by the proposed rezoning. The planning proposal was displayed at the Scone, Merriwa and Murrurundi Council administration offices during the exhibition period and on Council's website and Facebook page.

No submissions were received from the public.

The planning proposal was referred to the NSW Rural Fire Service and the Commonwealth Air Safety Authority (CASA) in accordance with the requirements of the Gateway Determination.

In response, the RFS advised that it had no objection to, or requirements for, the planning proposal while CASA had no objection to the proposal proceeding subject to a number of requirements regarding future development of the land.

Copies of the responses provided by each authority are included in Attachment 1.

The operator of Scone Airport has also been consulted in relation to the planning proposal and has raised no objection subject to a number of requirements as outlined in the revised planning proposal in Attachment 1.

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

The *Upper Hunter Land Use Strategy 2008* highlights the importance of the equine industry to the Upper Hunter region. The planning proposal will support the equine industry by providing greater opportunities for equine related business growth and development.

The proposal is consistent with the strategic objective of progressing development in an orderly and economic manner.

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.

For the above reasons, the planning proposal should proceed.

RESOLVED that Council:

- 1. Continue to support Planning Proposal 2/2015 to amend the Upper Hunter Local Environmental Plan 2013 by permitting with consent animal boarding or training establishments and veterinary hospitals at the Hunter Valley Equine Research Centre Precinct, Scone as additional permitted uses under Schedule 1.**
- 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: P Bishop

Seconded: L Watts

CARRIED

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10.55AM