

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017NTH023 DA
<b>DA Number</b>	<b>DA2018-0142</b>
<b>LGA</b>	Tamworth Regional Council
<b>Proposed Development</b>	Demolition of an existing dwelling and construction of a seniors living development containing 57 self contained dwellings, aged care facility and a community centre.
<b>Street Address</b>	372 Moore Creek Road NORTH TAMWORTH NSW 2340 (Lot 1 DP 868365)
<b>Applicant/Owner</b>	TSA Management Pty Ltd/ Mr Peter Wighton and Mrs Cathy Wighton
<b>Date of Lodgement</b>	21 September 2017
<b>No. of Submissions</b>	2 submissions
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Capital Investment Value > \$30M
<b>List of all relevant 4.15 (1) matters</b>	State Environmental Planning Policies (SEPPs): <i>SEPP (State and Regional Development) (2011)</i> <i>SEPP - Housing for Seniors of People with a Disability) 2004</i> <i>SEPP No.44 – Koala Habitat Protection</i> <i>SEPP No.55 – Remediation of Land</i>  The Tamworth Regional Local Environmental Plan 2010 The Tamworth Regional Development Control Plan 2010
<b>List all documents submitted with this report for the Panel's consideration</b>	Architectural Plans prepared by Kennedy Associates Architects, Project No 1633, Drawing No's DA00B and DA05B to DA79B all dated 09/03/2018 and DA01C to DA04C all dated 11/04/2018;  Landscape Plans prepared by Taylor Brammer Landscape Architects Pty Ltd, Job No. 17-088S, Drawing No. LA01, LA02, LA03, LA07 all Revision C, dated 07/03/2018 and LA08 LA10, LA11 all revision B dated 07/03/2018;  Civil Design Plans prepared by Northrop Job No. 170912 <ul style="list-style-type: none"> <li>Drawing No's DA1.01, DA2.21, DA3.01, DA3.02, DA3.03, DA3.04, DA3.05, DA3.06, DA3.24, DA3.25, DA3.31, Revision 4 dated 11/04/2018</li> <li>Drawing No's DA1.11, DA2.01, DA2.11, DA3.21, DA3.22, DA3.23, DA4.01 Revision 3 dated 09/03/2018</li> <li>Drawing No's DA3.25 Revision 2 dated 09/03/2018</li> <li>Drawing No's DA5.01, DA5.02, Revision 2 dated 14/09/2017</li> <li>Drawing No.DA6.01 Revision 3 dated 11/04/2018</li> </ul> Department of Primary Industries- Water General Terms of Approval
<b>Report prepared by</b>	<b>Sam Lobsey, Acting Manager - Development and Approvals</b>
<b>Report date</b>	<b>2 May 2018</b>

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

**Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

**Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

**Not Applicable**

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**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not Applicable

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

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**Conditions**

Have draft conditions been provided to the applicant for comment?

Yes

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

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## **EXECUTIVE SUMMARY:**

### **Reason for consideration by the Joint Regional Planning Panel:**

The application has been referred to the Joint Regional Planning Panel pursuant to Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* as the Capital Investment Value (CIV) exceeds \$30 million.

Recent changes to the *Environmental Planning and Assessment Act 1979* resulted in relocation of the provisions for regionally significant development to Part 4 and Schedule 7 of the *State Environmental Planning Policy (State and Regional Development)*. The value of CIV for regionally significant development also increased to \$30 million. The proposed development has a CIV of \$42,641,228.

### **Brief Description of Proposal:**

The proposed development is for:

1. Demolition of an existing dwelling; and
2. Construction of 57 self contained dwellings for seniors and a 62 room two storey residential care facility (RACF), a community centre, internal road networks, car parking and associated earthworks and utility infrastructure.

A copy of the Architectural Plans is provided in **ANNEXURE 1**.

### **Compliance with Planning Controls:**

The site is zoned R1 General Residential pursuant to the *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*. The proposal is defined as "seniors housing", which is permissible with consent in the zone.

The proposal is consistent with the objectives of the R1 General Residential zone as follows:

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

The following report includes an assessment of the proposal against the provisions of:

- *State Environmental Planning Policy (State and Regional Development) (2011);*
- *State Environmental Planning Policy - Housing for Seniors of People with a Disability) 2004 (the SEPP);*
- *State Environmental Planning Policy No.44 – Koala Habitat Protection;*
- *State Environmental Planning Policy No.55 – Remediation of Land.*

### **Background:**

8-12-2016 - Request from the applicant for a Preliminary Development Application (pre DA) Meeting to discuss a potential proposal for a seniors living/ aged care facility.

13-12-2016 - First pre DA meeting between the applicant and Council Planners.

3-5-2017 - Second pre-Da Meeting with applicant and Council.

21-09-2017 - DA2018-0142 lodged and accepted.

### **Consultation:**

The application was publicly exhibited in accordance with the *Tamworth Regional Council Development Control Plan 2010* and exhibition requirements for Integrated Developments from 9 October 2017 to 8 November 2017. The application was advertised in the *Northern Daily Leader* on 7 October 2017 and notification letters were sent to all adjoining property owners. Two submissions were received during the exhibition period. Copies of the Submissions are contained within **ANNEXURE 2**. Further commentary in response to the issues raised will be discussed later in this report.

### **Referrals:**

Internal referrals were made to the following Council Divisions: Transport and Assets, Water Enterprises, Regulatory Services, Strategic Planning and Sport and Recreation.

External referrals were made to the following agencies: Department of Primary Industries – Water and NSW Police (Oxley Police District)

### **Recommendation:**

It is recommended that DA2018-0142 be approved subject to the conditions contained in **ANNEXURE 3**.

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### **Annexures:**

Annexure 1	Architectural Plans
Annexure 2	Submissions
Annexure 3	Draft Conditions
Annexure 4	Department of Primary Industries – Water General Terms of Approval
Annexure 5	NSW Police Referral
Annexure 6	Civil Design Plans
Annexure 7	Landscape Plans

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### **Description of Proposal:**

The proposed facility comprises:

- Fifty seven self contained dwellings;
- A sixty two room Residential Aged Care Facility (RACF);
- Community centre;
- Driveways and car-parking;
- Extensive landscaping,

The development includes extensive cut and fill to ensure the finished surface levels comply with the access requirements of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. The existing drainage line through the site has been incorporated into the design with tree planting and pathways integrated with the stormwater management system, including a retention basin located on the northern boundary of the site.

The primary access to the site will be from Moore Creek Road with a secondary access from Browns Lane. The applicant proposes intersection treatments at both road entrances.

The RACF will be operational 24 hours a day, 7 days a week and will employ fourteen staff. A private bus service will be provided for residents in accordance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

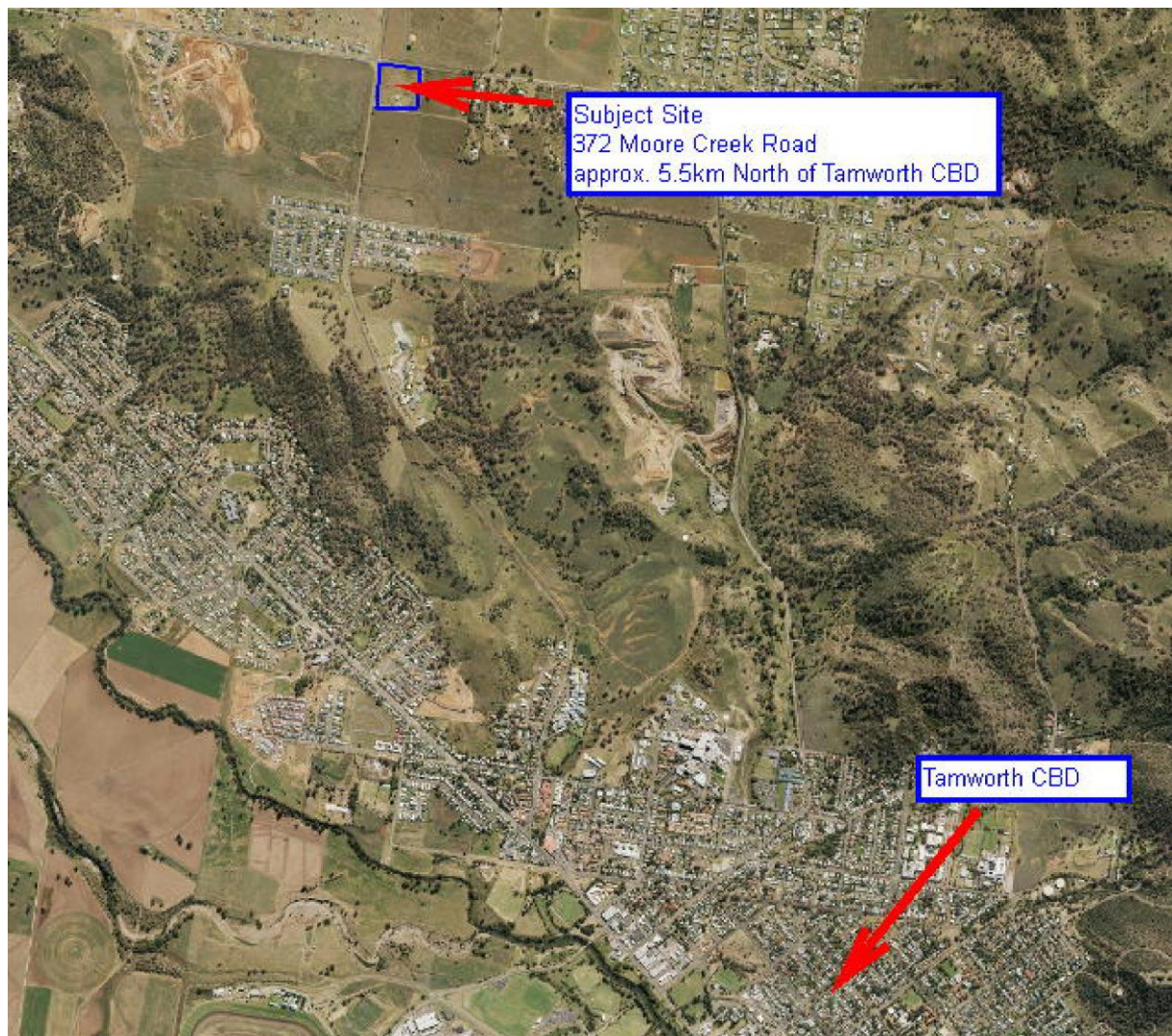
The applicant have indicated that there is an unmet future demand for independent and assisted-living aged care in Tamworth, and this site was chosen because of its amenity, proximity to medical facilities, retail and other community uses.

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### **Subject Site Description & Locality:**

The site has a total area of 4.0450 hectares with a 191 metre frontage to Browns Lane on the northern boundary and a 187 metre frontage to Moore Creek Road on the western boundary. The site currently contains an existing dwelling and shed which are proposed to be demolished.

The land is located at the south-east corner of the intersection of Moore Creek Road and Browns Lane in the locality known as Moore Creek. The site is approximately 5.5km north-west of the Tamworth Central Business District (CBD). See Figures 1 and 2 below.



*Figure 1: Aerial Image of Subject Site and Tamworth CBD*





*Figure 2: Aerial Image of Site and Surrounding Land*

The land slopes gradually downhill from the south-west to the north-east. An existing drainage channel runs from south to north along the eastern boundary. The land is mostly vacant and cleared, except for a dwelling and garage.

The surrounding area has been modified significantly over the past 10-15 years since the adoption of the *Hills Plain Master Plan* (urban release area). Prior to implementation of the Master Plan, land directly adjoining the subject site in all directions was predominantly utilised for small scale farming, including cropping and grazing and low density rural residential.

The increase in residential developments is redefining the character of the Moore Creek and Hills Plains area. This has lead to an increase in traffic volumes at peak times on Moore Creek Road and Browns Lane. The site is situated on the intersection of Moore Creek Road and Browns Lane, which has been the subject of a number of complaints by residents about road safety.

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#### **External Referrals:**

##### *Department of Primary Industries – Water*

Work is proposed within 40 metres of a natural drainage line, meaning that the proposal requires a controlled activity permit from DPI – Water under the *Water Management Act 2000* and is integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979*. The application was referred to the DPI – Water on 25 September 2017 and a response containing the General Terms of Approval was issued on 28 November 2017, please see the response attached in **ANNEXURE 4**.

## *NSW Police – Oxley Police District*

The application was referred to NSW Police – Oxley Police District on 25 September 2017 and a response was received on 26 October 2017. The issues raised were:

- CCTV cameras – It was recommended that CCTV be included within the development.
- Communications – It was requested that the Nurse Call/Staff Assist system integrate the RACF system to connect the facilities.
- Emergency evacuation point – It was advised that the land is outside the Fire and Rescue District, but in the event of an emergency there would be a dual response from the Rural Fire Service and Fire and Rescue because it is a significant asset.
- Traffic Issues – It was recommended that speed limit on Moore Creek and Browns Lane be reduced to 60km/h.
- Fencing – It was recommended that the fencing selected during construction and on a permanent basis was designed to keep intruders out.

Council has reviewed the referral response and included a draft advisory condition recommending safety, security and access provision are implemented.

A Copy of the NSW Police Referral response is provided in **ANNEXURE 5**

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## **Internal Referrals:**

### *Transport and Assets Division*

One of the concerns raised in the submissions relates to the safety of the intersection of Moore Creek Road and Browns Lane. Council's Transport and Assets Division have advised that funding has been allocated to undertake construction of a roundabout at this intersection, with construction likely to commence in the 2018/19 financial year.

The application has been referred to the Local Traffic Committee who advised that the speed limits on both Browns Lane and Moore Creek Road are to be reviewed and reduced to 60km/h on the approach to the intersection on Browns Lane and Moore Creek Road.

Council's Transport and Assets Division have reviewed the information submitted with respect to traffic access and stormwater and confirmed there are no fundamental issues. Conditions have been recommended in relation to these matters.

A copy of the Civil Design Plans is provided in **ANNEXURE 6**.

### *Water Enterprises*

Council's Water Enterprises have reviewed the information submitted with respect to water and sewer and confirmed there are no fundamental issues with providing a supply to the development. Conditions have been recommended in relation to these matters.

### *Regulatory Services*

by Council's Regulatory Services have considered the potential for contamination and health and food safety requirements, and conditions have been recommended in relation to these matters. Commentary in relation to the provisions of *State Environmental Planning Policy No. 55-Remediation of Land* is included later in the report.

### *Strategic Planning*

RSL Lifecare is a social housing provider for the purposes of seniors housing in accordance with *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Both of Council's adopted development contributions plans provide exemptions for the payment of development contributions. Consequently, it is not proposed to levy any contributions pursuant to

the *Tamworth Regional Council Section 94 (Direct) Contributions Plan 2013* or *Tamworth Regional Council Section 94A(indirect) Contributions Plan 2013*.

#### *Sport and Recreation*

The submitted plans include a detailed landscape plan and tree planting and streetscape elevations to address tree planting within the road reserve.

The installation of trees between the road and the perimeter fence will help to shade and enhance the appearance of the development. Council's Design Guidelines for Subdivisions and Developments contains a list of suitable street trees and these should be planted at a minimum of 10-15 metres apart along the fence. A condition of consent has been included in this regard.

A copy of the Landscape Plans is provided in **ANNEXURE 7**.

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## **NSW Environmental Planning and Assessment Act 1979**

In determining a development application, the consent authority must take into consideration matters referred to in Section 4.15 of the *Environmental Planning and Assessment Act 1979* for the development. The following section of this report summarises the relevant matters for consideration and provides a planning response.

### **4.15 (1)(a)(i) the provisions of any environmental planning instrument**

#### *State Environmental Planning Policy (State and Regional Development (2011)*

The *Environmental Planning and Assessment Act 1979* was updated when the *Environmental Planning and Assessment Amendment Act 2017* was passed by NSW Parliament in November 2017. Most changes commenced on 1 March 2018.

One of the changes resulted in an increase to the capital investment value (CIV) threshold for regionally significant general development from more than \$20 million to more than \$30 million. As the CIV for this development is estimated at more than \$40 million, it is not affected by these changes.

#### *State Environmental Planning Policy No.44 – Koala Habitat Protection (SEPP 44)*

*SEPP 44* requires the consent authority to be satisfied that the development will not have a detrimental impact on core koala habitat. An inspection of the site and a review of the development application documentation confirms the site does not contain core koala habitat.

#### *State Environmental Planning Policy No. 55- Remediation of Land (SEPP 55)*

Pursuant to *SEPP 55*, Council is required to consider the potential for land contamination and whether or not the site is suitable for the proposed development. In this instance, the site has no history of potentially contaminating uses and a site inspection did not identify:

- current or former sheep or cattle dip present in the property;
- current or old farm tips; or
- infrastructure to suggest that significant volumes of chemicals, fuels, oils, coolants and lubricants were stored in the property.

In the event that any contamination is identified, being a concentration of substances above that naturally present that poses, or is likely to pose an immediate or long term risk to human health or environment), work must immediately cease and the Council's Manager Regulatory Services must be contacted to arrange an inspection. A condition has been recommended in this regard.

#### *State Environmental Planning Policy Housing for Seniors of People with a Disability) 2004 (SEPP Seniors*

Consent is sought for seniors housing pursuant to *SEPP Seniors* and contains a residential aged care facility referred to in clause 11 and self contained dwellings referred to in clause 13. An assessment of the proposal has been undertaken against the requirements of *SEPP Seniors*

which confirms that it complies with the relevant provisions. A summary of the assessment according to this *SEPP Seniors* is provided below:

#### *Residential Aged Care Facility (RACF)*

In accordance with *SEPP Seniors*, a residential care facility (RACF) is residential accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

not being a dwelling, hostel, hospital or psychiatric facility.

The proposed RACF building will contain the following rooms: 29 bedrooms on the ground floor and 33 on the first floor and associated dining rooms, lounge rooms, sitting rooms, balconies, courtyard and amenities. Other operational rooms include offices spaces, seven store rooms, meeting room, reception and waiting area, lifts (for residents and goods), commercial kitchen, hair salon and utility rooms,

The building will have a gross floor area of 3878m<sup>2</sup>. The building will be used for the personal and nursing care of seniors, and site administration.

#### *Self-contained Dwelling*

In accordance with *SEPP Seniors*, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.

Each self contained dwelling will contain the following: two bedrooms, lounge/dining room, kitchen, single garage, two bathrooms, laundry and study.

It is intended that there will be a mixture of detached and semi-detached dwellings for residential purposes only.

#### ***SEPP Seniors Assessment Table***

An assessment of the relevant clauses of *SEPP Seniors* is provided below.

Clause	Control	Complies?	Comment
4(1)	Land to which Policy applies	Yes	The land is zoned R1 General Residential which allows for urban uses residential accommodation. The land is not environmentally sensitive 4(1)(6).
8	Seniors	Yes	The proposed development is seniors housing because it comprises a Residential Aged Care Facility (RACF).
10	Seniors Housing	Yes	Both the RACF and self contained dwellings are designed for seniors.
11 and 13	Definitions of residential care facilities and self-contained dwellings	Yes	The proposed RACF and self contained dwellings are consistent with these definitions.
16	Development consent required	Yes	The applicant seeks consent by way of this development application



21	Subdivision	N/A	Subdivision is not proposed.
22	Fire Sprinkler Systems	Yes	A fire sprinkler system is proposed and a condition of consent is recommended to ensure it is installed in the RACF.
24 and 25	Site Compatibility Certificate	N/A	The land is zoned for urban purposes.
26	Location and access to facilities	Yes	<p>A private bus service will be provided to the development, and a condition is recommended to require that it be in service upon completion of the first stage.</p> <p>The applicant has demonstrated that suitable pathways will be provided throughout the site.</p> <p>Gradients within the development will be a maximum of 1 in 20. The applicant has provided an Access Compliance Report which addresses this Clause.</p>
27	Bushfire Prone Land	N/A	The land is not bushfire prone.
28	Water and Sewer	Yes	The development is capable of being serviced by reticulated water and sewer infrastructure.
29	Certain Site Compatibility Criteria i) the natural environment ii) the services and infrastructure iii) the impact that the bulk, scale, built form and character	Yes	The proposed residential use of the site is permissible in zone R1 and is compatible with the surrounding locality. All required services and infrastructure are available to the development and the density is consistent with existing and likely future uses in the locality.
30	Site Analysis	Yes	A site analysis plan has been provided which identifies existing site constraints, structures, vegetation and utilities. A shadow diagram has also been provided. Council is satisfied that the applicant has considered all constraints to development.
31	Design of in-fill self-care housing	Yes	The applicant has demonstrated that suitable access is provided to individual dwellings, the RACF and communal amenities, in accordance with <i>SEPP Seniors</i> . This is detailed in the Access Compliance Report prepared by Vista Access Architects.
33	Neighbourhood amenity and streetscape	Yes	The applicant has demonstrated through building design and landscaping that the development will compliment the desired future character of the surrounding locality.

34	Visual and acoustic privacy	Yes	There are five bedroom windows on the first floor (southern elevation) of the RACF which have the potential to overlook adjoining future residential lots. The likelihood of direct overlooking is low.
35	Solar access and design for climate	Yes	Dwelling locations have been designed to allow acceptable solar access across the site.
36	Stormwater	Yes	A complete assessment of the stormwater design has been made and is considered suitable.
37	Crime Prevention	Yes	Addressed through imposing relevant conditions
38	Accessibility	Yes	An access report has been prepared which addresses this clause.
39	Waste Management	Yes	Adequate waste facilities are provided and a management plan in place to provide a private contractor to collect waste. A condition has been recommended to clarify Council's kerb side collection will not be provided.
40	Development Standards	N/A	In accordance with clause 40(5)(b) the development application is made by a social housing provider and development standards do not apply.
41	Standards concerning accessibility and useability	Yes	The access report demonstrates compliance this relation to Schedule 3.
43	Transport services to local centres	Yes	A regular bus service will be provided.
48	Standards that cannot be used to refuse development consent for residential care facilities <ul style="list-style-type: none"> <li>- Building Height</li> <li>- Density and scale</li> <li>- Landscaped area</li> <li>- Parking</li> </ul>	Yes	<p>The height of the RACF:</p> <ul style="list-style-type: none"> <li>- will be 8.34 metres from ground floor level to ridge.</li> <li>- 5.2 metres (approximately) from natural ground level to the topmost ceiling height at the southern boundary of the site</li> </ul> <p>Floor space ratio is less than 1:1.</p> <p>Approximately 7000m<sup>2</sup> of landscaped communal open space will be provided.</p> <p>16 car spaces will be provided for the RACF:</p> <ul style="list-style-type: none"> <li>- 62 beds = 7 spaces</li> <li>- 14 employees = 7 spaces</li> <li>- 1 ambulance space provided</li> </ul> <p>Total required = 14 spaces plus</p>

ambulance space			
50	Standards that cannot be used to refuse development consent for self contained dwellings – Building Height <ul style="list-style-type: none"> <li>- Density and scale</li> <li>- Landscaped area</li> <li>- Deep soil zones</li> <li>- Solar access</li> <li>- Private open space</li> <li>- Parking</li> </ul>	Yes	Self contained dwelling building heights will be less than 8 metres.  Floor space ratios will be less than 0.5:1.  More than 30% of the site will be landscaped.  More than 15% of the site is a deep soil zone with a high % of area location along the eastern boundary, which is a natural water course.  84% of the dwellings will receive at least three (3) hours of winter sunlight to living areas.  Each dwelling has sufficient private open space.  1 garage space and 1 stacked space in driveway has been provided for each dwelling.
55	A consent authority must not grant consent to carry out development for the purpose of a residential care facility for seniors unless the proposed development includes a fire sprinkler system.	Yes	A fire sprinkler system shall be installed.

In accordance with the *SEPP Seniors*, a Schedule 3 Assessment concerning accessibility and useability for self-contained dwellings has been carried out by the applicant and addressed in the Access Compliance Report prepared by Vista Access Architects, Project No. 17180. Council is satisfied this report addresses the requirements of Schedule 3 and compliance can be achieved. A condition of consent has been recommended to require that certification of compliance be provided to the Principal Certifying Authority prior to occupation of each building.

*SEPP Seniors* also requires that the proposed development generally comply with the provisions of *Seniors Living Policy: - Urban Design Guidelines for Infill Development (Department of Infrastructure, Planning and Natural Resources March 2004)*. An assessment of the proposal in relation to these guidelines is provided below.

*Senior's Living Policy - Urban Design Guidelines for Infill Development:*

#### Responding to Context

The proposed development will contribute to the overall character of the area, which is progressively being developed for residential purposes. Concerns have been raised in the submissions that the development is not in context with the area. However, Council is satisfied that the proposed development will contribute to the diversity in the housing in the Moore Creek and Hills Plain area and is consistent with the future desired character. In coming years the surrounding land will be developed, filling the empty paddocks, and the development will present in a different landscape.

The extensive landscaping proposed within the development will also assist the development to integrate. As the surrounding locality is predominantly a new urban area, there is a lack of mature landscaping in the locality. The landscaping proposed will enhance the development and consistent with the future landscaping in adjoining residential land once mature.

### Site Planning and Design

The proposed development provides suitable amenity for the new dwellings and the RACF and community centre by minimising the physical and visual dominance of car parking, garaging and vehicle circulation, and providing a housing choice through a range of dwelling sizes.

All car parking has also been provided within the development to minimise its visual impact when viewed from the street.

The landscape plan identifies a series of pathways throughout the development linking the self contained dwellings to the RACF, the community centre, bowling green and communal gardens. The design allows residents to safely walk throughout the site without being concerned by walking along the internal roads.

### Impacts on Streetscape

The proposed development provides only two vehicle accesses to the site from Moore Creek Road (main entrance) and Browns Lane. It is not proposed to access any dwellings directly from the road. The built form of the proposed development is broken up by providing separation between the attached dwellings fronting Moore Creek Road and Browns Lane. Landscaping will be provided both in front and behind the proposed open style decorative fencing on both street frontages to minimise the impact of the fencing on the streetscape.

The setback of the proposed development from the front boundaries is consistent with the existing building line of 4.5 metres. It is considered that the front entrance gate, open style fencing and landscaping will provide a soft visual appearance along both Moore Creek Road and Browns Lane.

### Impacts on Neighbours

The majority of buildings across the site will not cause any overshadowing impacts on any adjoining properties as they are single storey. It is likely that the RACF will overshadow the rear yards of future lots on the adjoining property to the south. This is considered to be a low impact and only to occur during afternoon periods of the day.

Separation has been provided between the proposed dwellings to reduce the bulk of development when viewed from the adjoining properties.

Landscaping is to be provided in accordance with the landscape plan that includes a range of small to medium trees. Direct sunlight to the living rooms and private open spaces of the neighbouring dwellings has not been reduced.

### Internal Site Amenity

A community open space area is located in the north eastern portion of the site and includes a community centre, bowling green, pathways and gardens. The dwellings have been designed to have good amenity and safe entries with good pedestrian connectivity within the site. The car parking and vehicle circulation space on the site has been designed to minimise the impact on the internal character of the proposed development.

Private open space has been provided to each of the dwellings in accordance with the requirements of the *SEPP Seniors*, located adjacent to the main living area of each dwelling and is screened to provide privacy. The garbage storage areas located in positions throughout the development in the front setbacks will be easily accessed by residents and an on-site manager.

Garbage collection for the entire development will be carried out by private contractors and taken to a licensed waste facility. The bulk bin at the rear of the RACF will be emptied by a small rigid truck. This addresses any concerns raised relating to bins being placed along the property frontage on a weekly basis. Conditions have also been included to ensure that no kerb side bin collection is permitted for this development.



## Regional Environmental Plan

The subject site is situated in an area identified in the *New England-North West Regional Plan 2036*, which is earmarked as a Future Residential Investigation Area. The proposed development is considered consistent with the objectives of the Regional Plan in this regard.

## Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)

The subject site is located within an R1 General Residential Land use zone. Pursuant to the *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010), a “seniors housing” development is permitted in this zone.

The objectives of the zone are:

- *to provide for the housing needs of the community;*
- *to provide for a variety of housing types and densities; and*
- *to enable other lands 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, as it contributes to the variety of housing types in the North Tamworth locality and provides housing for the community. The proposal includes community centre, bowling green and communal gardens and pathways which facilitate daily activities for the residents of the new development.

### **4.15 (1)(a)(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**

There are no draft environmental planning instruments applicable to the proposal.

### **4.15 (1)(a)(iii) any development control plan**

#### *Tamworth Regional Development Control Plan 2010 (TRDCP 2010) – Hills Plain Development Controls:*

##### *Road Design*

There are no public roads proposed as part of the development. However, the proposal does include the construction of two new vehicle accesses off Moore Creek Road and Browns Lane. Both accesses are to be located over 100 metres from the Browns Lane and Moore Creek Road intersection. The works include a “CHR” and “AUL” type intersection treatment on both Moore Creek Road and Browns Lane. Street lighting is also required to be installed at the intersection.

Council is satisfied that the proposed intersection treatments are suitably designed and will not have an impact on the roundabout to be constructed at the Moore Creek Road and Browns Lane intersection. Detailed designs are required to be submitted for Council's approval prior to issue of any Construction Certificate.

##### *Open Space*

The proposed development does not include public open space areas.

##### *Drainage*

The subject site has a natural water course which runs towards Browns Lane, and as a result the developer has designed the site to reduce any impacts on natural drainage.

During the assessment it was identified that the driveway on Browns Lane was proposed to be located within the natural water course near the eastern boundary of the site. Council's Transport and Assets Division also identified the location of the proposed driveway would impede on planned future road works and an upgrade to an existing culvert. As a consequence, it was requested that the applicant relocate the Browns Lane access in a westerly direction towards Moore Creek Road, thus ensuring that the natural drainage could be released from the site through the new culvert in Browns Lane.

An onsite stormwater detention system will need to be constructed to ensure that the post development flow rate does not exceed the pre development flow rate discharging from the site.

Flows across a range of 1:1y ear ARI to 1:100 year ARI events for the entire site will need to be controlled prior to the release to the approved point of discharge. The approved point of discharge is the natural drainage line of the eastern boundary of the property.

Any land associated with the stormwater system will need to be dedicated to Council as a drainage reserve, with the exception of the detention system and any infrastructure directly relocated to the development site. This is consistent with approvals issued for adjoining land which contain the same drainage line and will result in a continuous drainage reserve.

The final drainage design which includes the changes made to the driveway has been reviewed by Council's Transport and Assets Division who are satisfied that the submitted strategy is achievable. Relevant conditions are recommended to be included with respect to the design of infrastructure and review of detailed engineering drawings prior to issue of any Construction Certificate.

### Building Design

It is considered that the colours and materials proposed for the development are sympathetic to the surrounding environment. It was considered important that "Colorbond" fencing was not used along the frontage of the site, and in response the applicant has nominated a decorative open style fence.

### Ecology

A Threatened Species Assessment was prepared by Environmental Engineering & Energy and the conclusions of the report were as follows:

- *The flora and fauna survey and habitat assessment of the site was conducted on 21 June 2017. Some plants could not be identified to species level, due to insufficient material.*
- *No threatened species of animals (fauna) (listed under the Biodiversity Conservation Act 2016 (BC Act)) were observed on site, although two species may overfly the site.*
- *Koala habitation is not present on the site. As such, the site does not represent core koala habitat under State Environmental Planning Policy No 44 – Koala Habitat Protection (Koala SEPP). Under clause 9 of the Koala SEPP, a 'Plan of Management' for koala habitat is not required.*
- *No threatened species of plants (flora) were recorded at the site, but one species (listed under the BC Act and Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)) may occur. Many species of exotic flora were recorded.*
- *No threatened ecological communities occur on the site.*
- *The application of the '7 -part test' as per the Threatened Species Assessment Guidelines (NSW Department of Environment and Climate Change, August 2007) (Appendix G) found that the threatened fauna species likely to occur on site are unlikely to be significantly impacted upon by any proposed development.*
- *Application of the EPBC Act 'consideration of impacts on matters of national significance' (Appendix H) found that there is unlikely to be significant impact on matters under this Act. Therefore, the proposed development does not require referral to the Commonwealth Minister for the Environment.*
- *With regard to the BC Act listing of specific threatened species, a Species*
- *Impact Statement (SIS) or Environmental Impact Statement (EIS) is unlikely to be required for the threatened species considered in this report under Part 7, Division 5 of the BC Act. Under the Environmental Planning and Assessment Act 1979 (EP&A*

*Act), it is the responsibility of the consent or determining authority to form a view as to whether a proposed development or activity is likely to significantly affect a community or threatened species.*

Council is satisfied that having regard to the conclusions of the report, that the development will not have any adverse impacts on flora or fauna. The report included recommendations, which are proposed as conditions of consent as they are all achievable. The recommendations are:

- Implement control measures to eradicate the exotic weeds and to prevent the spread or further establishment of weeds;
- Retain the planted native saplings along the Moore Creek Road boundary;
- Implement measures for the control of foxes; and
- Source local native species of flora for general landscaping to prevent further introduction and spread of invasive exotic species.

#### Water

A single water service with appropriate backflow prevention device will need to be provided to service the development. The water service will need to be connected to the existing DN300mm main within Moore Creek Road, adjacent to the North Western corner of the property.

The developer will need to engage a hydraulic engineer to determine the fire fighting and domestic demands and determine an appropriate water service size for the development

All works must be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Developments, including that work on live water mains is to be undertaken by Council at full cost to developer.

Council as the local water supply authority may levy headworks charges pursuant to the Water Management Act 2000. Water headworks charges have been calculated for each component of the development and must be paid prior to issue of a Construction Certificate for each component

The headworks nominated in the recommended conditions were adopted under the 2017/2018 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid in later financial years.

#### Sewer

A single sewer service will need to be provided to service the development. This will be achieved by connecting to the existing sewer traversing the property at the existing sewer manhole located on the eastern side of the property. Again, works must be undertaken in accordance with Council's Engineering Design Guidelines for Subdivisions and Development and work on live sewer mains undertaken by Council at full cost to developer

Council as the water supply authority may levy headworks charges pursuant to the Water Management Act 2000. Sewer headworks charges have been calculated for each component of the development and must be paid prior to issue of a Construction Certificate for each component

The headworks nominated in the recommended conditions were adopted under the 2017/2018 Council Annual Operation Plan. Revised rates adopted in subsequent Annual Operation Plans will apply to Headworks Contributions paid in later financial years.

#### Geology

The property is not identified on the map contained within the *TRDCP 2010* as subject to geological concerns.

#### Landfill Buffer

The property is not identified by the *Tamworth Regional Local Environmental Plan 2010* as within the landfill buffer.

**4.15 (1)(a)(iia) any planning agreement that has been entered into under section 7.4 or any draft planning agreement**

The proposal and the site are not subject to planning agreement.

**4.15 (1)(a)(iv) the regulations**

There are no matters contained in the regulations applicable to the proposal.

**4.15 (1)(b) the likely impacts of that development**

Natural and Built Environment Impacts

There is no known salinity or acid sulphate in this locality. Highly reactive clays are present which will need to be considered at construction stages. Measures for soil erosion and sediment controlled are required as per the conditions of consent.

A Threatened Species Assessment report has been submitted and Council is satisfied there is no potential threat to flora and fauna on the site. The site is almost completely cleared and has been used for grazing and cropping for many years. No threatened species of plants or animals were found on the site.

This development is not likely to have any adverse impact on the surrounding built environment.

Social and Cultural Impacts

An Archaeological Survey has been carried out and no Aboriginal relics were found during the survey and consultations with the Tamworth LALC revealed no recorded items of heritage on the site.

The development proposed will cater for a growing need in the community providing a variety of housing types. It is considered that the location is suitable for a senior living development given its proximity to medical services in North Tamworth and other services in Tamworth CBD.

Economic impacts

There will be a boost to the building sectors during the construction phase of the proposal and following completion retail and service sectors of North Tamworth and Tamworth CBD are likely to benefit due to proximity and a large increase in new residents.

Cumulative Impacts

There are no perceived cumulative impacts from this development.

**4.15 (1)(c) the suitability of the site for the development**

The subject site is within a residential zone and the proposed development is consistent with the requirements of the *SEPP Seniors*. The site is not affected by any known hazards and is unlikely to impact on any surrounding properties and local road network. It is acknowledged that two submissions were received raising some concerns, however these are considered to be addressed appropriately in this report and via the imposition of conditions relevant to those concerns.

**4.15 (1)(d) any submissions made in accordance with this Act or the Regulations**

The application was publicly exhibited in accordance with Council's *Tamworth Regional Development Control Plan 2010* and exhibition requirements for integrated developments from the 9 October 2017 to the 8 November 2017. The application was advertised in the *Northern Daily Leader* on 7 October 2017 and notification letters were sent to all adjoining property owners. Two submissions were received during the exhibition period and the following concerns were raised:



### Traffic Speed

The application has been referred to the Tamworth Local Traffic Committee who has indicated a review of traffic speeds along Moore Creek Road and Browns Lane would be undertaken.

### Moore Creek Road and Browns Lane Intersection Treatment and Adjacent Road Infrastructure

As previously addressed in this report, the applicant has provided adequate intersection treatment plans for the driveways on Moore Creek Road and Browns Lane. Council's Transport and Assets Division has reviewed these plans and is satisfied that the design can be achieved subject to compliance with relevant conditions. The developer is required to pay for these intersection works

The safety concerns raised in relation to the Moore Creek Road and Browns Lane intersection have been addressed and works are likely to commence on the construction of a roundabout at this intersection in the 2018/19 financial year. These works however do not form part of this development.

### Tree Planting

An adequate landscape plan has been submitted from the development. Tree planting is also proposed along both the Moore Creek Road and Browns Lane frontages. It is considered that the proposed street tree planting will provide an aesthetic visual impact from the street to the development site.

### Quality of Documentation

Council has reviewed the documentation submitted for this development. This includes amended documentation provided in response to concerns raised by Council in the initial assessment of the application. One concern suggested the quality of the Statement of Environmental Effects was not sufficient for a development of this scale. Council identified that additional information was required to address matter relating to the SEPP. The applicant provided this additional information in an amended Statement of Environmental Effects to Council's satisfaction.

### Character of Two Storey Building

The two storey RACF has raised a concern that it is out of character with the existing locality. It is correct that this particular building will be highly visible from all directions in the immediate locality and in the near future, given the RACF is proposed to be developed in stage 1. However, the proposed development is considered to add to a variety of housing types for the Hills Plain locality and over the longer period, will blend in well with surrounding residential, recreational and commercial uses.

### Lot size and Water/Sewer Capacity Concerns

The application was referred to Council's Water and Waste Division, which is responsible for ensuring all proposed developments are adequately serviced by Council's sewer and water infrastructure.

## **4.15 (1)(e) the public interest**

The objectors to the development raised concerns relating to the functioning of the existing Moore Creek Road and Browns Lane intersection. This is considered a matter of public interest to the wider community of Moore Creek and Hills Plains, however is not directly relevant to this proposal. Whilst the proposed development does not specifically require intersection improvements, it is important to note that funding has been secured for the redevelopment of the intersection, which is likely to commence in the 2018/19 financial year.

There are no further matters of public interest relating to the wider community. The proposal is consistent with the objectives of the zone and with surrounding development and land use patterns.

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## Assessment – Key Issues:

The main key issue identified in the objections was the potential impact this development will have on the adjoining road infrastructure. Whilst the improvement of the Moore Creek Road and Browns Lane intersection is not the responsibility of the developer under this application, Council has considered how this proposal is impacted by it.

As mentioned in the report, the Moore Creek Road and Browns Lane intersection is a known safety issue and Council has received numerous complaints about how it currently functions. Council has investigated the construction of a roundabout and can confirm that funding has been sought, which will contribute to the commencement of construction works on a new roundabout in the 2018/19 financial year. In addition, a review of the existing traffic speeds on both Moore Creek Road and Browns Lane has also been undertaken by the Local Traffic Committee and it is likely that speeds will be reduced from 80km/h to 60km/h on the approach to the intersection.

There are no concerns with regard to the development in itself and is considered to address concerns raised regarding streetscape, bulk and scale and context.

The applicant has addressed stormwater by designing the site to be largely setback from the existing natural water course along the eastern boundary of the site. The onsite stormwater system has been reviewed by Council's Transport and Assets Division, which is satisfied that compliance with Council's Engineering Guidelines can be achieved. The design of the stormwater system also incorporates communal elements such as pathways and tree planting, which is considered an appropriate use of land.

Intersection treatment requirements for the two new driveways off Moore Creek Road and Browns Lane is also required and relevant conditions have been included to ensure compliance is met in that regard.

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## Recommendation:

The application has been assessed in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation. It is recommended that the proposal be granted conditional development consent.



Sam Lobsey  
**Acting Manger, Development and Approvals**



Lucy Walker  
**Acting Director, Planning and Compliance**

Date 02/05/2018

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**ANNEXURE 1 PLANS**

**ANNEXURE 2 SUBMISSIONS**

**ANNEXURE 3 DRAFT CONDITIONS**

**ANNEXURE 4 DPI – WATER (GENERAL TERMS OF APPROVAL)**

**ANNEXURE 5 NSW POLICE REFERRAL**

**ANNEXURE 6 CIVIL DESIGN PLANS**

**ANNEXURE 7 LANDSCAPE PLANS**

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