

COUNCIL ASSESSMENT REPORT

NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-211 – DA2023-0322
PROPOSAL	Group Homes Comprising Eight (8) Dwellings, Community Facility & Associated Ancillary Development
ADDRESS	7 Crawford Street, EAST TAMWORTH Lot 64 in DP 205692
APPLICANT	Housing Plus
OWNER	KC Singh Pty Ltd
DA LODGEMENT DATE	21 March 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Group homes with CIV over \$5 million
CIV	\$5,346,000 (excluding GST)
CLAUSE 4.6 REQUESTS	NIL
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>Tamworth Regional Local Environmental Plan 2010</i> • <i>Tamworth Regional Development Control Plan 2010</i>
TOTAL & UNIQUE SUBMISSIONS	One (1) submission
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Attachment 1: Architectural Plans • Attachment 2: Recommended conditions of consent • Attachment 3: Statement of Environmental Effect • Attachment 4: Quantity Surveyor Report • Attachment 5: Stormwater Management Plan • Attachment 6: External Agency Responses • Attachment 7: Waste Management Plan • Attachment 8: BASIX Certificate

SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	NIL
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	15 November 2023
PLAN VERSION	Proposed Tamworth Group Home with Eight (8) Dwellings & Community Facility, Job No 001, Rev DA.E, Dated 27/10/2023
PREPARED BY	Rean Lourens – Consultant Town Planner Alice Elsley – Acting Team Leader, Development Assessment
DATE OF REPORT	31 October 2023

EXECUTIVE SUMMARY

Development Application DA2023-0322 seeks consent for the construction of a Group Home comprising eight (8) dwellings, a community facility and associated infrastructure. The facility will provide accommodation and support services for survivors of domestic and family violence.

The subject site is known as 7 Crawford Street, East Tamworth ('the site') and is located on Lot 64 in DP 205692. The site is irregular in shape, covering an approximate area of 2.19 Hectares. The site has a primary street frontage to Crawford Street (west) and Gladys Street (north). The site is mapped predominantly within an R1 General Residential zone, while a small portion of the site along the southern boundary is mapped within the RU4 Primary Production Small Lots zone.

The site is currently vacant, and contains scattered trees and vegetation that are predominantly located along the southern and eastern boundaries adjacent or within the Peel River and Two Mile Gully.

The western part of the site was historically used as a concrete batching plant, while aerial photography indicates that the eastern portion has remained undeveloped.

The principal planning controls relevant to the proposed development include the *Tamworth Regional Local Environmental Plan 2010* and the *Tamworth Development Control Plan 2010*.

The application requires General Terms of Approval (GTAs) from two (2) agencies for the proposal and the application is therefore an Integrated development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). GTAs were received from the NSW Department of Planning and Environment – Water (DPE – Water) pursuant to the *Water Management Act 2000* and the NSW Rural Fire Service (NSW RFS) issued a Bushfire Safety Authority under the *Rural Fires Act 1997*.

Comment was also sought from Essential Energy as the site is located in close proximity to electricity infrastructure.

The application was also referred to the NSW Police Force for comment due to the sensitive nature of the proposal. Tamworth Police responded with a number of recommendations, which has been included in the assessment.

The following internal referrals were also undertaken:

- Development Engineer
- Environmental Health
- Building Certification
- Integrated Planning

All recommendations and requirements as conditions of consent are addressed in further detail throughout this report.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is a single allotment, legally identified as Lot 64 in DP 205692 and located at 7 Crawford Street, East Tamworth NSW 2340.

The site is irregular in shape and has a total area of 2.186 Hectares, as shown in **Figure 1** and **Figure 2** below. The site is predominantly flat, and slopes from the north-eastern corner (RL 389m AHD) towards the south-western corner (RL 386m AHD).



Figure 1: Aerial image of site area. (source: NearMaps)



Figure 2: Aerial image of the wider area. (source: NearMaps)

The northern boundary is formed by residential development along Gladys Street and Dayal Street. Crawford Street is located along the western boundary. The southern boundary is formed by the Peel River, with Two Mile Creek located along the eastern boundary.

The site has frontage to the Gladys Street and Dayal Street intersection along the northern boundary, and Crawford Street along the western boundary. The site is currently vacant with scattered vegetation along the eastern and southern boundaries.

The western portion of the site was previously utilised as a concrete batching plant that resulted in soil contamination within the western portion of the site. Category 2 Remediation works are currently being undertaken on the site in accordance with the Remedial Action Plan that was submitted with the DA. The remediation works will involve the construction of a 2.5m bund to cap the contamination. A site validation report and a clearance certificate will be submitted to Council upon completion of the works.

A drainage easement is located along the northern boundary that allows for stormwater drainage from the Gladys Street and Dayal Street intersection to Two Mile Gully in the east (see **Figure 3**). A sewer main also traverses the area identified for the subject development. A manhole is also located central to the development area.

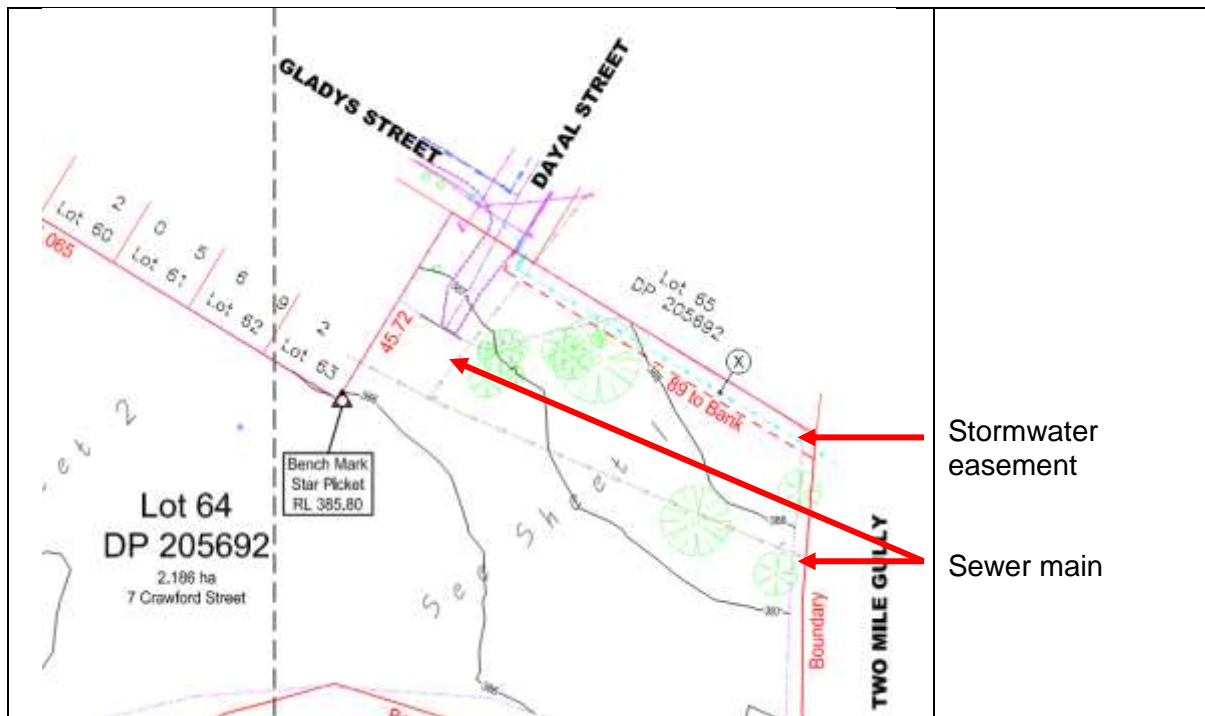


Figure 3: Survey of subject area.

1.2 The Locality

The existing development to the north and east of the site primarily comprises single storey detached dwellings. The land to the west contains a concrete batching plant, with the land to the south of the Peel River used for agricultural purposes.

The site is located approximately 3km to the southeast of the Tamworth CBD.

A site inspection was carried out on 12 May 2023. Photos from the inspection are included in **Figures 4 – 6** below.



Figure 4: Site photo towards the southern boundary.



Figure 5: Site photo towards Crawford Street in the west.



Figure 6: Site photo towards the adjoining development along Gladys Street in the north.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The Development Application (DA2023-0322) seeks consent for a group home in the north-eastern section of the site.

The single storey community facility will be located towards the Gladys Street frontage and comprises two (2) distinct areas:

- The northern area of the building includes an entry / reception area, resident support area, conference room, two (2) consulting rooms and a bathroom. An external breakout space is located along the eastern façade of the building.
- The southern portion of the building contains a communal kitchen and laundry, lounge, dining, bathroom, children's space and study nooks. Entry to this area is provided from the east.

The applicant confirmed that, although overnight stays by staff is not provided, after hours assistance (up to 6hours) may occur when residents require additional assistance.

The development will however be monitored continuously using the security system.

A parking area is located to the west of the community facility and provides 16 parking spaces and a storage area.

The residential component of the proposal includes eight (8) group homes. Units 1 to 3 are located along the northern boundary, directly to the east of the community facility. Units 4 to 8 are located a short distance to the south.

A dual key arrangement is proposed for Units 1 and 2. They units are proposed to be connected via an internal door to allow for shared use by larger families. Unit 1 comprises of living areas, a kitchen, two (2) bedrooms and a bathroom. Unit 2 contains a kitchen, living areas, one (1) bedroom and a bathroom.

Units 3 to 7 all comprise living areas, a kitchen, two (2) bedrooms and a bathroom, while unit 8 contains a kitchen, living areas, one (1) bedroom and a bathroom.

All units are provided with dedicated open space areas to the rear that also include a clothesline and water tank.

The area between the northern and southern residential clusters will be developed with a common park area. This will contain a children's playground, walking paths and a seating area.

The proposal will result in the removal of eight (8) exotic trees and one (1) native tree. The provided landscape design provides for significant planting throughout the site.

A bin storage area is located at the Gladys Street frontage.

The key development data is summarised in **Table 1** below.

Table 1: Development Data

Control	Proposal
Site area	2.186 Hectares
GFA	N/A
FSR (retail/residential)	N/A
Clause 4.6 Requests	N/A
No of units	8
Max Height	6.
Landscaped area	<1,250m ²
Car Parking spaces	16
Setbacks	Front – 5.2m Side – 5.9m

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 6 October 2022 where various issues were discussed. A summary of the key issues and how they have been addressed by the proposal is outlined below:

- Biodiversity values
- Contamination
- Bushfire
- Sewer main location
- Flooding
- Operational Management

The Development Application was lodged on **21 March 2023**. A chronology of the development application since lodgement is outlined in **Table 2** below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
21 March 2023	DA lodged
13 April 2023	Exhibition of the application (28 days)
13 April 2023	DA referred to external agencies
16 June 2023	Request for Information from Council to applicant
11 July 2023	Panel briefing
18 August 2023	Amended plans lodged – Provision of clarification of issues identified during the Panel briefing and provision of amended engineering designs.

2.3 Site History

As discussed previously in the report, the site has historically been utilised as a concrete batching plant. The main footprint can be seen on the aerial photograph below (**Figure 7**) and was located on the western portion of the site, along the Crawford Street frontage.

It is understood that this land use ceased in the early 2010s and remediation works have been undertaken on the site. This resulted in the location of capped bund in the western portion of the site (**Figure 2**).



Figure 7: Aerial image of the site (source: SixMaps).

3. STATUTORY CONSIDERATIONS

When determining a Development Application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (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 Planning 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),
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.*

These matters are further considered below.

The application is Integrated Development under S4.46 of the EP&A Act and was referred to the NSW RFS and NSW DPE – Water for their GTAs.

This assessment has determined that the proposal is not considered to be:

- Designated Development (s4.10); or
- Crown DA (s4.33) – where written agreement from the Crown to the proposed conditions of consent must be provided.

3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *Tamworth Local Environmental Plan 2010*
- *Tamworth Development Control Plan 2010*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Chapter 2: Vegetation in Non-Rural Areas <ul style="list-style-type: none"> Clause 2.3 applies to non-rural areas of the state which includes all land within the R1 General Residential zone 	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 4: Remediation of Land <ul style="list-style-type: none"> Clause 4.6 prevents the consent authority from granting development consent on land unless it has considered whether the land is contaminated, and if contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose of development to be carried out. 	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> Clause 2.48 requires a consent authority to give written notice to an electricity supply authority of the area and to take into consideration any response received within 21 days. 	Y
State Environmental Planning Policy (Housing) 2021	Chapter 3: Diverse Housing <ul style="list-style-type: none"> Clause 61 states that development for the purpose of a group home may be carried out without consent if it does not contain more than ten bedrooms within one or more group homes onsite and if it is carried out by or on behalf of a public authority; or, otherwise – with consent. Clause 62 prevents Council from refusing consent to development for the purposes of a group home unless it has assessed the community need for the group home. It also must not impose a condition on a consent granted for a group home only because the development is for the purposes of a group home. 	Y
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<p>The proposed development constitutes BASIX development under the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p>The DA was lodged before the commencement of <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> and therefore this Policy does not apply due to the transitional provisions.</p>	Y
Tamworth Regional Local Environmental Plan (TRLEP) 2010	<ul style="list-style-type: none"> Clause 2.3 – Permissibility and zone objectives 	Y

	<ul style="list-style-type: none"> • Clause 5.21 – Flood Planning • Clause 7.1 – Earthworks • Clause 7.6 – Development in flight path 	
Tamworth Regional Development Control Plan (TRDCP) 2010	Step 2 – Residential (Multi-Dwelling) Development Controls Step 3 – Environmental Controls Step 4 – Site Specific Requirements (Development on Flood Affected Land)	N Non-compliance with private open space was identified.

Consideration of the relevant SEPPs is outlined below:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in Non-Rural Areas

Chapter 2, Clause 2.3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies to non-rural areas of the state which includes all land within the R1 General Residential zone. Under clause 2.6 of the Biodiversity SEPP, a person must not clear:

- Vegetation in a non-rural area of the State to which Part 3 (understood to mean Part 2.3) of the Biodiversity SEPP applies without the authority conferred by a permit granted by Council; or
- Native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without approval by the Native Vegetation Panel under Part 2.4 of the Biodiversity SEPP.

With consideration to Clause 2.9 of the Biodiversity SEPP, a development control plan may declare any vegetation in any non-rural areas of the State as vegetation to which Part 2.3 applies by reference to the species, size or location of vegetation or presence of vegetation in an ecological community or in the habitat of a threatened species.

The Tamworth Regional Development Control Plan 2010 (the TRDCP 2010) does not declare any vegetation for the purposes of the Biodiversity SEPP. However, it does require the retention of any significant trees and vegetation under Step 3.

Development consent is required for the removal of a small number of trees as part of the proposed development. The proposed removal of a single tree native tree is deemed acceptable due to it being isolated and disconnected from other vegetation along Peel River and Two Mile Gully. Extensive planting of native vegetation is proposed as part of the development to prevent any significant threats to the biodiversity.

With respect to the second point and as detailed in Section 4.2, the development does not exceed the biodiversity offsets scheme threshold. Accordingly, approval by the Native Vegetation Panel is not required.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4, Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) prevents the consent authority from granting development consent on land unless it has considered whether the land is contaminated, and if contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose of development to be carried out.

A Detailed Site Investigation was undertaken as part of this development application and 11 areas of concern (AEC) were identified. Of the AECs, elevated levels of benzo(a)pyrene (B(a)P) were identified at AEC04 to AEC07 and asbestos fragments were identified at AEC06 and AEC09 to AEC11.

Although the site was historically used for industrial purposes, remediation works were required which commenced on 14 March 2023 in accordance with a Remediation Action Plan. As shown on Figure 2, the remediation works are nearing completion.

Council's Environmental Health officers reviewed the proposal and supported the application subject to conditions of consent.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2, Clause 2.48 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Infrastructure SEPP) requires a consent authority to give written notice to an electricity supply authority of the area and to take into consideration any response received within 21 days.

The proposed development involves the installation of new driveways below existing overhead lines at the terminus of Dayal Street. The application was referred to the electricity supply authority for the area (Essential Energy).

Essential Energy provided detailed comment on 28 April 2023 and updated advice on 13 October 2023 that supported the application subject to the implementation of safety measures prior to works in close proximity to the existing overhead electricity infrastructure.

State Environmental Planning Policy (Housing) 2021

Chapter 3, of the *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) relates to diverse housing. Under Part 2 Group Homes, Clause 61 states that development for the purpose of a group home may be carried out without consent if it does not contain more than ten bedrooms within one or more group homes onsite and if it is carried out by or on behalf of a public authority; or, otherwise – with consent.

Clause 62 of Chapter 3, Part 2 prevents the consent authority from refusing development for the purposes of a group home '*unless the consent authority has made an assessment of the community need for the group home*'. It also must not impose a condition on a consent granted for a group home only because the development is for the purposes of a group home.

The proposed Group Home is permissible under the Policy provisions and is recommended for approval. It is considered that the imposition of conditions relating to additional security measures relates only to measures that were either proposed or agreed to by the applicant. No conditions that would specifically restrict the use of the group home are included in the consent.

The proposal is therefore considered to comply with the Policy provisions.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed development is identified as being BASIX development under the *Environmental Planning and Assessment Regulation 2021*.

A valid BASIX Certificate (numbered 1371246M_02, dated 13 March 2023) was submitted with the lodgement of the DA. The BASIX Certificate was subsequently amended (numbered 1371246M_03, dated 26 June 2023) due to changes to the architectural plans during the assessment of the DA. The BASIX commitments have been shown on the most recent revision of the architectural plans and a recommended condition of consent requires the BASIX commitments to be fulfilled prior to the issue of an Occupation Certificate for the development.

State Environmental Planning Policy (Sustainable Buildings) 2022

This Policy commenced on 1 October 2023 and repealed *State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)*.

Pursuant to Section 4.2(1)(a) 'Savings and transitional provisions', this Policy does not apply to the proposed development as the subject DA was submitted on the NSW Planning Portal but not finally determined before 1 October 2023.

Tamworth Local Environmental Plan 2010

The relevant local environmental plan applying to the site is the *Tamworth Local Environmental Plan 2010* (the LEP'). The aims of the LEP include:

- (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.*

Zoning and Permissibility

The site is located within both an R1 General Residential and RU4 Primary Production Small Lots zone pursuant to Clause 2.2 of the LEP (see **Figure 8**). The proposed development footprint is located wholly within the R1 General Residential zone.

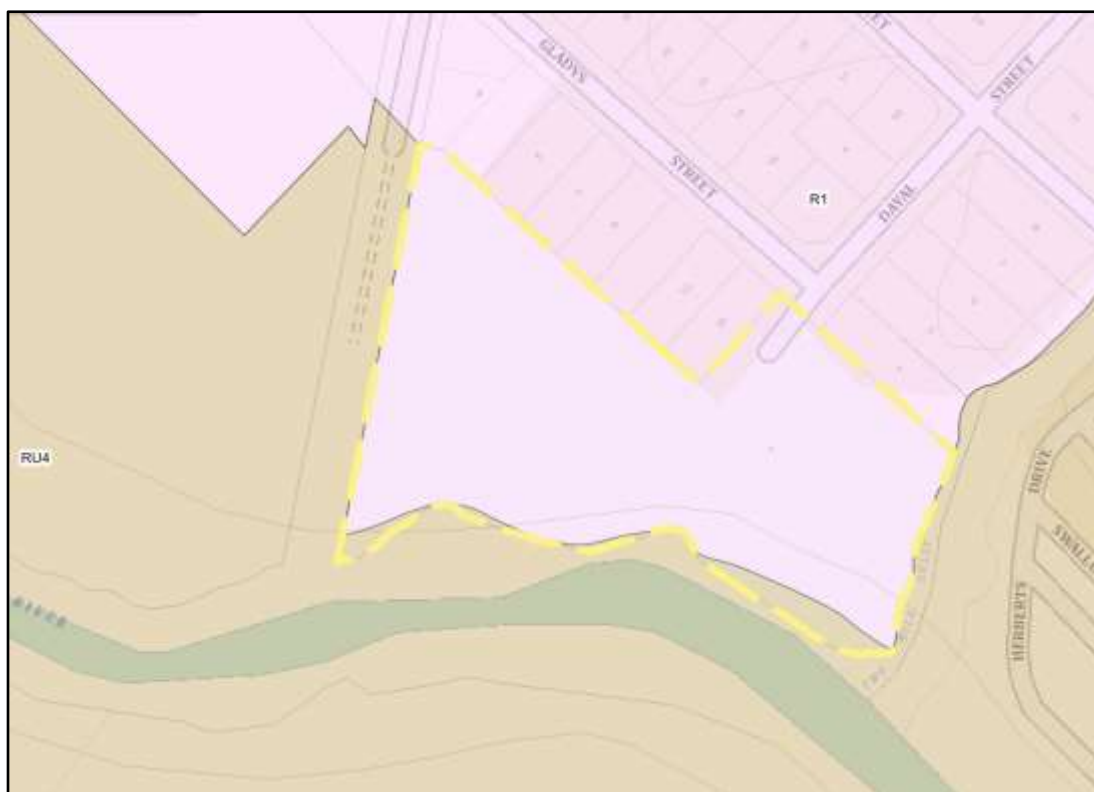


Figure 8: Land zoning map.

According to the definitions in Clause 4 (contained in the Dictionary), the proposal satisfies the definition of group homes, which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

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

The proposal is considered to be consistent with these zone objectives as the development will provide for the housing needs of the community by providing eight (8) dwellings and associated facilities to support victims of domestic violence and their dependents.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Building Height (CI 4.3)	Not adopted	N/A	N/A
Floor Space Ratio (CI 4.4)	Not adopted	N/A	N/A

Heritage (CI 5.10)	Not identified as of heritage value	N/A	N/A
Flood planning (CI 5.21)	Compatibility with flood behaviour	Building footprint located outside the flood prone areas	Yes
Earthworks (CI 7.1)		The proposal includes earthworks to facilitate the construction of building footings and associated infrastructure works.	Capable of Compliance
Development in flight path (CI 7.6)	Development consent must not be granted to erect a building on land in the flight path of the Tamworth Airport if the proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body.	The proposed building height does not exceed 45.	Yes

The proposal is considered to be generally consistent with the LEP.

Clause 5.21 Flood Planning

The objectives of this clause are to minimise flood risk to life and property and avoid significant adverse impacts on flood behaviour and the environment, while allowing development on land that is compatible with the flood hazard.

The development site contains a small portion of the site as being mapped within a Flood Planning Area (FPA) in the TRLEP Flood Planning Map (**Figure 9**). As the proposed development is located outside the Flood Planning Area within the site and flood free access is available, the development is considered acceptable from a flood risk perspective.

Clause 5.21 (3) under the LEP requires the development consent authority to consider the impact of development on projected change in flood behaviour due to climate change. Climate change was assessed during the recently completed Floodplain Risk Management Plan (FRMP) which states:

“Increases in rainfall intensity due to climate change projections were found to result in relatively high impacts on the 1% AEP peak flood levels. These flood level increases predominantly ranged from 0.10 to 0.30m in the 2090 RCP 4.5 scenario; whilst there were large areas affected by flood level increases greater than 0.3m in the 2090 RCP 8.5 scenario.”

The mapping shown in Figure 9 is the Flood Planning Area (FPA) based on the 1% AEP flood plus 0.5m freeboard. The effect of climate change in the area is expected to be ~0.3m so the flood extent will be within the mapped FPA.



Figure 9: TRLEP Flood Planning Map

Clause 7.1 Earthworks

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed development will require minor earthworks as the site is generally level. The earthworks required are not anticipated to affect soil stability and will have a positive effect on the site's drainage patterns. The majority of the excavated materials will be reused on site and any soils that are proposed to be removed will comply with TRC standards.

Clause 7.6 Development in Flight Path

The objective of this clause is to provide for the effective and on-going operation of the Tamworth Airport and to ensure that that operation is not compromised by any proposed developments within the flight path of the airport.

The development site is located within land subject to a 45-metre height limit above ground level under the Obstacle Limitation Surface Map. The proposed development will not exceed single storey height, ensuring that it will not exceed the Obstacle Limitation surface.

(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the EP&A Act.

(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

Tamworth Regional Development Control Plan 2010:

The Tamworth Regional Development Control Plan (TRDCP) 2010 has been prepared in accordance with Section 4.15 of the *Environmental Planning and Assessment (EP&A) Act 1979* for the purpose of providing sets of controls for use in the evaluation of Development Applications.

The provisions contained within the 'Multi-Dwelling Development Controls', 'Environmental Controls' and 'Development on Flood Affected Land' are applicable to the proposed development. An assessment of the proposal against these controls is contained under **Tables 5 – 7** below.

Residential (Multi-Dwelling) Development Controls

Table 5: Consideration of the DCP Controls

Provision	Comment
Building Setback	<p>The setbacks provided by the TRDCP are as follows:</p> <ul style="list-style-type: none">• Front setback – 4.5m• Side setback – 1.0m <p>The proposal is setback at least 5.2m from the road frontage and 5.9m from any side boundaries. The proposal therefore complies with the TRDCP requirements.</p>
Density	<p>The controls limit development to 1 unit per 300m² of site area. The proposal complies with the density provision by providing 2,730m² per dwelling.</p>
Design	<p>N/A. The proposal is not located on a corner lot and does not propose any garages.</p>
Utilities and Services	<p>All utilities and services are available to the site for use at full cost to the proponent. It is a condition of consent that the developer is responsible to consult with essential energy, natural gas and telecommunications carriers regarding the provision of services.</p>
Building Height	<p>The TRDCP provides for the following building heights:</p> <ul style="list-style-type: none">• Topmost ceiling: maximum 7.2m• Top of the ridge: maximum 10m <p>The proposed buildings have a maximum height of 6.15m.</p>
Site Coverage	<p>The maximum site coverage for residential development is 75% (includes all hardstand areas).</p> <p>The proposal complies with the provision by only providing site coverage of approximately 3%.</p>
Privacy	<p>Multi-storey development must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.</p>

	The requirement is not applicable to the proposal as it does not involve multiple storeys.
Solar Access	<p>Shadow diagrams are required for developments proposing 2 or more storeys. The requirement is not applicable to the proposal as it does not involve multiple storeys.</p> <p>It is however noted that the proposed buildings will not overshadow any adjoining dwellings.</p>
Parking	<p>Pursuant to the TRDCP 2010, the required parking for the proposed development has been calculated as follows:</p> <ul style="list-style-type: none"> • One bedroom unit – 1 space • Two bedroom unit – 2 spaces • Visitors – 1 space per 5 dwellings <p>The proposal includes 2 x one bedroom units and 6 x two bedroom units. The proposal therefore requires 14 spaces allocated to the units and 2 spaces for visitors.</p> <p>The plan indicates that a total of 16 parking spaces will be provided which satisfies this requirement.</p>
Access	The proposed access to the site was reviewed by Council's development engineers and found to be adequate to allow for all required vehicles sizes to access the site.
Private Open Space	<p>The TRDCP requires the following private open space provision:</p> <ul style="list-style-type: none"> • North facing open space – 35m² • South facing open space – 60m² <p>The majority of units comply with the minimum open space provision; however, it is noted that Unit 8 has been provided with 52.5m² that is located to the south of the dwelling. The non-compliance is considered acceptable as the large communal open space has been provided to the north of the unit. Further, long term occupation of the units is not proposed thereby limiting the impact of the non-compliance.</p>
Balconies for Private Open Space	N/A
Landscaping	The proposed development will incorporate extensive landscaped areas around the proposed buildings. The landscaped areas are considered to have been designed appropriately for the proposed use.
Outdoor Lighting	It is recommended that a condition of consent be implemented that requires all associated outdoor lighting to comply with the relevant Australian Standard. Recommended conditions from

	Environmental Health regarding the control of noise generated on site will also be implemented within the development consent.
Adaptability	Only one (1) unit has been designed to allow for future conversion in accordance with AS4299.
Facilities	All required facilities have been provided. It is noted that mailboxes for each dwelling is not required as all mail will be received via the reception area.
Storage	The proposal does not include additional storage areas. The non-compliance is considered acceptable as long-term occupation of the dwellings is not proposed.
Water Tanks	Water tanks have been provided to each of the units.

Environmental Controls

Table 6: Consideration of the DCP Controls

Provision	Comment
Environmental effects	The proposal complies with the minimum front setbacks as specified within the TRDCP.
Soil and erosion control	Earthworks are proposed and recommended conditions of consent have been included to ensure that appropriate erosion control are in place during construction.
Vegetation	The proposal will result in the removal of eight (8) exotic trees and one (1) native tree. The provided landscape design provides for significant planting throughout the site.
Waste Management	A bin store has been provided within the north-western portion of the site, adjacent to the site access.
Noise	It is considered that the change of land use will not significantly increase noise levels in the area.
Geology	The site is relatively level and it is considered that the geology of the site will not limit development on the site.
Landscaping Poultry Farms	N/A

Development on Flood Affected Land

Table 7: Consideration of the DCP Controls

Provision	Comment
Access	Flood free access is available via Dayal Street to Armidale Road.
Residential Development	The residential component of the proposal is not flood affected and all dwellings are located 500mm above the 1% ARI level for the site.
Landfilling	The proposal does not include any filling that will affect the flood patterns in the area.

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Tamworth Regional Council Section 94 (Direct) Development Contributions Plan 2013*

This Contributions Plan includes a specific exemption for development undertaken by social housing providers. Developer contributions are therefore not applicable to the proposed development.

(d) Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

(e) Section 4.15(1)(a)(iv) - Provisions of Regulations

Not applicable.

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Context and setting** – The proposed development is located within the R1 General Residential zone. The western portion of the site has historically been used for industrial operations and is currently being remediated.

The site contains some vegetation along the banks of the Peel River and Two Mile Gully. To the north of the site, land is predominantly occupied by single storey residential dwellings with the occasional two storey detached dwelling houses, dual occupancies and multi dwelling houses.

The proposal will comprise of a community facility and eight (8) single storey group homes. The proposed development is consistent with its context and setting.

The proposed development is not expected to create any adverse impacts on the surrounding neighbourhood and will lead to a variety positive of social and economic impacts.

The 2.5m high bund, located along the western boundary, will provide visual separation from the adjoining concrete batching plant.

- **Access and traffic** – The proposed development is expected to create some traffic impacts during both the construction phase and operation of the site.

It is expected that the majority of the traffic produced by staff and construction vehicles will be coming from other areas of Tamworth and turning right into Dayal Avenue from Armidale Road and accessing the site at its intersection with Gladys Avenue. For any traffic turning right into Dayal Avenue, minimal queuing is expected along Armidale Road due to its straight alignment.

When the site is operational, vehicular access will be available via the existing sites access from the intersection of Dayal and Gladys Street which both experience low levels of traffic due to its location within a low-density residential area. The site will provide for 16 car spaces to service staff and residents. It is noted that prospective residents will arrive via taxi services or dropped by a trusted family member or friend.

The applicant stated that all local transport will be provided via the Tamworth Family Support Services. However, limited bus services are available a short distance from the Armidale Road and Dayal Street intersection. The Route 444 bus service connected the site with the Tamworth Railway Station three (3) times a day Monday to Friday and once on Saturdays. This allows for daytrips to utilise services in the Tamworth CDB.

- **Utilities** – The site and all individual dwellings will be connected to the existing electricity, telecommunications, potable water and sewage infrastructure that is available to the site.
- **Heritage** – The site is not identified under the TRLEP 2010 as being located in or near any items of heritage significance or within a heritage conservation area. The site is also unlikely to contain any Aboriginal sites or places of significance due to its historical use of industrial purposes. An Aboriginal Heritage Information Management System (AHIMS) search was undertaken on 18 October 2022 which did not identify any Aboriginal sites or places within a 5-metre buffer of the site.
- **Other land resources** – The site is located within land zoned both R1 General Residential and RU4 Primary Production Small Lots which is not subject to any exploration and mining titles or applications. The site has historically been used for industrial purposes which have since finished and the land has been thoroughly remediated.
- **Water/air/soils impacts** – The site is shown as being mapped within the Flood Planning Area in the Flood Planning Map. However, the proposed development is located outside of the mapped Flood Planning Area. Any additional runoff as a result of the proposed development is expected to have a minimal downstream flood impact due to the minor scale of the development.

The proposed development will also include works located within 40 metres of the top of the bank of Two Mile Gully and Peel River. Sparse vegetation covers a narrow strip

along the bank of both watercourses and the development proposes to improve the existing conditions by planting extensive vegetation.

Minor air and microclimate impacts are expected during construction; however, they will be short-lived and managed through construction in accordance with a construction management plan.

- **Flora and fauna impacts** – the proposed development will require the removal of some vegetation that is predominantly exotic. One (1) native tree is proposed to be removed; however, this is considered acceptable due to it being isolated and disconnected from vegetation along Peel River and Two Mile Gully.

The proposed development will also consist of extensive planting of vegetation throughout the site to counteract any vegetation loss.

- **Natural environment** – The site is predominately flat and minor earthworks are proposed. The proposed development is not expected to create any adverse impacts on the natural contours of the site.
- **Noise and vibration** – The proposed development will generate some noise and vibration impacts during construction phases as a result of construction activities and associated vehicles and equipment being delivered to and from the site. The proposed impacts are expected to be temporary in nature and managed throughout the construction stage in accordance with a construction management plan.

Once the site is operational, no vibration or major noise impacts are expected. Any noise impacts from the proposed group home will be far less than those experienced throughout the construction phase and the previous industrial use of the site.

It is noted that the proposal is located approximately 150m east of the concrete batching plant on Crawford Street. It is considered that the adjoining dwellings and the 2.5m high bund will limit noise impacts from the concrete batching plant on the future residents.

- **Natural hazards** – The site is located on the Bush Fire Prone Land Map under Vegetation Buffer and partially under Vegetation Category 3. As a result, the proposal was referred to the NSW RFS under Section 100B of the *Rural Fires Act 1997*.

The proposal was supported by the NSW RFS and a Bushfire Safety Authority was issued.

- **Safety, security and crime prevention** – The proposed development has been designed to include the four key CPTED principles which include surveillance, access control, territorial reinforcement and space management.

Technological surveillance will be provided within the site via a close-circuit television (CCTV) system which will monitor access points, the boundaries of the site, and internal areas. Many opportunities for causal surveillance have also been employed through large windows within the core building which view the carpark, community area, and entries to individual dwellings.

The proposed development will also include 2.1-metre-high fencing around the site which will be combined with gates and doors throughout to limit access without first being granted access by staff.

The site will also be maintained by a groundskeeper to ensure the facility remains tidy and any hiding spaces are eliminated.

The Tamworth Police also requested that the following measures be implemented:

- A proactive security system, such as CCTV cameras, be installed and monitored at all times.
- An alarm system be installed.
- Security lighting must be discussed with the local Crime Prevention Officer on possible locations once construction has been completed.
- All trees and shrubs are to be maintained to prevent people hiding in and around the premises.

During the operation of the facility, the following measures must also be implemented:

- The Tamworth Police contact number is clearly displayed and accessible for staff to use.
- The entry and alarm codes must be provided to the Tamworth Police.
- Reasonable measures be implemented to discourage congregation of patrons and others outside the premise at night.

These measures have been included as conditions of consent.

- **Social impact** – The proposed development will have a significant positive social impact as it will provide for emergency accommodation and professional services for victims of domestic and family violence. A range of services including legal, health, employment assistance and professional services will be provided. The significant public benefit provided by the development will far exceed any potential minimal impacts associated with the development.
- **Economic impact** – The proposed development has been lodged by Housing Plus which is a not-for-profit organisation which provides crisis accommodation for victims of domestic violence and family violence.

The proposed development is expected to generate job opportunities during the construction phase for a local construction contractor, equipment hires service and materials supplier. Once operational, the site will provide employment opportunities for reception staff, social workers, grounds keepers and security personal.

There is no evidence that the proposed development will negatively impact the property values of the surrounding area.

- **Site design and internal design** – The proposed development has been designed to consider a range of factors. The development has provided a design that will provide victims of domestic violence and their dependants with a safe, secure, inclusive and trauma focused design.
- **Construction** – Construction related impacts are set to be temporary in nature and managed in accordance with a construction management plan. Some of the following standard construction management measures which will be implemented are listed below:
 - Standard construction hours between 7am to 6pm Monday to Friday and 8am to 1pm Saturday. No work is to occur on Sunday or public holidays.

- Dust generating activities during windy or dry conditions will be avoided.
- All equipment will be checked and maintained to ensure they are in good working condition.
- **Cumulative impacts** – The proposed development is not expected to result in any cumulative impacts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The proposed development site is considered suitable for the following reasons:

- The site has ceased industrial operations and significant remediation of land has been undertaken.
- The site has access to all required essential services which are able to be augmented to accommodate for any increase in demand generated by the proposed development.
- The site does not contain any European or Aboriginal land or items of significance.
- Natural vegetation is limited to the edges of the site and all proposed removal will be accompanied by new extensive vegetation planting.
- The area of the site subject to flooding can be avoided as part of the development and stormwater drainage systems will be implemented to prevent any future impacts.
- Bushfire impacts can be managed in accordance with the recommendations supplied by the NSW RFS.

3.4 Section 4.15(1)(d) - Public Submissions

These submissions are considered in Section 4.3 of this report.

3.5 Section 4.15(1)(e) - Public interest

The proposed development is permitted with consent under the objectives of the R1 General Residential zone, making the site suitable for a group home and ancillary dwellings. The environmental, social and economic impacts of proposed development are considered to be acceptable. Any proposed impacts will be positive as they will provide relief and support services for those escaping domestic and family violence and also generate a range of job opportunities.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 8**. Referral responses from external agencies are contained in **Attachment 6**.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 8: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	N/A	N/A	N/A
Rail authority for the rail corridor	N/A	N/A	N/A
Referral/Consultation Agencies			
Electricity supply authority	Development near overhead powerlines.	The proposed development was referred to Essential Energy who provided recommendations as conditions of consent.	Yes
NSW Police	Sensitive nature of the proposal	The Police provided a number of recommendations, which have been addressed in an earlier section of this Report and form a condition of consent.	Yes
Integrated Development (S 4.46 of the EP&A Act)			
NSW RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety authority for the development of land for special fire protection purposes (i.e. a group home).	The proposed development was referred to the NSW RFS and a Bushfire Safety Authority was issued subject to conditions of consent.	Y
NSW DPE - Water	S91 – <i>Water Management Act 2000</i> Controlled activity approval for works on waterfront land.	The proposed development was referred to NSW DPE – Water and General Terms of Approval were provided.	Y

4.2 Council Officer Referrals

The Development Application has been referred to various Council officers for technical review as outlined **Table 9**.

Table 9: Consideration of Council Referrals

Officer	Comments	Resolved
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Engineering	Council's Development Engineering Officer reviewed the submitted information and, upon receipt of additional information from the Applicant, determined that there were no objections subject to conditions.	Y
Building	No objections subject to recommended conditions.	Y
Health	No objections subject to recommended conditions.	Y

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan 2019 from 21 April 2023 until 22 May 2023. During this period, one (1) unique submission was received which identified the following issues in the **Table 10** below:

Table 10: Community Submissions

Issue	Council Comments
Increased traffic.	<p>The proposed traffic generation is minor in nature and is considered acceptable for the existing road network. The Applicant stated that future residents will usually not travel to the site in private vehicles. Most will be delivered to site by family or taxi services. All other travel undertaken by residents will be facilitated via a private bus service.</p> <p>It is considered that the small number of vehicle movements undertaken by staff will not have a significant impact on the traffic flows along the local road network.</p>
Dangerous access to Crawford/Dayal Streets from the New England Highway (known as Armidale Road).	Council's Development Engineering section assessed the proposal and no specific safety or capacity issues were identified. As stated above, only a small number of vehicle movements undertaken by staff.
Lack of kerbs, gutters, and footpaths along the local roads.	This concern is not an issue for the proposed development and should be discussed with the relevant section of Council.
Development by a non-local company.	The proposed development will be operated by Housing Plus which provides accommodation for victims of domestic and family violence. Although the proposed development will be carried out by a non-local company, it will provide significant positive impacts and provide employment and emergency housing opportunities for the local community.
The development is similar to the proposal refused at 14 Crawford Street	<p>The development that was refused at 14 Crawford Street proposed a multi dwelling residential development. It is noted that the impacts associated with this type of development are not similar or comparable with the proposed development.</p> <p>The impacts associated with this proposal have been addressed in this assessment and the proposed development is considered appropriate for the site and will not have a significant impact on the surrounding development.</p>

5. KEY ISSUES

No key issues have been identified as a result of the proposed development.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The site has been assessed and all issues of concern have been addressed. The proposed development will provide a range of positive social impacts for victims of domestic violence and family violence, providing a variety of support services. The proposed development will also create a positive economic impact on the surrounding community as it will provide a range of short term and long-term opportunities.

7. RECOMMENDATION

That the Development Application DA2023-0322 for the development of a Group Home comprising eight (8) Dwellings, Community Facility & Associated Ancillary Development at 7 Crawford Street, East Tamworth be approved pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the recommended conditions of consent.

The following attachments are provided:

- Attachment 1: Architectural Plans
- Attachment 2: Recommended conditions of consent
- Attachment 3: Statement of Environmental Effect
- Attachment 4: Quantity Surveyor Report
- Attachment 5: Stormwater Management Plan
- Attachment 6: External Agency Responses
- Attachment 7: Waste Management Plan