

## DETERMINATION AND STATEMENT OF REASONS

### HUNTER AND CENTRAL COAST REGIONAL PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Wednesday, 6 November 2019
<b>PANEL MEMBERS</b>	Jason Perica (Chair), Michael Leavey and Julie Savet Ward
<b>APOLOGIES</b>	Kara Krason
<b>DECLARATIONS OF INTEREST</b>	<p>Wayne Bedggood: Has been instrumental in developing this project from its inception. He is also a member of the Airport Committee which is the vehicle through this application has been developed.</p> <p>Steve McDonald: Has been involved in a number of decisions relating to the development.</p> <p>Sue Abbott: Has been opposed to this development from the outset. Publicly stated and recorded views on this project could be perceived as a conflict of interest in relation to a 'determining position' on the planning panel.</p> <p>Joshua Brown: Attended and participated in two decisions of Council in September 2018, in relation to the Capital Expenditure Review for the airport masterplan and funding, which is likely to lead to a perception of a conflict of duties.</p>

Public meeting held at Upper Hunter Shire Council – 135 Liverpool Street, Scone on 6 November 2019, opened at 2.35pm and closed at 4.10pm.

#### MATTER DETERMINED

PPSHCC-8 – Upper Hunter Shire Council – DA111/2019 at 10 Walter Pye Avenue, Scone – Airport Terminal & Warbird Aviation Attraction (as described in Schedule 1)

#### PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

- The Panel generally agreed with the assessment of the environmental impacts and reasons to support the proposal, as contained in the independent assessment report commissioned by the Council;
- The proposal would provide positive economic benefits to the wider area and region;
- There were limited natural and man-made impacts from the proposal on surrounding land and the environment, and where such impacts existed, the impacts were appropriately mitigated by the design or able to be mitigated and managed by the recommended conditions of consent, as revised by the Panel;
- The proposal did not breach any development standards or key controls regarding building massing, scale or siting;
- The proposal was consistent with the Regional Strategy and an Airport Masterplan;

- No objections were raised by other authorities, including NSW RFS, RMS and the Federal Civil Aviation Authority;
- The trees and shrubs to be removed were not ecologically or visually significant and were reasonably compensated by new planting;
- The proposal is consistent with the zone objectives and will enhance the role and visitor experience of the airport and entry into Scone and the region.

## CONDITIONS

The development application was approved subject to the conditions in the independent assessment report with the following amendments.




- Condition 4(o) be amended to change “an animal” to “native fauna”;
- Condition 4 be amended to include the following matters at (p), (q) and (r):  
 (p) *Dust mitigation and management measures;*  
 (q) *Erosion and sediment control measures; and*  
 (r) *Noise management and mitigation measures, to ensure no nuisance or offensive noise to neighbours.*
- Condition 9 be amended to insert the word “seven” after the word “seventy” and state (“excluding the two disabled parking spaces”) after the words “car-parking spaces” in the first line;
- Condition 13 (a) be amended to correct “site” to “sight”;
- Change the word “comply” to “Demonstrate compliance” in Condition 13(c);
- Change the approved construction hours in Condition 30(a) to retain the Monday to Friday hours, but change the Saturday hours to 8.00am to 1pm, and to delete hours on Sundays and public holidays;
- Change condition 30(b) to reflect the revised hours approved in 30(a) and to add the word “written” prior to the word “approval”;
- The approved hours of operation be amended in Condition 52 be amended to allow trading between 6am and 10pm Sundays to Wednesdays and 6am to midnight on Thursdays to Saturdays.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the written submission made during public exhibition and heard from all those wishing to address the Panel in both support and against the proposal. The Panel noted that issues of concern included:

- Contamination of water during flood events;
- Social impacts and provisions of the EPA Act 1979;
- Other priorities for Council expenditure.

The Panel considered that concerns raised by the community had been adequately addressed in the independent assessment report and that no new issues requiring further assessment were raised during the public meeting. The stormwater issues and water containment was adequately addressed by recommended conditions, social impacts were considered to be positive and decisions/priorities of Council regarding funding priorities is not a matter for the Panel to either consider or determine. The Panel was considering and determining a DA, not a Business Case.

PANEL MEMBERS	
 Jason Perica (Chair)	 Michael Leavey
 Julie Savet Ward	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSHCC-8 – Upper Hunter Shire Council – DA111/2019
2	PROPOSED DEVELOPMENT	Airport Terminal & Warbird Aviation Attraction
3	STREET ADDRESS	10 Walter Pye Avenue, Scone
4	APPLICANT/OWNER	Upper Hunter Shire Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Upper Hunter Local Environmental Plan 2013</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li>Upper Hunter Development Control Plan 2015</li> </ul> </li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i></li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 23 October 2019</li> <li>Updated information and recommended conditions – memo dated 6 November 2019 from Council to the Panel</li> <li>Written submissions during public exhibition: 1</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In support – Matthew Clark, Michael Burke, Scott Shann, Matt Barker</li> <li>In objection – Peter Willard, Cr Sue Abbott</li> <li>On behalf of the applicant – Joanne McLoughlin</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: Wednesday, 6 November 2019 <ul style="list-style-type: none"> <li><u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Julie Savet Ward</li> <li><u>Council assessment staff</u>: Paul Smith, Matt Pringle and Rebecca Boresch</li> </ul> </li> <li>Final briefing to discuss Council's recommendation, Wednesday, 6 November 2019, 2:00pm. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Jason Perica (Chair), Michael Leavey, Julie Savet Ward</li> <li><u>Council assessment staff</u>: Paul Smith, Matt Pringle and Rebecca Boresch</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the independent assessment report, as revised and updated by memo dated 6 November 2019.