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

PRESENT:
Cr Kiwa Fisher (Chair), Cr Sue Abbott, Cr Ron Campbell

APOLOGIES:
Cr Lee Watts

Moved: Cr Campbell Seconded: Cr Abbott CARRIED

IN ATTENDANCE:
Cr Maurice Collison, Mr Mat Pringle (Director Environmental & Community Services), Ms Kristy Stevenson (Administration Assistant), Mr Hamish Trench

DECLARATIONS OF INTEREST:
Nil

PUBLIC PARTICIPATION:
Mr Hamish Trench spoke in relation to DESC.02.3 - Planning Proposal 3/2018

SITE INSPECTIONS:
Nil

BUSINESS ITEMS:

DESC.02.1  Upper Hunter Development Control Plan 20151 – Amendment No.1 St Aubins Estate

M Pringle advised that following the Development and Environmental Services Committee meeting held on the 13th November 2018 and subsequent Council meeting on 23rd November 2018, the draft Development Control Plan (DCP) for St Aubins Estate has been amended and resubmitted.

As part of the amended DCP, open space (parks) are provisioned with public amenities including toilets, playground equipment and tables and seating. Road widths have also been widened to accommodate on-street car parking.

Cr Abbott expressed concern that the time for community comment coincided with the summer holiday period which could have impacted the public’s ability to enter submissions. Cr Abbott also voiced unease regarding the suitability of the site given the high soil salinity levels in the area and the potential impacts of the development on groundwater. Cr Abbott questioned the need for a development of the size proposed stating that it is debatable as to whether Scone services could handle an additional 400 homes and suggested that perhaps the development be presented to the Regional Planning Panel in stages.

In response to the issues raised by Cr Abbott, M Pringle advised that this proposal was placed on public exhibition from the 18th January 2018 to the 16th February 2018 chiefly outside the school holiday period. The draft DCP had also been presented to the Committee on numerous occasions.
M Pringle also assured the committee that salinity and groundwater impacts would be thoroughly assessed as part of the development application process. He also noted that the area of land had been specifically zoned for this purpose and that the proposal was simply to amend the DCP to allow for changes to the subdivision layout and design controls.

Cr Fisher also raised concerns regarding salinity issues with M Pringle advising that he was currently in search of grants that may be available to facilitate a salinity research study.

Cr Campbell was in favour of a well-designed and organised development rather than employing a disjointed approach. Cr Campbell is of the opinion that salinity should be able to be contained through various processes such as increased vegetation and was confident that such practices would be detailed as part of the assessment. Cr Campbell is confident that such developments would be of significant benefit to Scone resulting in increased commerce and business and better services.

DESC.02.2 Development Application 170/2018 – Dwelling Alterations and Shed – 17 Towarri Street Scone

M Pringle provided a summary of the development application which involves the conversion of the existing garage into an additional bedroom and living space and the construction of a steel shed to the rear of the property. It was noted that a submission had been received from an adjoining property owner raising various issues with the proposal. The applicant has made several changes in response to the submission including decreasing the shed dimensions, not progressing with the construction of a driveway from the road to the new shed and retaining the existing driveway for car parking as per condition 16 of the recommended conditions of consent.

DESC.02.3 Planning Proposal 3/2018 – Rezone land at 2-4 Philip Street & 2 Muffett Street Scone

M Pringle reviewed a request from the registered owners of Lots 2 & 3 DP 29080, 4 Philip Street Scone to rezone the land from R1 General Residential to IN1 General Industrial. In addition, the owners of the adjoining block of land at Lot 101 DP 1074572 have expressed the wish to also rezone their property from R1 General Residential and RE2 Private Recreation to IN1 General Industrial to allow for future commercial/industrial development.

M Pringle detailed the nature of the site highlighting the heavy vehicle traffic accessing the industrial area via Muffett Street and the significant number of rail movements that occur daily on the Main Northern Railway line making the blocks highly undesirable for residential purposes. The rezoning would allow for mixed use commercial and industrial activities that are more appropriate with the character of the area and address the land use conflict currently occurring.

The rezoning of these blocks would eliminate the need for a buffer on Lot 101 DP 1074572 and instead it is proposed to rezone a strip of land 9m wide along the eastern boundary of Lot 3 DP 29080 from R1 General Residential to RE2 Private Recreation. Amendments to the minimum lot size, floor to space ratio building height will also ensure consistency with adjoining industrial land.

Mr H Trench addressed the committee members and advised that he had been liaising closely with M Pringle to address all initial issues regarding the rezoning with particular efforts made to minimise noise to the east of the property. This has included changing the layout of the shed, including an acoustic wall, altering parking design and provision of a landscaped buffer along the eastern boundary to further minimise noise.

In response to a query from Cr Collison, M Pringle confirmed that the owner of the adjoining property at 2 Muffett Street Scone was happy with the proposal as his land is heavily impacted by noise.

Cr Campbell enquired as to whether the blocks of land in question had already been purchased by the applicant to which M Pringle advised that they were purchased approximately 12 – 18 months ago with the understanding that they would need to be rezoned to allow for the operation of a diesel mechanic business. Cr Campbell expressed his support for the proposal stating that development ultimately brings progress and economic growth.
Cr Abbott raised a number of concerns regarding the impact to the other residents in Philip Street. Cr Abbott highlighted two points within the planning proposal that state that the proposal is not in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment and also that the planning proposal is inconsistent with the terms of Direction 3.1 resulting in the prohibition of residential development on the subject land.

Cr Abbott also expressed concerns that the rezoning would result in industrial creep and impact the safety of children. She questioned why a diesel repair business needed to be based in a residential area when the industrial estate offered a practical alternative. Cr Abbott also enquired as to why Council is industrialising areas that were within easy walking distance to Kelly Street while pushing residential developments further from services.

M Pringle reiterated that the land was currently unsuitable for residential purposes and that the proposal would expand employment in Scone and facilitate future development and growth to the local economy.

Cr Collison enquired as to whether any submissions had been received from the community however, the proposal is yet to be advertised and will need to be submitted to the Department of Planning and Environment for a gateway determination.
DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.02.1  
UPPER HUNTER DEVELOPMENT CONTROL PLAN 2015 - AMENDMENT NO. 1 ST AUBINS ESTATE

RESPONSIBLE OFFICER:  
Mathew Pringle - Director Environmental & Community Services

AUTHOR:  
Paul Smith - Senior Environmental Planner

PURPOSE

The purpose of this report is to consider an amendment to the Upper Hunter Development Control Plan 2015 in relation to Part 13a St Aubins Estate (referred to as Amendment No. 1) following public exhibition.

RECOMMENDATION

That Council adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015 as amended.

BACKGROUND

On 22 November 2017 Council received a request by Charles David Pty Ltd to amend the Upper Hunter Development Control Plan 2015 (DCP) – Part 13a St Aubins Estate. The draft DCP was submitted concurrently with Development Application No. 163/2017 for a 423 lot residential subdivision at Lot 2 DP 1169320 Gundy Road Scone. Following public exhibition and internal consultation, the DCP was referred to the Development and Environmental Services Committee meeting held on 13 November 2018. The Committee raised issues in relation to road widths, inadequate public open space and the need for public amenities.

At the 23 November 2018 meeting, Council resolved to:

  defer the adoption of the Upper Hunter Development Control Plan (Amendment No. 1) 2015 until the following amendments are made:
  a)  increase the minimum road widths to accommodate on-street car parking;
  b)  include provisions requiring larger areas of open space with appropriate facilities and accessible public amenities;

REPORT/PROPOSAL

The draft Development Control Plan for St Aubins Estate has been amended such that the collector road has a total width of 20m (carriageway width 11m and verge width 4.5m) and the local roads have a total width of 18m (carriageway width 9m and verge width 4.5m). This is consistent with the requirements of the Council’s Engineering Guidelines for Subdivisions and Development and Part 3 of the Upper Hunter Development Control Plan 2015.

The area of the two areas of Open Space (Parks) has been increased to approximately 2,000m2 (park adjacent to the drainage reserve) and 3,000m2 (park located near southern boundary). In addition the DCP has been amended such as to require the provision of park
public amenities including public toilets, playground equipment, and tables and seating (refer to Page 7 of the amended draft DCP – Attachment 1).

OPTIONS

1. That Council adopt the draft Upper Hunter Development Control Plan (Amendment No. 1) 2015, as amended.
2. That Council adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015 subject to further amendment.
3. That Council not adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015.

CONSULTATION

The draft Development Control Plan (DCP) was placed on public exhibition from 18 January 2018 to 16 February 2018. No submissions were received. Council officers were also consulted and the abovementioned issues were raised.

STRATEGIC LINKS

a. Community Strategic Plan 2027

This report links to the Community Strategic Plan 2027 as follows:

Goal 3 Protect the natural and built environment
- Ensure that all actions, decisions and policy response to natural hazards and climate change remain current and reflect capacity, community expectations and changes in environmental and climate change information.

Goal 4 Plan for a sustainable future
- Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community
- Plan, facilitate and provide for a changing population for current and future generations.
- Implement policies to ensure the protection of strategic agricultural lands, equine critical industry clusters, natural resources and heritage.

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.
b. Delivery Program

Assessment of the application is in accordance with the Town Planning Community Strategies: CS13 - Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community, and CS14 – Provide efficient and effective advisory, assessment and regulatory services focused on being Customer ‘friendly’, responsive and environmentally responsible.

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

NA

b. Financial Implications

Nil

c. Legislative Implications

Section 3.43 of the Environmental Planning and Assessment Act 1979 allows Council to prepare a development control plan to provide guidance on the following matters to the persons proposing to carry out development in relation to: (a) giving effect to the aims of any environmental planning instrument that applies to the development, (b) facilitating development that is permissible under any such instrument, (c) achieving the objectives of land zones under any such instrument. The provisions of a development control plan made for these purposes are not statutory requirements.

d. Risk Implications

Nil

e. Other Implications

Nil

CONCLUSION
The UHDCP Amendment No. 1 will provide an alternative concept for the future development of St Aubins Estate (Lot 2 DP 1169320).

RECOMMENDATION

That Council adopt the Upper Hunter Development Control Plan (Amendment No. 1) 2015 as amended.

Moved: Cr Campbell  
Seconded: Cr Fisher  
CARRIED
PURPOSE

On 21 November 2018, Council received Development Application No 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone.

The application is being reported to the Development and Environmental Services Committee as one (1) submission has been received following notification of the application.

RECOMMENDATION

That Council approve Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, subject to the conditions of consent in Attachment 1 and for the reasons listed in Attachment 2.

BACKGROUND

Application No: DA 170/2018
Applicant: P.B Eveleigh Plan Service
Owner: Mr B J Pittman & Mrs Z B Pittman
Proposal: Dwelling Alterations and Shed
Location: Lot 75 DP 262896, 17 Towarri Street, Scone
Lodged: 21 November 2018
Zone: R1 – General Residential

The subject lot has a history of residential use comprising an existing dwelling house.

REPORT/PROPOSAL

The proponent seeks the consent of Council for dwelling alterations and the erection of a steel shed, on a 902.5m², R1 – General Residential zoned lot known as 17 Towarri Street, Scone.

The site features little cross fall requiring minimal site preparation or earthworks, with existing improvements comprising a dwelling with an attached rear awning. The front setback of 9m and side setback of 1.3m will remain unaltered by the proposal.

The proposed dwelling alterations comprise the conversion of the existing attached garage into a fourth bedroom and living space, changes to fenestration to create windows servicing those areas, and the removal of an existing wall to create an open plan kitchen/living area.

The shed will be located in the south-westernmost corner of the property at a distance of 2.5m from the rear boundary and 900mm from the side (southern) boundary. This location is adjacent to the boundary riser, with the sewer main being located within, and servicing the subject property from, the adjoining lot at the rear.
The shed will measure 6x9m, with a peak height of 3.583m, comprising an enclosed section measuring 6x6m and an open bay/awning at the front measuring 3x6m.

Fenestration will comprise a window and door to the north-western facing façade, two conventional roller doors to the north-eastern façade and a small window to the south-western façade to service a sanitary facility.

The car parking spaces required for the dwelling are proposed to be retained within the 9x6m area of the existing driveway.

A submission has been received requesting Council to make a number of considerations when determining the development application. The submission does not expressly object to the proposal.

In response to the items listed in the submission, the applicant resolved to make concessions in an attempt to address the concerns raised, including a reduction in the size of the shed from 12x6m to the dimensions aforementioned; the deletion of the driveway; and, the proposed retention of the existing driveway for car parking.

Each item that is raised within the submission, is set out and addressed within the body of Attachment 2 – Planning Assessment Report.

OPTIONS

1. Approve Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, subject to the conditions of consent in Attachment 1 and for the reasons listed in Attachment 2;

2. Refuse Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, and state the reasons for refusal;

3. Defer Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, pending the receipt of further information.

CONSULTATION

Surrounding properties were notified of the proposed development between 12 December 2018 and 9 January 2019.

One (1) submission was received by Council from an adjoining land owner. The issues raised in the submission are addressed in the attached report.

A copy of the submission is provided in Attachment 4 of this report.

STRATEGIC LINKS

a. Community Strategic Plan 2027

This report links to the Community Strategic Plan 2027 as follows:
Built and Natural Environment

Goal 4 - Plan for a sustainable future

- Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.
- Provide efficient and effective advisory, assessment and regulatory services focused on being Customer ‘friendly’, responsive and environmentally responsible.
- Plan, facilitate and provide for a changing population for current and future generations.

We are working to achieve the following Community Priorities:

The recommendation to Council has been made with the above goals and priorities in mind.

b. Delivery Program
Assessment of the application is in accordance with the Town Planning Community Strategies:

CS13 - Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community, and
CS14 – Provide efficient and effective advisory, assessment and regulatory services focused on being Customer ‘friendly’, responsive and environmentally responsible.

c. Other Plans
NIL

IMPLICATIONS

a. Policy and Procedural Implications
NIL

b. Financial Implications
Development application fees totaling $615.00 have been paid by the applicant.

c. Legislative Implications
An assessment of the development application has been undertaken pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (see attached report). The proposed development is permissible with consent within the R1 – General Residential Zone.
d. Risk Implications

Council determinations of development applications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied.

In the case of this development application the relevant considerations under the Environmental Planning and Assessment Act 1979 have been made.

There is a low risk of any third party legal appeal in relation to this development application. There is also low risk that the applicant will appeal Council's determination.

e. Other Implications

NIL

CONCLUSION

The application has been assessed as satisfactory against Section 4.15p of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Development Control Plan 2015.

The proposal is unlikely to detract from the streetscape and locality or result in any significant adverse impacts, and is considered to be an appropriate form of development for the site and within the land use zone.

Accordingly, it is recommended that the application be approved subject to conditions of consent.

RECOMMENDATION

That Council approve Development Application No. 170/2018 for dwelling alterations and the construction of a shed at 17 Towarri St, Scone, subject to the conditions of consent in Attachment 1 and for the reasons listed in Attachment 2.

Moved: Cr Campbell Seconded: Cr Fisher CARRIED
DESC.02.3  
PLANNING PROPOSAL 3/2018 - REZONE LAND AT 2-4 PHILIP STREET & 2 MUFFETT STREET, SCONE

RESPONSIBLE OFFICER:  Steve McDonald - General Manager  
AUTHOR:  Mathew Pringle - Director Environmental & Community Services

PURPOSE

Planning Proposal 3/2018 proposes to amend the Upper Hunter Local Environmental Plan 2013 to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone from R1 General Residential and RE2 Private Recreation to IN1 General Industrial and RE2 Private Recreation.

RECOMMENDATION

That Council:
1. Support Planning Proposal 3/2018 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone from R1 General Residential and RE2 Private Recreation to IN1 General Industrial and RE2 Private Recreation.
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

Council has received a request from the registered owners of Lots 2 and 3 DP 29080, 4 Philip Street Scone to prepare a planning proposal to rezone the land from R1 General Residential to IN1 General Industrial under the Upper Hunter Local Environmental Plan 2013. The owners are seeking to develop the land for the purpose of a vehicle repair station.

The owners of the adjoining Lot 101 DP 1074572, 2 Phillip Street, Scone have also expressed an interest in rezoning their land from R1 General Residential and RE2 Private Recreation to IN1 General Industrial to allow development that is more appropriate for the site given its location and the fact that it is significantly impacted by rail movements and heavy vehicle traffic accessing the Scone Industrial Area on Muffett Street.

REPORT/PROPOSAL

The objective of this planning proposal is to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone as follows:

- Rezone Part Lot 101 DP 1074572 from R1 General Residential and RE2 Private Recreation to IN1 General Industrial.
- Rezone Lots 2 and 3 DP 29080 from R1 General Residential to part IN1 General Industrial and part RE2 Private Recreation to allow the development of a vehicle repair station and establishment of a zone buffer. It is understood that the owner of Lots 2 and 3 operates a mobile vehicle repair service and seeks to develop a permanent base for the business to accommodate demand.
- Rezone Part Lot 102 DP 1074572 from RE2 Private Recreation to IN1 Industrial.
The land that is the subject of this planning proposal is located on the corner of Muffett and Phillip Streets, Scone and comprises a total area of approximately 2690m². The land has a very gentle gradient, is currently vacant and cleared and adjoins existing industrial development to the north, commercial development to the south, residential land to the east and the Main Northern Railway Line to the west, on the opposite side of Muffett Street.

The land is significantly impacted by rail movements and heavy vehicle traffic accessing the Scone Industrial Area on Muffett Street and therefore residential uses of the land are undesirable. The proposed rezoning will allow more appropriate uses of the land that are in keeping with the industrial and commercial character of the area.

In order to provide a buffer between future development on the land and adjoining residential development to the east, on Philip Street, it is proposed to rezone a strip of land along the eastern boundary of Lot 3 DP 29080 from R1 General Residential to RE2 Private Recreation. This would be consistent with an existing buffer which separates the existing residential zone from the general industrial zone to the north. As the proposed zoning of the land would be consistent with the IN1 General Industrial zone to the north, the buffer immediately to the north of Lots 2 and 3 (and within Lot 101) would become redundant and is therefore proposed to be rezoned to IN1 General Industrial.

Conceptual plans have been prepared by the owners of Lots 2 and 3 DP 29080 to demonstrate how the land could be developed for the purpose of a vehicle repair station and ensure minimal impact on surrounding properties and compatibility with adjoining development and the streetscape. A copy of the conceptual plans are included in the planning proposal report provided in Attachment 1.

The proposal will have a net community benefit by providing additional employment land in a suitable location. The proposal will facilitate investment in Scone that will generate additional employment opportunities and have positive flow on effects for the local economy.

The proposal will facilitate future development that will reinvigorate and reinforce the entry to the Scone Industrial area and will reduce the potential for land use conflict by preventing future residential development in an inappropriate location.

Given the small area of land subject to the proposed rezoning, the proposal will have minimal impact on the overall supply of industrial land in Scone and other centres throughout the Upper Hunter Shire LGA.

The planning proposal is consistent with 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.

OPTIONS

1. Accept the recommendation that Council:
Report To Development & Environmental Services Committee
12 February 2019

Environmental & Community Services

(i) Support Planning Proposal 3/2018 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone from R1 General Residential and RE2 Private Recreation to IN1 General Industrial and RE2 Private Recreation.

(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 3/2018 to amend the Upper Hunter Local Environmental Plan 2013 for valid reasons.

CONSULTATION

To date, consultation has been undertaken with the Department of Planning and Environment and the registered owners of Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Philip Street and 2 Muffett Street, Scone

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, flood studies and associated management plans.

c. **Other Plans**

The Upper Hunter Land Use Strategy 2017 recognises that existing supplies of industrial lands in Scone and Aberdeen are expected to be capable of meeting demands for the next 5 years to 10 years, however some rationalisation of established industrial areas in both towns would improve interfaces to growing residential areas. In this regard, the proposal will rationalise land on the interface of an established industrial area to minimise potential land use conflict and ensure that future development is compatible with the character of the area. In this regard, it is considered that IN1 General Industrial is the most appropriate zoning for the subject land given the nature of surrounding development and its proximity to the Main Northern Railway line and the entry to the Scone Industrial Area.

Furthermore, the proposal is consistent with the objective of Strategic Direction 1.4: Urban employment lands and centres which is to provide an adequate supply of industrial land to meet demand for development and facilitate employment opportunities. In this regard, the proposal will increase available employment lands in an appropriate location within Scone.

**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.

RECOMMENDATION

That Council:
1. Support Planning Proposal 3/2018 to amend the Upper Hunter Local Environmental Plan 2013 to rezone Part Lots 101 and 102 DP 1074572 and Lots 2 and 3 DP 29080, 2-4 Phillip Street and 2 Muffett Street, Scone from R1 General Residential and RE2 Private Recreation to IN1 General Industrial and RE2 Private Recreation.
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.

Moved:  Cr Campbell          Seconded:  Cr Fisher

The DIVISION was taken and the names of the Councillors voting FOR and AGAINST were as follows:

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<th>FOR</th>
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<tbody>
<tr>
<td>Councillor Campbell</td>
<td>Councillor Abbott</td>
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<td>Councillor Fisher</td>
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COUNCILLOR QUESTIONS:

Cr Abbott

In relation to the referral of the Dartbrook Coal Mine modification to the Independent Planning Commission, Cr Abbott reiterated that she is vehemently opposed to mining in the shire and trusts that Council will make representations to the Commission affirming its opposition to the resumption of operations at Dartbrook Mine. M Pringle confirmed that Council is meeting with the Commission on the 4th March and will reiterate Council's concerns with the modification application.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10.50AM.