



CREATIVE**PLANNING**SOLUTIONS

Statement of Environmental Effects

Construction of a Permanent Six (6) Bedroom Group Home.



Future Lot 67 Gaduying Court within Lot 26 in Deposited Plan 1273809,
Nambucca Heads

Lot 26 in Deposited Plan 1273809

Prepared for: DPN

CPS Project No: E259

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1.0 Introduction

The Statement of Environmental Effects (Statement) has been prepared to accompany a Development Application (DA) for a permanent group home under the relevant provisions of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) and *Nambucca Local Environmental Plan 2010* (NLEP 2010) at Future Lot 67 Gaduying Court within Lot 26 in Deposited Plan 1273809, Nambucca Heads NSW 2448. The Development Application (DA) proposes the construction of a one storey group home development comprising six (6) bedrooms, an attached carport, and installation of new landscaping.

This DA is being lodged for Nambucca Valley Council's consideration pursuant to Section 4.12 of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979) by Creative Planning Solutions Pty Limited.

The DA is being lodged pursuant to Clause 61(1)(b) of the Housing SEPP that allows for permanent group homes to be undertaken with consent in prescribed zones. The subject site is zoned R1 General Residential under the NLEP 2010. This zone is classified as a prescribed zone under Clause 60 of the Housing SEPP. Group homes are also permitted with consent within this zone under the NLEP 2010.

This Statement demonstrates how the proposal meets the definition of a group home in terms of occupants and operation, and provides an assessment of the proposed development against the relevant provisions of the NLEP 2010 and the Nambucca Development Control Plan 2010 (NDCP 2010).

It is noted that a Pre-DA was undertaken 8 June 2021. A copy of the minutes of this meeting have been provided with the application.

1.1 Purpose

The purpose of this Statement is to outline the development proposal for the subject site, consider any environmental effects that may result from the proposed development and address how such effects can be mitigated.

2.0 Background

The delivery of this permanent group home represents a collaboration between DPN Casa Capace and Ability Options.

DPN Casa Capace will be responsible for the design, planning approval, development, property management, and maintenance of the group home and has been developed to specifically cater for Australians requiring Specialist Disability Accommodation (SDA).

Ability Options will be the Supported Independent Living (SIL) provider that will be the tenancy manager of the property. Ability Options will be managing the group home under a Tenancy Maintenance and Management Agreement executed with DPN Casa Capace. Ability Options has a long association with the disability sector, being a not-for-profit disability service provider that currently operates group homes throughout New South Wales, has been in the industry for over 40 years, and employs over 900 staff to provide services to over 3,000 people with disability, their families, and carers each year.

The residents are approved participants under the National Disability Insurance Scheme (NDIS) and funding for specialist disability accommodation is part of their support package.

The more supportive housing model will enable people with a disability to live in a community, rather than an institution, and to participate fully in that community.

All homes will be designed in accordance with the standards for disability housing set by the NSW Government and the NDIS.

3.0 The Site

3.1 Site Description

The subject site is located in the suburb of Nambucca Heads, approximately 2.5km south-west of town centre and is within the Nambucca Valley Local Government area (LGA). Refer to **Figure 1** for a Locality Map of the subject site.

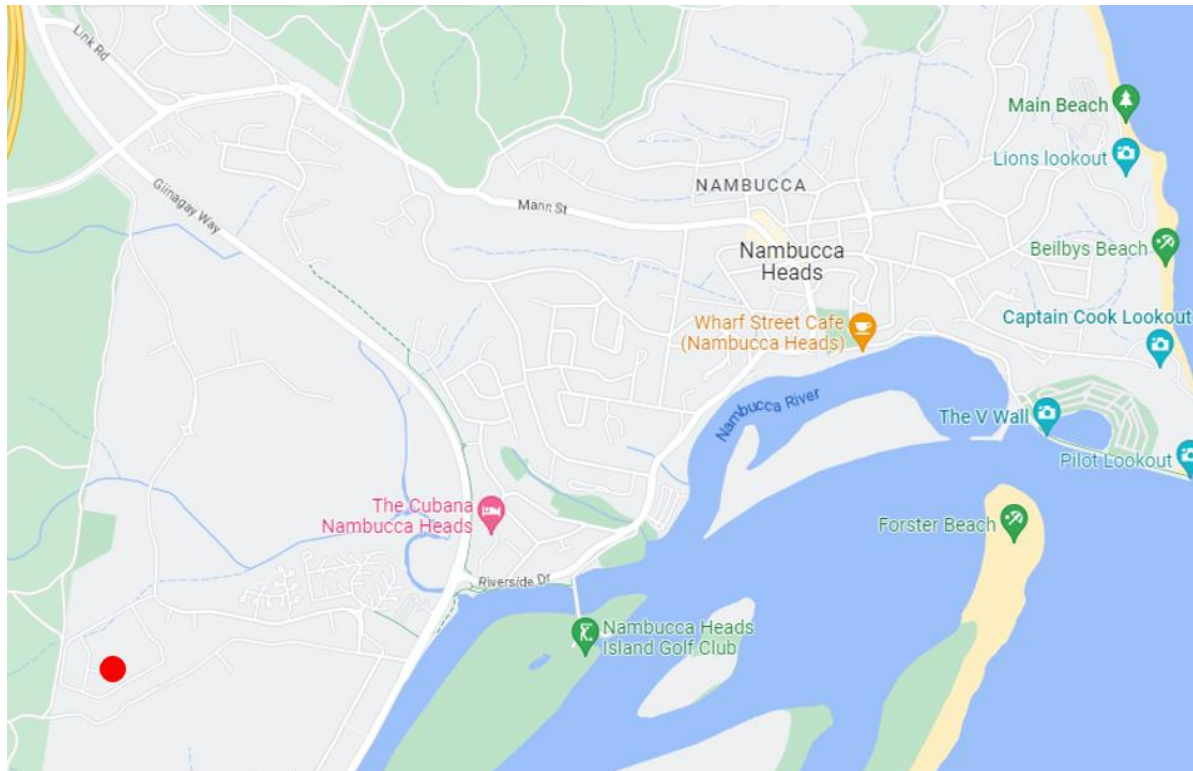


Figure 1: Locality Map – Future Lot 67 Gaduying Court (indicated by Red Dot)

Source: <https://maps.google.com/>

The legal description of the subject land is Future Lot 67 Gaduying Court within Lot 26 in Deposited Plan 1273809, Nambucca Heads NSW 2448.

The subject site consists of a fan-shaped single allotment at the end of a cul-de-sac with a site area of 621m² and a frontage of 11.132m to Gaduying Court (Source: Survey Plan).

As indicated by the Survey Plan, the site experiences a crossfall of approximately 2m in height from the easternmost corner at the rear, to the western boundary corner at the front.

The subject site currently is currently vacant and forms part of a recent subdivision. No vegetation is located on the site.

The subject site does not contain an item of environmental heritage and is not within a conservation area as confirmed by NLEP 2010 mapping. The site is not mapped as being affected by flooding; however, it has been identified as being bush fire prone land as confirmed by the Section 10.7 Planning Certificate and online mapping.

Vehicular and pedestrian access is not currently provided to the subject site. Gaduying Court is an unclassified bitumen sealed road with kerb and gutter in front of the subject site. On-street parking is available on either side of Gaduying Court.

Refer to **Figure 2** for an aerial photograph of the subject site.



Figure 2: Aerial Photograph of Subject Site
Source: nearmap.com 26 February 2023.

3.2 Adjoining Development and Locality

The site is located within a developing residential subdivision, approved under DA2015/099. No development currently exists on the adjoining allotments, although the proposed subdivision works are nearing completion.

Bushland exists approximately 150m to the south and west of the subject site.

4.0 Proposed Development

4.1 Summary of Proposed Group Home

The development proposal seeks approval for the construction of a one storey group home development comprising six (6) bedrooms, attached garage and installation of new landscaping and fencing.

The main features of the group home are summarised as follows:

- Construction of a one storey group home comprising two (2) buildings which contain a total of six (6) bedrooms, two (2) living areas, two (2) kitchens, two (2) therapy rooms, three (3) bathrooms, and two (2) staff offices, and a laundry room;
- Provision of an attached single sided garage, vehicular and pedestrian access to the site;
- Provision of paved and landscaped private open space areas;
- Appropriate landscaping and extensive planting throughout the site; and
- Provision of a walkway from Gaduying Court.

The group home will be designed specifically for the proposed use and to:

- Facilitate safe, equitable and dignified access for people who have a disability;
- Provide both private and interactive spaces for home occupants; and
- Provide a home environment.

The services of a qualified access consultant have been engaged throughout the design process to ensure that the resultant design is both functional and sensitive to the needs of the clients who will occupy the group home.

The proposed group home has been designed to meet the relevant provisions of the Building Code of Australia (BCA).

4.2 Proposed Group Home

Site Planning and Design

The siting of the proposed development generally addresses the following criteria:

- To create a group home which addresses Gaduying Court;
- To provide vehicular access from Gaduying Court;
- To optimise solar exposure;
- To provide useable open space directly accessible from the internal living areas; and
- To minimise privacy and overlooking impacts to adjoining properties.

The proposed internal living areas and adjoining private open space areas maximise solar access. Private open space areas will also receive adequate access to sunlight due to the one storey nature of the proposed development.

A variety of external materials and finishes and architectural elements have been incorporated in the proposed group home to create interest in the streetscape appearance of the development. The layout and

height of the proposed development is at a residential scale compatible with the future character of adjoining and surrounding residential development, which will predominantly comprise low density residential development.

The proposed development represents a modern, high quality design that is consistent with redevelopment in Nambucca Heads and the wider Nambucca Valley LGA.

Levels

As indicated by the Survey Plan, the site falls by approximately 2m in height from the rear easternmost corner of the site to the western boundary at the front. As demonstrated by the 'Architectural Plans', fill reaches a maximum height of approximately 320mm whilst excavation to a level of approximately 1m is proposed.

Building Materials and Construction

The proposed development will be of steel or timber framed construction on concrete slabs and footings designed to engineer's details. The external walls of the proposed group home will be in Dulux 'Paving Stone' and Dulux 'Monument' which will add texture to the elevation of the building. The roof will be constructed of metal sheet roofing in the colour of Colorbond 'Monument'. Specific details of the proposed external materials and finishes are shown on the architectural plans.

It is noted that the proposed materials selected for construction will enhance their durability, appearance, lower maintenance requirements and improved energy efficiency.

Landscaping

Landscaping will be carried out to complement the scale of the proposed development. A variety of landscape plantings are proposed to soften the built form of the group home and enhance the appearance of the site. The landscaped area consists of new plantings including a mixture of shrubs, grasses and trees.

Species have been selected based on their suitability for the geographical location and the residential nature of the proposal. Plant species selected for the proposed landscaping scheme will be low maintenance with characteristics that will contribute to the amenity and appearance of the development. It is noted that the landscaping scheme proposes vegetation types that will blend the development into the streetscape, improve privacy and minimise overlooking onto adjoining properties. It is considered that the proposed landscape treatment will soften the appearance of the proposed development and will contribute to the streetscape. The landscape design is also intended to enhance the internal amenity of the proposed development for residents.

Refer to the submitted Landscape Plan prepared by Aaron Stevens Architects for more details.

Private Open Space

The development will be provided with two (2) private open space areas located at the rear of each building. The private open space area will have direct access from the living areas of both buildings. The private open space areas have been designed to serve as an extension of the dwelling for passive outdoor purposes.

Pedestrian, Vehicular Access and Car Parking

The group home will be provided with a vehicle layback and crossover to the eastern side of the Gaduying Court frontage accessing the attached carport that comprises of one (1) parking space. An additional car parking space is located within the front setback that is clear of the space within the carport. A pedestrian pathway will provide pedestrian access to the group home directly from Gaduying Court.

Vehicles will be able to enter the site in a forward direction. Vehicles occupying the hard stand space will be able to enter and exit the site in a forward direction. The space located within the carport will be required to reverse onto Gaduying Court which is considered safe, given this approach is to be consistent with vehicular movements of future surrounding dwellings.

Refer to the submitted Plan of Management for further details regarding vehicular access and car parking arrangements.

Stormwater Drainage

A Stormwater Drainage Plan has been prepared in accordance with Council specifications. Refer to the Stormwater Drainage Plan which accompanies this application.

Site Facilities

The following ancillary facilities will be provided on the site:

- A letterbox will be located within the front setback adjacent to the internal pedestrian pathway entrance. The letterbox will comply with Australia Post requirements and display the dwelling house number.
- Clothes drying facilities will be provided adjacent to the patios within each private open space area.
- Waste / recycling bins will be stored in bin storage area located between both buildings.

4.3 Operation of the Group Home

Ability Options will provide permanent household accommodation for residents with a disability within the proposed group home. The proposed group home is consistent with the residential use of the site and will operate at a domestic scale, much the same as a dwelling house land use.

A Plan of Management has been prepared as part of the development application that will ensure the proper and effective operation of the group home. The Plan of Management outlines the proposed operational details including but not limited to:

- Staffing;
- Role of on-site support staff/carers;
- Car parking arrangements and vehicle use;
- Safety and security;
- Noise; and
- Waste management.

The Plan of Management will be used to ensure that suitable practices are in place to maintain safety and amenity to residents living within the group home and to minimise amenity impacts on neighbouring

properties. Refer to the submitted Plan of Management for more details regarding the effective operation of the group home.

5.0 Planning Framework

The provisions and development standards under the following environmental planning instruments and development control plan are applicable to the proposed development:

5.1 State Legislation

5.1.1 Rural Fires Act 1997

Pursuant to Clause 4.46 (1) of the EP&A Act, integrated development is development (not being State significant development or complying development) that in order for it to be carried out, requires development consent from an integrated referral authority under relevant Acts as prescribed.

The subject site is bushfire prone land and the proposed group home development is defined as a special fire protection purpose (SFPP) under Section 100B (6) of the *Rural Fires Act 1997*. Accordingly, authorisation in respect of bush fire safety is required for the proposal.

A Bushfire Assessment Report has been prepared by Roger Fenwick Bush Fire Consultant for the proposed development. The report demonstrates the development can achieve compliance with the provisions of *Planning for Bushfire Protection (PBP) 2019*.

5.1.2 State Environmental Planning Policy (Housing) 2021

The DA is being lodged pursuant to Clause 61(1)(b) of the Housing SEPP that allows for permanent group homes to be undertaken with consent in prescribed zones.

The subject site is zoned R1 General Residential under the provisions of the NLEP 2010. This is land which is classified as a prescribed zone pursuant to Clause 60 of the Housing SEPP and provides below:

prescribed zone means the following-

(a) the following land use zones or an equivalent land use zone-

(i) Zone R1 General Residential,

(ii) Zone R2 Low Density Residential,

(iii) Zone R3 Medium Density Residential,

(iv) Zone R4 High Density Residential,

(iva) Zone MU1 Mixed Use,

(v) Zone B4 Mixed Use,

(vi) Zone SP1 Special Activities,

(vii) Zone SP2 Infrastructure,

(b) another zone in which development for the purposes of dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.

The definition of a permanent group home is also established under the Standard Instrument.

permanent group home means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,*
- but does not include development to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5 applies.*

The following demonstrates how the proposal meets the key components of the above definition:

- The proposed group home has a single driveway, single garage, common areas such as living/dining areas and common outdoor areas that will be shared by the new residents, and, the one common care provider. As such the group home will be occupied as a “single household”.
- The proposed group home will comprise “paid supervision” and “care” by suitably qualified disability workers/carers.
- The proposed group home will provide permanent accommodation for people with a disability.
- The proposed group home does not include a development to which *State Environmental Planning Policy (Housing) 2021* Chapter 3, Part 5 applies. The three types of seniors housing include a residential care facility, hostel and independent living units:

*a **residential care facility** means residential accommodation for seniors or people with a disability that includes:*

(a) meals and cleaning services, and

(b) personal care or nursing care, or both, and

(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hostel, hospital or psychiatric facility.

*a **hostel** means residential accommodation for seniors or people with a disability where:*

(a) meals, laundering, cleaning and other facilities are provided on a shared basis, and

(b) at least 1 staff member is available on site 24 hours a day to provide management services.

***independent living unit** means a dwelling or part of a building, whether or not attached to another dwelling—*

(a) used to house seniors or people with a disability, and

(b) containing private facilities for cooking, sleeping and bathing, and

(c) where clothes washing facilities or other facilities for use in connection with the dwelling or part of a building may be provided on a shared basis,

but does not include a hostel.

- The proposal is not a residential care facility as the definition of 'residential care facility' excludes 'dwellings', 'hostels', 'hospitals' and 'psychiatric facilities'. Accordingly, the

proposal, being a single household, is capable of being used as a separate domicile and is therefore a 'dwelling'.

- The proposal will not provide management services. Management services are to be distinguished from personal care services. Accordingly, the proposal is not a 'hostel'.
- Lastly, the proposal does not constitute a group of independent living units as the development is capable of being defined as one "dwelling". As per *McAuley v Northern Region Joint Regional Planning Panel [2013] NSWLEC 125*, the Court found that a "common sense" approach to the word "dwelling" in the definition of "transitional group home" is required and its defined meaning be modified to operate harmoniously with the defined expression of which "dwelling" was but an element.

The purpose of the development was not a dwelling considered in isolation, but rather a "dwelling" constrained by and having the characteristics of the elements which the definition of a "transitional group home" required. It is noted that the structure of the definition of a transitional group home to a permanent group home are very similar. Therefore, this approach can be applied to the proposed permanent group home as well.

5.1.3 State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 applies to the subject development application. Clause 4.6(1) states that the consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and if so, it is suitable in its current state or after remediation for the proposed development.

A desktop review of the site and relevant planning documentation including but not limited to the Certificate of Title, the Section 10.7 Certificate notations, and it being a part of a recent residential subdivision indicate that there is no concern of contamination. The proposal also does not seek to undertake any extensive excavation works.

As such, it is considered appropriate that no further contamination investigations are required and the site is suitable for the proposed residential group home.

5.2 Local Planning Controls

5.2.1 Nambucca Local Environmental Plan 2010

The subject site is zoned R1 General Density Residential under the NLEP 2010, as shown by **Figure 3**. Group homes are permitted with consent within the R1 General Residential Zone.

The objectives for the zone are as follows:

- *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.*

The proposed development is consistent with the above objectives. The proposed group home provides specialist disability housing to meet the variety of housing needs of the local community.

Furthermore, the group home will be sympathetic to the surrounding built and natural environment as the design and siting of the development respects the amenity of neighbouring properties and character of the area.

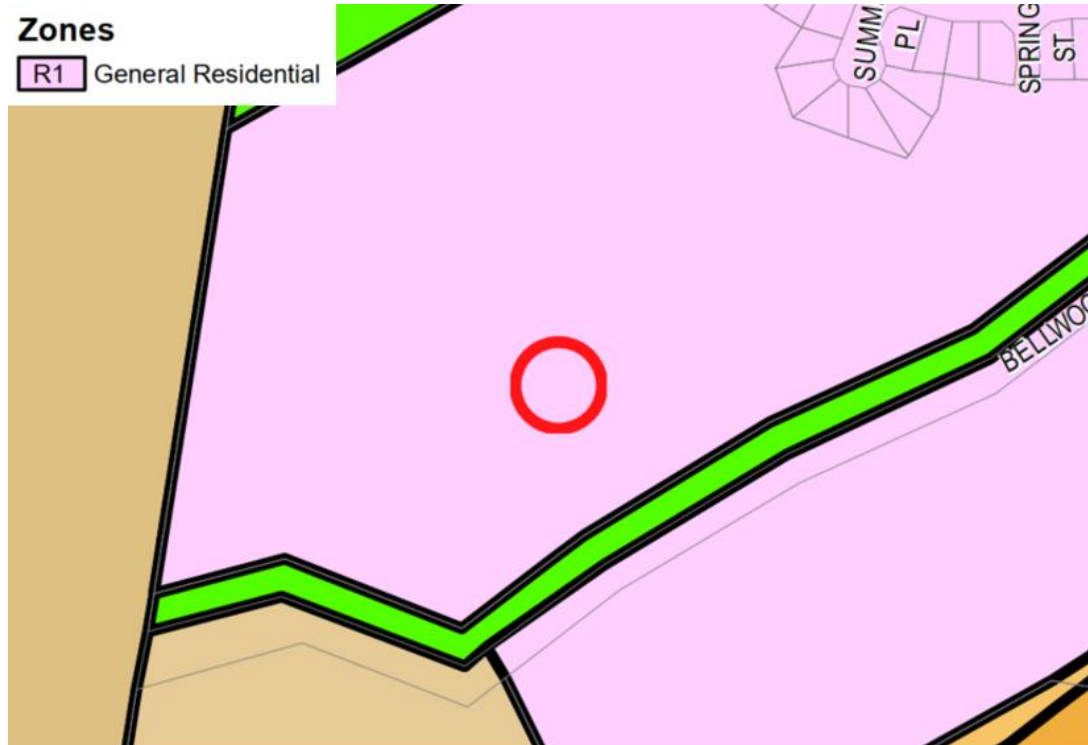


Figure 3: NLEP 2010 Zone Map Extract, site identified by red circle.

Source: legislation.nsw.gov.au

The proposal demonstrates compliance with the applicable provisions of the NLEP 2010 in the following table:

| Nambucca Local Environmental Plan 2010 | | | |
|--|--|--|----------|
| Clause | Requirement | Proposed | Complies |
| 4.3 Height of Buildings | 2. The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map (Refer Figure 4 below). | The proposed group home buildings are single storey in height and well below the 8.5m limit. | Yes |



Figure 4: NLEP 2010 Height of Buildings Map Extract

Source: www.legislation.nsw.gov.au

4.4
Floor Space
Ratio

2. The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (Refer **Figure 5** below).

A maximum floor space ratio of 0.38:1 is proposed (238.73m²/621m²).

Yes

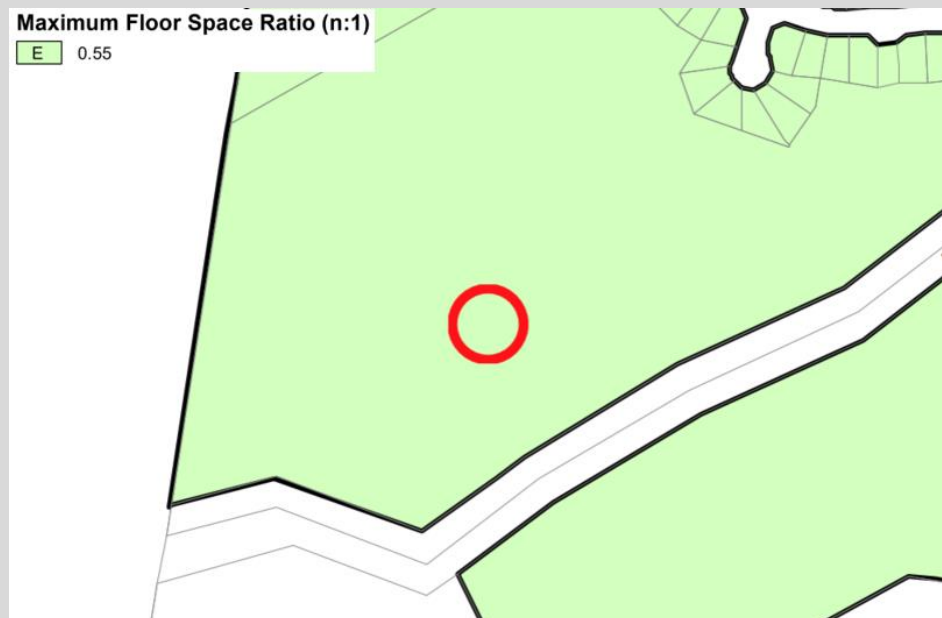


Figure 5: NLEP 2010 Floor Space Ratio Map Extract

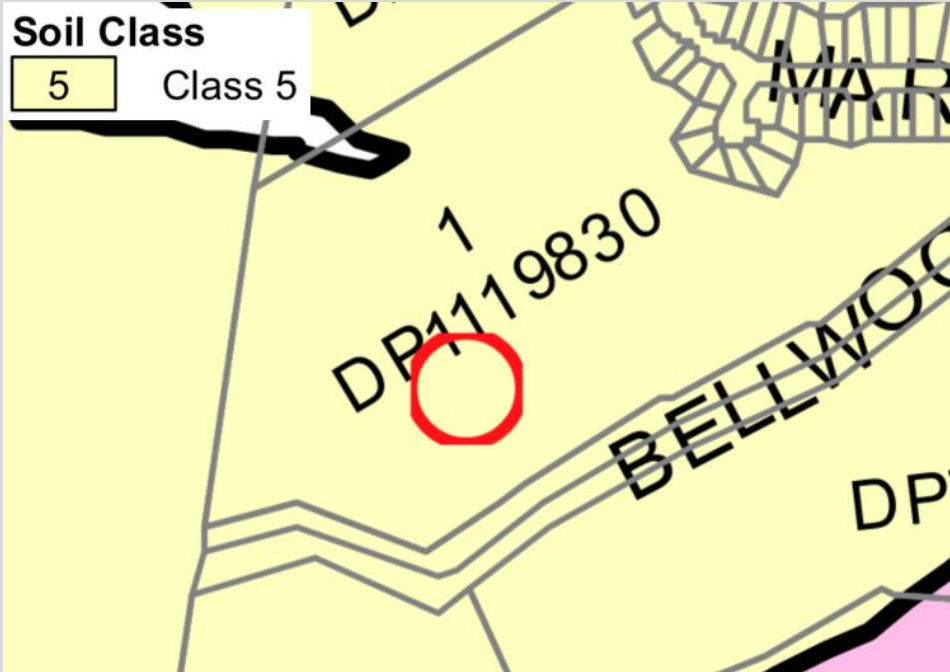
Source: www.legislation.nsw.gov.au

7.1
Acid Sulfate
Soils

2. Development consent is required for the carrying out of works described in the Table to which this subclause on land shown on the Acid Sulfate Soils Map (refer to **Figure 6**) as being of the class specified for those works.

The subject site is affected by Class 5 Acid Sulfate Soils. However, the site is not located within 500m of adjacent Clause 1, 2, 3, or 4 affected land that is likely to have

Yes

| | <table><tr><th>Class of Land</th><th>Works</th></tr><tr><td>1</td><td>Any works.</td></tr><tr><td>2</td><td>Works below natural ground surface. Works by which the watertable is likely to be lowered.</td></tr><tr><td>3</td><td>Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.</td></tr><tr><td>4</td><td>Works more than 2 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.</td></tr><tr><td>5</td><td>Works within 500 metres of adjacent Class 1,2,3, or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</td></tr></table> | Class of Land | Works | 1 | Any works. | 2 | Works below natural ground surface. Works by which the watertable is likely to be lowered. | 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. | 4 | Works more than 2 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. | 5 | Works within 500 metres of adjacent Class 1,2,3, or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. | its watertable lowered below 1mAHD as a result of the proposed development. | |
|---|--|--|-------|---|------------|---|---|---|--|---|---|---|--|---|--|
| Class of Land | Works | | | | | | | | | | | | | | |
| 1 | Any works. | | | | | | | | | | | | | | |
| 2 | Works below natural ground surface. Works by which the watertable is likely to be lowered. | | | | | | | | | | | | | | |
| 3 | Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface. | | | | | | | | | | | | | | |
| 4 | Works more than 2 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface. | | | | | | | | | | | | | | |
| 5 | Works within 500 metres of adjacent Class 1,2,3, or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land. | | | | | | | | | | | | | | |
| | <div><p>Soil Class 5 Class 5</p><p>DP1119830</p><p>BELLWOOD</p><p>DP</p></div> <p>Figure 6: NLEP 2010 Acid Sulfate Soil Map Extract Source: www.legislation.nsw.gov.au</p> | | | | | | | | | | | | | | |
| 7.4 Public Utility Infrastructure | 1. Development consent must not be granted for development on land unless the Council is satisfied that any public utility infrastructure that is essential for the proposed | As indicated by the Survey Plan, the subdivision works have advanced to the point where public utility infrastructure, such as water, sewerage, electricity, | Yes | | | | | | | | | | | | |

| | | | |
|--|---|--|--|
| | development is available or that adequate arrangements have been made to make that infrastructure available when it is required. | internet, and stormwater drainage has been provided to the subject site. | |
| | 2. This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure. | | |

5.2.2 Nambucca Development Control Plan 2010

An assessment of the proposal under the NDCP 2010 is illustrated in the Table below. It is noted that NDCP 2010 does not include specific built form controls for group homes and therefore the built form controls for Dual Occupancy development have been considered noting the similarities. The following Sections of NDCP 2010 are therefore considered relevant to the proposed development:

| Nambucca Development Control Plan 2010 | | |
|--|---|------------------|
| Development Controls | Proposed | Complies |
| PART C – CAR PARKING AND TRAFFIC | | |
| C2.0 Parking Provision | | |
| <i>C2.1 Primary Parking Standards</i> | | |
| Group Homes 1 car space per resident employee + 1 car space per 5 bedrooms | As per discussions held during the Pre-DA undertaken on 8 June 2021, a total of two (2) parking spaces are to be provided for the proposed development. Two (2) spaces have been provided in response. | Yes |
| PART D – SEDIMENT AND EROSION CONTROL | | |
| Refer to the Sediment and Erosion Control Plan that accompanies this application. | | |
| PART H – RESIDENTIAL DEVELOPMENT | | |
| H3.0 Dwelling Type Guide and Control Summaries | | |
| <i>H3.1 Dwelling House and Dual Occupancy (Low Density)</i> | | |
| Street frontage 15m | A street frontage of 11.132m is provided to the subject site. It is noted that this is due to the location of the site at the end of a cul-de-sac. The width of the site increases to 13m in width at the proposed front building line. In any case, the development presents as a dwelling house to the street, with a single building facing the street and a single crossover and carport, ensuring appropriate access without an inappropriate bulk and scale. | No - Justifiable |
| H4.0 Development Controls and Guidelines Based on Dwelling Types | | |

| Nambucca Development Control Plan 2010 | | |
|---|---|----------|
| Development Controls | Proposed | Complies |
| H4.1 Primary Development Controls | | |
| H4.1.3 Setbacks | | |
| 1. All building line setbacks shall comply with the provisions provided in the following table unless otherwise specified within specific dwelling type controls: <i>Where there are no neighbouring dwellings located within 40m: 4.5m</i> | A front setback of 6.75m has been proposed where a front setback of 4.5m is required. | Yes |
| 3. A dwelling or building with a building height up to 3.8m must have setback from a side boundary of at least 900mm. | All components of the proposed buildings with a height of 3.8m or less are setback at least 900mm. | Yes |
| 4. A dwelling or building with a building height more than 3.8m must have setback from a side boundary of at least the sum of 900mm and an amount that is equal to one-quarter of the additional building height above 3.8m. Side Setback = 900mm + (Building Height – 3.8/4) | All components of the proposed buildings with a height greater than 3.8m are setback in accordance with the provided formula. | Yes |
| 5. Minimum side setbacks apply to buildings whether or not they are attached to a dwelling. | Noted. | - |
| H4.1.5 Building Separation | | |
| 1. (a) A wall containing a window to a habitable room located within 5m of a window on an adjoining dwelling shall be offset by a minimum of 0.5m; or (b) Must have a sill height not less than 1.7m above the floor level; or (c) Must have obscure glazing 1.7m above the floor level. | No windows to habitable rooms within one building face a window to a habitable room of another building. | Yes |
| 2. The outlook from within a development shall be obscured or screened when a direct view is available into the private open space of an existing dwelling. | No direct views are afforded to the potential future private open spaces of adjoining lots. | Yes |
| H4.1.6 Streetscape and Façade Articulation | | |
| 1. A mix of articulation, architectural elements and exterior finishes is encouraged to reduce the visual scale and bulk of the building. | Appropriate articulation has been proposed through the use of a number of differing materials, colours, and the use of features such as entry porticos. | Yes |
| 3. Front fences have a maximum height of 1.2m if solid materials are used. Applicants are advised to check the requirements of <i>SEPP (Exempt and Complying Development Codes) 2008</i> to ascertain whether proposed fences are exempt development or will require development consent. | Fencing proposed is capable of meeting the exempt development requirements pursuant to <i>SEPP (Exempt and Complying Development Codes) 2008</i> . | Yes |

| Nambucca Development Control Plan 2010 | | |
|---|---|------------------|
| Development Controls | Proposed | Complies |
| 5. The front and side façades shall not exceed 7.5m in length without a change in articulation. | The front and side facades have been articulated at least every 7.5m through the use of differing materials, windows, and change in building wall formation. | Yes |
| 6. To assist façade articulation, building elements may be placed forward of the building line by a maximum of 1.5m (articulation zone), except where the secondary street of corner allotments has a reduced building line of 2m or the primary street frontage setback is less than 3m | No building elements have been proposed within the permitted articulation zone. | - |
| 7. Up to 25% of the articulation zone, when viewed from above, may include building elements. For the purpose of Clauses 6 and 7, building elements include entry feature or portico, awnings or other feature windows; eaves and sun shading, window treatment box, bay windows, balconies, verandas, pergolas and the like. | No building elements have been proposed within the permitted articulation zone. | - |
| 8. Garages or small carports shall be setback a minimum of 5.5m from the street. | The proposed carport is setback approximately 6.75m from the street. | Yes |
| 9. Garages or carports shall not comprise greater than 50% of the dwelling width. | The carport is significantly less than 50% of the dwelling width. | Yes |
| <i>H4.1.7 Open Space and Landscape</i> | | |
| 1. Private open space per dwelling at ground level shall: <ul style="list-style-type: none"> — have a minimum area of 24m² ; — a minimum width of 4m; — not be unreasonably steep; — have direct access from a living area of the dwelling; — be screened where necessary to provide privacy from adjoining residences. | Each building has been provided with a private open space area that exceeds 24m ² , is not unreasonably steep, has direct access from a living area, and is provided with appropriate privacy. Whilst the minimum width of the private open space area of the rear building is achieved, a minor non-compliance with the 4m width is recorded for the front dwelling. In any case, significantly more than the required 24m ² is provided to this building at approximately 40m ² . Additionally, an area of approximately 21m ² is achieved where the 4m dimension is met. Accordingly, the variation is minor and not considered to unduly impact on the enjoyment of the private open space area. | No - Justifiable |
| <i>H4.1.8 Deep Soil Zone</i> | | |
| 1. All developments except mixed use developments shall have two (2) deep soil | A deep soil zone has been provided within the front setback and the rear setback of the proposed development. | Yes |

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| Development Controls | Proposed | Complies |
| zones, one (1) to the front and one (1) to the rear of the property | | |
| 2. Deep soil zones are to comprise soft landscaping, (vegetation and trees) and shall not be covered by impervious surfaces. | The deep soil zones comprise of soft landscaping such as groundcovers and trees and are not covered by impervious surfaces. | Yes |
| 3. The deep soil zone shall comprise a minimum 30% of the site area, however a greater deep soil zone is encouraged. | The proposed deep soil / soft landscaped area occupies a total 35% of the site area (218.29m ² /621m ²) | Yes |
| H4.1.9 Topography (Cut and Fill) | | |
| 1. Excavations and excavated material shall not occur or be placed over easements, sewer mains or stormwater drainage pipes. | Excavations and excavation materials are not placed over easements, sewer mains, nor stormwater drainage pipes. | Yes |
| 2. The maximum depth of cut and fill shall be 1.2m. | Fill reaches a maximum height of 320mm whilst cut reaches a maximum level of 1m. | Yes |
| 3. Cut greater than 1.2m may be permitted within the confines of the building, driveway or underground parking areas, providing the areas are appropriately designed in accordance with engineering details. | Not applicable, cut greater than 1.2m not proposed. | - |
| 4. Filled areas shall not impact on the privacy of adjoining properties. | Fill is minor in nature, reaching a maximum height of 320mm, and is concentrated within the front of the site, ensuring no impact on privacy of adjoining properties. | Yes |
| 5. Alternative designs to concrete slab on ground are encouraged on steep sites (>7 degrees) where a slope requires excavation or filling. | Not applicable, as the subject site has a maximum slope of approximately 3 degrees. | - |
| H4.2 Amenity | | |
| H4.2.2 Visual Privacy | | |
| Visual privacy will be provided to the proposed development and adjoining allotments as direct overlooking of internal living areas and private open space areas will be avoided due to the one storey nature of the development and due to the proposed vegetation and boundary fencing. | | |
| H4.2.3 Daylight Access | | |
| 2. Living rooms and principal ground level private open spaces shall have at least 2 hours sunlight between 9.00 am and 3.00 pm in mid-winter. | At least 2 hours of direct sunlight will be provided to the living rooms and private open space areas given their northern orientation. | Yes |
| H4.2.4 Natural Ventilation | | |
| Appropriate natural ventilation is provided to the proposed development by ensuring multiple openings on each elevation of each building, ensuring that cross ventilation is able to occur. | | |
| H4.2.5 Acoustic Privacy | | |
| Acoustic privacy is provided to the proposed development by ensuring bedrooms are located away from living, dining, and kitchen areas as practicable as possible, whilst acoustic privacy to adjoining properties is ensured by | | |

| Nambucca Development Control Plan 2010 | | |
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| Development Controls | Proposed | Complies |
| locating noise generating sources away from sensitive receivers on adjoining sites and through the provision of fencing and landscaping. | | |
| <i>H4.2.7 Floor to Ceiling Height</i> | | |
| 1. Minimum floor to ceiling height of 2.4m. | | |
| <i>H4.2.8 Storage</i> | | |
| 1. A minimum storage space of 8m ³ of space per dwelling shall be provided. This space may form part of a carport or garage. | Each dwelling is provided with at least 8m ³ of storage space. | Yes |
| PART N – WASTE MINIMISATION AND MANAGEMENT | | |
| Refer to the Waste Minimisation and Management Plan that accompanies this application. | | |

6.0 Environmental Assessment

6.1 Environmental Planning Instruments – Section 4.15(1)(a)(i)

The proposed development is being lodged pursuant to Clause 61 (1) (b) of the Housing SEPP that allows for permanent group homes to be undertaken with consent in prescribed zones.

The subject site is zoned R1 General Residential under the NLEP 2010, which is classified as a prescribed zone pursuant to Clause 60 of the Housing SEPP.

Group homes are a permitted form of development under the NLEP 2010 and the proposed group home development is consistent with the zone objectives.

6.2 Any Relevant Draft Environmental Planning Instruments – Section 4.15(1)(a)(ii)

No relevant draft environmental planning instruments apply to the subject site.

6.3 Any Development Control Plans – Section 4.15(1)(a)(iii)

As demonstrated above, the relevant provisions of the NDCP 2010 have been considered with the proposed development generally consistent with relevant controls and compatible with surrounding uses.

6.4 Likely Impacts of the Development – Section 4.15(1)(b)

6.4.1 Impact on the Natural Environment

The proposed development involves construction of a one storey group home development. The design, location and siting of the development maximises access to natural sunlight and will include appropriate measures to provide efficient consumption of water and energy. Waste minimisation and recycling will be a key goal during the operation of the group home. The proposal will not result in any noise or air pollution during the operation of the group home as it will operate at a domestic scale.

Accordingly, the proposal is unlikely to have any unacceptable impacts on the natural environment.

6.4.2 Impact on the Built Environment

The proposed development has been designed and sited to respect surrounding setbacks and building heights. The proposed bulk and scale is conducive to the character of the existing streetscape and surrounding area. The group home provides an appropriate level of landscape embellishment to improve the developments visual appearance to Gaduying Court.

External walls and facades are well-articulated to provide visual interest and mitigate any visual impacts of solid blank walls from the street and adjoining sites. The materials and finishes are high quality in nature and indicative of contemporary architectural design and features.

The provision of landscape treatment and privacy screens have been employed to protect the visual and acoustic amenity of future residents and neighbouring properties. The development does not pose adverse visual or privacy impacts.

As such, the proposal will not have any unacceptable impacts on the built environment.

6.4.3 Social Impacts

The proposed development will provide significant social benefits to the local community. It will give residents with a disability in the area an opportunity to continue to live in their locality in a home environment once they are unable to live at home.

The residents will benefit from the new group home which will allow for increased participation in the local community and provide tailored supportive accommodation with more privacy and flexibility in daily living.

The more supportive housing model considers that people with a disability have a right to live in a community, rather than an institution, and to participate fully in that community. Group homes provide people with the support they need to increase their independence, achieve personal goals and to live full and productive lives.

No adverse social impacts are anticipated as a result of the proposed development. The development provides and contributes to diversity in housing choice, as well as housing affordability.

The proposed development will:

- Assist Ability Options in meeting its significant demand for supported accommodation in the Nambucca Valley Local Government Area and surrounding areas;
- Improve the environmental sustainability of housing, particularly through improved energy and water efficiency;
- Provide more accessible housing; and
- Not have any adverse effects on a locality, place or building that has social significance or other special value for present or future generations.

Accordingly, it is not considered there would be any adverse impacts on the social significance of the locality for present or future generations. In this regard, the proposal is considered to contribute to a positive social impact on the surrounding locality.

6.4.4 Economic Impacts

The proposed development will contribute to a range of economic benefits in the Nambucca Valley Local Government Area and surrounding areas through:

- More efficient use of land resources, existing infrastructure and existing services;
- Employment of construction workers and contractors during the construction phase of the development;
- Employment opportunities during the operation of the group home;
- On-going consumption from new/additional households;
- Local sourcing of construction materials;
- Reduced maintenance costs of the newer housing;
- Savings associated with improved energy and water efficiency;
- Housing residents whom contribute to the consumptions of goods and services within the local economic micro climate; and
- Residents will utilise the local shops, assisting the local economy.

6.5 Suitability of the Site for the Development – Section 4.15(1)(c)

The proposed Group Home is a permissible land use in the zone and is consistent with the objectives of the R1 General Density Residential zone.

The proposed development makes use of existing land resources and utility infrastructure.

The site is located in a residential locality and maintains a suitable scale. Site characteristics (topography and location) ensure that any adverse impacts can be minimised and controlled. The site is located within proximity to local services including public transport and supporting social and community infrastructure, to allow carers and the residents to utilise such services. The location, siting and planning for the development holds due regard to environmental constraints.

Accordingly, it is considered that the subject site is suitable for the proposed group home development.

6.6 Public Submissions – Section 4.15(1)(d)

Any public submissions received in response to the development proposal are required to be considered in the light of Section 4.15 of the EP&A Act, having particular regard to:

- The stated and underlying objectives of the relevant planning controls;
- The specific merits and circumstances that apply to the proposed development and the site;
- The acceptable nature of the likely impacts of the proposal;
- The suitability of the site in accommodating the proposed development; and
- The acceptable nature of the proposal when considering the wider public interest.

6.7 Public Interest – Section 4.15(1)(e)

The proposal provides the local area with new disability accommodation on a site inherently suitable for such use as it is a permissible form of development under the Housing SEPP and NLEP 2010. The proposal will increase the diversity of social housing resources in the in the Nambucca Valley Local Government Area.

The provision of a group home for people with a disability delivers a service to the broader community, as detailed below:

- Provides shelter, support and care for people with a disability;
- Improves opportunities for people with a disability to remain as independent and healthy as possible; and
- Increases the availability of housing for people with a disability.

7.0 Environmental Assessment

The proposed development has been assessed against the provisions of Section 4.15 of the EP&A Act. On balance, it is concluded the development is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development is permissible under the Housing SEPP and NLEP 2010 on the subject site.
- The proposal is consistent with the relevant aims and objectives of the NLEP 2010;
- The proposal is consistent with the R1 – General Residential zoning;
- The proposal is consistent with the NDCP 2010;
- The group home design will deliver environmentally sustainable development outcomes through the efficient energy consumption of water and electricity that meets the requirements of Section J of the BCA;
- No unreasonable external impacts will result from the proposal with regard to solar access and privacy, and will enhance the streetscape and neighbourhood character;
- Appropriate operational management measures are in place to ensure that future group home residents are cared for according to their needs, ensuring there is no adverse social impacts on the community during the operation of the group home. A separate Plan of Management has been submitted with the DA;
- The proposal makes use of existing infrastructure and resources, and is compatible with the residential character of the locality; and
- It is considered there are no matters that warrant refusal of the proposal on the grounds of it being contrary to the public interest.

Accordingly, it is recommended that Nambucca Valley Council support and approve this DA.