

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED ALTERATIONS AND ADDITIONS TO THE EXISTING MONTESSORI PRE SCHOOL

84 CATHAGE STREET, EAST TAMWORTH



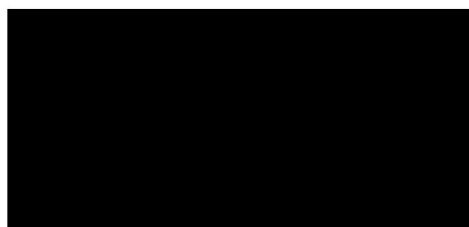
Statement of Environmental Effects

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Client and Land Details

Client Coverite Projects
Subject Site Lot B DP949842,
 84 Carthage Street, East Tamworth
Proposal Proposed alterations and additions to
 existing Montessori Pre School.



Warwick Stimson RPIA
Director



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Version	Date	Comment
1.0	1/8/23	Initial Draft for client review
2.0	6/8/23	Updates for DA lodgement

Table of Contents

1	Introduction	1
1.1	Project Overview	
1.2	Report Structure	
1.3	Supporting Documentation	
1.4	Legislation, Environmental Planning Instruments and Policies to be considered	
1.5	Consent Authority	
2	The Site and Surrounds	3
2.1	Surrounding Context	
2.2	Easements	
3	Project Description	6
3.1	Overview	
3.2	The Site from a Land Use Perspective	
3.3	Built Form	
3.4	Vehicular Elements	
3.5	Landscaping and Open Space	
3.6	Hours of Operation, Children and Employee Numbers	
3.7	Stormwater Drainage	
3.8	National Construction Code Compliance	
3.9	Materials and Finishes	
4	Statutory Considerations	10
4.1	State Environmental Planning Policy (Resilience and Hazards) 2021	
4.2	Tamworth Regional Local Environmental Plan 2010	
4.3	Tamworth Regional Development Control Plan 2010	
5	Key Planning Issues	15
5.1	Bulk and Scale	
5.2	Erosion and Sediment Control	
5.3	Traffic Generation and Parking	
5.4	Services	
5.5	Social and Economic	
5.6	Crime Prevention Through Environmental Design (CPTED)	
5.7	Waste Management	
6	Section 4.15 Assessment	18
7	Conclusion and Recommendation	20

List of Figures

Figure 1 Subject Site - Aerial	3
Figure 2 Subject Site - Cadastre	4
Figure 3 Front view	4
Figure 4 View north along Bourke Street	4
Figure 5 Existing car parking arrangements	5
Figure 6 Western side of existing school	5
Figure 7 Existing playground area	5
Figure 8 Location of extension area	5
Figure 9 Site plan showing location of easements	5
Figure 10 Existing and demolition (red) plan	6
Figure 11 Proposed ground floor arrangement	7
Figure 12 Proposed rear elevation	9
Figure 13 Land use zoning map	11

List of Tables

Table 3 Project Team and Accompanying Documentation	2
Table 4 Section 4.15 Assessment	18

Terms and Abbreviations

BCA	Building Code of Australia
Client	Coverite Projects
Council	Tamworth Regional Council
DA	Development Application
DCP	Tamworth Regional Development Control Plan 2010
EP&A Act, the Act	Environmental Planning and Assessment Act 1979
LEP	Tamworth Regional Local Environmental Plan 2010
Regulation	Environmental Planning & Assessment Regulation 2000
SEPPRH	State Environmental Planning Policy (Resilience and Hazards) 2021

1 Introduction

1.1 Project Overview

Stimson Urban & Regional Planning has been engaged by Coverite Projects to prepare a Statement of Environmental Effects in relation to proposed alterations and additions to the existing Montessori preschool at the property known as 84 Carthage Street, East Tamworth.

The proposed development includes the demolition of some internal building elements, and the addition of various ground and first floor rooms to provide increased floor area and learning spaces. This application also seeks consent to increase the capacity of the facility from the current 20 children to 50 children. Associated increases in staffing will also be required.

The site is zoned *R1 General Residential* under *Tamworth Regional Local Environmental Plan 2010* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the Act. The Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third-party approvals are required.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 4.15 of the Act.

1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Considerations – provides for an assessment of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Key Planning Issues – provides an assessment of the key issues identified in the preparation of the application.
- Section 6: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.
- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 Supporting Documentation

The proposed is accompanied by the following documentation:

Table 1 Project Team and Accompanying Documentation

Documentation	Prepared By
Architectural Drawings	Coverite Projects

1.4 Legislation, Environmental Planning Instruments and Policies to be considered

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Tamworth Regional Local Environmental Plan 2010*
- *Tamworth Regional Development Control Plan 2010*

1.5 Consent Authority

The consent authority for this application is Tamworth Regional Council.

2 The Site and Surrounds

The subject site and its surrounds have the following characteristics.

Site Address	84 Carthage Street, East Tamworth
Lot/DP	Lot B DP 949842
Site Area	1011sqm approx.
Local Government Area	Tamworth Regional Council
Zoning	R1 General Residential
Current Land Use	Pre School
Proposed Land Use	Pre School
Surrounding Land Uses	Residential to the North, South and East, Commercial Centre to the west
Topography	Generally flat.
Terrestrial Biodiversity	Not mapped in LEP.
Heritage	Not mapped in LEP.
Flooding/Overland Flow	Not mapped in LEP.
Bushfire	Not mapped.



Figure 1 Subject Site - Aerial

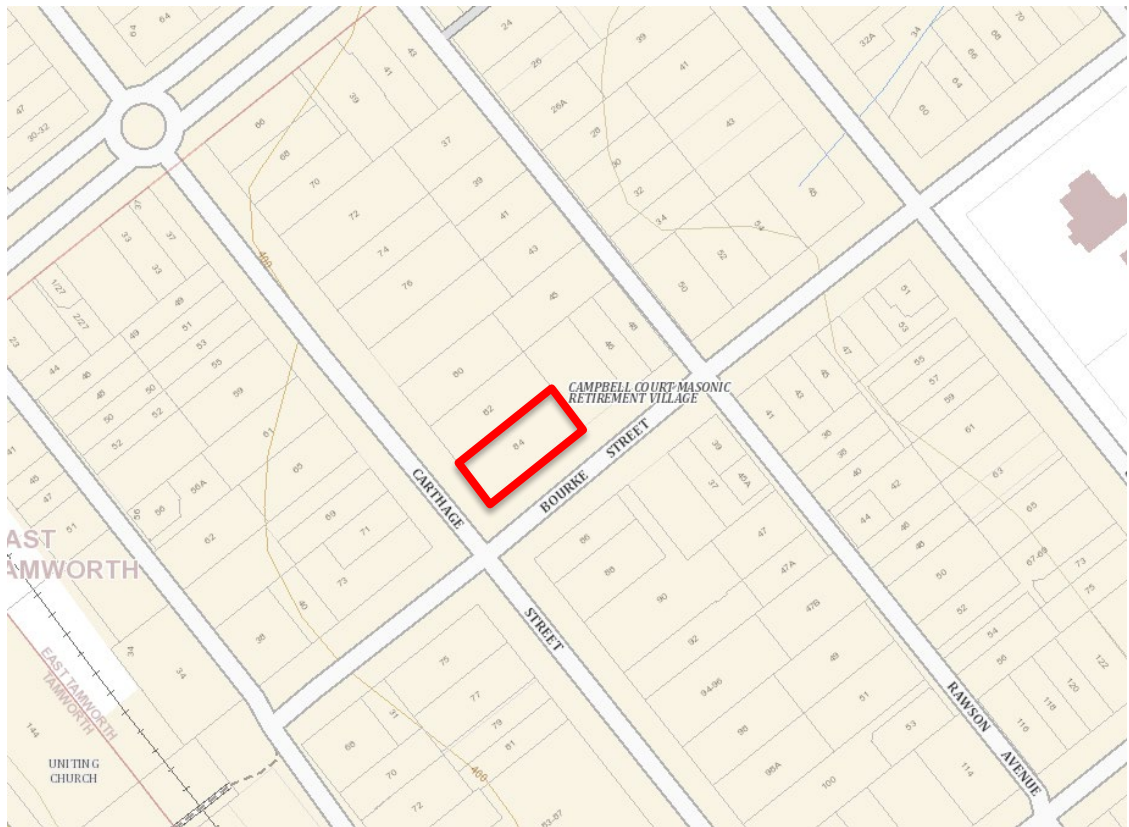


Figure 2 Subject Site - Cadastre



Figure 3 Front view



Figure 4 View north along Bourke Street



Figure 5 Existing car parking arrangements



Figure 6 Western side of existing school



Figure 7 Existing playground area



Figure 8 Location of extension area

2.1 Surrounding Context

The surrounding locality is characterised by residential dwellings. Adjoining the site to the north and west are medium density dwellings, occupied mainly by seniors.

2.2 Easements

The subject site is affected by various easements that traverse the site at the rear of the existing building. The proposed design accommodates the easement and are shown in Figure 9 below.

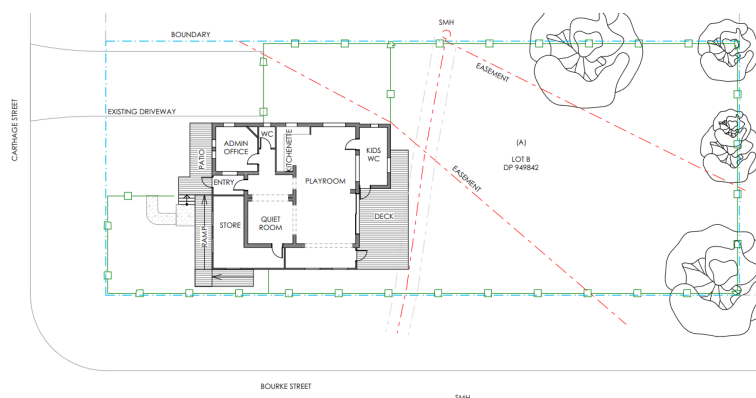


Figure 9 Site plan showing location of easements

3 Project Description

3.1 Overview

This application seeks consent for alterations and additions to an existing preschool. This application also seeks to increase the capacity of the facility from the currently approved 20 children to 50 children. Associated increases in staffing will also be required. The preschool is currently awaiting the outcome of a grant funding application – if successful it would allow the reconfiguration of its existing floor area, and the construction of additional floor area that will provide improved learning and care spaces for the children. External play areas are also proposed as indicated on the accompanying plans.

Given the constraining timeframes linked to the grant funding, it is proposed to construct these works over the 2023/2024 Christmas holidays, pending the outcomes of both the grant funding application and the development application. The proponent seeks Council's assistance in meeting these tight timeframes through an expeditious assessment period.

3.2 The Site from a Land Use Perspective

There is no change to the approved use of the site. This application seeks consent for alterations and additions, with an increase in children numbers (50 children).

3.3 Built Form

The following elements are proposed as part of this application.

Demolition

Various ground floor building elements are proposed to be demolished in accordance with the following Figure 10 below.

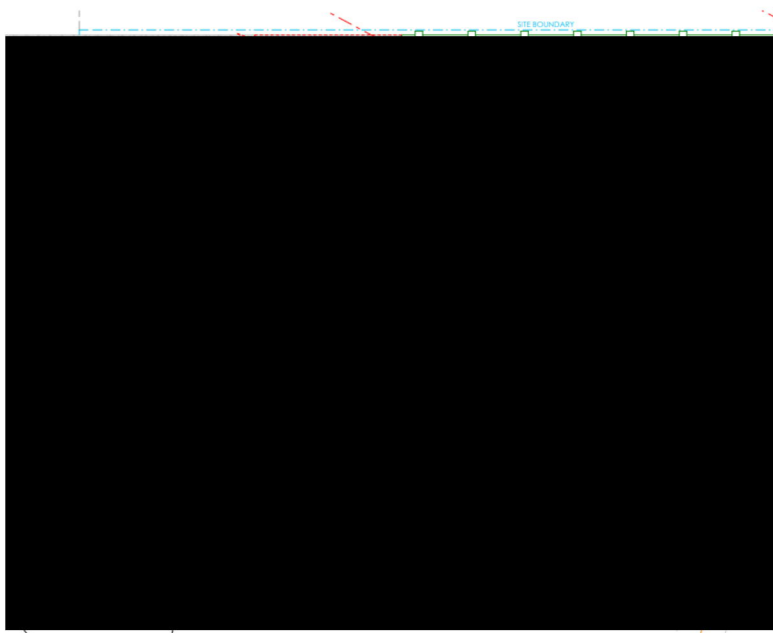


Figure 10 Existing and demolition (red) plan

Ground floor works

The following works are proposed on the ground floor of the building, and within the rear yard/play area:

- Construction of new amenities
- Reconfigured foyer and entranceway
- Expanded playroom (91sqm)
- Construction of a staircase allowing access to the proposed Level 1
- Large play deck
- External formalised play areas including play equipment (sandpits, stage areas, cubby houses, mud kitchen etc)
- Formalisation of four staff car parking spaces on Carthage St frontage

First floor works

The following works are proposed at the first floor level:

- Additional amenities
- Large circulation spaces
- Large additional playroom (74sqm) and associated sink facilities
- Staff and storerooms
- Directors' office
- External play deck

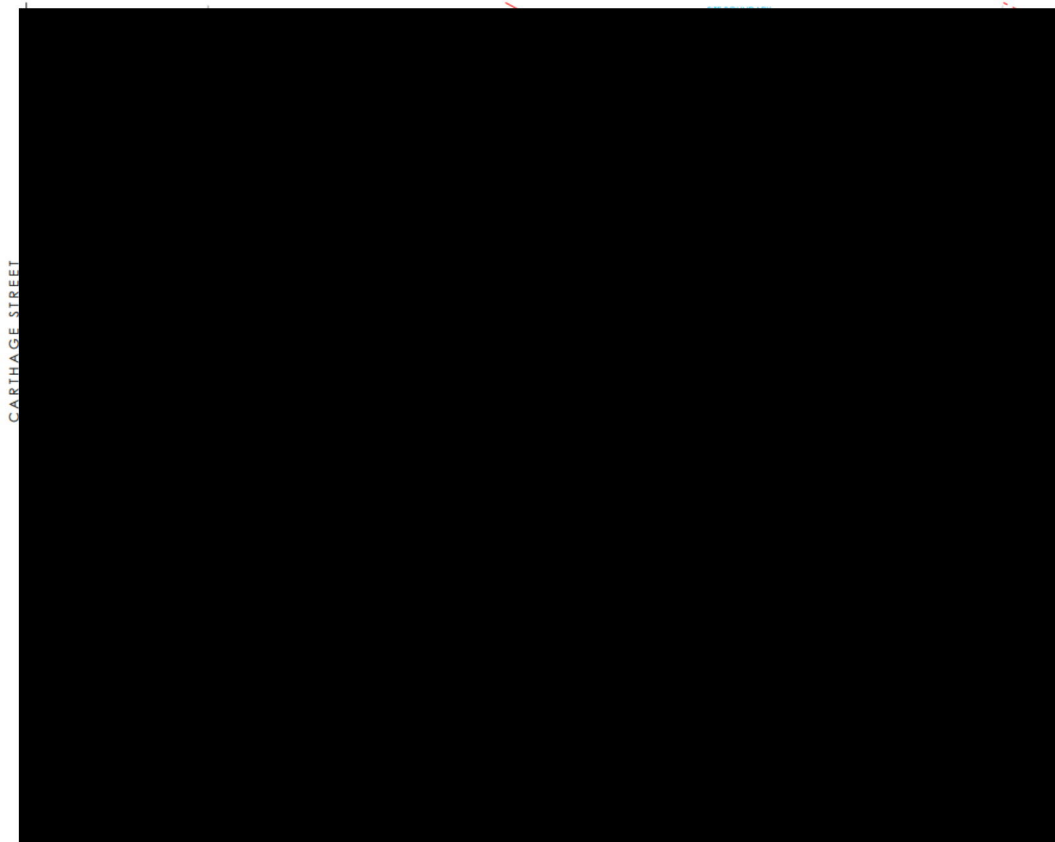


Figure 11 Proposed ground floor arrangement

3.4 Vehicular Elements

This application seeks to formalise 4 staff car parking spaces accessed from Carthage Street at the existing driveway crossover.

It is also noted that the Bourke Street frontage of the property accommodates some six vehicle spaces that are utilised at various times of the day for drop off and pick up of children.

Parking will be discussed later in this report.

3.5 Landscaping and Open Space

Formalised and passive play areas are identified on the accompanying plans.

3.6 Hours of Operation, Children and Employee Numbers

There are no changes sought to the existing approved hours of operation as part of this application.

Children numbers are sought to be increased from 20 children to 50 children. Associated staffing increases will also need to be approved.

3.7 Stormwater Drainage

Stormwater connections required as a result of the proposed development will utilise the existing stormwater system on the site.

3.8 National Construction Code Compliance

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal, and it is expected that Council will require matters relating to NCC compliance.

3.9 Materials and Finishes

A range of contemporary colours and finishes are proposed as part of the development application. These are detailed on sheet A300 of the accompanying set of plans.

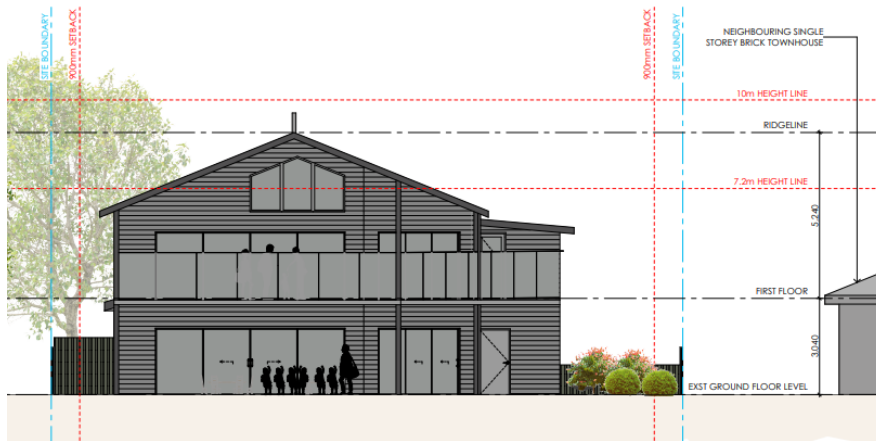


Figure 12 Proposed rear elevation

4 Statutory Considerations

The applicable statutory planning instruments and relevant guidelines have been considered below.

4.1 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

This Chapter provides for a statewide planning approach to the remediation of contaminated land and was formerly known as SEPP 55. Clause 4.6 of the chapter requires the following:

- (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 subsection (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 subsection (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.

There is no change of use proposed as part of this application. Moreover, the surrounding locality has been used for residential purposes for a significant time, with no known sensitive land uses being located in the vicinity of the subject site. It is therefore submitted that the objectives of the SEPP have been satisfied and that no further consideration is required.

4.2 Tamworth Regional Local Environmental Plan 2010

The Tamworth Regional LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to encourage the orderly management, development and conservation of natural and other resources within the Tamworth region by protecting, enhancing or conserving—
 - (i) important agricultural land, and
 - (ii) timber, minerals, soil, water and other natural resources, and
 - (iii) areas of significance for nature conservation, and
 - (iv) places and buildings of archaeological or heritage significance,
- (b) to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity,
- (c) to manage and strengthen retail hierarchies and employment opportunities, promote appropriate tourism development, guide affordable urban form and provide for the protection of heritage items,
- (d) to promote ecologically sustainable urban and rural development and control the development of flood liable land, and
- (e) to secure a future for agriculture by expanding Tamworth's economic base and minimising the loss or fragmentation of productive agricultural land.

It is submitted that the proposed development is not inconsistent with these objectives.

Land Use and Permissibility

The subject site is zoned *R1 General Residential* with the following zone objectives applying to that zone.

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

The proposed development is consistent with the objectives of the zone in that:

- The continued use of the site as a preschool will provide necessary day to day needs of the surrounding community.
- The proposed development does not obstruct the objectives being met within the locality.

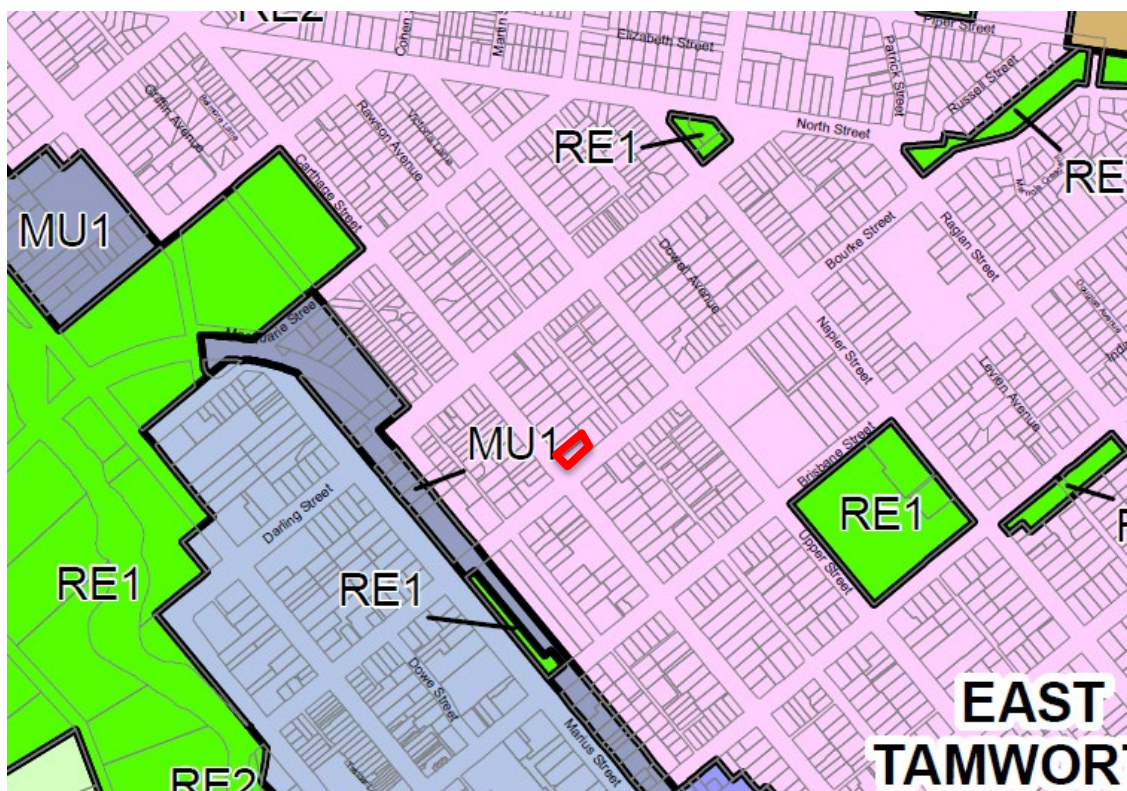


Figure 13 Land use zoning map

There is no change of use proposed, however it is noted that *centre-based child care facilities* are a permissible land use in the zone with consent.

The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:			
Standard	Permitted	Proposed	Comment
4.3 Height of Buildings	Not applicable	Not applicable	Not applicable
4.4 Floor Space Ratio	Not applicable	Not applicable	Not applicable

Provision		Comment
Part 5 Miscellaneous Provisions		
5.1	Relevant acquisition authority	Not applicable
5.1A	Development on land intended to be acquired for public purposes	Not applicable
5.2	Classification and reclassification of public land	Not applicable
5.3	Development near zone boundaries	Not applicable
5.4	Controls relating to miscellaneous permissible uses	Not applicable
5.5	Controls relating to secondary dwellings on land in a rural zone	Not applicable
5.6	Architectural roof features	Not applicable
5.7	Development below mean high water mark	Not applicable
5.8	Conversion of fire alarms	Not applicable
5.9	Dwelling house or secondary dwelling affected by natural disaster	Not applicable
5.10	Heritage conservation	Not applicable
5.11	Bush fire hazard reduction	Not applicable
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable
5.13	Eco-tourist facilities	Not applicable
5.14	Siding Spring Observatory—maintaining dark sky	Not applicable
5.15	Defence communications facility	Not applicable
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	Not applicable
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not applicable
5.18	Intensive livestock agriculture	Not applicable
5.19	Pond-based, tank-based and oyster aquaculture	Not applicable
5.20	Standards that cannot be used to refuse consent—playing and performing music	Not applicable
5.21	Flood planning	Not applicable
5.22	Special flood considerations	Not applicable
5.23	Public bushland	Not applicable
5.24	Farm stay accommodation	Not applicable
5.25	Farm gate premises	Not applicable
Part 7 Additional Local Provisions		
7.1	Earthworks	Not applicable
7.2	(Repealed)	
7.3	Erection of rural workers' dwellings on land in Zone RU1 and RU4	Not applicable

Provision	Comment
7.4 Development in Zones E1, E3 and MU1	Not applicable
7.5 Development within a designated buffer area	Not applicable
7.6 Development in flight path	Not applicable
7.7 Development in areas subject to aircraft noise	Not applicable
7.8 Location of sex services premises and restricted premises	Not applicable
7.9 Temporary events on public reserves and public roads	Not applicable
7.10 Temporary workers' accommodation	Not applicable
7.11 Design excellence	Not applicable
7.12 Minimum dwelling density	Not applicable
7.13 Development control plan for certain land at Browns Lane and Manilla Road, Stratheden	Not applicable

The proposed development is consistent with the relevant provisions of the LEP.

4.3 Tamworth Regional Development Control Plan 2010

The following assessment has been made in respect of the relevant development controls within the DCP.

Control	Comment
STEP 4: SITE SPECIFIC	
EAST AND WEST TAMWORTH	
Subdivision	Not applicable
Alterations and/or additions to existing heritage items	Not applicable
Change of use of heritage items	Not applicable
Fencing to Heritage Items	Not applicable
New development	Not applicable
New Ancillary Structures	Not applicable
Control	Comment
STEP 5: DISCRETIONARY DEVELOPMENT STANDARDS	
EAST AND WEST TAMWORTH	
1.42 Extensions or alterations	
a) Extensions or additions must not dominate the existing building.	Noted. The proposed second storey presents visually as a dwelling addition would. The scale and bulk of the works proposed is considered acceptable in the locality.
b) If visible from the street frontage, alterations or additions must blend seamlessly with the existing building in size, style, materials and colours.	The design of the proposed works will ensure the ultimate built outcome will appear satisfactory on both Carthage and Bourke Street frontages.
c) Where original roofing is expensive such as slate, corrugated iron may be used as a suitable alternative for extensions or alterations to the rear of the building.	Not applicable

Control	Comment
d) Materials and details of existing development should not be simply copied, but used as points of reference in the choice of materials, colours, details and decorations.	The accompanying plans demonstrate a well considered design approach that will achieve this objective.
e) Modern materials can be used if their proportions and details match, and colour and tonal contrast can be used as unifying elements.	Noted. Materials, colours and finishes are considered contemporary and consistent with those found on other alterations and additions in the locality. The proposed works are considered acceptable in this context.

APPENDIX A – PARKING REQUIREMENTS SCHEDULE

Schedule of Parking Requirements

Land Use	Parking	Comments
Child Care Centre	1 space for every 5 children based on the maximum number of children at the centre.	This calculation includes staff parking.

The preschool currently operates with a maximum of 20 children, generating a parking demand of 4 spaces. With the proposal including an increase to 50 children, so too will the parking demand, with 10 spaces being required by the DCP.

The preschool functions with staff parking in the existing driveway area accessed from Carthage Street. Children drop off and pick up is mostly carried out on the Bourke Street frontage, where some 6 on street spaces are utilised at various times throughout the day. At least one other on street space is available on the Carthage Street frontage. The preschool operates without any traffic or amenity impacts with 11 spaces being available, despite requiring only 4.

The nature of the Montessori approach to education differs from other preschool operators, where children are not expected at school at any particular starting time, rather they are welcomed at what could be any point throughout the morning period. This results in a very much staggered drop off period – not all at one particular time of the morning. This staggered traffic turnover also occurs of an afternoon and can take place over a number of hours.

This application seeks to formalise two stacked spaces (4 in total) on the site accessed from Carthage Street. This parking is proposed for staff only and can be managed by staff as it is now. This area is currently used for a number of staff on the site. Some 7 on street spaces are already utilised by the site along each of its frontages. The use of on street spaces is considered acceptable in this instance for the following reasons:

- The current operation utilises on street car parking and has done so since it commenced operations.
- Nearby preschools (namely Calrossy) have no on-site car parking and utilise on street parking, also along two street frontages. Those preschools that do have on street parking have very little accessible street frontage (namely Little Kindy on Raglan Street).
- To date we are not aware of any negative impacts on traffic or amenity as a result of using the on-street spaces.
- Utilising on-street car parking frees up crucial play space within the subject site
- The internal spaces of the site are constrained by a number of easements that may not allow parking to be provided on site.

In the circumstances of this case, it is considered the existing parking arrangements on the site will be adequate for the proposed development. Council's support is sought for these arrangements.

The proposed development is consistent with the relevant provisions of the DCP.

5 Key Planning Issues

The following impacts have been considered in the preparation of this development proposal.

5.1 Bulk and Scale

The existing preschool has applied for grant funding to upgrade the existing facility and is awaiting the decision. This upgrade will ensure those attending are offered a contemporary and attractive learning environment, commensurate with current standards. Those works, however, are constrained by the existing easements that traverse the site at the rear of the existing building. On one hand, those constraints require the expanded floor area to be situated at first floor level, but on the other, the easements ensure an abundant outdoor play area is provided for the children.

Notwithstanding, the design of the first-floor addition is intended to orientate away from the adjoining buildings to the west, minimising the scale and bulk presenting to that boundary.

The scale and bulk of the development when viewed from either of Carthage or Bourke Streets is consistent with other two storey residential development in the locality and is therefore considered acceptable.

5.2 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

5.3 Traffic Generation and Parking

The preschool currently operates with a maximum of 20 children, generating a parking demand of 4 spaces. With the proposal including an increase to 50 children, so too will the parking demand, with 10 spaces being required by the DCP.

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In the circumstances of this case, it is considered the existing parking arrangements on the site will be adequate for the proposed development. Council's support is sought for these arrangements.

5.4 Services

The site is appropriately serviced to allow for the proposed development.

5.5 Social and Economic

There are no negative economic or social impacts considered relevant to the proposal.

5.6 Crime Prevention Through Environmental Design (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the *“Crime Prevention and Assessment of Development Application Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979”* published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

Surveillance

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along all frontages allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Active areas are well positioned.
- Areas of entrapment are limited due to controlled access points around the development.
- CCTV exists on the site.

Access Control

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to the building can be effectively managed through lockable entry doors at the entry foyer.

Overall access to the building will be managed by on-site staff.

Territorial Reinforcement

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

Space Management

For most modern commercial developments, space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. Therefore, the effectiveness of management systems such as light globe replacement, removing graffiti, and fixing broken site furnishings will influence the perceived level of care of the project. In this case, on-site staff will ensure processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

5.7 Waste Management

No changes are proposed to the existing waste management procedures in place for the approved preschool.

6 Section 4.15 Assessment

The following assessment against Section 4.15 of the EPA Act has been undertaken.

Table 2 Section 4.15 Assessment

Clause	Consideration
Section 4.15(1)(a)(i) – Any Environmental Planning Instruments	<p>The relevant environmental planning instruments have been considered earlier in this report. These include the following:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Resilience and Hazards) 2021 Tamworth Regional Local Environmental Plan 2010 Tamworth Regional Development Control Plan 2010 <p>The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.</p>
Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instrument	There are no known draft Environmental Planning Instruments applicable to the subject site.
Section 4.15(1)(a)(iii) – Any Development Control Plan	Compliance against the relevant DCP controls has been considered earlier in this report.
Section 4.15(1)(a)(iiia) – Any Planning Agreement	There are no known planning agreements that apply to the site or development.
Section 4.15(1)(a)(iv) – The Regulations	There are no sections of the regulations that are relevant to the proposal at this stage.
Section 4.15(1)(a)(v) – Any Coastal Zone Management plan	Not relevant to the proposed development.
Section 4.15(1)(b) – The Likely Impacts of the Development	It is considered there will be no significant impacts arising from this proposed development. No changes are proposed to the number of children on the site, or how the site currently operates.
Section 4.15(1)(c) – The Suitability of the Site	<p>The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that The development would not result in any unacceptable impact on any adjoining landowners or buildings.</p> <p>The site is considered to be suitable for the development for the reasons outlined below:</p> <ul style="list-style-type: none"> The proposal is permissible with consent in the R1 zone. The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location. The proposal is compatible with surrounding land uses and will ensure the day to day needs of the community are met.
Section 4.15(1)(d) – Any Submission Made	Council may undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response any submissions received.

Clause	Consideration
Section 4.15(1)(e) – The Public Interest	Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

The proposed development is considered to satisfy the relevant provisions of the Act.

7 Conclusion and Recommendation

The proposed development has been assessed against the requirements of the Tamworth Regional LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed works would not result in any unacceptable impact on the locality. The site is considered quite suitable for the works proposed and the scale of the ultimate development is consistent with nearby and adjoining development.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development be approved.