



STATEMENT OF ENVIROMENTAL EFFECTS

PROPOSAL: Change of Use (Group Home)

ADDRESS: 21 Lane Street, Wallerawang

March 2024

DESCRIPTION: Change of Use – Group Home

CLIENT: R & C McLoughlan and A&J Cinat

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This document has been authorised by

Anthony Daintith (Principal)
Date: 15/3/2024



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PART

A

BACKGROUND

This Part provides a detailed description of the site, the background and various components to the proposed development

BACKGROUND

INTRODUCTION

R & C McLoughlan have engaged Anthony Daintith Town Planning to prepare a Statement of Environmental Effects (SOEE), to support an application to Lithgow City Council, for a proposed change of use of the existing dwelling house at 21 Lane Street, Wallerawang to a group home.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Bushfire Report;
- Statement of Environmental Effects; and
- Site and floor plans.

APPLICANT AND OWNER

The applicant for the development application is Robert and Catherine McLoughlan C/- Anthony Daintith Town Planning, PO Box 1975, Orange NSW 2800.

The owners of the subject land are:

- Robert Winning McLoughlan
- Catherine Mary McLoughlan

The owners have provided their written consent to the application.

SITE ANALYSIS

LOCATION AND TITLE

The subject land is identified 21 Lane Street, Wallerawang. Refer to **Figures 1 & 2** which depicts the site within the locality.

The land title description is as per **Table 1**:

Table 1: Land Title Description

Lot	DP
394	26070

The area of the subject land is 676.6m².

GENERAL SITE DESCRIPTION

Buildings

The site contains an existing dwelling and rear garage.

Topography

The site falls from the rear to the street.

Vegetation

Site includes landscaped gardens.

Waterways

There are no waterways traversing the site.

Photos 1 – 4 provide a visual representation of the subject site.

Figure 1: Locality Map



Figure 2: Aerial View of the Site



Photo 1: Street elevation



Photo 2: Rear of the dwelling



Photo 3: Rear garage



Photo 4: Carport



SURROUNDING LAND USE

North

Dwelling house.

East

Vacant land

South

Vacant land.

West

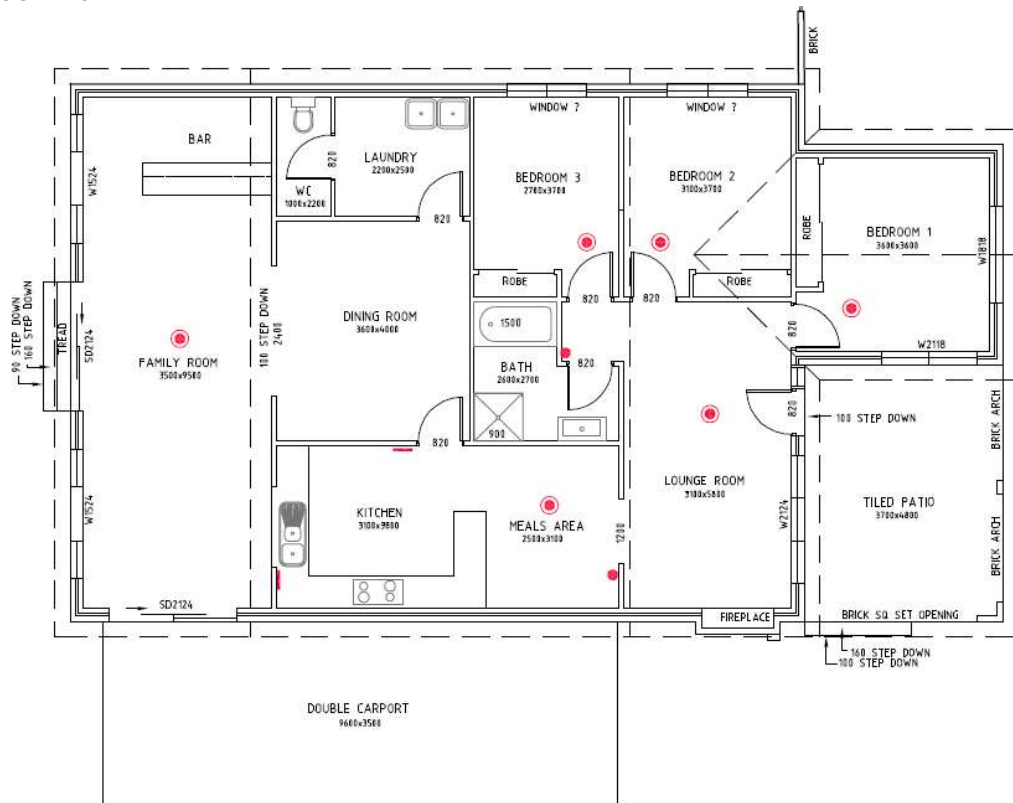
Dwelling house.

PROPOSED DEVELOPMENT

Development consent is sought for a change of use of the existing dwelling house to a group home.

The building contains 3 bedrooms, bathroom, lounge, kitchen, dining, family and laundry rooms.

Figure 3: Floor Plan



It is noted that there is existing smoke detectors, fire extinguishers and fire blanket as shown on the plans.

It is noted that there is no building work proposed.

PART

B

TOWN PLANNING CONSIDERATIONS

This section provides an evaluation of the relevant matters for consideration under Section 4.15 of the EP&A Act 1979

TOWN PLANNING CONSIDERATIONS

Pursuant to Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*, the following matters must be taken into consideration when assessing a development application:

4.15 Evaluation

(cf previous s 79C)

Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

(a)(i) The provisions of any environmental planning instrument

LOCAL ENVIRONMENTAL PLANS

LITHGOW LOCAL ENVIRONMENTAL PLAN 2014

Zoning

The subject land is zoned R2 Low Density Residential under the provisions of the *Lithgow Local Environmental Plan 2014*.

Figure 4: Zoning Map



Permissibility

Group homes (permanent) are permissible in the R2 Low Density Residential zone.

group home means a permanent group home or a transitional group home.

Note—

Group homes are a type of residential accommodation—see the definition of that term in this Dictionary.

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.

Note—

Permanent group homes are a type of group home—see the definition of that term in this Dictionary.

Applicable LEP Clauses

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain or improve the water quality of receiving water catchments.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Caravan parks; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; **Group homes**; Health services facilities; Home-based child care; Home businesses; Kiosks; Multi dwelling housing; Neighbourhood shops; Recreation areas; Respite day care centres; Seniors housing; Shop top housing; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Comment

The subject land is zoned R2 Low Density Residential under the provisions of the LEP.

Pursuant to land use of the LEP, the proposed group home development is permissible subject to the consent of Council via the lodgement of a Development Application.

As detailed throughout this report, the proposed development can generally be shown to be consistent with the relevant objectives of the zone.

- The proposal provides an affordable housing option that will meet an area of need in the Lithgow LGA and is in an accessible location to Wallerawang CBD.
- The development meets the housing needs of the community;
- The development provides a variety of housing types and densities not readily available in Wallerawang.
- The development is consistent with the residential character of the surrounding locality.

An assessment has been carried out of the compatibility of the proposal with the character of the local area, and the proposal is both compatible and appropriate in this low density residential environment, having regard to the zoning and existing/future development of land surrounding the subject site.

The subject land is well suited for the proposed development, being located in an area with good accessibility to public transport services and the Wallerawang CBD and having regard to the zoning and nature of surrounding development and land uses. The proposed use is permitted under the zoning of the land and will provide quality affordable housing accommodation and communal areas.

7.3 Stormwater management

- (1) *The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.*
- (2) *This clause applies to all land in the following zones:*
 - (a) *Zone RU5 Village,*
 - (b) *all residential, business and industrial zones.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:*
 - (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
 - (b) *includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
 - (c) *avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

Comments

There is no change to the stormwater regime as there is no change to the building or site.

7.10 Essential services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *stormwater drainage or on-site conservation,*
- (e) *suitable vehicular access.*

Comments

No changes are proposed or required to existing reticulated services for the proposed change of use to a group home.

There is an existing access to the site and 3 car parking spaces (2 car garage and carport).

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP	COMMENTS
SEPP (Housing) 2021	See comments below
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comment below.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	See comments below.
SEPP (Planning Systems) 2021	Not applicable

SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
DRAFT SEPP	
Draft Design and Place SEPP 2021	The draft Design and Place SEPP is on exhibition until 28 February 2022 and is proposed to include SEPP 65 – Design Quality of Residential Apartment Development and SEPP (Building Sustainability Index: BASIX).

SEPP (RESILIENCE AND HAZARDS) 2021

4.6 Contamination and remediation to be considered in determining development application

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred*

to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

- (4) *The land concerned is:*
- (a) *land that is within an investigation area,*
 - (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Comment

Pursuant to Clause 4.6 of the SEPP, the potential for contamination appears minimal.

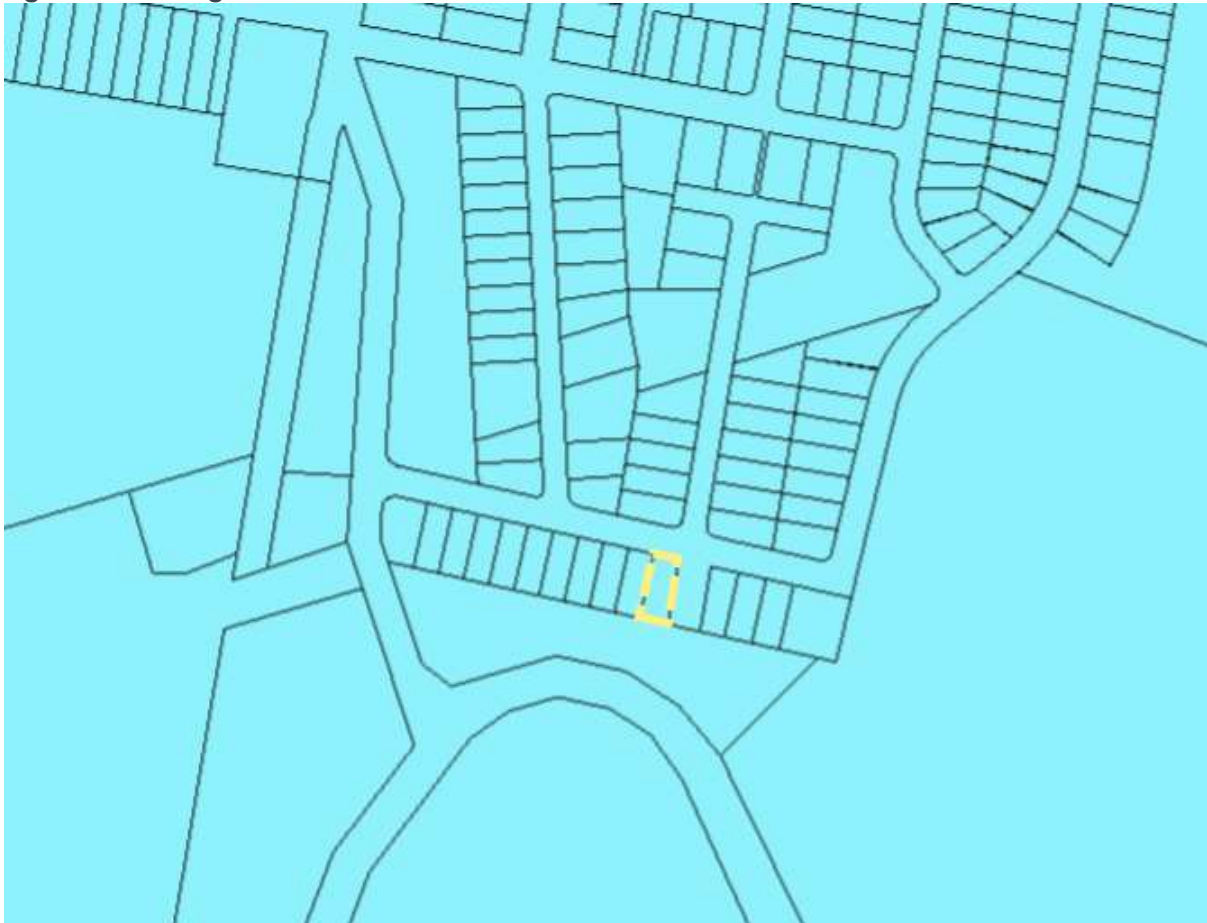
In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding; and
- Vegetative and other features which could indicate possible soil contamination.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Figure 5: Drinking Water Catchment



The subject land is within the drinking water catchment.

No impact is anticipated as it will only be for a change of use with no building work proposed.

STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

As per Clause 61, a permanent group home is permitted with consent within a prescribed zone (i.e. R2 Low Density Residential).

There does not appear to be any reason why to refuse the DA for a group home in this instance as per Clause 62.

Clauses 63-66 are not considered relevant to this proposal.

(a)(ii) Any draft environmental planning instrument

There are no known draft environmental planning instruments relevant to this proposed development.

(a)(iii) Any development control plan

LITHGOW DEVELOPMENT CONTROL PLAN 2021

Chapter 3 – Natural Environment and Hazards

Clause	Comments
3.2	The land is mapped as bushfire prone (refer to Bushfire Assessment).
3.3	The land is substantially cleared of vegetation (exception of minor landscaping). There is no identified threatened species etc.
3.4.1	Refer to SEPP Resilience and Hazards comments of potential for contamination.
3.4.2	There are no identified sensitive land areas on the subject land.
3.4.3	No construction works.
3.4.4	No construction works.
3.5	The land is not mapped as flood prone.
3.6	No issues with respect to groundwater vulnerability and riparian land & watercourses have been identified for the subject land.
3.7	Not mapped as mine subsidence.

Chapter 6 - Residential

There are no provisions that are relevant to the proposed group home in the DCP. Especially considering the proposal does not involve any external building work only a change of use.

(a)(iiia) Any Planning Agreements

There are no known planning agreements affecting the property.

(a)(iv) Any matters prescribed by the regulations:

CLAUSE	COMMENT
61 Additional matters that consent authority must consider	<p>No demolition is proposed.</p> <p>No subdivision orders are applicable.</p> <p>Dark Sky Planning Guideline does not need to be addressed for this proposal.</p>

	The proposal does not include a manor house or multi dwelling housing (terraces),
62 Consideration of fire safety	The existing house contains a number of fire safety measures as required by the Class 1(b) building classification.
63 Considerations for erection of temporary structures	The proposal does not include a temporary structure.
64 Consent authority may require upgrade of buildings	No upgrading of the building is required. Consultation with Councils Building Surveyor has confirmed that there is no requirement under either the BCA or Disability (Access to Premises - Buildings) Standards 2010 to upgrade the building as there are no building works proposed.
65 Consideration of conservation plan for development at Sydney Opera House	Not applicable.
66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)	Not applicable.
67 Modification or surrender of development consent or existing use right—the Act, s 4.17(5)	There is no proposal to modify or surrender a development consent or existing use right.
68 Voluntary surrender of development consent—the Act, s 4.63	There is no proposal to voluntarily surrender a development consent.

(b) The likely impacts of the development:

CONTEXT AND SETTING

The surrounding area is characterised by residential development.

It is considered that the proposal is within the context of the locality and is compatible with the surrounding area and will have minimal impact in regard to:

- Adjacent properties
- Adjoining land uses
- Overshadowing
- Views and vistas

ACCESS AND TRANSPORT

Access

It is proposed to utilise the existing access to the property off Lane Street.

Traffic

There will be negligible change to the traffic generation onto Lane Street as a result of the change of use to a group home. It is considered that the street network can handle this additional loading without the need for any upgrading.

Parking

There are 3 car parking spaces on the subject land (2 car garage and a carport).

PUBLIC DOMAIN

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

UTILITIES & SERVICES

No new services are required to be connected to the development.

HERITAGE

There is no close by heritage items or heritage conservation areas.

FLORA AND FAUNA

No vegetation removal required (there is existing landscaped gardens). There are no known threatened species located on the site of the shed.

ENERGY

A BASIX certificate is not required.

AMENITY

The proposed change of use of the existing dwelling to a group home is considered to be compatible with the existing and likely future character and

No impact has been identified with respect to dust generation, lighting, privacy or overshadowing as part of the proposal.

There is no requirement to change any reticulated services as a result of a change of use.

Due to the nature of the proposal, issues in relation to energy efficiency and waste management are not significant.

NATURAL HAZARDS

There are no known flooding, bushfire or land subsidence issues in the general locality of the site.

POTENTIAL CONTAMINATION

Refer to SEPP Resilience and Hazards comments.

SAFETY, SECURITY & CRIME PREVENTION

No specific measures are considered necessary.

SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY

The economic impacts as a result of the proposed group home on the subject land are considered positive.

The proposal will have overall positive social impacts including increased provision of diverse and affordable housing.

CONSTRUCTION

No construction works are proposed.

CUMULATIVE IMPACTS

It is considered there will be no negative cumulative impacts as a result of the proposed change of use to a group home.

(c) Suitability of the site for the development

Does the proposal fit in the locality?

- There are no constraints posed by surrounding development to render the proposal prohibitive;
- The proposal is considered complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- The site is already connected to all available services available to the site;
- There are no issues in relation to air quality and microclimate; and
- There are no identified surrounding hazardous land uses or activities.

Are the site attributes conducive to development?

It is considered that the site is conducive to the change of use based on the following:

- The site of the proposed group home is not affected by any natural hazards;
- There are no heritage considerations that are prohibitive;
- There is no known soil characteristics that would render the proposal prohibitive; and
- There are no flora and fauna considerations that will have an impact on the proposal.

(d) Any submissions

The application may be referred to adjoining neighbours for comment.

(e) The public interest

It is considered that the proposed use of the site, with appropriate conditions of consent, will not have any unacceptable negative impacts on the amenity of the general public. The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts.

PART

C

CONCLUSION

This Part provides a conclusion and recommendations for Councils consideration

CONCLUSION

This report includes an analysis of the existing environment, details of the proposed development and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The proposed change of use is permissible with the consent of Council;
- The impacts upon or by surrounding development will not be altered significantly as a result of the proposal;
- The topography of the site is not a consideration;
- All available services are already connected to the site;
- Traffic and car parking impacts are negligible;
- The impacts on the amenity of the area are considered to be within acceptable limits; and
- The proposal is generally consistent with the objectives and provisions of Councils LEP.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and potential impacts are expected to be manageable.

Accordingly, it is recommended that the Development Application be approved subject to appropriate standard conditions.