
Environmental & Community Services Committee Agenda

11 July 2023 at 10.30am

A Quality Rural Lifestyle - in a vibrant, caring and sustainable community





Environmental & Community Services

To All Councillors

You are hereby notified that the next meeting of the Environmental & Community Services Committee will be held on **11 July 2023** in the Council Chambers, Scone at **10.30am**, for the purpose of transacting the undermentioned business.

This meeting will be audio recorded and those in attendance should refrain from making any defamatory statements.

There are to be no other recordings of this meeting without the prior authorisation of the committee.

The Environmental & Community Services Committee consists of

Cr Lee Watts (chairperson), Cr Elizabeth Flaherty, Cr Allison McPhee and Cr Ron Campbell.

**GREG MCDONALD
GENERAL MANAGER**

1. ACKNOWLEDGEMENT OF COUNTRY
 2. APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK
 3. APOLOGIES
 4. DISCLOSURES OF INTEREST
 5. PUBLIC PARTICIPATION
 6. SITE INSPECTIONS - NIL
 7. BUSINESS ITEMS
- DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS3**
- ECSC.07.1 DEVELOPMENT APPLICATION No. 184/2022 - ALTERATIONS AND ADDITIONS TO EXISTING CHILD CARE FACILITY3

Environmental & Community Services

2. Off-street Parking - The applicant advises that three additional staff will be employed as a result of the additional facilities. Based on the plan, the additional room would provide space for an additional 20 children. In this regard, 4 additional off-street parking spaces will be required. There is insufficient space on the site for off-street parking, however, the historical use of the development has involved on-street parking associated with dropping off and picking up. In addition, the car park of the adjoining Senior Citizens hall owned by Council is used for informal, short term parking and for pick-up/drop-off of children. Accordingly, the shortfall in parking is considered acceptable under the circumstances.

In accordance with the Upper Hunter Shire Section 94 Contribution Plan 2017, Council may impose a condition of consent requiring the payment of a developer contribution of \$10,682.52 per parking space in respect of the parking shortfall. However, given the community benefits of the proposed development; the historical deficiency in off-street car parking and the fact that the facility is operated by a community based organisation, it is considered that the imposition of such a condition would be unreasonable and unwarranted.

A detailed assessment of the proposal against Section 4.15 of the Environmental Planning and Assessment Act 1979 is provided in Attachment 2.

OPTIONS

1. That Council approve Development Application No. 184/2022 for alterations and additions to an existing child care facility at No. 6-8 Cooper Street Scone (Lot 11 DP 718871) subject to the conditions of consent in Attachment 1.
2. That Council refuse Development Application No. 184/2022 for alterations and additions to an existing child care facility at No. 6-8 Cooper Street Scone (Lot 11 DP 718871), stating the reasons for refusal.

CONSULTATION

The development application was placed on public exhibition from 5 April 2023 to 21 April 2023 in accordance with the Upper Hunter Community Participation Plan.

No submissions were received by Council.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

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

b. Delivery Program

- Assessment of planning applications

Environmental & Community Services

c. Other Plans

Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 provides that in determining a development application, a consent authority is to take into consideration a development control plan. The development application satisfies the majority of the outcomes of the Upper Hunter Development Control Plan 2023 (UHDCP) with the exception of the front building setback and the number of car parking spaces as noted in the body of this report.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development application fees of \$968.44 have been paid. Should the application be approved, a development contribution of \$2,460 would be payable prior to the issue of a Construction Certificate in accordance with Council's Section 94A Contributions Plan.

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 2).

d. Risk Implications

Council determinations of development applications and modifications in relation to local development can be appealed by the applicant in the Land and Environment Court where they are not satisfied with the outcome of a determination. There is a low risk that the applicant may appeal the determination.

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.

e. Sustainability Implications

The building will be required to conform to energy and water rating standards set out in Section J of the Building Code of Australia.

f. Other Implications

Nil

CONCLUSION

Overall, the development 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 2023. While the building setbacks and car parking do not comply with the DCP, 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.



Environmental & Community Services

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

- The proposal complies with the Upper Hunter Local Environmental Plan 2013
- The proposal mostly complies with the Upper Hunter Development Control Plan 2015, however there is a historical shortfall in the provision of off-street vehicle parking.



Environmental & Community Services

- The development complies with State Environmental Planning Policy (Transport and Infrastructure) 2021.
- The proposal has been assessed as satisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979
- The proposal will not have an adverse impact on the surrounding locality

ATTACHMENTS

- 1 [↓](#) DA 184/2022 Recommended Conditions of Consent
- 2 [↓](#) DA 184/2022 Section 4.15 Assessment
- 3 [↓](#) DA 184/2022 - Car parking and vehicle access - Lot: 11 DP: 718871 - 6-8 COOPER STREET SCONE 2337
- 4 [↓](#) DA 184/2022 - Architectural Plans - Lot: 11 DP: 718871 - 6-8 COOPER STREET SCONE 2337

DA 184/2022 – Recommended Conditions of Consent

Identification of approved plans:

- The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated 16 September 2022 except where amended by the following conditions.

PLAN TITLE/JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
Car Parking Plan Ref: 202116	1	A	Roberts and Roberts	19.05.2023
Site Plan Ref: 202116	1	A	Roberts and Roberts	11.10.2021
Floor Plan Ref: 202116	2	-	Roberts and Roberts	11.10.2021
External Elevations Ref: 202116	3	-	Roberts and Roberts	11.10.2021
3D View Ref: 202116	5	-	Roberts and Roberts	11.10.2021

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

- A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Operational conditions imposed under the *Environmental Planning And Assessment Act* and regulations and other relevant legislation:

- All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by legislation)

Conditions to be complied with prior to the issue of the construction certificate:

Section 94A Contributions

- Prior to the issue of any Construction Certificate, pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of \$2,460.00 is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in

accordance with the provisions of the Section 94A Development Contributions Plan.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

Water and Sewer – Notice of Requirements

5. A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to the issue of a Construction Certificate, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment are to be paid prior to the issue of a Construction Certificate.

Details demonstrating compliance with any requirements for works by Upper Hunter Shire Council's Water & Sewer Department are to be provided with the Construction Certificate application.

The final compliance certificate must be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

National Quality Framework standards

6. Prior to the issue of a Construction Certificate, a full set of construction plans and specifications demonstrating compliance with the National Quality Framework (<https://www.acecqa.gov.au/national-quality-framework>) and Education and Care Services National Regulations shall be submitted to the Principal Certifier.

In particular, the following matters either require greater clarification or information to demonstrate compliance:-

- Toilet and hygiene facilities
- Ventilation and natural light
- Nappy change facilities
- Outdoor space –natural environment
- Outdoor space - shade

(Reason: Prescribed by legislation.)

Flood Evacuation

7. Prior to the issue of a Construction Certificate, a flood evacuation plan for the development, prepared by a suitably qualified flood engineer or consultant, shall be submitted to, and approved by Council.

(Reason: To minimise risk to life and property in the event of a flood)

Conditions that must be addressed prior to commencement:

Erosion and Sediment Control

8. All erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities in accordance with *Soils and Construction: Managing Urban Stormwater* ('the Blue Book') until the site is stabilised and landscaped.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Site Facilities

9. Site facilities

- (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
- (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (d) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifying Authority prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

Site Works/Construction Signage

10. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while to building work or demolition work is being carried out, but must be removed when the work has been completed.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: Statutory requirement)

Conditions that must be complied with during demolition and building work:

Construction Hours

11. Any person acting on this consent shall ensure that:-
- (a) building construction activities are only carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
 - ii. on a Saturday—8.00am to 5.00pm.
 - (b) building construction activities must not be carried out on a Sunday or a public holiday unless prior approval has been obtained
 - (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Conditions which must be complied with prior to the issue of any occupation certificate:**Compliance Certificate**

12. The final compliance certificate for water supply and sewerage requirements is to be obtained from Upper Hunter Shire Council's Water & Sewer Department and a copy must be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Occupation

13. The buildings are not to be used or occupied until a final inspection has been carried out and any Occupation Certificate has been obtained from the Principal Certifying Authority.
- (Reason: Prescribed - Statutory.)

Conditions that must be complied with at all times:**Stormwater disposal**

14. At all times, all stormwater from the development, including all hardstandings and overflows from rainwater tanks, shall be collected and disposed of by way of properly constructed stormwater lines to the existing stormwater drainage on site;
- (Reason: To ensure the suitable disposal of stormwater generated by the development)

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



ADDRESS: 6-8 Cooper Street Scone
Lot 11 DP 718871

APPLICATION No: DA 184/2022

PROPOSAL: Alterations and additions to an existing child care facility.

OWNER: Upper Hunter Shire Council

APPLICANT: Mollie Roberts
1043A Bunnan Road Scone

AUTHOR: Paul Smith

DATE LODGED: 30 March 2023

AMENDED:

ADD. INFO REC'D: 5 June 2023

DATE OF REPORT: 28 June 2023

SUMMARY OF FACTS

ISSUES: Parking, Compliance with Child Care Planning Guideline

SUBMISSIONS: No submissions received.

RECOMMENDATION: Approval

SCHEDULE OF PLANS SUBMITTED

PLAN TITLE/JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE	DATE RECEIVED
Car Parking Plan Ref: 202116	1	A	Roberts and Roberts	19.05.2023	
Site Plan Ref: 202116	1	A	Roberts and Roberts	11.10.2021	17.03.2023
Floor Plan Ref: 202116	2	-	Roberts and Roberts	11.10.2021	17.03.2023
External Elevations Ref: 202116	3	-	Roberts and Roberts	11.10.2021	17.03.2023
3D View Ref: 202116	5	-	Roberts and Roberts	11.10.2021	17.03.2023

LOCATION MAP



DESCRIPTION OF PROPOSAL

The development site comprises a 1,737m² residential zoned lot with a 44.3m frontage to Cooper Street. The site is located approximately 822m north-east of the Scone commercial area and is occupied by Scone and District Pre-School. The development application proposes alterations and additions to the pre-school by adding a third class room (65.3m²) and staff room (14.6m²).

RELEVANT HISTORY

The site has been used for the purpose of the Scone and District Pre-School.

REFERRALS

Internal Referrals

- Infrastructure Services (Water & Sewer)
The development application was referred to Infrastructure Services (Water and Sewer) for assessment in relation to the provision of water and sewer services. A response was provided recommending that the development should proceed subject to the internal drainage and water to connect to the existing service.

SUBMISSIONS

The development application was placed on public exhibition from 5 April 2023 to 21 April 2023 in accordance with the Upper Hunter Community Participation Plan.

No submissions were received by Council.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013	
	COMMENT
Land Use Table	
Zoning classification	R1 General Residential Zone
Zoning objectives	<ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. <p>The development is consistent with the zone objectives.</p>
Zoning permissibility	The development is permitted with consent as a Centre-based child care facility.
Clauses (Part 4)	
Height of buildings (Clause 4.3)	The site is in an area where the HOB development standard is 8m. The proposed height of the extensions is 5m. In this regard the development complies.
Floor space ratio (Clause 4.4 and 4.5)	The site is in an area where the FSR development standard is 0.5:1. The site area is 1,737m ² and the total floor area including the extensions is 615.9m ² . The FSR is therefore 0.3:1 in this regard the development complies.
Part 5 – Miscellaneous provisions	
Flood Planning (Clause 5.21)	The land is identified in the Flood Planning Area (FPA). Based on the Figtree Gully Flood Study, the 1% AEP flood level is between 222.1mAHD and 224.2mAHD. A condition of consent is recommended requiring a flood evacuation plan to be submitted to Council for approval prior to the issue of a Construction Certificate.
Part 6 – Additional Local Provisions	
Earthworks (Clause 6.1)	Minor earthworks are required for the establishment of the building foundations.
Essential Services (Clause 6.10)	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access. <p>All essential services are available to the development.</p>

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Transport and Infrastructure) 2021	<p>3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development</p> <p>(1) This section applies to development for the purpose of a centre-based child care facility if—</p> <p>(a) the floor area of the building or place does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or</p> <p>(b) the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.</p> <p>(2) The consent authority must not grant development consent to development to which this section applies except with the concurrence of the Regulatory Authority.</p> <p>(3) The consent authority must, within 7 days of receiving a development application for development to which this section applies—</p> <p>(a) forward a copy of the development application to the Regulatory Authority, and</p> <p>(b) notify the Regulatory Authority in writing of the basis on which the Authority's concurrence is required and of the date it received the development application.</p> <p>(4) In determining whether to grant or refuse concurrence, the Regulatory Authority is to consider any requirements applicable to the proposed development under the Children (Education and Care Services) National Law (NSW).</p> <p>(5) The Regulatory Authority is to give written notice to the consent authority of the Authority's determination within 28 days after receiving a copy of the development application under subsection (3).</p> <p>Note—</p> <p>The effect of section 4.13(11) of the Act is that if the Regulatory Authority fails to inform the consent authority of the decision concerning concurrence within the 28 day period, the consent authority may determine the development application without the concurrence of the Regulatory Authority and a development consent so granted is not voidable on that ground.</p> <p>(6) The consent authority must forward a copy of its determination of the development application to the Regulatory Authority within 7 days after making the determination.</p> <p>(7) In this section—</p> <p>Regulatory Authority means the Regulatory Authority for New South Wales under the Children (Education and Care Services) National Law (NSW) (as declared by section 9 of the Children (Education and Care Services National Law Application) Act 2010).</p> <p><u>Planning Comment:</u> Refer to Attachment 1 for consideration.</p>
SEPP (Resilience and Hazards) 2021	<p>4.6 Contamination and remediation to be considered in determining development application</p> <p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>

	<u>Planning comment:</u> The site is not identified on the EPA or Council contaminated land registers. The land has been used as a pre-school and is unlikely to be contaminated.
SEPP No. 65 – Design Quality of Residential Flat Development	Not applicable
SEPP (Housing) 2021	Not applicable
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable

REGIONAL ENVIRONMENTAL PLANNING POLICIES

There are no REP's applicable to the site.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPI's applying to the land.

UPPER HUNTER DEVELOPMENT CONTROL PLAN 2023

<i>Development control plan section</i>	<i>Considered?</i>	<i>Comment (only if necessary)</i>
Part 1h Sustainability	NA	Not applicable due to the small scale of the development.
Part 4 Residential Development	No	The front setback of the proposed extension is 1.94m. This does not satisfy minimum required front setback of 4.5m. However it is noted that part of the existing building encroaches closer to the front boundary (or could be over the boundary). In this regard, it is considered that the reduced front setback in this location is unlikely to adversely impact on the streetscape and is therefore considered acceptable.
Part 10 Natural Hazards	Yes	The land is in the Flood Planning Area. However, given the small scale of the development in relation to the existing building it is considered that a detailed flood impact and risk assessment is not necessary. In any case, a condition of consent is recommended requiring a flood evacuation plan to be submitted to Council for approval prior to the issue of a Construction Certificate.
Part 11 Environmental Protection	Yes	

Part 12 Access and Vehicle Parking	No	<p>The applicant advises that three additional staff will be employed as a result of the additional facilities. Based on the plan the additional room would provide space for an additional 20 children. In this regard, 4 additional off-street parking spaces will be required. There is insufficient space for off-street parking.</p> <p>The historical use of the development has involved on-street parking associated with dropping off and picking up. In addition, the car park of the adjoining Senior Citizens hall owned by Council is used for informal, short term parking and for pick-up/ drop-off of children. Accordingly, the shortfall in parking is considered acceptable under the circumstances.</p>
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CONTRIBUTIONS PLANS		
<i>Development control plan</i>	<i>Considered?</i>	<i>Comment (only if necessary)</i>
Section 94A Levy Contributions Plan 2008	YES	The development has an estimated value of \$246,000. In this regard a 1% levy is applicable - \$2,460.00
Upper Hunter Development Contributions Plan 2017	NA	
Development Servicing Plan for Water Supply and Sewerage	YES	<p>The development proposes an additional room to accommodate an additional 20 students and 3 additional employees. As such, water and sewer contributions are applicable as follows:</p> <p>Water – 0.06 ET/person x \$7,784.36 = \$10,742.42 Sewer – 0.10 ET/person x \$9,009.37 = \$20,721.55</p> <p>It is recommended that the following condition of consent be imposed:</p> <p><i>Prior to the issue of Construction Certificate (Subdivision Works Certificate) or Subdivision Certificate (whichever occurs first), a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.</i></p>

PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

REGULATIONS

There are no provisions in the regulations relevant to the proposal.

LIKELY IMPACTS OF THE DEVELOPMENT

The development is unlikely to have any significant adverse environmental impacts given the nature of the proposal.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

There is sufficient space on the land for the proposed extensions. The site is an existing pre-school, however the development is constrained by a historical lack of parking and insufficient room on the site to make up the additional parking requirements. Notwithstanding, on-street parking is available and has been historically used for drop offs and pickups.

THE PUBLIC INTEREST

There are no known policy statements from the Federal or State Governments that have relevance to this proposal. There are no known relevant planning studies and strategies. There is no known management plan, advisory document or credible research findings. There are no known covenants or easements. No public meeting has been held in relation to the proposal. There is no known risk to public health and safety. No public authorities were consulted in regard to the application.

SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1	Statutory controls	YES
2	Policy controls	YES
3	Design in relation to existing building and natural environment	YES
4	Landscaping/open space provision	YES
5	Traffic generation and car parking provision	YES
6	Loading and servicing facilities	NA
7	Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)	YES
8	Site Management issues	YES
9	All relevant Section 4.15 considerations of Environmental Planning and Assessment Act 1979	YES

CONSISTENCY WITH THE AIMS OF PLAN

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

As such, consent to the development may be granted.

SUBMITTORS CONCERNS

No submissions were received.

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 2023.

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.

RECOMMENDATION

PURSUANT TO SECTION 4.16/4.17 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT Council, as the consent authority, grant consent to Development Application No. 184/2023 subject to the recommended conditions of consent.

REASONS FOR RECOMMENDED DECISION

- The proposal complies with the Upper Hunter Local Environmental Plan 2013
- The proposal mostly complies with the Upper Hunter Development Control Plan 2015, however there is a historical shortfall in the provision of off-street vehicle parking.
- The development complies with State Environmental Planning Policy (Transport and Infrastructure) 2021.
- The proposal has been assessed as satisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979
- The proposal will not have an adverse impact on the surrounding locality

PAUL SMITH
SENIOR ENVIRONMENTAL PLANNER

Attachment 1: State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 3.1 Preliminary	
3.1 Aims of Chapter	The development application is considered to comply with the aims.
3.3 Interpretation	-
3.4 Giving written notice	-
3.5 Preconditions to carrying out certain development	-
3.6 Relationship to other environmental planning instruments	-
3.7 Review of Policy	-
Part 3.2 General	
3.3 Interpretation	
Division 1 Consultation and notification	
3.8 Consultation with councils—development with impacts on council-related infrastructure or services	Not required as the development is not being undertaken by a public authority.
3.9 Consultation with councils—development with impacts on local heritage	NA – the site is not a heritage item.
3.10 Notification of councils and SES-development on flood liable land	NA
3.11 Consideration of Planning for Bush Fire Protection	NA
3.12 Consultation with public authorities other than councils	NA
3.13 Exceptions	
Division 1 Consultation and notification	
Division 2 Site compatibility certificates	
3.14 Site compatibility certificates	-
Division 3 Additional uses of State land	
3.15 Additional uses of certain State land permitted	-
Division 4 Exempt development	
3.16 General requirements for exempt development	-
3.17 Exempt development for Schedule 1 purposes carried out by public authorities in connection with educational establishments	-
Division 5 Complying development	
3.18 General requirements for complying development	-
3.19 Land on which complying development may not be carried out—bush fire prone land	-
3.20 Development affecting certain trees or vegetation	-
3.21 General conditions of complying development certificates	-
Part 3.3 Early education and care facilities – specific development controls	
3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	The Education and Care Services Regulation requires that:

	<p><i>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.</i></p> <p>The total area of Room 3 comes to 65.3m². This is 3.27m² per child (based on the proposed 20 children of the room).</p> <p><i>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.</i></p> <p>There is at least 1,175.1m² that is identified as Outdoor Play Space which based on 80 children comes to 14.6m² per child. In this regard, the development complies and does not have to be referred to the Regulatory Authority.</p>
<p>3.23 Centre-based child care facility—matters for consideration by consent authorities</p>	<p><i>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.</i></p> <p>The development application was assessed against the National Quality Framework Checklist in relation to:</p> <ul style="list-style-type: none"> • Fencing • Laundry and hygiene facilities • Unencumbered indoor space • Unencumbered outdoor space • Toilet and hygiene facilities • Ventilation and natural light • Administrative space • Nappy change facilities • Outdoor space – natural environment • Outdoor space – shade • Premises designed to facilitate supervision. <p>The proposed extensions generally comply with these standards. It is noted that laundry facilities are not provided historically in the existing premises, however a system is in place for managing soiled clothing. Details of some of these will need to be provided at the Construction Certificate stage. In this regard an appropriate condition of consent will be imposed.</p>
<p>3.24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent</p>	<p>NA</p>
<p>3.25 Centre-based child care facility- floor space ratio (R2 zone)</p>	<p>NA</p>

3.26 Centre-based child care facility—non-discretionary development standards	NA
3.27 Centre-based child care facility—development control plans	NA
3.30 Home-based child care—exempt development	NA
3.31 Home-based child care—complying development	NA
3.32 Out-of-school hours care at existing universities—complying development	NA
3.33 Out-of-school hours care at existing TAFE establishments—complying development	NA
Part 3.4 Schools—specific development controls	
3.34 Interpretation	NA
3.35 Development for the purpose of student accommodation	NA
3.36 Schools—development permitted with consent	NA
3.37 Schools—development permitted without consent	NA
3.38 Notification of carrying out of certain development without consent	NA
3.39 Existing schools—exempt development	NA
3.40 Existing schools—complying development	NA
3.41 School-based child care—complying development	NA
3.42 Complying development certificates—additional conditions	NA
3.43 State significant development for the purpose of schools—application of development standards in environmental planning instruments	NA
Part 3.5 Universities—specific development controls	
Part 3.6 TAFE establishments—specific development controls	NA
Part 3.7 General development controls	NA
3.58 Traffic-generating development	NA



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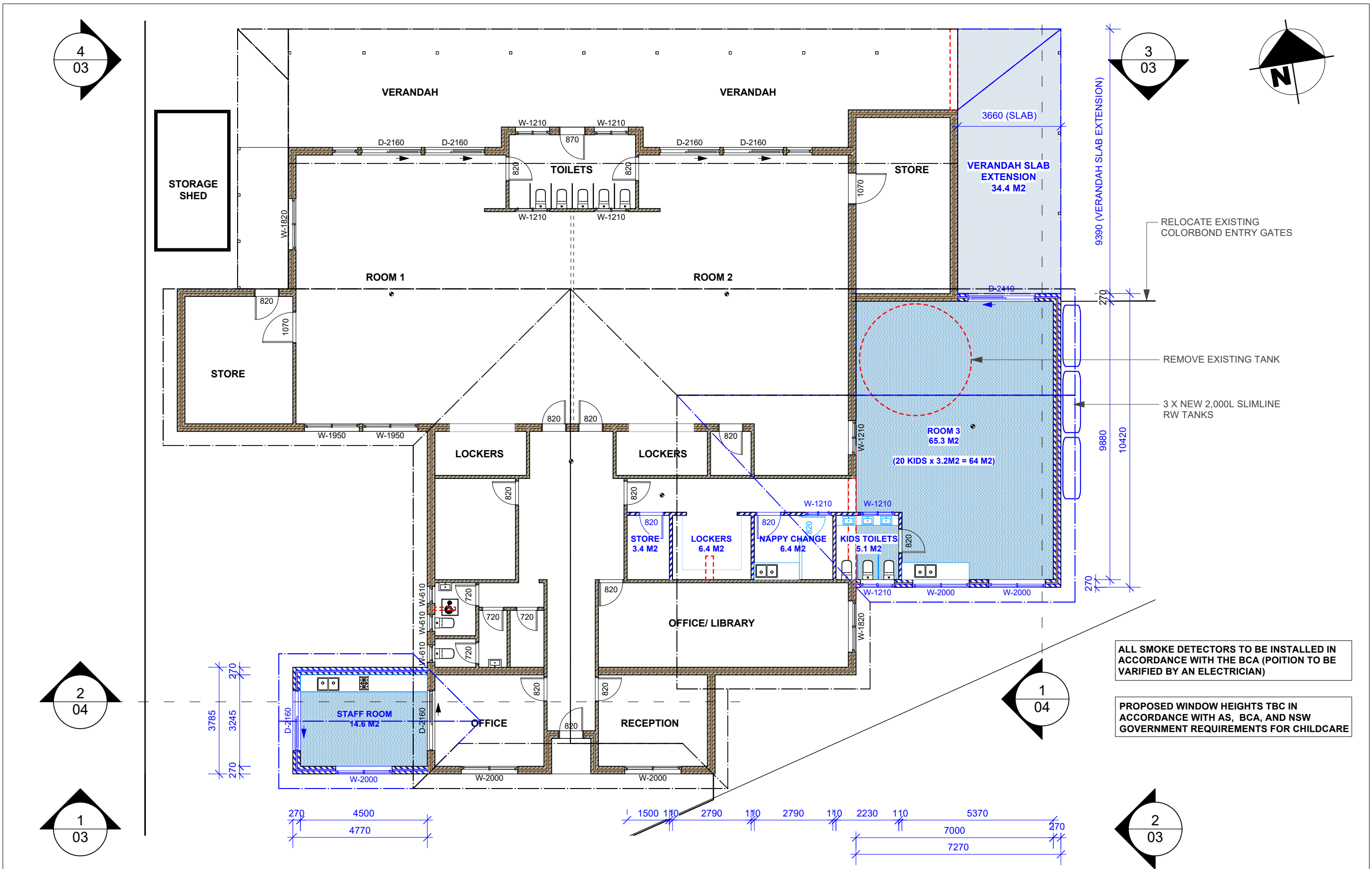
www.robertsandrobertsdesign.com | robertsandroberts.mollie@gmail.com | 0434842122 |

GENERAL NOTES:
 - ALL LEVELS, DIMENSIONS AND MATERIALS MUST BE CHECKED ON SITE, AND VERIFIED BY OWNER AND BUILDER BEFORE COMMENCEMENT OF CONSTRUCTION.
 - SITE PREPARATION INCLUDING DRAINAGE AND TERMITE RISK MANAGEMENT TO BE IN ACCORDANCE WITH THE BCA PART 3.1
 - WET AREAS IN ACCORDANCE WITH THE BCA PART 3.8.1
 - SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH THE BCA PART 3.72 (FINAL POSITION TO BE VERIFIED BY AN ELECTRICIAN)
 - WRITTEN DIMENSIONS WILL TAKE PRECEDENCE OVER SCALE

AMMENDMENTS:		DA	A	19.05.23	CARPARKING
ISSUE/REV	DATE	DESCRIPTION			
-	-	-	-	-	-

PROJECT:	SCONE & DISTRICT PRESCHOOL EXTENSIONS
CLIENT:	SDP COMMITTEE
DRAWING TITLE:	CAR PARKING PLAN

DRAWING STATUS:		PRELIMINARY PLANNING	
SCALE:	1:500 @ A3	DATE:	17.02.2023
JOB NO.:	202116	DRAWING NO.:	1 OF 1
		REVISION:	A



ALL SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH THE BCA (POSITION TO BE VARIFIED BY AN ELECTRICIAN)

PROPOSED WINDOW HEIGHTS TBC IN ACCORDANCE WITH AS, BCA, AND NSW GOVERNMENT REQUIREMENTS FOR CHILDCARE

ROBERTS & ROBERTS ARCHITECTURAL DRAFTING www.robertsandrobertsdesign.com robertsandroberts.mollie@gmail.com 0434842122	GENERAL NOTES: - ALL LEVELS, DIMENSIONS AND MATERIALS MUST BE CHECKED ON SITE, AND VERIFIED BY OWNER AND BUILDER BEFORE COMMENCEMENT OF CONSTRUCTION. - SITE PREPARATION INCLUDING DRAINAGE AND TERMITE RISK MANAGEMENT TO BE IN ACCORDANCE WITH THE BCA PART 3.1 - WET AREAS IN ACCORDANCE WITH THE BCA PART 3.8.1 - SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH THE BCA PART 3.7.2 (FINAL POSITION TO BE VARIFIED BY AN ELECTRICIAN) - WRITTEN DIMENSIONS WILL TAKE PRECEDENCE OVER SCALE	AMMENDMENTS: - - -	PROJECT: SCONE & DISTRICT PRESCHOOL EXTENSIONS CLIENT: SDP COMMITTEE DRAWING TITLE: PROPOSED FLOOR PLAN	DRAWING STATUS: PRELIMINARY PLANNING SCALE: 1:100 @ A3 DATE: 11.10.2021 JOB NO.: 202116 DRAWING NO.: 2 OF 5 REVISION: -
	ISSUE: REV: DATE: DESCRIPTION:	PROJECT: SCONE & DISTRICT PRESCHOOL EXTENSIONS CLIENT: SDP COMMITTEE DRAWING TITLE: PROPOSED FLOOR PLAN	DRAWING STATUS: PRELIMINARY PLANNING SCALE: 1:100 @ A3 DATE: 11.10.2021 JOB NO.: 202116 DRAWING NO.: 2 OF 5 REVISION: -	
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