MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 12 MARCH 2019 IN THE BARRY ROSE ROOM COMMENCING AT 10.00am

PRESENT:

Mayor Wayne Bedggood (Acting Chair), Cr Sue Abbott, Cr Ron Campbell

APOLOGIES:

Cr Kiwa Fisher, Cr Lee Watts

Moved: Cr R Campbell  Seconded: Cr S Abbott  CARRIED

IN ATTENDANCE:

Cr Maurice Collison, Mr Mathew Pringle (Director Environmental & Community Services), Ms Catherine Clifford (Journalist), Mr Jason Capuano (Stevens Group), Miss Laura Conway (Administration Officer)

DECLARATIONS OF INTEREST:

Nil

PUBLIC PARTICIPATION:

Mr Jason Capuano (Stevens Group) spoke in relation to DESC.03.1 – Planning Proposal 1/2018.

SITE INSPECTIONS:

Nil

BUSINESS ITEMS:

DESC.03.1  Planning Proposal 1/2018

Mr J Capuano provided a brief introduction of the company Stevens Group and the overall proposed highway service centre at 61-79 Aberdeen Street, Scone.

Cr Abbott expressed concerns regarding flooding and traffic management issues of the proposed location. Mr J Capuano advised that further information is to be provided to Council addressing these issues. Mr M Pringle confirmed that this information is pending.

Mr M Pringle confirmed that flooding impacts and traffic movements are the major issues of concern associated with the proposed location of the highway services centre and that additional information regarding the management of these issues is currently pending. Mr M Pringle advised that the proposal will be referred to RMS for comment.

Cr Campbell asked how hazard flooding will affect surrounding residences should the proposal proceed. Mr J Capuano advised that there is limited impact on surrounding residences with the Rugby Club change rooms building being the most affected in relation to potential flooding impacts. Mr J Capuano advised that further information will be provided to Council regarding the potential flood impacts.

Cr Abbott voiced her concerns regarding soil salinity in the area and the potential impacts of the development on groundwater. Mr J Capuano advised that this issue has not yet been addressed and will be addressed as part of the development application. Mr M Pringle concurred with this advice.
Cr Abbott conveyed concerns regarding the noise impact of a major development in an RU4 zoned area on neighbouring residences. Mr J Capuano advised that neighbour visits and consultations have been conducted. The land will be landscaped and tiered in order to lessen the noise impact on neighbouring residences. Providing noise glazing to residences will be part of the ongoing consultation process.

Cr Abbott voiced her concerns regarding the direct competition the proposed highway service centre will have in relation to other businesses in Kelly Street. Mr J Capuano advised that the highway service centre will attract local activity and encourage customers into town. Mr J Capuano suggested that the highway service centre could provide tourist information for Scone and surrounding areas to encourage people to visit the town.

Cr Abbott conveyed her concerns regarding health issues, such as air pollution, that may impact on the neighbouring residences. Mr J Capuano advised the development would include environmental mitigation measures such as vapour recovery pumps and leak detection to address these issues.

Cr Collison asked whether Stevens Group has considered alternative locations for the proposed development and why this location in particular has been chosen. Mayor Bedggood also asked how exactly the proposed highway service centre is going to encourage people into Scone. Mr J Capuano confirmed that the Stevens Group has considered several locations and the accessibility in and out of the selected area was best suited for the proposed development. He confirmed that this location works best in conjunction with the Scone Bypass.

Mayor Bedggood raised concerns regarding the end of life of the highway service centre and how this would be managed in the future. Mr J Capuano advised that there are standards and measures to be adhered to under contaminated lands legislation and State Environmental Planning Policy No. 55 – Remediation of Land. Mr M Pringle advised that this issue would be dealt with as part of the development application.

Mr M Pringle advised that the land is currently zoned as RU4 and the recommendation to Council is to enable an additional permitted use within this zone rather than rezoning the site.

Mayor Bedggood advised that the information provided with the planning proposal in relation to flooding impacts is incomplete and that the recommendation should not be considered without the additional information being submitted.

The Committee agreed that an amendment to the current recommendation would be the most appropriate action.
DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.03.1  

PLANNING PROPOSAL 1/2018 - ADDITIONAL PERMITTED USE AT 61-79 ABERDEEN STREET, SCONE

RESPONSIBLE OFFICER:  Steve McDonald - General Manager

AUTHOR:  Mathew Pringle - Director Environmental & Community Services

PURPOSE

Planning Proposal 1/2018 proposes to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a highway service centre at Lots 243 & 244 DP 613258 and Lot 23 DP 562600, 61-79 Aberdeen Street, Scone.

RECOMMENDATION

That Council place Planning Proposal 1/2018 on public exhibition for at least 28 days and consider a further report following the conclusion of the exhibition period.

BACKGROUND

Council has received a planning proposal from the Stevens Group to amend the Upper Hunter Local Environmental Plan 2013 to enable the establishment of a highway service centre at Lots 243 & 244 DP 613258 and Lot 23 DP 562600, 61-79 Aberdeen Street, Scone.

REPORT/PROPOSAL

The land that is the subject of this planning proposal is located on the western side of Aberdeen Street, Scone between Liverpool Street and St Aubins Street and comprises a total area of approximately 2.43 hectares.

The subject land is adjacent to the Scone Bypass which is currently under construction and is impacted by flood events associated with nearby Kingdon Ponds and Parsons Gully.

The site is currently zoned RU4 Primary Production Small Lots under the Upper Hunter Local Environmental Plan 2013. Development for the purposes of a highway service centre is prohibited within the RU4 zone.

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

- A rest area with eighteen (18) car spaces and four (4) trailer/RV spaces.
- A service station comprising a 322m² convenience store and 326m² food premises (including indoor and outdoor areas), 6 double bowsers for standard vehicles and a diesel canopy to accommodate 3 B-doubles and 39 at grade car spaces.
- A free-standing restaurant/takeaway food premises comprising 525m² with double drive-thru lanes and 67 car spaces.

In addition to the highway service centre it is proposed to develop a two storey, 23 room motel with 34 car spaces on the land (noting that a motel is already permissible with consent on the land).

Conceptual plans of the proposed development are provided in Attachment 2.
There are two options available to achieve the objectives of the planning proposal as follows:

Option 1:

Rezoning the subject land to Zone B2 Local Centre or Zone B4 Mixed Use Zone would enable development of the land for the purpose of a highway service centre, however, it would also enable other land uses that are undesirable in this location such as commercial premises (eg shopping centre) that do not necessarily service highway users and directly compete with the existing town centre. Permitting such uses could have significant and adverse economic impacts on the Scone town centre and potentially compromise its long-term viability.

Option 2:

An alternative way of achieving the objective of this planning proposal is to identify highway service centre as an additional permitted use of the land in Schedule 1 of the Upper Hunter LEP 2013. This option would mean that the land would continue to be zoned RU4 Primary Production Small Lots and the uses currently permitted on the land would continue to be permitted. However, highway service centres would also be permitted with consent.

In view of the above, should the planning proposal be supported by Council, Option 2 is the preferred option to achieve the objectives of the proposal.

The proponent of the rezoning submits that the proposal will have a net community benefit by providing a net positive economic impact on the Scone township. An Economic Impact Assessment (EIA) of the planning proposal prepared by HillPDA has found that the proposal would have a range of positive economic impacts on the locality and the Shire as a whole during the construction and operational phases of the highway service centre (HSC) development. Some of the benefits would include the creation of new employment opportunities, introducing new opportunities for commercial development and expanded levels of household expenditure on a wide range of retail and other services. The planning proposal would also facilitate development that would capture passing trade on the bypass and provide a conduit between the highway and the town centre. Whilst the proposal would introduce some additional competition to businesses within the town centre, the EIA contends that estimating this impact is difficult and it’s important to note that if businesses experience a decline in trade, it is likely to be the result of the impact of the bypass itself.

A peer review of the EIA has been undertaken by an independent planning consultant commissioned by Council. The review found that the conclusion of the EIA, that the proposal will deliver a net benefit to Scone, is likely to be correct. The review did highlight a number of shortcomings with the EIA such as the lack of consideration of mitigation measures that could ameliorate potential negative impacts and the impacts of the HSC on other highway service towns such as Aberdeen. The EIA has subsequently been amended to address these issues and other matters identified by the peer review.

The planning proposal is generally consistent with the Upper Hunter Land Use Strategy 2017, the Hunter Regional Plan and the applicable State Environmental Planning Policies. There are a number of inconsistencies with the relevant Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979, however these inconsistencies, with the exception of Direction 4.3 Flood Prone Land, are considered to be of minor significance.

In relation to Direction 4.3, a Flood Assessment of the planning proposal has been undertaken by GHD which involved modelling of the pre and post bypass scenarios. The assessment has been peer reviewed by an independent consultant commissioned by Council. The peer review identified a number of issues with the assessment particularly in relation to the impact of the development on flood heights at nearby properties and the high residual flood risk issues regarding evacuation. The proponent has submitted a response to these issues including a flood emergency response plan. However, concerns remain in relation to the suitability of the site given its susceptibility to high hazard flooding and potential impacts to surrounding development.
On this basis, further information needs to be provided by the proponent to demonstrate that the proposal is consistent with the terms of Direction 4.3.

A traffic assessment report has been prepared for the proposal which considers the impact of the proposed development on the operation of the local road network, taking into account the existing traffic environment and the Scone Bypass. The report recommends the proposed highway service centre as being a suitable development on the site as it would have no impact on the operation of St Aubins Street, Aberdeen Street or Liverpool Street and will provide a safe convenient rest area for traffic bypassing the Scone township and additional amenities for residents of Scone.

The planning proposal will be referred to the RMS for comment during the public exhibition period.

Whilst there are a number of matters that require further consideration including flood impacts and traffic movements, it is recommended that Council proceed to place the planning proposal on public exhibition for at least 28 days to gauge the community’s views before making a decision on whether the proposal should proceed.

**OPTIONS**

1. That Council place Planning Proposal 1/2018 on public exhibition for at least 28 days and consider a further report following the conclusion of the exhibition period.


**CONSULTATION**

Consultation with the community and government agencies has not been undertaken at this stage.

**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:
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 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).

One of the strategic actions of Direction 2.2 is to review the potential and demand for commercial development potential along the proposed Scone bypass route and develop a strategy for responding to rezoning requests prior to the completion of the bypass, particularly at the northern and southern intersection accesses to the town. This strategy is yet to be developed by Council.

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. The proponent contends that the proposed intersection at St Aubins Street provides a more suitable location for the establishment of a highway service 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 planning 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**

Whilst there are a number of matters that require further consideration including flood impacts and traffic movements, it is recommended that Council proceed to place the planning proposal on public exhibition for at least 28 days to gauge the community’s views before making a decision on whether the proposal should proceed.
RECOMMENDED that Council:

1. place Planning Proposal 1/2018 on public exhibition for at least 28 days following the receipt of additional information from the applicant regarding flooding impacts.
2. consider a further report following the conclusion of the exhibition period.

Moved: R Campbell  Seconded: M Bedggood  CARRIED