

<b>JRPP number:</b>	2015SYW175
<b>Application number:</b>	DA15/0703
<b>Proposed development:</b>	Consolidation of two lots, demolition of the existing buildings, filling of the dam and construction of Group Home Development containing four (4) dwellings and associated on-site sewerage management system.
<b>Owner:</b>	Minister For Disability Services
<b>Applicant:</b>	UrbanGrowth NSW On behalf of Department of Family and Services
<b>Property address:</b>	47a Fourth Avenue, LLANDILO NSW 2747
<b>Property description:</b>	Lot 47A DP 2147 Lot 46 DP21 2147
<b>Date received:</b>	8 July 2015
<b>Assessing officer</b>	Pukar Pradhan
<b>Zoning:</b>	RU4 Primary Production Small Lots - LEP 2010
<b>Class of building:</b>	Class 1b
<b>Recommendation:</b>	Approve

## Executive Summary

Council is in receipt of a development application from UrbanGrowth NSW on behalf of the Department of Family and Community Services seeking consent for the consolidation of two lots, demolition of the existing buildings, filling of the dam and the construction of a group home containing four (4) dwellings and associated on-site sewerage management system on the above property.

The land is zoned RU4 Primary Production Small Holdings under the provisions of Local Environmental Plan 2010 (LEP 2010). The proposed development is defined as a Group Home which is not permissible under LEP 2010 however; Clause 43 (1) (b) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP) allows Group Homes in a prescribed zone with Council consent. As the SEPP prevails over an LEP in the event of an inconsistency group homes are permissible with consent.

The development application was advertised in local newspapers and was notified to all adjoining and nearby property owners and placed on public exhibition from 27 July 2015 to 10 August 2015. Two submissions were received in response to this exhibition period. The issues raised in the received submission are summarised as follows:

- Potential adverse impact from the effluent system.
- Concern with the number of dwellings proposed.
- Potential noise and traffic impacts.

- Safety concerns due to potential increase in traffic generation.
- Inappropriate location which should be closer to an urban area.
- Likely impact during a fire for residents in the development.
- A colourbond fence is not consistent with the area.

The above concerns are discussed in detail further in this assessment report.

In accordance with Section 23G of the Environmental Planning and Assessment Act, 1979, the Sydney West Joint Regional Planning Policy is the determining authority as the property is owned by the Crown and the application is on behalf of the Crown with a Capital Investment Value (CIV) exceeding \$5 million.

The site is mapped as bushfire prone land and the application has been referred to the NSW Rural Fire Services as Integrated Development. They have raised no objection to the proposal subject to imposition of conditions.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is considered satisfactory and is recommended for approval subject to the recommended conditions of consent (Appendix 1). The application being a Crown Authority has been referred and is in agreeance with the recommended conditions of consent.

The development is to be operated by Department of Family and Community Services.

## **Background**

A pre-lodgment meeting was held between the applicant and Council staff on 9th April 2015 to discuss the potential application for a group home development application. The following matters were raised at this meeting to be addressed by the application:

- Permissibility of the proposed development.
- Locational concern due to it being not near transport, and other facilities.
- Community need for such facility.
- Potential noise and traffic impacts.
- On Site Sewage Management System details.

The applicant has taken the above matters in to consideration in their submission of the application.

The application is accompanied by the following plans and reports:

- Statement of Environmental Effects;
- Architectural and Landscape Plans;
- Transportation Impact Assessment;
- Bush Fire Threat Assessment;
- Social Impact Assessment;
- Stormwater and Drainage Plans;
- Waste management Plan;

- BASIX Certification and
- Access Assessment Report.

## **Site & Surrounds**

The subject land is a rectangular shape, located on the southern side of Fourth Avenue and is approximately 10km north from Penrith CBD (see Appendix 2). The site has a street frontage of 100.58m to Fourth Avenue and a rear boundary of 100.58m with 200.85m side boundaries. The site has a total area of 2.02 hectares or 20,200m<sup>2</sup>. The site currently has a two storey house and a large dam which is proposed to be filled. The site vegetation comprises eight scattered trees on the site.

The site is located within a semi-rural residential area characterised by a mixture of older style and modern single and two storey large detached dwelling houses mainly of brick construction with metal and tiled roofs.

## **Proposal**

The development application (see Appendix 3) proposes the construction of 4 single storey buildings as group homes which include the following works:

- filling in of existing dam located in the south western corner of the site;
- a permanent group home with four (4) group homes with a total of twenty (20) bedrooms (5 bedrooms per dwelling);
- construction of internal driveway, pedestrian pathways and on-site parking comprising four (4) single carports attached to each group home and fourteen (14) single car parking spaces;
- provision of an onsite sewage management system;
- provision of extensive planting throughout the site; and
- a combination of colourbond and hebel acoustic fencing with landscaping setback to side and rear boundaries with pier and palisade fencing to front boundary and pool fencing within the site.

Each of the group homes will provide permanent accommodation and are designed to suit a range of ages and needs that include:

- support with everyday living tasks to maintain or gain independent living skills;
- additional support for different types of needs, such as medical and ageing needs;
- support to access the community and its services, such as health and medical, paid or unpaid work, the hairdressers, the post office, the swimming pool, the bus and the train;
- 24 hour access to assistance and support to occupants; and
- No signs to be displayed to identify the premises as group homes.

The proposed group home development includes four (4) mini buses, i.e. one per group home which will be used to take residents on all necessary outings, including medical appointments, access to facilities and services not provided on-site and recreational activities etc.

Each group home will have two (2) designated support workers at one time, with staff present 24/7 to provide care and assistance to the residents. Support workers are shift workers and generally work

morning, afternoon or night shifts between eight to 10 hours each shift.

### **Plans that apply**

- Penrith Local Environmental Plan 2010
- Penrith Development Control Plan 2014
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy No 55—Remediation of Land (SEPP 55)
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River (SREP 20)

### **Planning Assessment**

#### *Section 23G – Joint Regional Planning Panel (JRPP)*

The application has been assessed in accordance with Section 23G of the Environmental Planning and Assessment Act and the application is to be determined by the Joint Regional Planning Panel - Sydney West Region for the following reasons:

- The proposal has a Capital Investment Value (CIV) of over \$5 million and the application has been lodged on behalf of the Crown.

#### *Section 91 - Integrated Development*

Section 91 of the Environmental Planning & Assessment Act, 1979 outlines the types of developments deemed to be defined as “Integrated Development”. As this development is located on land which is mapped as bushfire prone land, it requires approval from the NSW Rural Fire Service as a ‘special fire protection purpose’.

The NSW RFS issued a Bush Fire Safety Authority on 20 August 2015 raising no objection to the proposal subject to conditions.

### **Section 79C - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended) (EP&A Act), and having regard to those matters, the following issues have been identified for further consideration.

#### **Section 79C (1) (a) (i) The provisions of any environmental planning instrument**

##### ***State Environmental Planning Policy (Affordable Rental Housing) 2009***

As assessment has been undertaken of the application against relevant criteria with State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP).

The aims of this Policy are as follows:

- a. to provide a consistent planning regime for the provision of affordable rental housing,*
- b. to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- c. to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- d. to employ a balanced approach between obligations for retaining and mitigating*

- the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- e. to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- f. to support local business centres by providing affordable rental housing for workers close to places of work,*
- g. to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.*

The most relevant aim of ARHSEPP is to facilitate the development of housing for the disadvantaged people who may require support services, including group homes and supportive accommodation. In this regard, the proposed group home development aims to provide housing accommodation for up to 20 disadvantaged people requiring support services, supportive accommodation and supervision.

This is considered to be consistent with the aims of the ARHSEPP.

Clause 42 and 43 of the SEPP (ARH) 2009 also details zones in which group homes are considered to be permissible in. It defines group homes as being:

**"group home** means a permanent group home or a transitional group home". and

**"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,*

**prescribed zone** means:

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

The subject site is currently zoned RU4 Primary Production Small Holdings under the Penrith Local Environmental Plan 2010, which permits a dwelling house and hence this site is classified as a prescribed zone under Clause 42(1) (b) of the ARHSEPP. As dwelling houses are permitted in the

RU4 zone, the proposed group homes are permitted by virtue of Clause 43 (1) (b) of the ARH SEPP.

It is worth noting that Clause 17.7(4) of PLEP 2010 states:

*“Development consent **must not be granted** for the erection of a dwelling house on land identified as “2 Hectares for Dwelling House” on the Clause Application Map unless the land has an area of at least 2 hectares”.*

As the subject lot has total area of 2.02 Hectares ‘a dwelling house’ may be consented to on the land. As the proposal involves the construction of four dwellings on one (consolidated) lot, however, Clause 17.7(4) prohibits multiple dwellings on this site and hence the proposed development.

The applicant has engaged Lindsay Taylor, Lawyers to provide a legal opinion as to why Group Homes are permissible in this zone having regard to the lot size restrictions within LEP 2010 and has provided the following justification:

*Clause 43(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (‘ARHSEPP’) provides:*

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

*The clause contemplates one or more group homes being developed on the site. Therefore, the fact that the development proposes two group homes on each lot does not rule it as impermissible. The proposal is therefore permissible pursuant to the ARHSEPP.*

*An inconsistency exists between the ARHSEPP and PLEP. In the event of inconsistency between a planning instrument and SEPP, the Court has previously formed the view that the SEPP generally prevails. The ARHSEPP provides specifically for this in clause 8 which states that:*

*“If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.”*

*The proposed development is therefore permissible pursuant to ARH SEPP.*

The legal advice submitted has been examined and it is considered that the provisions of the SEPP permits the proposal irrespective of the LEP restrictions.

## **State Environmental Planning Policy No 55—Remediation of Land**

*State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55) aims to provide a framework for the assessment, management and remediation of contaminated land throughout the state. Clause 7(1) of SEPP 55 prevents consent authorities from consenting to a proposed development unless it has considered whether the land is contaminated and 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.

The site had once been used for agriculture and as such the consent authority must ensure that there are no harmful contaminants on the site and the site is suitable for the proposed use. The applicant has provided a Preliminary Site investigation and a contamination assessment to address SEPP 55 requirements. This report concluded that none of the soil samples taken show any residual contamination from market gardening activities and chemical analysis of soil samples taken from the site do not show any residual contamination from agricultural activity such as market gardening.

Further clarification was however requested during the assessment regarding references to soil staining, a site plan, justification for the sampling methodology, chain of custody forms and qualifications of the author. The applicant then provided additional revised information which has been reviewed as follows:

- *The revised document now addresses the reference to soil staining confirming that “there were no areas of oil and chemical staining”. As such, no further investigation is required.*
- *A site plan was provided that shows the sampling locations.*
- *The chain of custody form has been submitted.*
- *Qualifications of the author were submitted.*

The documents are now considered satisfactory in that it does convey the decision-making of the consultant. The consultant has concluded that *“there is no visible evidence at the site or anecdotal evidence that suggest that there is contamination present within the soil that would pose a human health risk to the proposed residential development”*. Accordingly, there is no evidence to suggest that the subject land has contamination that would cause harm to the proposed development and is within the previously supported any activities and is within the NSW EPA contaminated land guidelines. The provisions of SEPP 55 have therefore been satisfied.

## **Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River**

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (REP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on

the river environment.

The applicant has included appropriate soil erosion and sediment control measures to minimize any adverse impact of soil run off to adjoining properties or surround. Rainwater tanks are proposed for grey water reuse and post development flows are maintained to pre development through an above ground storage basin and discharge control pit.

The proposed development is therefore in accordance with the general planning considerations set out in Clause 5 of SREP 20 and the relevant specific planning policies and related recommended strategies set out in Clause 6.

### ***Penrith Local Environmental Plan 2010 (Stage 1 LEP)***

The Penrith Local Environmental Plan 2010 (PLEP2010) applies to the proposed development site and Clause 7.17 of the LEP 2010 prevents consent from being granted to a dwelling house on a site of less than 2 hectares. Furthermore, under Clause 2.3 multi dwelling housing is prohibited in the RU4 zoning of the land. This has been discussed under the heading ARHSEPP 2009 and it has been concluded by Council's legal officer that irrespective of group homes being not permissible under LEP 2010, ARHSEPP prevails over LEP 2010 and Clause 42 and 43 (1) (b) of the SEPP permits group homes within the prescribed zone.

The proposal is therefore a permissible land use and hence allows the construction of a group home.

### **Section 79C (1) (a) (iii) The provisions of any development control plan**

#### ***Penrith Development Control Plan 2014***

The proposed development is in accordance with the relevant city-wide provisions of Penrith Development Control Plan (DCP) 2014. The primary development controls, however, relating to the development of this site are contained within an area specific chapter of the DCP.

The proposal is consistent with Part B - Principles in that it:

- provides appropriate building design to accommodate people in all stages of life and with all levels of mobility;
- maximises natural ventilation and temperature regulation;
- provides appropriate planting and landscaping to minimize loss of privacy and noise to adjoining properties;
- includes re-use of rainwater through tanks and other means within the development site;
- have been designed to minimise their vulnerability to bushfires; and
- provision of adaptable and inclusive infrastructure which meets the needs of development and is designed to accommodate likely current and future needs.



## ***Part C - Controls applying to all land uses***

### *Site Planning and Design Principles*

General objectives of this are to:

- a) *To improve the sustainability of development through improved site planning that takes into account social, economic and environmental opportunities and constraints;*
- b) *To ensure that developments address the key principles of site planning, urban design and design excellence by:*
  - i) *responding to the natural topography and landform of the site;*
  - ii) *protecting areas of scenic or visual importance in the City of Penrith;*
  - iii) *adopting a height, massing and scale that accords with the analysis of the site and minimises visual impact;*
  - iv) *incorporating safety and security measures in its design;*
  - v) *utilising, where possible, sustainable materials that minimise impacts on the environment, maintenance and waste; and*
  - vi) *incorporating the principles of universal design to maximise accessibility for all people.*

The design of the buildings has taken into consideration and addressed the potential visual impacts of the proposed development to adjoining and nearby properties. All buildings are proposed to a single storey building height designed in a contemporary architecture using earthy external finishes with a high aesthetic value compatible with the surrounding area. The proposal includes extensive landscaping features around the buildings and all boundaries to minimise the visual impacts and ensure that the development is sympathetic to the scenic and landscape character of the area (See Appendix 4). The proposal is consistent with the general objectives of this section.

### *Landscape Design*

A detailed landscape plan has been prepared by PDS Landscape Architects detailing extensive vegetation and species to be planted within the site. The plan shows that there will be extensive planting both around the building and along all boundaries of the site.

The proposed landscaping is considered to enhance the streetscape and also provide visual and acoustic screening to the adjoining and surrounding area and hence is considered to be satisfactory. It will also address concerns raised in submissions with respect to the visual impacts from the proposed development.

### *Transport, access and parking*

The general objectives of this clause are:

- a) *To integrate transport planning and land use to promote sustainable development and greater use of public transport systems;*

- b) To minimise the impacts of traffic generating developments and manage road safety issues;*
- c) To ensure that access paths and driveways are integrated in the design of developments and minimise impacts on road systems;*
- d) To provide appropriate parking for all development whilst promoting more sustainable transport use;*
- e) To facilitate connections and accessibility for those using non vehicle transport by providing appropriate facilities to improve amenity and safety;*
- f) To facilitate bicycle connections and provide appropriate bicycle facilities to improve amenity and safety; and*
- g) To ensure that access is provided for all people with diverse abilities.*

Concerns were raised in the submissions received that the proposed development would generate excessive traffic and have adverse impact on the safety of the public in the area. The proposed development is for housing people who require physical aids in their daily mobility and dependent on support staff for their daily life and transportation in getting to and from the site to other area. It is noted that;

- The proposal provides for a small van/bus to transport the occupants from and to the site and there are one carport per building provision within the site.
- The occupants living within the group homes are dependent and rely upon staff for movements.
- The number of vehicular movements is not expected to be significantly greater than for normal domestic usage that would have adverse traffic or safety implication to the existing residences in the area.
- The proposal provides for adequate onsite parking spaces for potential visitors.
- The proposed development provides for accessible pathway within the site enabling accessible pathway to all buildings and other areas of the site.

The application has been examined by Council's Traffic Officers who have received the traffic report and concur with the report in that there is unlikely to be adverse traffic impacts on the local roads and that the existing local road network can easily cater for the amount of vehicles that would be generated from this development.

#### *Noise and Vibration*

Concerns were also raised in the submission that the proposal would have adverse noise impact to adjoining properties. The occupants are dependent upon staff for mobility and unlikely to go without supervision. The residents will mainly be keeping within their residential surroundings. Furthermore, extensive screen planting and boundary fences will minimise any potential visual and acoustic impacts to adjoining and surrounding properties.

There is likely to be some noise generated during construction phase however, the construction will be limited to daytime and appropriate condition will be recommended to ensure this and that dust suppression and mud control measures are in place prior to commencement of construction and during construction.

In view of the above, there is unlikely to be adverse noise impacts to adjoining or surrounding properties.

## **D1 - Rural land uses**

### *D 1.2.1. Siting and Orientation of Dwellings and Outbuildings*

This section aims to ensure the siting of dwellings and outbuildings takes into account the principles of site planning, landscape/scenic character and the environmental qualities of the area and site. The proposed development has been designed to:

- minimize the loss of privacy to adjoining properties;
- minimize adverse drainage impacts;
- maximise solar access to buildings;
- incorporate extensive vegetation on site;
- maintain sufficient side setbacks to all building; and
- improve the aesthetics of the building and compatible with the existing building in the area.

The proposal is considered to be consistent with the requirements of this section. The built form exceeds the minimum setbacks within the DCP and suitably addresses drainage and privacy protections to mitigate potential impacts on neighbouring properties. While a group home is not a typical use having regard to the existing character of the area, the facility provides support and accommodation services to support the local community with a single storey presentation which is respectful of the low density character of the zone.

## **Section 79C (1) (a) (iv) The provisions of the regulations**

### *Bush Fire*

In accordance with Section 143 of the Environmental Planning and Assessment Regulation 2000, an assessment of the fire protection and structural capacity of the proposed building is necessary. The application has also been referred to the Rural Fire Services for comments. They have examined the application and raised no objections to the proposal and issued a Bushfire Safety Authority requiring provision of inner protection zone of 20m, compliance with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006 and arrangements for emergency and evacuation. Their recommended conditions (See Condition No.3) forms part of the consent conditions.

The application was referred to Council's Building Surveyors for assessment and they have raised no objection to the proposal having regard to the fire safety requirements of the Regulations.

## **Section 79C (1) (b) The likely impacts of the development**

### *Building Design, Context and Setting*

The group home has been designed in contemporary architecture with all buildings being single storey of a similar bulk, scale and design and external finishes with other developments in the area. The proposed landscaping will minimize its visual impact and maintain its rural character and streetscape.

### *The character of the place and its local and regional context*

The construction of the group home is not expected to be a scale of development that is out of character with the existing single dwelling houses and dual occupancy developments in the area.. The overall development will not result in adverse visual impacts to the area and will be generally in character with its local and regional setting.

### *Access, traffic and transportation impacts*

The proposed group home provides for a sealed driveway across the site and provides a carport for a mini bus for each building as well as providing 14 on-site staff and visitor parking spaces which is considered sufficient for the proposed development. The residents of the group home will not have their own vehicles. The vehicular movements associated with the group homes will be limited to only 4-6 times per day which is consistent with any other rural/residential sites and will have no significant impacts on the existing traffic and road networks within the area.

Council's Traffic Engineer has examined the application and have advised that there is not likely to be significant adverse traffic impact to the local traffic of the area and raised no objection to the development.

### *Site management*

Appropriate conditions are recommended to properly manage the site prior to and during commencement of the construction works in order to minimise soil erosion and sediment running of the site and minimize dust pollutions to nearby properties.

### *Sewage Management System*

The proposal will be using and be connected to a pump out system and will use two spare tanks to minimise the potential of overflow of effluent/sewerage at ground. The proposed system has been examined by Council's Environmental Officer and found to be adequate in its volume to cater for the occupants and staff. The proposed is unlikely to have odour impacts. Appropriate conditions (Conditions 58 to 65 inclusive) will be recommended for inspections and ongoing operation of the system.

## Drainage

The applicant has submitted a concept drainage plan which proposes drainage channels that are contained within the property around the perimeter of the site to capture overland sheet flows and divert them to the table drain in Fourth Avenue. Council's Development Engineer has examined the drainage system proposed for the development and are satisfied that it will have minimal adverse impact to the adjoining property. They have raised no objections to the proposal subject to the recommended conditions. (See Conditions Nos. 32 to 46 inclusive)

## Social Impacts

The application was accompanied with a Social Impact Assessment dated 15 December 2014 prepared by Creative Planning Solutions Pty Ltd. The report states that:

- *"the ABS forecasts expected growth in population of Penrith by 21.06% by 2031 and a high demand for housing and other essential services including disability and aged care;*
- *the subject site is appropriate for the proposed Group Home as it will provide an important service for the growing population of the Penrith LGA and wider WSROC region whilst not significantly impacting on the wider area's projected population growth";*
- *the age structure by service age group within the Penrith City LGA illustrates that the highest*
- *population in 2011 was in the 35 - 49 year age group (parents and homebuilders), this group is expected to remain the highest percentage of the population over the next 20 years. However, a significant indicator of the dataset below is that the 60-69 (Empty nesters and retirees), 70 - 74 (seniors) and 85 and over (elderly aged) age groups is forecast to increase 43.9% from 2011 to 2026 and then a further 4.3% from 2026 - 2031;*
- *the change in the number of persons requiring assistance with core activities increased overall between 2006 and 2011 by 28.03%. In addition it is noted that the largest change to persons who need assistance by age group being between the ages of 20-59 followed by age 85 and over. This data may indicate that there is an increasing need for ADHC and other disability support services to be located within the Penrith LGA;*
- *It is also significant to note that the data suggests that no social/affordable housing is currently provided within Llandilo;*
- *the proposed group home development will provide future accommodation options for people with disabilities in a well located and peaceful area that considers the needs of occupants within this special needs group.*
- *a large residential centre is a facility that provides accommodation for a large group of people with a disability on one site in a congregate setting. The Ageing, Disability and Home Care Agency (ADHC) currently operates six large residential centres across NSW;*
- *ADHC has been undertaking searches in the Blacktown, Parramatta and Penrith LGAs for larger sites to provide specialist support group homes. These western Sydney locations have been sought due to their location nearer to major metropolitan hospitals and based on consultation with families; and*

- *the proposed group home development will create additional supply in ADHC's portfolio in order to cater to the identified demand currently experienced for formal support services.*

The Social Impact Assessment was referred to Council's Social Planner for comments and after examining the report they have advised of the following:

- Group homes are generally appropriate to be located in close proximity to facilities (as admitted by the applicant) that the location of the proposed group home is a fairly isolated and is not close to facilities or transport.
- Given the special and medical needs of the group home residents who are in need of constant support and for their mobility, they will be not be relying on nearby facilities nor be travelling on their own outside the property without assistance of staff and can only travel by a vehicle.
- The subject site is located not far from Penrith CBD (is about at a distance of 10km from the Penrith CBD) where all facilities are available and within 10 – 15 minute drive.
- Given the low and infrequent demand for such services by residents of the group home development, it is acknowledged why the State Government has selected this location and it is considered as being acceptable location for such facility.
- It is also confirmed by the applicant that the facility will be operated and managed by the Department of Family and Community Services, Aging Disability and Home Care. Appropriate management of the facility will be in place for smooth operation of the facility.

In order to address the concerns raised by the neighbours, the following conditions have been recommended as part of the development consent if the JRPP is to support the application:

- The plan of implementation of Aging Disability and Home Care's (ADHC) "Good Neighbourhood Policy" must be complied with (Page 75 of the SIA document)
- The preparation of a detailed plan of management to ensure the concerns of the neighbours and residents of Llandilo will be addressed.

In view of the above, it is considered that the proposed development will not have any adverse social or negative impacts on the local community and will provide a facility that will improve the availability of appropriate housing for the intellectually and physically disabled within the community, therefore having a positive social impact.

#### *Economic impact*

The proposed development will generate jobs for local people living in Penrith area during construction phase and ongoing carers for the occupants.

#### *Crime Prevention Through Environmental Design (CPTED)*

The application was referred to Council's Community Safety Officer for comments. The proposal is

designed to have secure environment within the site with controlled gates to the main frontage and appropriate fencing around the perimeter of the site is subject of a recommended condition No. 9 to ensure an appropriate balance between rural character and safety and security is achieved. Appropriate conditions are also recommended to enhance the safety and security of all users of this development and minimise the crime risk associated with this development (See Condition Nos. 5, 6 & 7).

#### **Section 79C (1) (c) The suitability of the site for the development**

The subject site currently contains a two storey dwelling house, other outbuildings and a dam, which are to be demolished and the dam to be filled to enable the construction of the group home. The development has been designed to accommodate the needs for group home accommodation that is compliant with State Government regulations while considerate of the surrounding properties and locality. Council is satisfied that the subject site and the proposed development is suitable for the proposed development.

#### **Section 79C (1) (d) Any Submissions**

##### **Community consultation**

In accordance with the Penrith Development Control Plan for the City of Penrith 2014 – Notification and Advertising Appendix F4 of Penrith Development Control Plan 2014, the proposed development was advertised, notified to nearby and adjoining properties and exhibited from 27 July 2015 to 10 August 2015. Council has received 2 submissions in response.

The following issues were raised in the submissions received and have formed part of the assessment.

<b><i>Issue Raised</i></b>	<b><i>Comments</i></b>
<i>Potential odour and overflow impact to adjoining property from the sewage Management system</i>	<i>The applicant has proposed a pump out system has been examined by Council's Environmental Officer who has advised that it will have no adverse impact to adjoining properties.</i>
<i>Excessive number of dwellings on a rural site;</i>	<i>It is acknowledged that the total number of dwellings on this site exceeds that normally allowed for such under LEP 2010, however, SEPP (ARH) 2009 allows group homes to be constructed on land where a dwelling is permitted. The development does include extensive landscaping around the buildings and perimeter of the site that assists in minimizing its visual impact and maintaining the rural character.</i>
<i>Potential traffic increase</i>	<i>The application has been examined by Council's Traffic Engineer who has advised that the traffic increase is unlikely to have adverse impact on the local area. It is expected that only one mini bus would be used to transport the occupants to and from the site and this is unlikely to have adverse traffic impact or safety issues with the driveway access arrangements proposed.</i>
<i>Potential Noise increase</i>	<i>The people living in the house will be monitored at all times by staff. The buildings are located behind screen planting and has solid fences around the building and yard area to minimise noise impacts. The provision of screen planting within the site and along the boundaries would assist in minimising visual and noise impacts to adjoining properties.</i>



<b>Issue Raised</b>	<b>Comments</b>
<i>Safety of nearby residents</i>	<i>The development will provide fencing along the boundaries and access to the site will be controlled by secure gates. On site supervision is provided.</i>
<i>Impacts from the wandering resident from the facility</i>	<i>As mentioned above, all people living in the facility will be supervised at all times and would not be allowed to wander off site without supervision.</i>
<i>Overland flow impacts to adjoining properties</i>	<i>Council's Engineer has examined the concept drainage plan and advised that there is unlikely to be adverse overland flow impact from the proposed development.</i>
<i>Colourbond Fencing</i>	<i>Addressed by recommended Special Condition No. 9.</i>

### **Referrals**

The application was referred to the following stakeholders who have recommended support subject to recommended conditions:

- Traffic Engineer
- Building Surveyor
- Development Engineer
- Environmental – Environmental Management
- Community Safety Officer
- Social Planning

### **Section 79C (1) (e) the public interest**

- The proposed development provides social housing to accommodate the needs of the greater community by providing supportive housing for intellectually and physically disabled residents within the community.
- The development will not result in any significant adverse impact on the community.
- The provision of a group homes is in the public interest as it services the needs of the community.

### **Section 94 - Developer Contributions Plans**

Section 94 contributions apply to the proposed development for District Open Space, Local Open Space and Cultural facilities with the total contribution of \$13,233.00 recommended as a conditions number 52, 53 and 54.

## **Conclusion**

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The application has been assessed against the relevant environmental planning policies, being ARH SEPP 2009, SEPP 55, SREP 20, Penrith LEP 2010 and Penrith DCP 2014, the proposal satisfies the aims, objectives and provisions of the policies. The proposed group homes are permissible pursuant to ARHSEPP 2009.

The single storey nature of the buildings and the location of the buildings with extensive vegetation will maintain the rural character of the area and provide a positive contribution to the streetscape.

The proposed development provides social housing through group homes to accommodate the needs to the greater community by providing supportive housing for intellectually and physically disabled residents within the community. The proposal is considered to be in the public interest and is unlikely to have significant adverse impacts on the existing amenity of the area.

In conclusion, the proposed development is worthy of support and is recommended for approval subject to imposition of recommended conditions.

## **Recommendation**

1. That DA15/0703 for the demolition of existing structures, filling of the dam and construction of four houses, onsite parking spaces and associated landscaping for establishing a Group Homes facility at 47a Fourth Avenue, Llandilo, be approved subject to the attached conditions (appendix 1).
2. Those making submission be notified of the determination.