

C.6.12 DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE

Council: 28 June 20

RECOMMENDATION:

That Council:

1. Note the minutes of the Development and Environmental Services Committee meeting held on 8 June 2010;
2. In relation to:-

Item 6.1 – Local Planning Proposal – Lot 202 DP 845720 Middlebrook Road, Scone

- 6.1.1 That council support the proposed rezoning Lot 202 DP 845720 Middlebrook Road, Scone and forward the Planning Proposal to the Department of Planning for a Gateway determination

Item 6.2 – DA 326/07-3 – Proposed modification to operating hours – Service Station and McDonalds – 26 Kelly St, Scone

- 6.2.1 That Council note that the DA 326/07-3 for proposed modification to operating hours – Service Station and McDonalds – 26 Kelly St, Scone has been withdrawn

Item 6.3 – DA 72/10 – Commercial Alterations and Additions to Shop Front – 104-106 Bettington St, Merriwa

- 6.3.1 That Council support the designs as submitted for DA 72/10 – Commercial Alterations and Additions to Shop Front – 104-106 Bettington St, Merriwa
- 6.3.2 That the application be determined under delegated authority by staff

Item 6.4 – Proposed Mining Exclusion Zone – Scone and Murrurundi Local Environmental Plans

- 6.4.1 That further consideration of the proposed mining exclusion zone be deferred pending further discussion with representatives of the equine industry.

BACKGROUND:

The Development and Environmental Services Committee met on the 8 June 2010. Council was represented by Councillors: L. Carter (Chair), D Peebles, and P Seccombe. Mr D Casson (Director Environmental Services) was in attendance as were members of the community as listed in the Minutes.

There were four items on the agenda; Item 6.1 – Local Planning Proposal – Lot 202 DP 845720 Middlebrook Road, Scone, Item 6.2 – DA 326/07-3 – Proposed modification to operating hours – Service Station and McDonalds – 26 Kelly St, Scone, and Item 6.3 – DA 72/10 – Commercial Alterations and Additions to Shop Front – 104-106 Bettington St, Merriwa, and Item 6.4 – Proposed Mining Exclusion Zone – Scone and Murrurundi Local Environmental Plans

ISSUES:

Refer to Minutes.

- Item 6.4 – subsequent discussion with representatives of the equine industry have suggested that further consultation is required in respect of a number of details associated with the proposed exclusion zone. It is proposed to arrange a meeting with them in the near future to enable such details to be discussed with the results of such discussion presented to a further meeting of council. Representatives were unable to attend the Development and Environmental Services Committee meeting on 8 June 2010.

SUSTAINABILITY:

Proposed amendments to the Local Environmental Plan and consideration of modification to development applications require close consideration of the potential impacts on the local environment.

OPTIONS:

To agree with the recommendations or propose an alternative recommendation.

FINANCIAL CONSIDERATIONS:

Not applicable

Declaration of Interest

Cr Lorna Driscoll declared an interest in this matter as the owner of another service station. Cr Driscoll vacated the Chamber and took no part in discussions or voting.

RESOLVED:

2. In relation to:

Item 6.2 – DA 326/07-3 – Proposed modification to operating hours – Service Station and McDonalds – 26 Kelly St, Scone

- 6.2.1 That Council note that the DA 326/07-3 for proposed modification to operating hours – Service Station and McDonalds – 26 Kelly St, Scone has been withdrawn**

Moved: Cr M Johnsen

Seconded: Cr E Cottle

UNANIMOUS

RESOLVED that Council:

- 1. Note the minutes of the Development and Environmental Services Committee meeting held on 8 June 2010;**

2. In relation to:

Item 6.1 – Local Planning Proposal – Lot 202 DP 845720 Middlebrook Road, Scone

- 6.1.1 That council support the proposed rezoning Lot 202 DP 845720 Middlebrook Road, Scone and forward the Planning Proposal to the Department of Planning for a Gateway determination**

Item 6.3 – DA 72/10 – Commercial Alterations and Additions to Shop Front – 104-106 Bettington St, Merriwa

- 6.3.1 That Council support the designs as submitted for DA 72/10 – Commercial Alterations and Additions to Shop Front – 104-106 Bettington St, Merriwa**

- 6.3.2 That the application be determined under delegated authority by staff**

Item 6.4 – Proposed Mining Exclusion Zone – Scone and Murrurundi Local Environmental Plans

- 6.4.1 That Council support the inclusion of a mining exclusion zone in designated areas included in the Scone and Murrurundi local environmental plan, in principle, in accordance with the map provided.**

- 6.4.2 That further discussions be undertaken with, specifically, but not necessarily restricted to the Department of Planning and equine industry representatives and that further discussion take place to include the use of the word 'Coal' in the proposal.**

- 6.4.3 That the above matters be referred to the Development & Environmental Services Committee for consideration.**

Moved: Cr L Carter

Seconded: Cr E Bates

UNANIMOUS

**Minutes of the Development and Environmental Services Committee
8 June 2010 – Council Chambers– Scone**

Present: Cr L Carter (Chair), Cr D Peebles and Cr P Secombe

In Attendance: Mr D Casson Director Environmental Services, Ms R Hardy

Apologies: Clr L Watts

Absent: Nil

Declaration of Interest: Nil

Meeting Commenced: *In chambers at 9.30am and then adjourned to carry out the site inspection in relation to Item 6.1. The meeting reconvened in the Chambers at 11am, prior to again adjourning to travel to Merriwa in relation to item 6.3, and was reconvened at the Merriwa Administration Centre at 12.45pm.*

Agenda Items

Item 6.1 – Local Planning Proposal – Lot 202 DP 845720 Middlebrook Road, Scone

On site: 9.50am – T Wells and K Wells (R Hardy) in attendance

Issues

- ❖ The committee visited the site to gain an improved appreciation of the proposal
- ❖ The proponents were on site and able to provide some additional detail and answers to questions of the committee
- ❖ It was noted that the proposal includes a conceptual subdivision of the land. The committee were advised that the main intent of the consideration was the rezoning of the land. While the conceptual subdivision assists with the knowledge of future development (subject to all relevant approvals) any subdivision will be the subject of a development consent.
- ❖ The proponents were able to demonstrate the general 'lay of the land' and the where it fell within the area designated for future rezoning in the Upper Hunter Landuse Strategy.
- ❖ It was noted that the largest proposed lot was likely outside the designated area however it was clarified that the agricultural use of this land would be 'linked' to one of the smaller lots and that a dwelling entitlement would not be sought on the land.
- ❖ The committee discussed the proposal on return to the Chambers and agreed that it should be supported at this time.

Recommendation

- 6.1.1 That council support the proposed rezoning Lot 202 DP 845720 Middlebrook Road, Scone with all relevant documentation forwarded to the Department of Planning

Moved: Cr Peebles **Seconded:** Cr Seccombe **Carried:** Unanimously

Item 6.2 – DA 326/07-3 – Proposed modification to operating hours – Service Station and McDonalds – 26 Kelly St, Scone

Issues

- ❖ The committee were advised that the application has been withdrawn
- ❖ The applicant had been provided with copies of submissions and asked for a formal reply
- ❖ The applicant advised that they would need additional time to respond and provide a more comprehensive application and agree to withdraw the application at this time.
- ❖

Recommendation

- 6.2.1 That Council note that the DA 326/07-3 for proposed modification to operating hours – Service Station and McDonalds – 26 Kelly St, Scone has been withdrawn

Moved: Cr Peebles **Seconded:** Cr Seccombe **Carried:** Unanimously

Item 6.3 – DA 72/10 – Commercial Alterations and Additions to Shop Front – 104-106 Bettington St, Merriwa

On site at 12 noon. Mr K Richards and Mr A Richards in attendance

Issues

- ❖ The committee conducted a site inspection including discussions with the proponents
- ❖ The primary issue is associated with the placement of the additional doorway into the premises which would allow improvements to the internal setup for the retail premises and also provision of disabled access from Bettington St.
- ❖ Council's Heritage Advisor has had a number of discussions with both the proponents and their heritage architect who has prepared the plans.
- ❖ The Heritage Advisor did not support the designs submitted and indicated that they did not reflect pre DA discussions. The HA's preference is to utilise existing doorways, rather than create an additional entrance
- ❖ A heritage impact statement has been prepared however which suggests that while utilisation of an existing doorway may be preferred, it does not suit the practical operational requirements of the retail store.
- ❖ Discussion with the proponents on site indicated a willingness to restore several features of the building which are currently covered which will improve the appearance of the building and

- also to limit advertising on the fascia.
- ❖ On balance, the Committee understood the view of the HA however felt that the development as proposed, when considering the requirements for the improved operation of the premises was not unreasonable, and should be supported.

Recommendation

- 6.3.1 That Council support the designs as submitted for DA 72/10 – Commercial Alterations and Additions to Shop Front – 104-106 Bettington St, Merriwa
- 6.3.2 That the application be determined under delegated authority by staff

Moved: Cr Peebles **Seconded:** Cr Carter **Carried:** Unanimously

Item 6.4 – Proposed Open Cut Coal Mining Exclusion Zone – Scone and Murrurundi Local Environmental Plans

Issues

- ❖ A copy of a map prepared by Council in consultation with the Thoroughbred Breeders Association was discussed at the meeting.
- ❖ The map (copy provided under separate cover) designates a proposed mining exclusion zone which is based on the Pages and Isis River Catchments plus a 1500m buffer zone.
- ❖ The committee discussion considered whether the entire zone as shown should be included in any proposed mining exclusion zone or some lesser area.
- ❖ In total, the proposed exclusion zone represents some 224,000 ha and include the vast majority of equine related activities within areas covered by the former Murrurundi and Scone LEP's
- ❖ It is not Council's decision regarding the implementation of any proposed mining exclusion zone. Such decision would have to be made by the State Government, therefore further consultation is necessary.
- ❖ The committee considered however that support for any such proposal would certainly be consistent with Council's position in relation to the Bickham Coal proposal and would be further endorsement of the strong position taken by the equine industry generally regarding the significant impacts that could arise from any "Bickham like" proposals in the future.
- ❖ The committee formed the view that the larger area should be proposed at this time, and acknowledged that further consultation with relevant Government Ministers / Departments would be necessary to gain support and approval for such a zone within the Upper Hunter Shire Local Government Area.

Recommendation

- 6.4.1 That Council support the inclusion of a mining exclusion zone in designated areas included in the Scone and Murrurundi Local Environmental Plans
- 6.4.2 That the extent of the exclusion zone be the entire area included within the Pages and Isis River catchment, plus a further 1500m, as shown on the map accompanying this report
- 6.4.3 That further discussion take place with the Department of Planning regarding the proposed mining exclusion zone.

Moved: Cr Seccombe **Seconded:** Cr Peebles **Carried:** Unanimously

Meeting Closed: 1.15 pm

Next Meeting: 13th July 2010.