MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 11 JUNE 2019 IN THE BARRY ROSE ROOM COMMENCING AT 10.00am

PRESENT:
Cr Kiwa Fisher (Chair), Cr Ron Campbell.

APOLOGIES:
Cr Sue Abbott and Cr Lee Watts

IN ATTENDANCE:
Cr Maurice Collison, Cr James Burns, Mr Mathew Pringle (Director Environmental & Community Services), Mrs Amanda Catzikiris (Community Services Officer), Miss Laura Conway (Administration Officer).

DECLARATIONS OF INTEREST:
Nil.

PUBLIC PARTICIPATION:
Nil.

SITE INSPECTION:
Nil.

BUSINESS ITEMS:

DESC.06.1 Development Application No. 16/2019 – Change of Use to Group Home – 7 Surman Street, Scone

The Director of Environmental & Community Services, M Pringle, gave a brief summary of the development application. He stated that the property is in need of renovations. A Catzikiris stated that the cost of renovations is likely to be in the order of $50,000. Quotes are currently being organised for the works. A Catzikiris also stated that the property is lacking security and this will need to be addressed with the funding being provided.

Cr Campbell questioned the amount of $50,000 to cover all renovations and outdoor maintenance. M Pringle advised that the amount would be sufficient to cover all costs.

Cr Collison raised the idea of a termite inspection needed prior to commencing any works. M Pringle advised that this is something Council can organise as owner of the property.

Cr Campbell raised the concern over the length of stay of residents and how this would be controlled. M Pringle advised that the length of stay would be determined in the lease agreement with a local housing provider, but advised 3 to 12 months would be typical. Cr Fisher requested that the provider supply a copy of their policy that determines the resident’s length of stay and conditions of tenancy.

Cr Campbell also raised concerns regarding domestic violence issues that may arise at the property and also how residents will be moved on after their stay. A Catzikiris advised that the police would be aware of the location and use of the property. There will also be an on call system in place for tenants.

COUNCILLOR QUESTIONS:
Cr Campbell requested an update in relation to the proposed highway service centre in Aberdeen Street, Scone and the proposed highway service centre in Bettington Street, Merriwa.

In relation to the proposed highway service centre in Scone, M Pringle advised that Council was awaiting the submission of additional flood mapping by the applicant. Once the additional information is received, the application will be placed on public exhibition. In relation to the proposed highway service centre in Merriwa, M Pringle advised that Council was currently assessing the application and trying to resolve a number of issues with the applicant including heritage impacts.

Meeting closed at 10.20am.
DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.06.1  DEVELOPMENT APPLICATION NO. 16/2019
RESIDENTIAL OFFICER: Mathew Pringle - Director Environmental & Community Services
AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 19 February 2019 Council received Development Application No. 16/2019 for a Change of Use to a Group Home at Lot 31 DP 1194098, No. 7 Surman Street Scone. The application is being referred to Council for determination as Upper Hunter Shire Council is the applicant and land owner. In addition, one submission has been received raising concerns about the proposed development.

RECOMMENDATION

That Council approve Development Application No. 16/2019 for a Change of Use to a Group Home at Lot 31 DP 1194098, No. 7 Surman Street Scone without imposing any conditions of consent related to the use of the building as a group home.

BACKGROUND

Applicant: Upper Hunter Shire Council
Owner: Upper Hunter Shire Council
Property: Lot 31 DP 1194098, No. 7 Surman Street Scone
Proposal: Change of Use to Group Home
Zone: R1 General Residential and B2 Local Centre

On 19 February 2019 Council received Development Application No. 16/2019 for a Change of Use to a Group Home at Lot 31 DP 1194098, No. 7 Surman Street Scone. The land contains a residential building, which until recently has been used as a market rental property.

REPORT/PROPOSAL

The development site comprises a 1,432m2 lot with a 37m frontage to Surman Street. The land contains an existing single storey dwelling-house (refer to the site plan in Attachment 1). The development application proposes to change the use of the dwelling house to a group home for families requiring transitional housing for periods of 3-12 months. No works are proposed that require development consent. However repairs and other minor works will be undertaken to enable the dwelling to be used as a group home. A full assessment has been undertaken in the Assessment Report in Attachment 2.

OPTIONS

1. That Council approve Development Application No. 16/2019 for a Change of Use to a Group Home at Lot 31 DP 1194098, No. 7 Surman Street Scone without imposing any conditions of consent related to the use of the building as a group home.

2. That Council defer determination of Development Application No. 16/2019 for a Change of Use to Group Home at Lot 31 DP 1194098, No. 7 Surman Street Scone pending an assessment of the community need for the group home.

CONSULTATION
The development application was placed on exhibition from 6 March 2019 to 20 March 2019 and adjoining owners were notified. One (1) submission was received from an adjoining land holder raising concerns about the condition of the property, management of tenants and future plans for parking in relation to the medical practice. A copy of the submission is provided in Attachment 3.

**STRATEGIC LINKS**

a. **Community Strategic Plan 2027**

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

Goal 1 - A supported community by advocating for, support and provide services and facilities for young people, children, families and people with a disability and facilitate partnerships which create and support a safe, inclusive and caring community.

We are working to achieve the following Community Priorities:

\[\text{Upper Hunter Shire Council to support and provide community services which promote health, wellbeing and the celebration of culture.}\]

b. **Delivery Program**

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

c. **Other Plans**

Nil

**IMPLICATIONS**

a. **Policy and Procedural Implications**

To ensure there is adequate transparency in the assessment process, Development Applications/Modifications, where Upper Hunter Shire Council is the applicant, are outsourced to an either an external planning consultant or subject to peer review by a planner from another Council. The development application was referred to Strategy Hunter for peer review.

The review concludes:

*The draft Assessment Report on the Development Application undertaken by Paul Smith and dated 25 March 2019 has been reviewed is considered to adequately review the issues required in the assessment of a change of use only development application of this type and magnitude.*

*The conclusion of the draft assessment that DA 16/2019 that consent be granted is agreed.*

The full review report is provided in Attachment 4.

b. **Financial Implications**

Development application fees of $285 have been paid.
c. **Legislative Implications**

An assessment of the development application has been undertaken pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979 (see Attachment 3).

Clause 46 of State Environmental Planning Policy (Affordable Rental Housing) 2009 states that:

(1) A consent authority must not:
(a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or
(b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.

Council has not undertaken a formal assessment of the community need for a group home for the purpose of refuge accommodation. Notwithstanding there is no other similar accommodation in Scone for the stated purpose. No conditions of consent are recommended in relation to the development for the purpose of a group home.

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. **Other Implications**

The development application concerns a matter that could affect the security of Council property. In this regard pursuant to Section 10A(2)(f) of the Local Government Act 1993 the part of the Development and Environmental Services and Council meeting dealing with this matter may be closed to the public.

**CONCLUSION**

The application has been assessed as satisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009, 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.

**RECOMMENDATION**

That Council approve Development Application No. 16/2019 for a Change of Use to a Group Home at Lot 31 DP 1194098, No. 7 Surman Street Scone without imposing any conditions of consent related to the use of the building as a group home.

Moved: Cr K Fisher    Seconded: Cr R Campbell    CARRIED