

CM13.7. Development Application 10.2020.37794.1 - Two (2) Group Homes - each consisting of 5 individual units and shared facilities - Kirinari Community Services - Vickers Road Lavington

DATE	7 December 2020	FIL REFERENCE	AF20/03456
CONFIDENTIAL	No		
FURTHER ENQUIRIES	David Christy City Development	PHONE	6023 8111
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Summary

This report is presented for Council's determination of Development Application 10.2020.37794.1 for a group home development on land situated at the corner of Vickers Road and Dallinger Road, Lavington, and described as Lot 143 in DP1164507. The development is presented for Council's determination as the cost of development exceeds \$1,000,000.00 (\$2,972,200.00).

The Development Application was received on 7 September 2020 and proposes the construction of two group homes, each consisting of five individual units and a shared facility. The proposal also includes covered walkways, car parking and vegetation removal.

The application was publicly notified between 9 September 2020 and 9 October 2020. No submissions were received.

"Deferred Commencement" recommended

As Integrated Development, the application is also seeking Bushfire Authority from NSW Rural Fire Service (RFS) pursuant to Section 100B of the Rural Fires Act 1997. Bushfire Authority has not yet been issued by NSW Rural Fire Service.

A 45m wide Transgrid transmission line easement runs through the site along its south-eastern boundary before turning north and running along the western boundary. The application has been referred to Transgrid for comment, however no response has been received to date.

The nearest suitable reticulated sewer for this site is located approximately 150m to the south in the rear of 400 Dallinger Road (Lot 1 in DP1215713), which is privately owned land and the developer is required to obtain permission from the owner to access the sewer main.

As a result of the above and pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act, 1979*, the report recommends that "Deferred Commencement" consent be given for Development Application 10.2020.37794.1 and therefore the Development Consent does not operate:

1. Until such time as an appropriate Bushfire Authority pursuant to Section 100B of the Rural Fires Act 1997 has been issued by the NSW Rural Fire Service;

2. Until such time as concurrence from Transgrid has been obtained; and
3. Until such time as permission from the landowner of Lot 1 in DP1215713 addressed as 400 Dallinger Road has been obtained to access the sewer main located within this lot or alternative connection to reticulated sewer are proposed in an application for a Construction Certificate.

People

Blueprint Planning on behalf of Kirinari Community Services (Kirinari).

Cost

\$2,972,200.00.

Background

The proposed residential units will replace existing units used for the same purpose located in Sackville Street, Albury as well as other residential units currently being rented across the Albury LGA. The proposed units will be designed to comply with the National Disability Insurance Scheme (NDIS) Specialist Disability Accommodation (SDA) Robust build design requirements as determined by the National Disability Insurance Agency (NDIA). Robust Housing generally takes the form of self-contained single occupancy villas for people with significant or profound intellectual disabilities. Features include adequate space and safeguards to support the needs of residents to promote independence.

Robust housing is designed and built to be resilient and provide a high level of physical access provisions. This is achieved through the use of products, materials and features that minimise risk to participants and the community and reduce the chance of reactive maintenance. The development uses resilient but inconspicuous materials that can reduce the risk of injury, minimise neighbourhood disturbances and cope with heavy use.

To be eligible to occupy an SDA residential unit, the person must have been assessed by the NDIS as meeting the requirements for SDA. The criteria are very difficult to meet. Kirinari receives funding for the project only if it has clients who meet the SDA criteria and if the overall build meets the SDA Robust build design criteria. Hence, the only people who will be occupying the development will be SDA eligible, and as a result the development will only ever be for a maximum of 10 people, which meets rules concerning the maximum number of people permitted at one site. Only one person who meets SDA requirements and is NDIS funded will reside in each individual unit. The project design provides for two separate developments of five units each plus a work room for staff as any more than five clients at one site is too difficult to manage.

It is noted that it would be very rare for an individual to meet SDA eligibility requirements and be also able to drive a car with a valid driver's licence. Hence none of the anticipated 10 people living on the site at full completion of both stages of the development will have a car on site or available for use. There is likely to be a maximum of four staff on site at any one time (two at each five-unit complex). As a result, the traffic volume accessing the site will be very low.

The people residing in this development require significant separation and space from each other which is why the design encompasses two separate five-unit locations with access from Vickers Road and Dallinger Road respectively. It is preferable and practical from a client support perspective that staff and/or any visitors (should there be any) are able to proceed directly to the area they are working or want to attend rather than having to drive past all clients at one end of the property to get to the other area where they are working or residing.

Development Description

The proposed development involves:

1. Two "Group Homes" each containing:
 - Five Robust residential bedrooms (55m²) each with *en-suite*, kitchenette and private open space facilities of approximately 50m²;
 - One shared facility building (174m²) with lounge, kitchen, meeting, laundry and drying court, store rooms, staff work room and covered outdoor area;
 - A quiet reflection garden;
 - A sports/active recreation area;
 - Covered walkways linking the components of the group home; and
 - A 4m wide walking track and vehicle fire trail around the perimeter of the complex.
2. For the northern home, vehicle access from Vickers Road with seven car parking spaces including an accessible space for people with disabilities, and for the southern home, vehicle access from Dallinger Road with nine car parking spaces including an accessible space for people with disabilities.
3. Detention dam and related stormwater infrastructure.
4. Connection to reticulated water, sewer, gas and telecommunication infrastructure.
5. Earthworks to prepare the site for construction including decommissioning, fill and compacting of existing small dam on site.
6. Vegetation removal of five yellow gum trees on site and one wattle tree in the Dallinger Road road reserve.
7. Landscaping.

All building works would comprise high-quality construction materials and finishes and be durable in the context of the proposal being 'Robust Housing' for persons with specific needs.

The proposed development has been assessed against the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The assessment has involved consideration of the requirements of relevant State Environmental Planning Policies, Albury Local Environmental Plan (ALEP) 2010 and Albury Development Control Plan (ADCP) 2010. It is considered that the proposed development can be supported for the reasons outlined throughout the report.

Site and Locality Description

The land is a 'greenfield' residential area located in the east of Lavington at the corner of Vickers Road and Dallinger Road approximately 2.3 kilometres to the northeast of the Lavington CBD and is otherwise known as Lot 143 in DP1164507. The site is currently vacant, containing grass and a few scattered trees. The site also contains a small dam in the eastern corner near the Vickers Road/Dallinger Road intersection. A high-voltage Transgrid transmission line runs through the site along its south-eastern boundary before turning north and running along the western boundary.

The site comprises one lot, is irregular in overall shape with a general northeast-southwest axis. The site has overall dimensions of approximately 147m along its northern lot boundary with Vickers Road, approximately 421m along its eastern lot boundary with Dallinger Road and approximately 608m combined along its western lot boundaries with adjoining E3 zoned land. The site has an overall area of 4.38 hectares. The site has slopes ranging from approximately 3.4% (1.9°) to 9.2% (5.2°) with an east to east-southeast aspect. Overall drainage is to the east. All lot boundaries are currently fenced. Site locality is shown in Figure 1 below. The current site conditions are shown in Figure 2 below.



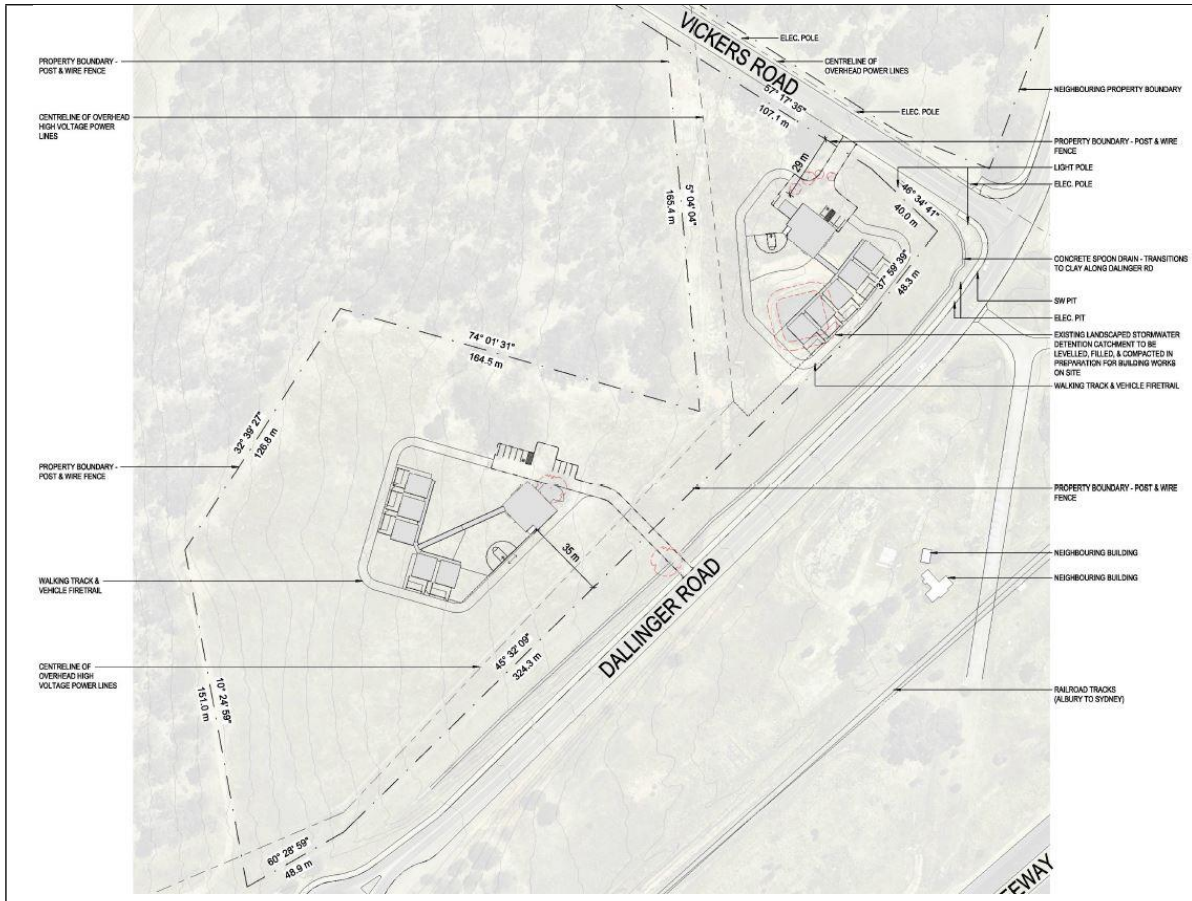
Figure 1 – Locality



Figure 2 – Existing site conditions and local context

Development Plans

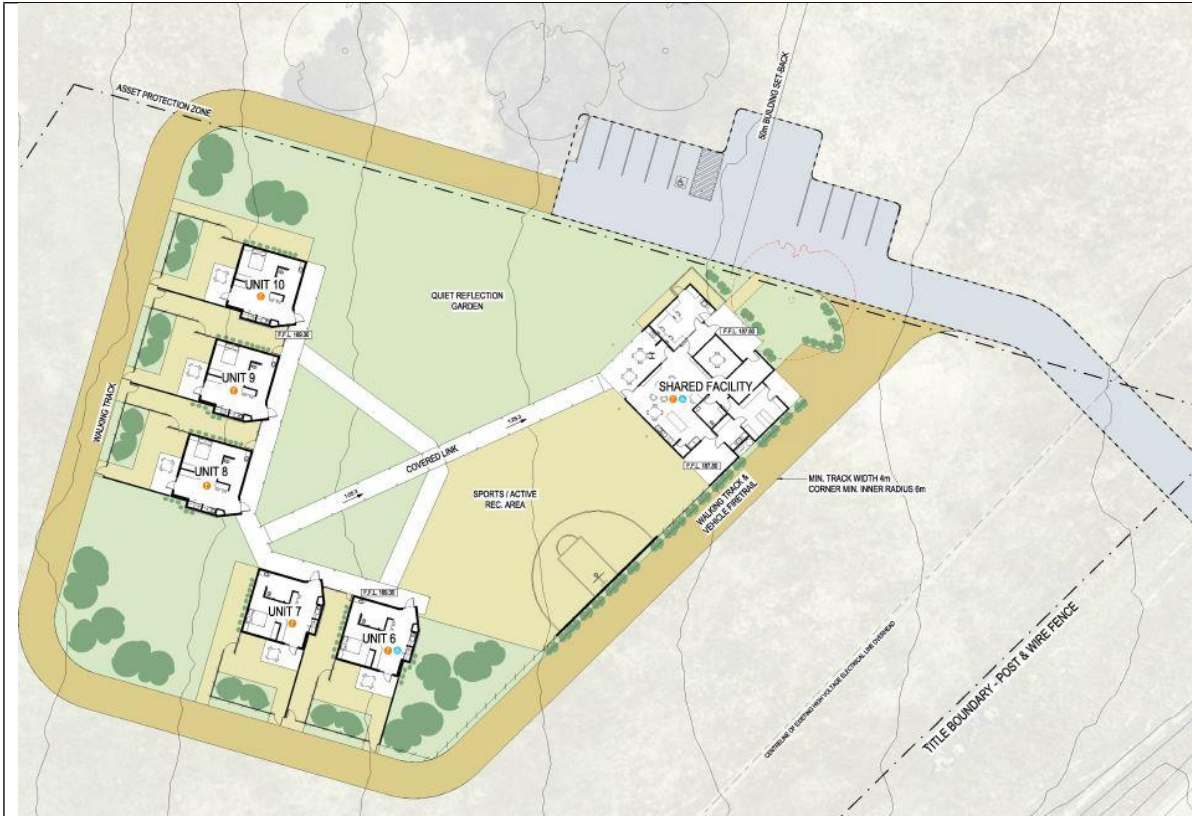
Details of the development are contained within the Development Plans included as attachment 1 and the Planning Report and Statement of Environmental Effects (SEE) included as attachment 2 to this report. Extracts of the Development Plans are included in Figure 3 below:



Overall Site Plan



Northern home site plan



Southern home site plan



Figure 3 – Extract from Development Plans

Key Issues

Bushfire

The land is partly identified as bushfire prone, and the application was lodged as Integrated Development, requiring Bushfire Authority from NSW Rural Fire Service (RFS) pursuant to Section 100B of the *Rural Fires Act 1997*. To this end, a Bushfire Assessment Report was submitted with the application, and amended on 21 September 2020 following a request for further information from NSW Rural Fire Service. The Bushfire Assessment Report identified the proposed use as ‘special fire protection purpose’ under the Act and hence concluded that the development requires Asset Protection Zones (APZ) consistent with Table D1 in the Bushfire report. This constitutes a 42m APZ inside the western boundary of the site and a 50m APZ inside the northern boundary of the site. These APZ are easily achievable given the proposed footprints of the group home development.

To date, NSW Rural Fire Service is yet to issue a Bushfire Authority.

Comment:

It is recommended that, should Council approve the development, "Deferred Commencement" consent be given pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act, 1979*, pending the issue of a Bushfire Authority by NSW Rural Fire Service. Given that the development achieves the APZ required by *Planning for Bushfire Protection 2019*, the issue of a Bushfire Authority is anticipated.

A Bushfire Emergency Management and Evacuation Plan consistent with Table 6.8d of *Planning for Bushfire Protection 2019* shall be prepared prior to the issue of the first occupation certificate. This can be required through a Condition of Consent should Council approve the development.

High voltage transmission line

A 45m wide Transgrid transmission line easement runs through the site along its south-eastern boundary before turning north and running along the western boundary. No buildings are proposed within the easement, and the only development proposed within the easements are part of the access road off Dallinger Road; part of the perimeter walking track and vehicle firetrail for the southern home; and part of the perimeter walking track and vehicle firetrail, sports/active recreation area, car park and landscaping for the northern home. No change to the ground levels will occur at these locations. The application has been referred to Transgrid for comment, however no response has been received to date.

Comment:

Owing to the significance of the electricity infrastructure within the easement, it is recommended that, should Council approve the development, "Deferred Commencement" consent be given pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act, 1979*, pending Transgrid's concurrence with the development. Given that the development proposes no structures or significant earthworks within the easements, Transgrid's concurrence is anticipated.

Sewer

The site is not connected to reticulated sewer. Owing to the nature of the proposed development in the context of the land zoning, locality and setting, on site sewage treatment is not acceptable. The proposed development shall connect to reticulated sewer at the developer's cost. The nearest reticulated sewer that would work for this site is located approximately 150m to the south in the rear of 400 Dallinger Road (Lot 1 in DP1215713), which is privately owned land and the developer is to obtain permission from the owner to access the sewer main. An alternate connection to reticulated sewer may be proposed at Construction Certificate stage.

Comment:

The applicant has confirmed that connection to the sewer main has been addressed separately. As Council has not yet received evidence of the agreement, it is recommended that "Deferred

Commencement" consent be given pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act, 1979*, pending permission from the landowner of Lot 1 in DP1215713 addressed as 400 Dallinger Road has been obtained to access the sewer main located within this lot, or alternative connection to reticulated sewer are proposed in an application for a Construction Certificate.

Maintenance Access

The proposed road access from Dallinger Road will necessarily be raised given the topography in this location. This has the potential to block maintenance vehicles from accessing the road verge south of the access road. The proposed road batter has slopes of 1:4 which is not considered appropriate for vehicle crossing.

Comment:

A concrete access ramp at a maximum grade of 1:6 will be required to allow reasonable access. Detailed designs will be required prior to the issue of a Construction Certificate to ensure proper connection and accessibility. A Condition of Consent can be imposed should Council approve the development.

Stormwater management

The site contains some surface drainage channels and the proposed development will add hard surfaces increasing run-off in this location. Additionally, the development necessitates the decommissioning, filling and compacting of an existing small stormwater detention dam. As a result, a stormwater drainage detention system is to be provided to the site.

Comment:

The system is to be designed to reduce developed discharges to pre-development discharges for all storms up to and including the 1:100-year event. Preliminary stormwater drainage designs have been submitted to Council's Development Engineer proving that the proposed development is capable of adequately addressing stormwater drainage post construction. Draft plans of the stormwater management system are included in attachment 1. The size of the driveway drainage will be informed by catchment calculations and mountable head walls. Conditions of Consent can be imposed should Council approve the development.

Protection of fauna

As mentioned above, the stormwater detention dam on site will be decommissioned and filled in as part of the development. There are potential impacts on fauna that may utilise the dam.

Comment:

Should Council approve the development, a Condition of Consent can be imposed requiring the protection of fauna. This will require the applicant to regularly inspect habitat to confirm the presence of fauna, including but not limited to turtle species and ensure appropriately qualified personnel are

on-site during clearing of habitat. Appropriate rescue and release procedures shall be followed by qualified, licensed and experienced personnel and WIRES must be available to care for any injured fauna that may be encountered.

Submissions

No submissions were received.

Options

The Council has the following options in relation to this report;

1. Approve the application; or
2. Approve the application, subject to conditions;
3. Defer the application for further information or redesign; or
4. Refuse the application.

Based on the assessment of the application and the manageability of impacts through the imposition of conditions, this report recommends that Council resolve to approve the application subject to conditions contained in the "Deferred Commencement" Draft Determination, included as attachment 4 to this report – Option 2.

Conclusion

Council staff have assessed the proposed development with regard to the submitted information and planning controls and requirements contained within ALEP 2010, ADCP 2010 and relevant State legislation. It is the role of Council staff to objectively weigh and consider the submitted information as well as any issues raised during public notification. This involves balancing the issues identified by all parties and will not always result in agreement with the noted opinion of any of these parties.

The development is considered appropriate to the context and setting of the site. The proposed development is considered consistent with the objectives of the R1 zone and the assessment has concluded that the proposed development provides a suitable and satisfactory planning outcome. The environmental impacts generated by the proposal, whether considered individually or cumulatively in the context of the site and the broader area, are not considered significant and therefore warrants the support of Council and the issue of Development Consent.

Recommendation

That Council:

- a. Receives and notes the contents of this report; and
- b. Grants "Deferred Commencement" Development Consent to Development Application 10.2020.37794.1 for a group home development on land situated at the corner of Vickers Road

and Dallinger Road, Lavington, described as Lot 143 in DP1164507, subject to the conditions contained in the Draft Determination, included at attachment 4 to this report.

Attachments

1. Development Plans (DOC20/256170).
2. Statement of Environmental Effects (DOC20/171154).
3. Development Application Assessment Report (DOC20/252741).
4. "Deferred Commencement" Draft Determination (DOC20/255418).