

Environmental & Community Services

SCR.12.2

***DEVELOPMENT & ENVIRONMENTAL SERVICES
COMMITTEE***

RESPONSIBLE OFFICER: Steve McDonald - General Manager

AUTHOR: Christine Robinson - Manager Planning, Building & Regulatory Services

RECOMMENDATION

That Council:

1. adopt the minutes of the Development & Environmental Services Committee meeting held on 10 December 2019.
2. support Planning Proposal 1/2019 to amend the Upper Hunter Local Environmental Plan 2013 to enable Lot 22 DP 1235763, No. 2912 New England Highway, Scone to be used for the purpose of a highway service centre and warehouse or distribution centre.
3. forward Planning Proposal 1/2019 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, 10 December 2019.

REPORT/PROPOSAL

In relation to Item DESC.12.1, the Committee resolved to support Planning Proposal 1/2019 to amend the Upper Hunter Local Environmental Plan 2013 to enable Lot 22 DP 1235763, No. 2912 New England Highway, Scone to be used for the purpose of a highway service centre and warehouse or distribution centre.

The Committee further resolved that the planning proposal be forwarded to the NSW Minister for Planning for a gateway determination pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

- 1 Development & Environmental Services Committee Meeting - Minutes - 10 December 2019



Environmental & Community Services

RESOLVED That Council:

1. adopt the minutes of the Development & Environmental Services Committee meeting held on 10 December 2019.

Moved: Cr Burns

Seconded: Cr Campbell

CARRIED UNANIMOUSLY

RESOLVED That Council:

2. support Planning Proposal 1/2019 to amend the Upper Hunter Local Environmental Plan 2013 to enable Lot 22 DP 1235763, No. 2912 New England Highway, Scone to be used for the purpose of a highway service centre and warehouse or distribution centre.
3. forward Planning Proposal 1/2019 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 R Campbell

Seconded: Cr J Burns

CARRIED

FOR

Councillor Bedggood
Councillor Brown
Councillor Burns
Councillor Campbell
Councillor Collison
Councillor Driscoll

Total (6)

AGAINST

Councillor Abbott

Total (1)

MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 10 DECEMBER 2019 IN THE BARRY ROSE ROOM COMMENCING AT 10.00am

PRESENT:

Cr Ron Campbell (Acting Chair) and Cr Lee Watts.

APOLOGIES:

Cr Sue Abbott, Cr Kiwa Fisher, Mr Mathew Pringle (Director Environmental & Customer Services).

IN ATTENDANCE:

Cr Maurice Collison, Mrs Christine Robinson (Manager Planning, Building & Regulatory Services), Mr Paul Smith (Environmental Planning Officer) and Miss Laura Conway (Administration Officer).

APPOINTMENT OF CHAIR:

The Committee nominated Cr Ron Campbell as acting chair in Cr Kiwa Fisher's absence.

Moved: Cr L Watts

Seconded: Cr R Campbell

CARRIED

DECLARATIONS OF INTEREST:

Nil.

PUBLIC PARTICIPATION:

Nil.

BUSINESS ITEM:

DESC.12.1 Planning Proposal 1/2019 – Lot 22 DP 1235763 – 2912 New England Highway, Scone

Environmental Planning Officer, Mr Paul Smith, provided an overview of Planning Proposal 1/2019. The Planning Proposal seeks to amend the Upper Hunter Local Environmental Plan 2013 to rezone Lot 22 DP 1235763 from R1 General Residential to IN2 Light Industrial. Mr Smith presented two options to the committee, being:

- 1) To amend the zoning of the subject land IN2 Light Industrial. The proposed land uses are permissible in this zone; or
- 2) To identify the proposed use of the land as an additional permitted use pursuant to Clause 2.5 of the Upper Hunter LEP 2013.

Mr Smith stated that option 2 is preferred as option 1 creates the potential for a range of other possible uses that may not be appropriate.

Mr Smith stated that Planning Proposal 1/2019 was referred to the RMS who have no concerns.

Planning Proposal 1/2019 was supported by the committee and it was agreed to recommend approval for option 2.

Meeting closed at 10.15am

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.12.1 *PLANNING PROPOSAL 1/2019*

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Paul Smith - Senior Environmental Planner

Development & Environmental Services Committee at its meeting on 13 August 2019 resolved that the matter be deferred to a future meeting

PURPOSE

Planning Proposal 1/2019 proposes to amend the Upper Hunter Local Environmental Plan 2013 to enable Lot 22 DP 1235763, 2912 New England Highway, Scone to be developed as a highway service centre and warehouse or distribution centre.

RECOMMENDATION

That Council:

1. Support Planning Proposal 1/2019 to amend the Upper Hunter Local Environmental Plan 2013 to enable Lot 22 DP 1235763, No. 2912 New England Highway, Scone to be used for the purpose of a highway service centre and warehouse or distribution centre.
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

Applicant: TFA Project Group
Owners: S W and R E Murdoch
Proposal: Rezoning Application - Zone R1 General Residential to Zone IN2 Light Industrial
Property: Lot 22 DP 1235763, No. 2912 New England Highway, Scone

On 17 April 2019 Council received an application to amend to the Upper Hunter Local Environmental Plan 2013 to rezone Lot 22 DP 1235763, No. 2912 New England Highway, Scone from Zone R1 General Residential to Zone IN2 Light Industrial. Based on this application a draft Planning Proposal has been prepared.

REPORT/PROPOSAL

The objective of the draft Planning Proposal (refer to Attachment 1) is to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a highway service centre and warehouse or distribution centre at Lot 22 DP 1235763 New England Highway, Scone

The land subject to this planning proposal is located adjacent to the existing industrial estate to the north of Scone between the New England Highway and rail corridor and comprises a total area of approximately 2.49 hectares. The land has a very gentle gradient of approximately 2% falling to the west.

Surrounding land uses include industrial land to the north, vacant residential zoned land to the south, the saleyards to the east and primary production land to the west. At present the site fronts the New England Highway, where the Scone Bypass is currently under construction. In the future on completion of the bypass the site will have access to a local road running approximately parallel to the highway.

The site is currently zoned R1 General Residential under the Upper Hunter Local Environmental Plan 2013. Development for the purposes of a highway service centre is prohibited within the R1 zone.

The planning proposal intends to enable the development of the site for the purpose of a highway service centre comprising:

- Service station (including truck and car refuel areas)
- Fast food and dining restaurant
- Caravan parking area
- Truck parking area
- "Distribution centre/cold storage" premises on the eastern portion of the lot.

A concept plan for the possible future development of the site is provided in Annexure 2 of the Planning Proposal.

There are two (2) options available to Council for achieving the intent of the planning proposal as follows:

- 1) to amend the zoning of the subject land to IN2 Light Industrial. The proposed land uses are permissible in this zone; or
- 2) to identify the proposed use of the land as an additional permitted use pursuant to Clause 2.5 of the Upper Hunter LEP 2013.

Option 1 would create the potential for a range of other possible uses that may not be appropriate given the close proximity of the site to residential zoned land. It is therefore recommended that Option 2 is more appropriate for the site for achieving the main objectives of establishing the highway service centre and warehouse or distribution centre.

OPTIONS

1. Accept the recommendation that Council:
 - i. Support Planning Proposal 1/2019 to amend the Upper Hunter Local Environmental Plan 2013 to enable Lot 22 DP 1235763, No. 2912 New England Highway, Scone to be used for the purpose of a highway service centre and warehouse or distribution centre.
 - 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 1/2019 to amend the Upper Hunter Local Environmental Plan 2013 for valid reasons.

CONSULTATION

To date, preliminary consultation has been undertaken with the NSW Roads and Maritime Services which has raised no objection to the rezoning. The RMS responses are provided in Annexure 3 of the Planning Proposal.

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.

b. Delivery Program

- Assessment of planning applications.
- Preparation of planning proposals, traffic studies and associated management plans.

c. Other Plans

The Upper Hunter Land Use Strategy 2017 recognises that the role and function of Scone’s existing town centre (Kelly Street) is expected to change when highway traffic is diverted around the town via the Scone Bypass. This may also lead to pressure for commercial developments along the new bypass corridor. The Strategy supports precinct-level planning to establish priorities for planning and development controls (Direction 2.2).

The Land Use Strategy identifies Area 2 at the southern end of the bypass as a priority investigation area to respond to the influence of the Scone Bypass on the town centre and to provide opportunities for employment generating uses in and around the town centre. Area 2 may be capable of providing up to 10ha of land for a mix of tourism and/or commercial uses.

The proponent of the current rezoning did consider the feasibility of developing a highway service centre in Area 2 but found that the grade separation between the current New England Highway and the bypass would be problematic as it would not enable the most convenient and direct access to a proposed service centre. Based on the information provided to date, Lot 22 DP 1235763 is considered to be more suitable for a highway service centre and warehouse or distribution centre.

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.

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 support Planning Proposal 1/2019 to amend the Upper Hunter Local Environmental Plan 2013 to enable Lot 22 DP 1235763, No. 2912 New England Highway, Scone to be used for the purpose of a highway service centre and warehouse or distribution centre.

Moved: Cr L Watts

Seconded: Cr R Campbell

CARRIED