



Environmental & Community Services

SCR.02.2

**DEVELOPMENT & ENVIRONMENTAL SERVICES
COMMITTEE**

RESPONSIBLE OFFICER: Steve McDonald - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Community Services

RECOMMENDATION

That Council:

1. endorse the minutes of the Development & Environmental Services Committee meeting held on 12 February 2019.
2. DESC.02.1 - adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015 as amended.
3. DESC.02.2 - 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 2 and for the reasons listed in Attachment 3.
4. DESC.02.3 –
 - a) 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.
 - b) 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

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 & Environmental Services Committee was held on Tuesday, 12 February 2019.

REPORT/PROPOSAL

In relation to Item DESC.02.1, the Committee recommended the adoption of the Upper Hunter Development Control Plan (Amendment No. 1) 2015 as amended.

Concerns were raised by the Committee in relation to soil salinity and groundwater at the proposed St Aubins Estate site. These matters will be assessed in detail as part of the development application for the subdivision.

In relation to Item DESC.02.2, the Committee unanimously supported the recommendation to approve Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, subject to conditions of consent.

In relation to Item DESC.02.3, the Committee recommended that Council support Planning Proposal 3/2018 and forward the proposal to the NSW Minister for Planning for a gateway determination. It is noted that Cr Abbott did not support the recommendation due to the loss of residential land and potential impacts on residents in Philip Street.

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ATTACHMENTS

- 1 Minutes of Development & Environmental Services Committee meeting - 12 February 2019
- 2 DA 170/2018 - Recommended Conditions of Consent
- 3 DA 170/2018 - Statement of Reasons

RESOLVED That Council:

1. **endorse the minutes of the Development & Environmental Services Committee meeting held on 12 February 2019.**

Moved: Cr K Fisher

Seconded: Cr J Burns

CARRIED

2. **DESC.02.1 - adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015 as amended.**

Moved: Cr K Fisher

Seconded: Cr J Burns

CARRIED

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR

Councillor Bedggood
Councillor Burns
Councillor Campbell
Councillor Collison
Councillor Driscoll
Councillor Fisher
Councillor Watts

Total (7)

AGAINST

Councillor Abbott

Total (1)

3. **DESC.02.2 - 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 2 and for the reasons listed in Attachment 3 to the report.**

Moved: Cr J Burns

Seconded: Cr R Campbell

CARRIED

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR

Councillor Abbott
Councillor Bedggood
Councillor Burns
Councillor Campbell
Councillor Collison
Councillor Driscoll
Councillor Fisher
Councillor Watts

Total (8)

AGAINST

Total (0)

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4. DESC.02.3 –

- a) 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.
- b) 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.

Moved: Cr M Collison

Seconded: Cr R Campbell

CARRIED

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

FOR

Councillor Bedggood
Councillor Burns
Councillor Campbell
Councillor Collison
Councillor Driscoll
Councillor Fisher
Councillor Watts

Total (7)

AGAINST

Councillor Abbott

Total (1)

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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.

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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:

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- (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.

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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.

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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