

MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 10 JUNE 2014 AT THE BARRY ROSE COMMITTEE ROOM COMMENCING AT 10.07am

PRESENT:

Cr Kiwa Fisher (Chair), Cr Peter Bishop, Cr Deirdre Peebles, Cr Lee Watts.

APOLOGIES:

Nil

IN ATTENDANCE:

Cr Wayne Bedggood, Cr Maurice Collison, Cr Ron Campbell, Mr Mat Pringle (Director Environmental Services), Ms Emily Riley, Ms Madeline Kelaher.

DECLARATIONS OF INTEREST:

Nil

PUBLIC PARTICIPATION:

Nil

SUBJECT: *DEVELOPMENT APPLICATION NO 34/2014 - CONVERSION OF DWELLING INTO PRE-SCHOOL*

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental Services

AUTHOR: Paul Smith - Environmental Planning Officer

PURPOSE

On 28 February 2014, Council received Development Application No. 34/2014 for the conversion of an existing dwelling into a pre-school at Lot 37 DP 786151, No. 69 Liverpool Street Scone.

The application is being referred to Council because two submissions have been received raising concerns about traffic generation and the lack of off-street car parking.

RECOMMENDATION

That Council approve Development Application No. 34/2014 for the conversion of an existing dwelling into a pre-school at Lot 37 DP 786151, No. 69 Liverpool Street Scone, subject to the conditions of consent in Attachment 2.

BACKGROUND

Application No: DA 34/2014
Applicant: Gardner Wetherill and Associates
Owner: B D Parry-Okeden
Proposal: Conversion of Dwelling into Pre-school
Location: Lot 37 DP 786151
Lodged: 28 February 2014
Zone: R1 General Residential

The development site is a 1,143m² residential allotment with a 20m frontage to Liverpool Street. The site is occupied by an existing dwelling and is located within the R1 General Residential Zone and the Scone West Heritage Conservation Area under the Upper Hunter Local Environmental Plan 2013.

The development application originally proposed limited off-street parking and did not comply with the Council's Code for Off-street Parking. In response to concerns raised by Council staff and in the submissions, the development application was amended to incorporate an off-street parking area for up to 10 vehicles as required by the Code. The proposed car park is to be located to the rear of No 67 Liverpool Street and accessed via a proposed right of carriageway through No. 88 Aberdeen Street.

REPORT/PROPOSAL

The application proposes a change of use to the existing dwelling to create a preschool to accommodate 40 children at Lot 37 DP 786151, 69 Liverpool Street Scone. The site area is approximately 1,143m² with a frontage of 20 metres to Liverpool Street. The proposal involves the adaptive re-use of the existing dwelling house, demolition of the sheds, carport and shade houses at the rear of the property, interior alterations including the demolition of walls and new amenities, minor exterior alterations and site works. Hours of operation proposed for the centre are 7:00am to 7:00pm Monday to Friday for approximately 40 weeks of the year.

A detailed assessment of the proposal against Section 79C of the Environmental Planning and Assessment Act 1979 is provided in Attachment 1 while plans of the proposed development are provided in Attachment 3.

OPTIONS

1. That Council approve Development Application No. 34/2014 for the conversion of an existing dwelling into a pre-school at Lot 37 DP 786151, No. 69 Liverpool Street Scone, subject to the conditions of consent in Attachment 1 and any further submissions being addressed.
2. That Council refuse Development Application No. 34/2014 for the conversion of an existing dwelling into a pre-school at Lot 37 DP 786151, No. 69 Liverpool Street Scone, stating the reasons for the refusal.

CONSULTATION

Surrounding properties were notified of the development proposal between 6 March 2014 and 22 April 2014. An advertisement was placed in the Scone Advocate on 6 March 2014. Residents along Liverpool Street, between Aberdeen Street and Hill Street were also notified and given until the 22 April 2014 to make a submission. Two submissions were received raising issues about traffic and parking (provided in Attachments 4 and 5). These issues are addressed in the attached planning report.

Surrounding properties were notified and provided with a copy of the plans relating to the proposed access driveway and car park on 2 June 2014. Notified residents have been given until 16 June 2014 to provide a response. At the time of writing this report, no submissions had been received in respect of the proposed car park and driveway.

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*.

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 (Attachment 2).

b. Financial Implications

Development application and other fees totalling \$1243.72 have been paid.

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 Attachment 2). 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, 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.

RECOMMENDATION TO COUNCIL

That Council:

- 1. Approve Development Application No. 34/2014 for the conversion of an existing dwelling into a pre-school at Lot 37 DP 786151, No. 69 Liverpool Street Scone, subject to the conditions of consent in Attachment 2.**
- 2. Request the Works and Technical Services Committee and/or Traffic Committee to investigate the establishment of School Zones on the roads in front of Council's Early Learning Centre, the Scone & District Pre-school and the proposed Pre-school at 69 Liverpool Street, Scone.**

Moved: L Watts

Seconded: K Fisher

CARRIED

Meeting concluded at 10.25am