



CREATIVE **PLANNING** SOLUTIONS

## Statement of Environmental Effects

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Demolition of existing buildings with exception of the heritage façade and construction of seven (7) permanent group homes



75-77 Elgin Street, Maitland  
Lot 1 DP 343769 & Lot 25 DP 1246516

Prepared for: Core Project Group

CPS Project No: E930

Date: December 2022

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## Contents

|       |   |    |
|-------|---|----|
| 1.0   | Introduction .....  | 5  |
| 2.0   | Site Description .....  | 8  |
| 2.1   | Adjoining Development and Surrounding Locality .....  | 10 |
| 3.0   | Proposed Development.....   | 13 |
| 3.1   | Demolition.....   | 13 |
| 3.2   | Summary of Proposed Group Home .....  | 13 |
| 3.3   | Proposed Operation .....  | 14 |
| 3.4   | About 4u Care .....   | 14 |
| 3.5   | About Specialist Disability Accommodation (SDA) .....   | 14 |
| 3.6   | Proposed Building Layout and Group Home Characterisation .....  | 15 |
| 3.7   | Car Parking and Traffic .....   | 18 |
| 4.0   | Planning Assessment.....  | 19 |
| 4.1   | State Legislation .....   | 19 |
| 4.1.1 | State Environmental Planning Policy (Housing) 2021 .....  | 19 |
| 4.1.2 | State Environmental Planning Policy (Resilience and Hazards) 2021 .....                               | 20 |
| 4.1.3 | State Environmental Planning Policy (Transport and Infrastructure) 2021 .....                         | 20 |
| 4.1.4 | State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development..... | 20 |
| 4.1.5 | State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 .....                 | 21 |
| 4.2   | Local Legislation .....   | 22 |
| 4.2.1 | Maitland Local Environmental Plan 2011 .....  | 22 |
| 4.2.2 | Maitland Development Control Plan 2011 .....  | 27 |
| 4.3   | Planning Agreements - Section 4.15(1)(a)(iia) .....   | 35 |
| 4.4   | Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii) .....                               | 35 |
| 4.4   | The Regulations - Section 4.15(1)(a)(iv).....   | 35 |
| 4.5   | Likely Impacts of the Development – Section 4.15(1)(b).....   | 35 |
| 4.5.1 | Impact on the Natural Environment.....  | 35 |
| 4.5.2 | Impact on the Built Environment .....   | 35 |
| 4.5.3 | Social Impacts.....   | 36 |
| 4.5.4 | Economic Impacts .....  | 36 |
| 4.6   | Suitability of the Site for the Development – Section 4.15(1)(c) .....                                | 36 |
| 4.7   | Public Submissions .....  | 37 |

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|     |  |    |
|-----|--|----|
| 4.8 | Public Interest – Section 4.15(1)(e) ..... | 37 |
| 5.0 | Conclusion .....                           | 38 |

## 1.0 Introduction

The Statement of Environmental Effects ('SEE') has been prepared to accompany a Development Application ('DA') for the demolition of existing buildings with exception of the heritage façade and the construction of seven (7) x two-bedroom permanent group homes under the relevant provisions of the *State Environmental Planning Policy (Housing) 2021* ('Housing SEPP') at 75-77 Elgin Street, Maitland.

This DA is being lodged for consideration by Maitland City Council ('Council') pursuant to Section 4.12 of the *Environmental Planning & Assessment Act 1979* ('the Act') by Creative Planning Solutions Pty Limited ('CPS').

The DA is being lodged pursuant to clause 61(1)(b) of the Housing SEPP that allows for development for the purposes of permanent group homes to be undertaken with consent in prescribed zones. The subject site is zoned R1 General Residential Zone under the *Maitland Local Environmental Plan 2011* ('MLEP 2011'). This zone is classified as a prescribed zone under clause 60(1)(a) of the Housing SEPP. Furthermore, group homes are permitted with consent in the R1 General Residential zone under the MLEP 2011.

This SEE also describes the site, its environs and the proposed development, and includes an assessment of the proposal pursuant to Section 4.15 of the Act and the relevant provisions of the *Environmental Planning and Assessment Regulation 2021* ('the Regulations').

### 1.1 Project Team

The following project team has been formed to deliver the proposal:

| Development Specialty            | Consultant                    |
|----------------------------------|-------------------------------|
| Community Housing Provider       | 4u Care                       |
| Plan of Management               | Core Project Group            |
| Architect                        | Kennedy Associates Architects |
| Town Planning                    | Creative Planning Solutions   |
| Landscape Architect              | Creative Planning Solutions   |
| Civil/Stormwater Engineer        | MPC Consulting Engineer       |
| National Construction Code / BCA | Surescope                     |
| Access                           | Vista Access                  |
| Acoustic                         | Revers Acoustics              |
| Traffic and Parking              | Intersect Traffic             |

## 1.2 Pre-DA Meeting

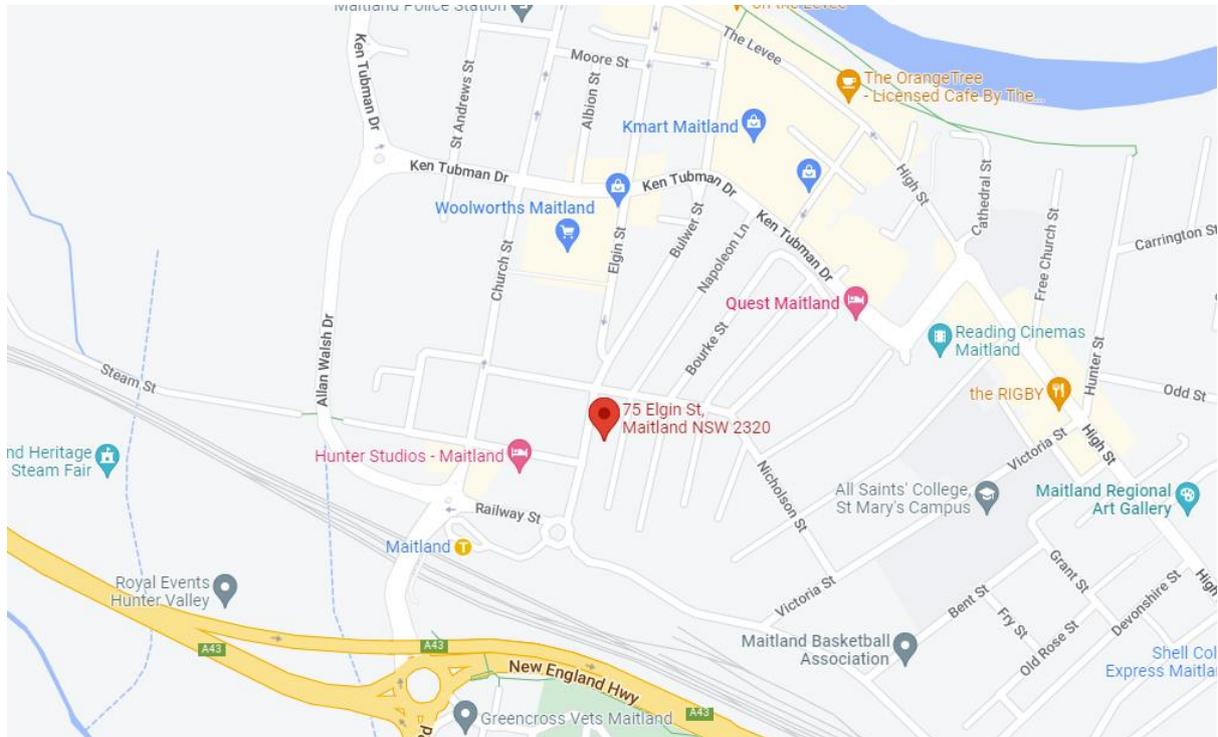
A Pre-DA meeting was conducted on 2 June 2022. The key matters raised by Council have been noted in the table below.

| Key Pre-DA Comment   | Key Response  |
|--|---|
| <b>Legislation / Policy / Guidelines Applicable</b>  |   |
| <p><b>State Environmental Planning Policy (Transport and Infrastructure) 2021;</b></p> <p>Likely referral to Ausgrid due to proximity to powerlines. Noise impacts of rail and road upon units to be considered at DA stage for adequate orientation/treatments where necessary</p>  | Noted. Acoustic Report has been submitted.  |
| <p><b>State Environmental Planning Policy (Housing) 2021;</b></p> <p>Group homes permissible. Unable to be refused unless community need for the group home has been assessed.</p>   | Noted. The proposed development is lodged under the relevant provisions of the Housing SEPP.  |
| <p><b>State Environmental Planning Policy (Industry and Employment) 2021</b></p> <p>State-wide signage controls as per this section. Advertising prohibited in residential zones and heritage areas. Business/building identification OK</p>   | Noted. The existing signage is to be retained. No advertising proposed.   |
| <p><b>State Environmental Planning Policy (Resilience and Hazards) 2021</b></p> <p>A desktop analysis should be undertaken to determine whether contamination may be present or whether the site housed potentially contaminating land uses at any point in the past. If so, further analysis should be undertaken prior to lodgement of a DA to ensure that the site is suitable for residential development.</p> | <b>Complies.</b> Refer to documentation submitted accompanying the Development Application.   |
| <p><b>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</b></p> <p>A BASIX certificate is required..</p>   | <b>Complies.</b> A BASIX certificate has been prepared by and is accompanying this application.   |
| <p><b>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</b></p>  | The proposed development demonstrates a high level of compliance with the Apartment Design Guidelines. Refer to the submitted ADG assessment prepared by Kennedy Associates Architects. |
| <b>Maitland Local Environmental Plan 2011</b>  |   |
| <p><b>Clause 2.7 – Demolition</b></p> <p>Requires consent as per this clause.</p>  | The DA has been submitted seeking consent for the demolition of existing buildings with exception of the heritage façade.   |

| Key Pre-DA Comment   | Key Response  |
|--|---|
| <b>Clause 4.1 – Minimum subdivision lot size</b><br>450m <sup>2</sup> . Consolidation/compilation is not defined as ‘development’ and can occur outside of the EP&A. | Not applicable – no subdivision proposed.   |
| <b>Clause 5.10 – Heritage Conservation.</b>  | A Heritage Impact Statement prepared by EJE Heritage is to accompany this application.  |
| <b>Clause 5.21 – Flood Planning</b>  | Documentation has been prepared addressing flood matters.   |
| <b>Clause 7.2 Earthworks</b>   | Civil drawings prepared by MPC Engineering consultants details the extent of earthworks.  |
| <b>Maitland Development Control Plan 2011</b>  |   |
| <b>A.4 Notification.</b>   | Noted. Notification plans have been prepared.   |
| <b>B.2 Domestic Stormwater</b>   | Refer to Civil Drawings prepared by MPC Engineering Consultants.  |
| <b>B.3 Hunter River Floodplain</b>   | Refer to documentation submitted accompanying the Development Application.  |
| <b>B.6 Site Waste minimisation and management</b>  | Documentation has been submitted addressing waste minimisation.   |
| <b>C.1 Accessible living</b>   | Refer to Access Report prepared by Vista Access.  |
| <b>C.4 Heritage conservation</b>   | A Heritage Impact Statement prepared by EJE Heritage is to accompany this application.  |
| <b>C.6 Signage</b>   | Existing signage is being retained. No advertising or other signage proposed.   |
| <b>C.8 Residential Design</b>  | Not Applicable – refer to SEPP 65 response above.   |
| <b>C.11 Vehicular access and parking</b>   | A total of seven (7) car spaces are provided, including one disabled space. A Traffic Impact Assessment has been prepared by Intersect Traffic. |
| <b>C.12 Crime prevention through environmental design</b>  | The proposal has been designed in accordance with the principles.   |
| <b>E.1 Centres and E.3(2) Central Maitland Heritage Conservation Area</b>  | This SEE has addressed relevant controls with Part E.1 and E.3(2).  |

## 2.0 Site Description

The subject site is located in the suburb of Maitland within the Maitland Local Government Area ('LGA') and is located within the Maitland town centre. Refer to **Figure 1** for a locality map of the subject site.



**Figure 1:** Locality Map – 75-77 Elgin Street, Maitland

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

The legal description of the subject land is Lot 1 in Deposited Plan 343769 and Lot 25 in Deposited Plan 1246516, also known as 75 to 77 Elgin Street, Maitland NSW 2320. The subject site consists of two (2) regular -shaped allotments with a site area of approximately 756m<sup>2</sup>, a primary street frontage of 23.96m to Elgin Street and a rear frontage to Napoleon Lane to the east. Napoleon Lane is an unsealed road and generally provides vehicle access to garages of dwelling houses and other buildings serviced by the laneway. The site is relatively flat and falls from the northwestern corner to the southeastern corner.

The subject site currently contains a single storey brick building and ancillary structures (75 Elgin Street) to the rear (east), whilst the large remaining portion of the site is currently vacant (77 Elgin Street).

The subject site is devoid of any significant vegetation and the only landscaping existing is limited to the garden bed located along the Elgin Street frontage. Refer to **Figure 2** for an aerial view of the subject site and **Figures 3-4** for photographs of the subject site as viewed from Elgin Street and Napoleon Lane. Elgin Street is a sealed all-weather road with unrestricted on street parking available on the both sides of the road in the vicinity of the site.



**Figure 2:** Aerial view of 75-77 Elgin, Maitland. Subject site identified in red.  
Source: NearMap (06.08.2022)



**Figure 3:** View of subject site from Elgin Street, existing building to the left of the image.  
Source: CPS Planning, May 2022



**Figure 4:** View of ancillary buildings to the rear of the subject site from Napoleon Lane  
Source: CPS Planning (May 2022)

## 2.1 Adjoining Development and Surrounding Locality

The site is located within a pocket of land zoned R1 General Residential, which is surrounded by land within the B4 Mixed Use zone to the west. Generally the surrounding land is characterised as residential uses being dwelling house, multi dwelling housing and residential flat buildings. However, there are also non-residential uses within the vicinity of the subject site including the Maitland Public School, Automotive repairs, trade supplies and health service facilities. To the north of the subject site, retail, businesses and shopping districts are prevalent as part of the Maitland township.

To the north, the site adjoins No. 73 Elgin Street which comprises of a single storey building constructed of brick with a Colorbond Roof. The building is used for the purpose of providing health services and is currently occupied by Headspace (**Figure 5**). The building occupies much of the site, as such the extent of the landscaping is limited to the garden beds along Elgin Street. To the south, the site adjoins No. 87 Elgin Street which comprises of a double storey brick dwelling that comprises Heritage Item I144 (**Figure 6**).

To the west, across Elgin Road, is No. 8 Steam Street which contains a four storey residential flat building that was constructed in 2014 (**Figure 7**). To the east, across Napoleon Lane, the site adjoins allotment Nos. 74-78 Elgin Street. Each allotment comprises of a dwelling house constructed of weatherboard with a Colorbond roof (**Figure 8**). More broadly, the site is located approximately 200m north of Maitland Train Station and 500m of Maitland Park (inclusive of Maitland Aquatic Centre). A range of services including medical clinics, pharmacies and groceries are located within the Maitland township located towards the north.



**Figure 5:** No. 73 Elgin Street as viewed from Elgin Street.  
Source: CPS Planning (May 2022)



**Figure 6:** No. 87 Elgin Street as viewed from the intersection of Elgin Street and Steam Street  
Source: CPS Planning (May 2022)



**Figure 7:** No. 8 Steam Street as viewed from Steam Street.  
Source: CPS Planning (May 2022)



**Figure 8:** Napoleon Lane and view of rear boundary line to the left of the image  
Source: CPS Planning (May 2022)

## 3.0 Proposed Development

### 3.1 Demolition

Pursuant to Clause 2.7 and Clause 5.10 of the MLEP 2011, development consent is required for the demolition of buildings. To accommodate the group homes, it is proposed to demolish the existing buildings on site with exception of the existing heritage façade. The heritage façade has been incorporated into the building.

### 3.2 Summary of Proposed Group Home

Pursuant to Section 4.12 (Application) of the Act, consent is sought from Council for the construction of seven (7) x two-bedroom permanent group homes under the provisions of the Housing SEPP and MLEP 2011. The proposed works include the demolition of the existing buildings, with exception of the façade along the Elgin Street frontage. These works are summarised below:

#### Ground Floor

- One (1) x two-bedroom permanent group home containing two (2) bedrooms, living/dining area, kitchen, laundry, and ensuite. An external private open space area is directly accessible from the living area and.
- Large communal / administration area including staff/OOA room, kitchen, living area, store room and an office.
- Lift and staircase that grants access to the first floor.

#### First Floor

- Three (3) x permanent group homes that include two (2) bedrooms, living/dining area, kitchen, laundry, bedroom and bathroom. Each home includes an external private open space area directly accessible from the living area.
- Lift and staircase that grants access to the ground and second floors.

#### Second Floor

- Three (3) x permanent group homes that include two (2) bedrooms, living/dining area, kitchen, laundry, bedroom and bathroom. Each home includes an external private open space area directly accessible from the living area.
- Lift and staircase that grants access to the lower floors.

#### External

- Designated bin and bulk waste storage areas towards the rear of the building.
- Seven (7) x car parking spaces including accessible parking space located below the first floor footprint.
- General landscaping to provide visual interest and screening.
- A communal open space area that is elevated to align with the finished level of the building and car park to ensure it is accessible to residents.

### 3.3 Proposed Operation

The proposed group homes are to provide accommodation and care for the disabled residents that require 24 hours of support seven days a week.

The future operator, 4u Care Ltd, will provide permanent household accommodation for the residents with a disability within the proposed group homes. An Operational Plan of Management ('PoM') accompanies the submitted DA to ensure the safe and effective operation of the group home and should be referred to for further detail.

The PoM 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.

### 3.4 About 4u Care

4u Care is a registered charity, National Disability Insurance Scheme ('NDIS') Specialist Disability Accommodation ('SDA') housing provider, a Registered Community Housing Provider, and experts in SDA eligibility and the NDIS SDA application process for participants of the NDIS. Confirmation from the National Disability Insurance Agency verifying 4u Care's status as a registered service provider accompanies this DA package.

### 3.5 About Specialist Disability Accommodation (SDA)

Specialist Disability Accommodation (SDA) refers to purpose-designed accommodation for people who require specialised housing solutions, including carer assistance to assist the residents with support needs. It is also the intention of SDA to provide residents with a level of choice and control in order to not only choose where they live but to also be provided with housing types that are innovative and as homely as possible. Such choice and control align with Australia's commitment under the Convention of the Rights of Persons with Disabilities and Optional Protocol.

Under the NDIS, residents themselves are the key driver in facilitating improved housing choice ensuring SDA providers meet important living and support needs in new and innovative ways. While more traditional 'group home' configurations have been the most common form of supported accommodation in the past, residents now seek smaller forms of SDA, in configurations that still enable sharing supports, while also providing the added ability to increase their level of independence as life skills improve. Following this trend, the NDIA expects resident choice to continue to drive housing diversity through the inclusion of multiple dwelling types and/or configurations that provide significant innovation and improvement in the quality of SDA.

In order for an SDA dwelling to be enrolled with the NDIS, it must meet or exceed the stringent SDA Design Standards issued on 25 October 2019 that set out spatial, functional and operational requirements for the dwelling. The proposed SDA dwellings have been designed to not only comply with the SDA Design Standard in all respects but has also been provided with a layout and level of

amenity that will support the needs of both the immediate cohort of residents yet be sufficiently flexible to meet the needs of future residents.

The SDA Design Standard has been developed through extensive consultation across government, private sector, the housing industry and disability organisations. It sets out detailed design requirements that will be incorporated into newly built SDA, seeking enrolment under the NDIS. The Design Standard seeks to improve clarity of design requirements to:

- *Lead the way that architects, builders and the community view how housing for people with a disability should be built;*
- *Ensure participants continue to have access to high-quality housing models; and*
- *Give providers the flexibility to respond to participant needs and preferences.*

In 2019, the NDIS published the SDA Innovation Plan for stimulating the innovation needed so that SDA participants have access to homes for living, rather than just places where services happen. One of the key objectives of the Innovation Plan, and highly relevant to the proposal, is to support *'leadership in housing design that promotes independence and community inclusion and moves away from high numbers of residents living together'*. One of the pillars which the Plan is built upon, titled *'promote the leading edge'* seeks to *'establish an evidence base to promote innovative SDA designs that lead to good outcomes for participants. This will include the built form, technology, supports in the home and links to the community'*.

The proposed development will be built to the requisite SDA Design Standards and be underpinned by the objectives of the SDA Innovation Plan to deliver an innovatively designed group home that fosters independence and supports an improved quality of life.

## 3.6 Proposed Building Layout and Group Home Characterisation

### 3.6.1 Land Use Definition

The MLEP 2011 provides the following land use definition for a permanent group home:

***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.*

Each home proposed in the development would satisfy the definition as a permanent group home. There are no provisions in the Housing SEPP or the LEP that limit more than one group home being provided within a building or on the same parcel of land.

Furthermore, Clause 61(1)(a)(i) and 64(1)(a) of Housing SEPP expressly provides in relation to group homes for “...one or more group homes on a site...” (in relation to such developments carried out without the need for consent or as complying development).

**61 Development in prescribed zones**

(1) Development for the purpose of a permanent group home or a transitional group home on land in a prescribed zone may be carried out—

(a) without consent if the development—

(i) does not result in more than 10 bedrooms being within one or more group homes on a site,

**64 Complying development—group homes**

(1) Development for the purposes of a group home is complying development if the development—

(a) does not result in more than 10 bedrooms being within 1 or more group homes on a site, and

Additionally, Development Standard 12 of Schedule 2 of the Housing SEPP which relates to the complying development standards for group homes also envisages multiple homes on one site.

**12 Building separation**

*The distance between buildings that are used for the purposes of group homes on a site must be at least 1.8 metres.*

This demonstrates that the Housing SEPP anticipates there being multiple group homes within the same parcel of land.

If development can be undertaken for multiple group homes as development without consent or complying development, it follows that they can be undertaken with consent, noting that these pathways are only excluded due the general characteristics of the land.

This interpretation has been articulated by the Department of Planning, Industry and Environment as evidenced by email correspondence provided to CPS and extracted below:

*“The AHSEPP permits multiple group homes on a site which may be in the form of self-contained dwellings, whether attached or detached and/or connected by internal common circulation spaces or externally via covered walkways... The provisions provide for diverse housing outcomes and are intended to provide developers of group homes with certainty while ensuring the amenity of neighbours is maintained...”*

The advice above provides that a group home development allows for multiple individual group homes within the site.

With regard to the above definition, it is noted that any payment is facilitated by the resident's individual NDIS plan, that all residents are unrelated, that each resident will be provided with supervision and care, tailored specifically to their disability and their level of independence, and that each group home will function as a single household.

### 3.6.2 Proposed Building Layout

The proposed building layout has been informed by 4u Care's history of delivering care in an SDA setting that will not limit opportunities for the residents to engage in group activities; it will instead provide improved choice and flexibility in how they choose to go about their day.

The provision of adequate communal space plays a key role in group home characterisation and fostering resident cohesion and interaction. The autonomy afforded by the proposed design is balanced by communal spaces. Both the indoor common room and outdoor communal space create an attractive and welcoming environment where residents can socialise and congregate comfortably. The provision of such space allows residents to engage in group activities when appropriate to their behaviour, needs, or personal preference.

### 3.6.4 Care and Support Needs

The proposed group home will provide a long term, purpose-built living environment that fosters independence and an improved quality of life for residents living with a disability. Future residents are all unrelated and are to be afforded independence and privacy within their home, including that which comes with having autonomy over one's choices with regard to daily living and activities. The self-contained nature of each home has been carefully designed to facilitate such autonomy.

Further, certain aspects of one's disability may result in periods where extended physical movement and/or social interaction are non-conducive to one's physical and/or mental health. During these periods, residents greatly benefit from having certain facilities available in the privacy of their own home, including that which is expected in a traditional kitchen. This is also reinforced by the requirement for full kitchen facilities under the SDA Design Guidelines and that kitchen-based activities are often important to ongoing life-skills education.

### 3.6.5 Conclusion

The above discussion has clearly established that the proposed permanent group home will successfully operate as individual (households) whilst not required to take on a building layout typical of a residential flat building, and therefore satisfy the requirements of the applicable land use definition. A summary of key points from the above discussion is provided below:

- The proposed development meets each and every requirement of the 'permanent group home' land use definition;
- The proposed development has been designed to address the specific criteria of the SDA Design Standards, as required by each SDA-approved resident's personal NDIS plan;

- The proposed building layout has been designed to accommodate the specific care and support needs of the future group home residents;
- All residents are unrelated and should be afforded privacy within their home;
- The home will provide permanent accommodation for the residents, not short-term accommodation. Hence, they are provided with additional facilities that will improve their care/support and rehabilitation;
- Each resident has a unique disability and associated care needs that require personal space, privacy, and a space to exercise their own independence;
- All residents will partake in social and recreational activities together, as a cohesive household, both within their home setting, and also during outings and off-site activities;
- The group home will present to Elgin Street Road as a typical, medium-scale residential development that compliments the existing streetscape character and surrounding built form;

### 3.7 Car Parking and Traffic

The proposed group home provides for seven (7) external car parking spaces. These parking spaces are to be permanently available to the support provider. No on-site parking is required for the residents of the group home as none of the residents will be using a vehicle due to their disabilities. Accordingly, all car parking demand for the operation of the group home is met on-site.

Furthermore, traffic volumes generated by the proposed development will be consistent with the residential use of the subject land and therefore will be accommodated within the capacity of the existing local street system. It is also noted that goods deliveries, cleaning staff, medical assistance is not required for the day-to-day operation of the group home with infrequent visits.

Vehicles will be able to enter and exit the site in a forward direction. Refer to the submitted Plan of Management for further details regarding vehicular access and car parking arrangements.

## 4.0 Planning Assessment

This part provides an assessment of the environmental impacts of the proposed development including explanations of how the proposal seeks to minimise any impacts. The assessment is based on the matters for consideration under Section 4.15(1) of the EP&A Act 1979.

### 4.1 State Legislation

#### 4.1.1 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 MLEP 2011 which is land that is classified as a prescribed zone pursuant to clause 60(a) of the Housing SEPP. Furthermore, group homes are permitted with consent in the R1 General Residential zone under the MLEP 2011. For reference, the definitions for prescribed zone and permanent group homes is as follows:

*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.

*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.

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

- The overall proposed group home development can be considered a “dwelling” in the context of a group home as the word “dwelling” has a different meaning as demonstrated above,
- The proposed group home will be provided with “supervision” and “care” by suitably qualified carers/support staff from the same care provider,

- The purpose of this group home is to provide permanent accommodation to people living with a disability, and
- The proposed group home is not a land use development to which Housing SEPP, Chapter 3, Part 5 applies .

#### 4.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

*State Environmental Planning Policy (Resilience and Hazards) 2021* (RH SEPP) applies to the site. Clause 4.6 requires a consent authority to consider the contamination status of the land and be satisfied the land is, or will be made, suitable for the purpose for which the development is proposed to be carried out.

The subject site and surrounding properties are located within a well-established residential area that has been both zoned and used as such for an extended period of time. With regard to existing and previous development both on the subject site and surrounding site, there is no information to suggest that the subject site has become contaminated.

The site is therefore considered to be suitable in its present state for the proposed development and use of the site, and no further investigations for site contamination are therefore warranted in this particular instance.

#### 4.1.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

The TI SEPP seeks to provide for the orderly development of infrastructure and the provision of services.

Schedule 3 of the TI SEPP outlines traffic generating development that is to be referred to Transport for NSW. The proposal does not include 300 or more dwellings and therefore does not require referral to Transport for NSW.

#### 4.1.4 State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development

The proposal has been designed to comply as a guide with both the prescriptive and non-prescriptive provisions of SEPP 65 and the *Apartment Design Guide* ('ADG'), the latter of which provides design criteria and guidance about how development proposals can achieve the nine design quality principles contained within Schedule 1 of the SEPP.

The design of the building was directed by Kennedy Associates Architects, a registered architect. The SEPP 65 Design Verification Statement accompanying this development application confirms that the design achieves the nine design principles set out in SEPP 65 and that the building has been designed with regard to the ADG.

A consideration of the extent to which the development complies with the provisions of the ADG is contained within **Appendix B**.

In summary, the design of the proposed development satisfactorily addresses the design principles of SEPP 65, and generally complies with the requirements of the ADG.

#### 4.1.5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

*State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* operates in conjunction with the *Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004* to ensure the effective introduction of BASIX in New South Wales.

Pursuant to Clause 6(1) of the SEPP, the SEPP would apply to ‘BASIX affected development’ (as defined by the Regulations). In accordance with the regulations, a BASIX certificate would be required.

As such, a BASIX certificate and accompanying documentation form part of the DA package, and demonstrate that the proposal is able to achieve all targets relating to water, thermal comfort and energy. Refer to the accompanying documentation for further information.

## 4.2 Local Legislation

### 4.2.1 Maitland Local Environmental Plan 2011

#### Permissibility and zone objectives

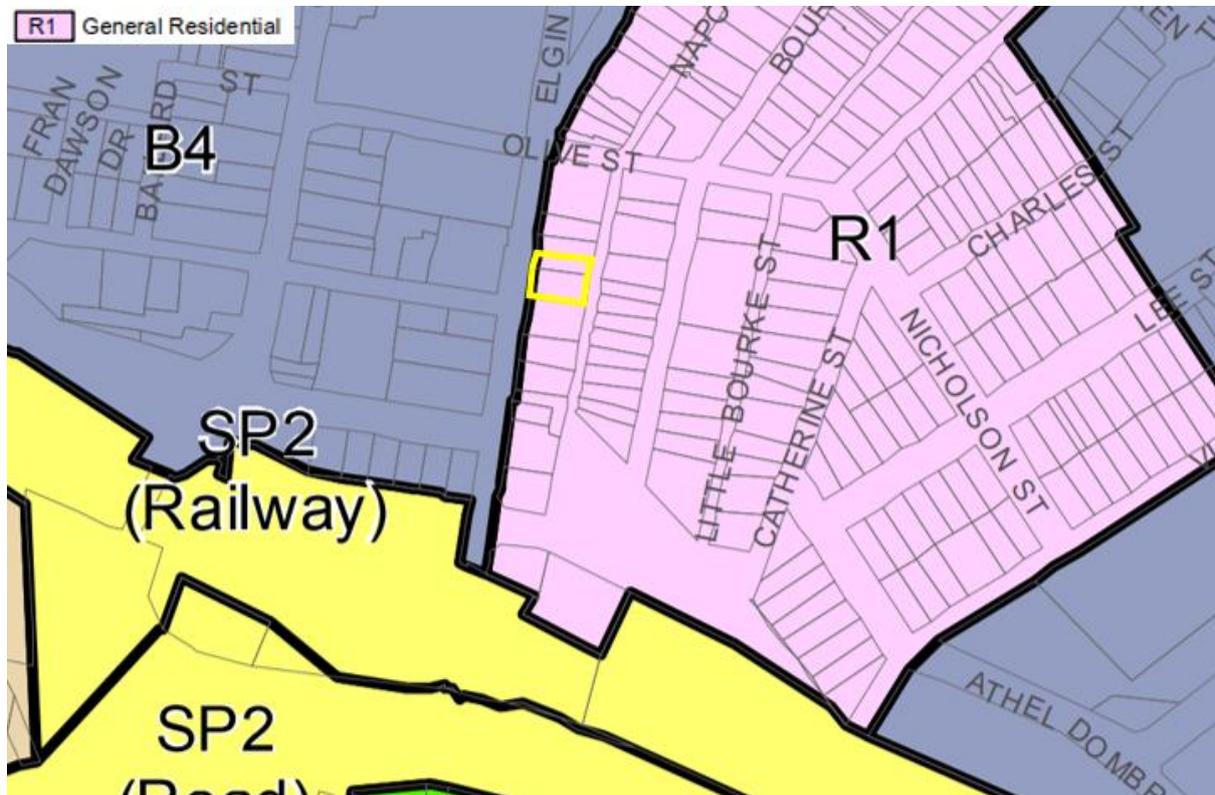


Figure 9: Zoning Map Extract. Subject site identified in yellow outline.

Source: legislation.nsw.gov.au

The subject site located within an R1 General Residential zone under MLEP 2011 (**Figure 9**). Group homes are permitted with consent within the R1 zone under the MLEP 2011. Notwithstanding, 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 which includes any zone in which multi dwelling houses are permitted with consent.

The objectives of the R1 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 will provide for the housing needs of the community, specifically those who are disabled through the provision of seven (7) two bedroom group homes as well as providing a variety of housing types and densities.

The proposed development lies within the R1 zone and adjoins the B4 Mixed-use zone to the west. The provision of the group homes will not hinder nearby sites or facilities from providing facilities or services to meet the day-to-day needs of residents. Rather, the increase of residents on the site will increase the demand for facilities and services within the area.

As discussed within section 2 of this SEE, the development within the locality of the site is highly diversified, noting the commercial uses and varied dwelling typology within the vicinity of the site. While the proposal is for a larger form of residential development, such development is permitted within the R1 zone. Further, the size of the proposed development is consistent with the existing built form within the immediate surrounding area.

#### **Clause 2.7 – Demolition requires development consent**

To accommodate the proposed group home, the existing buildings are sought to be demolished. A demolition plan has been submitted illustrating the extent of buildings to be removed. It is highlighted that the existing heritage façade of the building is to be retained and this is indicated via a notation on the plan.

#### **Clause 4.3 – Height of Buildings**

The MLEP 2011 does not prescribe a maximum building height for the subject site.

#### **Clause 4.4 – Floor Space Ratio**

The MLEP 2011 does not prescribe a maximum floor space ratio (FSR) for the subject site.

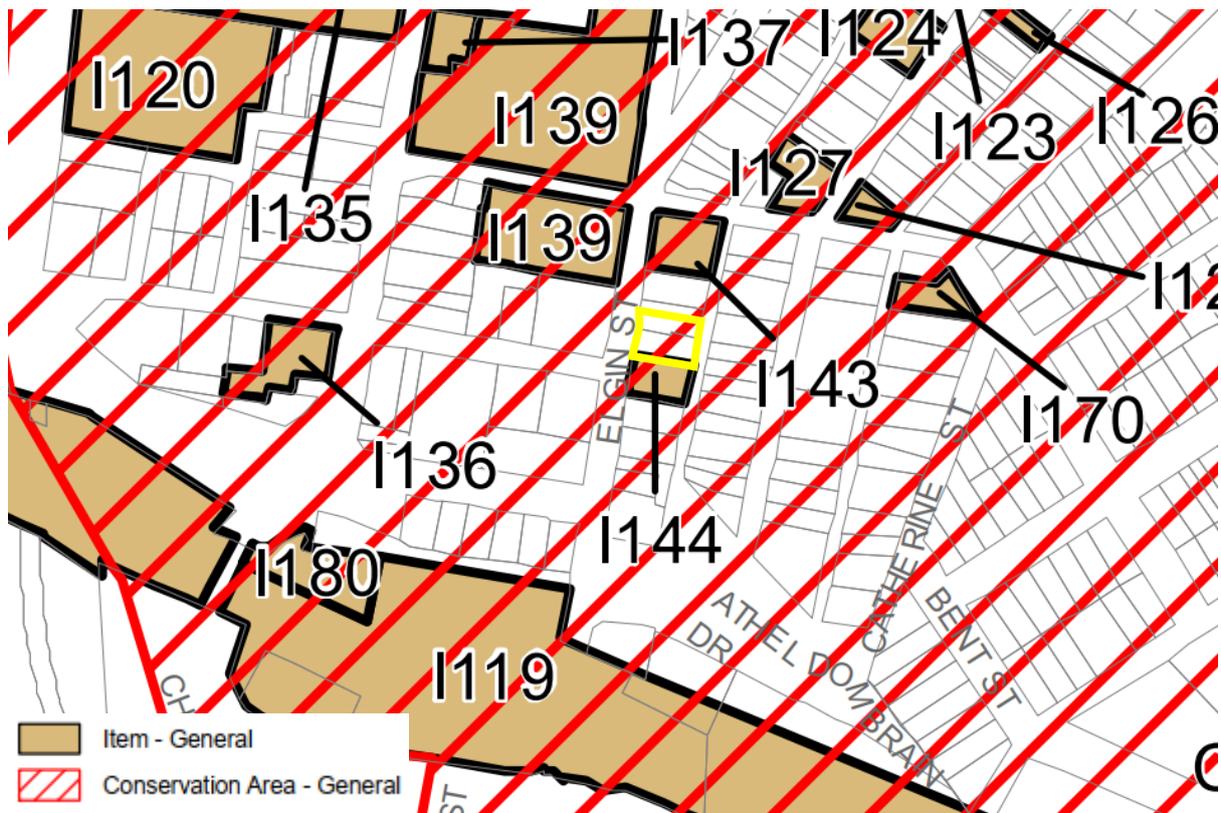
Clause 5.10 – Heritage Conservation

Figure 9: Heritage Map Extract. Subject site identified in yellow outline.

Source: legislation.nsw.gov.au

The subject site is within the Central Maitland heritage conservation area and Heritage Item I144 is adjoining to the south (87 Elgin Street (**Figure 10**)). Pursuant to Clause 5.10(2) development consent is required for:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
  - (i) *a heritage item,*
  - (ii) *an Aboriginal object,*
  - (iii) *a building, work, relic or tree within a heritage conservation area,*
- (b) *erecting a building on land—*
  - (i) *on which a heritage item is located or that is **within a heritage conservation area,** or*

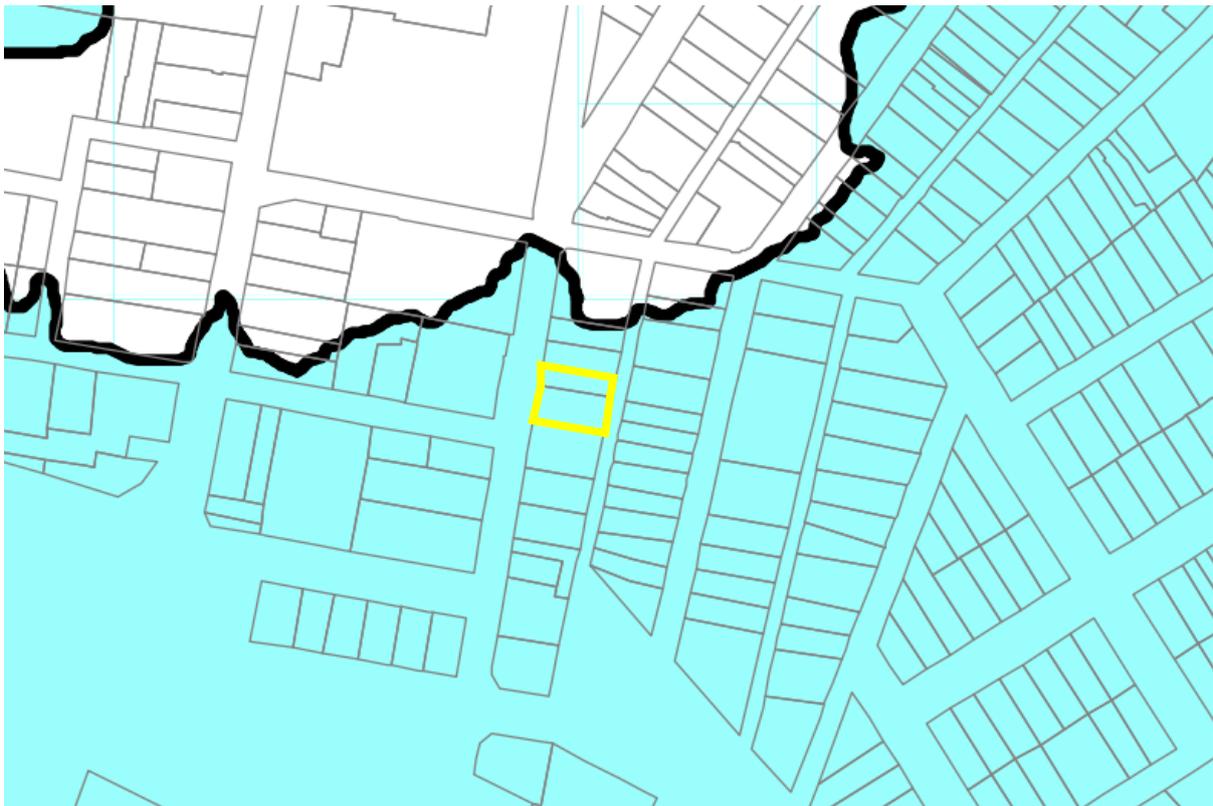
It is considered that the proposed development achieves the objectives of Clause 5.10 as it is compatible with and sympathetic to the Elgin Street streetscape. Furthermore, the proposal has been assessed to have no more than negligible impact upon the significance of St Elmo, the other nearby heritage items and the Central Maitland Heritage Conservation Area.

A detailed assessment of the development is provided within the Heritage Impact Statement prepared by EJE Heritage.

In regards to Aboriginal Archaeology and Historical Archaeology, the findings of Umwelt Environmental 7 Social Consultants Archaeological Due Diligence Assessment were;

- That the works will not harm any registered or known Aboriginal objects or declared aboriginal places.
- No further Aboriginal heritage investigations are required to determine if Aboriginal objects or Aboriginal Places would be harmed by the proposed works.
- The proposed Project works are considered unlikely to result in the exposure of, or adverse impacts to, significant historical archaeological remains.

#### Clause 5.21 – Flood Planning



**Figure 10:** Flood Planning map extract. Subject site identified in yellow outline.

Source: [legislation.nsw.gov.au](http://legislation.nsw.gov.au)

The subject site is located within the flood planning area. In consultation with the Maitland City Council have advised that the finished floor level is to be at least 10.230 RL. This finished floor level has been adopted and ensures that proposal seeks to manage the impact to life in the event of a flood. Documentation has been prepared addressing flood matters.

### Clause 7.1 – Acid Sulfate Soils

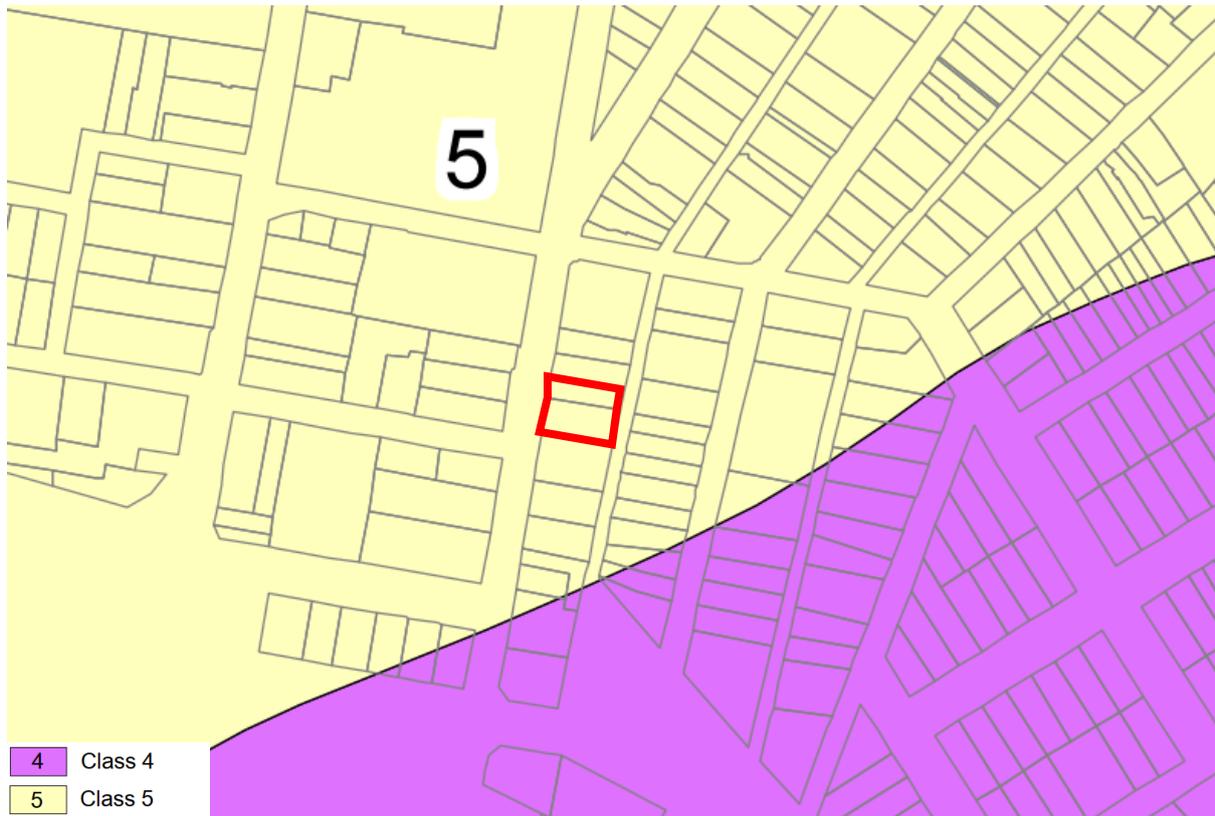


Figure 11: Acid Sulfate Soil map extract. Subject site identified in red outline.

Source: legislation.nsw.gov.au

The subject site is shown as Class 5 Acid Sulfate Soils. Pursuant to Clause 7.1(2) development consent is required for carrying out works when:

- (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.

The proposed development does not seek works below 5 metres Australian Height Datum (AHD), nor is the watertable likely to be lowered by 1 metre AHD on adjacent land within Class 4.

## 4.2.2 Maitland Development Control Plan 2011

The proposed development demonstrate a high level of compliance with the relevant controls of the MDCP 2011. An assessment of the relevant parts is provided within the table below.

| Maitland Development Control Plan 2011   |          |          |
|--|----------|----------|
| Part A – Administration  |          |          |
| Development Control  | Proposed | Complies |
| <b>A.4 – Notification</b>  |          |          |
| Scaled plans notification plans have been supplied with the application including a site plan and elevations of the proposed development. It is acknowledged that the neighbours will be notified in accordance with Control 4.2.2 of the MDCP 2011.   |          | Yes      |
| Part B – Environmental Guidelines  |          |          |
| Development Control  | Proposed | Complies |
| <b>B.2 Domestic Stormwater</b>   |          |          |
| Civil drawings have been prepared by MPC Engineering Consultants. These drawings include the drainage strategy to accommodate the increased stormwater generated on site. Refer to relevant documentation submitted with the Development Application. Refer to Civil Drawings prepared by MPC Engineering Consultants. |          | Yes      |
| <b>B.3 Hunter River Floodplain</b>   |          |          |
| Refer to relevant documentation that has been submitted with the Development Application.  |          | Yes      |
| <b>B.6 Site waste minimisation</b>   |          |          |
| Refer to relevant documentation that has been submitted with the Development Application.  |          | Yes      |
| Part C – Design Guidelines   |          |          |
| Development Control  | Proposed | Complies |
| <b>C.1 – Accessible living</b>   |          |          |
| An Access Report prepared by Vista Access and accompanying this application. The report demonstrates that the proposal achieves spatial requirements to provide access for people with a disability.   |          | Yes      |
| <b>C.4 – Heritage conservation</b>   |          |          |
| A Heritage Impact Statement prepared by EJE Heritage is accompanying the application and details that the proposed development will not unreasonably impact nearby heritage items or the Central Maitland heritage conservation area.  |          | Yes      |
| The Heritage Impact Statement found that a Heritage Conservation Management Plan was not required.   |          |          |
| An Archaeological Assessment due diligence report found that the development will not harm any registered or known Aboriginal objects or declared Aboriginal places, and it is very unlikely that the works will result in harm to unknown Aboriginal objects.   |          |          |

|  |            |
|--|------------|
| <b>C.6 – Signage</b>   |            |
| Existing signage is to be retained. No other signage or advertising is proposed.   | <b>Yes</b> |
| <b>C.8 – Residential design</b>  |            |
| Not Applicable – does not apply where SEPP65 has been designed to comply as a guide.   | <b>N/A</b> |
| <b>C.11 – Vehicular access &amp; car parking</b>   |            |
| Pursuant to Appendix 1, Part C of the MDCP 2011, a group home is required to provide one (1) car space per employee. Given there will be a maximum of 7 staff on site at one time a total of 7 car spaces is required to be provided on site. (The Plan of Management confirms the maximum number of staff).   | <b>Yes</b> |
| The provision of 7 car spaces (including 1 disabled space) is provided on site. As such, the development is compliant with this control.   |            |
| <b>C.12 – Crime prevention through environmental design</b>  |            |
| The proposed development has been designed to have regard for the four principles being: <ul style="list-style-type: none"> <li>- Access control;</li> <li>- Surveillance;</li> <li>- Territorial reinforcement; and</li> <li>- Space management.</li> </ul> <p><u>Access Control</u></p> <p>The design of the development provides a clear indication to any observer or passer-by about the nature of the use at the site being residential. This reduces the capacity for potential offenders to make excuses about their reason for their presence and their actions. There is limited potential for offenders to take advantage of opportunities to loiter within areas where there is unclear spatial definition, or a lack of clarity in relation to the appropriate borders and boundaries for visitors and occupants.</p> <p>The development is provided with a physical barrier to the street being the existing façade and front fence along the Elgin Street boundary.</p> <p>Entry to the communal open space area is screened from Elgin Street which can only be accessed by staff, residents and their visitors.</p> <p>Conversely, residents within the group home development will not have the opportunity to simply wander the streets and be at any risk to themselves or others as the group home site is to be secured and residents will be under the constant care and supervision of experienced staff.</p> <p><u>Surveillance</u></p> <p>The group home has been designed to include windows to habitable rooms that front the street and also provides balconies on floors that overlooks the street. This provides safety and security for residents and casual surveillance of the street from within the group home.</p> <p>Landscaping proposed within the front setback will not adversely impact direct sightlines to and from the group home. The proposed development is generally free from concealed or obscured spaces.</p> <p>Light fittings and fixtures should require minimal maintenance, be able to withstand the elements and be vandal resistant. All lighting is to meet the minimum Australia and New Zealand</p> | <b>Yes</b> |

Standards. Lighting for the development will be confirmed at the Construction Certificate stage of the development.

Territorial reinforcement

The development is provided with a single pedestrian entry to the site, which is identified by the front door which is clearly visible from the street. This delineates private spaces and public space, which is also further enhanced by paving and planting within the site, establishing clear visual territorial lines.

The concrete driveway will consist of a lighter concrete paving which clearly illustrates the difference between the public domain/road reserve and the subject site. In turn, this creates a space transition and visual cue to clearly indicate that the land is private property. This also creates a perception that this area is cared for and controlled.

The landscaping for the proposed development includes the provision of low lying shrubs and plants within the front setback of the development. This creates a transition between the public and private domain and ensures clear sight lines are provided to the street.

Space Management

Rapid repair of any incidents of vandalism and graffiti should be employed to prevent the appearance of neglect and discourage further such activities.

**Part E – Special Precincts**

| Development Control  | Proposed   | Complies                     |
|--|--|------------------------------|
| <b>E.3 – All Centres</b>   |  |                              |
| <b>3.4 – Building Design</b>   |  |                              |
| <p><b>C1.</b> An application for a new building or building works shall:</p> <ul style="list-style-type: none"> <li>• Adopt elements reflected in the dominant era and style of buildings in the centre.</li> <li>• Avoid intrusion of incompatible elements.</li> </ul> | <p>The proposed development has been designed to respect existing heritage values of nearby heritage items and the Central Maitland Heritage Conservation Area.</p>  | <p><b>Yes</b></p>            |
| <p><b>C2</b> Have a façade height within 20% of the average height of the buildings on either side.</p>  | <p>The façade height exceeds 20% of the average height of the buildings either side. However, the front elevation will not present as overbearing when viewed from the street given the building has been designed to address nearby heritage items.</p> <p>Visual interest has been incorporated into the front elevation through adopting varied materials and the provision of balconies.</p> <p>Furthermore, despite exceeding 20% of the average height of the adjoining buildings, the facade height is consistent</p> | <p><b>No – Justified</b></p> |

|  |   |                       |
|--|---|-----------------------|
|  | <p>with existing development at 8 Steam Street, which is improved by a 4 storey residential flat building.</p> <p>Additionally, the façade of the existing building on site is being retained to maintain the heritage values exhibited within the conservation area.</p>   |                       |
| <b>C3</b> Where more than 2-storeys are proposed, the third and higher storeys are setback further by a minimum of 3.0m.   | <p>The third storey is proposed to have the same setbacks as the lower floors to all boundaries. Despite the third storey not being recessed, it is considered the built form will not appear overbearing when viewed from the streetscape.</p> <p>Balconies on all levels have been orientated to reduce the bulk, to ensure the proposal will not have an unreasonable visual impact, furthermore a mix of materials are nominated on each elevation providing visual relief.</p> <p>It is noted that there is an existing four storey residential flat building located at 8 Steam Street. Both the third and fourth storey have not been recessed from the lower storeys.</p> | <b>No – Justified</b> |
| <b>C4</b> In an established street, roof form and roof materials shall be consistent or complementary to those developments in that street.                                | The roof form is pitched which is consistent with existing developments within Elgin Street.  | <b>Yes</b>            |
| <b>C5</b> Variations in roof form including the use of skillions, gables and hips are to be provided in the development or between developments.                           | A pitched roof is proposed on the western portion of the building whilst a skillion roof is proposed to the rear.   | <b>Yes</b>            |
| <b>C6</b> Flat roofs shall be avoided unless they are behind a parapet.  | No flat roofs are proposed.   | <b>Yes</b>            |
| <b>C7</b> Lift over-runs and service plant shall be concealed within roof structures.  | The lift overrun has been incorporated within the roof form.  | <b>Yes</b>            |
| <b>C8</b> All roof plant is to be represented on plans and elevations.   | Details provided on plans.  | <b>Yes</b>            |
| <b>C9</b> Outdoor recreation areas on flat roofs shall be landscaped and incorporate shade structures and wind screens to encourage use.                                   | Not applicable. No recreation areas are proposed on the roof.   | <b>N/A</b>            |
| <b>C10</b> Security grills (for e.g. roll-up doors) shall be avoided.  | Not Applicable. No security grills are proposed.  | <b>N/A</b>            |
| <b>C11</b> If installed, security grilles shall be provided within the building, behind the glazing and be constructed of material that allows the interior to be visible. | Not Applicable. No security grills are proposed.  | <b>N/A</b>            |
| <b>3.6 Pedestrian Entries and Access</b>   |   |                       |
| <b>C1</b> The development complies with AS1428 - Design for Access and Mobility .  | The building has been designed to comply with access and mobility requirements given the group home land use.   | <b>Yes</b>            |

|   |  |            |
|---|--|------------|
| <b>C2</b> Pedestrian and vehicle movement areas are separated and defined by changes in pavement material, levels, lining or tactile treatments.  | Pedestrian access is provided at the Elgin Street frontage. A separate vehicle access is proposed along the southern boundary. | <b>Yes</b> |
| <b>C3</b> Parking areas are illuminated (naturally and/or artificially) during the time period the centre is open.  | Parking areas are to be illuminated by artificial light as required.   | <b>Yes</b> |
| <b>C4</b> Signage is provided at the entries to the development detailing the services available within the centre and where they are located.  | Not applicable. No signage is to be provided.  | <b>N/A</b> |
| <b>C5</b> Signage to key public spaces accessible from the centre such as car parks, food courts shall be provided within the centre.   | Not applicable. No signage is to be provided.  | <b>N/A</b> |
| <b>C6</b> Signage to key facilities such as rest rooms, centre management, baby change rooms shall be provided within the centre.   | Internal signage is to be provided providing directions for visitors.  | <b>Yes</b> |
| <b>C6</b> Secure and convenient parking/storing for bicycles is provided close to the entrance of the development and with good surveillance.   | There is ample space on site for bicycle parking.  | <b>Yes</b> |
| <b>3.7 – Parking, loading and servicing</b>   |  |            |
| <b>C1</b> Car parking provision shall be in accordance with Part C11 of the Maitland Development Control Plan 2011.   | Car parking is provided in accordance with Part C11 of the MDCP 2011. Refer to above & submitted Traffic Assessment.           | <b>Yes</b> |
| <b>C2</b> Garage doors and loading docks shall be located at the rear of development, so that they are not a dominant element in the overall presentation of the development to key streets.  | No garage doors or loading docks are proposed.   | <b>N/A</b> |
| <b>C3</b> Signage shall be provided to direct visitors to the centre and to car parking areas   | Refer to above.  | <b>N/A</b> |
| <b>C4</b> Rear or internalised car parks shall be designed and constructed in a manner which enables future expansion and connection with potential future car parks in neighbouring sites. This includes consideration of levels, drainage and location of existing and future driveways and crossovers. | Not Applicable. Site adjoins a rear laneway.   | <b>N/A</b> |
| <b>C5</b> All vehicles must be able to enter and leave any development in a forward direction.  | Carparking has been designed to allow all vehicles to enter and exit in a forward direction. Refer to Traffic Assessment.      | <b>Yes</b> |
| <b>C6</b> Loading and manoeuvring areas for service vehicles shall be separated from car parks and pedestrian paths. Where shared access is provided, no loading or unloading shall be carried out over car parking spaces and access aisles.   | Not applicable to proposed residential development.  | <b>N/A</b> |
| <b>C7</b> Where natural or mechanical ventilation of a car park is achieved through the use of metal grills or large openings they shall contribute to the overall design or be screened by landscaping or other design elements.   | Not Applicable.  | <b>N/A</b> |
| <b>C8</b> External service areas (for e.g. areas for rubbish storage, cardboard compacting etc) shall not be visible from roadways or public open space areas.  | Bin storage area is not visible from Elgin Street.   | <b>Yes</b> |
| <b>C9</b> External storage and service areas shall be suitably screened from view from both roads and parking areas and pedestrian areas.   | External storage areas are located to the rear.  | <b>Yes</b> |

|   |  |     |
|---|--|-----|
| <b>C10</b> Basement car parks shall be setback a minimum of 3.0 metres from the street boundary.  | Not Applicable.  | N/A |
| <b>C11</b> Where car parking cannot be provided on the site without compromising an established streetscape Council may consider entering into a voluntary planning agreement or similar arrangement for works or contributions that contribute to the overall accessibility of the centre.   | Not Applicable.  | N/A |
| <b>3.8 – Public Art, landscaping and public domain works</b>  |  |     |
| <b>C1.</b> A Landscape Plan has been prepared by Creative Planning Solutions. Refer to Landscape Plan   |  | Yes |
| <b>3.9 - Setbacks</b>   |  |     |
| <b>C1</b> Development along identified active streets must be built-to-boundary.  | Not Applicable.  | N/A |
| <b>C2</b> In all other cases, building shall be setback within 20% of the average of the adjoining buildings.   | The proposed development retains the existing façade of the building on site. As such a zero metre setback is proposed. The bulk of the building is setback at least 3 metres ensuring the development will not dominate the existing streetscape. | Yes |
| <b>C3</b> All pedestrian paved areas along an active street are to have a minimum paved width of 3.5m.  | Not Applicable, not an active street.  | N/A |
| <b>C4</b> The 3.5m paved setback: <ul style="list-style-type: none"> <li>• is clear and accessible for pedestrians for its entire length and width;</li> <li>• is clear of columns (other than awning posts where provided) and other obstructions;</li> <li>• may include outdoor dining where a minimum footway clearance width of:</li> <li>• 1.8m for high volume pedestrian areas; or</li> <li>• 1.5m in all other circumstances; is maintained.</li> <li>• has a pavement matching the gradient of the adjoining footpath and connects to pedestrian areas on neighbouring sites; and</li> <li>• connects without any lip or step to adjoining footpaths or abutting pedestrian areas on neighbouring sites.</li> </ul> | Not Applicable, not an active street.  | N/A |
| <b>C5</b> Pavements, furniture and landscaping are to be designed in accordance the applicable Public Domain Design Manual or in consultation with Council's Executive Manager Appearance and Infrastructure.   | Refer to Landscape Plan prepared by Creative Planning Solutions.   | Yes |
| <b>C6</b> Steps, escalators, ramps or lifts are not located within the 3.5m paved, pedestrian area.   | Not Applicable, not an active street.  | N/A |
| <b>C7</b> Any automatic teller machine: <ul style="list-style-type: none"> <li>• is inset 1.5m into the building line;</li> </ul>   | Not Applicable.  | N/A |

|  |   |            |
|--|---|------------|
| <ul style="list-style-type: none"> <li>is well illuminated at all times.</li> </ul>  |   |            |
| <b>C8</b> Ramps are constructed and finished with materials that are similar or complimentary to those used on the building or in the street.  | Not applicable to proposed residential development.   | <b>N/A</b> |
| <b>3.10 – Waste Management</b>   |   |            |
| <b>C1</b> A waste management plan for the construction and/or occupation of the development is provided that: <ul style="list-style-type: none"> <li>Recycles and reuses demolished materials where possible;</li> <li>Integrates waste management processes into all stages of the project;</li> <li>Specifies building materials that can be reused and recycled at the end of their life; and</li> <li>Uses standard components and sizes to reduce waste and facilitate update in the future.</li> </ul>   | Refer to Waste Management Plan  | <b>Yes</b> |
| <b>C2</b> Separate storage bins for collection of organic waste and recyclable waste are provided within the development.  | Designated storage area contains organic waste and recycling bins.  | <b>Yes</b> |
| <b>C3</b> Bulk waste facilities shall be stored in a designated area that is physically and visually integrated into the development at ground or sub-basement level that: <ul style="list-style-type: none"> <li>is not visible from the street or public domain;</li> <li>is easily accessible to businesses;</li> <li>may be serviced by collection vehicles;</li> <li>has water and drainage facilities for cleaning and maintenance;</li> <li>does not immediately adjoin onsite employee recreation area; and</li> <li>be maintained to be free of pests.</li> </ul> | The bin storage area is integrated into the building and to the rear of the site.   | <b>Yes</b> |
| <b>C4</b> Cardboard compactors shall be provided for large retail and commercial developments.   | Not Applicable.   | <b>N/A</b> |
| <b>C5</b> Where waste facilities cannot be collected at the street, evidence that the site can be serviced by a waste collection service shall be provided.  | Not applicable. Waste to be collected from the street.  | <b>Yes</b> |
| <b>3.11 – Vehicular Access</b>   |   |            |
| <b>C1</b> The number of vehicular crossovers shall be kept to a minimum.   | Only one vehicle crossover is proposed.   | <b>Yes</b> |
| <b>C2</b> Access and egress points are designed so that exiting vehicles have clear sight of pedestrians and cyclists.   | The crossover is designed so that exiting vehicles have clear sight of pedestrians and cyclists.  | <b>Yes</b> |
| <b>C3</b> Any car park ramps are located within the building footprint.  | Due to the elevated floor levels a ramp is proposed along the southern boundary to allow vehicle access. The car park is required to be constructed at the same level due to being a group home lad use for people with a disability. | <b>Yes</b> |

|  |   |            |
|--|---|------------|
| <b>C4</b> Access and egress to car parks is achieved in a forward direction.   | Access and egress to the car park is achieved in a forward direction. | <b>Yes</b> |
| <b>C5</b> Vehicular entrances to underground car parks are: <ul style="list-style-type: none"> <li>located on minor streets;</li> <li>have a maximum crossover width of 6.0m;</li> <li>signed and lit appropriately;</li> <li>designed so that exiting vehicles have clear sight of pedestrians and cyclists.</li> </ul> | Not Applicable.   | <b>N/A</b> |
| <b>C6</b> All stairs and elevators in the parking structure are clearly visible.   | Not Applicable.   | <b>N/A</b> |
| <b>C7</b> The street level frontage of car parking structures (including multi-level car parks) where adjoining public places, including active streets, share ways and laneways, shall present an active frontage along the entire frontage less any car park entry.  | Not Applicable.   | <b>N/A</b> |
| <b>C8</b> Internal finishes of underground car parks shall be consistent with the external materials where they are visible from the public realm.   | Not Applicable.   | <b>N/A</b> |
| <b>C9</b> Underground car parks shall be designed for natural ventilation.   | Not Applicable.   | <b>N/A</b> |
| <b>C10</b> Ventilation ducts/grilles shall integrate with the streetscape and be unobtrusive and/or appropriately screened.  | Not Applicable.   | <b>N/A</b> |
| <b>C11</b> Garage doors to underground parking shall be designed to complement the materials used elsewhere on the development.  | Not Applicable.   | <b>N/A</b> |
| <b>3.16 – Central Maitland</b>   |   |            |
| The subject site is located within Zone 2(A) Residential as shown within the Central Maitland Structure Plan (2009). Given the development is for residential purposes, Council must not grant consent where the level of inundation in a 1% flood exceeds 1.5 metres above ground level.                                |   | <b>Yes</b> |
| The proposed development has been designed to address flooding. Refer documents accompanying the Development Application.  |   |            |
| <b>E.3 (2) – Central Maitland Heritage Conservation Area</b>   |   |            |
| The proposal has been assessed to have no more than a negligible impact upon the significance of St Elmo, the other nearby heritage items and the Central Maitland Heritage Conservation Area.   |   | <b>Yes</b> |
| A detailed assessment of the development is provided within the Heritage Impact Statement prepared by EJE Heritage.  |   |            |

### 4.3 Planning Agreements - Section 4.15(1)(a)(iiia)

No planning agreement has been found to apply to the subject site.

### 4.4 Draft Environmental Planning Instruments - Section 4.15(1)(a)(ii)

There is no draft Maitland LEP at the time of lodgement.

### 4.4 The Regulations - Section 4.15(1)(a)(iv)

The pertinent considerations identified within the *Environmental Planning and Assessment Regulation 2021* relate to conformity with the Building Code of Australia (BCA). Satisfaction of such Regulations (i.e. conformity with the BCA) are capable of being satisfied.

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

#### 4.5.1 Impact on the Natural Environment

The proposed development will utilise existing infrastructure and utility services. There is no existing considerable vegetation that requires removal to accommodate the development noting the site is cleared of significant trees. The development is to be complimented by additional soft landscaping as illustrated within the submitted landscape plan prepared by Creative Planning Solutions.

Waste management processes (detailed within the accompanying Waste Management Plan) will focus on the minimisation of waste created by the operation of the group home. The operations being proposed on the site would 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 will not have any significant impact on the natural environment.

#### 4.5.2 Impact on the Built Environment

The proposed development is of high-quality architectural design and will have a positive impact on the local streetscape and the built character of the area. As demonstrated in the submitted Architectural Plans, the building is considered to have a strong sense of identity through providing a design with a high level of visual interest in terms of materiality, building articulation and fenestration.

Accordingly, the proposal will not have any significant impact on the surrounding amenity and built form character of Elgin Street, nor will it impact the local built environment. Additionally, it has been demonstrated within the Heritage Impact Statement that there will be limited impact on the nearby Heritage Item and the Central Maitland heritage conservation area.

### 4.5.3 Social Impacts

The proposed development will deliver significant social benefits to community members living with a disability by addressing the need for disability accommodation which establishes a home like environment, affords more privacy and flexibility in daily living, and fosters opportunities for increased participation in the local community

The proposed development will:

- assist 4u Care to meet a continually-growing demand for disability accommodation in Maitland.
- assist 4u Care in ensuring appropriate community-based living options for residents living with a disability, with a view to creating a home environment that facilitates independence and improvement in life skills; and
- assist 4u Care in improving housing diversity in the Maitland LGA, by providing high-quality, purpose-designed SDA for community members living with a disability.

Accordingly, the proposal will not result in 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.

### 4.5.4 Economic Impacts

No adverse economic impacts will result from the proposed group home development. The proposed development is likely to contribute to a range of economic benefits within the Maitland LGA and surrounding areas through:

- A more efficient use of land resources, through the utilisation of an existing structure that is adequately supported by infrastructure and services,
- Additional employment opportunities through the hiring of suitably qualified staff to facilitate the group home's operation, and
- Enhanced consumption of local goods and services as a result of accommodating additional residents.

## 4.6 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 the proposal is consistent with the objectives of the R1 General Residential zone. The site is located in a mixed residential and business 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 and 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.

## 4.7 Public Submissions

Any public submissions received in response to the development proposal are required to be considered in light of Section 4.15 of the 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.

## 4.8 Public Interest – Section 4.15(1)(e)

The proposal provides a high-quality, purpose-designed SDA for community members living with a disability in a location inherently suitable for such a use as it is a permissible form of development under the Housing SEPP and MLEP 2011. Further, the proposal will increase the diversity of housing resources for community members living with a disability.

Accordingly, the proposed use will provide a service within the community in the following capacities:

- Provide appropriate housing for people living with a disability in a high-quality, purpose-built group home;
- Improve opportunities for people with a disability to achieve independence and good health in their day to day lives; and
- Provide community members living with a disability with high-quality support and care, including the provision of suitably-qualified care workers who will tailor care plans to their specific needs.

## 5.0 Conclusion

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

- Group homes are permissible within the R1 zone under both the Housing SEPP and MLEP 2011.
- The proposed development wholly meets the requirements of the ‘permanent group home’ land use definition;
- The proposal is consistent with the relevant aims and objectives of MLEP 2011.
- The proposal is generally consistent with the relevant development controls and requirements within MDCP 2011.
- Appropriate operational management measures are in place to ensure the intended residents that will occupy the proposed group home are cared for according to their needs, ensuring there will be no impacts on the community during the operation of the group home. Effective management of the site is demonstrated with the separate Plan of Management that is been submitted with the DA.
- The proposed residential use would continue to be compatible with the residential character of the locality.
- 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 Maitland City Council support and approve this development application.