

DATE OF DETERMINATION	16 November 2023
DATE OF PANEL DECISION	15 November 2023
PANEL MEMBERS	Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar, Stephen Bartlett
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 31 October 2023.

MATTER DETERMINED

PPSNTH-211 – Tamworth Regional – DA2023-0322 at [REDACTED] Street, East Tamworth – Group Homes Comprising Eight (8) Dwellings, Community Facility & Associated Ancillary Development (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters listed at item 8 in Schedule 1.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Assessment Report.

The Panel agrees with Council's assessment that:

- the development is permissible with consent and meets the objectives of the R1 Zone
- the development is consistent with the objects of the Environmental Planning and Assessment Act 1979
- the development adequately addresses contamination, bushfire, operational and amenity issues
- the site is suitable for the development as development is above the flood planning level, can be readily serviced, and has minimal native vegetation impacts

The Panel is satisfied that the impacts associated with the construction and operation of the facility can be mitigated or managed by the imposition of conditions as recommended by Council.

The Panel is satisfied the proposal is in the public interest as:

- the site is suitably located and accessible
- it will provide positive social benefit through provision needed short-term housing for victims of domestic violence and positive economic impacts through additional employment during construction and operation
- the development, subject to the recommended conditions, will not result in unacceptable amenity or other impacts upon the surrounding built environment and neighbours

The Panel also acknowledges the gift of the land for the proposal by the Singh family.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report with the following amendments.

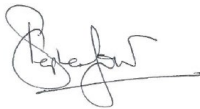
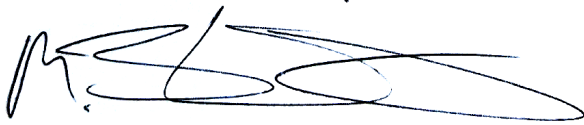
- Amend Condition 1 by inserting in part (c) after the word 'Plan' the words '(as amended in red)' and inserting the following words at the end of the condition:
'In the event of any inconsistency between the conditions of this approval and the drawings/documents referred to above, the conditions of consent shall prevail.'
- Amend Condition 34 to insert the following words 'prepared by a suitably qualified consultant' after the words 'site validation report' in the last sentence
- Amend Condition 50 to insert the following part (e)
 - e) An emergency response plan that addresses all types of emergencies, including but not limited to bushfire, flooding, medical and security breaches. The emergency response plan shall be prepared in consultation with the NSW Police and any other relevant agencies, and include the requirement for testing emergency response procedures.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Traffic
- Access from Highway
- Kerb, guttering and foot paths
- Development company
- Proposal on adjacent site

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Dianne Leeson (Chair)	 Stephen Gow
 Michael Wright	 James Treloar
 Stephen Bartlett	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSNTH-211 – Tamworth Regional – DA2023-0322
2	PROPOSED DEVELOPMENT	Group Homes Comprising Eight (8) Dwellings, Community Facility & Associated Ancillary Development
3	STREET ADDRESS	██████ Street, East Tamworth
4	APPLICANT/OWNER	Darren Wooding – Housing Plus Housing Plus
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - State Environmental Planning Policy (Housing) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - State Environmental Planning Policy (Transport and Infrastructure) 2021 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - Tamworth Regional Local Environmental Plan 2010 - Draft environmental planning instruments: Nil - Development control plans: - Tamworth Regional Development Control Plan 2010 - Planning agreements: Nil - Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> - Coastal zone management plan: Nil - The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality - The suitability of the site for the development - Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations - The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	- Council Assessment Report: 31 October 2023 - List any council memo or supplementary report received: 10 November 2023 - Written submissions during public exhibition: One (1) - Total number of unique submissions received by way of objection: One (1)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: 11 July 2023 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Stephen Bartlett <u>Council assessment staff</u>: Alice Elsley, Mitchell Gillogly, Sam Lobsey, Rean Lourens (Consultant town planner) <u>Applicant representative</u>: Angus Donnelly, Belinda Kotris and Justin Cantelo <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, Lisa Ellis and Elliot Brown - Site inspection: 18 July 2023 <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar and Stephen Bartlett <u>Council assessment staff</u>: Alice Elsley, Mitchell Gillogly, <u>Other</u>: Brian Singh, Angus Donnelly and Belinda Kotris - Applicant Briefing: 15 November 2023

		○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar, Stephen Bartlett ○ <u>Applicant representatives</u>: Angus Donnelly ○ <u>Council Assessment Staff</u>: Alice Elsley, Sam Lobsey and Viji Velavan ○ <u>Council's Consultant Planner</u>: Rean Lourens ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare, and Lisa Ellis • Final briefing to discuss council's recommendation: 15 November 2023 ○ <u>Panel members</u>: Dianne Leeson (Chair), Stephen Gow, Michael Wright, James Treloar, Stephen Bartlett ○ <u>Council assessment staff</u>: Alice Elsley, Sam Lobsey and Viji Velavan ○ <u>Council's Consultant Planner</u>: Rean Lourens ○ <u>Department staff</u>: Carolyn Hunt, Louisa Agyare and Lisa Ellis
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report