

SC.06.2 DEVELOPMENT & ENVIRONMENT SERVICES COMMITTEE**RECOMMENDATION:**

That Council:

1. Note the minutes of the Development and Environmental Services Committee meeting held on 10 May 2011.
2. Adopt the following recommendations in relation to:

Item 6.1 – Planning Proposal Part Lot 101 DP 812328 Middlebrook Road

- 6.1.1 The planning proposal be supported and referred to the Department of Planning for Gateway assessment and determination.

Item 6.2 – DA 221/2010 Staged Tourist Facility

- 6.2.1 That development application 221/2011 as amended be deferred subject to review and advice on the draft conditions of consent by Council's solicitors.
- 6.2.2 That the applicant be requested to provide further information in accordance with Council's preliminary legal advice.

BACKGROUND:

The Development and Environmental Services Committee met on the 14 June 2011 at the administration centre, Scone. A copy of the minutes is attached.

ISSUES:

There were three items on the agenda.

Item 6.1 – Planning Proposal Part Lot 101 DP 812328 Middlebrook Road

The recommendation of the committee is supported by the professional staff

Item 6.2 – DA 221/2010 Staged Tourist Facility

Further preliminary legal advice has been obtained from Council's Solicitors to the effect that the application should be deferred pending receipt and assessment of further information from the applicant and a review of the conditions of consent. The recommendation has therefore been altered to reflect this fact.

Item 6.3 – Merriwa Air Monitoring Station

This item was a presentation by representative of the NSW Office of Environment & Heritage in relation to the proposed air monitoring station to be constructed in the Merriwa area. Accordingly there is no recommendation of the committee to endorse.

SUSTAINABILITY:

All reports being considered have some relationship with economic, social and environmental matters of sustainability within the local and broader community.

OPTIONS:

To accept the recommendations of the committee or to amend them as deemed necessary

FINANCIAL CONSIDERATIONS:

Relevant fees have been paid for applications where applicable.

An item arose from the meeting in relation to Council not having an established land use monitor in place which is required in order to monitor land types at various stages of availability in order to substantiate any proposed rezoning and the future review of the Upper Hunter Shire Land Use Strategy. The development of a land use strategy and on going maintenance is not accounted for in the environmental services resource budget as it conflicts with the review of the new Local Environmental Plan (LEP).

It is anticipated with current resources the land use strategy could be developed following completion of the LEP. Therefore if this matter is required to be prioritised beyond this intention additional resources and funding will be required.

RESOLVED that Council:

1. **Note the minutes of the Development and Environmental Services Committee meeting held on 10 May 2011.**

Moved: Cr D Peebles Seconded: Cr L Carter CARRIED

2. **Adopt the following recommendations in relation to:**

Item 6.1 – Planning Proposal Part Lot 101 DP 812328 Middlebrook Road

- 6.1.1 **The planning proposal be supported and referred to the Department of Planning for Gateway assessment and determination.**

Moved: Cr L Carter Seconded: Cr D Peebles CARRIED
UNANIMOUSLY

Cr P Secombe declared a Non Pecuniary Interest significant conflict in Item 6.2 for the reason that she has a close personal relationship with parties involved. Cr Secombe left the Chamber and took no part in discussion and voting.

Item 6.2 – DA 221/2010 Staged Tourist Facility

- 6.2.1 **That development application 221/2011 as amended be deferred subject to review and advice on the draft conditions of consent by Council's solicitors.**

- 6.2.2 **That the applicant be requested to provide further information in accordance with Council's preliminary legal advice.**

Moved: Cr L Carter Seconded: Cr E Cottle CARRIED UNANIMOUSLY

**Minutes of the Development and Environmental Services Committee
14 June 2011 – Council Chambers– Scone**

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

In Attendance: Mr M James Director Environmental Services, Mr C Hargood Executive Manager Environmental Services, Mr P Smith Environmental Planner, and members of the public.

Apologies: Nil

Absent: Nil

Declaration of Interest: Cr P Seccombe in relation to item 6.2

Meeting Commenced: 10.06 am

Item 6.1 – Planning Proposal Part Lot 101 DP 812328 Middlebrook Road

Community members in attendance for this item: Mr D Casson of Hyndes Bailey & Co (applicant)

Issues

- The professional staff provided an overview of the history surrounding this planning proposal to the committee including the fact that the proposal was outside of the area identified within the Upper Hunter Land Use study and further that Council has received advice from the Department of Planning & Infrastructure (DPI) that such proposals will not be considered.
- The applicant presented to the committee reasons for the proposal to be supported including the fact that it is in close proximity to the areas identified within the land use strategy.
- The professional staff advised the committee that the DPI required Council to have a land use monitor in place which would assist in identify land to be re-zoned and therefore possibly supporting such proposal rather than carrying out ad-hoc spot re-zonings.
- The applicant tabled a request that Council is holding back applications of this nature without an operational land use monitor in place and that additional resources should be committed to completing this process.
- It was raised by the applicant that the difference with this particular proposal over others was its relatively close proximity to the area identified within the land use strategy.
- The Committee was able to engage in active discussion on the proposal.

Recommendation

6.1.1 The planning proposal be referred to the department of planning for Gateway determination.

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

Item 6.2 – DA 221/2010 Staged Tourist Facility

Community members in attendance for this item: Mr H Moses (owner) & Mr D Casson of Hyndes Bailey & Co (representative for the Arnotts)

Issues

- The professional staff provided a short overview of the history of this application to the committee
- The Committee discussed some of the outstanding matters raised by Arnott's solicitor Mr P Vergotis at the D&E meeting of 10th May 2011.
- Clarification was sought by the committee from the professional staff that the cabins had been removed from the application. This fact was confirmed by the professional staff and further that if the cabins were to proceed a new development application would be required.

Recommendation

5.2.1 That development application 221/2011 as amended be approved subject to review and approval of the proposed conditions of consent by Council's solicitors.

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