

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Group Homes

31 & 33 Caputar Way, Lochinvar NSW

Lots 321 & 322 DP 1299272

November 2024

Ref: 1317_SEE

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR
Proposal of four (4) group homes over two allotments**

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DOCUMENT STATUS

Issue	Date	Description	By
1	15/11/2024	Draft	LK
2	18/11/2024	Final	AW
3			
4			

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This document has been authorised by Anthony Williams

Date 18/11/2024

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TABLE OF CONTENTS

1	Introduction	1
2	The Site and Context.....	2
2.1	Site Location and Context.....	2
2.2	Site Characteristics	4
3	Proposed Development	8
3.1	Development Overview.....	8
3.2	Group Home Use	9
3.3	Proposed Group Homes	10
3.4	Landscaping and Fencing.....	16
3.5	Earthworks.....	16
3.6	Stormwater Management	18
3.7	Waste Management	18
4	Planning Framework	19
4.1	Assessment and Approvals Pathway	19
4.2	Relevant Legislation.....	19
4.2.1	Environmental Planning and Assessment Act 1979.....	19
4.2.2	Environmental Planning and Assessment Regulation 2021.....	21
4.3	Environmental Planning Instruments.....	21
4.3.1	State Environmental Planning Policy (Housing) 2021.....	22
4.3.2	State Environmental Planning Policy (Planning Systems) 2021.....	22
4.3.3	State Environmental Planning Policy (Resilience and Hazards) 2021.....	22
4.3.4	State Environmental Planning Policy (Transport and Infrastructure) 2021.....	23
4.3.5	Maitland Local Environmental Plan 2011	23
4.4	Any Draft Environmental Planning Instruments.....	28
4.5	Maitland Development Control Plan 2011.....	29
4.6	Likely Impacts	33
4.6.1	Accessibility	33
4.6.2	Traffic and Parking	33
4.6.3	Social Impact	33
4.6.4	CPTED	34
4.6.5	Acoustic Privacy.....	36
4.6.6	Visual Impact.....	37
4.6.7	Aboriginal Heritage	37

4.6.8	Flooding.....	37
4.6.9	Bushfire	38
4.6.10	Stormwater Management	40
4.6.11	Soil Management	40
4.6.12	Contamination	40
4.7	Suitability of the Site	40
4.8	The Public Interest.....	41
5	Conclusion.....	42

FIGURES

Figure 1:	Site location	3
Figure 2:	Map view local context.....	3
Figure 3:	Aerial view of local context.....	4
Figure 4:	Site Survey extract	5
Figure 5:	Aerial view of site and immediately surrounding development (Source: Appendix 2).....	6
Figure 6:	View of site's frontage to Caputar Way, looking generally north.....	6
Figure 7:	View of site's frontage to Caputar Way, looking generally north-east.....	7
Figure 8:	Site Plan (extract).....	9
Figure 9:	Floor and roof plan extracts - Unit 1	11
Figure 10:	Elevations extracts - Unit 1	11
Figure 11:	Floor and roof plan extracts - Unit 2	12
Figure 12:	Elevations extracts - Unit 1	12
Figure 13:	Floor and roof plan extracts - Unit 3.....	13
Figure 14:	Elevations extracts - Unit 3	13
Figure 15:	Floor and roof plan extracts - Unit 4.....	14
Figure 16:	Elevations extracts - Unit 4	14
Figure 17:	Visual perspectives of proposal (extracts).....	15
Figure 18:	Conceptual proposed material palette (extract)	15
Figure 19:	Fence type schedule (extract).....	16
Figure 20:	Elevation plan extract - Unit 1	17
Figure 21:	Elevation plan extract - Unit 2	17
Figure 22:	Elevation plan extract - Unit 3	17
Figure 23:	Elevation plan extract - Unit 4	18
Figure 24:	MLEP Zoning Map Extract	24
Figure 25:	MLEP Urban Release Area Map extract.....	26
Figure 26:	MLEP Acid Sulphate Soils Map extract	27
Figure 27:	MLEP Watercourse Map extract.....	28
Figure 28:	Approved stormwater plan - DA 12-3005 (extract).....	38
Figure 29:	Extract of Bushfire Prone Land Map	39
Figure 30:	Bushfire Assessment (Source: BEMC, Appendix 4).....	39

APPENDICES

Appendix 1	Survey Plan
Appendix 2	Architectural Plans
Appendix 3	Civil Plans
Appendix 4	Bushfire Assessment Report
Appendix 5	Access Report
Appendix 6	Waste Management Plan
Appendix 7	AHIMS Search Result
Appendix 8	Section 10.7 Certificates
Appendix 9	Cost Report
Appendix 10	Basix and NatHERS Certificates

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by WPP Pty Limited (WPP) on behalf of Christopher Road Pty Ltd (the applicants and landowners) to accompany a development application (DA) for construction of four (4) new permanent group homes at 31 & 33 Caputar Way, Lochinvar.

The key components of the proposal are as follows:

Proposal	Construction of four (4) permanent group homes over two allotments and the consolidation of the subject allotments
Site	31 Caputar Way, Lochinvar – Lot 321 DP 1299272 33 Caputar Way, Lochinvar – Lot 322 DP 1299272
Zoning	R1 – General Residential
Proposed Use	Permanent group home for people with disabilities
Applicant	Christopher Road Pty Ltd
Land Owner	Christopher Road Pty Ltd

This report is supported by the following plans and specialist reports:

- Survey Plan
 - Architectural Plans
 - Bushfire Assessment Report
 - Access Report
 - Civil Plans
 - Waste Management Plan
 - Cost Report
 - Basix and NatHERS Certificates
- Barker Ryan Stewart
Shaddock Architects
BEMC
Accessed
MPC Consulting Engineers
WPP Pty Ltd
Kingston Building Pty Ltd
Evergreen Energy Consultants Pty Ltd

This SEE has been prepared in accordance with Part 3 of the *Environmental Planning & Assessment Regulation 2021*, having regard to Section 4.15 of the *Environmental Planning & Assessment Act 1979*. It provides a description of the existing land, as improved, and the site context in Section 2, with details of the proposed development in Section 3. The environmental planning controls applying to the site and an assessment of compliance with these controls are set out in Section 4. Section 5 contains concluding comments in respect of the proposed development.

2 The Site and Context

2.1 Site Location and Context

The subject site is located in the suburb of Lochinvar, in the Maitland Local Government Area, approximately 11km to the north-west of the Maitland CBD by road.

The site is situated within the broader Lochinvar Urban Release Area (LURA), to the south-east of the established residential areas of Lochinvar. Surrounding the site is recently subdivided residential land with many newly constructed dwellings emerging to the north, north-east and south-west. To the east is the Lochinvar Sporting Complex beyond a large detention basin, and to the south and south-east is future residential development including a future road connection extending from Caputar Way. The existing and approved residential areas of Lochinvar are surrounded by rural and conservation land, with the closest farmland to the south-east of the site.

A small selection of shops, services and educational facilities are available in the locality, predominately concentrated along the New England Highway to the north of the site, as well as in the new residential areas.

The New England Highway is located approximately 650m to the north of the site by road, and provides connections to the township of Rutherford (approximately 7km), Maitland CBD (approximately 11km), and Newcastle CBD (approximately 45km) to the east and south-east, and to the township of Branxton (approximately 13km) to the north-west. These townships and centres provide a range of additional and larger services and facilities.

The Hunter Expressway is approximately 7km by road to the west of the site, providing direct access to Sydney and Newcastle. Lochinvar Train Station is approximately 3km to the south of the site and provides a train link between Sydney and Newcastle.

The site's location is shown in **Figure 2** below. An overview of the surrounding street layout is provided in Error! Reference source not found., while an aerial view of the locality is provided in **Figure 3**. At the time of writing, it is noted that most of the lots to the north of the site have been developed with single or 2-storey dwellings.

Figure 1: Site location



Figure 2: Map view local context

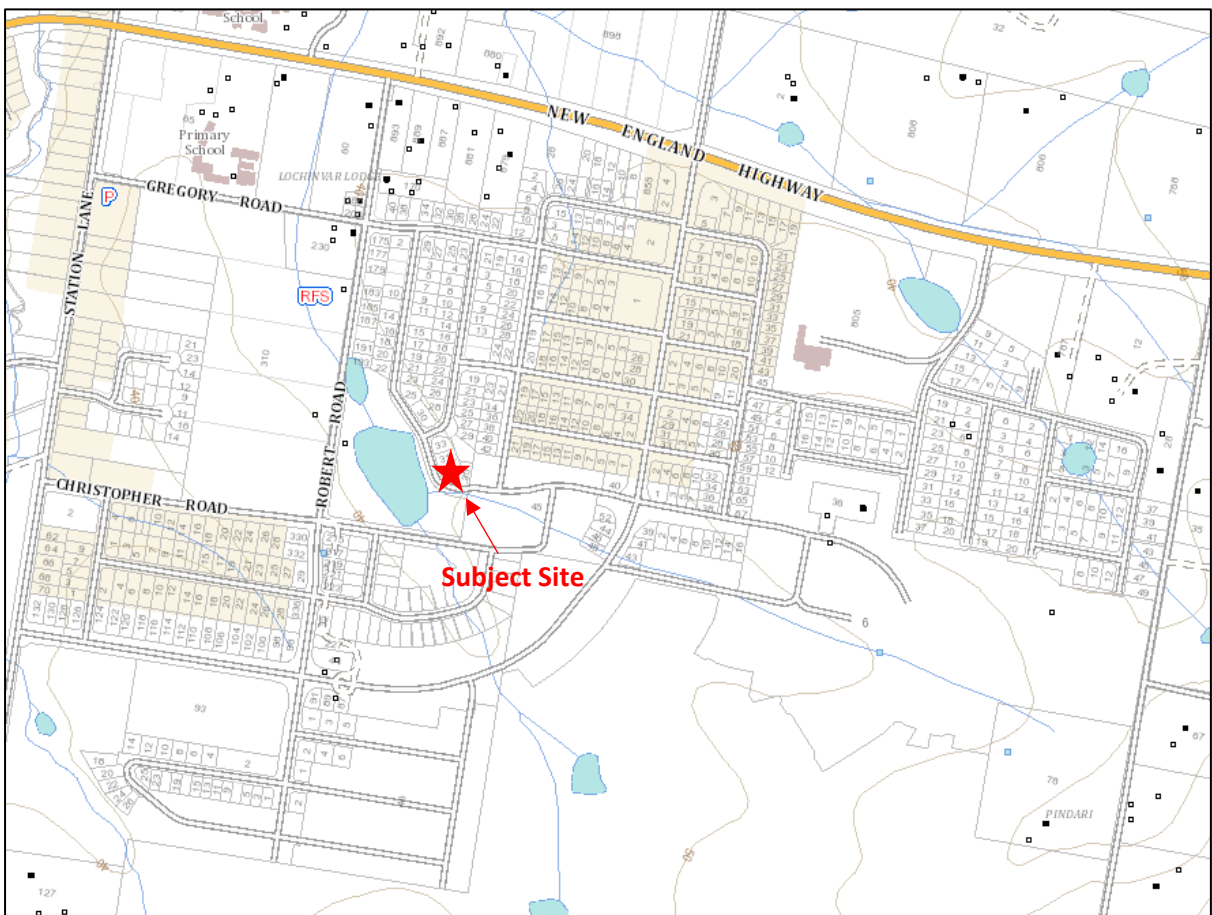


Figure 3: Aerial view of local context



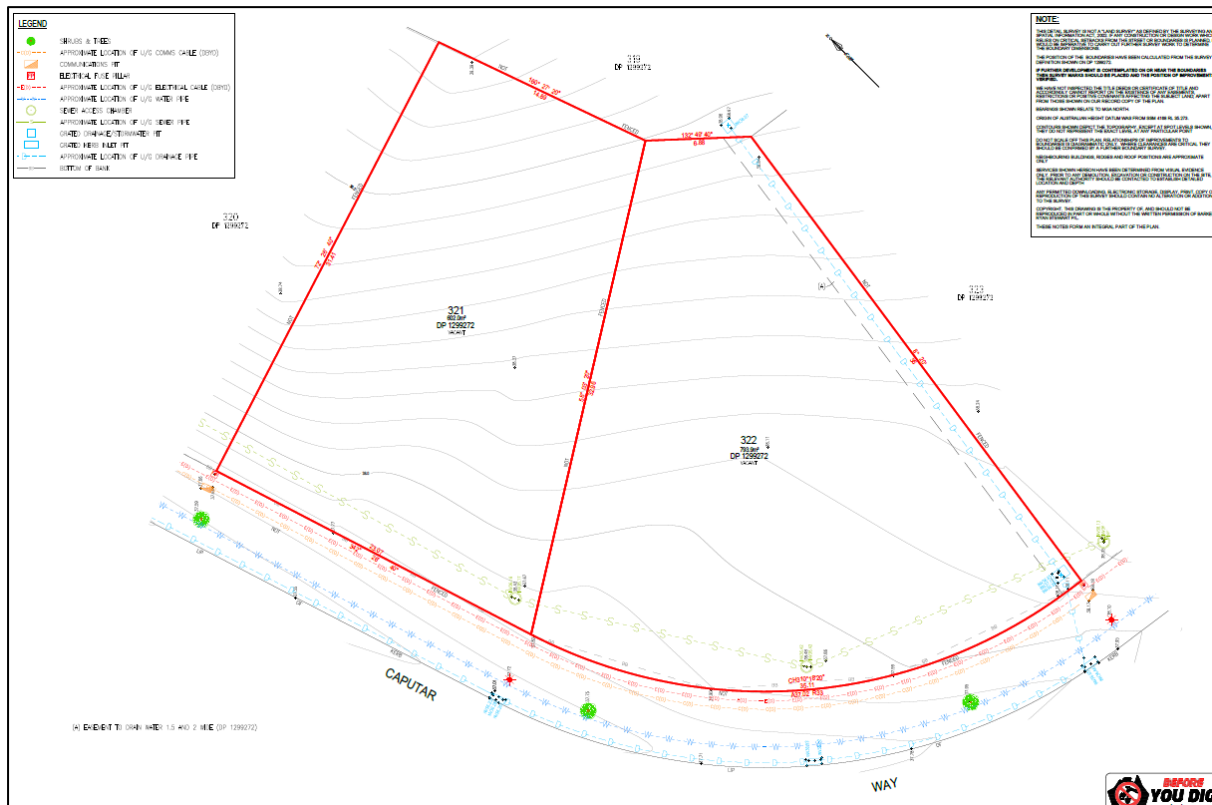
2.2 Site Characteristics

The site comprises two separate allotments, as described within **Table 1** and illustrated in the site survey extracted in **Figure 4** below. A copy of the Site Survey is provided at **Appendix 1**.

Table 1: Lot description

Street Address	Legal Description	Area	Frontage
31 Caputar Way, Lochinvar	Lot 321 DP 1299272	602m ²	23.07m
33 Caputar Way, Lochinvar	Lot 322 DP 1299272	793.9m ²	35.11m

Figure 4: Site Survey extract



The overall site is trapezoidal in shape, has a combined area of approximately 1,395.9m² and a curved frontage to Caputar Way of approximately 58.18m.

The land is currently vacant and grassed. With the exception of three street trees positioned along the site's frontage, the site contains no significant vegetation. Topographically, the site slopes generally from north to south-west towards the street with an overall crossfall of approximately 2m.

As indicated on the site survey, an easement to drain water runs along the eastern side boundary, connecting to formal kerb and guttering and stormwater infrastructure located along the site's frontage to Caputar Way. A sewer line and two manholes traverses the site close to the street boundary. The site is also serviced by electricity, telecommunications and water.

The site is adjoined by recently constructed dwelling houses to the north and north-east, and a vacant residential allotment to the east. The site fronts Caputar Way to the south and west, and beyond is a large detention basin servicing the subdivision approved under DA 12-3005.

Figure 5 below provides an aerial view of the site and adjoining development. Images of the site and adjoining dwellings are provided at **Figures 6 – 7** following.

Figure 5: Aerial view of site and immediately surrounding development (Source: Appendix 2)



Figure 6: View of site's frontage to Caputar Way, looking generally north



Figure 7: View of site's frontage to Caputar Way, looking generally north-east



A desktop analysis of Council / NSW Department of Planning records, including the Section 10.7 Certificates (provided at **Appendix 8** of this SEE), indicates the site:

- is located within the Lochinvar Urban Release Area;
- contains Bushfire Prone Land, comprising Category 3 Vegetation (refer to **Section 4.6.9** and **Appendix 4** of this SEE);
- is not known to be affected by any easements or other services which would preclude development. Easements and services affecting the site are shown on the Site Survey at **Appendix 1** and outlined in **Section 2.2** of this SEE;
- contains Class 5 Acid Sulfate Soils and is not within 500m of Class 1-4 soils;
- is not located in a heritage conservation area and does not contain an item of environmental heritage significance;
- is not located within a mine subsidence district;
- does not contain any known Aboriginal Places or sites, including a 50m buffer (see the AHIMS Search Result at **Appendix 7**);
- is not identified in an area of outstanding biodiversity value under the *Biodiversity Conservation Act 2016*;
- is not significantly contaminated land within the meaning of the *Contaminated Land Management Act 1997*;
- is not within the flood planning area but is affected by the probable maximum flood.

The findings of the desktop analysis have informed the design development and evaluation of the likely impacts associated with the proposal.

3 Proposed Development

3.1 Development Overview

The proposal involves the construction of 4 permanent group homes over two allotments and the consolidation of the subject allotments. The group homes are for the permanent residential accommodation of up to 6 people with disabilities plus 4 carers.

Each group home (or 'unit') will comprise a single-storey building with either 1 or 2 resident bedrooms and a carer's bedroom. Two at-grade car parking spaces are proposed at the front of each unit. Each unit would be accessible via a separate driveway and pedestrian path from the street.

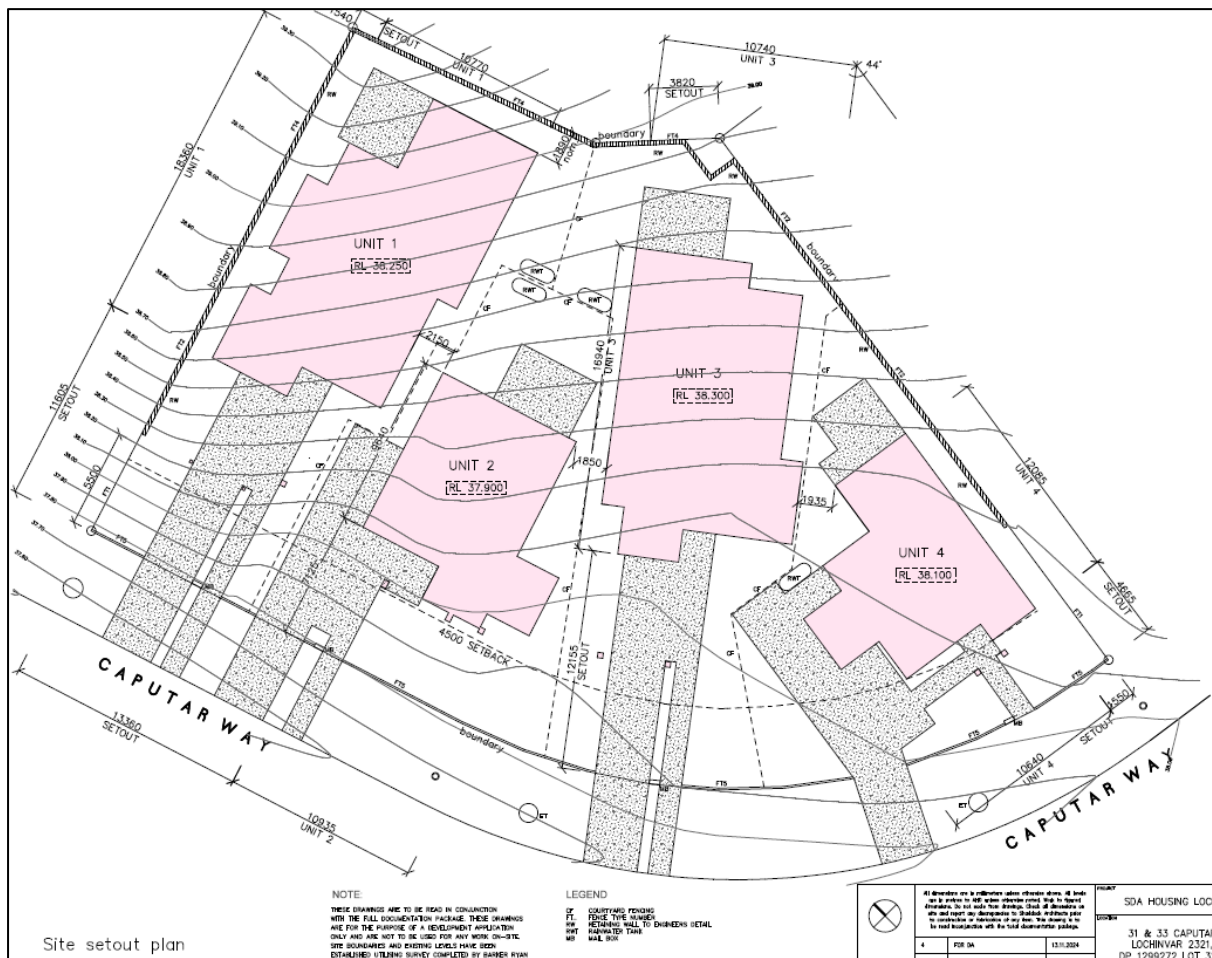
Landscaping is proposed within both the front and rear yards, and between the units. Fencing is proposed between the units and around the site boundaries.

The proposal would involve earthworks to achieve level building footprints and even grades across the site. Retaining walls would be required along the side and rear site boundaries.

Rainwater tanks are proposed to allow stormwater harvest for re-use on site, with overflow and additional runoff directed to the stormwater system on Caputar Way.

The layout of the proposed development within the site is illustrated in **Figure 8** below. A copy of the architectural plans (including a landscape plan) is provided at **Appendix 2**.

Figure 8: Site Plan (extract)



3.2 Group Home Use

A 'group home (permanent)' or 'permanent group home' is defined pursuant to the *Standard Instrument – Principal Local Environmental Plan* as 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. (Note – this reference relates to seniors housing development).

The proposed development essentially comprises the construction of four single-storey residential buildings intended for the permanent accommodation of 1 or 2 people with disabilities (6 in total). The buildings have been designed to accommodate these functions.

The homes are intended to accommodate people with significant physical impairment and requiring very high levels of support, and have been designed to meet Specialist Disability Accommodation (SDA) High Physical Support (HPS) design category requirements.

The homes will be managed by an experienced disability care provider providing in-home support. A dedicated bedroom will be provided in each home for the use of an overnight carer. A carer is anticipated to be present 24 hours a day to assist the resident/s with their daily needs.

3.3 Proposed Group Homes

Each group home (or 'unit') will comprise a single-storey building with either 1 or 2 resident bedrooms plus ensuites, a carer's bedroom ('OOA' - Onsite Overnight Assistance Room), an open plan combined kitchen / lounge / dining area, a separate bathroom, and a laundry. An alfresco patio is proposed at the rear of each unit, accessible from living areas.

Two at-grade stacked car parking spaces (including one accessible space) are proposed for each unit accessible by separate driveways from the street, with direct access to each unit. A single-car covered carport is proposed at the front of Units 1 and 3, with the remaining car spaces uncovered. Each unit would also be accessible via a dedicated paved footpath providing pedestrian connection to the street.

A schedule of the proposed units, inclusive of proposed internal areas, is provided in **Table 2** below. Floor plans, roof plans and elevations of the units are provided in **Figures 9-16** following.

Table 2: Proposed Development Schedule - Group Homes

Group Home	Bedrooms	Area
Unit 1	2 bedrooms plus 1 OOA room	147m ²
Unit 2	1 bedroom plus 1 OOA room	85m ²
Unit 3	2 bedrooms plus 1 OOA room	144m ²
Unit 4	1 bedroom plus 1 OOA room	77m ²
Total	6 bedrooms plus 4 OOA rooms	453m ²

Figure 9: Floor and roof plan extracts - Unit 1

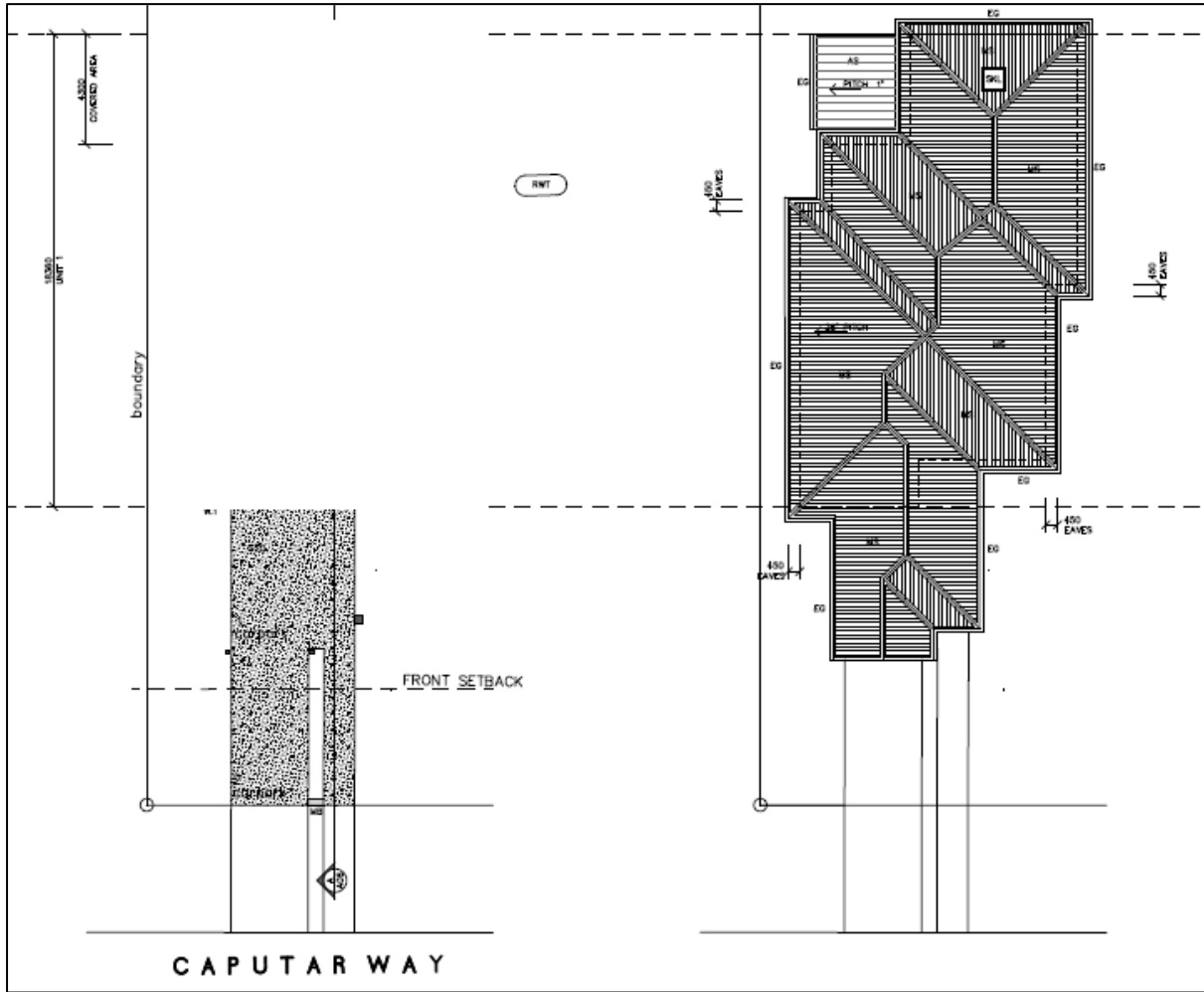


Figure 10: Elevations extracts - Unit 1

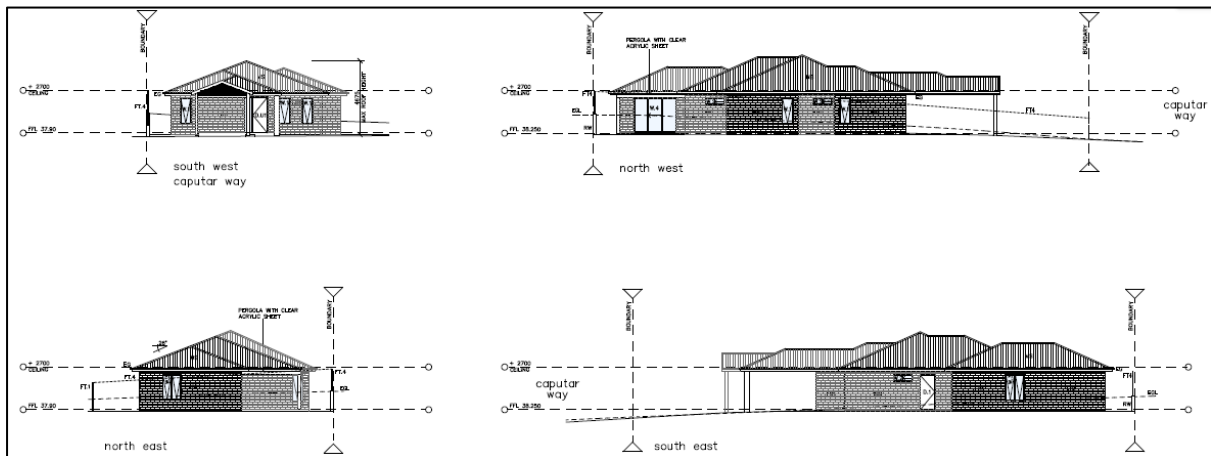


Figure 11: Floor and roof plan extracts - Unit 2

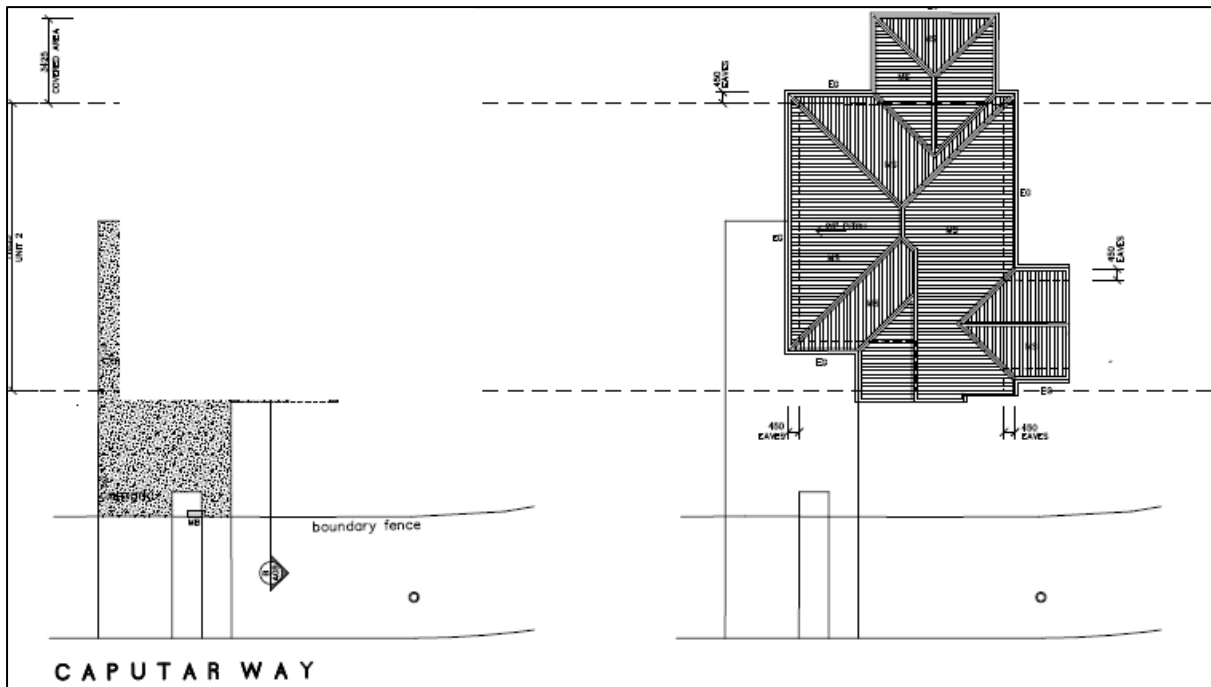


Figure 12: Elevations extracts - Unit 1

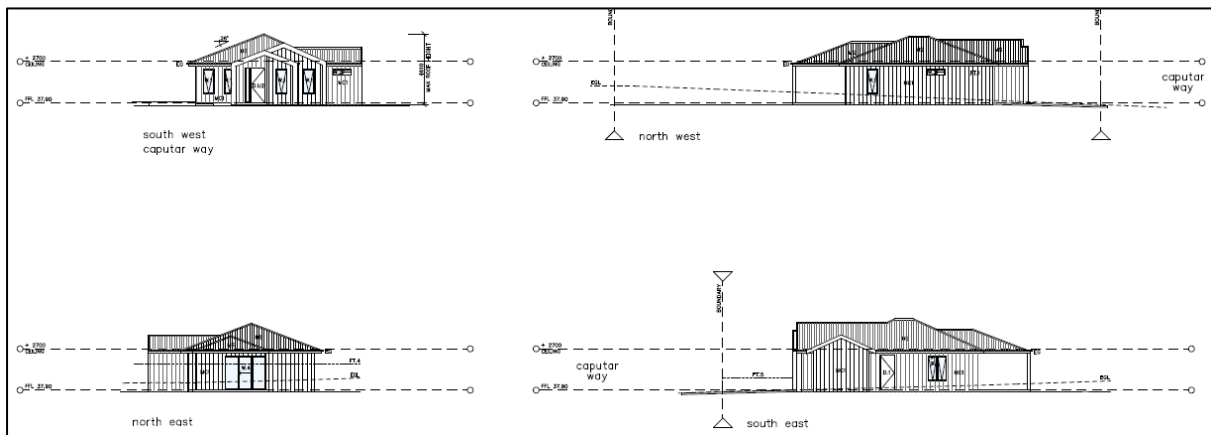


Figure 13: Floor and roof plan extracts - Unit 3

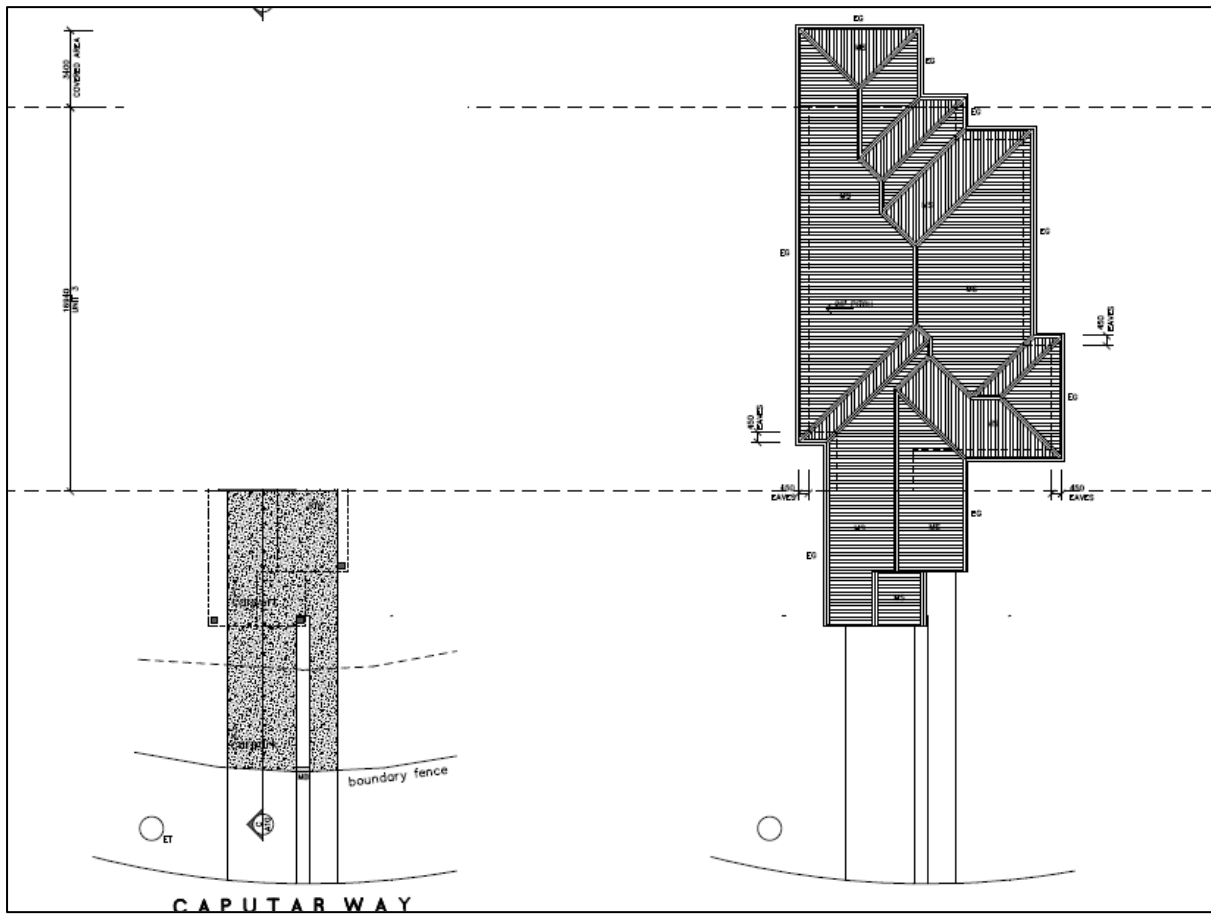


Figure 14: Elevations extracts - Unit 3

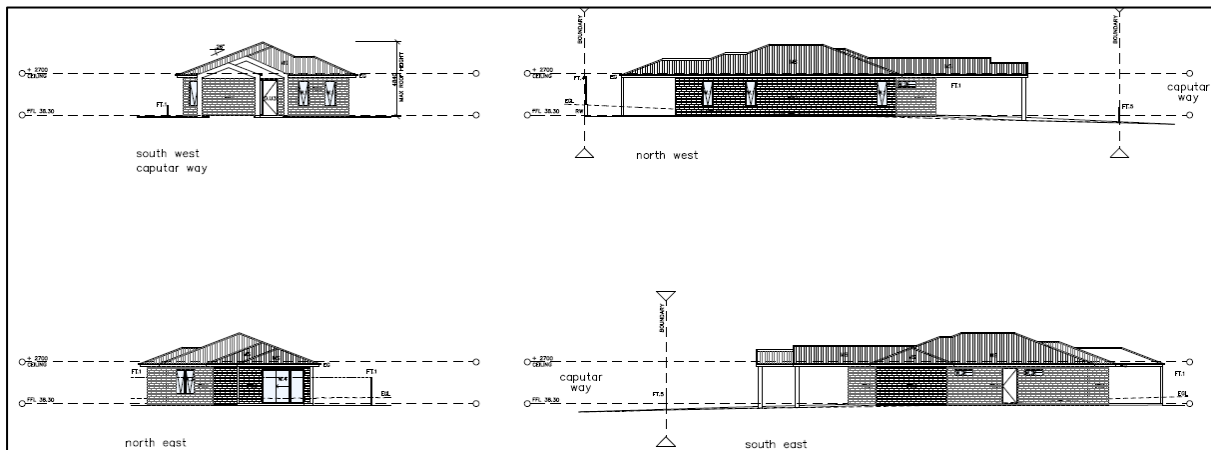


Figure 15: Floor and roof plan extracts - Unit 4

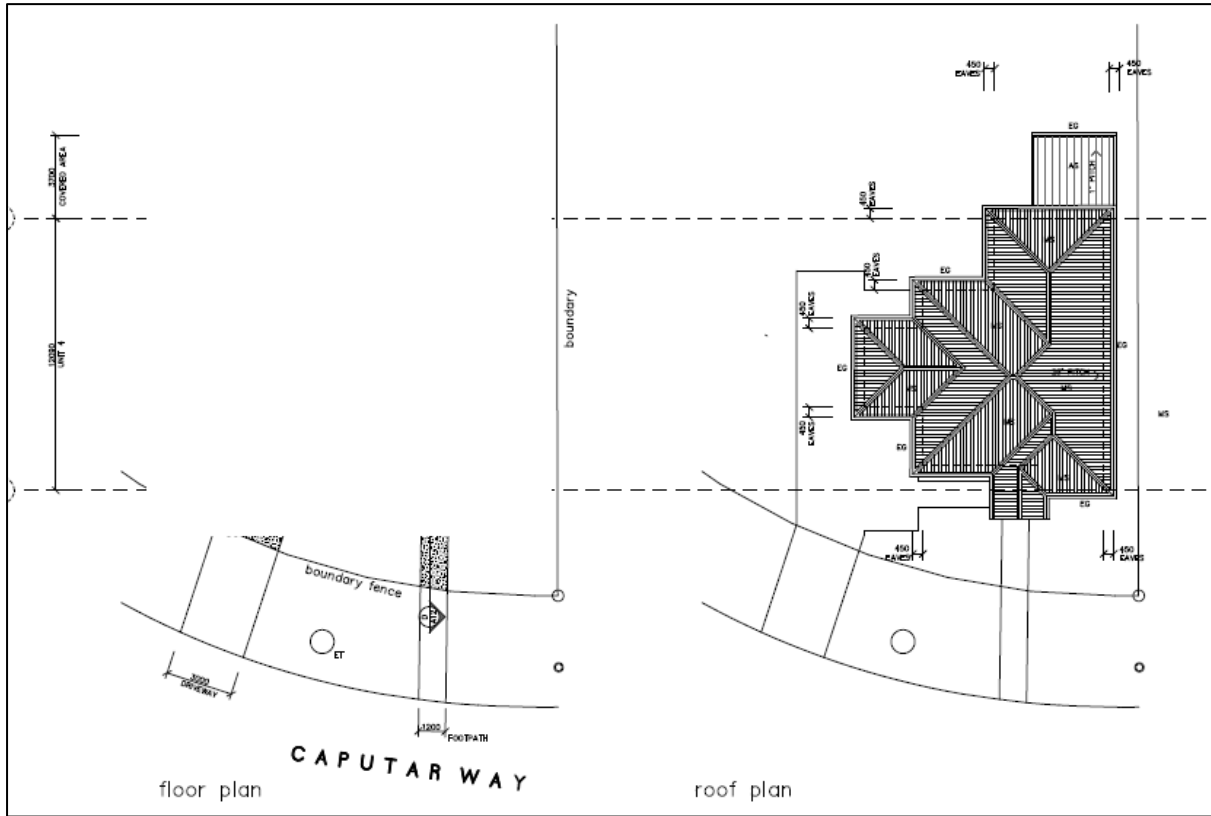
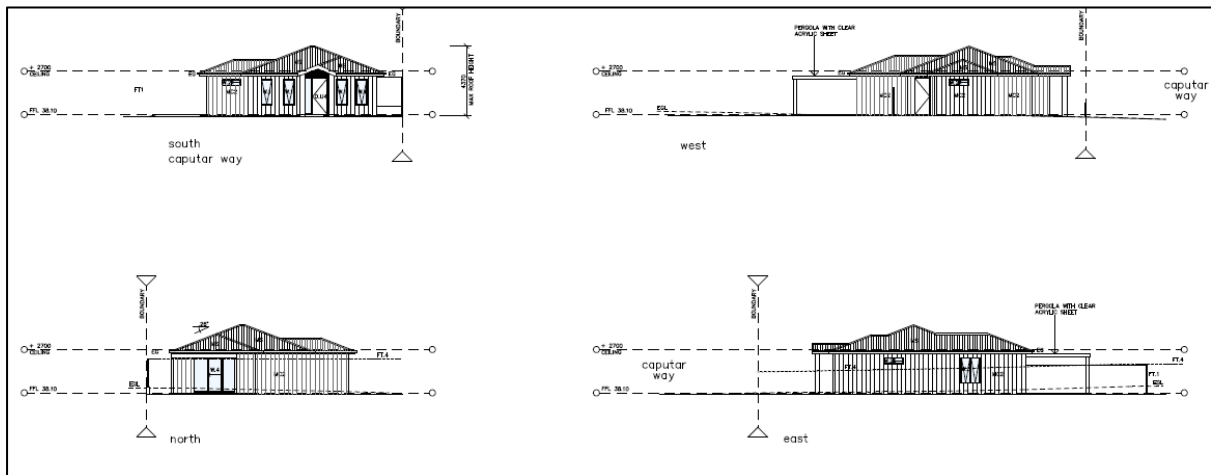


Figure 16: Elevations extracts - Unit 4



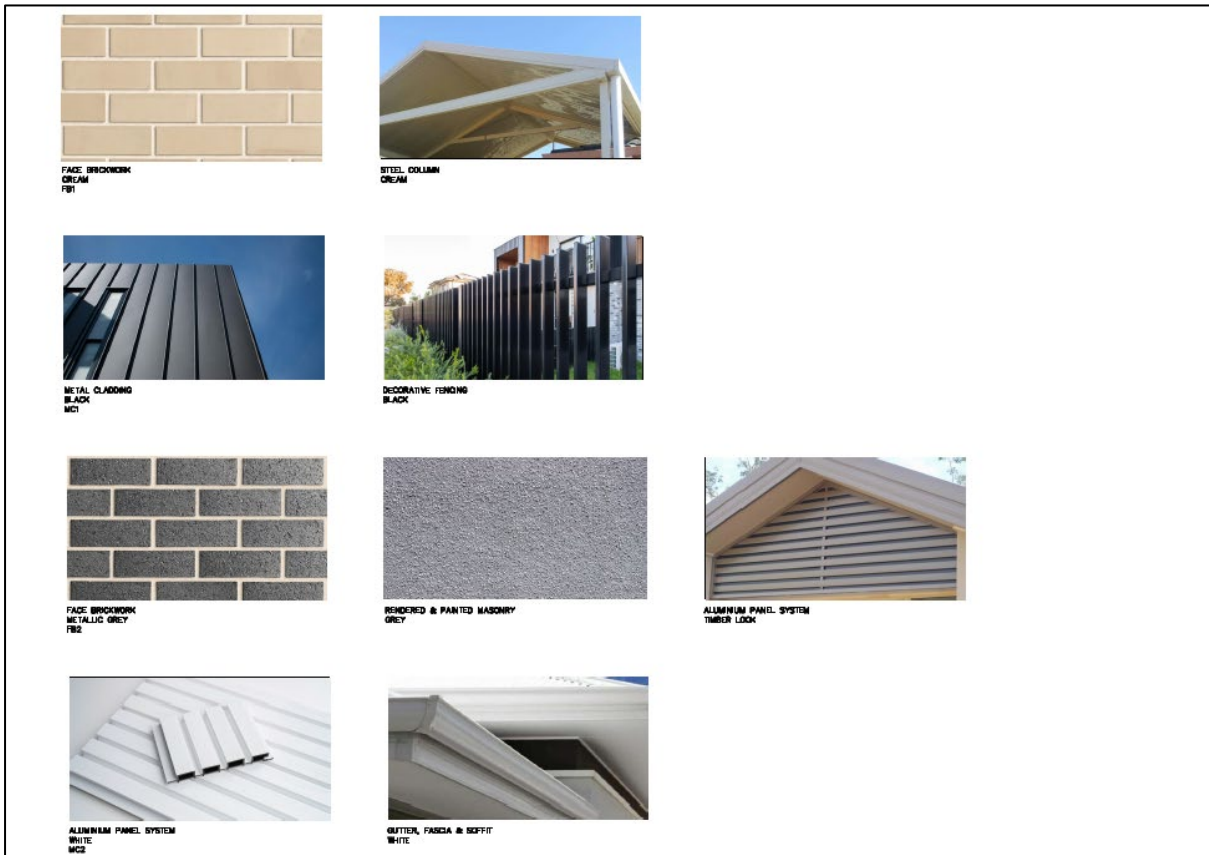
The development would present as four detached single-storey buildings fronting the street, each with separate driveways and pedestrian paths from the street. The buildings would be constructed from a combination of facebrick and lightweight cladding, with Colorbond steel roofing. The character of the development is residential in nature and has been designed to be sympathetic to the existing low density evolving character of the surrounding area.

Images showing the appearance of the proposed development from Caputar Way are provided in **Figure 17**. The conceptual material palette is provided in **Figure 18**.

Figure 17: Visual perspectives of proposal (extracts)



Figure 18: Conceptual proposed material palette (extract)



3.4 Landscaping and Fencing

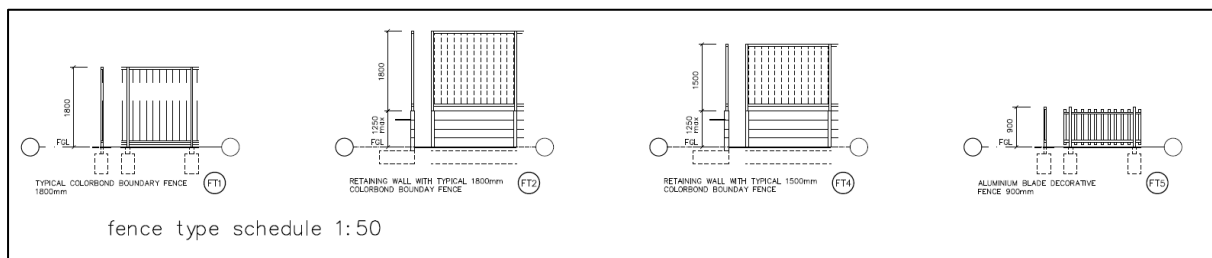
Landscaping is proposed within both the front and rear yards, and between the units, and includes retention and protection of the street trees fronting the site.

Landscaping is conceptually shown in the landscape plan at **Appendix 2**, and will be the subject of further design development at the detailed design phase, with an emphasis on overall site amenity, functionality and low maintenance plantings. It is anticipated that drought-tolerant, predominantly native, evergreen planting species will be used to maximise shade in selected areas and minimise water usage across the site.

Fencing is proposed between the units and along the site boundaries, as indicated below and in **Figure 19**:

- 1.5m high Colorbond fencing above retaining walls along the rear site boundary;
- 1.5m and 1.8m high Colorbond fencing along the side property boundaries, above retaining walls towards the middle and rear parts of each boundary;
- 0.9m high aluminium blade decorative fencing along the front property boundary (no retaining walls beneath);
- Low rise courtyard fencing between the units.

Figure 19: Fence type schedule (extract)



3.5 Earthworks

The proposal will require varying degrees of excavation across the site. Limited filling is proposed. The overall intent is to achieve an even grade across the surface of the site wherever possible, to maximise useability of the space and accessibility for residents. Refer to the section plans extracted in **Figures 20 – 23** below.

Retaining walls of varying heights (up to a maximum of 1.25m) will be required across the side and rear boundaries, positioned underneath proposed fences. The general layout of the proposed retaining walls is shown in the Site Plan at **Appendix 2**, and retaining wall details are provided in the Stormwater Details Plan at **Appendix 3**.

Figure 20: Elevation plan extract - Unit 1

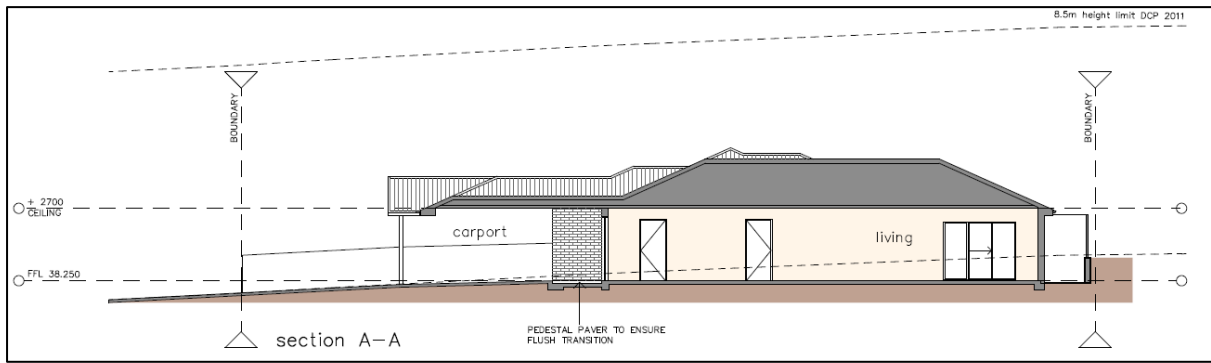


Figure 21: Elevation plan extract - Unit 2

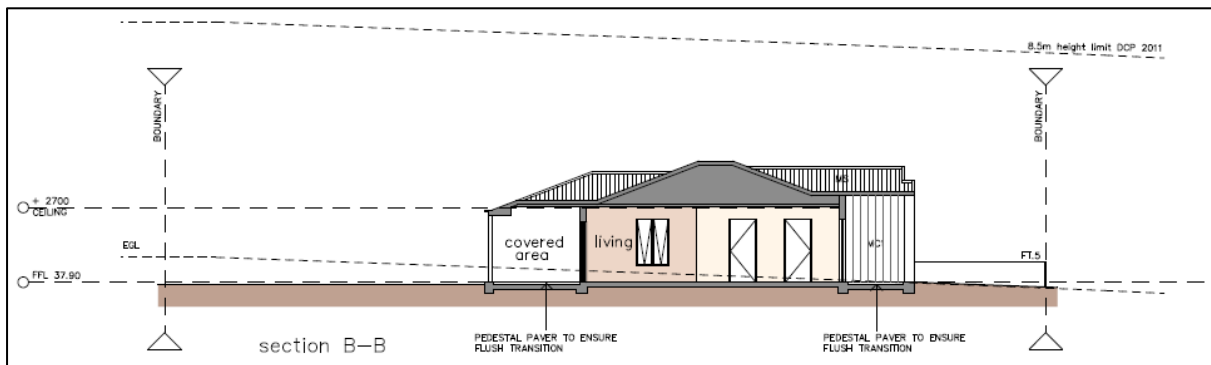


Figure 22: Elevation plan extract - Unit 3

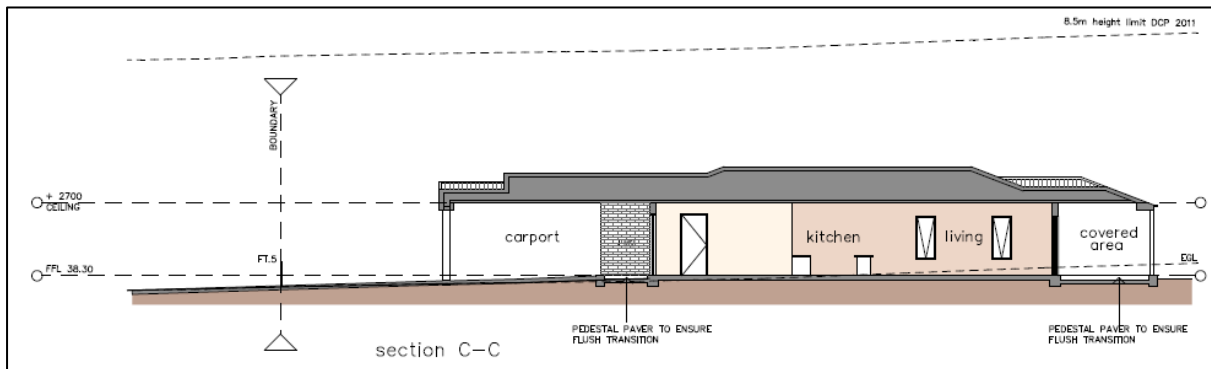
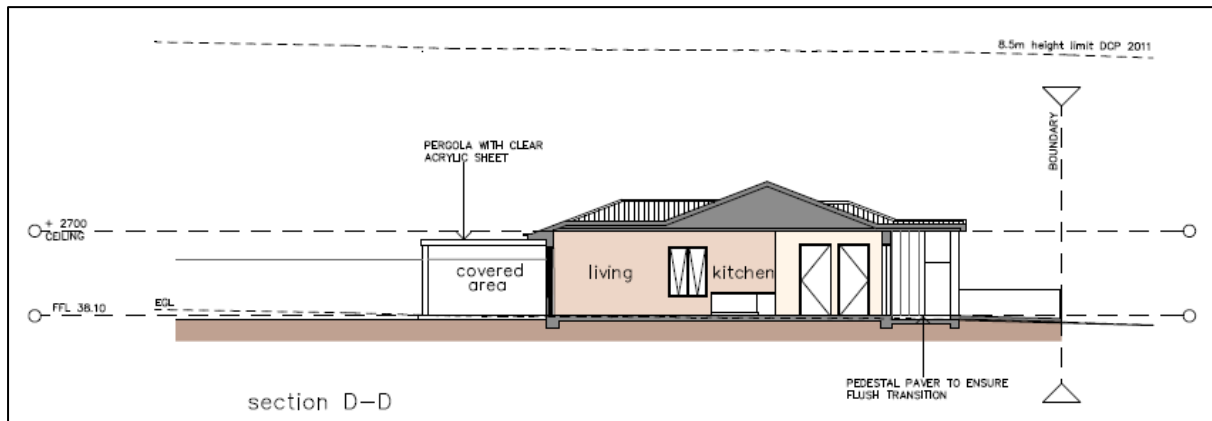


Figure 23: Elevation plan extract - Unit 4



3.6 Stormwater Management

The proposed stormwater management regime is set out in the Stormwater Plan prepared by MPC Consulting Engineers and provided at **Appendix 3**.

In summary, a 1,000 litre above ground rainwater tank will be provided to each unit (four in total), to capture roof rainwater and to supply toilets and laundries. Additional stormwater runoff and overflow will be directed to the stormwater management system on Caputar Way via a proposed pit and pipe network. Regrading of the existing stormwater pipe in the easement along the eastern side boundary will be required in response to changes in site levels.

3.7 Waste Management

Each unit will be provided with standard residential bins. The bins would be carted to the street by site staff or carers for weekly collection by Council's waste collection vehicles.

Further details are provided within the Waste Management Plan at **Appendix 6**.

4 Planning Framework

This section summarises the approval requirements for the proposal, including its permissibility under relevant planning instruments, and the application of other environmental legislation.

The legislation and environmental planning instruments relevant and applicable to the subject site and proposal include:

- *Environmental Planning and Assessment Act 1979;*
- *Environmental Planning and Assessment Regulation 2021;*
- *State Environmental Planning Policy (Housing) 2021;*
- *State Environmental Planning Policy (Planning Systems) 2021;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *Maitland Local Environmental Plan 2011;* and
- *Maitland Development Control Plan 2011.*

The particulars of each policy and how it relates to the site and intended development are provided in Section 4 of this document along with an evaluation of the proposal against the relevant provisions.

4.1 Assessment and Approvals Pathway

In accordance with Section 4.2 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), the proposal is development that needs consent and is therefore subject to the provisions of Part 4 of the EP&A Act.

Based on the cost of works the proposal is neither state significant development nor regional development as described in *State Environmental Planning Policy (Planning Systems) 2021*.

The proposal constitutes integrated development as described in Section 4.46 of the EP&A Act (see **Section 4.2.1.4** of this SEE).

4.2 Relevant Legislation

4.2.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the framework for environmental planning and development approvals and includes provisions to ensure that the potential environmental impacts of a development are assessed and considered in the decision-making process.

As outlined in **Section 4.1** of this SEE, the proposal is subject to assessment under Part 4 of the EP&A Act.

4.2.1.1 Objects of the EP&A Act

The objects of the EP&A Act (Section 1.3) are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*

- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the EP&A Act:

- The proposal will facilitate the orderly and economic use and development of land as the site is of an appropriate size, location and land use zoning to accommodate group homes.
- The development is attractively designed to respect and complement the surrounding current and desired streetscape.
- The proposal will promote social welfare by providing supported home environments for people with disabilities within the community, allowing a degree of privacy and autonomy.
- It will create employment opportunities during the construction phase, as well as the operation phase (i.e. carers and maintenance staff).
- Appropriate provision for water, sewer and electricity have been made available to serve the subject site.
- The site is not known to contain any threatened species or ecological communities, and no unreasonable adverse environmental impacts are anticipated.

4.2.1.2 Designated Development

The proposal is not designated development, as described in Section 4.10 of the EP&A Act.

4.2.1.3 Section 4.15 Evaluation

Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA.

The relevant matters for consideration under Section 4.15 are addressed in **Table 3** below.

Table 3: Section 4.15 Considerations

Section 4.15	Reference within this SEE
(a) the provisions of:	

Section 4.15	Reference within this SEE
(i) any environmental planning instrument, and	Refer to Section 4.3 of this SEE
(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Refer to Section 4.4 of this SEE
(iii) any development control plan, and	Refer to Section 4.5 of this SEE
(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and	No reference. No planning agreement has been entered into with respect to the site or proposed development.
(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Refer to Section 4.2.2 of this SEE
(v) (repealed)	-
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	Refer to Section 4.6 of this SEE and associated technical reports and plans at the Appendices.
(c) the suitability of the site for the development,	Refer to Section 4.7 of this SEE and associated technical reports and plans.
(d) any submissions made in accordance with this Act or the regulations,	To be considered as part of the assessment process.
(e) the public interest	Refer to Section 4.8 of this SEE.

4.2.1.4 Section 4.46 - Integrated Development

The proposal will involve the development of land for a Special Fire Protection Purpose pursuant to Section 100B of the *Rural Fires Act 1993*. The application is therefore Integrated Development for the purposes of Section 4.46 of the EP&A Act.

Importantly, the Bushfire Assessment Report (BAR) prepared for the proposal by BEMC found that the bushfire mapping applying to the site was inaccurate and the site is not located within bushfire prone land. Accordingly, the BAR concluded that the 'proposed development does not require further assessment in accordance with the EP&A Act and PBP2019' (see **Appendix 4**). Refer to **Section 4.6.10** of this SEE for further discussion.

4.2.2 Environmental Planning and Assessment Regulation 2021

This application satisfies relevant clauses of the Regulation as follows:

- Clause 27- BASIX certificates for the homes are attached at **Appendix 10**;
- Clause 69 - All building work will be carried out in accordance with the provisions of the Building Code of Australia;
- All information required in Part 3 of the EP&A Regulation 2021 has been submitted.

4.3 Environmental Planning Instruments

4.3.1 State Environmental Planning Policy (Housing) 2021

The Housing SEPP aims to provide incentives and guidelines for the development of appropriate affordable and diverse housing types throughout the state.

Chapter 3 of the SEPP deals with Diverse housing, and Part 2 deals specifically with group homes.

Table 4 below sets out the proposal's compliance with the relevant provisions of the SEPP.

In summary, the proposal complies with all relevant provisions of the Housing SEPP.

Table 4: Housing SEPP Compliance

Clause	Comply?	Comment
60 – Definitions	Yes	The site is zoned R1 General Residential, which is listed as a 'prescribed zone'.
61 – Development in prescribed zones	Yes	The proposed development of 4 group homes (not on behalf of a public authority) is permissible with consent.
62 – Determination of development applications	Yes	Noted. Pursuant to this clause, Council must not refuse consent to the proposed development of group homes unless it has made an assessment of the community need for the group home. Further, Council must not impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.

4.3.2 State Environmental Planning Policy (Planning Systems) 2021

Pursuant to Schedule 6 of this SEPP, 'private infrastructure and community facilities' (including 'group homes') with a capital investment value of more than \$5 million are 'regionally significant development'.

For the avoidance of doubt, the anticipated Capital Investment Value of the project is \$2,230,00.00 (excluding GST), as outlined in **Appendix 9**. Accordingly, the proposal is not regionally significant development, and the consent authority remains Maitland City Council.

4.3.3 State Environmental Planning Policy (Resilience and Hazards) 2021

4.3.3.1 Chapter 4 – Remediation of land

Chapter 4 of SEPP (Resilience and Hazards) 2021 provides a state-wide planning approach for the remediation of land and aims to promote the remediation of contaminated land to reduce the risk of harm to human health or the environment. Clause 4.6(1) states:

(1) A consent authority must not consent to the carrying out of any development on land unless—

(a) it has considered whether the land is contaminated, and

(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

(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.

The site forms part of a recently approved residential subdivision, within an Urban Release Area. The site and surrounding area may have previously accommodated 'potentially contaminating activities' pursuant to Table 1 of the Contaminated Land Planning Guidelines (i.e. 'agricultural and horticultural activities'). However, it is noted that any potential for contamination would have been addressed as part of the rezoning and a recent and thorough environmental assessment process occurred as part of the subdivision approval over the land.

Further, the Planning Certificates for the site (see **Appendix 8**) indicates the site is not the subject of any matters arising out of the *Contaminated Land Management Act 1997*.

Accordingly, the Council can be satisfied that the potential for contamination of the site has been appropriately considered.

4.3.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

4.3.4.1 Chapter 2 Infrastructure

Chapter 2 (Infrastructure) of this SEPP aims to facilitate the effective delivery of infrastructure across NSW.

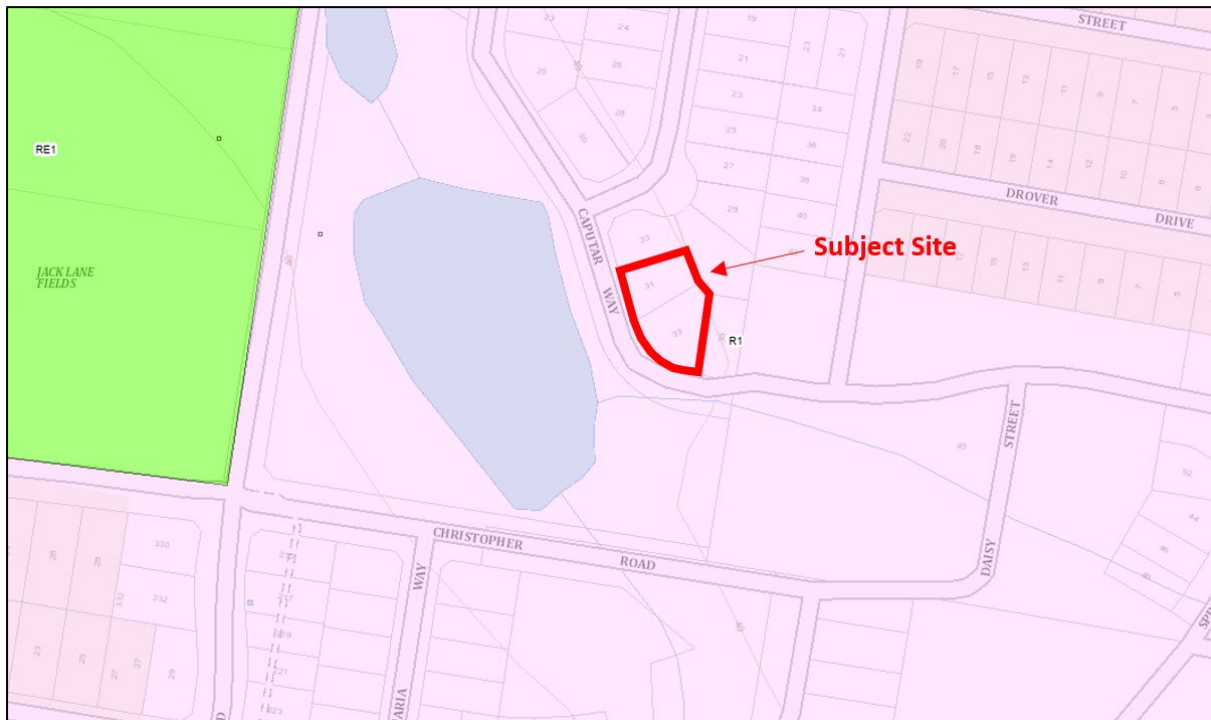
Pursuant to Section 2.48, referral to AusGrid is required for any proposed development involving the penetration of ground within 2m of an underground electricity line. As such works may be required, referral to AusGrid is recommended.

4.3.5 Maitland Local Environmental Plan 2011

4.3.5.1 Land Use Zone and Zone Objectives

The proposed development is subject to the provisions of the *Maitland Local Environmental Plan 2011* (MLEP). The subject site is zoned R1 – General Residential under the MLEP (see **Figure 24**).

Figure 24: MLEP Zoning Map Extract



The objectives of 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 proposal will provide specialist housing for people with disabilities within four single-storey building, contributing to the variety of housing types and densities within the locality. Accordingly, the proposal satisfies the relevant objectives of the zone.

4.3.5.2 Statutory Definition and Permissibility

The proposed land use is most appropriately characterised as a ‘group home (permanent)’ or ‘permanent group home’, a type of ‘group home’, defined as follows under the MLEP:

group home means a permanent group home or a transitional group home.

Note—

Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or 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.

Note—

*Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.*

A group home is permitted with consent in the R1 zone under the MLEP. Note that the proposal is also permitted with consent pursuant to the higher-order *State Environmental Planning Policy (Housing) 2021* (see **Section 4.3.1** of this SEE).

For the avoidance of doubt, we have reviewed legal opinions which demonstrate that a group home or group home development should be characterised and assessed as such, not as another form of residential accommodation (e.g. multi dwelling housing).

4.3.5.3 Principal Development Standards

The site is subject to a minimum lot size of 450m² under Clause 4.1 of the MLEP, however no subdivision is proposed. The site is not subject to a maximum building height or floor space ratio under Clauses 4.3 and 4.4 of the MLEP, respectively. Furthermore, the MLEP does not contain any specific standards relating to the development of a group home within the R1 zone.

4.3.5.4 Miscellaneous provisions

Clause 5.21 relates to flooding and applies to land within the flood planning area. Clause 5.21 defines the flood planning area as having the same meaning as it has in the Flood Risk Management Manual', being 'the area of land below the FPL'. The FPL, or flood planning level, is defined in the Manual as 'the combination of the flood level from the DFE and freeboard selected for FRM purposes'.

Council has indicated that the FPL applying to the site is the 1% AEP event plus 0.5m freeboard.

The Civil Plans for the subdivision approval over the site show the 100 year flood extents at RL 36.05m. The site survey indicates that existing site levels are RL 37.77m at the lowest point, significantly above the 36.55m FPL. As the land is entirely above the FPL, it does not meet the definition of flood planning area and therefore the provisions within this clause do not apply.

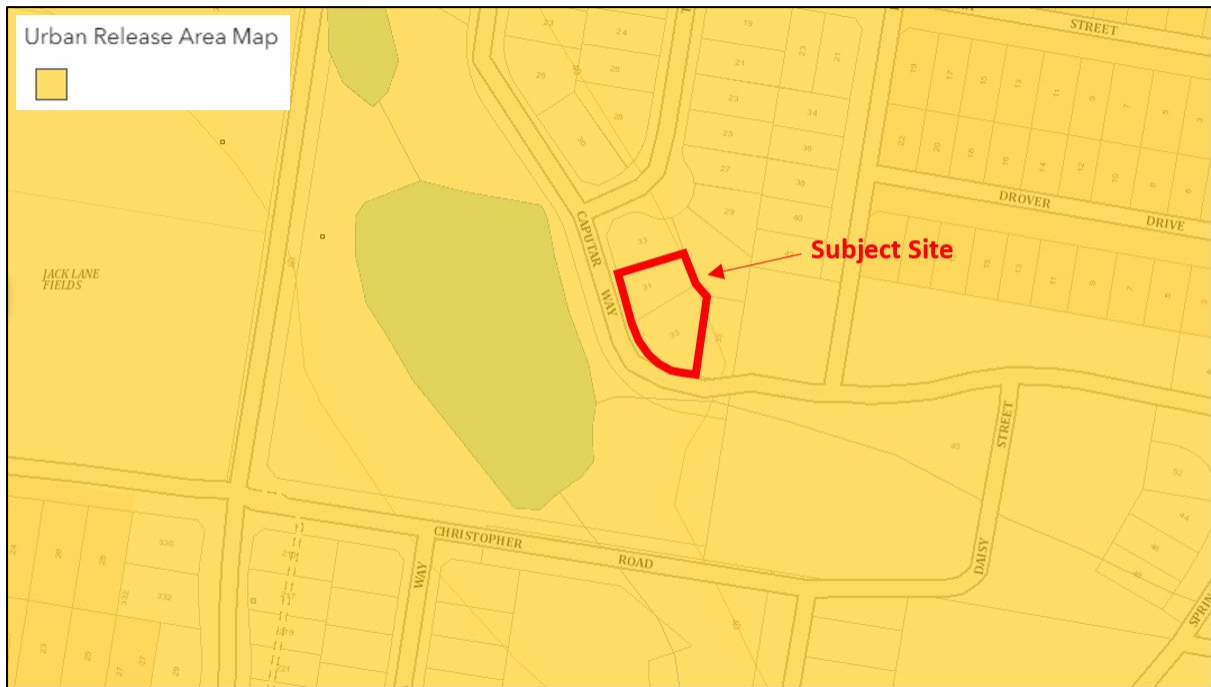
4.3.5.5 Additional Local Provisions

Part 6 relates to Urban Release Areas. As indicated in **Figure 25** below, the site is within a mapped Urban Release Area.

Clause 6.2 provides that Council cannot provide consent for development within an urban release area unless it is satisfied that any essential public utility infrastructure is available or that it will be available when required. As indicated in the survey plan at **Appendix 1**, the site has established access to infrastructure for the supply of water, electricity and sewage.

Clause 6.3 provides that consent must not be granted for development unless a development control plan is prepared for the land. In compliance with this, the MDCP chapter F9 'Lochinvar Urban Release Area' applies to the land. This chapter is addressed in **Section 4.5** of this SEE.

Figure 25: MLEP Urban Release Area Map extract



Part 7 provides additional local provisions. Clause 7.1 relates to acid sulphate soils (ASS). As indicated in **Figure 26** below, the site is mapped as Class 5 on the ASS map and is not within Class 1, 2, 3 or 4 land. The proposal does not involve works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres AHD 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. Therefore, the preparation of an ASS management plan is not required.

Figure 26: MLEP Acid Sulphate Soils Map extract



Clause 7.2 relates to earthworks. The objective of the clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on the built and natural environment. As described in **Section 3.5** of this SEE, varying levels of earthworks are proposed across the site. The following is noted in response to this provision:

- An appropriate stormwater management regime is proposed across the site (as outlined within **Section 3.6** of this SEE), which will ensure drainage patterns in the locality are adequately managed.
- All earthworks for the development will be carried out in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments*. All retaining walls will be wholly contained within the boundaries of the site. The design of the footings and retaining walls are provided in the Stormwater Details Plan at **Appendix 3**. Note that appropriate erosion and sedimentation management controls will be implemented to manage off-site impacts.
- The proposed earthworks will provide an appropriate surface for the proposed development, or any other future development on the land.
- The land is not anticipated to be contaminated, and any spoil won from excavation is anticipated to be appropriate for disposal in an appropriately licensed landfill, as required.
- Any fill imported to the site will be certified Virgin Excavated Natural Material.
- As outlined within **Section 4.6.7** of this SEE, no Aboriginal artefacts are anticipated within the site. However, if artefacts were to be found, work would cease immediately until the relevant authorities could be notified.

Pursuant to the above, the proposed earthworks are not likely to have negative impacts on the surrounding environment.

Clause 7.4 relates to riparian land and watercourses. It applies to land identified as 'Watercourse land' on the Watercourse Map, and all land that is within 40 metres of the top of the bank of a watercourse identified as 'Watercourse land' on the Watercourse Map. The site does not contain, nor is it within 40m, of watercourse land (see **Figure 27**).

Figure 27: MLEP Watercourse Map extract



4.4 Any Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the proposed development.

4.5 Maitland Development Control Plan 2011

The Maitland Development Control Plan 2011 (the DCP) applies to the proposed development. Compliance with the relevant controls is addressed in **Table 5** below. Note that satisfaction of the DCP objectives is generally achieved through compliance with the specific controls in each section.

Where control compliance is not appropriate, an explanation of how the proposal still achieves the overall objectives is provided.

Table 5 demonstrates that the proposal is compliant with the majority of prescriptive controls of the DCP, and more importantly, consistent with all relevant objectives and / or performance-based controls.

Table 5: Maitland DCP Compliance

DCP Provision	Comply?	Comment
Part B – Environmental Guidelines		
B.2 Domestic Stormwater		A Stormwater Plan has been prepared by MPC Engineering Consultants. This plan and accompanying details include the drainage strategy to accommodate the increased stormwater generated on site. Refer to Appendix 3 .
B.3 Hunter River Floodplain		Refer to Section 4.6.8 of this SEE.
B.6 Site waste minimisation		A Waste Management Plan is provided at Appendix 6 .
Part C – Design Guidelines		
C.1 – Accessible living		An Access Report has been prepared by Accessed and is attached at Appendix 5 of this SEE.
C.8 – Residential design		<i>Note: the DCP does not contain provisions relevant to the proposed 'group home' use. The 'group home' use is a discrete and separately defined land use. For the purposes of providing merit guidance ONLY, the proposal has been assessed against Chapter C8 of the DCP, which applies to specific forms of housing including multi dwelling housing, as the nearest similar development format. However, it is emphasised that compliance with these provisions is <u>not</u> a statutory requirement.</i>
2. Site Analysis & Site Context	Yes	A site analysis plan is provided at Appendix 2 . Also refer to Section 2.1 of this SEE.
4. Bulk Earthworks and Retaining Walls	See comment	The proposal will require varying degrees of excavation across the site. Limited filling is proposed. The overall intent is to achieve an even grade across the surface of the site wherever possible, to maximise useability of the space and accessibility for residents. Sections are included at Appendix 2 which show the indicative extent of cuts across the site. Finished ground levels, and the location and details of proposed retaining walls are provided in the Civil Plans at Appendix 3 . While retaining walls will exceed 0.9m in parts of the site (with maximum heights of 1.25m), detailed plans are provided at Appendix 3 and include adequate provision for sub soil drainage. An appropriate stormwater management regime is proposed across the site (as outlined within Section 3.6 of this SEE), which will ensure drainage patterns in the locality are adequately managed.
5. Street Building Setbacks	Partial – see comment	The proposal is setback more than 4.5m from the street frontage, in compliance with this control. Two single-car carports are proposed within the site (for Units 1 and 3). Although not located 1m behind the building line, the carports are setback more than 6m from the street, are designed to integrate with the form of the units, and are positioned behind the building line of Units 2 and 4 which sit forward of Units 1 and 3.
6. Side and Rear Setbacks	Yes	The Architectural Plans at Appendix 2 show compliance with minimum rear and side setbacks.
7. Site Coverage and Unbuilt Areas	Yes	The Architectural Plans at Appendix 2 indicate a maximum site coverage of 56.8%, well below the maximum site coverage of 70% stipulated under this section.

DCP Provision	Comply?	Comment
8. Building Height, Bulk and Scale	Yes	The single storey design of each unit remains well below the maximum 8.5m building height stipulated under this section.
9. External Appearance	Partial – see comment	<p>The development would present as four detached single-storey buildings fronting the street, each with separate driveways and pedestrian paths from the street. The buildings would be constructed from a combination of facebrick and lightweight cladding, with Colorbond steel roofing. The external appearance of the development is residential in nature and has been designed to be sympathetic to the existing low density evolving character of the surrounding area.</p> <p>While two of the four units incorporate carport structures forward of the respective units, both structures are modest in scale (single car only), significantly setback from the street, and designed as an integral parts of the units in terms of height, roof form, detail, materials and colours. The use of carports in lieu of garages is considered desirable, being more transparent structures that an effectively reduce the bulk and mass associated with garages. Importantly, the development adopts a staggered setback to the street, with the units with car ports (Units 1 and 3) both setback such that the car ports sit behind the front building line of Units 2 and 4. When viewed as a whole and having regard to the site’s wide frontage, the carport structures would be visually unobtrusive within the streetscape and would be further softened by a generous landscaped frontage.</p>
10. Open Space	Partial – see comment	The Units have POS areas of between 34 and 63m ² . While the POS to Unit 1 is slightly below requirements, it is emphasised that the POS space for each unit is well in excess of the minimum 16m ² SDA design standard and the minimum requirements for group homes under the CDC provisions of SEPP Housing.
12. Accessibility And Adaptable Housing	Yes	The homes are intended to accommodate people with significant physical impairment and requiring very high levels of support, and have been designed to meet Specialist Disability Accommodation (SDA) High Physical Support (HPS) design category requirements.
13. Landscape Design	Yes	<p>Landscaping is conceptually shown in the landscape plan at Appendix 2, and will be subject further design development at the detailed design phase having regard to relevant DCP requirements and with an emphasis on overall site amenity, functionality and low maintenance plantings.</p> <p>It is anticipated that drought-tolerant, predominantly native, evergreen planting species will be used to maximise shade in selected areas and minimise water usage. The design allows for a generous landscaped frontage to provide privacy and help integrate the proposed development within the streetscape.</p>
14. Fencing And Walls	Part – see comment	Refer to Sections 3.4 and 3.5 of this SEE for details on proposed fencing and retaining walls. Although the rear and sections of the side boundary fencing will be positioned on top of retaining walls, these will be cut below existing ground level, so the fences will remain 1.8m above <i>existing</i> (pre-development) ground level. Front fencing will be 0.9m in height and comprise of aluminium blade decorative fencing that complements the material and colour scheme across the site.
15. Driveway Access and Carparking	Yes	The proposed driveway and parking arrangements generally comply with relevant requirements.

DCP Provision	Comply?	Comment
16. Views, And Visual and Acoustic Privacy	Yes	The proposal does not unreasonably affect the privacy of neighbours. No view loss impacts are anticipated.
17. Water And Energy Conservation	Yes	Basix and NatHERS Certificates are included at Appendix 10 . The proposal has been designed to maximise water and energy efficiency, including through on-site stormwater reuse and the orientation of living areas and POS (refer to solar access diagrams at Appendix 2). Water and energy conservation will be further considered at the detailed design phase.
18. Stormwater Management	Yes	Refer to Stormwater Plan provided at Appendix 3 .
19. Security, Site Facilities and Services	Yes	Refer to Section 4.6.4 of this SEE.
C.11 – Vehicular access & car parking	Yes	Pursuant to Appendix 1, Part C of the DCP, a group home is required to provide one car space per employee. Given there will be a maximum of 4 staff / carer on site at one time, a total of 4 car spaces is required to be provided on site. The provision of 4 car spaces for carers and 4 spaces for residents complies.
C.12 – Crime prevention through environmental design	Yes	Refer to Section 4.6.4 of this SEE.
Part F – Urban Release Areas		
F.9 - Lochinvar Urban Release Area	See comment	The site is within the Lochinvar Urban Release Area. The controls within this section appear to apply to the master planning / staged subdivisions within the URA and are considered to have limited application to the proposed development. Notwithstanding, the design development of the proposal, including the stormwater regime, has had regard to the general design principles contained within this section. Further consideration will be given to relevant design principles at the detailed design stage, including the design of the landscape scheme.

4.6 Likely Impacts

The below provides an analysis of the key impacts of the proposal on the surrounding environment.

4.6.1 Accessibility

An *Access Report* was prepared for the proposal by Accessed (see **Appendix 5**). This Report demonstrates consideration of relevant access requirements pursuant to the *National Construction Code (Building Code of Australia)*, *Access Code for Buildings 2010* and relevant Australian Standards, and included consideration of the design in the context of the *Disability Discrimination Act 1992*.

Generally, the Report found that compliance with relevant requirements was achievable subject to incorporation of specific details. As the development concept progresses to detailed design, specific recommendations of the report will be implemented (e.g. light switches, lighting, surface finishes etc).

4.6.2 Traffic and Parking

The DCP calls for the provision of one car space per employee for a group home. Given there will be a maximum of 4 staff / carers on site, a total of 4 car spaces is required under the DCP.

Notwithstanding the DCP parking rates and the anticipated disabilities of the residents (with most unlikely to own a personal vehicle and are most likely to travel with a carer in a shared vehicle), Council has indicated its strong preference for the provision of additional car parking on site.

Two at-grade car parking spaces are proposed at the front of each unit - one for the carer and one accessible space for residents – resulting in an on-site parking provision of 8 spaces. The proposal therefore exceeds minimum car parking under the DCP, and provides additional spaces for residents or their visitors.

Housing that has been designed to incorporate a high level of physical access provision for people with significant physical impairment and requiring very high levels of support.

The proposal is not likely to result in any significant increases in traffic to the area. As all daily living needs will be met on-site by a carer (e.g. laundry, cooking) there will be no requirement for special deliveries or traffic movements to meet these requirements.

4.6.3 Social Impact

There is an established need for the development of more accessible housing for people with disabilities around Australia (*Australia's Disability Strategy 2021–2031*). Group homes enable people with disabilities to stay in their local community or to find housing close to relatives and support networks.

The proposal is for the residential accommodation of up to 6 people with disabilities and their carer. This will contribute a small increase in the availability of diverse housing in the Lochinvar area.

Essentially, the development will function like other private homes within the area. All daily living tasks will be performed on-site (e.g. laundry, cooking) with no need for special deliveries or outsourcing.

The homes will be managed by an experienced disability care provider providing in-home support. Accordingly, a high standard of building and landscaping maintenance is anticipated.

Whilst the residents may create some additional demand on local services, such as medical services, these needs will be negligible in the context of the wider community. Established programs managed by the provider and its partners will be available to residents to support their social needs, such as centre-based programs / activities, community participation support, and in-community employment and capacity building support.

Physically, the buildings will appear indistinguishable from other dwelling houses within the street. No identification signage or other points of difference are proposed.

Based on the above, it is evident that the proposal will not result in any negative social impacts on the local community. Rather, it will provide a much-needed boost to the availability of accessible housing within a growing community.

4.6.4 CPTED

CPTED is a recognised model which provides that, if development is appropriately designed, it can reduce the likelihood of crimes being committed. It is anticipated that introducing CPTED measures within the design of the development will assist in minimising the incidence of crime and will contribute to perceptions of increased public safety.

The proposal offers a high level of casual surveillance and ultimately residents, staff, visitor and community safety within the site and surrounding area. It will also provide appropriate lighting and security measures to protect the safety of residents, staff, visitors and the local community.

The safety and security of all residents, staff and visitors (including the perception of safety and security that the development will provide) is of paramount importance to the amenity of the development.

The 4 principles which guide CPTED are considered below. Based on the below measures, it is envisaged that the development can be appropriately managed to minimise the potential risk of crime and to maximise public safety.

Principle	Measures proposed
<p><u>Surveillance:</u> <i>Crime targets can be reduced by effective surveillance, both natural and technical.</i></p>	<ul style="list-style-type: none"> • OOA rooms and the front door of each home overlook the site frontage, allowing casual surveillance of the site entrances and overall site frontage by staff. • Hallways between living areas and front entrances maintain good sightlines to the front entrance of each home. • Patios and windows of group homes provide casual surveillance opportunities along all site boundaries. • Effective lighting will be provided as a part of the detailed design process to ensure that an appropriate balance for lighting public areas and internal spaces within the site without creating excessive glare or opportunities for concealment. Motion-activated lighting may be provided to external areas, including site entrances, to increase visibility and perceptions of safety for residents whilst acting as a deterrent to potential intruders.

Principle	Measures proposed
	<ul style="list-style-type: none"> • CCTV will be utilised as appropriate for the entrances to the site and buildings and will be further considered in later detailed design stages. • Signs indicating entrances, exits and emergency equipment around the buildings should be illuminated and free from shrubbery. • Landscaping provides for designation of spaces without creating 'blind' spots or concealment areas. • Landscaping should be managed to ensure there are clear and open sightlines throughout the development, particularly around pathways and site accesses. • Landscaping should be maintained in accordance with CPTED principles (e.g. shrubbery below 0.7m in height, crown foliage above 1.8m in height when grown, etc). This should be assisted by a vegetation maintenance program.
<p><u>Access Control:</u> <i>Barriers to attract/restrict the movement of people minimises opportunities for crime and increases the effort required to commit crime.</i></p>	<ul style="list-style-type: none"> • The site is fully fenced and has limited access points, all situated along the street frontage. This assists in preventing unauthorised persons entering the site or individual homes. • Each site entrance is controlled via a secure gate. Electronic security mechanisms will be provided to control access as appropriate to the site. • Access to individual group homes would also be via electronic swipe cards. • Pedestrian accesses are clearly defined and easily identifiable to channel people directly into the site and homes and minimise opportunities for crime. • All pedestrian gates should be fitted with self-closing mechanisms to prevent unintentional access to the site. • Entry gates and doors should be fitted with self-closing mechanisms.. • Video doorbell intercom devices should be considered for all entrance doors. At a minimum, peep holes should be provided in entry doors for all group homes. • Internal plant and equipment areas should be secured with a lock and master key system • Trees adjacent to site boundaries (both retained and planted) should be periodically reviewed to ensure they do not act as 'natural ladders', allowing potential offenders to climb into the site. Lower limbs should be removed to above easy climbing reach, or limbs overhanging roofs removed, as necessary. • All window and door screens to buildings should be of high quality, secure construction materials. • All windows should be lockable. Consider the ability to lock windows partially open to allow natural ventilation without allowing enough space for a potential offender to climb through.
<p><u>Territorial Reinforcement:</u> <i>Well-used places reduce opportunities for crime and increase risk to criminals.</i></p>	<ul style="list-style-type: none"> • There is a single entry to each home, each in a prominent position and clearly defined by paving, landscaping, fencing and building siting. • Proposed fencing within the front setback provides clear delineations between public and private space, reducing excuse-making opportunities for potential offenders. The footpaths providing direct access to each home from the street also provide

Principle	Measures proposed
	<p>clear delineation of space and reduce excuse making opportunities.</p> <ul style="list-style-type: none"> • The design of the development is in sympathy to other low-density residential developments, to ensure the proposal does not visually 'stand out' as 'other'. This will assist in reducing the identification potential of the site as a refuge to offenders. • Clear signage or other physical cues throughout the site will assist people to find their way around the site easily and will reduce excuse-making opportunities by potential offenders. • The use of international symbols should be considered as these are more easily identified by people with an intellectual disability and also by people who have English as their second language.
<p><u>Space Management:</u> <i>Space which is appropriately utilised and well cared for reduces the risk of crime and antisocial behaviour.</i></p>	<ul style="list-style-type: none"> • Any outdoor furniture should be of high quality and appropriate for use by a range of users (back supports etc). • Anti-graffiti coatings should be applied to vulnerable areas and complement rapid turnaround maintenance programs and fault reporting systems. • A rapid maintenance program should be developed, documented and implemented by the staff to ensure site cleanliness, repair vandalism (graffiti) or damage occasioned to signs, buildings or furniture, and to monitor lighting and CCTV systems. • Landscaping and communal areas should be maintained at regular intervals to provide convenient and attractive access to occupants. If areas are inviting, they will promote use which increases natural guardianship and surveillance. • Air conditioning plants and other service points should be mounted within a secure building or enclosure for protection. Any service manholes should be similarly lockable. • CCTV footage should be recorded and kept for an appropriate length of time, preferably with automatic upload offsite / to the cloud. • Consider phone connections to on-call off-site staff or nearby private security services, to allow for non-emergency support (in addition to potential duress alarm systems).

4.6.5 Acoustic Privacy

The proposal is for the residential accommodation of up to 6 people with disabilities and their carer. Essentially, the development will function like other private homes within the area. The homes will be managed by an experienced disability care provider providing in-home support, and appropriate measures to manage noise will be implemented where required.

The selection and location of any external plant will be determined at the detailed design phase, with regard to minimising external acoustic impacts.

Accordingly, acoustic impacts on neighbouring development are anticipated to be below guideline thresholds.

4.6.6 Visual Impact

The proposal seeks to construct four single-storey detached buildings within a newly established low-density residential neighbourhood. The proposed bulk, form and scale of the development is consistent with and sympathetic to the style and form of surrounding established residential development. Subdued colours and non-reflective materials are proposed, and the design allows for a generous landscaped frontage to help integrate the proposed development within the streetscape. Accordingly, the proposal is not likely to have an unacceptable visual impact.

4.6.7 Aboriginal Heritage

To assess the potential for the site to contain Aboriginal artefacts, an Aboriginal Heritage Information Management System (AHIMS) search was conducted on 15 November 2024 – see **Appendix 7**. No Aboriginal sites or places were recorded within a 50m radius of the site.

The site is considered ‘disturbed land’ pursuant to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (NSW Government, 2010) and it is expected that the presence of any Aboriginal objects would have been addressed as part of the subdivision approval over the site. In this respect, it is noted that much of the land adjoining the site has already been redeveloped.

Accordingly, the proposal is not likely to harm Aboriginal objects and an Aboriginal Heritage Impact Permit is not required. Regardless, should Aboriginal objects be uncovered during excavation works, works would stop immediately and the appropriate authorities notified.

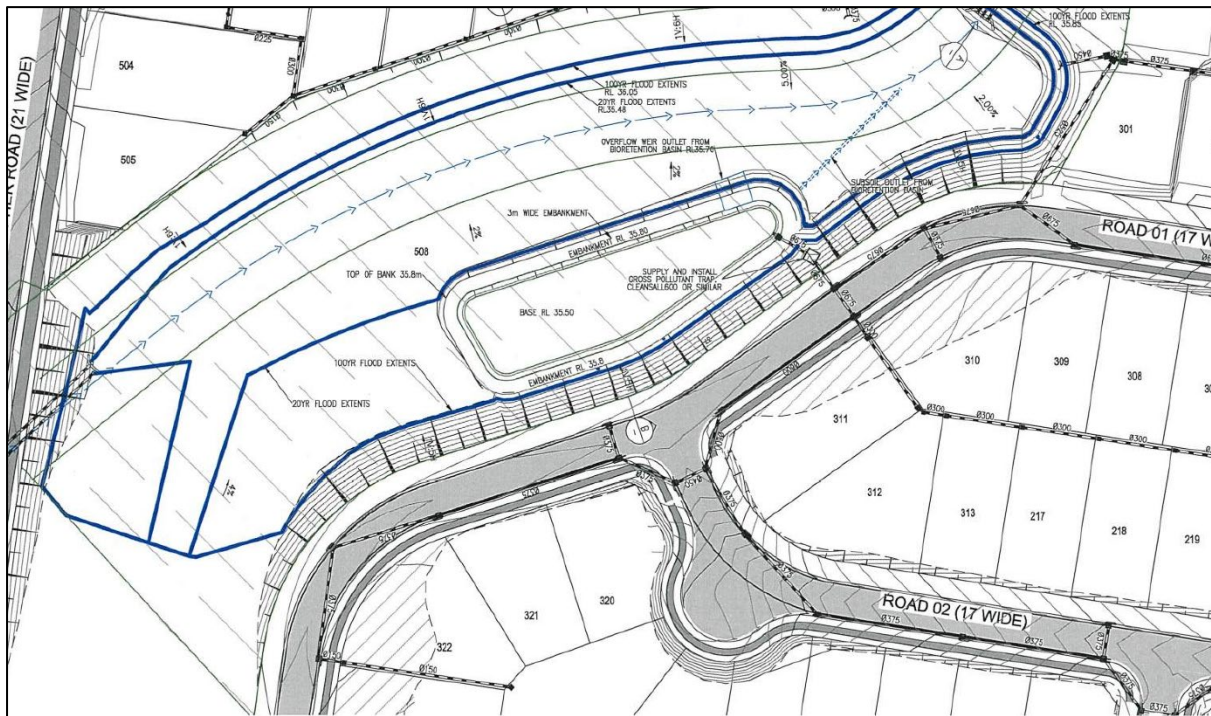
4.6.8 Flooding

The Section 10.7 Certificates for the site indicate that the land is between the flood planning area and the probable maximum flood. Council requires that the development be positioned 0.5m above the 1% AEP event.

The approved Civil Plans for the subdivision approval over the site show the 100 year flood extents at RL 36.05m (see **Figure 28**). A review of the Architectural Plans at **Appendix 2** indicates proposed minimum finished floor levels at 37.9m, 1.85m above the 1% AEP event, ensuring the proposal seeks to manage the impact to life in the event of a flood.

Accordingly, the proposed development is considered to reasonably addresses flooding considerations at the site.

Figure 28: Approved stormwater plan - DA 12-3005 (extract)



4.6.9 Bushfire

The site is mapped as containing Bushfire Prone Land, comprising Vegetation Category 3, as indicated in **Figure 29** below. Accordingly, a Bushfire Assessment Report (BAR) was prepared for the proposal by BEMC (see **Appendix 4**).

The BAR included an assessment of the vegetation within 140m of the proposed development in accordance with Planning for Bushfire Protection 2019 (PBP) – see **Figure 30**. The BAR found that the ‘existing vegetation within the 140m assessment area can be excluded as a bushfire threat’ and confirmed that the site is not located within bushfire prone land.

The BAR notes that ‘the bushfire risk to a building outside 100m distance from classifiable vegetation are considered low risk’ and ‘the risk of a bushfire to these buildings is so low that specific bushfire planning and construction requirements are not required in accordance with Planning for Bushfire Protection 2019’.

In light of these findings, the BAR concludes that the ‘proposed development does not require further assessment in accordance with the EP&A Act and PBP2019’.

Notwithstanding the above, it noted that the proposed use is classed as a ‘Special Fire Protection Purpose’, which requires referral to the NSW Rural Fire Service as the site is mapped as bushfire prone laned.

Figure 29: Extract of Bushfire Prone Land Map

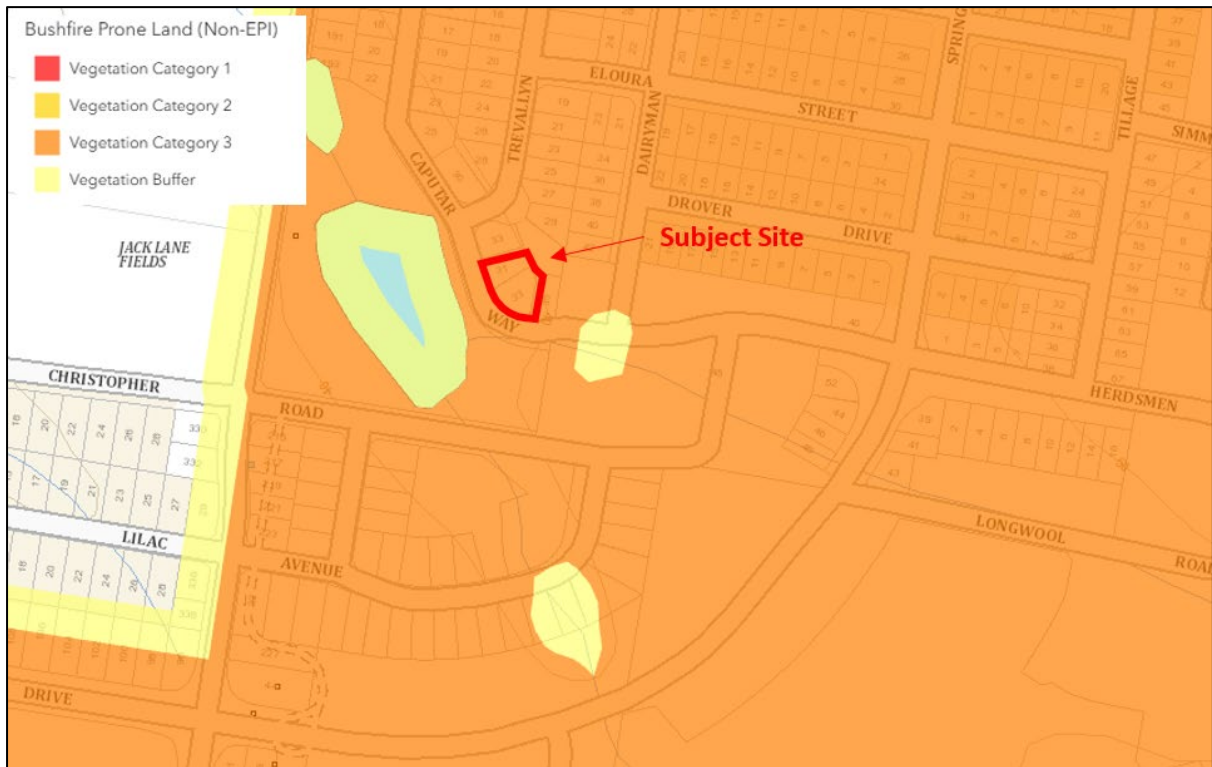
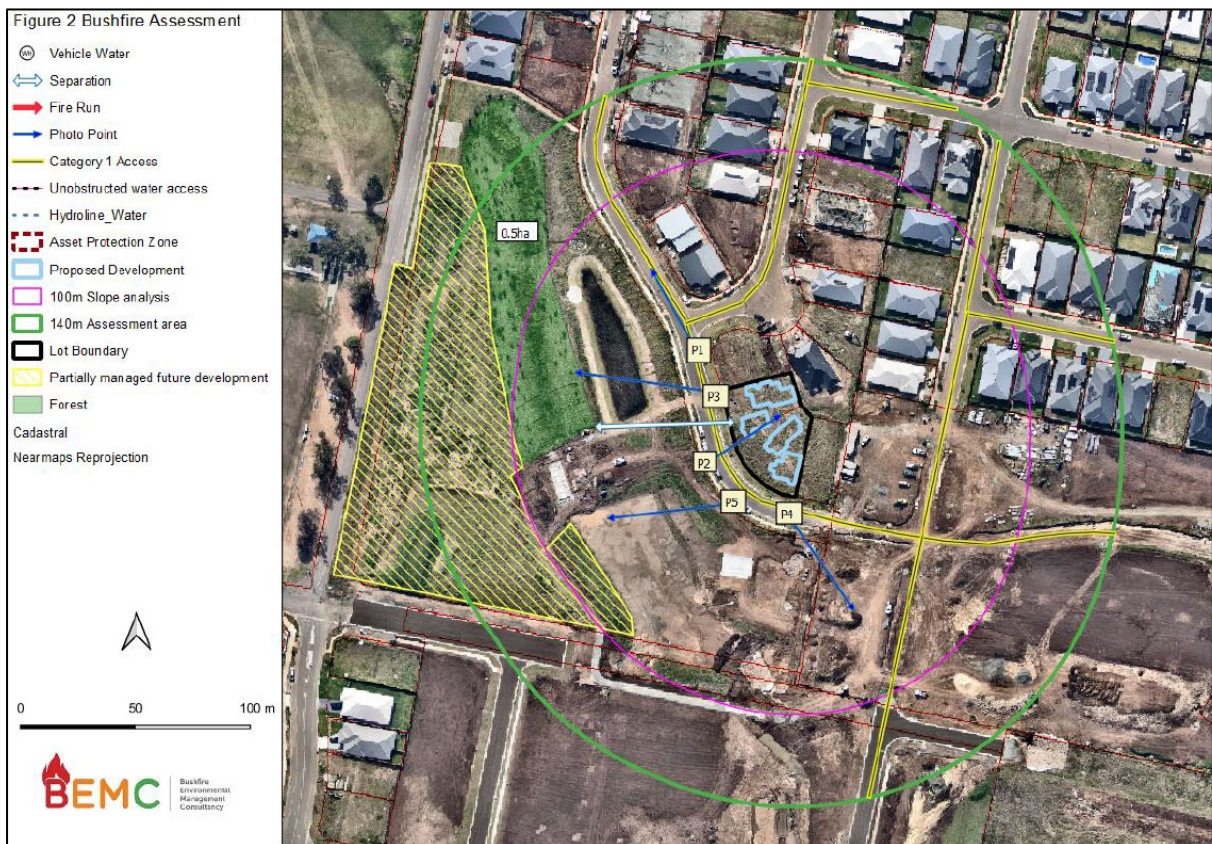


Figure 30: Bushfire Assessment (Source: BEMC, Appendix 4)



4.6.10 Stormwater Management

A *Stormwater Management Plan* has been prepared for the proposal by MPC Consulting Engineers (see **Appendix 3**). The Plan demonstrates the proposed stormwater management system, including its connection to the stormwater system on Caputar Way. Four 1,000 litre rainwater tanks are proposed to allow stormwater harvest for re-use on site.

The design of the proposed stormwater management system, including rainwater tank sizing, has taken into account the requirements specified in Council's DCP.

To ensure the success of the mitigation measures proposed, periodic maintenance will be required to ensure the ongoing effectiveness of the system.

4.6.11 Soil Management

All earthworks for the development will be carried out in accordance with *AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments* with all retaining walls will be wholly contained within the boundaries of the site, and certified by a structural engineer at the construction certificate stage. The design of the footings and retaining walls for the known geotechnical conditions at the site are provided in the Stormwater Details Plan at **Appendix 3**.

During construction, it is possible that disturbed surface material could run off from the site during heavy rainfall events causing pollution to local water courses. To reduce the likelihood of this occurring and mitigate impacts during heavy rainfall events, soil erosion and sediment control measures suitable for the scale and type of project proposed will be implemented in accordance with the Landcom 'Blue Book'.

Implementation of such measures for the duration of the construction period will appropriately mitigate the risk of sediment running from the site in an uncontrolled manner.

4.6.12 Contamination

Refer to the *State Environmental Planning Policy (Resilience and Hazards) 2021* discussion at **Section 4.3.3.1** of this SEE.

4.7 Suitability of the Site

The subject site is considered suitable for the proposed development for the following reasons:

- The scale and intensity of the development is consistent with the built form and land uses undertaken within the locality, including on neighbouring lots;
- This SEE has demonstrated that the likely impacts of the proposal on the surrounding environment will be minimal. Similarly, assessments undertaken of the site provide an understanding of site constraints (including bushfire) and demonstrate that the site is suitable for residential development. Environmental impacts can be mitigated during detailed design and construction and ongoing management; and
- The proposal is generally compliant with the statutory planning framework applicable to the site and intended use.

4.8 The Public Interest

Pursuant to case law of *Ex Gratia P/L v Dungog Council (NSWLEC 148)*, the question that needs to be answered is “Whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development”.

There are no unreasonable impacts that will result from the proposed development, as outlined within this SEE. The proposal will provide much-needed fit-for-purpose housing for people with disabilities in a suitable location. Therefore, the benefits of approving the development outweigh any disadvantage and, as such, the proposed development will have an overall public benefit and therefore approval is thought to be in the public interest.

5 Conclusion

This report provides an assessment of the proposed group home development at the site in accordance with the provisions of Section 4.15 of the EP&A Act 1979. In this respect this report has addressed all relevant environmental planning instruments including the *Maitland Local Environmental Plan 2011*, and relevant guidelines including the Maitland DCP 2011.

In evaluating the proposed development against the relevant statutory planning framework applicable to the site and proposed development, it is evident that the likely impacts of the proposed development will be acceptable. Additionally, in considering the environmental characteristics of the site and the scale of the proposed development, the site can suitably accommodate the proposal.

On this basis the proposal is considered to be in the public interest and can be approved.