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|  | **Development Application Assessment Report** |
| **Officer:** Senior Development Planner**Peer Review: Co-Ordinator Planning**  | **Date of Assessment:** 24/07/202**Date of Peer Review: 26/7/24** |

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| Application Details  |
| Application No. | 8/2023/455/1 |
| Property Address | 147 Gardner Circuit SINGLETON HEIGHTS 2330, 4 Francis Place SINGLETON HEIGHTS 2330 |
| Lot and DP | Lot: 201 DP: 1280257 & Lot: 202 DP: 1280257 |
| Parcel No. | 28618 & 28619 |
| Description of development | Mixed Use Development –Group Home and Community Facility  |
| Applicant | Housing Plus  |
| Date lodged | Wednesday, 11 October 2023 |
| Owners Consent | Yes, Provided Under Separate Cover  |
| Capital Investment Value | $5,086,000.00 |
| Zoning | R1 General Residential |

| Detailed Description of the Development |
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Development Application No. 8.2023.455.1 seeks approval for a mixed-use development incorporating a community facility (core and cluster), and a group home on Lots 201 & 202 on DP 1280257 (147 Gardner Circuit & 4 Francis Place ). The proposal also includes the consolidation of the two (2) parcels.

The development includes a central administration building (core) located toward the northeastern section of the site. This building includes a reception area, kitchenette, offices, counselling areas, amenities and a multipurpose room. The communal facility (cluster) is located along the central portion of the eastern boundary and will provide communal space for the residents. This building has separate lounge, dining and kitchen areas with additional space designated for children’s activities, study, and bathroom/laundry facilities. These building will operate as a community facility exclusively for the occupants of the development.

The group home development comprises six (6) separate independent living units contained within a two-storey building in the southern portion of the site (370sqm). The independent living quarters are one (1), two (2) and three (3) bedroom formats, with each including an open plan kitchen, living and dining area and separate bathroom / laundry. The proposal also includes ancillary development consisting of a small storeroom, retaining walls, communal open space areas, a children’s playground, fencing, off street parking and site landscaping.

The proposal has received considerable public interest, with multiple submissions provided to Council during the public exhibition period. The issues raised in these submissions have been summarised in further detail in the body of this report; however, the main objection to the proposal is that the development is not appropriate in a residential area.

The proposed group home uses are defined under the parent term “residential accommodation” in the Singleton Local Environment Plan 2013 (SLEP 2013). Group homes as well as community facilities are uses permitted with consent in the R1 General Residential zone under SLEP 2013. Further, the test for permissibility of group homes in the R1 Residential zone is covered by the State Environmental Planning Policy (Housing) 2021 (SEPP).

The SEPP also prevents the consent authority from assessing a proposal for a group home as anything other than a normal residential development and also prevents a consent authority from applying conditions of consent to a proposal of this nature that would not ordinarily be applied to a standard dwelling.

One concern raised by a number of submitters is that the proposal for a group home may be altered to accommodate future, permissible uses, such as “temporary accommodation for the relief or rehabilitation of people with a disability or for drug and alcohol rehabilitation purposes, or that it may be used to provide half-way accommodation for persons formerly living in institutions”. To address this concern, a condition of consent has been recommended that restricts the proposal to domestic violence victims and their children, and that any change in focus for the centre beyond domestic violence be subject to an application to modify the development consent, enabling Council to consider an assessment for the community need for such services. Other issues raised have highlighted traffic, noise and safety impacts of the development. These concerns have also been addressed throughout the body of this report.

| Site Constraints  |
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There are no constraints over the site that would impact upon the proposed development.

| Site History |
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The subject site has historically been vacant. The lots were created as part of a 34 Lot Residential Subdivision in 2016. There have been no previous applications have been lodged over the subject land.

| 88B Instrument and Deposited Plan  |
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There are no matters identified on the 88B instrument or deposited plan that would impact upon the proposed development.

| Site Inspection  |
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The subject land is legally identified Lots 201 & 202 on DP 1280257 and is commonly referred to as 147 Gardner Circuit and 4 Francis Place, Singleton Heights. The land is zoned R1 – General Residential and consists of two (2) separate parcels which will be consolidated in order to facilitate the development. The site has dual street frontage with primary from Gardner Circuit and secondary off Francis Place.

The two (2) parcels are irregular shaped and will have a combined total land area of 1,503.1 sqm Legal access to the proposed development will be via a constructed crossover onto Gardner Circuit. The site is not located in a heritage, flood prone or bushfire prone area and is vacant of built structures and clear of any native trees. The character of the surrounding area is predominantly low to medium density residential dwellings. Residential estates exist to the north, south, east and west of the subject site, The houses are of a contemporary design, and whilst some of the residential lots in Francis Place are currently undeveloped, the residential estate adjoining these lots are well established.

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| ***Environmental Planning and Assessment Act 1979*** |

| Classification of development | Yes  | No |
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| Is the development proposal Local Development? | [x]  | [ ]  |
| Is notification necessary? | [x]  | [ ]  |
| Have all adjoining and affected owners been notified (two week period)? | [x]  | [ ]  |
| Is the development proposal Advertised Development? | [ ]  | [x]  |
| Is the development proposal Nominated Integrated Development or captured under Threatened Species Act?  | [ ]  | [x]  |
| Is the development proposal of Regional Significance?  | [x]  | [ ]  |
| Is the development proposal State Significant Development? | [ ]  | [x]  |

| Designated Development | Yes  | No  |
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| Is the development proposal Designated Development? | [ ]  | [x]  |

| Integrated Development  |
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In accordance with Section 4.46 of the *Environmental Planning and Assessment Act, 1979* the proposed development does not require approval from any external agency.

| INTERNAL REFERRAL ASSESSMENT |
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***Development Engineering Referral Response***

The application is considered to be satisfactory in relation to engineering matters subject to conditions being imposed on the notice of determination.

***Building Certifier Referral Response***

The application is considered to be satisfactory in relation to building matters subject to conditions being imposed on the notice of determination.

***Water and Sewer Referral Response***

The application is considered to be satisfactory in relation to water and sewer matters subject to conditions being imposed on the notice of determination.

| EXTERNAL REFERRAL ASSESSMENT |
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NSW Police – Council Officers have had consultation with the NSW Police in regard to the proposal, the police have advised that they have no concerns with the development.

| SECTION 1.7 CONSIDERATIONS |
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Having regard for Section 1.7 of the *Environmental Planning and Assessment Act 1979,* and subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* consideration must be given to whether development or activity that is “likely to significantly affect threatened species” as defined by section 7.2 of the *Biodiversity Conservation Act 2016.*

Additionally, subject to the Part 7A of the *Fisheries Management Act 1994* consideration must be given to the provisions of Division 12, in particular section 221ZV as to whether the proposal is likely to significantly affect threatened species, population or ecological community.

The application does not propose to removal of any native vegetation and is will not have any impact upon the life cycle of the any species at risk of extinction or threatened/endangered species or their habitat. The proposed development is not considered to be a threatening process.

| Section 4.14 – Bushfire Prone Land | Applicable |  |
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|  | Y | [ ]  | N | [x]  |  |

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| ***Planning Assessment*** |

In determining a Development Application, the consent authority is to take into consideration the following matters as detailed in Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* as follows:

| (a)(i) the provisions of any environmental planning instrument (EPI) |
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| State Environmental Planning Policies |
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**State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 – Remediation of Land**

The aim of the policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.  Clause 4.6(1) requires that consent not be granted until Council has considered whether the land is contaminated or is suitable for the intended land use.  As there is no historical evidence of the site being previously used for a purpose which would result in the land being contaminated, further testing of the site in respect of contamination is not warranted in this instance.

Clause 4.3 of this chapter of the SEPP requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land, and to be satisfied that the land is suitable for the proposed use. The site is zoned R1 – General Residential and has historically been vacant. As there is no historical evidence that the site has been used for a purpose that could potentially cause contamination the subject site is considered to be suitable for residential development.

**State Environmental Planning Policy (Housing) 2021**

The State Environmental Planning Policy (Housing) 2021 – also known as the Housing SEPP – facilitates development of affordable and diverse housing in the right places and for every stage of life. The Housing SEPP includes the planning provisions for Group Homes and states;

1. A consent authority must not—
2. refuse consent to development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home, or
3. impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.
4. This section applies to development for the purposes of a group home that is permissible with consent under this or another environmental planning instrument.

In relation to subclause 1(b), an assessment pertaining to a group home is to be undertaken as an assessment for a regular dwelling. Therefore, State policy prevents the consent authority from viewing a proposal for a transitional group home as any other form of development and applying conditions of consent to a proposal of this nature that would not ordinarily be applied to a standard residence

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| Singleton Local Environmental Plan 2013 |

The *Singleton Local Environmental Plan 2013* (SLEP 2013) applies in this instance.

Zoning

The subject site is zoned R1 General Residential under the provisions of SLEP 2013. The proposed development consists of a group home and community facility and is permissible with consent in the R1 General Residential zone.

Zone Objectives

The objectives of the R1 General Residential zone are as follows:

* To provide for the housing needs of the community.
* To provide for a variety of housing types and densities.
* To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is consistent with the objectives of the zone and will provide housing and support services for domestic violent victims and their dependents.

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| Part 7 Additional local provisions  |

Clause 7.1 Earthworks

Clause 7.1 seeks to ensure that any earthworks do not result in an adverse impact on the environment, neighbouring properties or heritage items. The earthworks proposed in the application are limited to the extent of cutting and filling required for the proposed structures. The extent of disruption to the drainage of the site is considered to be minor and will not detrimentally affect adjoining properties or the surrounding environment. The proposed earthworks including retaining walls have been reviewed and are supported by Council’s Development Engineer.

Clause 7.10 Essential Services

Subclause 7.3(3) of the SLEP 2013 prevents the consent authority from granting the development consent on land to which this clause applies unless it is satisfied that any of the services that are essential for the development, being water and electricity supply, disposal and management of sewage, stormwater drainage or on-site conservation and suitable vehicular access, are available or that adequate arrangements have been made to make them available. In consideration of this clause, all utility services are available and can be connected to the site.

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| (a)(ii) the provisions of any proposed environmental planning instrument (EPI) |

There are no draft EPI’s applicable to the subject site or proposed development.

| (a)(iii) any development control plan |
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The Singleton Development Control Plan (DCP) 2014 applies to the land with the following chapters of particular relevance to the proposal with an assessment against these provisions provided below.

| Part 1: Preliminary  |
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| Chapter 1.14 Minimum information for development applications  |
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Suitable information has been submitted with the application in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation, 2021* and Schedule 5 of the DCP.

| Part 2: Principal Design  |
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| Chapter 2.4 Stormwater drainage system  |
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The objectives of this section aim to ensure that stormwater can be disposed in a suitable manner without casing nuisance to adjoining properties or overload the existing stormwater system.  Suitable measures have been proposed to control stormwater leaving the site in accordance with the provisions in accordance with Council Engineering Design Specifications.  Stormwater quality meets the requirements of the DCP and the application is consistent with the provisions of section 2.4.

| Chapter 2.9 Maximum building height |
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The objective of this clause is to ensure building heights are appropriate having regard to the character of the area, whilst minimising potential impacts associated with building height. The subject land is identified on the map as having a building height of 9m. Development proposed by this application proposes a height of 9m, consistent with the requirement of the DCP.

Shadow diagrams were submitted with the application which demonstrate that the height of the building will not result in nearby residences being overlooked or overshadowed to an unreasonable degree. The application is consistent with the provisions of section 2.9.

| Chapter 2.10 Building line for land in certain rural, residential, business and industrial zones |
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The objectives of this section are to maintain a consistent streetscape, encourage landscaping within the front setback and minimise road noise by requiring suitable setbacks. The subject land is zoned R1, as such the provisions of this section apply.

The proposal meets the required front boundary setback of 5.5 metres with the development having a 5.89 metre setback off Gardner Circuit***.*** The secondary road frontage from Francis Place has been adopted at 3.298 metres which meets the requirements of Clause 2.10 It should also be noted that the Francis Place frontage does not provide the main vehicular entrance to the site; and the 3.298 metre setback is appropriate in the context of a corner site where other corner sites in the locality also feature higher density land uses (semi-detached dwellings and dual occupancies).

The application demonstrates that both street frontages will be landscaped. This is deemed acceptable, as has been assessed with the conclusion that the fencing and landscaping will create an attractive, diverse setting that presents appropriately to the street.

| Chapter 2.12 Side and rear setback for building in certain rural and residential zones |
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The objectives of this section aim to maintain privacy and amenity, minimise land use conflict and encourage landscaping. The subject land is zoned R1 as such the provisions of this section apply. A minimum side setback of 900mm for walls not exceeding 5m and 1.5m where the height of the wall exceeds 5m. The development is required to be setback a minimum of 1.5m from the rear boundary, with an additional 1m setback provided for every metre of wall height over 5m.

The proposed development is setback a minimum of 0.946 metres from the western side boundary for the single storey building that has a wall height of less than five metres and 1.84 metres from the southern side boundary of the two-storey building that has a wall height of over five metres. The application is consistent with the provisions of section 2.12

| Chapter 2.13 Density of residential accommodation  |
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The objectives of this section aim to restrict density of accommodation, maintain the amenity of the locality and to minimise visual impact, traffic congestion, social impact and noise.

The application seeks consent for a group home, as such the provisions of this section apply. The subject land has a lot size >1,200sqm, as such a FSR of 0.50:1 applies. The proposed development has a gross floor area (GFA) of 659.01m2 (0.44:1), compliant with the maximum 751.7m2 (0.50:1) permitted. The application is consistent with the provisions of section 2.13.

| Chapter 2.15 Open space for residential accommodation in certain residential zones |
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The objectives of this clause are as follows;

(a) to provide open space for the enjoyment of residents,

(b) to ensure that private open space is suitably designed and located,

(c) to encourage outdoor lifestyle living.

The subject land is zoned R1 and proposes a group home, as such the provisions of this section apply. The following minimum private open space is applicable to the proposal:

* the open space must be readily accessible from the dwelling and open to the sky,
* the open space must be able to be utilised for outdoor lifestyle purposes,
* private open space must not be located within direct view of a public road,
* dwellings which are located at ground level, that have 3 bedrooms or more, must be provided with not less than 50m2 usable private open space (per dwelling),
* dwellings which are located above ground level must be provided with not less than 10m2 usable private open space (per dwelling),
* the gradient of required open space must not exceed 12%,
* the smallest dimension of private open space required for dwellings located at ground level must not be less than 4m,
* the private open space for dwellings located above ground level is to be provided by way of verandas or balconies, and
* the required communal and private open space must not be forward of the building line.

The Planning Panel requested further clarification from the applicant in relation to the open space. The applicant’s response is provided below

*It should be noted that clause 2.15 of the Singleton DCP 2014 does not apply to group homes or acknowledge that group homes, by definition, are required to operate as a single household. As noted in the Statement of Environmental Effects submitted with the Development Application, the Core and Cluster group home model improves on the former share house model by providing self-contained living quarters for each resident, including private kitchen and bathroom facilities. There is no such requirement to provide dedicate private open space for each living quarter.*

*Notwithstanding, the proposed development has been designed to ensure that each individual living quarter within the group home has been provided with an area of private open space. While the area of private open space provided for each independent living quarter is less than that would be required for a standalone dwelling within a multi dwelling housing development, these areas are complemented by additional communal open space and facilities. The communal open space and facilities with the proposed group home include an overall area of 120 m2.*

*Having regard to the guidance provided at clause 2.15 of the Singleton DCP 2014, the following is noted:*

* *Open space is accessible from each living quarter and open to the sky.*
* *Open space has been purposively designed to encourage use.*
* *Areas of open space are generally screened from public view.*
* *The gradient of the site is below 12%.*
* *Open space areas typically have a minimum dimension in excess of 4m.*

*Taken together, the areas of secluded private open space and communal open space ensures that the proposed development has been designed to meet the objectives of clause 2.15 of the Singleton DCP 2014 and exceed the extent of open space typically provided within the former share house model of group home.*

Officers Comment

The group home is to be utilised as “short term accommodation” until other arrangements are made to address the circumstances of the occupant(s). It is considered that, given the short-term nature, the accommodation units private open space area is adequate, and the occupants have access to the public open space areas provided on the grounds.

Following a review of the plans and the applicant's justification, as well as taking into consideration, the nature of the development, it is determined that in this case the proposed open space is reasonable.

| Chapter 2.16 Environmental outcomes  |
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The objectives of this section aims to avoid impact, maintain biodiversity, minimise land degradation and encourage environmentally responsible design. The proposed development is suitably located and designed so as to avoid impacts on biodiversity, prevent land degradation and salinity, maintain water quality and minimise clearing. The application is consistent with the provisions of section 2.16.

| Chapter 2.18 Landscaping  |
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The objectives of this section aim to ensure high quality landscaping, improve the appearance of development, ensure landscaping is safe and appropriate and ensure good urban design outcomes.

A heavy screen vegetation buffer is to be planted in the front boundary setback along the street frontage to soften and screen the proposed 2m high boundary fence. A mixture of species is proposed to provide articulation of this landscaping to the frontage of the building and assist in improving presentation to the street. There are also several well landscaped areas within the development footprint providing greater privacy to the occupants.

Landscaping proposed as part of this application is satisfactory; enhancing the streetscape appearance of the development, is of an appropriate scale, is appropriate to the development type, is consistent with landscaping in the area and will not cause harm, increase the fire risk or restrict sight lines. The application is consistent with the provisions of section 2.18.

| Chapter 2.21 Earthworks and retaining  |
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The objective of this section is to avoid excessive cut/fill and to encourage design to suit topography. Cut/fill proposed as part of this application will not impact upon the structural integrity of any adjoining buildings. Councils Development Engineer has confirmed that suitable drainage measures have been incorporated. The application is consistent with the provisions of section 2.21.

| Chapter 2.22 Rainwater tanks for buildings in certain residential, business and industrial zones  |
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The objective of this section is to manage stormwater and to provide for suitable reuse. The subject land is zoned R1 as such the provisions of this section apply.

In accordance with the DCP, the proposed development has a roof area exceeding 500sqm. Therefore, a 22,500-litre rainwater tank is required. A 22,500-litre water tank is proposed as part of the development, consistent with the requirements of this section. Overflow from the tank will be directed to a onsite detention system. Councils Development Engineers has confirmed the application is consistent with the provisions of section 2.22.

| Chapter 2.24 Passive solar design and thermal efficiency for residential accommodation in certain residential zones  |
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The objective of this clause is to provide suitable solar access. Shadow diagrams submitted with the application demonstrate that the development will not prevent solar access to an adjoining properties. A minimum of 2 hours sunlight is able to be received between 9am and 3pm on the 22 June. The application is consistent with the provisions of section 2.24.

| Chapter 2.25 Accessible design  |
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The objective of this section is to ensure suitable arrangements are made for people with a disability. As the proposed development is accessible to the public, the provisions of this section apply. The application was referred to Council’s Building Surveyor, who has confirmed that development is satisfactory having regard to the requirements of the *Disability Discrimination Act, 1992* and the *Disability (Access to Premises – Building) Standards 2010.* The application is consistent with the provisions of section 2.25.

| Chapter 2.26 Driveway access  |
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The objective of this section is to ensure driveways are suitably located and have an appropriate surface treatment. Council’s Development Engineer has reviewed the application, confirming the proposed driveway is consistent with the requirement of this section.

| Chapter 2.27 Minimum number of car parking spaces  |
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The plans show that the proposed development includes four parking spaces, compliant with the minimum four required for a group home that comprises six independent living units with a total of nine beds (one space per five beds).



The application is consistent with the provisions of section 2.27.

| Chapter 2.28 Design of car parking areas, loading docks and vehicle manoeuvring areas |
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The objectives of this section are to ensure car parking areas, loading docks and manoeuvring areas are suitably designed . The application was referred to Council’s Development Engineer for comment. No concerns/issues have been raised. It is considered that the car parking area, loading dock and manoeuvring areas comply with the requirements of the DCP and relevant Australian Standards. The application is consistent with the provisions of section 2.28.

| Chapter 2.29 Waste storage and collection areas |
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This section aims to ensure that suitable waste storage and collection areas are provided on site in convenient locations. Appropriate provisions have been made for the storage and collection of waste in accordance with the DCP. The collection/storage area if suitably located, is sheltered from the weather, is able to be cleaned and is located in an area which is not visible from the street. The application is consistent with the provisions of section 2.29.

| Chapter 2.34 Views and visual impact |
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The objectives of this section aim to achieve good urban design outcomes, minimise impact on the local amenity and ensure development is appropriate having regard to the impact in the local area.

It is considered that the neighbourhood character of the existing area, particularly along Francis Place, will be altered in some capacity. However, the revised landscaping plans with amended fencing detail and plantings have demonstrated the development will result in providing better articulation to the streetscape. The additional landscaping will further soften the impact of the anomalies of the development. The proposed boundary fencing will not only provide better integration to the surrounding residential area, it will also assist in maintaining privacy for neighbouring properties in addition to the occupants residing in the facility.

Development proposed by this application will not have any significant impact on the visual quality of the locality, landscape or streetscape. Having regard to the matter listed in section 5, the application meets the requirements of section 2.34.

| Chapter 4.3 Site planning  |
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The objectives of this section are to ensure that development is sited having regard to the characteristics of the land, adjoining development, site constraints and infrastructure.

The subject land is considered suitable to accommodate the proposed development. Development proposed by this application has been suitably sited having regard to constraints over the land, topography, potential impacts on adjoining development, bulk, scale, pedestrian networks, streetscape and skyline. The application is consistent with the provisions of section 4.3.

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| (a)(iiia) - any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4  |

There is no draft planning agreement/planning agreement that a developer has offered or enter into under section 7.4 of the Act that relates to the subject land or proposed development.

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| (a)(iv) any matters prescribed by the regulations |

**Fire Safety**

Part 11 of the (Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 applies to the proposal.

The proposal fulfils the fire safety and structural adequacy requirements of the regulations and is therefore considered appropriate. In accordance with the requirements of the regulation, a condition of consent is included requiring the submission of annual fire safety statement from the applicant.

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| (b) the likely impacts of the development |

The assessment of the application has determined that the proposal is unlikely to unreasonably impact on the privacy on adjoining lots, due mainly due to the proposed setbacks, fencing and landscaping proposed on the perimeter of the lot. Specifically, in relation to visual privacy it is considered that:

Streetscape

The proposed development is contained within the boundaries of the proposed lot with appropriate setbacks. “Active” areas of the development are focused inwards. The proposed site fencing and landscaping along the boundary will maintain privacy between the subject site and adjoining properties by limiting sight lines into the subject site.

Lighting

A requirement for lighting to be installed in all outdoor common areas and for sensors to be used after dark and positioned so they enhance the function of installed CCTV, has been included on the consent. To ensure that this lighting does not cause undue impacts to external residential properties, lighting will be required to be installed and managed in accordance with AS4282-1997 Control of the obtrusive effects of outdoor lighting.

Residential Character of Surrounding Areas

Community Facilities and group homes are permissible uses under the SLEP in the R1 Residential zone. The test for permissibility of a group home in the R1 zone is also covered by the SEPP and R1 is a prescribed zone under this State policy.

The nature of this group home as submitted to Council is for domestic violence victims and their children. Accordingly, a condition is recommended that restricts the proposal to domestic violence victims and their children and that any change in focus for the centre beyond domestic violence be subject to an application to modify the development consent, enabling Council to consider an assessment for the community need for such services.

There are no additional impacts anticipated outside of those already addressed elsewhere in this report.  The proposal is consistent with the established development pattern in the area.

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| (c) the suitability of the site for the development |

The site is considered suitable for the type, scale and nature development and is not overly constrained.  The development can be integrated into the locality without any significant adverse impacts. The site is therefore considered suitable for the proposed development.

The site is suitable for the proposed development and the proposal is permissible in the R1 Residential Zone. The mixed-use development comprising a community facility, administration building, and group home are all permissible uses in the zone.

Due to the nature of the proposed facility, it is accepted that the application requires the implementation of safety measures in line with the *Crime Prevention Through Environmental Design* requirements. These mitigating factors include security gates, CCTV cameras and safety lighting. These requirements are to afford safety to the occupants of the facility and act as a deterrent to pursuers, in turn maintaining safety of surrounding residents. Other environmental impacts, including but not limited to waste management, landscaping and lighting, have been assessed and mitigated through the process of this report.

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| (d) any submissions made in accordance with this Act or the regulations |

Public Submissions

The development application and accompanying information were placed on public exhibition for a period of 14 days from 17/10/2024 to31/10/2024. As a result of the notification process a total of 82 submissions were received.

**Comments made in objection**

**Exhibition**

Timeframe for public exhibition period

The exhibition period was conducted pursuant to and met all the requirements of the *Environmental Planning and Assessment Regulation* and Councils *Community Participation Plan* for public notification.

Council did not provide enough consultation or information regarding the development proposal

As outlined above, the application was placed on public exhibition as soon as practicable following lodgement of the proposal. Written notice was provided to people who appeared to Council to own or occupy the land adjoining the land to which the application relates. The application documents were made available on Council’s website, as well as hard copy documents made available at Council offices and Council officers were available during the exhibition to speak with the community. In line with the provisions of the EP&A Act, EP&A Regulations and Councils Community Participation Plan, the specific requirements relating to exhibition, notification and consultation of the community were met.

Did not receive notification of the proposal from Council

As outlined above, written notice was provided to people who appeared to Council to own or occupy the land adjoining the land to which the application relates, in line with the provisions of the EP&A Regulations. Due to the nature of the proposal, the notification area was extended to incorporate properties within a wider area (see figure 1).

Did not receive notification of the proposal from Council

As outlined above, written notice was provided to people who appeared to Council to own or occupy the land adjoining the site to which the application relates, in line with the provisions of the EP&A Regulations. Due to the nature of the proposal, the notification area was extended to incorporate properties within a wider area (see Figure 1 ).



**Figure 1 - Map of properties notified of the proposed development**

**Traffic and Access**

Impact on the local road network from proposed traffic as a result of the proposal

In line with internal Council assessment processes, the proposal was referred to Council’s Development Engineer to review the impact of the development on the capacity of the road network, he has provided the following comment;

*The subject allotments are located off Gardner Circuit, an urban collector street in Singleton Heights. The RMS Guide to Traffic Generating Developments specifies that a single dwelling house can be expected to generate 9 daily vehicle trips and 0.85 peak-hour vehicle trips. The proposed 2-lot subdivision (creating a cluster comprising 6 independent living quarters) could therefore be expected to generate an additional 45 daily vehicle trips and 4.25 peak-hour vehicle trips. It is expected that the existing road network has sufficient capacity to cater for the traffic generated by the proposed development and there would be minimal change to these road networks.*

Parking on the site will be inadequate

Submissions raised the issue that the development did not take into account the number of staff and vehicles attending the site, nor the number or amount of emergency service vehicles that may access the site. Parking is based on and met the parking requirements, as outlined in Singleton DCP 2014. This assessment was reviewed by Council staff and the car parking spaces were determined to be appropriate.

**Social Impact**

The proposal will have an adverse impact on the safety of the community

The proposal outlines that the facility is proposed to accommodate and support victims of domestic violence who come from a range of socio-economic groups. The occupants are the victims, not the perpetrators of crime or anti-social behaviour.

In review of the planning outcomes and assessment and incorporation of CPTED principles, it is considered that the site layout and design enables residents to survey communal areas and approaches to accommodation entrances. The independent living units are specifically designed to not survey the street, due to the nature of the proposed use there is a need for a level of privacy for the occupants. The incorporation of certain security measures and technologies as outlined by both the proposal and the consent conditions will assist the development in meeting the CPTED requirements and deterring perpetrators from attempting to access the site.

The Applicant and recent media coverage has outlined that there is a demonstrated need for this proposal. Group homes are forms of residential accommodation that respond to this need. The development has been designed in accordance with Crime Prevention Through Environmental Design principles and was reviewed by the NSW Police, and conditions contained in the consent will mitigate the risks, just as with any other development. It is considered that the proposal will be developed in such a way that the risks are mitigated and responded to, to encourage safety of the occupants of the domestic violence facility, but also surrounding and adjoining neighbours.

The proposed location has not maintained privacy from the public

Submissions stated that due to the public interest in the proposal, the proposed facility will not be as effective as people know where it is. This is a matter for the applicant to manage. Council has a responsibility to exhibit a proposal in line with the *Environmental Planning and Assessment Act 1979,* which was completed. There was considerable public interest in this proposal resulting from this public exhibition. The responsibility of the privacy of the occupants and the management of the facility will lie with the applicant.

Crime rates in the area will increase

A letter provided by the applicant to support the proposal indicates that consultation with other, similar centres was undertaken to inform this proposal. The letter outlined that this consultation indicated that:

“*Feedback from other facilities including in Bathurst, Orange and Forbes indicate there are very few incidents, both stating they have had no serious issues that affected the neighbours or others in the community. Perpetrators of domestic violence come from all walks of life and socioeconomic groups. They seek to control their partner/ex-partner emotionally, mentally, spiritually and/or physically. The controlling behaviours are generally directed to their partner and many perpetrators otherwise lead a ‘normal life’. They may not have any other interaction with Police or the legal system. Some men do attempt to contact their partners after they have left the relationship but they are solely focused on the victim and our staff have strict procedures and extensive training in dealing with such matters swiftly and decisively.*

*The experience of other similar centres and refuges in other regional cities and towns are that security systems that include fencing that obstructs vision into the development, surveillance cameras and lighting act as a deterrent for Perpetrators, leading to minimal or no incidents. This in combination with a suite of procedures for staff at the facility, as well as the use of Apprehended Violence Orders to prevent them approaching (failure to do so would result in arrest imprisonment), is the best way to deter perpetrators from trying to visit the families staying at the facility.”*

Due to the nature of the proposed facility, Council is required to take into consideration Crime Prevention Through Environmental Design (CPTED) requirements. As previously stated, in review of the planning outcomes and assessment and incorporation of CPTED principles, it is considered that the site layout and design of dwellings enables residents to survey communal areas and approaches to dwelling entrances. The application has been designed in accordance with Crime Prevention Through Environmental Design principles and reviewed by the NSW Police, and conditions have been imposed on the NOD to mitigate the risks, just as with any other development.

Submissions raised alternative locations as options for the centre

Council does not have a role in deciding an appropriate location for a development once the land has been purchased and the development application has been lodged. Council’s role is to assess the proposed development on the proposed site and against applicable planning instruments and controls.

In regard to the proposed location in relation to the NSW planning legislation, the proposed mixed use development is permissible in the R1 Residential zone as community facilities, and group homes are permissible with consent in the zone. The test for permissibility of a transitional group home in the R1 Low Density Residential zone is further covered by SEPP (Housing 2021). The State policy outlines that group homes are permissible in this zone in “one or more” buildings. It should be noted that group homes are defined under the parent term *“residential accommodation”* in SLEP 2013.

The SoEE provided to Council by the Applicant, states that consultation with similar facilities in NSW as well as the Applicant’s own experience working and supporting women and children who have experienced domestic violence:

*“… indicates that women and children recovering from domestic and family violence are best placed in a residential environment that does not have an institutional setting, instead in residential areas that promote normality, and communities that model positive and healthy relationships”.*

In relation to comments regarding the proposal should be in close proximity to hospitals, public transport and Police Station. Council does not have control over the private sector decision to situate a proposal in a particular area, except for zoning provisions, which are outlined above.

In regard to the comments raising concerns with the proposed facility being in close proximity to child care centres and schools, the proposed facility will house victims of domestic violence and their children who may require these types of services.

**Economic Impact:**

Negative economic impact of proposal on house prices

In consideration of the requirements of clause 4.15 of the *Environmental Planning and Assessment Act 1979,* which establishes the matters that must be taken into account when determining an application, clause 1(a) states that the consent authority must take into account the likely impacts, of the development, the suitability of the site, the public interest and any submissions made in accordance with the Act.

Concerns raised in regard to the impact on the value of individual property prices are noted. However, as demonstrated throughout the body of this report, the application has demonstrated the need for development, and as such the public interest and social benefits for the community as a result of the proposal.

The suitability of the proposed site has been demonstrated, namely that the proposed uses have permissibility based in both local and State policy. The economic impact on house prices in the locality is somewhat unsubstantiated in this case, however the beneficial social impacts of the development have been demonstrated. Further, the impact of the proposal on housing prices is outside the scope of a 4.15 assessment as outlined by the *Environmental Planning and Assessment Act 1979*.

**Planning**

Permissibility of the proposed development

Under the SLEP 2013 The proposed mixed use development is permissible in the R1 Residential zone, community facilities, and group homes are permitted with consent in the zone. The test for permissibility of a group home in the R1 Residential zone is further covered by SEPP (Housing 2021).

Impact on streetscape

It is accepted that the presentation to the streetscape of this facility is not in keeping with the usual presentation for a dwelling or duplex. Landscaping and fencing treatments are proposed to soften the impact of the development on the existing streetscape and assist in integrating the front entrance into the existing residential neighbourhood.

No guarantee of future use (e.g. expansion of services on the subject site to house other occupants - such as early parole post release offenders, drug and alcohol rehabilitation, rapists, homeless, paedophiles)

As previously stated, the information that has been provided to Council to support the application does not indicate that the facility will be used to house any occupants other than victims of domestic violence. The proposal submitted to Council, and being considered seeks consent for a mixed use development comprising a group home and community facility to be operated as a Domestic and Family Violence Centre.

Information provided in the application to Council states that the applicant

*“has received funding from the Federal and State Governments to establish The development. These funding arrangements require it to be run for Domestic Violence victims.” “The proposal is purpose designed for women and children escaping domestic violence. It is a much-needed facility and it will only be used for this purpose now and in the future”.*

Further, a condition has been included in the consent restricting the proposal to domestic violence victims and their children, and that any change in focus for the centre beyond domestic violence be subject to an application to modify the development consent enabling Council to consider an assessment for the community need for such services.

The proposal will result in increased noise in the surrounding area.

Any increase in noise in relation to this development will not be over and above any other permissible residential development.

Impact of lighting on surrounding neighbours

All lighting requested as part of the proposal is required to comply with the Australian Standard AS4282-1997 Control of the obtrusive effects of outdoor lighting to mitigate impacts externally of the site. Further, the proposed location of lighting and CCTV cameras will be required to be demonstrated on a plan that is submitted to the Principle Certifier prior to a Construction Certificate.

**Comments made in support**

Full support for the construction of the proposed facility

This comment is noted.

|  |
| --- |
| (e) the public interest |

The proposed development is in the public interest.

| **SECTION 4.17 CONSIDERATIONS** |
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Having regard to the matters for consideration detailed in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, there are no additional matters which require further consideration.

| **SECTION 7.11 - CONTRIBUTIONS** |
| --- |
| Are contributions required for the provision, extension or augmentation of public amenities and public services? | **Yes**  | **No** |
| Are Section 7.11 Contributions payable on the proposed development? | [x]  | [ ]  |
| Is a VPA relevant? | [ ]  | [x]  |

**1 x 3 Bedroom Unit**



**1 x 2 Bedroom Unit**

| **SECTION 4.65 – EXISTING USE RIGHTS** |
| --- |

The proposed development is not prohibited under the SLEP 2013.

**4 x 1 Bedroom Units**



| Council Policies / Council Resolutions  |
| --- |

The following Council Policies apply to the proposed development:

There are no Council Policies and/or Council resolutions relevant to the assessment of the application.

| Development Assessment Guidelines |
| --- |

There are no guidelines published by the NSW Planning and Environment that are relevant to the proposed development.

| Recommendation |
| --- |

An assessment of the application has been carried out in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The proposed development is considered satisfactory in terms of the matters for consideration under the Act. Accordingly, the development application is recommended for approval subject to conditions of consent.

| Delegations |
| --- |

This application is required to be determined by the Regional Planning Panel

**Officer**: Senior Development Planner

**Date**: 26/07/2024

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| --- |
| **Determination of Application** |
| DETERMINATION | Choose an item. | Determined By:Choose an item. |
| Determination Date: | Click here to enter a date.  |  |