

MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 10 MARCH 2020 IN THE BARRY ROSE ROOM COMMENCING AT 10.00am

PRESENT:

Cr Ron Campbell (Acting Chair), Cr Sue Abbott, and Cr Lee Watts.

APOLOGIES:

Cr Kiwa Fisher

IN ATTENDANCE:

Mr Mathew Pringle (Director Environmental & Community Services), Karen Fulljames, Kay Stein, Miss Laura Conway (Minutes).

ADOPTION OF MINUTES:

Development & Environmental Services Committee held on 11 February 2020.

Moved: Cr Abbott

Seconded: Cr Campbell

CARRIED

APPOINTMENT OF CHAIR:

The Committee nominated Cr Ron Campbell as acting chair in Cr Kiwa Fisher's absence.

Moved: Cr Watts

Seconded: Cr Campbell

CARRIED

DECLARATIONS OF INTEREST:

Nil.

PUBLIC PARTICIPATION:

DESC.03.1 Development Application No. 161/2019 Billboard Sign

K. Stein was present at the meeting to address any questions the committee may have in relation to DA 161/2019. No questions were asked of K. Stein.

BUISNESS ITEM:

DESC.03.1 Development Application No. 161/2019 Billboard Sign

The Director Environmental & Community Services provided an overview of the proposed development. The Director stated that the proposal is non-compliant with the Upper Hunter Shire Development Control Plan (DCP), as the maximum number of signs per lot for the rural areas should be no more than 2 post supported signs. The land containing Sign 2 already contains three other signs. Both Sign 1 and Sign 2 do not comply with the DCP as they exceed the maximum height of 2m and signage area of 3m². Both signs have a proposed height of 4.4m and an area of 9.25m². The Director stated that the proposed height and area of both signs is typical of billboard signage and will not have a significant impact on the visual amenity of the area. The DCP seems to be overly restrictive in this regard and is currently being reviewed.

The Director stated that no submissions were received during the public notification period.

The Committee raised no concerns with the proposal and unanimously supported the application.

DESC.03.2 Development Application No. 18/2020 Billboard Sign

The Director Environmental & Community Services provided a brief overview of the proposed development. The Director stated that the proposed sign is non-compliant with the Upper Hunter Development Control Plan (DCP) as it exceeds the maximum height of 2m and area of 3m². The proposed height of the sign is 3.8m and proposed area is 8m².

The Director stated that no submissions were received during the public notification period.

Cr Abbott raised concerns that trees within the vicinity of the proposed sign may need to be removed. The Director stated that the application and assessment did not include any information suggesting that trees needed to be removed to accommodate the proposed sign. A condition of consent was recommended to prevent the removal of any trees.

COUNCILLOR QUESTIONS:

Cr Abbott posed a question on behalf of Karen Fulljames regarding the Local Strategic Planning Statement 2019 currently on public exhibition and requested the approval of the Chair for Ms Fulljames to address the committee. Ms Fulljames expressed her concerns with a number of mapping anomalies and omissions and the fact that preliminary investigation areas have been identified in the document despite not being endorsed. The Director provided a response to the concerns raised and advised Ms Fulljames to make a written submission in respect of the draft document whilst it was on public exhibition.

Cr Watts asked for an update on the proposed Service Station in Murrurundi. The Director stated that there is currently no update at this time.

Cr Abbott asked for an update on the proposed service station for Merriwa. The Director advised that the application would be reported to the March Council meeting for determination.

Meeting closed at 10.40am.



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DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DEVELOPMENT APPLICATION NO. 161/2019 - BILLBOARD SIGN

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 23 December 2019 Council received Development Application No. 161/2019 for two Billboard Signs on Lot 11 DP 1139461 and Lot 55 DP 5949 New England Highway Scone. The application is being referred to Council because the proposal does not fully comply with the Upper Hunter Development Control Plan 2015.

RECOMMENDATION

That Council approve Development Application No. 161/2019 for a billboard sign on Lot 11 DP 1139461 and a billboard sign on Lot 55 DP 5949 New England Highway Scone, subject to the conditions of consent in Attachment 1.

BACKGROUND

Applicant: K Stein
Owner(s): E P and S M Faulkner (Site 1) and Patrick Marshall (Site 2)
Proposal: Two Billboard Signs
Location: Lot 11 DP 1139461 (Site 1) and Lot 55 DP 5949 (Site 2), New England Highway Scone
Zone: RU4 Primary Production Small Holdings

Development Application No. 161/2019 for two roadside billboard signs was lodged with Council on 23 December 2019.

REPORT/PROPOSAL

The development application relates to two separate sites. Site 1 (Sign 1) is 46ha rural lot with an approximate 817m frontage to the New England Highway. It is located approximately 7.3km south of Scone. Site 2 (Sign 2) is 18ha with an approximate 503m frontage to the New England Highway. It is located approximately 4.3km north of Scone. The development application proposes to erect 4.4m high x 3.7m wide illuminated (LED solar) business identification signs with a display area of 9.25m² on each lot. Refer to Attachment 2.

The Upper Hunter Development Control Plan 2015 (Part 8b) establishes that the maximum number of signs per lot for the rural areas should be no more than 2 post supported signs. The land containing Site 2 already has three other post supported signs. In this regard the development does not comply. However, the proposed sign on this lot (Sign 2) is sited at a distance of approximately 260m north of the first existing sign and as such does not adversely impact on the landscape by way of causing clutter.

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The Upper Hunter Development Control Plan 2015 also requires that post supported signs in rural areas not exceed 3m² and have a maximum height of 2m. Both Sign 1 and Sign 2 have an area of 9.25m² and a height of 4.4m and as such does not comply. However, the area and height as proposed is consistent with other signage on the land and along the New England Highway corridor. It does not have an overbearing impact on the landscape.

OPTIONS

1. That Council approve Development Application No. 161/2019 for a billboard sign on Lot 11 DP 1139461 and a billboard sign on Lot 55 DP 5949 New England Highway Scone, subject to the conditions of consent in Attachment 1.
2. That Council refuse Development Application No. 161/2019 for a billboard sign on Lot 11 DP 1139461 and a billboard sign on Lot 55 DP 5949 New England Highway Scone, stating the reasons for refusal.

CONSULTATION

Surrounding properties were notified of the development proposal between 15 January 2020 to 30 January 2020. An advertisement was placed in the Hunter Valley News on 15 January 2020. No submissions were received by Council.

STRATEGIC LINKS

a. Community Strategic Plan 2027

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

Goal 3 Protect the natural environment

Goal 5 A sustainable and prosperous economy

We are working to achieve the following Community Priorities:



A stronger economic base to attract and retain residents, particularly our young people.



Protect the natural environment.

b. Delivery Program

Provide efficient and effective advisory, assessment and regulatory services focused on being Customer 'friendly', responsive and environmentally responsible.

c. Other Plans

Nil



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IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development application fees of \$110 have been paid.

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 Attachment 3).

d. Risk Implications

Council determinations of development applications and modifications 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 application.

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

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

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent for the following reasons:

- The proposal is consistent with the objectives of the RU4 Primary Production Small Lots zone pursuant to the Upper Hunter Local Environmental Plan 2013.
- The proposal is consistent with the objectives, Clause 15 and the Assessment Criteria in State Environmental Planning Policy No. 64 – Advertising and Signage.
- The development mostly satisfies the Upper Hunter Development Control Plan 2015, and the variations in relation to the number of signs on the land (being more than two), the height of the signs (greater than 2m) and area (greater than 3m² are considered



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minor and acceptable.

- Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is unlikely to have any adverse impacts that cannot be addressed through conditions of consent.
- Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is suitable for the development.
- Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 the development is in the public interest.

RECOMMENDATION:

That Council approve Development Application No. 161/2019 for a billboard sign on Lot 11 DP 1139461 and a billboard sign on Lot 55 DP 5949 New England Highway Scone, subject to the conditions of consent in Attachment 1.

Moved: L Watts

Seconded: S Abbott

CARRIED



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DESC.03.2 *DEVELOPMENT APPLICATION NO. 18/2020 - BILLBOARD SIGN*

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 5 February 2020 Council received Development Application No. 18/2020 for a Billboard Sign on Lot 3 DP 827219, No. 2982 New England Highway Scone. The application is being referred to Council because it does not fully comply with the Upper Hunter Development Control Plan 2015.

RECOMMENDATION

That Council approve Development Application No. 18/2020 for a Billboard Sign on Lot 3 DP 827219, No. 2982 New England Highway Scone, subject to the conditions of consent in Attachment 1.

BACKGROUND

Applicant: D Zammit (C/ KDC Pty Ltd)
Owner: J L Marshall
Proposal: Billboard Sign
Location: Lot 3 DP 827219, No. 2982 New England Highway Scone
Zone: RU4 Primary Production Small Holdings

Development Application No. 18/2020 for a roadside billboard sign was lodged with Council on 5 February 2020.

REPORT/PROPOSAL

The site is within a 16.28ha rural allotment with an approximate 450m frontage to the New England Highway (approximately 3km north of Scone). The development application seeks to erect a 2m x 4m sign (McDonalds restaurant sign) with an overall height of 3.8m (including the supporting structure). It is sited approximately 360m from the northern boundary of the property, 90m from the southern boundary and adjoins the western (New England Highway) boundary.

The Upper Hunter Development Control Plan 2015 requires that post supported signs in rural areas not exceed 3m² and have a maximum height of 2m. The proposed sign has an area of 8m² and a height of 3.8m and as such does not comply. However, the area and height as proposed is consistent with other signage on land along the New England Highway corridor and does not have an overbearing impact on the landscape.

OPTIONS

1. That Council approve Development Application No. 18/2020 for a Billboard Sign on Lot 3 DP 827219, No. 2982 New England Highway Scone, subject to the conditions of consent in Attachment 1.

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2. That Council refuse Development Application No. 18/2020 for a Billboard Sign on Lot 3 DP 827219, No. 2982 New England Highway Scone, stating the reasons for refusal.

CONSULTATION

Surrounding properties were notified of the development proposal between 19 February 2020 to 4 February 2020. An advertisement was placed in the Hunter Valley News on 19 February 2020. No submissions were received by Council.

STRATEGIC LINKS

a. Community Strategic Plan 2027

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

Goal 3 Protect the natural environment

Goal 5 A sustainable and prosperous economy

We are working to achieve the following Community Priorities:



A stronger economic base to attract and retain residents, particularly our young people.



Protect the natural environment.

b. Delivery Program

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

Development application fees of \$110 have been paid.

c. Legislative Implications



Environmental & Community Services

An assessment of the development application has been undertaken pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979* (see Attachment 3).

d. Risk Implications

Council determinations of development applications and modifications 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 application.

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

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

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent for the following reasons:

- The proposal is consistent with the objectives of the RU4 Primary Production Small Lots zone pursuant to the Upper Hunter Local Environmental Plan 2013.
- The proposal is consistent with the objectives, Clause 15 and the Assessment Criteria in State Environmental Planning Policy No. 64 – Advertising and Signage
- The development mostly satisfies the Upper Hunter Development Control Plan 2015, and the variations in relation to the sign height (greater than 2m) and area (greater than 3 are considered minor and acceptable.
- Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is unlikely to have any adverse impacts that cannot be addressed through conditions of consent.
- Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is suitable for the development.
- Pursuant to Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979 the development is in the public interest.



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RECOMMENDATION

That Council approve Development Application No. 18/2020 for a Billboard Sign on Lot 3 DP 827219, No. 2982 New England Highway Scone, subject to the conditions of consent in Attachment 1 including the addition of Condition No. 9 as follows:

9. No approval is given or implied for the removal of any trees.

Moved: Cr Abbott

Seconded: Cr Campbell

CARRIED