PRESENT:
Cr Deirdre Peebles, Cr Kiwa Fisher.

APOLOGIES:
Cr Lee Watts, Cr Peter Bishop.

IN ATTENDANCE:
Cr Maurice Collison, Cr Ron Campbell, Mr Mat Pringle (Director Environmental Services), Paul Smith, Emily Riley, Madeline Kelaher, Allan Eather, Matt Downie, John Pratley, Brett Hails, David Read, David Casson, Judith Wheeler, Paul Smart, Graham Feeney, Chris Chappell.

DECLARATIONS OF INTEREST:
Nil

PUBLIC PARTICIPATION:
In relation to item DESC.04.1, Mr Matt Downie spoke in support of the application on behalf of the land owner, Strathearn Village. Mr Downie submitted that a variation to Council’s building alignment policy should be supported by the Committee to allow part of a proposed car port to extend forward of the established building line. Mr Downie asserted that the non-compliance was minor, is unlikely to set a precedent due to the nature of the development on the site and has not been the subject of any objections by neighbouring residents. In addition, Mr Downie stated that it was necessary for all car parking spaces to be covered for the welfare and convenience of residents.

The applicant, Mr Allan Eather, also spoke briefly in support of the application reiterating the comments made by Mr Downie and pointing out that there is a pergola type structure attached to the front of the dwelling on the opposite side of Susan Street which is forward of the building line.

The issues raised by Mr Downie and Mr Eather were considered and responded to by the Committee and the Director of Environmental Services.

In relation to item DESC.04.2, Mr David Casson indicated that he was satisfied with the recommendation and conditions of consent. Mr Casson did raise an issue with the need for all applications which receive a submission to be reported to the Development and Environmental Services Committee and Council irrespective of the relevance of the submission. Mr Casson suggested that delegations should be reviewed so that submissions raising irrelevant or trivial issues should not require referral of the application to the Development and Environmental Services Committee and Council. The Committee responded by stating that it was important for Councillors to consider all community representations and therefore the current arrangements should remain in place.

In relation to item DESC.04.3, Mr John Pratley spoke in support of the application in principle, however, raised concerns in relation to ongoing traffic management issues in Hill Street particularly with respect to unsatisfactory parking arrangements, pedestrian safety and the impacts of school related traffic on the amenity and privacy of his property. Mr Pratley circulated photographs showing vehicles parked in front of his property in Hill Street that were obstructing sightlines from his driveway and stated that this was an ongoing issue that needed to be addressed.

Mr Pratley also raised concerns in relation to noise impacts associated with students arriving to catch the bus in front of his property for early morning school excursions.

Mr Paul Smart, principal of Scone Grammar School, addressed the Committee and responded to the issues raised by Mr Pratley. Mr Smart advised that the school worked very hard on educating
students and parents about traffic safety and parking issues. He indicated that he would continue to educate parents, staff and students and make them aware of Mr Pratley's concerns.

Mr Brett Hails spoke on behalf of Grammar School and advised that the proponent was currently preparing the detailed plans of the local area traffic control measures proposed under the Planning Agreement and would submit these to Council as soon as possible for the approval of the Traffic Committee under Section 138 of the Roads Act 1993.
DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

**SUBJECT:** DEVELOPMENT APPLICATION NO. 5/2014 - CONVERSION OF 2 DUPLEXES TO 2 SINGLE DWELLINGS, 1 NEW DWELLING AND CAR PORT

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental Services

**AUTHOR:** Paul Smith - Environmental Planning Officer

**SUMMARY**

On 13 January 2014 Council received Development Application No. 5/2014 for the conversion of two duplexes into two single dwellings and the erection of a new single dwelling and three carports.

The development application is being referred to the Development and Environmental Services Committee because the proposed 18m x 6m carport does not comply with Council’s Building Alignment Policy.

**RECOMMENDATION**

That Council partially approves Development Application No. 5/2014 for the conversion of two duplexes into two single dwellings and the erection of a new single dwelling and three carports at 174 Susan Street, Scone subject to the conditions of consent in Attachment A.

**BACKGROUND**

The subject land (Lot 22 DP 250496) has been used for the purpose of a retirement village by Strathearn. There are eight existing buildings on the lot. Strathearn has been progressively redeveloping the site by converting the existing duplexes into single dwellings (approved under DA 231/2010 and DA 207/2011) and constructing an additional dwelling (approved under DA 232/2010). In effect the combined developments will reduce the number of individual dwellings from 14 to 9, while increasing the footprint of the built area.

**REPORT/PROPOSAL**

The development proposes the conversion of two duplexes into two single dwellings and the erection of a new single dwelling and three carports, measuring 18.09m x 6m, 6m x 3m and 6m x3m. In addition, providing uncovered off-street parking spaces are proposed to the front of proposed Unit 2 and existing Unit 3.

The proposed 18.09m x 6m carport will replace an existing smaller carport. This carport will be located 4m from the front boundary and forward of the building line of proposed Unit 2 and existing Unit 3.

The development overall provides residential accommodation facilities for the aged. The development has the potential to adversely impact on the existing built environment through the proposed portion of the carport that is forward of the building line of the adjoining dwelling on Lot 21 DP250496, No 172 Susan Street.
OPTIONS

1. That Council partially approves Development Application No. 5/2014 for the conversion of two duplexes into two single dwellings and the erection of a new single dwelling and three carports at 174 Susan Street Scone, subject to the conditions of consent in Attachment A. This is the preferred option.

2. That Council approves Development Application No. 5/2014 for the conversion of two duplexes into two single dwellings and the erection of a new single dwelling and three carports at 174 Susan Street, Scone subject to the conditions of consent in Attachment A, and allowing part of the proposed 18.09m x 6m carport to be located forward of the building line.

3. That Council refuses Development Application No. 5/2014 for the conversion of two duplexes into two single dwellings and the erection of a new single dwelling and three carports at 174 Susan Street, Scone at 174 Susan Street, stating the reasons for refusal.

CONSULTATION

Surrounding properties were notified of the development proposal between 27 February 2014 and 13 March 2014. An advertisement was placed in the Scone Advocate on 27 February 2014.

No submissions were received.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The Community Strategic Plan 2013+ identifies the community vision for the Local Government Area through the identification of priorities and aspirations for the future. This is done through four key focus areas. Of relevance to this development are: Key Focus Area 1: Support families, the disadvantaged, children, young people and the aged for an equitable and caring community and Key Focus Area 3: Protect the natural and built environment and plan for a sustainable future for our Shire and our planet.

b. Delivery Program

The development relates to the Community Strategic Objective “Facilitate and provide for a growing population, including for example, affordable housing, community amenities, health and welfare services”. This development proposal helps to facilitate affordable residential accommodation for senior citizens.

c. Other Plans

Nil
**IMPLICATIONS**

a. **Policy and Procedural Implications**

Council's Policy for Building Alignments is applicable. The policy requires that in residential areas buildings are setback 7.5 metres from the primary frontage. The development application proposes that the 18m x 6m carport be setback 4 metres from the primary frontage. In this regard, the development proposal does not comply with Council’s Policy for Building Alignments.

b. **Financial Implications**

Development application and other fees of $204 have been paid.

c. **Legislative Implications**

The land is within the R1 General Residential Zone pursuant to the Upper Hunter Local Environmental Plan 2013. The development is permissible with consent in this zone.

The development application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 (Attachment B). It has been identified that the proposed 18m x 6m carport is likely to have an adverse impact on the streetscape as it will be sited 4 metres from the front boundary and forward of the building line of the adjoining dwelling at Lot 21 DP 250496, No 172 Susan Street, Scone.

Section 80(4)(b) of Environmental Planning and Assessment Act 1979 allows for the granting of partial consent. It is therefore possible for consent to be granted except for a specified part or aspect of that development. In this case Council would be approving the development as proposed except for the portion of the carport that is forward of the front building line of the adjoining dwelling.

d. **Risk Implications**

The development application is for local advertised development. The applicant can appeal Council’s determination in the Land and Environment Court.

Council determinations of development applications in relation to local advertised 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 that a third party legal appeal could be initiated in relation to this development application.

e. **Other Implications**

The erection of carports and other outbuildings forward of the front building line is undesirable from a planning perspective as it can lead to parking structures becoming a dominant feature of the streetscape and can adversely impact the visual amenity of surrounding properties. The
proposed carport if approved has the potential to adversely impact on the streetscape and set a precedent for the approval of similar structures forward of the building line.

CONCLUSION

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2008. While there may be benefits for the residents of the retirement village, there are concerns about the detrimental impact of the proposed 18.09m x 6m carport on the streetscape and its potential to set a precedent for similar structures. Accordingly, it is recommended that no approval is given for that part of the carport forward of the building line. Notwithstanding this structure may be appropriate for providing shade and shelter for the comfort and well-being of the residents of Strathearn Village.

The remainder of 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 partially approved subject to appropriate conditions of consent.

ENCLOSURES

1. Attachment A – Recommended Conditions of Consent
2. Attachment B - DA 5/2014 - Assessment - Section 79c

RECOMMENDATION TO COUNCIL: That Council partially approves Development Application No. 5/2014 for the conversion of two duplexes into two single dwellings and the erection of a new single dwelling and three carports. at 174 Susan Street, Scone subject to the conditions of consent in Attachment A.

Moved: K Fisher Seconded: D Peebles CARRIED
SUBJECT: DEVELOPMENT APPLICATION NO. 21/2014 DEMOLITION OF GARAGE AND SUBDIVISION OF ONE LOT INTO THREE LOTS

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental Services

AUTHOR: Paul Smith - Environmental Planning Officer

SUMMARY

On 7 February 2014 Council received Development Application No. 26/2014 for the demolition of a garage and subdivision of 1 lot into 3 lots at 44-46 Kelly Street Scone.

The development application is being referred to the Development and Environmental Services Committee because one submission was received objecting to the subdivision on the grounds that it is undesirable to have higher density lots in this part of Scone.

RECOMMENDATION

That Council approves Development Application No. 26/2014 for the demolition of a garage and subdivision of 1 lot into 3 lots at 44-46 Kelly Street, Scone subject to the conditions of consent in Attachment A.

BACKGROUND

The subject land has been used for residential purposes for at least 50 years. There is an existing dwelling and two garages on the land. A previous development application was submitted (DA 107/2013) for the subdivision, however the proposal at the time did not comply with the minimum lot size requirements of 650m² (for residential lots) and 1,000m² (for “battle-axe” lots) under the Scone Local Environmental Plan 1986. The application was subsequently withdrawn.

REPORT/PROPOSAL

The development application proposes the demolition of a garage and subdivision of 1 lot into 3 lots.

The development site is a 2,348m² residential allotment with a 48m frontage to Kelly Street. There is an existing dwelling and two sheds on the land. The subdivision proposes to subdivide the land to create three residential allotments with areas of 850m² (proposed Lot 10), 632m² (proposed Lot 11) and 865m² (proposed Lot 12). There are two existing garages on the land, one of which will be demolished to facilitate the creation of the boundary between proposed Lots 10 and 11. It is proposed that Lot 10 will be accessed via a 6.14m wide access corridor. Access to all lots will be direct from Kelly Street.

A plan of the proposed subdivision is provided in Attachment 1 of the Planning Assessment Report (In Attachment B)
OPTIONS

1. That Council approves Development Application No. 26/2014 for the demolition of a garage and subdivision of 1 lot into 3 lots at 44-46 Kelly Street, Scone subject to the conditions of consent in Attachment A.

2. That Council refuses Development Application No. 26/2014 for the demolition of a garage and subdivision of 1 lot into 3 lots at 44-46 Kelly Street, Scone stating the reasons for the refusal.

3. That Council defers Development Application No. 26/2014 for the demolition of a garage and subdivision of 1 lot into 3 lots at 44-46 Kelly Street, Scone subject to the submission of further information.

CONSULTATION

Surrounding properties were notified of the development proposal between 13 February 2014 and 27 February 2014. An advertisement was placed in the Scone Advocate on 13 February 2014.

One submission was received objecting to the subdivision. The reasons for the objection are that the creation of these small lots is not appropriate for a rural town such as Scone.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The Community Strategic Plan 2013+ identifies the community vision for the Local Government Area through the identification of priorities and aspirations for the future. This is done through four key focus areas. Of relevance to this development are Key Focus Area 3: Protect the natural and built environment and plan for a sustainable future for our Shire and our planet; and Key Focus Area 5: Enhance economic and employment opportunities and promote growth for a sustainable, vibrant future.

The development provides additional housing opportunities for Scone while not adversely effecting the built environment or natural environment.

b. Delivery Program

The development relates to the Community Strategic Objective “Facilitate and provide for a growing population, including, for example, affordable housing, community amenities, health and welfare amenities.

c. Other Plans

Nil
**IMPLICATIONS**

a. **Policy and Procedural Implications**

Nil

b. **Financial Implications**

Development application and notification fees of $551 have been paid.

c. **Legislative Implications**

The land is within the R1 General Residential Zone pursuant to the Upper Hunter Local Environmental Plan 2013. The development is permissible with consent in this zone. The minimum lot size (according to the Lot Size Map) in this location is 600m2 – in this regard the proposed lots comply with the minimum lot size requirement.

The development application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act 1979 (Attachment B).

d. **Risk Implications**

The development application is for local advertised development. The applicant can appeal Council’s determination in the Land and Environment Court.

Council determinations of development applications in relation to local advertised 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 that a third party legal appeal could be initiated in relation to this development application.

e. **Other Implications**

The demolition of the garage has the potential to generate dust and waste material (including waste containing asbestos). The proposed subdivision is likely to alter the traffic arrangements at this part of Kelly Street. The development application was referred to the NSW Roads and Maritime Services which responded on 20 February 2014 raising no objection to the development subject to construction of driveways to each of the proposed lots. These requirements have been incorporated as conditions of consent.
CONCLUSION

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2008.

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.

ENCLOSURES

1  Attachment A – Recommended Conditions of Consent DA 21/2014
2  Attachment B DA 21/2014 Planning Assessment Report

RECOMMENDATION TO COUNCIL: That Council approves Development Application No. 26/2014 for the demolition of a garage and subdivision of 1 lot into 3 lots at 44-46 Kelly Street, Scone subject to the conditions of consent in Attachment A.

Moved: K Fisher  Seconded: D Peebles  CARRIED
SUBJECT: DEVELOPMENT APPLICATION NO. 10/2014 - ALTERATIONS AND ADDITIONS TO SCONE GRAMMAR SCHOOL

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental Services

AUTHOR: Mathew Pringle - Director Environmental Services

cSUMMARY

On 23 January 2014, Council received Development Application No. 10/2014 for alterations and additions to Scone Grammar School incorporating new teaching and learning spaces, administration and staff facilities and expanded library at Lots 21 to 25 DP 239808, Lots 71 & 72 DP 623368 and Lots 5 & 6 DP 758898, 60 Kingdon Street, Scone.

The application is being reported to the Development and Environmental Services Committee due to non-compliances with the Upper Hunter LEP 2013 and as two (2) submissions have been received following notification of the application.

RECOMMENDATION

That Council:

1. Approve Development Application No. 10/2014 for alterations and additions to Scone Grammar School incorporating new teaching and learning spaces, administration and staff facilities and expanded library at Lots 21 to 25 DP 239808, Lots 71 & 72 DP 623368 and Lots 5 & 6 DP 758898, 60 Kingdon Street, Scone subject to the conditions of consent in Attachment A.

2. Place the draft planning agreement on public exhibition for a period of 28 days.

3. Delegate authority to the General Manager to execute the planning agreement on behalf of Council subject to no submissions being received.

BACKGROUND

Application No: DA 10/2014
Applicant: Caverstock Group Pty Ltd
Owner: St Lukes Scone Grammar School
Proposal: Alterations and additions to Scone Grammar School.
Location: Lots 21 to 25 DP 239808, Lots 71 & 72 DP 623368 and Lots 5 & 6 DP 758898, 60 Kingdon Street, Scone
Lodged: 23 January 2014
Zone: R1 General Residential

Council’s records show that numerous development applications have previously been approved by Council for various facilities and buildings within the school grounds. The most recent application being DA 11/2012 for the erection of a trade training centre.

Other developments within the school have been undertaken as exempt or complying development under State Environmental Planning Policy (Infrastructure) 2007.
A Complying Development Certificate application for the current proposal (the subject of this report) was lodged with Council on 10 December 2013. The application was subsequently withdrawn by the applicant on the advice of Council staff as the proposal could not be considered as Complying Development due to a local heritage item being located on the land.

**REPORT/PROPOSAL**

The proposed development involves the demolition of an existing dwelling, administration building, demountable buildings and car park; removal of trees; alterations and additions to existing school buildings; erection of a two (2) storey building comprising classrooms, administration offices and library extensions; construction of a new car park, stormwater and sewage infrastructure and provision of landscaping and fencing.

The two storey building incorporates covered walkways and verandahs, an accessible lift together with student and staff amenities.

The proposed car park will provide 19 car parking spaces, including an accessible space and two bus parking spaces.

Plans of the proposal are provided in Attachment 3.

A detailed assessment of the proposal against Section 79C of the Environmental Planning and Assessment Act 1979 is provided in the planning assessment report in Attachment 1 while recommended conditions of consent are provided in Attachment 2.

The following key issues have been identified and are addressed in the planning assessment report:

1. **Non-Compliance with Building Height and Floor Space Ratio Development Standards**

   It is noted that the proposed development does not comply with Clauses 4.3 and 4.4 of the Upper Hunter LEP 2013 in relation to building height and floor space ratio. Accordingly, the application is supported by two written requests to justify the contravention of these development standards.

   It is considered that the applicant's written requests have adequately demonstrated that compliance with the height limit and maximum FSR is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify contravening the development standards. Furthermore, the proposed development will be in the public interest because it is consistent with the objectives of Clauses 4.3 and 4.4 and the objectives of the R1 zone.

   It is noted that Council can assume the Director General’s concurrence with respect to the contravention of a development standard as notified in the Department of Planning’s circular PS 08-003 dated 9 May 2008.

2. **Heritage Impacts**
The site of the proposed development is located within the West Scone Heritage Conservation Area and contains a local heritage item identified as the former St Luke’s Anglican School House under Schedule 5 of the Upper Hunter Local Environmental Plan 2013.

The site also adjoins the St Lukes Church and Rectory, on the corner of Liverpool Street and Hill Street to the north, which is also identified as a local heritage item.

Pursuant to Clause 5.10(4) of the Upper Hunter LEP 2013, it is considered that the proposed development will have minimal impact on the significance of the heritage items or conservation area and can therefore be approved. The heritage impacts of the proposal are addressed in detail in other sections of this report.

3. Planning Agreement

The applicant has submitted an offer to enter into a voluntary planning agreement in lieu of paying a developer contribution under Council’s Section 94A Plan.

The offer relates to the payment of a contribution towards local area traffic management measures including:

- Provision of a pedestrian crossing in Kingdon Street in front of the Primary School entrance and a separate crossing in Hill Street near the intersection of Hill and Kingdon Streets.
- Installation of a footpath from the western side of Kingdon Street to the Bill Rose sporting complex.
- Alterations to the existing drop off zone in Kingdon Street.
- Linemarking of parking spaces.
- Extension of bus parking bays.

Accordingly, a condition of consent is recommended requiring the applicant to enter into a planning agreement with Council in accordance with the terms of the applicants offer dated 31 March 2014 prior to the issue of any Construction Certificate. A copy of the applicant’s offer is provided in Attachment 4.

OPTIONS

1. That Council approve Development Application No. 10/2014 subject to the attached conditions of consent; place the draft planning agreement on public exhibition for a period of 28 days and delegate authority to the General Manager to execute the agreement subject to no submissions being received. This is the preferred option.

2. That Council approve Development Application No. 10/2014 subject to the attached conditions of consent (with the exception of Condition No. 4); not accept the applicant’s offer to enter into a planning agreement and impose a condition of consent requiring the payment of a contribution in accordance with Council’s Section 94A Plan.

3. That Council refuse Development Application No. 10/2014 stating the reasons for refusal and not enter into the planning agreement.
4. That Council defer Development Application No. 10/2014 stating the additional information required for a determination.

**CONSULTATION**

Surrounding properties were notified of the development between 30 January 2014 and 13 February 2014. An advertisement was placed in the Scone Advocate on 30 January 2014.

Two (2) submissions were received by Council. The issues raised in the submissions are addressed in the attached report.

The application was assessed by Council's Heritage Advisor, Technical Services and Water and Waste Departments as satisfactory subject to appropriate conditions of consent.

**STRATEGIC LINKS**

a. **Community Strategic Plan 2013+**

The proposed development is consistent with the Key Focus Areas and Aspiration Goals 2, 3 and 5 of the Community Strategic Plan: “(2) Promote wellbeing, through health, education, recreation and culture for a healthy, vibrant and fulfilling life for our community; (3) Protect the natural and built environment and plan for a sustainable future for our Shire and our planet; (5) Enhance economic and employment opportunities and promote development”.

b. **Delivery Program**

Assessment of the application is in accordance with the Community Strategic Objectives for town planning: “Facilitate and provide for a growing population, including for example, affordable housing, community amenities, health and welfare services”.

c. **Other Plans**

NIL.

**IMPLICATIONS**

a. **Policy and Procedural Implications**

A detailed assessment of the application against relevant Council policies is provided in the attached report.

b. **Financial Implications**

Development application and other relevant fees totaling $14,754.00 have been paid by the applicant.

c. **Legislative Implications**

An assessment of the development application has been undertaken pursuant to Section 79C 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.

e. Other Implications

There are no other implications of granting approval to the application.

CONCLUSION

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No. 55 Remediation of Land, State Environmental Planning Policy (Infrastructure) 2007, Upper Hunter Local Environmental Plan 2013 and relevant Development Control Plans, Codes and Policies.

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.

ENCLOSURES

1. Planning Assessment Report
2. Recommended Conditions of Consent
3. Development Application Drawings
4. Planning Agreement Offer

RECOMMENDATION TO COUNCIL:

1. Approve Development Application No. 10/2014 for alterations and additions to Scone Grammar School incorporating new teaching and learning spaces, administration and staff facilities and expanded library at Lots 21 to 25 DP 239808, Lots 71 & 72 DP 623368 and Lots 5 & 6 DP 758898, 60 Kingdon Street, Scone subject to the conditions of consent in Attachment A.

2. Place the draft planning agreement on public exhibition for a period of 28 days.

3. Delegate authority to the General Manager to execute the planning agreement on behalf of Council subject to no submissions being received.

Moved: K Fisher Seconded: D Peebles CARRIED