

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting - 11 April 2019

LATE AGENDA

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GENERAL MANAGER'S REPORT

**ITEM 9.12 SF970 110419 QUESTIONS WITH NOTICE - GROUP HOMES - ERROR IN
ADVICE**

AUTHOR/ENQUIRIES: Michael Coulter, General Manager

SUMMARY:

Not required

RECOMMENDATION:

Not applicable

OPTIONS:

There are no options.

DISCUSSION:

There is an error in the advice provided in this business paper in relation to the permissibility of group homes in rural zones.

Council staff have only just become aware that the development of group homes is covered by provisions in the State Environmental Planning Policy (Affordable Rental Housing) 2009, otherwise known as the Affordable Rental Housing SEPP.

In summary the SEPP, which over-rides Council's local environmental plan (LEP), makes them permissible with consent in rural zones. Clause 43 of the SEPP provides as follows:

43 Development in prescribed zones

- (1) Development for the purpose of a permanent group home or a transitional group home on land in a prescribed zone may be carried out:
- (a) without consent if the development does not result in more than 10 bedrooms being within one or more group homes on a site and the development is carried out by or on behalf of a public authority, or
 - (b) with consent in any other case.

prescribed zone means:

- (a) any of the following land use zones or a land use zone that is equivalent to any of those zones:
- (i) Zone R1 General Residential,
 - (ii) Zone R2 Low Density Residential,
 - (iii) Zone R3 Medium Density Residential,
 - (iv) Zone R4 High Density Residential,
 - (v) Zone B4 Mixed Use,
 - (vi) Zone SP1 Special Activities,
 - (vii) Zone SP2 Infrastructure, and
- (b) any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.

It is still the case that the Group Home at Utungun would require development consent.

Apologies are provided for this oversight which only came to notice when the matter was discussed with the Department of Planning and Environment.

ATTACHMENTS:

There are no attachments for this report.