

SC.12.2 DEVELOPMENT AND ENVIRONMENTAL SERVICES COMMITTEE**RECOMMENDATION:**

That Council:

1. Note the minutes of the Development and Environmental Services Committee held on 6 December 2011.
2. Adopt the following recommendations:
 - DESC.12.1 Planning Proposals – to amend Scone and Merriwa Local Environmental Plans**
 - That Council support the Planning Proposals to amend the Scone Local Environmental Plan 1986 and the Merriwa Local Environmental Plan 1992, and refer the Planning Proposals to the Department of Planning and Infrastructure for Gateway Determination.
 - DESC.12.2 Development Application No 148/2011 – Liquor Outlet and Signage**
 - That Council approve Development Application 148/2011 as submitted subject to conditions of consent, including a condition requiring the payment of an on-street car parking contribution of \$3,900.00 to compensate for the loss of three car parking spaces.

BACKGROUND:

The Development and Environmental Services Committee met on the 6 December 2011 at the Administration Centre, Scone.

ISSUES:

Refer to attached minutes.

SUSTAINABILITY:

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

COMMUNITY INTERACTION:

The Development and Environmental Services Committee meeting was attended by a member of the public as identified on the attached minutes.

OPTIONS:

To accept the recommendations of the Committee or amend them as deemed necessary.

FINANCIAL CONSIDERATIONS:

Development application and associated fees of \$843.00 have been paid for DA 148/2011.

RESOLVED that Council:

1. Note the minutes of the Development and Environmental Services Committee held on 6 December 2011.
2. Adopt the following recommendations:
 - DESC.12.1 Planning Proposals – to amend Scone and Merriwa Local Environmental Plans**
 - That Council support the Planning Proposals to amend the Scone Local Environmental Plan 1986 and the Merriwa Local Environmental Plan 1992, and refer the Planning Proposals to the Department of Planning and Infrastructure for Gateway Determination.
 - DESC.12.2 Development Application No 148/2011 – Liquor Outlet and Signage**
 - That Council approve Development Application 148/2011 as submitted subject to conditions of consent, including a condition requiring the payment of an on-street car parking contribution of \$3,900.00 to compensate for the loss of three car parking spaces.

Moved: Cr D Peebles

Seconded: Cr L Carter

CARRIED

**MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE OF UPPER
HUNTER SHIRE COUNCIL HELD ON TUESDAY 6 DECEMBER 2011 IN SCONE COUNCIL
CHAMBERS COMMENCING AT 9.35AM**

PRESENT:

Cr Lea Carter (Chair) and Cr Deirdre Peebles.

APOLOGIES:

Cr Lee Watts and Cr Pam Seccombe.

IN ATTENDANCE:

Mr Murray James (Director Environmental Services), Paul Smith (Environmental Planning Officer),
Diana Davidson (Environmental Services Administrative Co-ordinator) and Ms Judith Wheeler.

DECLARATIONS OF INTEREST: Nil

PUBLIC PARTICIPATION: Nil

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

Section: *Development & Environmental Services Committee Reports*

REP-444/11

DESC.12.1 PLANNING PROPOSALS

RECOMMENDATION:

That Council:

1. Support the Planning Proposals to amend the Scone Local Environmental Plan 1986 and the Merriwa Local Environmental Plan 1992.
2. Refer the Planning Proposals to the Department of Planning and Infrastructure for Gateway Determination.

BACKGROUND:

In 1998 the Environmental Planning & Assessment Act 1979 (the Act) was extensively amended which included the requirement for residential building works to obtain development consent prior to the issue of a construction certificate. Previous to this, residential building works only required that a building application be submitted to Council for assessment.

The majority of Local Environmental Plans (LEPs) across New South Wales did not require development consent for dwellings in residential zones (ie. No development application was required to be submitted to Council).

The Environmental Planning & Assessment (Savings & Transitional) Regulation 1998 enabled Councils to require the submission of a development application contrary to their LEP and specified a time by which Councils were to amend their LEPs so as to be consistent with the Act. Such amendments were to be finalised by July 2000.

It would appear that this requirement was not met and the Scone LEP and Merriwa LEP were not amended in this regard. The Murrurundi LEP was amended to include the correct provision.

Staff of the Department of Planning & Infrastructure (Hunter Regional Planning Team) advise that it would be appropriate to submit planning proposals to the Department for each LEP in order to rectify this situation.

ISSUES:

- Council is in the process of preparing a comprehensive Upper Hunter Local Environmental Plan. The creation of this LEP will address this issue, however, the Department has advised that it could be in excess of 12 months before the process is completed and the new LEP is gazetted.

- The Department of Planning & Infrastructure (Hunter Regional Planning Team) have been consulted and have advised that the planning proposals are necessary to amend the LEPs.
- The planning proposals are consistent with the requirements of the Standard Instrument (Local Environmental Plan) Order 2006 that will direct the zones and provisions that will be incorporated into the Upper Hunter LEP.

SUSTAINABILITY:

Not applicable.

COMMUNITY INTERACTION:

The Planning Proposals will be placed on public exhibition for a period of 28 days should it be approved by the Gateway.

OPTIONS:

To support the recommendation, not support the recommendation or amend the recommendation.

FINANCIAL CONSIDERATIONS:

The proposed amendments may result in an increase in income for Council.

RECOMMENDED:

That Council:

1. **Support the Planning Proposals to amend the Scone Local Environmental Plan 1986 and the Merriwa Local Environmental Plan 1992.**
2. **Refer the Planning Proposals to the Department of Planning and Infrastructure for Gateway Determination.**

Moved: L Carter

Seconded: D Peebles

CARRIED

Section: Development & Environmental Services Committee Reports

REP-453/11

DESC.12.2 DEVELOPMENT APPLICATION NO 148/2011 - LIQUOR OUTLET AND SIGNAGE

RECOMMENDATION:

That Council approve the development application as submitted subject to conditions of consent, including a condition requiring the payment of an on-street car parking contribution of \$3,900 to compensate for the loss of 3 car parking spaces.

BACKGROUND:

Applicant: Woolworths Pty Ltd
Owner: Neland Pty Ltd
Proposal: Liquor Outlet and Associated Signage and Replacement Signage
Zoning: 3(a) General Business

At its 8 November 2011 meeting the Committee resolved that this development application be deferred to the December meeting pending: (1) Confirmation of hours of operation of other bottle shops in the area in order to determine suitable hours of operation for the proposal; and (2) referral to the Traffic Committee regarding loss of car parking spaces having regard to the proposed changes adjacent to the Main Street entrance which is being considered by the Traffic Committee.

ISSUES:

- Further investigation was undertaken of the opening hours of an adjoining liquor outlet. The bottle shop opening hours are generally from 10.00am to 8.00pm. However further advice from the owner of the business confirmed that over-the-bar sales (take-a-way liquor) are available until 12.00 midnight from the hotel. It is therefore considered that the proposed operating hours as requested in the application are appropriate (ie. same operating hours as Woolworths).
- The development application was referred to the Traffic Committee which did not have any concerns related to the reduced car parking. However the Traffic Committee has recommended that a condition of consent requires the payment of contributions towards on-street car parking.

SUSTAINABILITY:

The availability of alcohol can have detrimental social impacts on communities in terms of crime and anti-social behaviour. While this development will increase the number of liquor outlets in Scone it is unlikely to have an adverse impact on the social sustainability of the area. The Council has previously determined that the consumption of alcohol in this public area is not in the public interest through the adoption of the Alcohol Free Zone.

COMMUNITY INTERACTION:

The development application was placed on public exhibition and submissions were given consideration.

OPTIONS:

To approve the development application subject to conditions of development consent or to refuse the development application, stating the reasons for refusal.

FINANCIAL CONSIDERATIONS:

Development application and associated fees of \$843 have been paid.

RECOMMENDED:

That Council approve the development application as submitted subject to conditions of consent, including a condition requiring the payment of an on-street car parking contribution of \$3,900 to compensate for the loss of 3 car parking spaces.

Moved: L Carter

Seconded: D Peebles

CARRIED

Meeting Closed: 9.40am

Next Meeting: 10 January 2012