



Notice is hereby given, in accordance with the provisions of the Local Government Act 1993 that an **ORDINARY MEETING** of Wentworth Shire Council will be held in the **WENTWORTH SHIRE COUNCIL CHAMBERS, 61 DARLING STREET, WENTWORTH**, commencing at **5:00PM**.

The meeting is being livestreamed and/or recorded for on-demand viewing via Council's website. Attendance at the meeting is to be taken as consent by a person to their image and/or voice being webcast.

All speakers should refrain from making any defamatory comments or releasing personal information about another individual without their consent. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings – all liability will rest with the individual who made the comments.

The meeting must not be recorded by others without prior written consent of the Council in accordance with the Council's code of meeting practice.

Councillors & staff are obligated to declare Conflicts of Interest as required under the Local Government Act 1993 and Councils adopted Code of Conduct.

Councillors are reminded of their Oath of Office whereby they have declared and affirmed that they will undertake the duties of the Office of Councillor in the best interests of the people of Wentworth Shire and the Wentworth Shire Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act to the best of their ability and judgment.

KEN ROSS
GENERAL MANAGER

LATE ITEMS
ORDINARY MEETING
AGENDA
16 APRIL 2025

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
9	REPORTS TO COUNCIL	1
9.15	Request for Financial Assistance Wentworth Regional Tourism Inc.....	1
9.16	DA2024/156 Permanent Group Home 20 Wendy Court Lot 17 DP 1288183 Buronga	5
9.17	DA2024/158 Permanent Group Home 42 Midway Drive Lot 3 DP 12288183 Buronga.....	53
9.18	DA2024/159 Permanent Group Home 40 Midway Drive Lot 4 DP 1288183 Buronga	101
1	CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION....	137
12	OPEN COUNCIL - REPORT FROM CLOSED COUNCIL	138
12.2	Sunraysia Early Settlers Museum Inc.....	138

9 REPORTS TO COUNCIL

9.15 REQUEST FOR FINANCIAL ASSISTANCE WENTWORTH REGIONAL TOURISM INC

File Number: RPT/25/220

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Gayle Marsden - Executive Assistant

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

Summary

Council is in receipt of a request for financial assistance from Wentworth Regional Tourism Inc for their "Why Not Winter in Wentworth" promotional campaign which will run from 1 July 2025 to 31 August 2025.

Recommendation

That Council give consideration to the sponsorship request from Wentworth Regional Tourism by choosing an option from the report and if sponsorship is granted Councils logo will be included in all advertising material and a report including data be presented to Council after the event.

Detailed Report

Purpose

The purpose of this report is to inform Council of a request for financial assistance from Wentworth Regional Tourism Inc for their "Why Not Winter in Wentworth" promotional campaign which will run from 1 July 2025 to 31 August 2025.

Background

The 'Why not Winter in Wentworth' campaign is aimed at encouraging increased visitation to Wentworth. The timing of the event coincides with a number of large events in the area and with extensive promotion it is hoped that travellers and locals alike will shop or stop in Wentworth and possibly do overnight stays to see what the area has to offer.

Council supported the campaign last year donating \$3300. This years' request for funding, if granted, will assist Wentworth Regional Tourism Inc to formulate an extensive promotional campaign featuring local attractions and events distributed through local and national TV programming, radio, newspaper and social media.

Council has provided funding to Wentworth Regional Tourism Inc in 2024 of \$33,000 toward the Official Visitors Guide (a publication that is printed every two years) and \$3300 toward 2024 'Why not Winter in Wentworth'. Wentworth Regional Tourism have provided their financials to 30 June 2024 (attached).

Options

Options available to Council in regard to this report are:

- a) That Council approve sponsorship of \$8000 inc GST
- b) That Council decline sponsorship
- c) That approve sponsorship of a differing amount (\$xxx).

If sponsorship is approved Council has the expectation that Councils logo will be included on all advertising and a report be provided with data showing number of visitors at each respective event and feedback from participating businesses.

Conclusion

Council is required to give consideration to Wentworth Regional Tourism Inc's request for financial assistance by choosing one of the above options.

Attachments

1. 2024 Wentworth Regional Tourism Inc Financials (Under separate cover)
2. Wentworth Regional Tourism Inc Request [↓](#)

Financial Assistance Request16th March 2025**Part 1; Application Information****WENTWORTH REGIONAL TOURISM INCORPORATED**

Contribution amount sought \$8,000.

Address; Wentworth Regional Tourism Incorporated
PO Box 405, Wentworth NSW 2648

Contact Person; Brian Beaumont (President, WRTI)

Email; discoverwentworth@gmail.com (&/Or bfbgfb@bigpond.com)Website; www.disciverwentworth.com

Incorporation; Yes ABN; [REDACTED]

Bank Account Name; Wentworth Regional Tourism Incorporated
[REDACTED] [REDACTED] Acc No., [REDACTED]**Grant Request**

Description; 'Why not Winter in Wentworth' (WnWinW) is a promotional campaign aimed at encouraging increased visitations and longer stays in the Wentworth Shire and surrounds. Traditionally the winter months of the year is a period where large numbers of travelers pass through our region. The campaign aims at not only attracting additional numbers but encourages travelers and visitors to stay a while, experience our region and what it has to offer. WRTI together with our local business operators and tourism enterprises put together a calendar of events to add additional temptation to attract and entice visitors to stay a while. By way of example the designated period in 2025 will include significant local area events such as the Wentworth Show, the Coomie Rock n Roll Festival, Mundi Mundi Bash, Craft Workshops, Dining in the Blossom and Farm Tours and much more. The funding sought from WSC will assist in formulating and releasing the extensive promotional campaign featuring local attractions and events. Local and national TV programming, Radio, newspaper and social media will all be utilised.

Dates

The proposed period targeted will run from 1st July 2025 to the 31st August 2025. The promotion will commence approx. 4 – 6 weeks in advance of the designated period.

Numbers

Due to the nature of the campaign it is difficult to provide exact numbers. The feedback from business and tourism operators from past years confirms increased visitations from all eastern states and locals alike. The campaign is about creating awareness of the opportunities and experiences available to visitors (and locals alike).

Benefits to Wentworth Shire Community

Increased visitations and longer stays directly benefits local business and tourism operators who rely significantly on tourism as a source of income. Wentworth Shire and surrounds is

blessed with tourism attractions, both natural and developed, not to mention our significant indigenous culture and river trade history. WnWinW looks to leverage of all these positives to attract visitors thereby benefit our business sector economy. Increased visitations equates to greater revenue and increased work and employment opportunities for our communities.

Promotion

Promotion of the Shire and surrounds will be via TV, Radio, Newspaper and Social Media. Additional funding from other sources has not been sought for the promotional campaign.

Alignment with Wentworth Shire Strategic Plan

1.2 Promote the Wentworth Region as a desirable visitor and tourism destination.

Budget Summary

WRTI volunteer component	\$1000 (travel, phone and administration, printing, copying etc., also includes costs met by members that are <u>not reimbursed</u>).
WRTI volunteer hours	\$2500 (estimated at 100 hours x \$25 per hour).
WSC contribution	\$8,000
Total	\$11,500

(Cost of paid promotion in 2024 was \$7,900, this does not include WRTI or volunteer component)

Confirmation of Documentation

- I have read Council’s Financial Assistance Policy.
- I have attached the organisation’s Audited Financial Statements.
- I have completed all questions on this Application Form and provided all relevant supporting documentation.

Declaration

I declare I have read the guidelines relating to the Grant Request and certify to the best of my knowledge the information provided in this submission is true and correct and that the application has been submitted with the full knowledge and agreement of the Group/Organisation applying.

Brian Beaumont
President, Wentworth Regional Tourism Inc.,

BBeaumont

Signature

9.16 DA2024/156 PERMANENT GROUP HOME 20 WENDY COURT LOT 17 DP 1288183 BURONGA

File Number: RPT/25/226

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Ken Ross - General Manager

Objective: 3.0 Wentworth Shire is a community that works to enhance and protect its physical and natural environment

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

This item is a planning matter that was the subject of deliberation at the 19 March 2025 Meeting of Council. At that time the minutes recorded the following:

Council Resolution

That Council:

1. *Approve subject to conditions DA2024/156 for a permanent group home to be located at 20 Wendy Court – Lot 17, DP 1288183, Buronga.*
2. *Call a division in accordance with S375A of the Local Government Act 1993 (NSW)*

Reason - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Crisp, Seconded Cr. Armstrong

LOST BY UNANIMOUS VOTE AGAINST THE RECOMMENDATION

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : ***Nil.***

Against the Motion: ***Clr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.***

Resolutions provide direction to the council's staff or other entities on how to implement a particular course of action.

Analysis of the minutes suggests that a recommendation from the officer was lost but there was not a further resolution of Council to provide a guide for an action. In this case being a planning matter the Environmental Planning and Assessment Act provides for determination by way of approval or refusal subject to conditions. The minutes accurately recorded did not provide that option. This effectively does not provide the General Manager with a lawful decision to be implemented.

For these reasons this report is represented to Council to enable a resolution which provides a clear guide of action to staff to enable an appropriate determination to be issued to the applicant.

A development application (DA2024/156) was received by Council on 21 November 2024, for a permanent group home to be situated upon 20 Wendy Court – Lot 17, DP 1288183.

Under the *Wentworth Local Environmental Plan (WLEP) 2011* and the *State Environmental Planning Policy (Housing) 2021*, this development is permitted with consent within the RU5 – Village zoning.

The application seeks development approval for the construction of a permanent group home which will be used for the accommodation of people with a disability under the NDIS Scheme. The building will consist of three bedrooms for people with disability and one bedroom for overnight assistance, with each bedroom having an ensuite. Other features of the permanent group home include an open plan kitchen, dining and living area, and an alfresco area. A single disabled car park has been provided within the garage.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification six (6) submissions (five (5) unique submissions) were received by Council objecting to the proposed development.

The *State Environmental Planning Policy (Housing) 2021* states that a consent authority must not refuse consent to the development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

The development application was initially presented to Council at the 12 February 2025 ordinary Council meeting, where the matter was deferred for presentation to the March 2025 Council meeting.

Recommendation

That Council:

1. Approve subject to conditions DA2024/156 for a permanent group home to be located at 20 Wendy Court – Lot 17, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Detailed Report

Purpose

The purpose of this report is to provide information to Council to determine Development Application DA2024/156, having consideration to the detail provided both within this report and the attachments provided.

Background

A Development Application was lodged with Council on 21 November 2024 seeking consent for a permanent group home on the subject lot.

The subject lot is in the RU5 Village zone under the *Wentworth Local Environmental Plan 2011* (WLEP 2011).

DA2024/156 was publicly notified as per Council Community Participation Plan for 14 days, with a total of six (6) submissions (five (5) being unique submissions), objecting to the proposal received during this period. These submissions can be found under attached documents.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Plans

Refer to attachment 3 – Statement of Environmental Effects

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters under Section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development.

The proposed development was assessed and complies with relevant provisions of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and the *State Environmental Planning Policy (Housing) 2021*.

The proposed development for a permanent group home is permitted with consent and meets the zone objectives of the RU5 – Village zone under the WLEP 2011.

Due to the zoning and WLEP 2011 mapping impacting the land, the development application was assessed against clauses 7.1 & 7.2. The development application was able to satisfy the matters for consideration under these clauses.

Due to the nature of the proposed development, it was assessed against Chapter 8 of the Wentworth Development Control Plan (DCP) 2011. The development complies with relevant provisions under this chapter.

The Wentworth Disability Inclusion Action Plan 2022 – 2026 is a requirement under the *Disability Inclusion Act 2014 (NSW)* (DIA / The Act). The Act required all NSW Local Government Areas to develop a Disability Inclusion Action Plan. Wentworth Shire Councils adopted plan states the following:

“To create liveable communities, we need to focus our attention and resources on the elements of community life that most people desire. To create liveable communities for people with disability, we must do more than modify the physical environment; we must advocate for such aspects such as accessible housing, access to transport, community recreation, social engagement and universal design.”

“Increase participation of people with disability in all aspects of community life, through targeted approaches to address barriers in housing, learning, transport, health and wellbeing.”

“The attitude and behaviours of the general community toward people with disability can be the greatest barrier to full access and inclusion. Community attitudes can further be influenced by the intersection of the particular characteristics of a person with disability, such as gender, age, ethnicity, or type of disability itself.”

“Inclusiveness and accessibility for people with disability forms a crucial component of the assessment of the liveability of any community. Council will work to eliminate the barriers in the built environment and advocate for improved transport, housing and local supports that prevent people with disability from fully engaging with the opportunities that exist within their communities.”

Public notification of the development application was conducted as per the Council Community Participation Plan for 14 days, whereby any submission received must at a minimum provide the following:

- Clearly identify the matter to which the submission relates,
- State the grounds for any support or objection expressed in the submission,
- Include appropriate contact details

During the public notification period only five (5) submissions were unique in nature.

Summary of concerns raised in submissions:

- Concentration of group homes within the estate
- Close proximity of the group homes to each other
- Rear setback of 20 Wendy Court being 2.4m not 3m

- Lack of facilities in the vicinity of group homes
- Proximity of group homes to childcare facility
- Traffic impact (congestion) in the immediate area of the estate
- Lack of community consultation
- Increased noise impacts
- Proposal is unjust as high-density development in a low-density estate
- Impact to property values
- Appeal of the area will decrease
- Proposed development will impede on family orientation of the estate

Applicant response to submissions:

- Fires can occur in other developments (such as dwellings), nonetheless the houses are equipped with fire sprinklers.
- Group homes by their definition should be located within a residential area; it is very common to have dwellings and homes in residential areas.
- The Wentworth LEP is not able to dictate who lives within the proposed group homes, nor should any person who lives within the area.

Response from Assessing Officer to concerns raised is as follows:

- The proposed group home meets legislative requirements under the *State Environmental Planning Policy (Housing) 2021*,
- The 2.4m setback identified is able to occur as the part of the group home at this distance is a non-habitable space being the alfresco and any variation to the DCP is justifiable in this case.
- Within 1.5kms of the proposed development is a supermarket, medical facility, Council offices, library, open space for community enjoyment and shopfronts to be developed further, facilities therefore are within adequate proximity to proposed site.
- Council notified adjoining neighbors of the proposed development in line with policy and procedures, as well as the development proposals being advertised on Councils website for 14 days,
- The childcare facility in question is fenced off and secure with adequate parking areas to ease traffic congestion at peak times (early morning / mid evening).
- The WSC LGA does not have high-density housing zoning attributed within the WLEP 2011, the RU5 – Village zoning permits the development of group homes,
- Council has a LEP that is a statutory document and DCP aids in assessment of proposals permitted under it. There is no planning strategy for specialized housing within the DCP, only the Housing SEPP, which permits these developments if applied for and within an approved residential zoning,
- Noise impacts from the proposed developments are anticipated to be that of a typical residential area.

Based on the assessment of the application, it is determined that the proposed development is compliant with relevant objectives of the RU5 – Village zoning under the WLEP 2011. The proposed development meets the relevant provisions of the Wentworth DCP 2011 and is consistent with planning matters for consideration of the WLEP 2011. The proposed development complies with matters for consideration under the *State Environmental Planning Policies – Biodiversity & Conservation (2021) and Housing (2021)*.

Refer to attachment 4 - Submissions

Refer to attachment 5 – 4.15 Assessment Report

Refer to attachment 6 – Conditions of Consent

Options

Based on the information contained in this report, the options available to address this matter are to:

- Approve Development Application DA2024/156 subject to conditions.

Legal, strategic, financial or policy implications

Should Council issue a determination to the application, the applicant has the right to submit a request for review of determination to Council under Section 8.2 of the *Environmental Planning & Assessment Act 1987*.

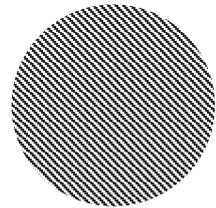
The applicant also has the right to appeal the decision made by Council to the Land and Environment Court pursuant to Section 8.7 of the *Environmental Planning & Assessment Act 1987*.

Conclusion

Having consideration of the consent of this report it is concluded that the appropriate course of action is to approve DA2024/156 subject to conditions.

Attachments

1. Development Application (Under Separate Cover)
2. Plans (Under Separate Cover)
3. Statement of Environmental Effects [↓](#)
4. Submissions (Under Separate Cover)
5. 4.15 Assessment Report [↓](#)
6. Conditions of Consent [↓](#)



Planning Report

Permanent Group Home

20 Wendy Court
Buronga, NSW, 2739



EXECUTIVE SUMMARY

Proposal	Construction of a Permanent Group Home
Street Address	20 Wendy Court, Buronga
Formal Land Description	Lot 17 in Deposited Plan 1288183
Zone	RU5 - Village
Relevant State Environmental Planning Policies	SEPP (Housing) 2021 - Chapter 3, Part 2 Group Homes - Clause 62

SUBJECT SITE AND SURROUNDING AREA

The subject site comprises one parcel of land commonly known as 20 Wendy Court, Buronga, and more formally as Lot 17 in Deposited Plan 1288183. The site is irregular in shape and is relatively flat. It has an area of 721 square metres (sqm) and a frontage of approx. 11.5 metres (m) to Wendy Court. The site is currently vacant, but all reticulated services are available. No heritage or cultural sensitivities affect the land and there are no natural hazards or environmental sensitivities including native vegetation.

The site is situated within a new stage of Midway Estate, which comprises vacant land and several newly constructed dwellings.

An aerial image of the site and surrounding area as well as site photos are contained below.

Aerial Image of the Site and Surrounding Area



Figure 1: Subject site and surrounding area (Source: Landchecker Sept 2024)

Site Photos



Figure 2: View of site from Wendy Court



Figure 3: View of the site from the east





Figure 4: View of the site from the south (rear)



Figure 4: View of the site from the west

PROPOSAL

DESCRIPTION

This application is for the construction of a Permanent Group Home, as summarised under the following points:

- The proposed Permanent Group Home will be used to accommodate people with a disability on a permanent basis under the NDIS Scheme. The plans have been assessed and certified by an accredited SDA assessor.
- The building is single storey and contains three bedrooms for people with a disability and one bedroom for on-site overnight assistance. Each bedroom has an ensuite and other internal features include an open plan kitchen, dining and living area, separate living area, separate bathroom, European laundry, alfresco and single garage.
- The external appearance of the building is contemporary with brick wall cladding and corrugated Colorbond iron roof cladding.
- The building has a maximum height of 4.8m above natural ground.
- One car parking space (to disabled parking standards) can be accommodated within the garage and one car parking space can be accommodated within the driveway.
- A new crossover is proposed to provide access to the garage.
- Over 350sqm of the site is private open space and over 300sqm can be landscaped.
- The development will be connected to all reticulated services, with the exception of gas.

PLANNING

CONTROLS AND ASSESSMENT

Wentworth Local Environmental Plan 2011 (LEP)

The Subject site is within the RU5 – Village

The objectives of the zone are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To promote development in existing towns and villages in a manner that is compatible with their urban function.*
- *To encourage well-serviced sustainable development.*
- *To ensure there are opportunities for economic development.*
- *To deliver new residential and employment growth in Buronga and Gol Gol.*
- *To ensure business and retail land uses are grouped within and around existing activity centres.*

The proposed Permanent Group Home is located within a recently released stage of the Midway Estate and will provide for residential diversity in an appropriate location. The building will provide much needed housing for people with a disability and is compatible with existing residential development in the surrounding area. The building has been designed to be energy efficient and is appropriately located so as not to unreasonably impact on the adjoining land. As such, the proposal supports the objectives of the RU5 zone.

Wentworth Development Control Plan

Chapter 2 – Plan Objectives

The following General Development Objectives are relevant to this application:

- *Residential land is to be developed with the creation of neighbourhoods comprising a range of housing styles and densities to cater for a diverse demographical profile of the local government area.*

- Residential growth shall be promoted in areas identified as urban release area.

The following Locality Objectives for Buronga and Gol Gol are relevant to this application:

- A safe, convenient and attractive neighbourhoods that meet the diverse and changing needs of the community and offers a wide choice of housing, leisure, local employment opportunities and associated community and commercial facilities.
- A site responsive approach to urban development that supports and enhances the context in which it is located, strengthens local character and identity, and promotes a sense of community.

In addition to this, Section 2.2 – Social and Community outlines that:

The proposed future development of Buronga and Gol Gol will result in an increased demand for additional community infrastructure. This includes:

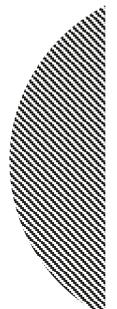
- Expansion of the range of community facilities and services;
- Improvement of public transport links within and external to the area;
- Provision of additional government and health services; aged care services; child care facilities and education/training services; and
- Promotion of community image and events including sport and recreation.

It is clear that the proposal is supported by the objectives of the Wentworth Development Control Plan which indicate that there is a strong need for diverse housing to provide for the changing needs of the community. The proposed Permanent Group Home will provide much needed accommodation for people with a disability and is of a high standard.

Chapter 3 – General Development Controls

5 Vehicular Access and Parking

This development control aims to provide sufficient and convenient parking for residents, visitors and service vehicles; to ensure vehicular and pedestrian safety and to encourage access design to form part of the overall landscape design. The relevant subclauses are discussed below.



5.1 Parking Layout, Servicing and Manoeuvring

The proposed car parks will be located in the garage and driveway, which is typical for car parking in a residential setting.

5.2 Specific Land Use Requirements

The following car parking requirements apply to the proposal:

- Housing for older people or people with a disability – Refer to State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The SEPP referenced in the DCP no longer exists. Two car parking spaces are provided for the proposed Permanent Group Home which complies with Schedule 2 (17) of the State Environmental Planning Policy (Housing) 2021.

Chapter 4 – Residential Development Controls

4.1.1 Site Context and Analysis

The plans submitted with this application demonstrate how the proposed development responds to site specific conditions and the site has been described in detail previously in this report. The site is within a recently released stage of the Midway Estate which contains vacant land and existing dwellings of a similar size, scale and sitting. The site does not have any specific constraints and the topography is relatively flat.

4.1.2 Streetscapes

The proposed building will have a positive impact on the streetscape. A number of habitable room windows overlook the street to provide for casual surveillance. The proposed garage occupies only a small portion of the frontage and is setback behind the main façade of the building. The building has a clearly identified entry from the street and has been designed to be energy efficient. The external materials and colours will complement existing dwellings in the broader area which have external materials and colours that vary considerably.

4.1.3 Front Setback

The building has a front setback of 4.5m, which is less than the 6m sought within the Wentworth DCP. It is worth noting that 4.5m is a commonly accepted front setback in developing areas and is the minimum requirement to meet the CDC criteria. Furthermore, the building is on an angle to the front boundary and a majority is setback greater than 6m from the front boundary. As such, the proposed front setback is considered to be acceptable and will not bring rise to any character or streetscape related issues.

4.1.4 Side setbacks and Corner Lot Setbacks

The side setbacks of the proposed building are 1.6m from the eastern boundary and 4.13m from the western boundary (combined total exceeding 4.5m), which complies with this Control.

4.1.5 Rear setbacks

The proposed building is located 2.5m from the rear boundary, which falls marginally short of the 3m specified under this Control. The shortfall is acceptable as the closest part of the building is an open alfresco which will not notably contribute to visual bulk. It is worth noting that the building is on an angle to the rear boundary and a majority is setback greater than 3m.

4.1.6. Walls on Boundaries

Not applicable. No walls on boundaries are proposed.

4.1.7 Building heights and overshadowing

The proposed building is unlikely to overshadow the private open space of future dwellings on adjoining lots as it is single storey and has relatively generous boundary setbacks.

4.1.8 Site Coverage

The site coverage is approximately 35%, although it is noted that this control only applies to single dwelling houses and dual occupancies.

4.1.9 Private Open Space

Private open space is well in excess of the 40sqm minimum requirement. There is an area of secluded private open space at the rear of the dwelling also well in excess of 25sqm, with a minimum dimension of 3m accessed from the main living area.

4.1.10 Energy Efficiency and Solar access

Appropriate solar access and energy efficiency is achieved given the orientation of the site and distance between windows and boundaries. A BASIX is not required as a standard residential dwelling is not proposed.

4.1.11 Daylight to existing windows

The proposed building will not impact daylight to existing dwellings as the adjoining land is vacant.

4.1.12 North-facing windows

Not applicable – there are no existing north facing windows within 3m of the boundary.

4.1.13 Overlooking

Not applicable – the proposed building is single storey and will not be notably raised above existing surface levels. A 1.8m high solid boundary fence will provide for privacy between lots.

4.1.14 Fencing and Retaining Walls

No fences or retaining walls are proposed as part of this application. The boundary fence will be made to comply with the *SEPP Exempt and Complying Development Codes 2008* (Part 2, Subdivision 17).

4.1.15 Car Parking and Vehicle Access

Car parking has been discussed previously.

4.1.16 Cut and Fill

As the site is relatively flat, only minimal earthworks are anticipated and will not exceed 0.3m of cut or fill.

State Environmental Planning Polices (SEPP)

SEPP (Housing) 2021 – Chapter 3, Part 2 Group Homes – Clause 62

This Clause contains requirements for consent authorities when determining Development Applications.

General Assessment

Visual Impacts

Please refer to DCP assessment.

Open Space

Please refer to DCP assessment.

Overshadowing and Privacy

Please refer to DCP assessment.

Noise

Only standard domestic mechanical plant will be associated with the proposed building, which will emit noise typical for a residential area.

Erosion Control Measures

No specific erosion control measures are considered necessary for this development. Any minor earthworks will be appropriately battered and retained (if necessary).

Economic and Social Impacts

The proposed building will contribute to the social wellbeing of the Buronga township by providing suitably designed housing to accommodate disabled persons. It also contributes to investment in the Buronga/Gol Gol Area.

Environmental Benefits

Due to the nature of this development, no significant environmental benefits are envisaged.

Disabled Access

The proposed building has been designed to comply with all disabled access standards and the plans have been assessed and certified by an accredited SDA assessor.

Security, Site Facilities and Safety

Not applicable for this application.

Waste Management

Standard domestic waste services will be provided by Council.

National Construction Code

The National Construction Code will be assessed as part of the Construction Certificate process by a Building Surveyor.

Traffic

The proposed building will result in standard domestic travel within the existing road network. This would have been anticipated and accounted for in the design of the subdivision.

Stormwater/flooding

The site is not subject to any identified natural hazards and stormwater will be directed to the legal point of discharge.

CONCLUSION

This report demonstrates that the proposal is consistent with the relevant provisions of the *Wentworth Local Environmental Plan 2011* and the Wentworth DCP.

The proposed Permanent Group Home is appropriate for the site as it:

- Supports the objectives of the Zone RU5 - Village;
- Is appropriately located on the subject site;
- Will have an acceptable impact on the locality in terms of amenity and visual dominance; and
- Will not result in any detrimental impacts on the environment.

It is considered that the proposal is worthy of support, and it is therefore respectfully requested that the Wentworth Shire Council grant Development Consent for the construction of a Permanent Group Home as described in this report at 20 Wendy Court, Buronga.

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>DA Assessment Report Section 4.15 Evaluation</p> <p>Environmental Planning & Assessment Act 1979 as amended</p>
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File Reference:	DA2024/156 & PAN - 489187
Property Title & Address:	20 Wendy Court Lot 17 DP 1288183 Buronga P561/04417
Property owner(s):	ARUMA MANAGEMENT PTY LTD
Applicant(s):	JACKSON PLANNING MJJR PTY LTD - Matt Jackson
Proposal:	Permanent Group Home (dwelling with garage)
Previous DAs:	N/A
Cost of proposed development:	\$800,000.00

SITE AND SURROUNDING DEVELOPMENT

The subject site comprises of Lot 17 DP 1288183, 20 Wendy Court, Buronga. The lot has an area of 721m² and connects to Midway Drive to the north, connecting through to the developing locality within the Midway area.

The subject site is zoned within the RU5 – Village zone under the Wentworth Local Environmental Plan (WLEP) 2011. The subject site is a rectangular shaped lot with no vegetation removal proposed as site was recently cleared during the subdivision process. The lot is not impacted by easements or environmental factors.

The site is not within the bushfire prone, flood way or flood planning, terrestrial biodiversity, wetlands, or urban release mapped area and contains no known heritage constraints.

DESCRIPTION OF PROPOSAL

The proposal seeks development consent for the construction of a single storey dwelling with garage to be utilised as a permanent group home, which will provide accommodation for people on NDIS plans with ongoing disabilities as per the NDIS requirements. The dwelling is proposed to accommodate three participants and one overnight assistance personnel.

The lot has a total area of 721m² with the dwelling proposed to have a floor area of 256.58m², broken down into the following:

Dwelling: 209.31m² – Garage: 28.17m² – Alfresco: 16.20m² – Porch: 2.89m².

One car parking space suitable for disability requirements is provided within the garage, with a standard parking space accommodated within the driveway area.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

N/A

SECTION 4.15-MATTERS FOR CONSIDERATION

(1) The provisions of any environmental planning instrument and development control plan

State Environmental Planning Policy (Biodiversity & Conservation) 2021

The proposed development is proposed to be located upon on a lot that is under 1ha in size and clear of vegetation following previous subdivision. No native vegetation is to be removed for construction, with no impact to any potential habitat for fauna. The site is not known koala habitat, as such, no assessment required against Chapters 3 or 4. The proposed development is not located within close proximity to the river or other waterbody, and as such, no assessment is required against Chapter 5.

State Environmental Planning Policy (Housing) 2021

Clause 60 (a) does not identify the land zoning of RU5 as a prescribed zone suitable for group home development, however, clause 60 (b) states that any other zone under an environmental planning instrument where dwelling houses may be carried out with consent is categorised as a prescribed zone.

The RU5 – Village zone under the WLEP 2011 lists dwelling houses as permitted with consent.

Clause 61 identifies that the proposed group home is permitted with consent as it is proposed on land zoned RU5 – Village under the WLEP 2011. In terms of the hierarchy of legislation, the SEPP overrides the WLEP 2011 in terms of any inconsistency as per section 3.28 of the EP&A Act.

Under clause 62 a consent authority (Council) **must not**:

- refuse a group development unless an assessment of the community need has been done
- Impose a condition of consent specifically because a development is a group home.

State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate has not been provided as it is not required due to the proposed development being class 3 under the Building Code of Australia.

Further, as it is assumed that the development will be certified as a Class 3 building under the BCA at the construction stage, in line with the *Comprehensive Guide to BASIX*, a BASIX Certificate is not needed.

Wentworth Local Environmental Plan (LEP) 2011

The proposed development of a permanent group home for the provision of accommodation for participants within the NDIS scheme is permitted with consent and meets the zone objectives of the RU5 – Village zoning under the Wentworth Local Environmental Plan (WLEP) 2011, under which the subject site is located. The main supportive objective is to provide for a range of land uses, services and facilities that are associated with a rural village. The development of a NDIS based permanent group home will allow for services for those with disabilities to live mostly independently with assistance.

Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote development in existing towns and villages in a manner that is compatible with their urban function.
- To encourage well-serviced sustainable development.
- To ensure there are opportunities for economic development.
- To deliver new residential and employment growth in Buronga and Gol Gol.
- To ensure business and retail land uses are grouped within and around existing activity centres.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- | | |
|---------------------------------|------------------------------|
| (a) attached dwellings, | (k) semi-detached dwellings, |
| (b) boarding houses, | (l) seniors housing, |
| (baa) co-living housing, | (m) shop top housing, |
| (c) dual occupancies, | |
| (d) dwelling houses, | |
| (e) group homes, | |
| (f) hostels, | |
| (faa) (Repealed) | |
| (g) multi dwelling housing, | |
| (h) residential flat buildings, | |
| (i) rural workers' dwellings, | |
| (j) secondary dwellings, | |

but does not include tourist and visitor accommodation or caravan parks.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Group home means a permanent group home ~~or a transitional group home~~. Group homes are a type of residential accommodation.

~~Group home (permanent)~~ or **permanent group home** means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021, Chapter 3, Part 5](#) applies.

Clause 7.1 Earthworks

Any earthworks will be conditioned and form part of the approval.

Clause 7.2 Essential Services

Connection of services has been made possible during the previous subdivision of the development site.

Wentworth Development Control Plan (DCP) 2011

The proposed development is acceptable against the relevant provisions of the Wentworth Development Control Plan (DCP) 2011 as outlined in the table below.

Wentworth DCP	Chapter 8	Acceptable	Not Acceptable	N/A	Reason
	5.1.1 Site context	X			Positioning of the proposed building on site makes use of available land while leaving space for private open space and providing suitable access for residents of the permanent group home. Materials used will compliment other structures in the surrounding area.
	5.1.2 Streetscape	X			The proposed building will be in keeping with few existing developments in the area with windows facing the street for casual surveillance and a garage setback from the facade of the main portion of the building. It is anticipated that future development in the area will be similar and compatible with this DA.
	5.1.3 Front Setback		X		4.5m – does not meet
	5.1.4 Side setbacks	X			Western: 4.1m – meets Eastern: 1.6m - meets
	5.1.5 Rear setback		X		2.5m – does not meet

	5.1.6 Walls on Boundaries			X	N/A as no walls on boundaries
	5.1.7 Building heights and overshadowing			X	N/A as not a two-storey building
	5.1.8 Site Coverage	X			Proposed development does not cover more than 60% of site
	5.1.9 Private open space	X			Ample room for private open space available
	5.1.10 Energy & solar access	X			<i>Proposed development meets requirements of the Energy Efficiency Compliance Assessment</i>
	5.1.11 Daylight to existing windows	X			No impact anticipated from the single storey building to surrounding neighbours.
	5.1.12 North facing windows			X	N/A as no north facing windows within 3m of boundary.
	5.1.13 Overlooking			X	N/A as development approval is for a single storey building
	5.1.14 Fencing and retaining walls			X	N/A approval not for fencing or retaining walls
	5.1.15 Car parking and vehicle access	X			The site provides for one (1) disability access car parking spaces within the garage as per requirements under the Housing SEPP one space within the garage and another singular space is provided in the driveway of the proposed development site. Access to the site is provided via a crossover to council standards to be detailed within conditions of consent. Two parking spaces in total, one being to disability standards.
	5.1.16 Cut and fill	X			Earthworks will be conditioned as part of approval

Development Control	WDCP 2011 requirement for RU5 Village zone	Proposed Permanent Group Home
Front setback	6m minimum	4.5m
Northeast side setback	1m minimum	1.6m
Southwest side setback	1m minimum	4.1m
Rear setback	3m minimum	2.5m

The front setback does not meet DCP requirements of 6m, being only 4.5m, however, many new developments in newly subdivided areas are utilising a front setback of only 4.5m to allow better use

of allotment space. Additionally, other developments in the surrounding area have front setbacks under the required 6m, even down to 3m.

The proposed rear setback does not meet DCP requirements of 3m being only 2.5m. Justification as follows provided by applicant:

The shortfall is acceptable as the closest part of the building is an open alfresco which will not notably contribute to visual bulk. It is worth noting that the building is on an angle to the rear boundary and a majority is setback greater than 3m.

The development being setback less than the requirement is not envisaged to be detrimental to the adjoining neighbours or existing development, it is more than 3m to the closest habitable room from the rear of the site.

(2) The provisions of any draft environmental planning instrument

There is no Division 3.4 draft environmental planning instrument that affect the proposed development. (Post 1 July 2009 LEP amendments).

(3) Any matters prescribed by regulations

There are no further matters prescribed by regulations.

(4) The likely impacts of the development

There are no likely impacts from the proposal as discussed in the table below.

Impact item <i>(insert an 'x' in the relevant section)</i>	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	X			The proposed permanent group home building will look similar in external design to the few existing residential developments in the immediate area
Public domain & Streetscape	X			The proposed permanent group home building meets the required setbacks as provided and justified in assessment above (DCP)
Landscaping			X	Not part of this application
Stormwater	X			Discharge to legal point of Councils stormwater system to be conditioned
Heritage	X			None on site
Soils & Soils Erosion	X			Earthworks and erosion control to be conditioned as part of approval
Air and microclimate	X			No effect from proposed development anticipated
Water Resources	X			Noted – development located adequate distance from water sources
Biodiversity (Flora & Fauna)	X			As the site was cleared of any vegetation during the subdivision process – no effect on existing flora or fauna,
Land Resources	X			None known at this site
Utilities	X			Utilities are available to the property

Access & Parking	X			Adequate access and parking are available to the site, development provides disability parking space as per requirements in line with Housing SEPP
Roads & Traffic	X			Increase to area anticipated during construction with slight increase as new residents move into the completed building
Solar Access and Energy Efficiency	X			Will be required to meet energy requirements of Part J1 of the BCA
Overshadowing			X	Not relevant as surrounding land vacant and single storey development
Privacy & Overlooking			X	Not relevant as single storey building
Flooding			X	Not in flood planning area
Bushfire Prone Area			X	Property not within bushfire prone land
Noise	X			Only significant increase anticipated during construction, then residential noise ongoing
Technological hazards	X			No known hazards on site or anticipated
Safety, Security & Crime Prevention	X			No detrimental effects anticipated from development in this location. Windows facing street will provide casual surveillance
Social and Economic Impacts	X			No detrimental effects anticipated

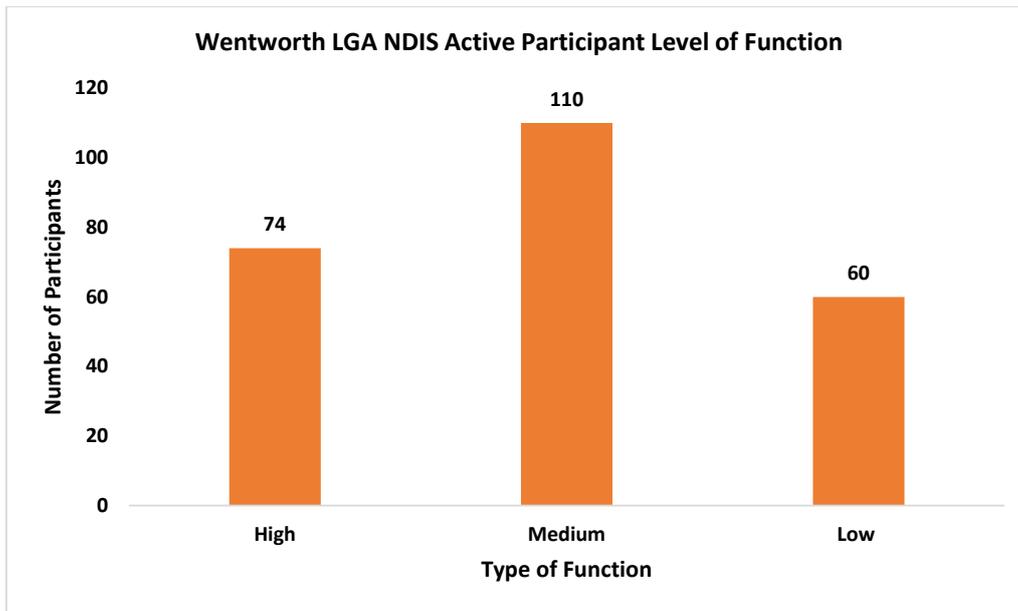
The NDIS outlines high physical support SDA housing as *housing that includes a high level of physical access for people who need very high levels of support. For example, you may need a ceiling hoist, backup power supply, or home automation and communication technology.*

Further, level of functioning is defined as:

“The umbrella term for any or all of body functions, body structures, activities and participation. Level of function indicates the impact a participant's disability has on how a person is able to perform tasks and actions in a life area, as represented by a ‘severity score’ ‘High functioning’ indicates lower service and support requirements with a lower severity score, and ‘low functioning’ indicates higher service and support requirements with a higher severity score.”

Graph 1: Total Level of Function for Participants within the Wentworth LGA (*Explore data NDIS.*

<https://dataresearch.ndis.gov.au/explore-data> current as of 9 January 2025).



The above graph shows that there are (an estimated) 60 active NDIS participants with requirements for higher service and support requirements, being low functioning and therefore having a high severity score. This website also identifies there are under 11 active participants with SIL/SDA funding, which would be on the basis that there are no SDA places available in the Wentworth LGA. Low functioning participants as per the level of functioning definition require higher levels of support.

From the same dataset, there are (an estimated) 244 active participants who have been deemed eligible and have an approved plan under the NDIS. This dataset does not encompass all of those with disabilities that require support within the Wentworth LGA, indicating there may be more not accounted for as they are not active participants or are waiting for availability.

The Inquiry Report: Own Motion Inquiry into Aspects of Supported Accommodation (NDIS Quality and Safeguards Commission, January 2023)

The above report states the following on page 23:

- *a suburban house (SDA or otherwise) where a group of people with disability live together, each with their own bedroom (sometimes with ensuite), sharing a common living room, kitchen, bathroom and garden, and with an area of the house used as office space for staff.*
- *a number of suburban houses (as above) located in relatively close proximity to each other, sometimes with direct links between each of the houses (for example through a garden gate), with a team leader or manager overseeing supports across the network.*

This reinforces the ability for SDA dwellings to be located in close proximity to one another.

Wentworth Disability Inclusion Action Plan 2022 – 2026

The Wentworth Disability Inclusion Action Plan 2022-2026 has a focus area that directly identifies housing for those with disabilities – 2; Livable Communities which states the following: *Increase participation of people with disability in all aspects of community life, through targeted approaches to address barriers in housing, learning, transport, health and wellbeing.*

The plan, in line with the identified focus area aims to attribute to the positive experience of those with a disability, their families and supporters, through access to community places, buildings and events.

As there are currently no SDA housing facilities within the LGA, the proposal to develop them is in line with the Disability Inclusion Action Plan with the aim of providing housing, eliminating the barrier of housing access to those that require it.

Further, the following are direct quotes from the plan:

“To create liveable communities, we need to focus our attention and resources on the elements of community life that most people desire. To create liveable communities for people with disability, we must do more than modify the physical environment; we must advocate for such aspects such as accessible housing, access to transport, community recreation, social engagement and universal design.”

“The attitude and behaviours of the general community toward people with disability can be the greatest barrier to full access and inclusion. Community attitudes can further be influenced by the intersection of the particular characteristics of a person with disability, such as gender, age, ethnicity, or type of disability itself.”

“Inclusiveness and accessibility for people with disability forms a crucial component of the assessment of the liveability of any community. Council will work to eliminate the barriers in the built environment and advocate for improved transport, housing and local supports that prevent people with disability from fully engaging with the opportunities that exist within their communities.”

Approach to characterization and permissibility under LEPs

It needs to be noted that the development of Permanent Group Homes is permitted under legislation, both the Wentworth Local Environmental Plan 2011 and the State Environmental Planning Policy (Housing).

The case of *Botany Bay City Council v Pet Carriers International PTY Limited* [2013] NSWLEC 147 reiterates that land use tables within LEPs can use many means by which to define what development is permissible by identifying either *nominate* or *innominate* purposes.

His Honor, Preston CJ, stated the following:

A nominate purpose is one which the environmental planning instrument expressly nominates by name as being within one of the three classifications. Hence, the land use table for a zone may nominate particular categories of purposes of development as being within the classifications of development that may be carried out without consent, development that may be carried out with consent, or development that is prohibited.

An innominate purpose is one which the environmental planning instrument does not nominate by name as being within one of the three classifications, but rather identifies as falling within a particular classification by reason of it not being nominated in other classifications; it is development other than development in the other classifications. Hence, the land use table for a zone may classify as prohibited development, development for a

purpose other than a purpose nominated as being able to be carried out without consent or with consent.

In the case of permanent group homes, as they are not directly identified within the RU5 – Village zoning as an independent type of development but fall under “any other development not specified in items 2 or 4”, they are therefore innominate and permissible with consent.

(Compatibility Test) Project Venture Developments Pty Ltd v Pittwater Council [2005]

There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale, or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

The physical impacts, such as noise, overlooking, overshadowing, and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal's assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks, and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.

In order to test whether a proposal is compatible with its context, two questions should be asked.

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites. (Test One)*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street? (Test two)*

Test One:

The proposal of a permanent group home, being constructed as a dwelling, does not constitute any physical impacts on the surrounding development. The surrounding development consists of dwellings with outbuildings.

Physical impacts will not occur as the development design is that of similar size, scale and sitting to existing development in the immediate and surrounding area. The applicant has identified the permanent group homes to have external materials and colouring that complements existing dwellings in the surrounding area.

It should be noted that Wendy Court itself, where the main streetscape occurs, has minimal development existing, being two dwellings and an allotment with an outbuilding.

There will be no issues regarding side setbacks as a physical constraint, as setbacks adhere to requirements under the Wentworth Development Control Plan, some rear setbacks do not meet requirements, but it should be noted that habitable building space does not encroach the setbacks, only alfresco areas that are open in design. Front setbacks may not meet the required 6m, however, as discussed in the DCP assessment, in newly developed areas, setbacks from the front boundary can be accepted at 4.5m for RU5 – Village zoned land.

Test Two:

The proposal of a permanent group home will be in harmony with the development within the estate area. Permanent group homes are designed as and meet definitions of dwellings, which is the main development in the estate area and will not alter the harmonic design, rather increasing development in the area and encouraging use of the RU5 – Village zoning whereby a range of services and facilities need to be available, including disability accommodation for the impacted community members.

Harmony is often defined as “the quality of a pleasing and consistent whole”, with the permanent group homes not causing impact as the development will be that of dwellings in a residential area attributing to the existing use and character of the estate. Impact to Summer Drive through harmonious development should not be impacted due to separating fences and differing streetscapes (existing development vs minimally existing development).

The permanent group homes will be of the same design, therefore harmonious to themselves and attributing to consistency of the area.

The permanent group homes are dwellings and will not impact the character of the area. The use of each dwelling is subject to residential purposes such as long term accommodation, which is provided through the group homes. The use of existing dwellings in the area is no different to the accommodation purposes of the group homes, with additional assistance for the residents of the group homes required.

New Century Developments Pty Limited v Baulkham Hills Shire Council [2003] NSWLEC 154 revised - 5/09/2003 (social impact, large number of objectors, character and amenity of area).

The above caselaw provides examples of amenity, reiterates development characteristics and any further associated issues, as well as substance of community responses to proposed development.

“(61) In circumstances such as the present case, however, the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be objectively assessed before a finding can be made of an adverse effect upon the amenity of the area... the views of residents of the area, those views will be accorded little, if any, weight if there is no objective, specific, concrete, observable likely consequence of the establishment of the proposed use.”

The above quote from the caselaw states plainly that evidence must be provided for submissions to be assessed. Council cannot take submissions with little to no planning grounds as having an adverse impact to the development of what is defined legally as a permanent group home under the WLEP 2011.

There are no specific issues raised in submissions received regarding the proposed group home development.

Submissions received as objections rather centre around the use of the development and those that would use it, however, this is not for Council to mandate as we are not the managing authority, only the consent authority. Submissions referenced the following:

- Property valuation
- Proximity of group homes to each other
- Behaviour concerns of NDIS participants
- Potential for property damage
- Disturbances caused by NDIS participants
- Location of group homes in locality for NDIS participant access to services
- Lack of Council transparency

“(64) The assessment of the specific objections raised by the local residents shows that the concerns raised by them, objectively assessed, must be afforded little weight. As is shown by the consideration of the specific objections, discussed above, they appear to have little basis in fact.”

The above quote from the caselaw states that if concerns have been assessed based on the objectives (mainly directed at NDIS management and use of the proposed group home dwelling – therefore not specific legislative planning grounds), then submissions **must** be afforded little weight, therefore not considered as little fact is apparent.

“(71) In summary, I have concluded that the proposed development would be compatible with the rural residential character of the area and would not have an adverse impact on the amenity of the area, including social impact. While I recognise that there is strong community opposition to the proposal and that the residents have real fears, these fears must have foundation and a rational basis, which in this case is absent.”

The above quote from the caselaw states that the ultimate outcome of the case as decided by the Judge, was that the proposed development was compatible with the character of the existing area and would not have an impact on the amenity of the area. Community opposition was recognised but the concerns were found to have no foundation or rational basis (planning grounds).

In relation to the proposed group home, no planning grounds for the proposal are seen, merely concerned community members referencing issues relative to unjustified fears based on the use of the development. No foundation (fundamentals of planning legislation) are presented by submitters, as addressed by Council.

Understanding the Local Impact of New Residential Development: a Pilot Study

Christine Whitehead and Emma Sagor with Ann Edge and Bruce Walker

LSE London April 2015

The report identifies that opposition to new dwelling development is driven by local communities feeling that they will gain little benefit from new dwellings and that negative impacts may arise, such as infrastructure pressure and lack of services, as well as residential valuation impacts.

The report solidifies and states that planning literature does not often and is not required to, address impacts to housing valuation or pricing as this is not directly related to planning decisions which are assessed against relevant legislation, as well as broader economic, environmental, and social factors.

Wentworth Local Environmental Plan 2011

The WLEP 2011 provides the following definition for permanent group homes:

group home (permanent) or permanent group home means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged

It should be noted that the plans provided by the applicant indicate “NDIS High Physical Support SDA” with design considering wider doorways, ceiling hoists, accessible parking (garage), and ensuites tailored for required needs (rails etc.), with an adjustable bench in the kitchen.

The people anticipated to use these dwellings are those with disabilities, and not those who are socially disadvantaged, however, Council are not the management authority and cannot dictate who will utilize these developments.

(5) The suitability of the site for development

The site is suitable for the proposed permanent group home building as it is not anticipated to have any adverse impact on the locality, however, six submissions were received. The proposed development is permitted within the RU5 – Village zoning area under the Wentworth Local Environmental Plan 2011. The development provides the area with greater flexibility in housing and facilitates options for people with a disability under the NIDS scheme to become independent within the community, while receiving care when required. The character and use of the proposed development is consistent with other proposed developments in the immediate area.

(6) Any submissions made in accordance with this Act or Regulation

The application was notified for 14 days as per the Wentworth Community Participation Plan. Six (6) submissions were received objecting to the application within the notification period, with five (5) being unique in nature.

One (1) additional submission was received as an objection by someone who had already submitted outside of the mandatory exhibition period, and these comments were not considered in the assessment process as the submissions received within the exhibition period had been compiled and sent to the applicant for response, with response received before the one additional submission was received outside the exhibition.

Further submissions as objections have been received to date (29 January 2025), however, as these do not explicitly identify a development application and only state “Midway Estate Group Homes” or the like and have been received outside the mandatory exhibition period (by over a week or more), these will not be accepted and utilised for assessment purposes against this development.

Proforma submissions were received, however, most were accompanied by additional individual comments, thus creating unique submissions.

The following list identifies concerns raised within the submissions received:

- Concentration of proposed group homes is a concern for general security of existing residents
- Close proximity of proposed group homes to each other
- 20 Wendy Court having a rear setback of 2.4m not 3m
- Lack of facilities in vicinity of proposed group home sites
- Proximity to childcare facility and congestion in this area
- Lack of communication from Council
- Impact to property valuation and appeal of Midway area
- Potential for property damage – no measures to protect neighbouring properties
- Increased disturbances in the area from potential residents of group homes
- Increased noise and traffic levels in the area
- Proposed group homes will be unjustified high-density development

Applicant response to submissions:

- Fires can occur in other developments (such as dwellings), nonetheless the houses are equipped with fire sprinklers.
- Group homes by their definition should be located within a residential area; it is very common to have dwellings and homes in residential areas.
- The Wentworth LEP is not able to dictate who lives within the proposed group homes, nor should any person who lives within the area.

Council Officer Comment:

- The proposed group homes meet legislative requirements under the State Environmental Planning Policy – Housing 2021 and have been deemed as suitably designed for their purpose through applicant provided information.
- Setbacks provided within the Wentworth Shire Council Development Control Plan – justification in place to vary the setbacks within the DCP
- There are facilities and community infrastructure in close proximity to the development area
- The proximity to a childcare facility should not be of concern as traffic congestion here during the day will be minimal (early morning, mid evening) and the childcare is fenced and secure.
- In a planning perspective high-density development is defined as *development that is greater than three storeys high, typically referred to as residential flat buildings or apartments* (Georges River Council LEP). The proposed development does not meet this definition. Low density residential areas are made up of detached dwellings, dual occupancies, and multi dwelling housing, however, as the zone attributed to this being R2 – Low Density Residential, which is not occurring in the Wentworth LGA, this does not apply and constraints as per the zoning seen (RU5 – Village) will be relied upon.
- The group homes pose no further threat to noise of traffic than a regular dwelling (not for group homes purposes) would. These issues have been assessed in the applicants Statement of Environmental Effects adequately.
- Council has a LEP and DCP that aid in assessment of proposals such as this, there is no planning strategy for specialised housing, only the Housing SEPP, which permits these developments if applied for a DA and within an approved zoning.

(7) The public interest

The proposed development is consistent with public interest as it will have no detrimental effect on the surrounding area.

Social impact equates to the consequences that people experience when a new proposal for development will alter their known environment. This could be through acoustic, amenity, way of life, health and wellbeing, and property impacts. Submissions in regard to the proposed group home have shown that the development proposed is seen as a concern to the surrounding community.

The social impacts as identified by concerned residents in submissions both within and outside of the exhibition period for the proposed group home (singular development on a singular allotment) are not linked to the development of a permanent group home, instead, are aligned with the users and management authority of the group home following construction. No noise, amenity, traffic or other detrimental impacts are envisaged from a, by definition, permanent group home in a residentially established area.

Approval of the proposed group home would benefit the disabled community of the shire, which under the Disability Inclusion Action Plan (2022 -2026), housing is a provision that needs to occur and is heavily identified. Although the population requiring this accommodation may not encompass a wider community, the housing type is beneficial to the expanding Buronga / Gol Gol and wider areas of the entire shire and is also important being a border community. A total of six submissions objecting to the development were received during the exhibition period, however matters raised were similar in nature with no detrimental planning concerns raised. Most concerns are specific to management and users of group homes in general, or the infrastructure of the area that would have been considered during the subdivision stage. It is worth noting that nearly all submissions state that the submitter recognises the need for the housing type in the shire.

The Land and Environment Court in *New Century Developments Pty Limited v Baulkham Hills Shire Council* (2003) 127 LGERA 303; [2003] NSWLEC 154 (New Century) at [60] adjudged that a development that causes such great offence to a large portion of the community that it ought to be refused amounts to a detrimental social impact.

However, at [62] the case law identifies that fears or concerns without rational or justified foundations are not matters which, by themselves, can be considered as an amenity or social impact pursuant to s 79C(1) (now s 4.15) of the EP&A Act. Where there is no evidence to support a rational fear, it will not be relevant and be of the basis that community members have altered their everyday actions and thoughts based on the concept of the use of permanent group homes, therefore are seen due to unjustified fears, in this case, whereby broad assumptions have been made about the use of permanent group homes.

In this case Council received six objections to the DA (within the exhibition timeframe), mainly from residents living nearby and from within the broader urban area. The objections principally related to impacts to property value, childcare proximity, disturbances from residents of proposed group homes, lack of facilities in the area, proximity of group homes to each other, insufficient infrastructure to support high-needs users, impact of living in the area for NDIS participants, potential for traffic increase and property damage from users.

Assessment of social impacts relating to the proposed development of a permanent group home needs to be based on fact and evidence, not community perceptions or potential unjustified fears. It needs to be reiterated that the assessment and approval or refusal of a development application is to be made under the planning legislation.

The social impacts as perceived by local residents are noted and have been addressed through conditions of consent or general assessment. Council cannot dictate who utilises the group home upon completion and following issuance of an occupation certificate as long as users are those permitted under the definition of permanent group home. Residents of the area seem to hold unjustified fears of those from within the disabled community who would be using the group homes for impacts to their lives and everyday activities.

At the February Council Meeting (12 February 2025) members of the public gallery spoke against the development of group home “clusters”, citing isolation of potential residents, heightened noise and vehicular impacts, minimised liveability of the wider community, emergency vehicle access and availability, NDIS requirements and reports that are not indicative of town planning requirements, DCP non-compliance, and the institutionalisation of NDIS participants. The abovementioned have been considered in the assessment and are not considered detrimental social impacts as they are perceived impacts or unjustified concerns, with no reference to applicant supplied assessment material. Concerns have been adequately given weight where required in line with provided substance of submissions. Submissions and voiced concerns have not been of strict planning grounds and can be viewed as unjust when referencing the disabled community.

The development of a permanent group home, defined under the WLEP 2011 as a dwelling, is not anticipated to create negative social impacts on the locality. The specific users are not for Council to mandate through the development approval processes. A combination of abovementioned impacts will not lead to negative impacts or experiences in the area. The development of a permanent group home, in a residential area with minimal development as per this assessment should be greatly considered for aesthetic and crime prevention (CPED) purposes. The more houses/development in a subdivision, street facing windows and cars around development, all attribute to making an area safer both through surveillance and lively areas.

On balance, the proposed permanent group home in a land zoning supporting group homes under both the WLEP 2011 and the Housing SEPP 2021, the benefits to the disabled community and no negative impact anticipated to the social streetscape or overall amenity of the area, when weighted against the minimal substance of the submissions, does not justly warrant refusal of this development application.

Should concerns arise from the permanent group home operation, Council will properly investigate and take compliance action as needed to matters within our jurisdiction.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Y	BCA Classification: 3 and 10a <u>Comments</u> <ul style="list-style-type: none"> ▪ Eave of dwelling encroaches into the 1.5m setback to a fire source feature (boundary) where an FRL is required. Discussed with Building Surveyor, and he advised that he is sure that the eave is an allowable encroachment and will follow up. Otherwise, a performance solution will be sought. This matter will therefore not affect the determination of a DA as it is the certifiers responsibility to ensure BCA compliance via DTS or a performance solution. Approval under S68 of the Local Government Act must be obtained prior to the issue of a Construction Certificate in relation to: <ul style="list-style-type: none"> ▪ Carrying out of water supply work. ▪ Carrying out sewerage work.

		▪ Connection to Sewer.
Subdivision Engineer	N	
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

CONCLUSIONS

1. General comments:
2. The proposal satisfies the points for consideration listed under Section 4.15 part b, c, d and e of the *Environmental Planning and Assessment Act*.
3. The proposal occurs on land zoned RU5 - Village. The proposal is not considered to have detrimental impact on the site and surrounds.
4. The proposal is consistent with the Wentworth Shire Development Control Plan (Dec 2011). The proposal meets Chapter 8 of the provisions set out in the Wentworth Development Control Plan 2011.
5. The proposed permanent group home accords with the relevant objectives and provisions of the State Environmental Planning Policy (Biodiversity & Conservation) 2021 and State Environmental Planning Policy (Housing) 2021.
6. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Approve the application subject to conditions

Delegate report author	Delegated approval and endorsement
Signature: 	Signature: 
Georgie Martin Cadet Planning Officer	George Kenende Acting Director Health & Planning
Date: 07/03/2025	Date: 7/03/2025

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p style="text-align: center;">TEMPLATE CONDITIONS</p>
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**DA2024/156 PERMANENT GROUP HOME WITH GARAGE 20 WENDY COURT LOT 17 DP 1288183
BURONGA**

GENERAL CONDITIONS

<p>1.</p>	<p>Approved development</p> <p>Approval is for a permanent group home with garage.</p> <p>Condition reason: To ensure all parties are aware of the approved development.</p>
<p>2.</p>	<p>Approved Plans and Documentation</p> <p>The development shall be in accordance with the following plans, documentation and recommendations made there in:</p> <ul style="list-style-type: none"> • Site Plan by Intrend Design & Drafting PTY LTD; Job No: 24-725v2; Sheet No: 2 of 5; Date: 11/07/24. • Floor Plan by Intrend Design & Drafting PTY LTD; Job No: 24-725v2; Sheet No: 3 of 5; Date: 11/07/24. • Elevations (NE & SW) by Intrend Design & Drafting PTY LTD; Job No: 24-725v2; Sheet No: 4 of 5; Date: 11/07/24. • Elevations (SE & NW) by Intrend Design & Drafting PTY LTD; Job No: 24-725v2; Sheet No: 5 of 5; Date: 11/07/2025/24. <p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
<p>3.</p>	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.

	<ol style="list-style-type: none"> 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply- <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>4.</p>	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out: <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be- <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to- <ol style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>5.</p>	<p>Lapsing of Approval</p> <p>Without the further consent of the Wentworth Shire Council, in writing, this permit shall lapse and have no force or effect unless the use or development hereby permitted is physically</p>

	<p>commenced within 5 years of the date of this permit.</p> <p>Condition reason: Ensure everyone is aware of the lapsing of the approval.</p>
6.	<p>Works outside the property boundary</p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Condition reason: To ensure all approved works occur within the property boundaries.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7.	<p>7.12 Contribution</p> <p>Before the issue of the relevant construction certificate, the applicant must pay a total contribution of \$8,000.00 as calculated at the date of this consent to Wentworth Shire Council pursuant to the adopted Section 7.12 Development Contributions Plan.</p> <p>Note: The total amount payable may be adjusted at the time payment is made per clause 3.10 of the Section 7.12 Development Contributions Plan.</p> <p>Condition reason: To ensure the 7.12 Developer Contributions are paid.</p>
8.	<p>Access Point</p> <p>Before the issue of a Construction Certificate, the beneficiary of this consent must build a driveway crossing for the subject land (if one doesn't exist) to Council standards.</p> <p>Access during construction shall only be through the driveway crossing of the subject land.</p> <p>Condition reason: To control vehicular movement on road crossings.</p>
9.	<p>Building Material</p> <p>The proposed building/s and structure/s shall be clad in an approved non-reflective material e.g. Colourbond.</p> <p>Condition reason: To ensure the materials of the building not impact the visual amenity of the surrounding character of the area.</p>
10.	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> • location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety • pedestrian and vehicular site access points and construction activity zones • details of construction traffic management, including proposed truck movements to and from

	<p>the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site</p> <ul style="list-style-type: none"> • protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites) and trees in adjoining public domain • details of any bulk earthworks to be carried out • location of site storage areas and sheds • equipment used to carry out all works< • a garbage container with a tight-fitting lid • dust, noise and vibration control measures • location of temporary toilets. <p>The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.</p> <p>Condition reason: To ensure construction works are adequately managed to protect the surrounding amenity.</p>
<p>11.</p>	<p>Erosion and Sediment Control</p> <p>Before the issue of a construction certificate, the beneficiary of this consent is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ul style="list-style-type: none"> • the guidelines set out in the NSW Department of Housing manual Managing Urban Stormwater: Soils and Construction Certificate (the Blue Book), and • the ‘Do it Right On-Site, Soil and Water Management for the Construction Industry’; (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). <p>The applicant must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
<p>12.</p>	<p>Fire Safety Schedule</p> <p>Prior to the issue of a Construction Certificate, pursuant to Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (as amended) a Fire Safety Schedule is to be submitted to the Principal Certifying Authority. The Fire Safety Schedule must include matters prescribed in clause 79 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (as amended).</p> <p>Condition reason: To ensure compliance with Fire Safety requirements.</p>
<p>13.</p>	<p>Long Service Levy</p> <p>Before the issue of a construction certificate, the beneficiary of this consent is to ensure that the person liable pays the long service levy as calculated at the operational date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.</p>

	Condition reason: To ensure the long service levy is paid.
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14.	<p>Payment of Security Deposits <i>This condition applies to all construction works \$25,001 and above.</i></p> <p>Before the commencement of any works on the site or the issue of a construction certificate, the beneficiary of this consent must make all of the following payments to Council and provide written evidence of these payments to the certifier:</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 60%;">Infrastructure Bond (Security Deposit):</td> <td style="text-align: right;">\$3,000.00</td> </tr> <tr> <td>Infrastructure Protection Permit Fee (includes inspections)</td> <td style="text-align: right;">\$232.00</td> </tr> </table> <p>The payments will be used for the cost of:</p> <ul style="list-style-type: none"> • making good any damage caused to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates, • completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and • any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property. <p>The Infrastructure Bond will be returned on completion of the construction of the proposed development, subject to no damage being done to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates. The owner / developer is to arrange an inspection with an Officer of Wentworth Shire Council before any work commences on site. Any damage incurred to Council infrastructure will be repaired at the owners / developers expense and the balance of the Infrastructure Bond will be returned to the owner / developer on completion of the construction.</p> <p>Note: The inspection fee includes Councils fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with councils fees and charges at the payment date.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be created.</p>	Infrastructure Bond (Security Deposit):	\$3,000.00	Infrastructure Protection Permit Fee (includes inspections)	\$232.00
Infrastructure Bond (Security Deposit):	\$3,000.00				
Infrastructure Protection Permit Fee (includes inspections)	\$232.00				

15.	<p>Plumbing and Drainage</p> <p>Before issuance of the Construction Certificate, a Plumbing and Drainage Application under Section 68 of the Local Government Act NSW 1993 is to be submitted to and approved by Council before any plumbing and drainage works (water and sewerage).</p> <p>Note: All stormwater from the site is to be directed towards a legal point of discharge. All plumbing and drainage work is to be carried out by a plumber and drainer, or other authorised person,</p>
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	<p>licensed with the New South Wales Department of Fair Trading.</p> <p>Condition reason: To ensure plumbing and drainage works are carried out appropriately.</p>
16.	<p>Road reserve landscaping Lawn must be used for landscaping within the road reserve. Any other form of landscaping in the road reserve must be approved by Council.</p> <p>Condition Reason: To ensure appropriate landscaping is used in road reserve.</p>
17.	<p>Utilities and services - water and sewerage Raw water, filtered water and sewerage are available and are to be connected to Councils services. Dual water supply lines are to be provided from the front boundary of the property. One line is to convey filtered water to all fittings within the building and the other line to convey unfiltered water to all fittings outside the building i.e. garden taps, etc. A separate application is to be made to Council for approval to connect to Council's water mains prior to commencing any plumbing and drainage work.</p> <p>Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.</p>
18.	<p>Waste management plan Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:</p> <p>Details the following:</p> <ul style="list-style-type: none"> • the contact details of the person(s) removing the waste • an estimate of the waste (type and quantity) and whether the waste is expected to be • reused, recycled or go to landfill • the address of the disposal location(s) where the waste is to be taken <p>The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and local.</p>
19.	<p>Works in Road Reserve A Road Opening Permit is required from the Wentworth Shire Council prior to any works or excavation within the road reserve including but not limited to: water tapping, sewer, driveway crossings, tree planting or removal etc.</p> <p>Please contact Councils Roads & Engineering Department on Tel: (03) 5027 5027 to arrange a permit.</p> <p>Condition reason: To control development in the road reserve.</p>

BEFORE BUILDING WORK COMMENCES

<p>20.</p>	<p>Construction Certificates and Appointment of Principal Certifier Prior to the commencement of any building works, the following requirements must be complied with</p> <ul style="list-style-type: none"> • A Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, • A Principal Certifier must be appointed, and Council must be notified in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and notify Council in writing of their intention to commence work (at least two [2] days' notice is required). <p>Condition reason: To ensure building works complies with relevant legislation and other codes.</p>
<p>21.</p>	<p>Contractor details notification The certifying authority must advise Council, in writing of:</p> <ol style="list-style-type: none"> 1. The name and contractor licence number of the licensee who has been contracted to do or intends to do the work, or 2. The name and permit of the owner-builder who intends to do the work. <p>If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.</p> <p>Condition reason: To ensure building work is carried out by licensed contractor.</p>
<p>22.</p>	<p>Dial before you dig Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary.</p> <p>Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individuals responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities."</p> <p>Condition reason: To ensure existing infrastructure is identified.</p>
<p>23.</p>	<p>Erosion and sediment controls in place Before the commencement of any site or building work, the developer must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by Council) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).</p> <p>Condition reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.</p>

<p>24.</p>	<p>Notice of commencement of works Subject to approval to commence works two days before any site works, building or demolition begins, the beneficiary of this consent must:</p> <ol style="list-style-type: none"> 1. Forward to Council notice of commencement of work and appointment of Principal Certifying Authority. 2. Notify the adjoining owners that work will commence. <p>Condition reason: To provide notification of works commencing.</p>
<p>25.</p>	<p>Rubbish/Waste Management Throughout the construction period, from commencement of work, a suitable rubbish containment structure is to be located on site and utilised.</p> <p>Condition reason: To ensure the construction site is kept clean and safe at all times.</p>
<p>26.</p>	<p>Storage of materials Throughout the construction period, from commencement of work, the storage of materials is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site.</p> <p>Condition reason: To ensure the construction materials are stored on site in a tidy & safe manner.</p>
<p>27.</p>	<p>Toilet facilities Toilet facilities are to be provided on or in the vicinity of the building site. The toilet must be connected to a public sewer, or if connection to a public sewer is not practicable, an approved chemical closet. The toilet facility must be installed on-site prior to the commencement of any other work.</p> <p>Condition reason: To ensure workers and contractors have access to amenities on site.</p>
<p>28.</p>	<p>Tree protection measures Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.</p> <p>Condition reason: To protect and retain trees.</p>

DURING BUILDING WORK

<p>29.</p>	<p>Approved Plans A copy of the stamped approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on site for the duration of site works and be made available upon request to either the Council or other Government Agencies.</p> <p>Condition reason: To ensure all parties are aware of the approved works to be conducted.</p>
<p>30.</p>	<p>Construction noise While work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise,</p>

	<p>when measured at any lot boundary of the property where the construction is being carried out.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
31.	<p>Contamination discovered during works If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the Contaminated Land Management Act 1997:</p> <ul style="list-style-type: none"> • all works must stop immediately, and • the Environment Protection Authority and the council must be notified of the contamination. • Land is found to be contaminated for the purposes of this condition if the principal certifying authority knows or reasonably suspects the land is contaminated. <p>Note: Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.</p> <p>Condition reason: To ensure contaminated land is managed appropriately.</p>
32.	<p>Cut and fill (if applicable) While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> • All excavated material removed from the site must be classified in accordance with the EPAs Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. • All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>Condition reason: To ensure soil removal & replacement meets requirements.</p>
33.	<p>Encroachment of easements No works are to encroach over any easements.</p> <p>Condition reason: To ensure works are not carried out over easements.</p>
34.	<p>Hours of work The developer must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"> • 7.00am to 6.00pm on Monday to Friday • 8.00am to 1.00pm on Saturdays <p>The developer must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p>

	<p>Note: Any variation to the hours of work requires Councils approval.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
35.	<p>Implementation of site management plans While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.</p> <p>Condition reason: To ensure the required site management measures are implemented during construction.</p>
36.	<p>Natural drainage Any works undertaken in the subject land including building and filling shall not cause alteration to the previous drainage in the subject land or adjacent land. Any remedies required to discharge drainage water caused to be accumulated by the works associated with this permit shall be the responsibility of the beneficiary of this consent.</p> <p>Condition reason: To ensure natural drainage is maintained where possible.</p>
37.	<p>Procedure for critical stage inspections While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
38.	<p>Responsibility for changes to public infrastructure While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).</p> <p>Condition reason: To ensure payment of approved changes to public infrastructure.</p>
39.	<p>Security fencing An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project</p> <p>Condition reason: To ensure the site is secured during construction.</p>
40.	<p>Tree protection While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ol style="list-style-type: none"> 1. The construction site management plan

	<p>2. The relevant requirements of any Australian Standard for the protection of trees on development sites This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.</p> <p>Condition reason: To protect trees during site works.</p>
<p>41.</p>	<p>Uncovering relics or Aboriginal objects While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.</p> <p>In this condition:</p> <ul style="list-style-type: none"> • “relic” means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and a) is of State or local heritage significance; and • “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. <p>Condition reason: To ensure protection of objects of potential significance during works.</p>
<p>42.</p>	<p>Waste management While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.</p> <p>Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:</p> <ul style="list-style-type: none"> • The contact details of the person(s) who removed the waste • The waste carrier vehicle registration • The date and time of waste collection • A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill • The address of the disposal location(s) where the waste was taken • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during construction, documenting that</p>

	waste is appropriately handled.
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

43.	<p>Completion of landscape and tree works Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p> <p>Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).</p>
44.	<p>Completion of public utility services Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority. Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.</p> <p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
45.	<p>Fire Safety Certificate Prior to the issue of the occupation certificate, a Fire Safety Certificate must be issued in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p> <p>Condition reason: To ensure fire safety requirements have been met.</p>
46.	<p>Occupation Certificate The building shall not be occupied or used until an Occupation Certificate is issued either by council or by an accredited certifier.</p> <p>Condition reason: To ensure development is accredited.</p>
47.	<p>Removal of waste upon completion Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.</p> <p>Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier’s satisfaction.</p> <p>Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.</p>

48.	<p>Repair of infrastructure Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.</p> <p>Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
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OCCUPATION AND ONGOING USE

49.	<p>Additional structures No additional structures are to be built or installed on the site without permission from the Wentworth Shire Council.</p> <p>Condition reason: To ensure only approved work is carried out</p>
50.	<p>Amenity of the neighbourhood The operation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.</p> <p>Condition reason: To ensure the amenity of the neighbourhood is not compromised unreasonably.</p>
51.	<p>Maintenance of wastewater and stormwater treatment device During occupation and ongoing use of the building, the beneficiary of this consent must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective.</p> <p>Condition reason: To protect sewerage and stormwater systems.</p>
52.	<p>Ongoing use – permanent group home with garage The proposed garage cannot be used for habitation.</p> <p>Condition reason: To ensure appropriate use as per approval.</p>
53.	<p>Release of securities / bonds When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Councils requirements.</p> <p>Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.</p>

9.17 DA2024/158 PERMANENT GROUP HOME 42 MIDWAY DRIVE LOT 3 DP 12288183 BURONGA

File Number: RPT/25/227

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Ken Ross - General Manager

Objective: 3.0 Wentworth Shire is a community that works to enhance and protect its physical and natural environment

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

This item is a planning matter that was the subject of deliberation at the March Meeting of Council. At that time the minutes recorded the following:

Council Resolution

That Council:

1. *Approve subject to conditions DA2024/158 for a permanent group home to be located at 42 Midway Drive – Lot 3, DP 1288183, Buronga.*
2. *Call a division in accordance with S375A of the Local Government Act 1993 (NSW)*

Reason - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Rodda, Seconded Cr. Crisp

LOST BY UNANIMOUS VOTE AGAINST THE RECOMMENDATION

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : Nil.

Against the Motion: ***Clr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.***

Resolutions provide direction to the council's staff or other entities on how to implement a particular course of action.

Analysis of the minutes suggests that a recommendation from the officer was lost but there was not a further resolution of Council to provide a guide for an action. In this case being a planning matter the Environmental Planning and Assessment Act provides for determination by way of approval or refusal subject to conditions. The minutes accurately recorded did not provide that option. This effectively does not provide the General Manager with a lawful decision to be implemented.

For these reasons this report is represented to Council to enable a resolution which provides a clear guide of action to staff to enable an appropriate determination to be issued to the applicant.

A development application (DA2024/158) was received by Council on 29 November 2024, for a permanent group home to be situated upon 42 Midway Drive – Lot 3, DP 1288183.

Under the *Wentworth Local Environmental Plan (WLEP) 2011* and the *State Environmental Planning Policy (Housing) 2021*, this development is permitted with consent within the RU5 – Village zoning.

The application seeks development approval for the construction of a permanent group home which will be used for the accommodation of people with a disability under the NDIS Scheme. The building will consist of three bedrooms for people with disability and one bedroom for an overnight assistance, with each bedroom having an ensuite. Other features of the permanent group home include an open plan kitchen, dining and living area, and an alfresco area. A single disabled car park has been provided within the garage.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification thirteen submissions were received by Council objecting to the proposed development.

The *State Environmental Planning Policy (Housing) 2021* states that a consent authority must not refuse consent to the development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

Recommendation

That Council:

1. Approve subject to conditions DA2024/158 for a permanent group home to be located at 42 Midway Drive – Lot 3, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Detailed Report

Purpose

The purpose of this report is to provide information to Council to determine Development Application DA2024/158, having consideration to the detail provided both within this report and the attachments provided.

Background

A Development Application was lodged with Council on 29 November 2024 seeking consent for a permanent group home on the subject lot.

The subject lot is in the RU5 Village zone under the *Wentworth Local Environmental Plan 2011* (WLEP 2011).

DA2024/158 was publicly notified as per Council Community Participation Plan for 14 days, with a total of thirteen submissions objecting to the proposal received during this period. These submissions can be found under attached documents.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Plans

Refer to attachment 3 – Statement of Environmental Effects

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters under Section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development.

The proposed development was assessed and complies with relevant provisions of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and the *State Environmental Planning Policy (Housing) 2021*.

The proposed development for a permanent group home is permitted with consent and meets the zone objectives of the RU5 – Village zone under the WLEP 2011.

Due to the zoning and WLEP 2011 mapping impacting the land, the development application was assessed against clauses 7.1 & 7.2. The development application was able to satisfy the matters for consideration under these clauses.

Due to the nature of the proposed development, it was assessed against Chapter 8 of the Wentworth Development Control Plan (DCP) 2011. The development complies with relevant provisions under this chapter.

The Wentworth Disability Inclusion Action Plan 2022 – 2026 is a requirement under the *Disability Inclusion Act 2014 (NSW)* (DIA / The Act). The Act required all NSW Local Government Areas to develop a Disability Inclusion Action Plan. Wentworth Shire Councils adopted plan states the following:

“To create liveable communities, we need to focus our attention and resources on the elements of community life that most people desire. To create liveable communities for people with disability, we must do more than modify the physical environment; we must advocate for such aspects such as accessible housing, access to transport, community recreation, social engagement and universal design.”

“Increase participation of people with disability in all aspects of community life, through targeted approaches to address barriers in housing, learning, transport, health and wellbeing.”

“The attitude and behaviours of the general community toward people with disability can be the greatest barrier to full access and inclusion. Community attitudes can further be influenced by the intersection of the particular characteristics of a person with disability, such as gender, age, ethnicity, or type of disability itself.”

“Inclusiveness and accessibility for people with disability forms a crucial component of the assessment of the liveability of any community. Council will work to eliminate the barriers in the built environment and advocate for improved transport, housing and local supports that prevent people with disability from fully engaging with the opportunities that exist within their communities.”

Public notification of the development application was conducted as per the Council Community Participation Plan for 14 days, whereby any submission received must at a minimum provide the following:

- Clearly identify the matter to which the submission relates,
- State the grounds for any support or objection expressed in the submission,
- Include appropriate contact details

Summary of concerns raised in submissions were:

- Concentration of group homes within the estate
- Close proximity of the group homes to each other
- Rear setback of 20 Wendy Court being 2.4m not 3m
- Lack of facilities in the vicinity of group homes
- Proximity of group homes to childcare facility
- Traffic impact (congestion) in the immediate area of the estate
- Lack of community consultation

- Increased noise impacts
- Proposal is unjust as high-density development in a low-density estate
- Impact to property values
- Appeal of the area will decrease
- Proposed development will impede on family orientation of the estate

Applicant response to submissions:

- Fires can occur in other developments (such as dwellings), nonetheless the houses are equipped with fire sprinklers.
- Group homes by their definition should be located within a residential area; it is very common to have dwellings and homes in residential areas.
- The Wentworth LEP is not able to dictate who lives within the proposed group homes, nor should any person who lives within the area.

Response from Council's Assessing Officer to concerns raised is as follows:

- The proposed group home meets legislative requirements under the *State Environmental Planning Policy (Housing) 2021*,
- The 2.4m setback identified is able to occur as the part of the group home at this distance is a non-habitable space being the alfresco and any variation to the DCP is justifiable in this case.
- Within 1.5kms of the proposed development is a supermarket, medical facility, Council offices, library, open space for community enjoyment and shopfronts to be developed further, facilities therefore are within adequate proximity to proposed site.
- Council notified adjoining neighbors of the proposed development in line with policy and procedures, as well as the development proposals being advertised on Councils website for 14 days,
- The childcare facility in question is fenced off and secure with adequate parking areas to ease traffic congestion at peak times (early morning / mid evening).
- The WSC LGA does not have high-density housing zoning attributed within the WLEP 2011, the RU5 – Village zoning permits the development of group homes,
- Council has a LEP that is a statutory document and DCP aids in assessment of proposals permitted under it. There is no planning strategy for specialized housing within the DCP, only the Housing SEPP, which permits these developments if applied for and within an approved residential zoning,
- Noise impacts from the proposed developments are anticipated to be that of a typical residential area.

Based on the assessment of the application, it is determined that the proposed development is compliant with relevant objectives of the RU5 – Village zoning under the WLEP 2011. The proposed development meets the relevant provisions of the Wentworth DCP 2011 and is consistent with planning matters for consideration of the WLEP 2011. The proposed development complies with matters for consideration under the *State Environmental Planning Policies – Biodiversity & Conservation (2021) and Housing (2021)*.

Refer to attachment 4 - Submissions

Refer to attachment 5 – 4.15 Assessment report

Refer to attachment 6 – Conditions of Consent

Options

Based on the information contained in this report, the options available to address this matter are to:

- Approve Development Application DA2024/158 subject to conditions.

Legal, strategic, financial or policy implications

Should Council issue a determination to the application, the applicant has the right to submit a request for review of determination to Council under Section 8.2 of the *Environmental Planning & Assessment Act 1987*.

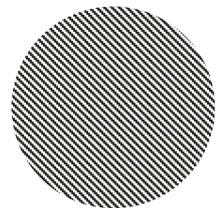
The applicant also has the right to appeal the decision made by Council to the Land and Environment Court pursuant to Section 8.7 of the *Environmental Planning & Assessment Act 1987*.

Conclusion

Having consideration of the consent of this report it is concluded that the appropriate course of action is to approve DA2024/158 subject to conditions.

Attachments

1. Development Application (Under separate cover)
2. Plans (Under separate cover)
3. Statement of Environmental Effects [↓](#)
4. Submissions (Under separate cover)
5. 4.15 Assessment Report [↓](#)
6. Conditions of Consent [↓](#)



Planning Report

Permanent Group Home

42 Midway Drive

B... NSW 2700



EXECUTIVE SUMMARY

Proposal	Construction of a Permanent Group Home
Street Address	42 Midway Drive, Buronga
Formal Land Description	Lot 3 in Deposited Plan 1288183
Zone	RU5 - Village
Relevant State Environmental Planning Policies	SEPP (Housing) 2021 - Chapter 3, Part 2 Group Homes - Clause 62

SUBJECT SITE AND SURROUNDING AREA

The subject site comprises one parcel of land commonly known as 42 Midway Drive, Buronga, and more formally as Lot 3 in Deposited Plan 1288183. The site is rectangular in shape and is relatively flat. It has an area of 527 square metres (sqm) and a frontage of approx. 21.35 metres (m) to Midway Drive and 27.94 to Pitman Avenue. The site is currently vacant, but all reticulated services are available. No heritage or cultural sensitivities affect the land and there are no natural hazards or environmental sensitivities including native vegetation.

The site is situated within a new stage of Midway Estate, which comprises vacant land and several newly constructed dwellings.

An aerial image of the site and surrounding area as well as site photos are contained below.

Aerial Image of the Site and Surrounding Area



Figure 1: Subject site and surrounding area (Source: Landchecker Jun 2024)

Site Photos



Figure 2: View of site from Midway Drive



Figure 3: View of the site from the north

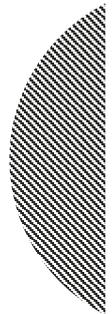




Figure 4: View of the site from the east (rear)



Figure 4: View of the site from the south



PROPOSAL

DESCRIPTION

This application is for the construction of a Permanent Group Home, as summarised under the following points:

- The proposed Permanent Group Home will be used to accommodate people with a disability on a permanent basis under the NDIS Scheme. The plans have been assessed and certified by an accredited SDA assessor.
- The building is single storey and contains three bedrooms for people with a disability and one bedroom for on-site overnight assistance. Each bedroom has an ensuite and other internal features include an open plan kitchen, dining and living area, separate living area, separate bathroom, European laundry, alfresco and single garage.
- The external appearance of the building is contemporary with brick wall cladding and corrugated Colorbond iron roof cladding.
- The building has a maximum height of 4.8m above natural ground.
- One car parking space (to disabled parking standards) can be accommodated within the garage and one car parking space can be accommodated within the driveway.
- A new crossover is proposed to provide access to the garage.
- The development will be connected to all reticulated services, with the exception of gas.

PLANNING

CONTROLS AND ASSESSMENT

Wentworth Local Environmental Plan 2011 (LEP)

The Subject site is within the RU5 – Village

The objectives of the zone are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To promote development in existing towns and villages in a manner that is compatible with their urban function.*
- *To encourage well-serviced sustainable development.*
- *To ensure there are opportunities for economic development.*
- *To deliver new residential and employment growth in Buronga and Gol Gol.*
- *To ensure business and retail land uses are grouped within and around existing activity centres.*

The proposed Permanent Group Home is located within a recently released stage of the Midway Estate and will provide for residential diversity in an appropriate location. The building will provide much needed housing for people with a disability and is compatible with existing residential development in the surrounding area. The building has been designed to be energy efficient and is appropriately located so as not to unreasonably impact on the adjoining land. As such, the proposal supports the objectives of the RU5 zone.

Wentworth Development Control Plan

Chapter 2 – Plan Objectives

The following General Development Objectives are relevant to this application:

- *Residential land is to be developed with the creation of neighbourhoods comprising a range of housing styles and densities to cater for a diverse demographical profile of the local government area.*

- Residential growth shall be promoted in areas identified as urban release area.

The following Locality Objectives for Buronga and Gol Gol are relevant to this application:

- A safe, convenient and attractive neighbourhoods that meet the diverse and changing needs of the community and offers a wide choice of housing, leisure, local employment opportunities and associated community and commercial facilities.
- A site responsive approach to urban development that supports and enhances the context in which it is located, strengthens local character and identity, and promotes a sense of community.

In addition to this, Section 2.2 – Social and Community outlines that:

The proposed future development of Buronga and Gol Gol will result in an increased demand for additional community infrastructure. This includes:

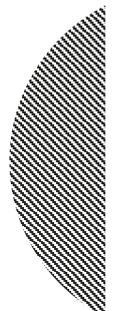
- Expansion of the range of community facilities and services;
- Improvement of public transport links within and external to the area;
- Provision of additional government and health services; aged care services; child care facilities and education/training services; and
- Promotion of community image and events including sport and recreation.

It is clear that the proposal is supported by the objectives of the Wentworth Development Control Plan which indicate that there is a strong need for diverse housing to provide for the changing needs of the community. The proposed Permanent Group Home will provide much needed accommodation for people with a disability and is of a high standard.

Chapter 3 – General Development Controls

5 Vehicular Access and Parking

This development control aims to provide sufficient and convenient parking for residents, visitors and service vehicles; to ensure vehicular and pedestrian safety and to encourage access design to form part of the overall landscape design. The relevant subclauses are discussed below.



5.1 Parking Layout, Servicing and Manoeuvring

The proposed car parks will be located in the garage and driveway, which is typical for car parking in a residential setting.

5.2 Specific Land Use Requirements

The following car parking requirements apply to the proposal:

- Housing for older people or people with a disability – Refer to State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The SEPP referenced in the DCP no longer exists. Two car parking spaces are provided for the proposed Permanent Group Home which complies with Schedule 2 (17) of the State Environmental Planning Policy (Housing) 2021.

Chapter 4 – Residential Development Controls

4.1.1 Site Context and Analysis

The plans submitted with this application demonstrate how the proposed development responds to site specific conditions and the site has been described in detail previously in this report. The site is within a recently released stage of the Midway Estate which contains vacant land and existing dwellings of a similar size, scale and sitting. The site does not have any specific constraints and the topography is relatively flat.

4.1.2 Streetscapes

The proposed building will have a positive impact on the streetscape. A number of habitable room windows overlook the street to provide for casual surveillance. The proposed garage occupies only a small portion of the frontage and is setback behind the main façade of the building. The building has a clearly identified entry from the street and has been designed to be energy efficient. The external materials and colours will complement existing dwellings in the broader area which have external materials and colours that vary considerably.

4.1.3 Front Setback

The building has a front setback of 4.5m, which is less than the 6m sought within the Wentworth DCP. It is worth noting that 4.5m is a commonly accepted front setback in developing areas and is the minimum requirement to meet the CDC criteria. As such, the proposed front setback is considered to be acceptable and will not bring rise to any character or streetscape related issues. The setback from Pitman Avenue is also greater than the 4 metre setback as required.

4.1.4 Side setbacks and Corner Lot Setbacks

The side setbacks of the proposed building are 3m from the southern boundary, which complies with this Control.

4.1.5 Rear setbacks

The proposed building is located 1.5m from the rear boundary. While this encroaches on the requirements of this clause, it is considered acceptable in this circumstance on the basis that the rear of the building is open and will not dominate views. Additionally, the building is still setback an acceptable distance to not have a detrimental impact on any future development located on the site along Pitman Avenue.

4.1.6. Walls on Boundaries

Not applicable. No walls on boundaries are proposed.

4.1.7 Building heights and overshadowing

The proposed building is unlikely to overshadow the private open space of future dwellings on adjoining lots as it is single storey and has relatively generous boundary setbacks.

4.1.8 Site Coverage

The site coverage is approximately 41%, although it is noted that this control only applies to single dwelling houses and dual occupancies.

4.1.9 Private Open Space

Private open space is well in excess of the 40sqm minimum requirement. There is an area of secluded private open space at the rear of the dwelling also well in excess of 25sqm, with a minimum dimension of 3m accessed from the main living area.

4.1.10 Energy Efficiency and Solar access

Appropriate solar access and energy efficiency is achieved given the orientation of the site and distance between windows and boundaries. A BASIX is not required as a standard residential dwelling is not proposed.

4.1.11 Daylight to existing windows

The proposed building will not impact daylight to existing dwellings as the adjoining land is vacant.

4.1.12 North-facing windows

Not applicable – there are no existing north facing windows within 3m of the boundary.

4.1.13 Overlooking

Not applicable – the proposed building is single storey and will not be notably raised above existing surface levels. A 1.8m high solid boundary fence will provide for privacy between lots.

4.1.14 Fencing and Retaining Walls

No fences or retaining walls are proposed as part of this application. The boundary fence will be made to comply with the *SEPP Exempt and Complying Development Codes 2008* (Part 2, Subdivision 17).

4.1.15 Car Parking and Vehicle Access

Car parking has been discussed previously.

4.1.16 Cut and Fill

As the site is relatively flat, only minimal earthworks are anticipated and will not exceed 0.3m of cut or fill.

State Environmental Planning Polices (SEPP)

SEPP (Housing) 2021 – Chapter 3, Part 2 Group Homes – Clause 62

This Clause contains requirements for consent authorities when determining Development Applications.

General Assessment

Visual Impacts

Please refer to DCP assessment.

Open Space

Please refer to DCP assessment.

Overshadowing and Privacy

Please refer to DCP assessment.

Noise

Only standard domestic mechanical plant will be associated with the proposed building, which will emit noise typical for a residential area.

Erosion Control Measures

No specific erosion control measures are considered necessary for this development. Any minor earthworks will be appropriately battered and retained (if necessary).

Economic and Social Impacts

The proposed building will contribute to the social wellbeing of the Buronga township by providing suitably designed housing to accommodate disabled persons. It also contributes to investment in the Buronga/Gol Gol Area.

Environmental Benefits

Due to the nature of this development, no significant environmental benefits are envisaged.

Disabled Access

The proposed building has been designed to comply with all disabled access standards and the plans have been assessed and certified by an accredited SDA assessor.

Security, Site Facilities and Safety

Not applicable for this application.

Waste Management

Standard domestic waste services will be provided by Council.

National Construction Code

The National Construction Code will be assessed as part of the Construction Certificate process by a Building Surveyor.

Traffic

The proposed building will result in standard domestic travel within the existing road network. This would have been anticipated and accounted for in the design of the subdivision.

Stormwater/flooding

The site is not subject to any identified natural hazards and stormwater will be directed to the legal point of discharge.

CONCLUSION

This report demonstrates that the proposal is consistent with the relevant provisions of the *Wentworth Local Environmental Plan 2011* and the *Wentworth DCP*.

The proposed Permanent Group Home is appropriate for the site as it:

- Supports the objectives of the Zone RU5 - Village;
- Is appropriately located on the subject site;
- Will have an acceptable impact on the locality in terms of amenity and visual dominance; and
- Will not result in any detrimental impacts on the environment.

It is considered that the proposal is worthy of support, and it is therefore respectfully requested that the Wentworth Shire Council grant Development Consent for the construction of a Permanent Group Home as described in this report at 42 Midway Drive, Buronga.

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>DA Assessment Report Section 4.15 Evaluation</p> <p>Environmental Planning & Assessment Act 1979 as amended</p>
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File Reference:	DA2024/158 & PAN – 492556
Property Title & Address:	P561/04403 42 Midway Drive Lot 3 DP 1288183 Buronga
Property owner(s):	Sharon Carter
Applicant(s):	JACKSON PLANNING MJJR PTY LTD – Matt Jackson
Proposal:	Permanent Group Home
Previous DAs:	N/A
Cost of proposed development:	\$713,577.06

SITE AND SURROUNDING DEVELOPMENT

The subject site comprises of Lot 3 DP 1288183, 42 Midway Drive, Buronga. The lot has an area of 620m² and connects to Pitman Ave to the north and Sturt Highway to the South, connecting through to the developing locality within the Midway area and surrounding locality.

The subject site is zoned within the RU5 – Village zone under the Wentworth Local Environmental Plan (WLEP) 2011. The subject site is a rectangular shaped lot with no vegetation removal proposed as site was recently cleared during the subdivision process. The lot is not impacted by easements or environmental factors.

The site is not within the bushfire prone, flood way or flood planning, terrestrial biodiversity, wetlands, or urban release mapped area and contains no known heritage constraints.

DESCRIPTION OF PROPOSAL

The proposal seeks development consent for the construction of a single storey dwelling with garage to be utilised as a permanent group home, which will provide accommodation for people on NDIS plans with ongoing disabilities as per the NDIS requirements. The dwelling is proposed to accommodate three participants and one overnight assistance personnel.

The lot has a total area of 620m² with the dwelling proposed to have a floor area of 256.58m², broken down into the following:

Dwelling: 209.31m² – Garage: 28.17m² – Alfresco: 16.20m² – Porch: 2.89m².

One car parking space suitable for disability requirements is provided within the garage, with a standard parking space accommodated within the driveway area.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

N/A

SECTION 4.15-MATTERS FOR CONSIDERATION

(1) The provisions of any environmental planning instrument and development control plan

State Environmental Planning Policy (Biodiversity & Conservation) 2021

The proposed development is proposed to be located upon on a lot that is under 1ha in size and clear of vegetation following previous subdivision. No native vegetation is to be removed for construction, with no impact to any potential habitat for fauna. The site is not known koala habitat, as such, no assessment required

against Chapters 3 or 4. The proposed development is not located within close proximity to the river or other waterbody, and as such, no assessment is required against Chapter 5.

State Environmental Planning Policy (Housing) 2021

Clause 60 (a) does not identify the land zoning of RU5 as a prescribed zone suitable for group home development, however, clause 60 (b) states that any other zone under an environmental planning instrument where dwelling houses may be carried out with consent is categorised as a prescribed zone.

The RU5 – Village zone under the WLEP 2011 lists dwelling houses as permitted with consent.

Clause 61 identifies that the proposed group home is permitted with consent as it is proposed on land zoned RU5 – Village under the WLEP 2011. In terms of the hierarchy of legislation, the SEPP overrides the WLEP 2011 in terms of any inconsistency as per section 3.28 of the EP&A Act.

Under clause 62 a consent authority (Council) **must not**:

- refuse a group development unless an assessment of the community need has been done
- Impose a condition of consent specifically because a development is a group home.

State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate has not been provided as it is not required due to the proposed development being class 3 under the Building Code of Australia.

Further, as it is assumed that the development will be certified as a Class 3 building under the BCA at the construction stage, in line with the *Comprehensive Guide to BASIX*, a BASIX Certificate is not needed.

Wentworth Local Environmental Plan (LEP) 2011

The proposed development of a permanent group home for the provision of accommodation for participants within the NDIS scheme is permitted with consent and meets the zone objectives of the RU5 – Village zoning under the Wentworth Local Environmental Plan (WLEP) 2011, under which the subject site is located. The main supportive objective is to provide for a range of land uses, services and facilities that are associated with a rural village. The development of a NDIS based permanent group home will allow for services for those with disabilities to live mostly independently with assistance.

Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote development in existing towns and villages in a manner that is compatible with their urban function.
- To encourage well-serviced sustainable development.
- To ensure there are opportunities for economic development.
- To deliver new residential and employment growth in Buronga and Gol Gol.
- To ensure business and retail land uses are grouped within and around existing activity centres.

A group home meets the definition of a dwelling as follows:

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Group home means a permanent group home ~~or a transitional group home~~. Group homes are a type of residential accommodation.

~~Group home (permanent)~~ or permanent group home means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021](#), Chapter 3, Part 5 applies.

Clause 7.1 Earthworks

Any earthworks will be conditioned and form part of the approval.

Clause 7.2 Essential Services

Connection of services has been made possible during the previous subdivision of the development site.

Wentworth Development Control Plan (DCP) 2011

The proposed development is acceptable against the relevant provisions of the Wentworth Development Control Plan (DCP) 2011 as outlined in the table below.

Wentworth DCP	Chapter 8	Acceptable	Not Acceptable	N/A	Reason
	5.1.1 Site context	X			Positioning of the proposed building on site makes use of available land while leaving space for private open space and providing suitable access for residents of the permanent group home facility. Materials used will compliment other structures in the surrounding area.
	5.1.2 Streetscape	X			The proposed building will be in keeping with few existing developments in the area with windows facing the street for casual surveillance and a garage setback from the facade of the main portion of the building. It is anticipated that future development in the area will be similar and compatible with this DA.
	5.1.3 Front Setback	X			4.5m – does not meet
	5.1.4 Side setbacks	X			Southern: 3.8m – meets Northern: 5.7m – meets
	5.1.5 Rear setback	X			N/A as corner lot – see below table assessment
	5.1.6 Walls on Boundaries			X	N/A as no walls on boundaries
	5.1.7 Building heights and overshadowing			X	N/A as not a two-storey building
	5.1.8 Site Coverage	X			Proposed development does not cover more than 60% of site (41%)
	5.1.9 Private open space	X			Ample room for private open space available
	5.1.10 Energy & solar access	X			<i>Proposed development meets requirements of the Energy Efficiency Compliance Assessment</i>

	5.1.11 Daylight to existing windows	X			No impact anticipated from the single storey building to surrounding neighbours.
	5.1.12 North facing windows			X	N/A as no north facing windows within 3m of boundary.
	5.1.13 Overlooking			X	N/A as development approval is for a single storey building
	5.1.14 Fencing and retaining walls			X	N/A approval not for fencing or retaining walls
	5.1.15 Car parking and vehicle access	X			The site provides for one (1) disability access car parking spaces within the garage as per requirements under the Housing SEPP one space within the garage and another singular space is provided in the driveway of the proposed development site. Access to the site is provided via a crossover to council standards to be detailed within conditions of consent. Two parking spaces in total, one being to disability standards.
	5.1.16 Cut and fill	X			Earthworks will be conditioned as part of approval

Development Control	WDCP 2011 requirement for RU5 Village zone	Proposed Permanent Group Home
Front setback	6m minimum	4.5m
North side setback	1m minimum	5.7m
South side setback	1m minimum	3.8m
Rear setback	3m minimum	N/A – corner lot

The front setback does not meet DCP requirements of 6m, being only 4.5m, however, many new developments in newly subdivided areas are utilising a front setback of only 4.5m to allow better use of allotment space. Additionally, other developments in the surrounding area have front setbacks under the required 6m, even down to 3m.

As the subject site is a corner lot, there is no rear setback requirement. To support this however, the side setbacks meet the requirements of a 1m minimum, as seen on the provided plans. Further, the applicant has identified in justification within their planning report that the surrounding area of the proposed dwelling is open and no impact to views or land use from provided setbacks will be seen and has stated that the proposed development will not impact any future development on the site along Pitman Avenue.

(2) The provisions of any draft environmental planning instrument

There is no Division 3.4 draft environmental planning instrument that affect the proposed development. (Post 1 July 2009 LEP amendments).

(3) Any matters prescribed by regulations

There are no further matters prescribed by regulations.

(4) The likely impacts of the development

There are no likely impacts from the proposal as discussed in the table below.

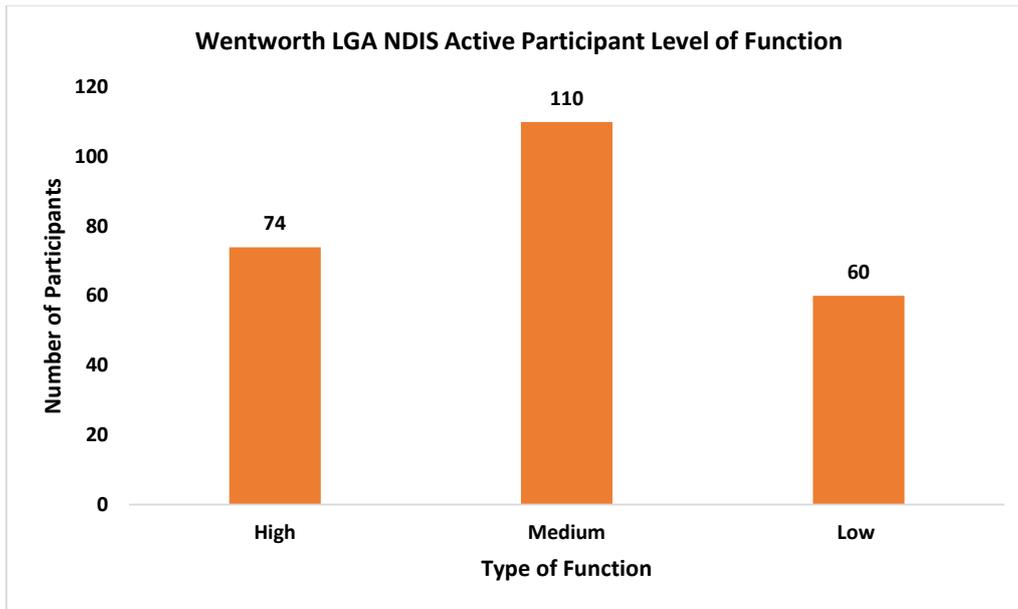
Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	X			The proposed permanent group home building will look similar in external design to the few existing residential developments in the immediate area
Public domain & Streetscape	X			The proposed permanent group home building meets the required setbacks as provided and justified in assessment above (DCP)
Landscaping			X	Not part of this application
Stormwater	X			Discharge to legal point of Councils stormwater system to be conditioned
Heritage	X			None on site
Soils & Soils Erosion	X			Earthworks and erosion control to be conditioned as part of approval
Air and microclimate	X			No effect from proposed development anticipated
Water Resources	X			Noted – development located adequate distance from water sources
Biodiversity (Flora & Fauna)	X			As the site was cleared of any vegetation during the subdivision process – no effect on existing flora or fauna,
Land Resources	X			None known at this site
Utilities	X			Utilities are available to the property
Access & Parking	X			Adequate access and parking are available to the site, development provides disability parking space as per requirements in line with Housing SEPP and
Roads & Traffic	X			Increase to area anticipated during construction with slight increase as new residents move into the completed building
Solar Access and Energy Efficiency	X			Will be required to meet energy requirements of Part J1 of the BCA
Overshadowing			X	Not relevant as surrounding land vacant and single storey development
Privacy & Overlooking			X	Not relevant as single storey building
Flooding			X	Not in flood planning area
Bushfire Prone Area			X	Property not within bushfire prone land
Noise	X			Only significant increase anticipated during construction, then residential noise ongoing
Technological hazards	X			No known hazards on site or anticipated
Safety, Security & Crime Prevention	X			No detrimental effects anticipated from development in this location. Windows facing street will provide casual surveillance
Social and Economic Impacts	X			No detrimental effects anticipated

The NDIS outlines high physical support SDA housing as *housing that includes a high level of physical access for people who need very high levels of support. For example, you may need a ceiling hoist, backup power supply, or home automation and communication technology.*

Further, level of functioning is defined as:

“The umbrella term for any or all of body functions, body structures, activities and participation. Level of function indicates the impact a participant's disability has on how a person is able to perform tasks and actions in a life area, as represented by a ‘severity score’ ‘High functioning’ indicates lower service and support requirements with a lower severity score, and ‘low functioning’ indicates higher service and support requirements with a higher severity score.”

Graph 1: Total Level of Function for Participants within the Wentworth LGA (Explore data NDIS. <https://dataresearch.ndis.gov.au/explore-data> current as of 9 January 2025).



The above graph shows that there are (an estimated) 60 active NDIS participants with requirements for higher service and support requirements, being low functioning and therefore having a high severity score. This website also identifies there are under 11 active participants with SIL/SDA funding, which would be on the basis that there are no SDA places available in the Wentworth LGA. Low functioning participants as per the level of functioning definition require higher levels of support.

From the same dataset, there are (an estimated) 244 active participants who have been deemed eligible and have an approved plan under the NDIS. This dataset does not encompass all of those with disabilities that require support within the Wentworth LGA, indicating there may be more not accounted for as they are not active participants or are waiting for availability.

The Inquiry Report: Own Motion Inquiry into Aspects of Supported Accommodation (NDIS Quality and Safeguards Commission, January 2023)

The above report states the following on page 23:

- *a suburban house (SDA or otherwise) where a group of people with disability live together, each with their own bedroom (sometimes with ensuite), sharing a common living room, kitchen, bathroom and garden, and with an area of the house used as office space for staff.*
- *a number of suburban houses (as above) located in relatively close proximity to each other, sometimes with direct links between each of the houses (for example through a garden gate), with a team leader or manager overseeing supports across the network.*

This reinforces the ability for SDA dwellings to be located in close proximity to one another.

Wentworth Disability Inclusion Action Plan 2022 – 2026

The Wentworth Disability Inclusion Action Plan 2022-2026 has a focus area that directly identifies housing for those with disabilities – 2; Livable Communities which states the following:

Increase participation of people with disability in all aspects of community life, through targeted approaches to address barriers in housing, learning, transport, health and wellbeing.

The plan, in line with the identified focus area aims to attribute to the positive experience of those with a disability, their families and supporters, through access to community places, buildings and events.

As there are currently no SDA housing facilities within the LGA, the proposal to develop them is in line with the Disability Inclusion Action Plan with the aim of providing housing, eliminating the barrier of housing access to those that require it.

Further, the following are direct quotes from the plan:

“To create liveable communities, we need to focus our attention and resources on the elements of community life that most people desire. To create liveable communities for people with disability, we must do more than modify the physical environment; we must advocate for such aspects such as accessible housing, access to transport, community recreation, social engagement and universal design.”

“The attitude and behaviours of the general community toward people with disability can be the greatest barrier to full access and inclusion. Community attitudes can further be influenced by the intersection of the particular characteristics of a person with disability, such as gender, age, ethnicity, or type of disability itself.”

“Inclusiveness and accessibility for people with disability forms a crucial component of the assessment of the liveability of any community. Council will work to eliminate the barriers in the built environment and advocate for improved transport, housing and local supports that prevent people with disability from fully engaging with the opportunities that exist within their communities.”

Approach to characterization and permissibility under LEPs

It needs to be noted that the development of Permanent Group Homes is permitted under legislation, both the Wentworth Local Environmental Plan 2011 and the State Environmental Planning Policy (Housing).

The case of *Botany Bay City Council v Pet Carriers International PTY Limited* [2013] NSWLEC 147 reiterates that land use tables within LEPs can use many means by which to define what development is permissible by identifying either *nominate* or *innominate* purposes.

His Honor, Preston CJ, stated the following:

A nominate purpose is one which the environmental planning instrument expressly nominates by name as being within one of the three classifications. Hence, the land use table for a zone may nominate particular categories of purposes of development as being within the classifications of development that may be carried out without consent, development that may be carried out with consent, or development that is prohibited.

An innominate purpose is one which the environmental planning instrument does not nominate by name as being within one of the three classifications, but rather identifies as falling within a particular classification by reason of it not being nominated in other classifications; it is development other than development in the other classifications. Hence, the land use table for a

zone may classify as prohibited development, development for a purpose other than a purpose nominated as being able to be carried out without consent or with consent.

In the case of permanent group homes, as they are not directly identified within the RU5 – Village zoning as an independent type of development but fall under “any other development not specified in items 2 or 4”, they are therefore innominate and permissible with consent.

(Compatibility Test) Project Venture Developments Pty Ltd v Pittwater Council [2005]

There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale, or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

The physical impacts, such as noise, overlooking, overshadowing, and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal’s assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks, and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.

In order to test whether a proposal is compatible with its context, two questions should be asked.

- *Are the proposal’s physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites. (Test One)*
- *Is the proposal’s appearance in harmony with the buildings around it and the character of the street? (Test two)*

Test One:

The proposal of a permanent group home, being constructed as a dwelling, does not constitute any physical impacts on the surrounding development. The surrounding development consists of dwellings with outbuildings.

Physical impacts will not occur as the development design is that of similar size, scale and sitting to existing development in the immediate and surrounding area. The applicant has identified the permanent group homes to have external materials and colouring that complements existing dwellings in the surrounding area.

It should be noted that Wendy Court itself, where the main streetscape occurs, has minimal development existing, being two dwellings and an allotment with an outbuilding.

There will be no issues regarding side setbacks as a physical constraint, as setbacks adhere to requirements under the Wentworth Development Control Plan, some rear setbacks do not meet requirements, but it should be noted that habitable building space does not encroach the setbacks, only alfresco areas that are open in design. Front setbacks may not meet the required 6m, however, as discussed in the DCP assessment, in newly developed areas, setbacks from the front boundary can be accepted at 4.5m for RU5 – Village zoned land.

Test Two:

The proposal of a permanent group home will be in harmony with the development within the estate area. Permanent group homes are designed as and meet definitions of dwellings, which is the main development in the estate area and will not alter the harmonic design, rather increasing development in the area and encouraging use of the RU5 – Village zoning whereby a range of services and facilities need to be available, including disability accommodation for the impacted community members.

Harmony is often defined as “the quality of a pleasing and consistent whole”, with the permanent group homes not causing impact as the development will be that of dwellings in a residential area attributing to the existing use and character of the estate. Impact to Summer Drive through harmonious development should not be impacted due to separating fences and differing streetscapes (existing development vs minimally existing development).

The permanent group homes will be of the same design, therefore harmonious to themselves and attributing to consistency of the area.

The permanent group homes are dwellings and will not impact the character of the area. The use of each dwelling is subject to residential purposes such as long term accommodation, which is provided through the group homes. The use of existing dwellings in the area is no different to the accommodation purposes of the group homes, with additional assistance for the residents of the group homes required.

New Century Developments Pty Limited v Baulkham Hills Shire Council [2003] NSWLEC 154 revised - 5/09/2003 (social impact, large number of objectors, character and amenity of area).

The above caselaw provides examples of amenity, reiterates development characteristics and any further associated issues, as well as substance of community responses to proposed development.

“(61) In circumstances such as the present case, however, the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be objectively assessed before a finding can be made of an adverse effect upon the amenity of the area... the views of residents of the area, those views will be accorded little, if any, weight if there is no objective, specific, concrete, observable likely consequence of the establishment of the proposed use.”

The above quote from the caselaw states plainly that evidence must be provided for submissions to be assessed. Council cannot take submissions with little to no planning grounds as having an adverse impact to the development of what is defined legally as a permanent group home under the WLEP 2011.

There are no specific issues raised in submissions received regarding the proposed group home development.

Submissions received as objections rather centre around the use of the development and those that would use it, however, this is not for Council to mandate as we are not the managing authority, only the consent authority. Submissions referenced the following:

- Property valuation
- Proximity of group homes to each other
- Behaviour concerns of NDIS participants
- Potential for property damage
- Disturbances caused by NDIS participants
- Location of group homes in locality for NDIS participant access to services
- Lack of Council transparency

“(64) The assessment of the specific objections raised by the local residents shows that the concerns raised by them, objectively assessed, must be afforded little weight. As is shown by the consideration of the specific objections, discussed above, they appear to have little basis in fact.”

The above quote from the caselaw states that if concerns have been assessed based on the objectives (mainly directed at NDIS management and use of the proposed group home dwelling – therefore not specific legislative planning grounds), then submissions **must** be afforded little weight, therefore not considered as little fact is apparent.

“(71) In summary, I have concluded that the proposed development would be compatible with the rural residential character of the area and would not have an adverse impact on the amenity of the area, including social impact. While I recognise that there is strong community opposition to the proposal and that the residents have real fears, these fears must have foundation and a rational basis, which in this case is absent.”

The above quote from the caselaw states that the ultimate outcome of the case as decided by the Judge, was that the proposed development was compatible with the character of the existing area and would not have an impact on the amenity of the area. Community opposition was recognised but the concerns were found to have no foundation or rational basis (planning grounds).

In relation to the proposed group home, no planning grounds for the proposal are seen, merely concerned community members referencing issues relative to unjustified fears based on the use of the development. No foundation (fundamentals of planning legislation) are presented by submitters, as addressed by Council.

Understanding the Local Impact of New Residential Development: a Pilot Study

Christine Whitehead and Emma Sagor with Ann Edge and Bruce Walker

LSE London April 2015

The report identifies that opposition to new dwelling development is driven by local communities feeling that they will gain little benefit from new dwellings and that negative impacts may arise, such as infrastructure pressure and lack of services, as well as residential valuation impacts.

The report solidifies and states that planning literature does not often and is not required to, address impacts to housing valuation or pricing as this is not directly related to planning decisions which are assessed against relevant legislation, as well as broader economic, environmental, and social factors.

Wentworth Local Environmental Plan 2011

The WLEP 2011 provides the following definition for permanent group homes:

group home (permanent) or permanent group home means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged*

It should be noted that the plans provided by the applicant indicate “NDIS High Physical Support SDA” with design considering wider doorways, ceiling hoists, accessible parking (garage), and ensuites tailored for required needs (rails etc.), with an adjustable bench in the kitchen.

The people anticipated to use these dwellings are those with disabilities, and not those who are socially disadvantaged, however, Council are not the management authority and cannot dictate who will utilize these developments.

(5) The suitability of the site for development

The site is suitable for the proposed permanent group home building as it is not anticipated to have any adverse impact on the locality, however, six submissions were received. The proposed development is permitted within the RU5 – Village zoning area under the Wentworth Local Environmental Plan 2011. The development provides the area with greater flexibility in housing and facilitates options for people with a disability under the NIDS scheme to become independent within the community, while receiving care when required. The character and use of the proposed development is consistent with other proposed developments in the immediate area.

(6) Any submissions made in accordance with this Act or Regulation

The application was notified for 14 days as per the Wentworth Community Participation Plan. 13 submissions were received objecting to the application within the notification period.

Further submissions as objections have been received to date (7 March 2025), however, as these do not explicitly identify a development application and only state “Midway Estate Group Homes” or the like and have been received outside the mandatory exhibition period (by over a week or more), these will not be accepted and utilised for assessment purposes against this development.

Proforma submissions were received, however, most were accompanied by additional individual comments, thus creating unique submissions.

The following list identifies concerns raised within the submissions received:

- Concentration of proposed group homes is a concern for general security of existing residents
- Close proximity of proposed group homes to each other
- 20 Wendy Court having a rear setback of 2.4m not 3m
- Lack of facilities in vicinity of proposed group home sites
- Proximity to childcare facility and congestion in this area
- Lack of communication from Council
- Impact to property valuation and appeal of Midway area
- Potential for property damage – no measures to protect neighbouring properties
- Increased disturbances in the area from potential residents of group homes
- Increased noise and traffic levels in the area
- Proposed group homes will be unjustified high-density development

Applicant response to submissions:

- Fires can occur in other developments (such as dwellings), nonetheless the houses are equipped with fire sprinklers.
- Group homes by their definition should be located within a residential area; it is very common to have dwellings and homes in residential areas.
- The Wentworth LEP is not able to dictate who lives within the proposed group homes, nor should any person who lives within the area.

Council Officer Comment:

- The proposed group homes meet legislative requirements under the State Environmental Planning Policy – Housing 2021 and have been deemed as suitably designed for their purpose through applicant provided information.
- Setbacks provided within the Wentworth Shire Council Development Control Plan – justification in place to vary the setbacks within the DCP
- There are facilities and community infrastructure in close proximity to the development area

- The proximity to a childcare facility should not be of concern as traffic congestion here during the day will be minimal (early morning, mid evening) and the childcare is fenced and secure.
- In a planning perspective high-density development is defined as *development that is greater than three storeys high, typically referred to as residential flat buildings or apartments* (Georges River Council LEP). The proposed development does not meet this definition. Low density residential areas are made up of detached dwellings, dual occupancies, and multi dwelling housing, however, as the zone attributed to this being R2 – Low Density Residential, which is not occurring in the Wentworth LGA, this does not apply and constraints as per the zoning seen (RU5 – Village) will be relied upon.
- The group homes pose no further threat to noise of traffic than a regular dwelling (not for group homes purposes) would. These issues have been assessed in the applicants Statement of Environmental Effects adequately.
- Council has a LEP and DCP that aid in assessment of proposals such as this, there is no planning strategy for specialised housing, only the Housing SEPP, which permits these developments if applied for a DA and within an approved zoning.

(7) The public interest

The proposed development is consistent with public interest as it will have no detrimental effect on the surrounding area.

Social impact equates to the consequences that people experience when a new proposal for development will alter their known environment. This could be through acoustic, amenity, way of life, health and wellbeing, and property impacts. Submissions in regard to the proposed group home have shown that the development proposed is seen as a concern to the surrounding community.

The social impacts as identified by concerned residents in submissions both within and outside of the exhibition period for the proposed group home (singular development on a singular allotment) are not linked to the development of a permanent group home, instead, are aligned with the users and management authority of the group home following construction. No noise, amenity, traffic or other detrimental impacts are envisaged from a, by definition, permanent group home in a residentially established area.

Approval of the proposed group home would benefit the disabled community of the shire, which under the Disability Inclusion Action Plan (2022 -2026), housing is a provision that needs to occur and is heavily identified. Although the population requiring this accommodation may not encompass a wider community, the housing type is beneficial to the expanding Buronga / Gol Gol and wider areas of the entire shire and is also important being a border community. A total of 13 submissions objecting to the development were received during the exhibition period, however matters raised were similar in nature with no detrimental planning concerns raised. Most concerns are specific to management and users of group homes in general, or the infrastructure of the area that would have been considered during the subdivision stage. It is worth noting that nearly all submissions state that the submitter recognises the need for the housing type in the shire.

The Land and Environment Court in *New Century Developments Pty Limited v Baulkham Hills Shire Council* (2003) 127 LGERA 303; [2003] NSWLEC 154 (New Century) at [60] adjudged that a development that causes such great offence to a large portion of the community that it ought to be refused amounts to a detrimental social impact.

However, at [62] the case law identifies that fears or concerns without rational or justified foundations are not matters which, by themselves, can be considered as an amenity or social impact pursuant to s 79C(1) (now s 4.15) of the EP&A Act. Where there is no evidence to support a rational fear, it will not be relevant and be of the basis that community members have altered their everyday actions and thoughts based on the concept of the use of permanent group homes, therefore are seen due to unjustified fears, in this case, whereby broad assumptions have been made about the use of permanent group homes.

In this case Council received 13 objections to the DA (within the exhibition timeframe), mainly from residents living nearby and from within the broader urban area. The objections principally related to impacts to property value, childcare proximity, disturbances from residents of proposed group homes, lack of facilities in the area, proximity of group homes to each other, insufficient infrastructure to support high-needs users, impact of living in the area for NDIS participants, potential for traffic increase and property damage from users.

Assessment of social impacts relating to the proposed development of a permanent group home needs to be based on fact and evidence, not community perceptions or potential unjustified fears. It needs to be reiterated that the assessment and approval or refusal of a development application is to be made under the planning legislation.

The social impacts as perceived by local residents are noted and have been addressed through conditions of consent or general assessment. Council cannot dictate who utilises the group home upon completion and following issuance of an occupation certificate as long as users are those permitted under the definition of permanent group home. Residents of the area seem to hold unjustified fears of those from within the disabled community who would be using the group homes for impacts to their lives and everyday activities.

At the February Council Meeting (12 February 2025) members of the public gallery spoke against the development of group home “clusters”, citing isolation of potential residents, heightened noise and vehicular impacts, minimised liveability of the wider community, emergency vehicle access and availability, NDIS requirements and reports that are not indicative of town planning requirements, DCP non-compliance, and the institutionalisation of NDIS participants. The abovementioned have been considered in the assessment and are not considered detrimental social impacts as they are perceived impacts or unjustified concerns, with no reference to applicant supplied assessment material. Concerns have been adequately given weight where required in line with provided substance of submissions. Submissions and voiced concerns have not been of strict planning grounds and can be viewed as unjust when referencing the disabled community.

The development of a permanent group home, defined under the WLEP 2011 as a dwelling, is not anticipated to create negative social impacts on the locality. The specific users are not for Council to mandate through the development approval processes. A combination of abovementioned impacts will not lead to negative impacts or experiences in the area. The development of a permanent group home, in a residential area with minimal development as per this assessment should be greatly considered for aesthetic and crime prevention (CPED) purposes. The more houses/development in a subdivision, street facing windows and cars around development, all attribute to making an area safer both through surveillance and lively areas.

On balance, the proposed permanent group home in a land zoning supporting group homes under both the WLEP 2011 and the Housing SEPP 2021, the benefits to the disabled community and no negative impact anticipated to the social streetscape or overall amenity of the area, when weighted against the minimal substance of the submissions, does not justly warrant refusal of this development application.

Should concerns arise from the permanent group home operation, Council will properly investigate and take compliance action as needed to matters within our jurisdiction.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Y	BCA Classification: 3 and 10a <u>Comments</u>

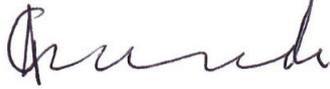
		<ul style="list-style-type: none"> Eave of dwelling encroaches into the 1.5m setback to a fire source feature (boundary) where an FRL is required. Discussed with Building Surveyor and he advised that he is sure that the eave is an allowable encroachment and will follow up. Otherwise, a performance solution will be sought. This matter will therefore not affect the determination of a DA as it is the certifiers responsibility to ensure BCA compliance via DTS or a performance solution. <p>Approval under S68 of the Local Government Act must be obtained prior to the issue of a Construction Certificate in relation to:</p> <ul style="list-style-type: none"> Carrying out of water supply work. Carrying out sewerage work. Connection to Sewer.
Subdivision Engineer	N	
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

CONCLUSIONS

1. General comments:
2. The proposal satisfies the points for consideration listed under Section 4.15 part b, c, d and e of the *Environmental Planning and Assessment Act*.
3. The proposal occurs on land zoned RU5 - Village. The proposal is not considered to have detrimental impact on the site and surrounds.
4. The proposal is consistent with the Wentworth Shire Development Control Plan (Dec 2011). The proposal meets Chapter 8 of the provisions set out in the Wentworth Development Control Plan 2011.
5. The proposed permanent group home accords with the relevant objectives and provisions of the State Environmental Planning Policy (Biodiversity & Conservation) 2021 and State Environmental Planning Policy (Housing) 2021.
6. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Approve the application subject to conditions

Delegate report author	Delegated approval and endorsement
Signature: 	Signature: 
Georgie Martin Cadet Planning Officer	George Kenende Acting Director Health & Planning
Date: 07/03/2025	Date: 7/03/2025

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>TEMPLATE CONDITIONS</p>
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DA2024/158 PERMANENT GROUP HOME WITH GARAGE 42 MIDWAY DRIVE LOT 3 DP 1288183

BURONGA

GENERAL CONDITIONS

1.	<p>Approved development</p> <p>Approval is for a permanent group home with garage.</p> <p>Condition reason: To ensure all parties are aware of the approved development.</p>
2.	<p>Approved Plans and Documentation</p> <p>The development shall be in accordance with the following plans, documentation and recommendations made there in:</p> <ul style="list-style-type: none"> • Site Plan by Intrend Design & Drafting PTY LTD; Job No: 24-689; Sheet No: 2 of 5; Date: 14/05/24. • Floor Plan by Intrend Design & Drafting PTY LTD; Job No: 24-689; Sheet No: 3 of 5; Date: 14/05/24. • Elevations (W & E) by Intrend Design & Drafting PTY LTD; Job No: 24-689; Sheet No: 4 of 5; Date: 14/05/24. • Elevations (N & S) by Intrend Design & Drafting PTY LTD; Job No: 24-689; Sheet No: 5 of 5; Date: 14/05/2025/24. <p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
3.	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <p>1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p>

	<ol style="list-style-type: none"> 2. It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences. 3. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 4. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 5. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 6. This section does not apply- <ol style="list-style-type: none"> a. to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b. to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>Condition reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
<p>4.</p>	<p>Erection of signs</p> <ol style="list-style-type: none"> 1. This section applies to a development consent for development involving building work, subdivision work or demolition work. 2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out: <ol style="list-style-type: none"> a. showing the name, address and telephone number of the principal certifier for the work, and b. showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. 3. The sign must be- <ol style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. 4. This section does not apply in relation to- <ol style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p>Condition reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>

	Assessment Regulation 2021.
5.	<p>Lapsing of Approval</p> <p>Without the further consent of the Wentworth Shire Council, in writing, this permit shall lapse and have no force or effect unless the use or development hereby permitted is physically commenced within 5 years of the date of this permit.</p> <p>Condition reason: Ensure everyone is aware of the lapsing of the approval.</p>
6.	<p>Works outside the property boundary</p> <p>This development consent does not authorise works outside the property boundaries on adjoining lands.</p> <p>Condition reason: To ensure all approved works occur within the property boundaries.</p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

7.	<p>7.12 Contribution</p> <p>Before the issue of the relevant construction certificate, the applicant must pay a total contribution of \$7135.77 as calculated at the date of this consent to Wentworth Shire Council pursuant to the adopted Section 7.12 Development Contributions Plan.</p> <p>Note: The total amount payable may be adjusted at the time payment is made per clause 3.10 of the Section 7.12 Development Contributions Plan.</p> <p>Condition reason: To ensure the 7.12 Developer Contributions are paid.</p>
8.	<p>Access Point</p> <p>Before the issue of a Construction Certificate, the beneficiary of this consent must build a driveway crossing for the subject land (if one doesn't exist) to Council standards.</p> <p>Access during construction shall only be through the driveway crossing of the subject land.</p> <p>Condition reason: To control vehicular movement on road crossings.</p>
9.	<p>Building Material</p> <p>The proposed building/s and structure/s shall be clad in an approved non-reflective material e.g. Colourbond.</p> <p>Condition reason: To ensure the materials of the building not impact the visual amenity of the surrounding character of the area.</p>
10.	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must</p>

	<p>include the following matters:</p> <ul style="list-style-type: none"> • location and materials for protective fencing and hoardings to the perimeter on the site • provisions for public safety • pedestrian and vehicular site access points and construction activity zones • details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site • protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites) and trees in adjoining public domain • details of any bulk earthworks to be carried out • location of site storage areas and sheds • equipment used to carry out all works< • a garbage container with a tight-fitting lid • dust, noise and vibration control measures • location of temporary toilets. <p>The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.</p> <p>Condition reason: To ensure construction works are adequately managed to protect the surrounding amenity.</p>
<p>11.</p>	<p>Erosion and Sediment Control</p> <p>Before the issue of a construction certificate, the beneficiary of this consent is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ul style="list-style-type: none"> • the guidelines set out in the NSW Department of Housing manual Managing Urban Stormwater: Soils and Construction Certificate (the Blue Book), and • the ‘Do it Right On-Site, Soil and Water Management for the Construction Industry’; (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust). <p>The applicant must ensure the erosion and sediment control plan is kept onsite at all times during site works and construction.</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
<p>12.</p>	<p>Fire Safety Schedule</p> <p>Prior to the issue of a Construction Certificate, pursuant to Part 10 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (as amended) a Fire Safety Schedule is to be submitted to the Principal Certifying Authority. The Fire Safety Schedule must include matters prescribed in clause 79 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (as amended).</p> <p>Condition reason: To ensure compliance with Fire Safety requirements.</p>
<p>13.</p>	<p>Long Service Levy</p>

	<p>Before the issue of a construction certificate, the beneficiary of this consent is to ensure that the person liable pays the long service levy as calculated at the operational date of this consent to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier.</p> <p>Condition reason: To ensure the long service levy is paid.</p>
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<p>14.</p>	<p>Payment of Security Deposits</p> <p><i>This condition applies to all construction works \$25,001 and above.</i></p> <p>Before the commencement of any works on the site or the issue of a construction certificate, the beneficiary of this consent must make all of the following payments to Council and provide written evidence of these payments to the certifier:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Infrastructure Bond (Security Deposit):</td> <td style="text-align: right;">\$3,000.00</td> </tr> <tr> <td>Infrastructure Protection Permit Fee (includes inspections)</td> <td style="text-align: right;">\$232.00</td> </tr> </table> <p>The payments will be used for the cost of:</p> <ul style="list-style-type: none"> • making good any damage caused to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates, • completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and • any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property. <p>The Infrastructure Bond will be returned on completion of the construction of the proposed development, subject to no damage being done to any council property (including street trees, kerb, road etc) as a consequence of carrying out the works to which the consent relates. The owner / developer is to arrange an inspection with an Officer of Wentworth Shire Council before any work commences on site. Any damage incurred to Council infrastructure will be repaired at the owners / developers expense and the balance of the Infrastructure Bond will be returned to the owner / developer on completion of the construction.</p> <p>Note: The inspection fee includes Councils fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with councils fees and charges at the payment date.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified and public works can be created.</p>	Infrastructure Bond (Security Deposit):	\$3,000.00	Infrastructure Protection Permit Fee (includes inspections)	\$232.00
Infrastructure Bond (Security Deposit):	\$3,000.00				
Infrastructure Protection Permit Fee (includes inspections)	\$232.00				
<p>15.</p>	<p>Plumbing and Drainage</p> <p>Before issuance of the Construction Certificate, a Plumbing and Drainage Application under</p>				

	<p>Section 68 of the Local Government Act NSW 1993 is to be submitted to and approved by Council before any plumbing and drainage works (water and sewerage).</p> <p>Note: All stormwater from the site is to be directed towards a legal point of discharge. All plumbing and drainage work is to be carried out by a plumber and drainer, or other authorised person, licensed with the New South Wales Department of Fair Trading.</p> <p>Condition reason: To ensure plumbing and drainage works are carried out appropriately.</p>
16.	<p>Road reserve landscaping Lawn must be used for landscaping within the road reserve. Any other form of landscaping in the road reserve must be approved by Council.</p> <p>Condition Reason: To ensure appropriate landscaping is used in road reserve.</p>
17.	<p>Utilities and services - water and sewerage Raw water, filtered water and sewerage are available and are to be connected to Council's services. Dual water supply lines are to be provided from the front boundary of the property. One line is to convey filtered water to all fittings within the building and the other line to convey unfiltered water to all fittings outside the building i.e. garden taps, etc. A separate application is to be made to Council for approval to connect to Council's water mains prior to commencing any plumbing and drainage work.</p> <p>Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.</p>
18.	<p>Waste management plan Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:</p> <p>Details the following:</p> <ul style="list-style-type: none"> • the contact details of the person(s) removing the waste • an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill • the address of the disposal location(s) where the waste is to be taken <p>The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and local.</p>
19.	<p>Works in Road Reserve A Road Opening Permit is required from the Wentworth Shire Council prior to any works or excavation within the road reserve including but not limited to: water tapping, sewer, driveway crossings, tree planting or removal etc.</p> <p>Please contact Council's Roads & Engineering Department on Tel: (03) 5027 5027 to arrange a</p>

	<p>permit.</p> <p>Condition reason: To control development in the road reserve.</p>
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BEFORE BUILDING WORK COMMENCES

20.	<p>Construction Certificates and Appointment of Principal Certifier Prior to the commencement of any building works, the following requirements must be complied with</p> <ul style="list-style-type: none"> • A Construction Certificate must be obtained from the Council or an Accredited Certifier, in accordance with the provisions of the Environmental Planning & Assessment Act 1979, • A Principal Certifier must be appointed, and Council must be notified in writing of the appointment irrespective of whether Council or a Registered Certifier is appointed; and notify Council in writing of their intention to commence work (at least two [2] days' notice is required). <p>Condition reason: To ensure building works complies with relevant legislation and other codes.</p>
21.	<p>Contractor details notification The certifying authority must advise Council, in writing of:</p> <ol style="list-style-type: none"> 1. The name and contractor licence number of the licensee who has been contracted to do or intends to do the work, or 2. The name and permit of the owner-builder who intends to do the work. <p>If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.</p> <p>Condition reason: To ensure building work is carried out by licensed contractor.</p>
22.	<p>Dial before you dig Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary.</p> <p>Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individuals responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities."</p> <p>Condition reason: To ensure existing infrastructure is identified.</p>
23.	<p>Erosion and sediment controls in place Before the commencement of any site or building work, the developer must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by Council)</p>

	<p>are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).</p> <p>Condition reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.</p>
24.	<p>Notice of commencement of works Subject to approval to commence works two days before any site works, building or demolition begins, the beneficiary of this consent must:</p> <ol style="list-style-type: none"> 1. Forward to Council notice of commencement of work and appointment of Principal Certifying Authority. 2. Notify the adjoining owners that work will commence. <p>Condition reason: To provide notification of works commencing.</p>
25.	<p>Rubbish/Waste Management Throughout the construction period, from commencement of work, a suitable rubbish containment structure is to be located on site and utilised.</p> <p>Condition reason: To ensure the construction site is kept clean and safe at all times.</p>
26.	<p>Storage of materials Throughout the construction period, from commencement of work, the storage of materials is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site.</p> <p>Condition reason: To ensure the construction materials are stored on site in a tidy & safe manner.</p>
27.	<p>Toilet facilities Toilet facilities are to be provided on or in the vicinity of the building site. The toilet must be connected to a public sewer, or if connection to a public sewer is not practicable, an approved chemical closet. The toilet facility must be installed on-site prior to the commencement of any other work.</p> <p>Condition reason: To ensure workers and contractors have access to amenities on site.</p>
28.	<p>Tree protection measures Before the commencement of any site or building work, the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.</p> <p>Condition reason: To protect and retain trees.</p>

DURING BUILDING WORK

29.	<p>Approved Plans A copy of the stamped approved and certified plans, specifications and documents incorporating conditions of approval and certification must be kept on site for the duration of site works and be made available upon request to either the Council or other Government Agencies.</p>
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	<p>Condition reason: To ensure all parties are aware of the approved works to be conducted.</p>
30.	<p>Construction noise While work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.</p> <p>Condition reason: To protect the amenity of the neighbourhood.</p>
31.	<p>Contamination discovered during works If during works on the land comprising the lot, the land is found to be contaminated, within the meaning of the Contaminated Land Management Act 1997:</p> <ul style="list-style-type: none"> • all works must stop immediately, and • the Environment Protection Authority and the council must be notified of the contamination. • Land is found to be contaminated for the purposes of this condition if the principal certifying authority knows or reasonably suspects the land is contaminated. <p>Note: Depending on the nature and level of the contamination, remediation of the land may be required before further work can continue.</p> <p>Condition reason: To ensure contaminated land is managed appropriately.</p>
32.	<p>Cut and fill (if applicable) While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ul style="list-style-type: none"> • All excavated material removed from the site must be classified in accordance with the EPAs Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. • All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA. <p>Condition reason: To ensure soil removal & replacement meets requirements.</p>
33.	<p>Encroachment of easements No works are to encroach over any easements.</p> <p>Condition reason: To ensure works are not carried out over easements.</p>
34.	<p>Hours of work The developer must ensure that building work, demolition or vegetation removal is only carried out between:</p> <ul style="list-style-type: none"> • 7.00am to 6.00pm on Monday to Friday • 8.00am to 1.00pm on Saturdays

	<p>The developer must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.</p> <p>Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.</p> <p>Note: Any variation to the hours of work requires Councils approval.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
35.	<p>Implementation of site management plans</p> <p>While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.</p> <p>Condition reason: To ensure the required site management measures are implemented during construction.</p>
36.	<p>Natural drainage</p> <p>Any works undertaken in the subject land including building and filling shall not cause alteration to the previous drainage in the subject land or adjacent land. Any remedies required to discharge drainage water caused to be accumulated by the works associated with this permit shall be the responsibility of the beneficiary of this consent.</p> <p>Condition reason: To ensure natural drainage is maintained where possible.</p>
37.	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
38.	<p>Responsibility for changes to public infrastructure</p> <p>While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).</p> <p>Condition reason: To ensure payment of approved changes to public infrastructure.</p>
39.	<p>Security fencing</p> <p>An adequate security fence is to be erected around the perimeter of the site prior to commencement of any excavation or construction works, and this fence is to be maintained in a state of good repair and condition until completion of the building project</p>

	<p>Condition reason: To ensure the site is secured during construction.</p>
40.	<p>Tree protection While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with:</p> <ol style="list-style-type: none"> 1. The construction site management plan 2. The relevant requirements of any Australian Standard for the protection of trees on development sites This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. <p>Condition reason: To protect trees during site works.</p>
41.	<p>Uncovering relics or Aboriginal objects While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.</p> <p>In this condition:</p> <ul style="list-style-type: none"> • “relic” means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and a) is of State or local heritage significance; and • “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. <p>Condition reason: To ensure protection of objects of potential significance during works.</p>
42.	<p>Waste management While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.</p> <p>Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:</p> <ul style="list-style-type: none"> • The contact details of the person(s) who removed the waste • The waste carrier vehicle registration • The date and time of waste collection • A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill • The address of the disposal location(s) where the waste was taken • The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting

	<p>date and time of delivery, description (type and quantity) of waste.</p> <p>Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.</p> <p>Condition reason: To require records to be provided, during construction, documenting that waste is appropriately handled.</p>
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BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

43.	<p>Completion of landscape and tree works</p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with AS 4373-2007 Pruning of amenity trees and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p> <p>Condition reason: To ensure the approved landscaping works have been completed before occupation, in accordance with the approved landscaping plan(s).</p>
44.	<p>Completion of public utility services</p> <p>Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority. Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.</p> <p>Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation.</p>
45.	<p>Fire Safety Certificate</p> <p>Prior to the issue of the occupation certificate, a Fire Safety Certificate must be issued in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p> <p>Condition reason: To ensure fire safety requirements have been met.</p>
46.	<p>Occupation Certificate</p> <p>The building shall not be occupied or used until an Occupation Certificate is issued either by council or by an accredited certifier.</p> <p>Condition reason: To ensure development is accredited.</p>
47.	<p>Removal of waste upon completion</p> <p>Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied</p>

	<p>to the satisfaction of the principal certifier.</p> <p>Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier’s satisfaction.</p> <p>Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.</p>
48.	<p>Repair of infrastructure</p> <p>Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.</p> <p>Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>

OCCUPATION AND ONGOING USE

49.	<p>Additional structures</p> <p>No additional structures are to be built or installed on the site without permission from the Wentworth Shire Council.</p> <p>Condition reason: To ensure only approved work is carried out</p>
50.	<p>Amenity of the neighbourhood</p> <p>The operation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.</p> <p>Condition reason: To ensure the amenity of the neighbourhood is not compromised unreasonably.</p>
51.	<p>Maintenance of wastewater and stormwater treatment device</p> <p>During occupation and ongoing use of the building, the beneficiary of this consent must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective.</p> <p>Condition reason: To protect sewerage and stormwater systems.</p>
52.	<p>Ongoing use – permanent group home with garage</p> <p>The proposed garage cannot be used for habitation.</p> <p>Condition reason: To ensure appropriate use as per approval.</p>
53.	<p>Release of securities / bonds</p> <p>When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities held. Council may use part, or all of the securities</p>

held to complete the works to its satisfaction if the works do not meet Councils requirements.

Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

9.18 DA2024/159 PERMANENT GROUP HOME 40 MIDWAY DRIVE LOT 4 DP 1288183 BURONGA

File Number: RPT/25/228

Responsible Officer: Ken Ross - General Manager
 Responsible Division: Office of the General Manager
 Reporting Officer: Ken Ross -

Objective: 3.0 Wentworth Shire is a community that works to enhance and protect its physical and natural environment

Strategy: 3.1 Ensure our planning decisions and controls enable the community to benefit from development

Summary

This item is a planning matter that was the subject of deliberation at the March Meeting of Council. At that time the minutes recorded the following:

Council Resolution

That Council:

1. *Approve subject to conditions DA2024/159 for a permanent group home to be located at 40 Midway Drive – Lot 4, DP 1288183, Buronga.*
2. *Call a division in accordance with S375A of the Local Government Act 1993 (NSW)*

Reason - Assessment of demand for a group home has been investigated by Councillors. Councillors assessment indicates that there is no further demand for Group Homes in Wentworth Shire Council other than for the Group Homes that have already been approved.

Moved Cr. Weeding, Seconded Cr. Armstrong

LOST BY UNANIMOUS VOTE AGAINST THE RECOMMENDATION

In accordance with Section 375A of the Local Government Act the Mayor called for a division.

For the Motion : Nil.

Against the Motion: ***Clr.s Armstrong, Crisp, Evans, Linklater, Rodda, Starick and Weeding.***

Resolutions provide direction to the council's staff or other entities on how to implement a particular course of action.

Analysis of the minutes suggests that a recommendation from the officer was lost but there was not a further resolution of Council to provide a guide for an action. In this case being a planning matter the Environmental Planning and Assessment Act provides for determination by way of approval or refusal subject to conditions. The minutes accurately recorded did not provide that option. This effectively does not provide the General Manager with a lawful decision to be implemented.

For these reasons this report is represented to Council to enable a resolution which provides a clear guide of action to staff to enable an appropriate determination to be issued to the applicant.

A development application (DA2024/159) was received by Council on 29 November 2024, for a permanent group home to be situated upon 40 Midway Drive – Lot 4, DP 1288183.

Under the *Wentworth Local Environmental Plan (WLEP) 2011* and the *State Environmental Planning Policy (Housing) 2021*, this development is permitted with consent within the RU5 – Village zoning.

The application seeks development approval for the construction of a permanent group home which will be used for the accommodation of people with a disability under the NDIS Scheme. The building will consist of three bedrooms for people with disability and one bedroom for an overnight assistance, with each bedroom having an ensuite. Other features of the permanent group home include an open plan kitchen, dining and living area, and an alfresco area. A single disabled car park has been provided within the garage.

The application was publicly notified for 14 days as per the Council Community Participation Plan. During the public notification thirteen submissions were received by Council objecting to the proposed development.

The *State Environmental Planning Policy (Housing) 2021* states that a consent authority must not refuse consent to the development for the purposes of a group home unless the consent authority has made an assessment of the community need for the group home.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

Recommendation

That Council:

1. Approve subject to conditions DA2024/159 for a permanent group home to be located at 40 Midway Drive – Lot 4, DP 1288183, Buronga.
2. Call a division in accordance with S375A of the Local Government Act 1993 (NSW)

Detailed Report

Purpose

The purpose of this report is to provide information to Council to determine Development Application DA2024/159, having consideration to the detail provided both within this report and the attachments provided.

Background

A Development Application was lodged with Council on 29 November 2024 seeking consent for a permanent group home on the subject lot.

The subject lot is in the RU5 Village zone under the *Wentworth Local Environmental Plan 2011* (WLEP 2011).

DA2024/159 was publicly notified as per Council Community Participation Plan for 14 days, with a total of thirteen submissions objecting to the proposal received during this period. These submissions can be found under attached documents.

As per Council delegations, any development applications with three (3) or more objections cannot be determined under delegated authority and must be determined by Council.

Refer to attachment 1 – Development Application

Refer to attachment 2 – Plans

Refer to attachment 3 – Statement of Environmental Effects

Matters under consideration

In determining a development application that requires consent, the consent authority must take into consideration matters under Section 4.15 of the *Environmental Planning and Assessment Act 1979* as relevant to the development.

The proposed development was assessed and complies with relevant provisions of the *State Environmental Planning Policy (Biodiversity and Conservation) 2021* and the *State Environmental Planning Policy (Housing) 2021*.

The proposed development for a permanent group home is permitted with consent and meets the zone objectives of the RU5 – Village zone under the WLEP 2011.

Due to the zoning and WLEP 2011 mapping impacting the land, the development application was assessed against clauses 7.1 & 7.2. The development application was able to satisfy the matters for consideration under these clauses.

Due to the nature of the proposed development, it was assessed against Chapter 8 of the Wentworth Development Control Plan (DCP) 2011. The development complies with relevant provisions under this chapter.

The Wentworth Disability Inclusion Action Plan 2022 – 2026 is a requirement under the *Disability Inclusion Act 2014 (NSW)* (DIA / The Act). The Act required all NSW Local Government Areas to develop a Disability Inclusion Action Plan. Wentworth Shire Councils adopted plan states the following:

“To create liveable communities, we need to focus our attention and resources on the elements of community life that most people desire. To create liveable communities for people with disability, we must do more than modify the physical environment; we must advocate for such aspects such as accessible housing, access to transport, community recreation, social engagement and universal design.”

“Increase participation of people with disability in all aspects of community life, through targeted approaches to address barriers in housing, learning, transport, health and wellbeing.”

“The attitude and behaviours of the general community toward people with disability can be the greatest barrier to full access and inclusion. Community attitudes can further be influenced by the intersection of the particular characteristics of a person with disability, such as gender, age, ethnicity, or type of disability itself.”

“Inclusiveness and accessibility for people with disability forms a crucial component of the assessment of the liveability of any community. Council will work to eliminate the barriers in the built environment and advocate for improved transport, housing and local supports that prevent people with disability from fully engaging with the opportunities that exist within their communities.”

Public notification of the development application was conducted as per the Council Community Participation Plan for 14 days, whereby any submission received must at a minimum provide the following:

- Clearly identify the matter to which the submission relates,
- State the grounds for any support or objection expressed in the submission,
- Include appropriate contact details

Summary of concerns raised in submissions:

- Concentration of group homes within the estate
- Close proximity of the group homes to each other
- Rear setback of 20 Wendy Court being 2.4m not 3m
- Lack of facilities in the vicinity of group homes
- Proximity of group homes to childcare facility
- Traffic impact (congestion) in the immediate area of the estate
- Lack of community consultation

- Increased noise impacts
- Proposal is unjust as high-density development in a low-density estate
- Impact to property values
- Appeal of the area will decrease
- Proposed development will impede on family orientation of the estate

Applicant response to submissions:

- Fires can occur in other developments (such as dwellings), nonetheless the houses are equipped with fire sprinklers.
- Group homes by their definition should be located within a residential area; it is very common to have dwellings and homes in residential areas.
- The Wentworth LEP is not able to dictate who lives within the proposed group homes, nor should any person who lives within the area.

Response from Assessing Officer to concerns raised is as follows:

- The proposed group home meets legislative requirements under the *State Environmental Planning Policy (Housing) 2021*,
- The 2.4m setback identified is able to occur as the part of the group home at this distance is a non-habitable space being the alfresco and any variation to the DCP is justifiable in this case.
- Within 1.5kms of the proposed development is a supermarket, medical facility, Council offices, library, open space for community enjoyment and shopfronts to be developed further, facilities therefore are within adequate proximity to proposed site.
- Council notified adjoining neighbors of the proposed development in line with policy and procedures, as well as the development proposals being advertised on Councils website for 14 days,
- The childcare facility in question is fenced off and secure with adequate parking areas to ease traffic congestion at peak times (early morning / mid evening).
- The WSC LGA does not have high-density housing zoning attributed within the WLEP 2011, the RU5 – Village zoning permits the development of group homes,
- Council has a LEP that is a statutory document and DCP aids in assessment of proposals permitted under it. There is no planning strategy for specialized housing within the DCP, only the Housing SEPP, which permits these developments if applied for and within an approved residential zoning,
- Noise impacts from the proposed developments are anticipated to be that of a typical residential area.

Based on the assessment of the application, it is determined that the proposed development is compliant with relevant objectives of the RU5 – Village zoning under the WLEP 2011. The proposed development meets the relevant provisions of the Wentworth DCP 2011 and is consistent with planning matters for consideration of the WLEP 2011. The proposed development complies with matters for consideration under the *State Environmental Planning Policies – Biodiversity & Conservation (2021) and Housing (2021)*.

Refer to attachment 4 - Submissions

Refer to attachment 5 – 4.15 Assessment report

Refer to attachment 6 – Conditions of consent

Options

Based on the information contained in this report, the options available to address this matter are to:

- Approve Development Application DA2024/159 subject to conditions.

Legal, strategic, financial or policy implications

Should Council issue a determination to the application, the applicant has the right to submit a request for review of determination to Council under Section 8.2 of the *Environmental Planning & Assessment Act 1987*.

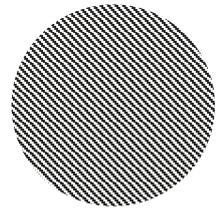
The applicant also has the right to appeal the decision made by Council to the Land and Environment Court pursuant to Section 8.7 of the *Environmental Planning & Assessment Act 1987*.

Conclusion

Having consideration of the consent of this report it is concluded that the appropriate course of action is to approve DA2024/159 subject to conditions.

Attachments

1. Development Application (Under Separate Cover)
2. Plans (Under Separate Cover)
3. Statement of Environmental Effects [↓](#)
4. Submissions (Under Separate Cover)
5. 4.15 Assessment Report [↓](#)
6. Conditions of Consent [↓](#)



Planning Report

Permanent Group Home

40 Midway Drive
Buronga, NSW, 2739

EXECUTIVE SUMMARY

Proposal	Construction of a Permanent Group Home
Street Address	40 Midway Drive, Buronga
Formal Land Description	Lot 4 in Deposited Plan 1288183
Zone	RU5 - Village
Relevant State Environmental Planning Policies	SEPP (Housing) 2021 - Chapter 3, Part 2 Group Homes - Clause 62

SUBJECT SITE AND SURROUNDING AREA

The subject site comprises one parcel of land commonly known as 40 Midway Drive, Buronga, and more formally as Lot 4 in Deposited Plan 1288183. The site is rectangular in shape and is relatively flat. It has an area of 527 square metres (sqm) and a frontage of approx. 16.32 metres (m) to Midway Drive. The site is currently vacant, but all reticulated services are available. No heritage or cultural sensitivities affect the land and there are no natural hazards or environmental sensitivities including native vegetation.

The site is situated within a new stage of Midway Estate, which comprises vacant land and several newly constructed dwellings.

An aerial image of the site and surrounding area as well as site photos are contained below.

Aerial Image of the Site and Surrounding Area



Figure 1: Subject site and surrounding area (Source: Landchecker Jun 2024)

Site Photos



Figure 2: View of site from Midway Drive



Figure 3: View of the site from the north





Figure 4: View of the site from the east (rear)



Figure 4: View of the site from the south



PROPOSAL DESCRIPTION

This application is for the construction of a Permanent Group Home, as summarised under the following points:

- The proposed Permanent Group Home will be used to accommodate people with a disability on a permanent basis under the NDIS Scheme. The plans have been assessed and certified by an accredited SDA assessor.
- The building is single storey and contains three bedrooms for people with a disability and one bedroom for on-site overnight assistance. Each bedroom has an ensuite and other internal features include an open plan kitchen, dining and living area, separate living area, separate bathroom, European laundry, alfresco and single garage.
- The external appearance of the building is contemporary with brick wall cladding and corrugated Colorbond iron roof cladding.
- The building has a maximum height of 4.8m above natural ground.
- One car parking space (to disabled parking standards) can be accommodated within the garage and one car parking space can be accommodated within the driveway.
- A new crossover is proposed to provide access to the garage.
- Over 300sqm of the site is private open space and over 290sqm can be landscaped.
- The development will be connected to all reticulated services, with the exception of gas.

PLANNING

CONTROLS AND ASSESSMENT

Wentworth Local Environmental Plan 2011 (LEP)

The Subject site is within the RU5 – Village

The objectives of the zone are:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To promote development in existing towns and villages in a manner that is compatible with their urban function.*
- *To encourage well-serviced sustainable development.*
- *To ensure there are opportunities for economic development.*
- *To deliver new residential and employment growth in Buronga and Gol Gol.*
- *To ensure business and retail land uses are grouped within and around existing activity centres.*

The proposed Permanent Group Home is located within a recently released stage of the Midway Estate and will provide for residential diversity in an appropriate location. The building will provide much needed housing for people with a disability and is compatible with existing residential development in the surrounding area. The building has been designed to be energy efficient and is appropriately located so as not to unreasonably impact on the adjoining land. As such, the proposal supports the objectives of the RU5 zone.

Wentworth Development Control Plan

Chapter 2 – Plan Objectives

The following General Development Objectives are relevant to this application:

- *Residential land is to be developed with the creation of neighbourhoods comprising a range of housing styles and densities to cater for a diverse demographical profile of the local government area.*

- Residential growth shall be promoted in areas identified as urban release area.

The following Locality Objectives for Buronga and Gol Gol are relevant to this application:

- A safe, convenient and attractive neighbourhoods that meet the diverse and changing needs of the community and offers a wide choice of housing, leisure, local employment opportunities and associated community and commercial facilities.
- A site responsive approach to urban development that supports and enhances the context in which it is located, strengthens local character and identity, and promotes a sense of community.

In addition to this, Section 2.2 – Social and Community outlines that:

The proposed future development of Buronga and Gol Gol will result in an increased demand for additional community infrastructure. This includes:

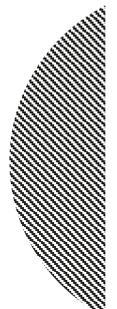
- Expansion of the range of community facilities and services;
- Improvement of public transport links within and external to the area;
- Provision of additional government and health services; aged care services; child care facilities and education/training services; and
- Promotion of community image and events including sport and recreation.

It is clear that the proposal is supported by the objectives of the Wentworth Development Control Plan which indicate that there is a strong need for diverse housing to provide for the changing needs of the community. The proposed Permanent Group Home will provide much needed accommodation for people with a disability and is of a high standard.

Chapter 3 – General Development Controls

5 Vehicular Access and Parking

This development control aims to provide sufficient and convenient parking for residents, visitors and service vehicles; to ensure vehicular and pedestrian safety and to encourage access design to form part of the overall landscape design. The relevant subclauses are discussed below.



5.1 Parking Layout, Servicing and Manoeuvring

The proposed car parks will be located in the garage and driveway, which is typical for car parking in a residential setting.

5.2 Specific Land Use Requirements

The following car parking requirements apply to the proposal:

- Housing for older people or people with a disability – Refer to State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004.

The SEPP referenced in the DCP no longer exists. Two car parking spaces are provided for the proposed Permanent Group Home which complies with Schedule 2 (17) of the State Environmental Planning Policy (Housing) 2021.

Chapter 4 – Residential Development Controls

4.1.1 Site Context and Analysis

The plans submitted with this application demonstrate how the proposed development responds to site specific conditions and the site has been described in detail previously in this report. The site is within a recently released stage of the Midway Estate which contains vacant land and existing dwellings of a similar size, scale and sitting. The site does not have any specific constraints and the topography is relatively flat.

4.1.2 Streetscapes

The proposed building will have a positive impact on the streetscape. A number of habitable room windows overlook the street to provide for casual surveillance. The proposed garage occupies only a small portion of the frontage and is setback behind the main façade of the building. The building has a clearly identified entry from the street and has been designed to be energy efficient. The external materials and colours will complement existing dwellings in the broader area which have external materials and colours that vary considerably.

4.1.3 Front Setback

The building has a front setback of 4.5m, which is less than the 6m sought within the Wentworth DCP. It is worth noting that 4.5m is a commonly accepted front setback in developing areas and is the minimum requirement to meet the CDC criteria. As such, the proposed front setback is considered to be acceptable and will not bring rise to any character or streetscape related issues.

4.1.4 Side setbacks and Corner Lot Setbacks

The side setbacks of the proposed building are 3.45m from the northern boundary and 2m from the southern boundary (combined total exceeding 4.5m), which complies with this Control.

4.1.5 Rear setbacks

The proposed building is located 3.6m from the rear boundary, which meets this Control.

4.1.6. Walls on Boundaries

Not applicable. No walls on boundaries are proposed.

4.1.7 Building heights and overshadowing

The proposed building is unlikely to overshadow the private open space of future dwellings on adjoining lots as it is single storey and has relatively generous boundary setbacks.

4.1.8 Site Coverage

The site coverage is approximately 48%, although it is noted that this control only applies to single dwelling houses and dual occupancies.

4.1.9 Private Open Space

Private open space is well in excess of the 40sqm minimum requirement. There is an area of secluded private open space at the rear of the dwelling also well in excess of 25sqm, with a minimum dimension of 3m accessed from the main living area.

4.1.10 Energy Efficiency and Solar access

Appropriate solar access and energy efficiency is achieved given the orientation of the site and distance between windows and boundaries. A BASIX is not required as a standard residential dwelling is not proposed.

4.1.11 Daylight to existing windows

The proposed building will not impact daylight to existing dwellings as the adjoining land is vacant.

4.1.12 North-facing windows

Not applicable – there are no existing north facing windows within 3m of the boundary.

4.1.13 Overlooking

Not applicable – the proposed building is single storey and will not be notably raised above existing surface levels. A 1.8m high solid boundary fence will provide for privacy between lots.

4.1.14 Fencing and Retaining Walls

No fences or retaining walls are proposed as part of this application. The boundary fence will be made to comply with the *SEPP Exempt and Complying Development Codes 2008* (Part 2, Subdivision 17).

4.1.15 Car Parking and Vehicle Access

Car parking has been discussed previously.

4.1.16 Cut and Fill

As the site is relatively flat, only minimal earthworks are anticipated and will not exceed 0.3m of cut or fill.

State Environmental Planning Polices (SEPP)

SEPP (Housing) 2021 – Chapter 3, Part 2 Group Homes – Clause 62

This Clause contains requirements for consent authorities when determining Development Applications.

General Assessment

Visual Impacts

Please refer to DCP assessment.

Open Space

Please refer to DCP assessment.

Overshadowing and Privacy

Please refer to DCP assessment.

Noise

Only standard domestic mechanical plant will be associated with the proposed building, which will emit noise typical for a residential area.

Erosion Control Measures

No specific erosion control measures are considered necessary for this development. Any minor earthworks will be appropriately battered and retained (if necessary).

Economic and Social Impacts

The proposed building will contribute to the social wellbeing of the Buronga township by providing suitably designed housing to accommodate disabled persons. It also contributes to investment in the Buronga/Gol Gol Area.

Environmental Benefits

Due to the nature of this development, no significant environmental benefits are envisaged.

Disabled Access

The proposed building has been designed to comply with all disabled access standards and the plans have been assessed and certified by an accredited SDA assessor.

Security, Site Facilities and Safety

Not applicable for this application.

Waste Management

Standard domestic waste services will be provided by Council.

National Construction Code

The National Construction Code will be assessed as part of the Construction Certificate process by a Building Surveyor.

Traffic

The proposed building will result in standard domestic travel within the existing road network. This would have been anticipated and accounted for in the design of the subdivision.

Stormwater/flooding

The site is not subject to any identified natural hazards and stormwater will be directed to the legal point of discharge.



CONCLUSION

This report demonstrates that the proposal is consistent with the relevant provisions of the *Wentworth Local Environmental Plan 2011* and the *Wentworth DCP*.

The proposed Permanent Group Home is appropriate for the site as it:

- Supports the objectives of the Zone RU5 - Village;
- Is appropriately located on the subject site;
- Will have an acceptable impact on the locality in terms of amenity and visual dominance; and
- Will not result in any detrimental impacts on the environment.

It is considered that the proposal is worthy of support, and it is therefore respectfully requested that the Wentworth Shire Council grant Development Consent for the construction of a Permanent Group Home as described in this report at 40 Midway Drive, Buronga.

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p>DA Assessment Report Section 4.15 Evaluation</p> <p>Environmental Planning & Assessment Act 1979 as amended</p>
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File Reference:	DA2024/159 & PAN – 492309
Property Title & Address:	P561/04404 40 Midway Drive Lot 4 DP 1288183 Buronga
Property owner(s):	Bianca Ernst
Applicant(s):	JACKSON PLANNING MJJR PTY LTD – Matt Jackson
Proposal:	Permanent Group Home
Previous DAs:	N/A
Cost of proposed development:	\$713,577.05

SITE AND SURROUNDING DEVELOPMENT

The subject site comprises of Lot 4 DP 1288183, 40 Midway Drive, Buronga. The lot has an area of 527m² and connects to Pitman Ave to the north and Sturt Highway to the South, connecting through to the developing locality within the Midway area and surrounding locality.

The subject site is zoned within the RU5 – Village zone under the Wentworth Local Environmental Plan (WLEP) 2011. The subject site is a rectangular shaped lot with no vegetation removal proposed as site was recently cleared during the subdivision process. The lot is not impacted by easements or environmental factors.

The site is not within the bushfire prone, flood way or flood planning, terrestrial biodiversity, wetlands, or urban release mapped area and contains no known heritage constraints.

DESCRIPTION OF PROPOSAL

The proposal seeks development consent for the construction of a single storey dwelling with garage to be utilised as a permanent group home, which will provide accommodation for people on NDIS plans with ongoing disabilities as per the NDIS requirements. The dwelling is proposed to accommodate three participants and one overnight assistance personnel. The lot has a total area of 527m² with the dwelling proposed to have a floor area of 256.58m², broken down into the following:

Dwelling: 209.31m² – Garage: 28.17m² – Alfresco: 16.20m² – Porch: 2.89m².

One car parking space suitable for disability requirements is provided within the garage, with a standard parking space accommodated within the driveway area.

HISTORY RELEVANT TO THE DEVELOPMENT APPLICATION

N/A

SECTION 4.15-MATTERS FOR CONSIDERATION

(1) The provisions of any environmental planning instrument and development control plan

State Environmental Planning Policy (Biodiversity & Conservation) 2021

The proposed development is proposed to be located upon on a lot that is under 1ha in size and clear of vegetation following previous subdivision. No native vegetation is to be removed for construction, with no impact to any potential habitat for fauna. The site is not known koala habitat, as such, no assessment required against Chapters 3 or 4. The proposed development is not located within close proximity to the river or other waterbody, and as such, no assessment is required against Chapter 5.

State Environmental Planning Policy (Housing) 2021

Clause 60 (a) does not identify the land zoning of RU5 as a prescribed zone suitable for group home development, however, clause 60 (b) states that any other zone under an environmental planning instrument where dwelling houses may be carried out with consent is categorised as a prescribed zone.

The RU5 – Village zone under the WLEP 2011 lists dwelling houses as permitted with consent.

Clause 61 identifies that the proposed group home is permitted with consent as it is proposed on land zoned RU5 – Village under the WLEP 2011. In terms of the hierarchy of legislation, the SEPP overrides the WLEP 2011 in terms of any inconsistency as per section 3.28 of the EP&A Act.

Under clause 62 a consent authority (Council) **must not**:

- refuse a group development unless an assessment of the community need has been done
- Impose a condition of consent specifically because a development is a group home.

State Environmental Planning Policy (Sustainable Buildings) 2022

A BASIX Certificate has not been provided as it is not required due to the proposed development being class 3 under the Building Code of Australia.

Further, as it is assumed that the development will be certified as a Class 3 building under the BCA at the construction stage, in line with the *Comprehensive Guide to BASIX*, a BASIX Certificate is not needed.

Wentworth Local Environmental Plan (LEP) 2011

The proposed development of a permanent group home for the provision of accommodation for participants within the NDIS scheme is permitted with consent and meets the zone objectives of the RU5 – Village zoning under the Wentworth Local Environmental Plan (WLEP) 2011, under which the subject site is located. The main supportive objective is to provide for a range of land uses, services and facilities that are associated with a rural village. The development of a NDIS based permanent group home will allow for services for those with disabilities to live mostly independently with assistance.

Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote development in existing towns and villages in a manner that is compatible with their urban function.
- To encourage well-serviced sustainable development.
- To ensure there are opportunities for economic development.
- To deliver new residential and employment growth in Buronga and Gol Gol.
- To ensure business and retail land uses are grouped within and around existing activity centres.

A group home meets the definition of a dwelling as follows:

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Group home means a permanent group home ~~or a transitional group home~~. Group homes are a type of residential accommodation.

~~Group home (permanent)~~ or **permanent group home** means a dwelling—

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which [State Environmental Planning Policy \(Housing\) 2021, Chapter 3, Part 5](#) applies.

Clause 7.1 Earthworks

Any earthworks will be conditioned and form part of the approval.

Clause 7.2 Essential Services

Connection of services has been made possible during the previous subdivision of the development site.

Wentworth Development Control Plan (DCP) 2011

The proposed development is acceptable against the relevant provisions of the Wentworth Development Control Plan (DCP) 2011 as outlined in the table below.

Wentworth DCP	Chapter 8	Acceptable	Not Acceptable	N/A	Reason
	5.1.1 Site context	X			Positioning of the proposed building on site makes use of available land while leaving space for private open space and providing suitable access for residents of the permanent group home facility. Materials used will compliment other structures in the surrounding area.
	5.1.2 Streetscape	X			The proposed building will be in keeping with few existing developments in the area with windows facing the street for casual surveillance and a garage setback from the facade of the main portion of the building. It is anticipated that future development in the area will be similar and compatible with this DA.
	5.1.3 Front Setback		X		4.5m – does not meet
	5.1.4 Side setbacks	X			Southern: 2m – meets Northern: 3.45m – meets
	5.1.5 Rear setback	X			3.6m – meets

	5.1.6 Walls on Boundaries			X	N/A as no walls on boundaries
	5.1.7 Building heights and overshadowing			X	N/A as not a two-storey building
	5.1.8 Site Coverage	X			Proposed development does not cover more than 60% of site (48% approx.)
	5.1.9 Private open space	X			Ample room for private open space available
	5.1.10 Energy & solar access	X			<i>Proposed development meets requirements of the Energy Efficiency Compliance Assessment</i>
	5.1.11 Daylight to existing windows	X			No impact anticipated from the single storey building to surrounding neighbours.
	5.1.12 North facing windows			X	N/A as no north facing windows within 3m of boundary.
	5.1.13 Overlooking			X	N/A as development approval is for a single storey building
	5.1.14 Fencing and retaining walls			X	N/A approval not for fencing or retaining walls
	5.1.15 Car parking and vehicle access	X			The site provides for one (1) disability access car parking spaces within the garage as per requirements under the Housing SEPP one space within the garage and another singular space is provided in the driveway of the proposed development site. Access to the site is provided via a crossover to council standards to be detailed within conditions of consent. Two parking spaces in total, one being to disability standards.
	5.1.16 Cut and fill	X			Earthworks will be conditioned as part of approval

Development Control	WDCP 2011 requirement for RU5 Village zone	Proposed Permanent Group Home
Front setback	6m minimum	4.5m
North side setback	1m minimum	3.45m
South side setback	1m minimum	2m
Rear setback	3m minimum	3.6m

The front setback does not meet DCP requirements of 6m, being only 4.5m, however, many new developments in newly subdivided areas are utilising a front setback of only 4.5m to allow better use

of allotment space. Additionally, other developments in the surrounding area have front setbacks under the required 6m, even down to 3m.

(2) The provisions of any draft environmental planning instrument

There is no Division 3.4 draft environmental planning instrument that affect the proposed development. (Post 1 July 2009 LEP amendments).

(3) Any matters prescribed by regulations

There are no further matters prescribed by regulations.

(4) The likely impacts of the development

There are no likely impacts from the proposal as discussed in the table below.

Impact item (insert an 'x' in the relevant section)	Acceptable	Not acceptable	Not relevant	Comment
Context and setting	X			The proposed permanent group home building will look similar in external design to the few existing residential developments in the immediate area
Public domain & Streetscape	X			The proposed permanent group home building meets the required setbacks as provided and justified in assessment above (DCP)
Landscaping			X	Not part of this application
Stormwater	X			Discharge to legal point of Councils stormwater system to be conditioned
Heritage	X			None on site
Soils & Soils Erosion	X			Earthworks and erosion control to be conditioned as part of approval
Air and microclimate	X			No effect from proposed development anticipated
Water Resources	X			Noted – development located adequate distance from water sources
Biodiversity (Flora & Fauna)	X			As the site was cleared of any vegetation during the subdivision process – no effect on existing flora or fauna,
Land Resources	X			None known at this site
Utilities	X			Utilities are available to the property
Access & Parking	X			Adequate access and parking are available to the site, development provides disability parking space as per requirements in line with Housing SEPP and
Roads & Traffic	X			Increase to area anticipated during construction with slight increase as new residents move into the completed building
Solar Access and Energy Efficiency	X			Will be required to meet energy requirements of Part J1 of the BCA
Overshadowing			X	Not relevant as surrounding land vacant and single storey development
Privacy & Overlooking			X	Not relevant as single storey building

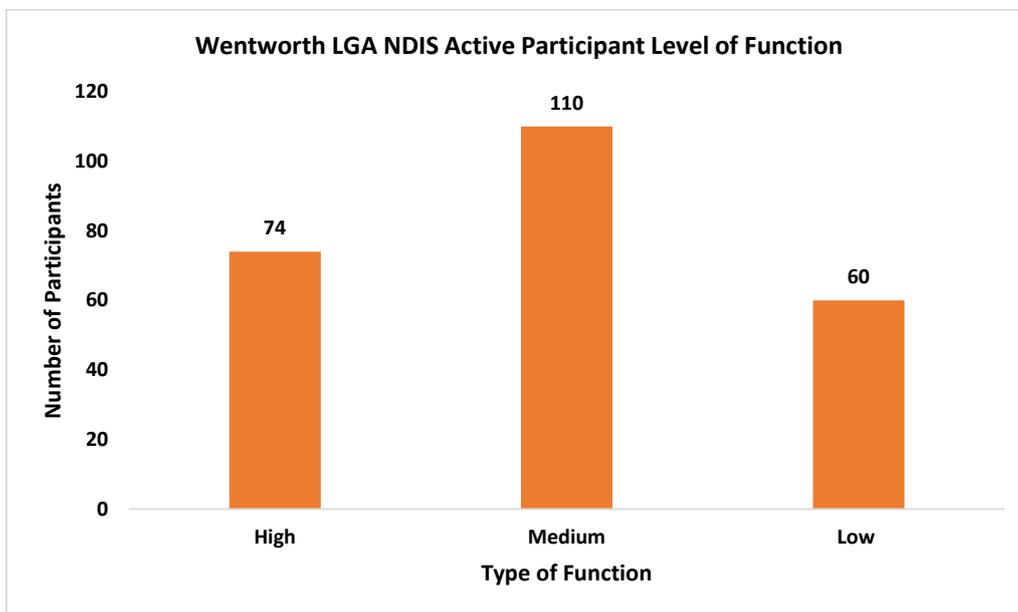
Flooding			X	Not in flood planning area
Bushfire Prone Area			X	Property not within bushfire prone land
Noise	X			Only significant increase anticipated during construction, then residential noise ongoing
Technological hazards	X			No known hazards on site or anticipated
Safety, Security & Crime Prevention	X			No detrimental effects anticipated from development in this location. Windows facing street will provide casual surveillance
Social and Economic Impacts	X			No detrimental effects anticipated

The NDIS outlines high physical support SDA housing as *housing that includes a high level of physical access for people who need very high levels of support. For example, you may need a ceiling hoist, backup power supply, or home automation and communication technology.*

Further, level of functioning is defined as:

“The umbrella term for any or all of body functions, body structures, activities and participation. Level of function indicates the impact a participant's disability has on how a person is able to perform tasks and actions in a life area, as represented by a ‘severity score’ ‘High functioning’ indicates lower service and support requirements with a lower severity score, and ‘low functioning’ indicates higher service and support requirements with a higher severity score.”

Graph 1: Total Level of Function for Participants within the Wentworth LGA (Explore data NDIS. <https://dataresearch.ndis.gov.au/explore-data> current as of 9 January 2025).



The above graph shows that there are (an estimated) 60 active NDIS participants with requirements for higher service and support requirements, being low functioning and therefore having a high severity score. This website also identifies there are under 11 active participants with SIL/SDA funding, which would be on the basis that there are no SDA places available in the Wentworth LGA. Low functioning participants as per the level of functioning definition require higher levels of support.

From the same dataset, there are (an estimated) 244 active participants who have been deemed eligible and have an approved plan under the NDIS. This dataset does not encompass all of those with disabilities that require support within the Wentworth LGA, indicating there may be more not accounted for as they are not active participants or are waiting for availability.

The Inquiry Report: Own Motion Inquiry into Aspects of Supported Accommodation (NDIS Quality and Safeguards Commission, January 2023)

The above report states the following on page 23:

- *a suburban house (SDA or otherwise) where a group of people with disability live together, each with their own bedroom (sometimes with ensuite), sharing a common living room, kitchen, bathroom and garden, and with an area of the house used as office space for staff.*
- *a number of suburban houses (as above) located in relatively close proximity to each other, sometimes with direct links between each of the houses (for example through a garden gate), with a team leader or manager overseeing supports across the network.*

This reinforces the ability for SDA dwellings to be located in close proximity to one another.

Wentworth Disability Inclusion Action Plan 2022 – 2026

The Wentworth Disability Inclusion Action Plan 2022-2026 has a focus area that directly identifies housing for those with disabilities – 2; Livable Communities which states the following:

Increase participation of people with disability in all aspects of community life, through targeted approaches to address barriers in housing, learning, transport, health and wellbeing.

The plan, in line with the identified focus area aims to attribute to the positive experience of those with a disability, their families and supporters, through access to community places, buildings and events.

As there are currently no SDA housing facilities within the LGA, the proposal to develop them is in line with the Disability Inclusion Action Plan with the aim of providing housing, eliminating the barrier of housing access to those that require it.

Further, the following are direct quotes from the plan:

“To create liveable communities, we need to focus our attention and resources on the elements of community life that most people desire. To create liveable communities for people with disability, we must do more than modify the physical environment; we must advocate for such aspects such as accessible housing, access to transport, community recreation, social engagement and universal design.”

“The attitude and behaviours of the general community toward people with disability can be the greatest barrier to full access and inclusion. Community attitudes can further be influenced by the intersection of the particular characteristics of a person with disability, such as gender, age, ethnicity, or type of disability itself.”

“Inclusiveness and accessibility for people with disability forms a crucial component of the assessment of the liveability of any community. Council will work to eliminate the barriers in the built

environment and advocate for improved transport, housing and local supports that prevent people with disability from fully engaging with the opportunities that exist within their communities.”

Approach to characterization and permissibility under LEPs

It needs to be noted that the development of Permanent Group Homes is permitted under legislation, both the Wentworth Local Environmental Plan 2011 and the State Environmental Planning Policy (Housing).

The case of *Botany Bay City Council v Pet Carriers International PTY Limited* [2013] NSWLEC 147 reiterates that land use tables within LEPs can use many means by which to define what development is permissible by identifying either *nominate* or *innominate* purposes.

His Honor, Preston CJ, stated the following:

A nominate purpose is one which the environmental planning instrument expressly nominates by name as being within one of the three classifications. Hence, the land use table for a zone may nominate particular categories of purposes of development as being within the classifications of development that may be carried out without consent, development that may be carried out with consent, or development that is prohibited.

An innominate purpose is one which the environmental planning instrument does not nominate by name as being within one of the three classifications, but rather identifies as falling within a particular classification by reason of it not being nominated in other classifications; it is development other than development in the other classifications. Hence, the land use table for a zone may classify as prohibited development, development for a purpose other than a purpose nominated as being able to be carried out without consent or with consent.

In the case of permanent group homes, as they are not directly identified within the RU5 – Village zoning as an independent type of development but fall under “any other development not specified in items 2 or 4”, they are therefore innominate and permissible with consent.

(Compatibility Test) Project Venture Developments Pty Ltd v Pittwater Council [2005]

There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale, or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

The physical impacts, such as noise, overlooking, overshadowing, and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a proposal’s

assessment. The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks, and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character.

In order to test whether a proposal is compatible with its context, two questions should be asked.

- Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites. (Test One)
- Is the proposal's appearance in harmony with the buildings around it and the character of the street? (Test two)

Test One:

The proposal of a permanent group home, being constructed as a dwelling, does not constitute any physical impacts on the surrounding development. The surrounding development consists of dwellings with outbuildings.

Physical impacts will not occur as the development design is that of similar size, scale and sitting to existing development in the immediate and surrounding area. The applicant has identified the permanent group homes to have external materials and colouring that complements existing dwellings in the surrounding area.

It should be noted that Wendy Court itself, where the main streetscape occurs, has minimal development existing, being two dwellings and an allotment with an outbuilding.

There will be no issues regarding side setbacks as a physical constraint, as setbacks adhere to requirements under the Wentworth Development Control Plan, some rear setbacks do not meet requirements, but it should be noted that habitable building space does not encroach the setbacks, only alfresco areas that are open in design. Front setbacks may not meet the required 6m, however, as discussed in the DCP assessment, in newly developed areas, setbacks from the front boundary can be accepted at 4.5m for RU5 – Village zoned land.

Test Two:

The proposal of a permanent group home will be in harmony with the development within the estate area. Permanent group homes are designed as and meet definitions of dwellings, which is the main development in the estate area and will not alter the harmonic design, rather increasing development in the area and encouraging use of the RU5 – Village zoning whereby a range of services and facilities need to be available, including disability accommodation for the impacted community members.

Harmony is often defined as “the quality of a pleasing and consistent whole”, with the permanent group homes not causing impact as the development will be that of dwellings in a residential area attributing to the existing use and character of the estate. Impact to Summer Drive through harmonious development should not be impacted due to separating fences and differing streetscapes (existing development vs minimally existing development).

The permanent group homes will be of the same design, therefore harmonious to themselves and attributing to consistency of the area.

The permanent group homes are dwellings and will not impact the character of the area. The use of each dwelling is subject to residential purposes such as long term accommodation, which is provided through the group homes. The use of existing dwellings in the area is no different to the accommodation purposes of the group homes, with additional assistance for the residents of the group homes required.

New Century Developments Pty Limited v Baulkham Hills Shire Council [2003] NSWLEC 154 revised - 5/09/2003 (social impact, large number of objectors, character and amenity of area).

The above caselaw provides examples of amenity, reiterates development characteristics and any further associated issues, as well as substance of community responses to proposed development.

“(61) In circumstances such as the present case, however, the consent authority must not blindly accept the subjective fears and concerns expressed in the public submissions. Whilst such views must be taken into consideration, there must be evidence that can be objectively assessed before a finding can be made of an adverse effect upon the amenity of the area... the views of residents of the area, those views will be accorded little, if any, weight if there is no objective, specific, concrete, observable likely consequence of the establishment of the proposed use.”

The above quote from the caselaw states plainly that evidence must be provided for submissions to be assessed. Council cannot take submissions with little to no planning grounds as having an adverse impact to the development of what is defined legally as a permanent group home under the WLEP 2011.

There are no specific issues raised in submissions received regarding the proposed group home development.

Submissions received as objections rather centre around the use of the development and those that would use it, however, this is not for Council to mandate as we are not the managing authority, only the consent authority. Submissions referenced the following:

- Property valuation
- Proximity of group homes to each other
- Behaviour concerns of NDIS participants
- Potential for property damage
- Disturbances caused by NDIS participants
- Location of group homes in locality for NDIS participant access to services
- Lack of Council transparency

“(64) The assessment of the specific objections raised by the local residents shows that the concerns raised by them, objectively assessed, must be afforded little weight. As is shown by the consideration of the specific objections, discussed above, they appear to have little basis in fact.”

The above quote from the caselaw states that if concerns have been assessed based on the objectives (mainly directed at NDIS management and use of the proposed group home dwelling – therefore not specific legislative planning grounds), then submissions **must** be afforded little weight, therefore not considered as little fact is apparent.

“(71) In summary, I have concluded that the proposed development would be compatible with the rural residential character of the area and would not have an adverse impact on the amenity of the

area, including social impact. While I recognise that there is strong community opposition to the proposal and that the residents have real fears, these fears must have foundation and a rational basis, which in this case is absent.”

The above quote from the caselaw states that the ultimate outcome of the case as decided by the Judge, was that the proposed development was compatible with the character of the existing area and would not have an impact on the amenity of the area. Community opposition was recognised but the concerns were found to have no foundation or rational basis (planning grounds).

In relation to the proposed group home, no planning grounds for the proposal are seen, merely concerned community members referencing issues relative to unjustified fears based on the use of the development. No foundation (fundamentals of planning legislation) are presented by submitters, as addressed by Council.

Understanding the Local Impact of New Residential Development: a Pilot Study
Christine Whitehead and Emma Sagor with Ann Edge and Bruce Walker
LSE London April 2015

The report identifies that opposition to new dwelling development is driven by local communities feeling that they will gain little benefit from new dwellings and that negative impacts may arise, such as infrastructure pressure and lack of services, as well as residential valuation impacts.

The report solidifies and states that planning literature does not often and is not required to, address impacts to housing valuation or pricing as this is not directly related to planning decisions which are assessed against relevant legislation, as well as broader economic, environmental, and social factors.

Wentworth Local Environmental Plan 2011

The WLEP 2011 provides the following definition for permanent group homes:

group home (permanent) or permanent group home means a dwelling—

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged*

It should be noted that the plans provided by the applicant indicate “NDIS High Physical Support SDA” with design considering wider doorways, ceiling hoists, accessible parking (garage), and ensuite tailored for required needs (rails etc.), with an adjustable bench in the kitchen.

The people anticipated to use these dwellings are those with disabilities, and not those who are socially disadvantaged, however, Council are not the management authority and cannot dictate who will utilize these developments.

(5) The suitability of the site for development

The site is suitable for the proposed permanent group home building as it is not anticipated to have any adverse impact on the locality, however, six submissions were received. The proposed development is permitted within the RU5 – Village zoning area under the Wentworth Local Environmental Plan 2011. The development provides the area with greater flexibility in housing and facilitates options for people with a disability under the NIDS scheme to become independent within

the community, while receiving care when required. The character and use of the proposed development is consistent with other proposed developments in the immediate area.

(6) Any submissions made in accordance with this Act or Regulation

The application was notified for 14 days as per the Wentworth Community Participation Plan. 13 submissions were received objecting to the application within the notification period.

Further submissions as objections have been received to date (7 March 2025), however, as these do not explicitly identify a development application and only state "Midway Estate Group Homes" or the like and have been received outside the mandatory exhibition period (by over a week or more), these will not be accepted and utilised for assessment purposes against this development.

Proforma submissions were received, however, most were accompanied by additional individual comments, thus creating unique submissions.

The following list identifies concerns raised within the submissions received:

- Concentration of proposed group homes is a concern for general security of existing residents
- Close proximity of proposed group homes to each other
- 20 Wendy Court having a rear setback of 2.4m not 3m
- Lack of facilities in vicinity of proposed group home sites
- Proximity to childcare facility and congestion in this area
- Lack of communication from Council
- Impact to property valuation and appeal of Midway area
- Potential for property damage – no measures to protect neighbouring properties
- Increased disturbances in the area from potential residents of group homes
- Increased noise and traffic levels in the area
- Proposed group homes will be unjustified high-density development

Applicant response to submissions:

- Fires can occur in other developments (such as dwellings), nonetheless the houses are equipped with fire sprinklers.
- Group homes by their definition should be located within a residential area; it is very common to have dwellings and homes in residential areas.
- The Wentworth LEP is not able to dictate who lives within the proposed group homes, nor should any person who lives within the area.

Council Officer Comment:

- The proposed group homes meet legislative requirements under the State Environmental Planning Policy – Housing 2021 and have been deemed as suitably designed for their purpose through applicant provided information.
- Setbacks provided within the Wentworth Shire Council Development Control Plan – justification in place to vary the setbacks within the DCP
- There are facilities and community infrastructure in close proximity to the development area
- The proximity to a childcare facility should not be of concern as traffic congestion here during the day will be minimal (early morning, mid evening) and the childcare is fenced and secure.
- In a planning perspective high-density development is defined as *development that is greater than three storeys high, typically referred to as residential flat buildings or apartments* (Georges River Council LEP). The proposed development does not meet this definition. Low density residential areas are made up of detached dwellings, dual occupancies, and multi dwelling housing, however, as the zone attributed to this being R2 – Low Density Residential,

which is not occurring in the Wentworth LGA, this does not apply and constraints as per the zoning seen (RU5 – Village) will be relied upon.

- The group homes pose no further threat to noise of traffic than a regular dwelling (not for group homes purposes) would. These issues have been assessed in the applicants Statement of Environmental Effects adequately.
- Council has a LEP and DCP that aid in assessment of proposals such as this, there is no planning strategy for specialised housing, only the Housing SEPP, which permits these developments if applied for a DA and within an approved zoning.

(7) The public interest

The proposed development is consistent with public interest as it will have no detrimental effect on the surrounding area.

Social impact equates to the consequences that people experience when a new proposal for development will alter their known environment. This could be through acoustic, amenity, way of life, health and wellbeing, and property impacts. Submissions in regard to the proposed group home have shown that the development proposed is seen as a concern to the surrounding community.

The social impacts as identified by concerned residents in submissions both within and outside of the exhibition period for the proposed group home (singular development on a singular allotment) are not linked to the development of a permanent group home, instead, are aligned with the users and management authority of the group home following construction. No noise, amenity, traffic or other detrimental impacts are envisaged from a, by definition, permanent group home in a residentially established area.

Approval of the proposed group home would benefit the disabled community of the shire, which under the Disability Inclusion Action Plan (2022 -2026), housing is a provision that needs to occur and is heavily identified. Although the population requiring this accommodation may not encompass a wider community, the housing type is beneficial to the expanding Buronga / Gol Gol and wider areas of the entire shire and is also important being a border community. A total of 13 submissions objecting to the development were received during the exhibition period, however matters raised were similar in nature with no detrimental planning concerns raised. Most concerns are specific to management and users of group homes in general, or the infrastructure of the area that would have been considered during the subdivision stage. It is worth noting that nearly all submissions state that the submitter recognises the need for the housing type in the shire.

The Land and Environment Court in *New Century Developments Pty Limited v Baulkham Hills Shire Council* (2003) 127 LGERA 303; [2003] NSWLEC 154 (New Century) at [60] adjudged that a development that causes such great offence to a large portion of the community that it ought to be refused amounts to a detrimental social impact.

However, at [62] the case law identifies that fears or concerns without rational or justified foundations are not matters which, by themselves, can be considered as an amenity or social impact pursuant to s 79C(1) (now s 4.15) of the EP&A Act. Where there is no evidence to support a rational fear, it will not be relevant and be of the basis that community members have altered their everyday actions and thoughts based on the concept of the use of permanent group homes, therefore are seen due to unjustified fears, in this case, whereby broad assumptions have been made about the use of permanent group homes.

In this case Council received 13 objections to the DA (within the exhibition timeframe), mainly from residents living nearby and from within the broader urban area. The objections principally related to

impacts to property value, childcare proximity, disturbances from residents of proposed group homes, lack of facilities in the area, proximity of group homes to each other, insufficient infrastructure to support high-needs users, impact of living in the area for NDIS participants, potential for traffic increase and property damage from users.

Assessment of social impacts relating to the proposed development of a permanent group home needs to be based on fact and evidence, not community perceptions or potential unjustified fears. It needs to be reiterated that the assessment and approval or refusal of a development application is to be made under the planning legislation.

The social impacts as perceived by local residents are noted and have been addressed through conditions of consent or general assessment. Council cannot dictate who utilises the group home upon completion and following issuance of an occupation certificate as long as users are those permitted under the definition of permanent group home. Residents of the area seem to hold unjustified fears of those from within the disabled community who would be using the group homes for impacts to their lives and everyday activities.

At the February Council Meeting (12 February 2025) members of the public gallery spoke against the development of group home “clusters”, citing isolation of potential residents, heightened noise and vehicular impacts, minimised liveability of the wider community, emergency vehicle access and availability, NDIS requirements and reports that are not indicative of town planning requirements, DCP non-compliance, and the institutionalisation of NDIS participants. The abovementioned have been considered in the assessment and are not considered detrimental social impacts as they are perceived impacts or unjustified concerns, with no reference to applicant supplied assessment material. Concerns have been adequately given weight where required in line with provided substance of submissions. Submissions and voiced concerns have not been of strict planning grounds and can be viewed as unjust when referencing the disabled community.

The development of a permanent group home, defined under the WLEP 2011 as a dwelling, is not anticipated to create negative social impacts on the locality. The specific users are not for Council to mandate through the development approval processes. A combination of abovementioned impacts will not lead to negative impacts or experiences in the area. The development of a permanent group home, in a residential area with minimal development as per this assessment should be greatly considered for aesthetic and crime prevention (CPED) purposes. The more houses/development in a subdivision, street facing windows and cars around development, all attribute to making an area safer both through surveillance and lively areas.

On balance, the proposed permanent group home in a land zoning supporting group homes under both the WLEP 2011 and the Housing SEPP 2021, the benefits to the disabled community and no negative impact anticipated to the social streetscape or overall amenity of the area, when weighted against the minimal substance of the submissions, does not justly warrant refusal of this development application.

Should concerns arise from the permanent group home operation, Council will properly investigate and take compliance action as needed to matters within our jurisdiction.

COMMENTS FROM COUNCIL INTERNAL DEPARTMENTS

Department	Referred Y/N	Comments
Building	Y	BCA Classification: 3 and 10a <u>Comments</u>

		<ul style="list-style-type: none"> No building comments relevant to the determination of a DA. <p>Approval under S68 of the Local Government Act must be obtained prior to the issue of a Construction Certificate in relation to:</p> <ul style="list-style-type: none"> Carrying out of water supply work. Carrying out sewerage work. <p>Connection to Sewer.</p>
Subdivision Engineer	N	
Roads & Engineering	N	
Finance & Policy	N	
Heritage Advisor	N	
Environmental Health	N	
Local Laws	N	
Floodplain Mgt Committee	N	
Sustainable Infrastructure	N	

CONCLUSIONS

1. General comments:
2. The proposal satisfies the points for consideration listed under Section 4.15 part b, c, d and e of the *Environmental Planning and Assessment Act*.
3. The proposal occurs on land zoned RU5 - Village. The proposal is not considered to have detrimental impact on the site and surrounds.
4. The proposal is consistent with the Wentworth Shire Development Control Plan (Dec 2011). The proposal meets Chapter 8 of the provisions set out in the Wentworth Development Control Plan 2011.
5. The proposed permanent group home accords with the relevant objectives and provisions of the State Environmental Planning Policy (Biodiversity & Conservation) 2021 and State Environmental Planning Policy (Housing) 2021.
6. There is no draft local environmental plan affecting the proposed development.

Recommendation:

Approve the application subject to conditions

Delegate report author	Delegated approval and endorsement
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Signature: 	Signature: 
Georgie Martin Cadet Planning Officer	George Kenende Acting Director Health & Planning
Date: 07/03/2025	Date: 7/03/2025

 <p>Wentworth SHIRE COUNCIL</p>	<p>Health & Planning Department 61 Darling Street PO Box 81 WENTWORTH NSW 2648 Tel: 03 5027 5027 council@wentworth.nsw.gov.au</p>	<p style="text-align: center;">TEMPLATE CONDITIONS</p>
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DA2024/159 PERMANENT GROUP HOME WITH GARAGE 40 MIDWAY DRIVE LOT 4 DP 1288183

BURONGA

GENERAL CONDITIONS

<p>1.</p>	<p>Approved development</p> <p>Approval is for a permanent group home with garage.</p> <p>Condition reason: To ensure all parties are aware of the approved development.</p>
<p>2.</p>	<p>Approved Plans and Documentation</p> <p>The development shall be in accordance with the following plans, documentation and recommendations made there in:</p> <ul style="list-style-type: none"> • Site Plan by Intrend Design & Drafting PTY LTD; Job No: 24-690; Sheet No: 2 of 5; Date: 15/05/24. • Floor Plan by Intrend Design & Drafting PTY LTD; Job No: 24-690; Sheet No: 3 of 5; Date: 15/05/24. • Elevations (W & E) by Intrend Design & Drafting PTY LTD; Job No: 24-690; Sheet No: 4 of 5; Date: 15/05/24. • Elevations (N & S) by Intrend Design & Drafting PTY LTD; Job No: 24-690; Sheet No: 5 of 5; Date: 15/05/24. <p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.</p> <p>Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>
<p>3.</p>	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <ol style="list-style-type: none"> 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.

1 CONFIDENTIAL BUSINESS – ADJOURNMENT INTO CLOSED SESSION

Despite the right of members of the public to attend meetings of a council, the council may choose to close to the public, parts of the meeting that involve the discussion or receipt of certain matters as prescribed under section 10A(2) of the Local Government Act.

With the exception of matters concerning particular individuals (other than councillors) (10A(2)(a)), matters involving the personal hardship of a resident or ratepayer (10A(2)(b)) or matters that would disclose a trade secret (10A(2)(d)(iii)), council must be satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

The Act requires council to close the meeting for only so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security being protected. (section 10B(1)(a))

Section 10A(4) of the Act provides that a council may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

Section 10B(4) of the Act stipulates that for the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:-

- (a) a person may misinterpret or misunderstand the discussion, or
- (b) the discussion of the matter may -
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.

Recommendation

That Council adjourns into Closed Session, the recording of the meeting be suspended, and members of the press and public be excluded from the Closed Session, and that access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution.

This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:-: **12.2**

Sunraysia Early Settlers Museum Inc. (RPT/25/223)

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.

12 OPEN COUNCIL - REPORT FROM CLOSED COUNCIL

12.2 SUNRAYSIA EARLY SETTLERS MUSEUM INC

File Number: RPT/25/223

Responsible Officer: Ken Ross - General Manager
Responsible Division: Office of the General Manager
Reporting Officer: Ken Ross - General Manager

Objective: 1.0 Wentworth Shire is a vibrant, growing and thriving Region
Strategy: 1.2 Promote the Wentworth Region as a desirable visitor and tourism destination

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. On balance, the public interest in preserving the confidentiality of information about the tender outweighs the public interest in maintaining openness and transparency in council decision-making because disclosure of this information would reveal pricing and confidential information submitted via the tender process which if disclosed would prevent council from achieving its 'value for money' objectives.