



Premise

HOUSING PLUS

Statement of Environmental Effects

IN SUPPORT OF A DEVELOPMENT APPLICATION

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Prepared By		Reviewed By		Authorised By	
Mark Raikhman		Daniel Drum		Daniel Drum	

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1. INTRODUCTION

Premise has been commissioned by Housing Plus to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for the development of a group home at [REDACTED]. The site is located in the Tamworth Regional Council (TRC) Local Government Area (LGA).

Housing Plus is a Tier 1 community housing provider which provides affordable housing, homelessness services, domestic and family violence service, post-release services, home modifications, employment pathways and innovative services. The proposed group home forms part of the Housing Plus "Core and Cluster" domestic and family violence program, providing a safe haven for women and children escaping and recovering from domestic violence.

The site is located in East Tamworth, [REDACTED]. It has an irregular shape with an area of approximately 2.19 hectares, a primary street frontage [REDACTED] to the north-east. It is presently vacant, with the exception of some scattered trees including some that are associated with the [REDACTED].

The site is predominantly located within the R1 General Residential zone under clause 2.3 of the *Tamworth Regional Local Environmental Plan 2010* (the TRLEP 2010), with the exception of a portion of the southern extent of the site which is within the RU4 Primary Production Small Lots zone. The proposed development is to occur within the portion of the site to which R1 General Residential zoning applies, in which development for the purposes of a group home is permitted with consent under clause 2.3 of the TRLEP 2010.

Other planning controls applying under the TRLEP 2010 include a minimum subdivision lot size of 600m² under clause 4.1 (aligned with the portion of the site located within the R1 General Residential zone), Flood Planning Area under clause 5.21 (aligned with the portion of the site located within the RU4 Primary Production Small Lots zone) and a 45 metre maximum height under clause 7.6.

This SEE has been prepared pursuant to the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation) and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

1.1 Background to the Core and Cluster Model

Domestic Violence NSW, the peak body for specialist and family violence services in NSW, reports that 1 in 4 Australian Women (23%) have experienced physical or sexual violence by a current or former intimate partner since the age of 15¹.

While there are many other statistics which may be cited in relation to the prevalence and nature of domestic violence, the key message is that domestic violence has a serious impact on women's health, which contributes

^{1,1} <https://www.dvns.org.au/domestic-family-and-sexual-violence-statistics/>

to a range of negative health outcomes, including poor mental health, problems during pregnancy and birth, alcohol and illicit drug use, suicide, injuries, and homicide².

In October 2021, the NSW Government announced funding of \$484.3 million to provide long term infrastructure to support women and children escaping domestic violence. Specifically, \$426.6 million is designated to support the Core and Cluster Program.

The Core and Cluster model is an accommodation model that seeks to improve the quality of accommodation available for women and children seeking refuge from domestic violence. Traditionally, accommodation has been provided in the form of share house environments which required residents to share all amenities and facilities other than bedrooms. The Core and Cluster model improves on the former share house model by providing self-contained living quarters for each resident, including private kitchen and bathroom facilities. Notwithstanding, the Core and Cluster model continues to operate as a single household.

Under the Core and Cluster model, self-contained living quarters (the 'Cluster') are located in close proximity to communal facilities (the 'Core'), which provide access to services such as counselling, legal assistance, education and employment support as well shared spaces.

The fundamental principle of the Core and Cluster model is that the residents have direct access to critical support and assistance while also having the personal space and necessary amenities to effectively deal with personal issues and trauma.

It is relevant to acknowledge that the Victorian *Royal Commission into Family Violence 2016* (the 'Commission') has driven the implementation of the 'Core and Cluster' model across Australia³. Specifically, the Commission has stated the following:

The 'core and cluster' refuge model is preferable to the communal model because it provides self-contained facilities for families while maintaining the positive aspects of communal living, such as onsite support from workers and opportunities to spend time with other families who might have had similar experiences. With this configuration, women can have friends and family visit, have their teenage boys live with them, and have room for attendant carers and other supports. A further benefit is that the core and cluster model provides a base for services, such as legal services, to meet with residents, as well as ensuring that the physical environment has space for child and youth-sensitive facilities, with play areas, books, toys and private space for young people.⁴

Further, the Commission has highlighted that it is particularly concerned that the stress and anxiety some women experience in group living (i.e. a traditional share house) contributes to their decision to return home to an unsafe environment⁵.

1.2 About the Applicant – Housing Plus

Housing Plus is a Tier 1 community housing provider that specialises in homelessness, domestic and family violence services in regional areas of NSW, including Orange, Dubbo, Bathurst and Mudgee.

³ https://www.facs.nsw.gov.au/_data/assets/pdf_file/0007/831670/Core-and-Cluster-Discussion-Paper-May-2022.pdf

^{4,5} http://rcfv.archive.royalcommission.vic.gov.au/MediaLibraries/RCFamilyViolence/Reports/RCFV_Full_Report_Interactive.pdf

Housing Plus has a 30-year history of providing client-centred tenancy and property management services in the Central West and Western regions of NSW.

Critically, Housing Plus has been responsible for one of two trials of the 'Core and Cluster' model in NSW, being 'The Orchard' in Orange.

The Orchard is a purpose-built women and children's domestic and family violence centre. It consists of a 'core' building containing meeting rooms, communal facilities, a crèche and overnight accommodation for one member of staff; and a 'cluster' of three duplex buildings, each containing two two-bedroom villas (six units in total). These are fully enclosed and set in landscaped gardens. The development is built to a 7-star rating under the Nationwide House Energy Rating Scheme.

2. THE SITE & ITS LOCALITY

2.1 The Locality

As shown in **Figure 1**, [REDACTED] to the south-west.

Development along [REDACTED] comprises a mix of residential and community and commercial uses such as hotel and motel accommodation, youth services and a service station. Beyond [REDACTED] land uses are entirely residential. They include one and occasionally two storey detached dwelling houses and some higher density uses such as dwelling houses with secondary dwellings, dual occupancies and multi dwelling housing. Regardless of land use, residential development is characterised by brick or weatherboard finish with pitched roofs of either tiled or metal construction.

2.2 The Site

As shown in **Figure 2**, [REDACTED].

It has an irregular shape with an area of approximately 2.19 hectares and a primary street frontage [REDACTED]

The site is generally level, falling from a height of 388/389 metres AHD in the north-eastern corner to approximately 385 metres AHD in the vicinity of the southern boundary. The site falls away steeply from the 385 metre AHD contour line [REDACTED]

It is presently vacant of built form however is known to have been used for industrial purposes which were largely cleared by the end of 2016. Some scattered vegetation is located throughout and concentrated along the boundaries shared with [REDACTED]

3. THE DEVELOPMENT

As detailed in the architectural plans prepared by Housing Plus (refer to **Appendix A**), this DA seeks consent for the erection of a group home in the eastern portion of the site. The group home is consistent with the Housing Plus "Core and Cluster" model, described in **Section 1.1** of this SEE.

Vehicular access is provided via a driveway from the terminus of [REDACTED], running [REDACTED] to an at-grade parking area accommodating parking for 11 vehicles and storage [REDACTED] a single storey building with a communal kitchen and laundry, lounge, dining, bathroom, children's space and study nooks in the northern portion, accessible from the reception/check-in on the western side of the building. Staff rooms on the [REDACTED] the building include accessible from the reception/check-in [REDACTED] [REDACTED] Staff rooms include two consultation rooms, accessible bathroom, office and kitchenette and conference room.

Doors from the consultation rooms in [REDACTED] building provide access into the central common open space of the facility. It includes a yarnning circle, herb and vegetable garden, children's playground and BBQ area and provides access to the communal rooms of [REDACTED] building and the dwellings that comprise the "Cluster". The communal rooms in the northern portion [REDACTED] building include.

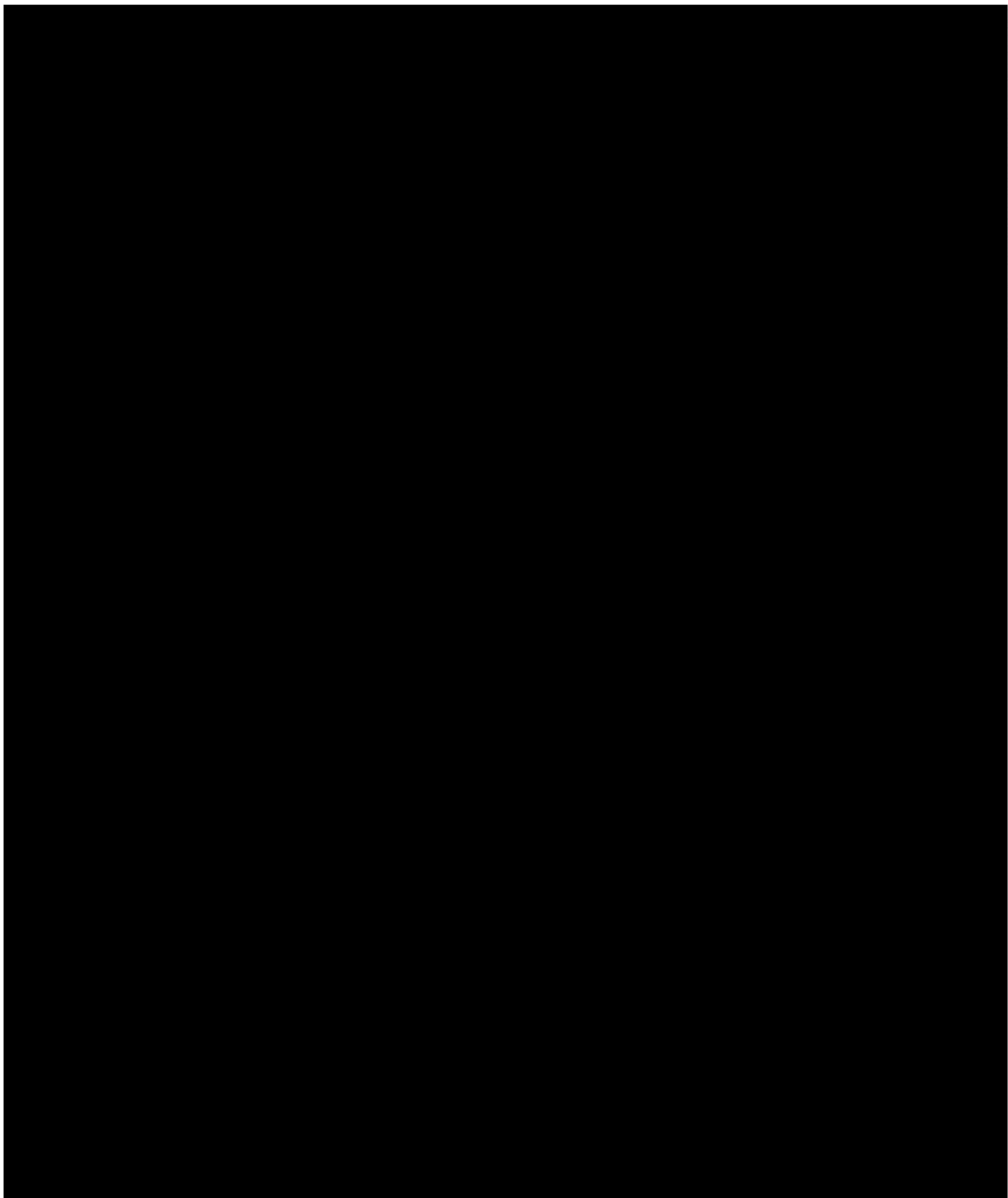
The "Cluster" comprises six detached and two attached dwellings positioned around the common open space. Each of the dwellings is provided with open plan kitchen, living and dining which overlook the common open space to create opportunities for casual surveillance. Six of eight dwellings are provided with two bedrooms and two of eight dwellings are provided with a single bedroom.

Each dwelling is to be provided with rainwater tanks for on-site stormwater reuse in accordance with Building Sustainability Index (BASIX) requirements. Any detained water that isn't reused on-site is to drain [REDACTED]

[REDACTED]

Buffer areas between the proposed development and the [REDACTED] are to be revegetated in accordance with a vegetation management plan (VMP) to be provided following DA approval.

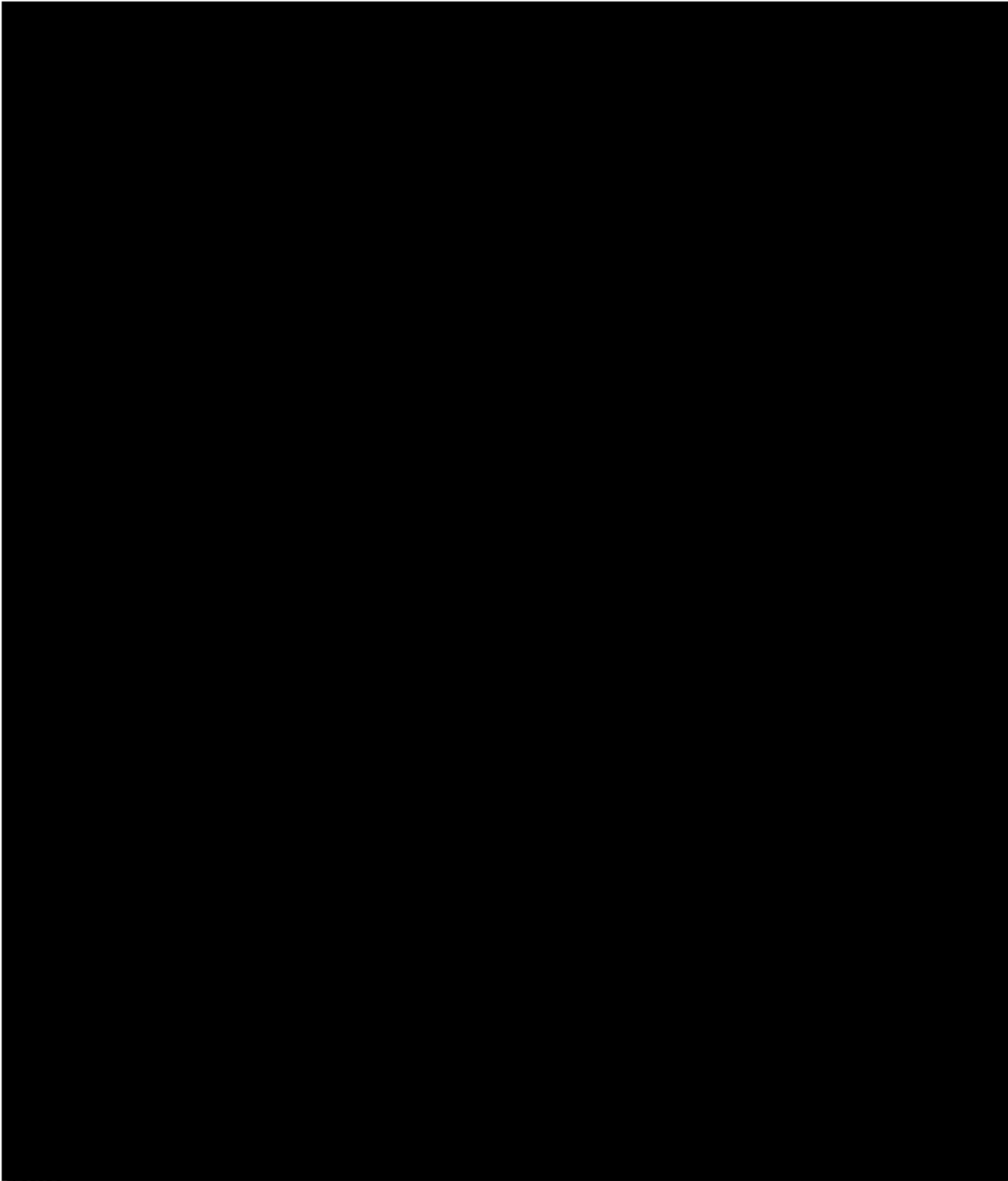
Figure 1 – The Site Locality



Sources: © State of NSW, Department of Customer Service, Spatial Services 2022
Neatmap 2022

GDA2020 MGA Zone 56 File: 222173_01_MASTER.aprx Prepared By: adam.davis Date: 24/10/2022

- | | | | |
|---|--------------------------------|---|--------------------------|
|  | Site |  | Threatened Species Fauna |
|  | Cadastral | | |
|  | Road | | |
|  | Railway | | |
|  | Water Body | | |
|  | Watercourse | | |
|  | Natural Contours (5m Interval) | | |



Legend

	Site		Biodiversity Values
	Cadastre		Biodiverse riparian land
	Road		Vegetation Formation
	Water Body		Forested Wetlands
	Watercourse		
	Natural Contours (1m Interval)		

4. STATUTORY PLANNING FRAMEWORK

4.1 Object of the EP&A Act

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment (DPIE). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- (a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) To promote the orderly and economic use and development of land,*
- (d) To promote the delivery and maintenance of affordable housing,*
- (e) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) To promote good design and amenity of the built environment,*
- (h) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is consistent with the above objects, with particular reference to object (c), (d), (g) and (h).

4.2 Section 1.7

Section 1.7 of the EP&A Act provides that the EP&A Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (the BC Act) and Part 7A of the *Fisheries Management Act 1994* (the Fisheries Act).

Part 7 of the BC Act relates to biodiversity assessment and approvals under the EP&A Act. Under Section 7.2 of the BC Act, there are three triggers for development or activities to be considered as "likely to significantly

affect threatened species". Under Section 7.7(2) of the BC Act, the development application is required to be accompanied by a biodiversity development assessment report (BDAR) if it meets one or more of conditions for "likely to significantly affect threatened species".

The proposed development is considered against the three triggers in **Table 1** below.

Table 1 – Section 7.2 of the BC Act

For the purposes of this Part, development or an activity is <i>likely to significantly affect threatened species</i> if—	Comment:
(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The proposed development is likely to have a positive affect on threatened species or ecological communities or their habitats according to the test in Section 7.3 of the BC Act as: • Vegetation to be removed is predominantly exotic (including trees near the site entry from Dayal Street and grass in the eastern portion of the site), with the exception of a single native tree closer to [REDACTED] that is isolated and disconnected from vegetation the [REDACTED]; • After being denuded of native vegetation to enable the former industrial use of the site, buffer areas between the [REDACTED] are to be revegetated to provide new habitat along the watercourses for threatened species and ecological communities; and • Stormwater that previously drained informally to the adjoining watercourses from the former industrial use of the site is to now be managed in accordance with the stormwater management plan (Tricend 2022), mitigating downstream impacts to threatened species or ecological communities. For the reasons set out above, a BDAR is not required.
(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	Section 7.4 of the BC Act provides that development exceeds the biodiversity offsets scheme threshold if it involves the clearing of native vegetation declared in the <i>Biodiversity Conservation Regulation 2017</i> (the BC Regulation). Clause 7.1 of the BC Regulation provides that development exceeds the threshold if is or involves the clearing of native vegetation: (a) Of an area declared by clause 7.2 of the BC Regulation as exceeding the threshold; or (b) On land included on the Biodiversity Values Map. With respect to clause 7.1(a), clause 7.2 of the BC Regulation provides clearing thresholds depending on the minimum lot size applying to the land under an environmental planning instrument (or the actual size of the land where no minimum lot

For the purposes of this Part, development or an activity is <i>likely to significantly affect threatened species</i> if—	Comment:
	size apples). In the case of the site where the minimum lot size is less than one hectare, the threshold is 0.25 hectares. As discussed in response to (a) above, native vegetation removal is limited to a single tree which does exceed the 0.25 hectares. Accordingly, the proposed development does not exceed the threshold under clause 7.1(a). With respect to clause 7.1(b), the proposed vegetation removal does not intersect with land included in the Biodiversity Values Map. Accordingly, the proposed development does not exceed the threshold under clause 7.1(b). For the reasons set out above, the proposed development does not exceed the biodiversity offsets scheme threshold and a BDAR is not required.
(c) it is carried out in a declared area of outstanding biodiversity value.	The site is not located within a declared area of outstanding biodiversity value. Accordingly, a BDAR is not required.

4.3 Subordinate Legislation

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs; and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

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

The requirements of these are discussed in **Section 4.5** of this Statement.

4.4 Integrated Development

Section 4.46 of the EP&A Act states that development requiring consent and approval under legislation set out under that section is “integrated development”. The proposed development is integrated development as it requires approval under Section 100B of the *Rural Fires Act 1997* (the RF Act) and Section 91 of the *Water Management Act 2000* (the WM Act).

4.4.1 RF ACT, SECTION 100B

A development requires a bush fire safety authority (BFSa) under Section 100B of the RF Act if it involves the subdivision of bush fire prone land that could lawfully be used for residential or rural residential purposes or if it involves development for a special fire protection purpose in bush fire prone land.

"Bush fire prone land" is defined in Section 10.3 of the EP&A Act as land recorded as bush fire prone land on a bush fire prone land map.

"Special fire protection purposes" is defined in the RF Act as schools, child care centres, hospitals, hotel, motel or other tourist accommodation, a building wholly or principally used as a home or other establishment for mentally incapacitated persons, seniors housing, group homes, retirement villages, manufactured home estates, workplaces established solely for the employment of persons with disabilities, respite care centres, student or staff accommodation associated with an educational establishment and community bush fire refuges.

The proposed development does not involve subdivision. However, the proposed development is for a special fire protection purpose in bush fire prone land as it involves a group home within a site that contains land identified on the Bush Fire Prone Land Map as Vegetation Buffer along the western boundary and a portion of the southern boundary. A minor area portion of the south-western corner of the site is also identified as Vegetation Category 3 on the Bush Fire Prone Land Map.

Given the above, a Bush Fire Assessment Report (Statewide Bushfire Consulting 2022) is provided at **Appendix B**. A summary of the findings is provided in **Section 5.11**.

4.4.2 WM ACT, SECTION 91

A development requires a controlled activity approval under Section 91 of the WM Act if it involves a controlled activity in waterfront land. A "controlled activity" is defined in the WM Act as:

- (a) *the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or*
- (b) *the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or*
- (c) *the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or*
- (d) *the carrying out of any other activity that affects the quantity or flow of water in a water source.*

"Waterfront land" is defined in the WM Act as:

- (a) *the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or*
- (a1) *the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or*
- (a2) *the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or*

(b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters,

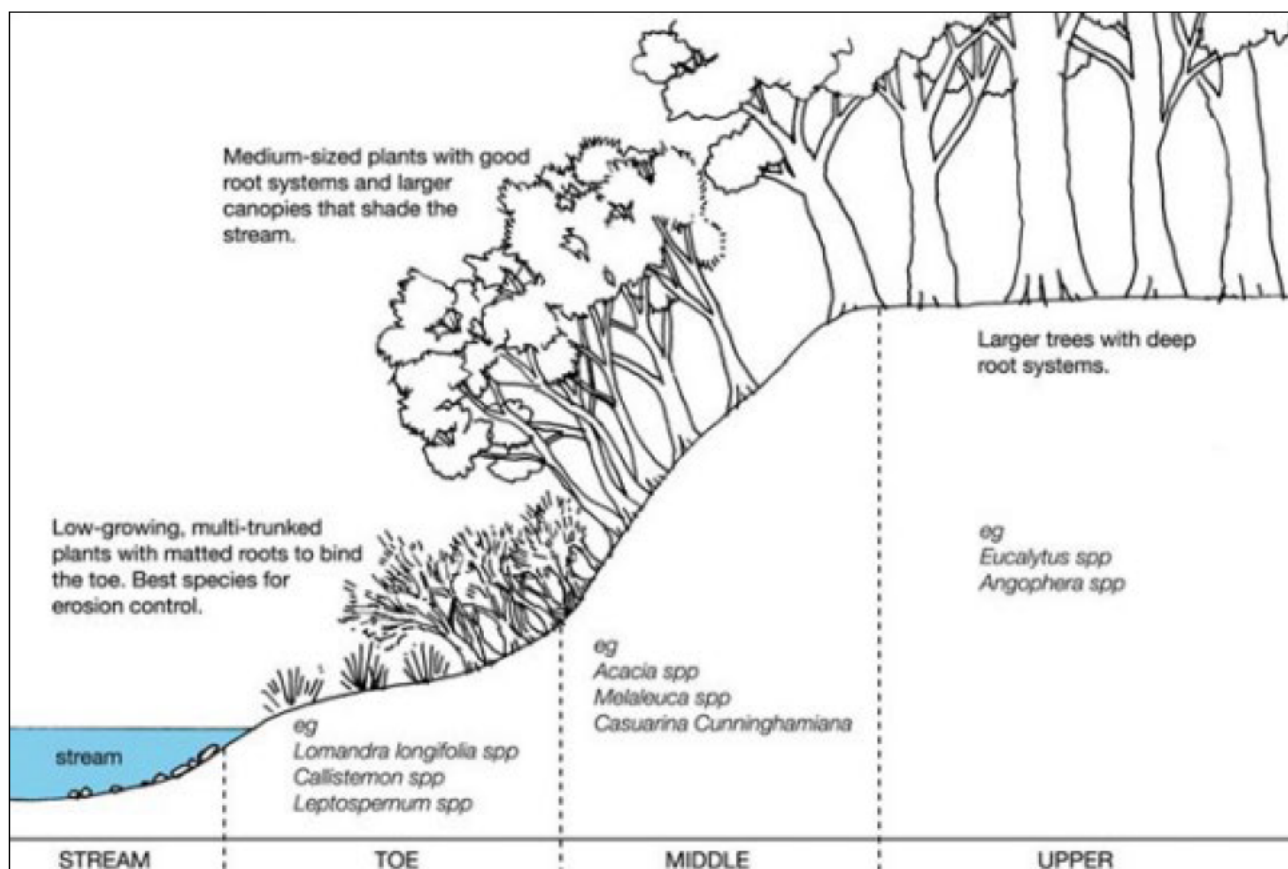
where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

The proposed development is a controlled activity within [REDACTED]. Accordingly, the proposed development requires a controlled activity approval under Section 91 of the WM Act. It is therefore integrated development.

The proposed development has been designed in accordance with the averaging rule outlined in the Department of Planning and Environment Fact Sheet *Controlled activities – Guidelines for riparian corridors on waterfront land*.

It is anticipated that riparian zone would be revegetated using endemic species in accordance with the typical riparian cross-section (Figure 3) and the vegetation management requirements set out in Bush Fire Assessment Report (Statewide Bushfire Consulting 2022) provided at **Appendix B**.

Figure 3 – Typical Riparian Cross-Section



4.5 Planning Instruments

4.5.1 LOCAL ENVIRONMENTAL PLAN

4.5.1.1 Introduction

The *Tamworth Regional Local Environmental Plan 2010* (LEP) is the applicable local planning instrument applying to the land. The aims of the LEP are:

- (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.*

The proposed development is not antipathetic to the aims of the plan.

4.5.1.2 Mapping

A review mapping via the NSW Planning Portal identifies the following applicable mapped constraints:

Table 2 – TRLEP 2010 Mapping

Constraint	Applicability	Section Addressed
Land Application Map	Applies	N/A
Land Zoning Map	R1 General Residential Zone	4.5.1.3
Lot Size Map	M – 600m ²	Subdivision not proposed

Constraint	Applicability	Section Addressed
Floor Space Ratio Map	N/A	N/A
Land Reservation Acquisition Map	N/A	N/A
Heritage Map	N/A	N/A
Flood Planning Land Map	Part Flood Planning Area	0
Urban Release Area	N/A	N/A
Sewage Treatment Plant Map, Waste Disposal Facility Map, Water Treatment Facilities Map	N/A	N/A
Obstacle Height Limitation Map	Structures to 45m above Ground Level	4.5.1.6
Flight Training Path Map	N/A	N/A
Australian Noise Exposure Forecast Map	N/A	N/A
Design Excellence	N/A	N/A

The above matters, together with other relevant LEP clauses, are discussed in the following sections.

4.5.1.3 Land Use Zoning

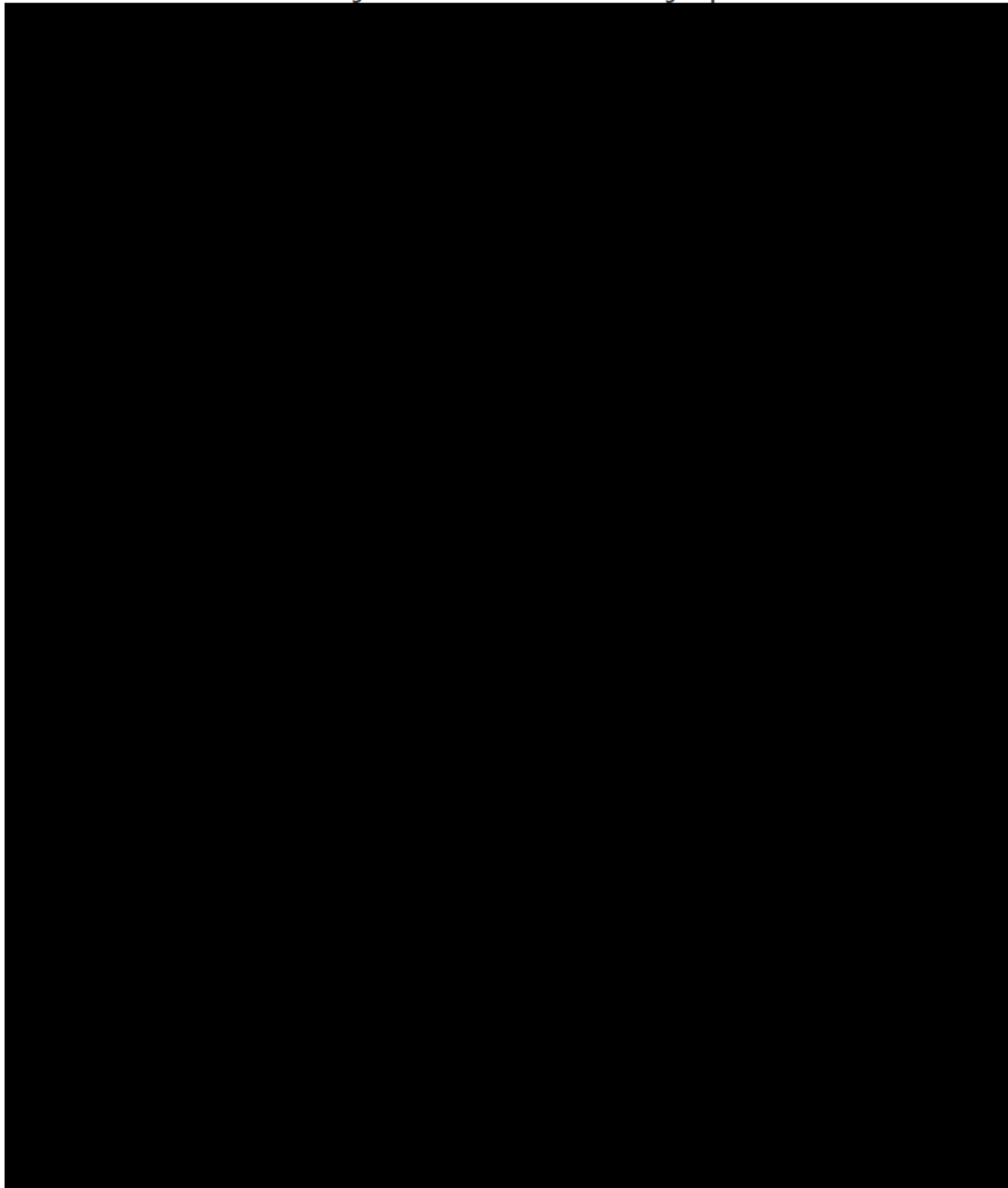
As shown in **Figure 4**, the site is predominantly located within land to which the R1 General Residential zone applies under clause 2.3 of the TRLEP 2010, with the exception of land in the vicinity of the southern boundary to which RU4 Primary Production Small Lots zone applies.

The proposed group home is positioned in the portion of the site to which the R1 General Residential zone applies, in which development for the purposes of group homes is permitted with consent. The proposed development is consistent with the objectives of the control as demonstrated in **Table 3**.

Table 3 – TRLEP 2010 R1 General Residential Zone Objectives

Objective:	Comment:	
To provide for the housing needs of the community.	The proposed development provides for the housing needs of the community by providing eight dwellings and associated facilities to support the victims of domestic violence and their dependents.	✓
To provide for a variety of housing types and densities.	Each of the dwellings is provided with open plan kitchen, living and dining which overlook the common open space to create opportunities for casual surveillance. Six of eight dwellings are provided with two bedrooms; the remainder are provided with a single bedroom.	✓
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposed development provides for the day to day needs of domestic violence victims and their dependents.	✓

Figure 4 – TLEP 2010 Land Use Zoning Map



Sources: © State of NSW, Department of Customer Service, Spatial Services 2022
State of NSW, Department of Planning and Environment 2022

CD42020 MCA Zone 56 File: 222173_01_MASTER.aprx Prepared By: adam.davis Date: 24/10/2022

- Legend**
-  Site
 -  Road
 -  Cadastre
 - Land Zoning (LZN)**
 -  R1
 -  RU4

4.5.1.4 Flood Planning

Clause 5.21 of the TRLEP 2010 prevents TRC from granting development consent on land it considers to be within the flood planning area unless it is satisfied that, inter alia, the proposed development will have will not adversely affect flooding and vice versa.

As shown in **Figure 5**, a portion of the site is mapped as being within the Flood Planning Area in the Flood Planning Map. The proposed development is situated outside of the mapped Flood Planning Area.

4.5.1.5 Earthworks

Clause 7.1(2) of the TRLEP 2010 provides that development consent is required for earthworks unless the works are exempt under the TRLEP 2010 or another environmental planning instrument (EPI) or ancillary to development for which consent has been given. If development consent is required, TRC is required to consider the matters in clause 7.1(3).

Whilst earthworks associated with the proposed development are anticipated to be minimal due to the site being generally level, they are not exempt under the TRLEP 2010 or another EPI or ancillary to development for which consent has been given. Accordingly, the proposed earthworks are considered in the context of the matters for consideration in clause 7.1(3) in **Table 4**.

Table 4 – TRLEP 2010 Earthworks Considerations

Matters for Consideration:		Comment:	
(a)	the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	Earthworks associated with the proposed development: - Are unlikely to impact soil stability in the locality due to the site being generally level; and - Will have a positive effect on drainage patterns as they formalise the site's drainage regime which, under current conditions, drains informally from the former industrial site.	✓
(b)	the effect of the proposed development on the likely future use or redevelopment of the land,	The site is unlikely to be used for any other purposes in the short, medium or long term.	N/A
(c)	the quality of the fill or the soil to be excavated, or both,	It is anticipated that the majority of excavated soils will be able to be re-used on-site. Any soils that are to be removed from or imported into the site will comply with TRC standards.	✓
(d)	the effect of the proposed development on the existing and likely amenity of adjoining properties,	Earthworks associated with the proposed development do not result in any amenity impacts to adjoining properties.	✓
(e)	the source of any fill material and the destination of any excavated material,	It is anticipated that the majority of excavated soils will be able to be re-used on-site. The source of any soils to be removed from or imported into the site will comply with TRC standards.	✓

Matters for Consideration:		Comment:	
(f)	the likelihood of disturbing relics,	Refer to Section 5.4.	✓
(g)	proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	The site is not mapped as intersecting with any mapped watercourse, nor it is mapped as being located within a mapped drinking water catchment or environmentally sensitive area. Earthworks associated with the proposed development will have a positive impact on the adjoining [REDACTED] they formalise the site's drainage regime which, under current conditions, drains informally from the former industrial site.	✓

4.5.1.6 Obstacle Height Limitation

Clause 7.6(2) of the TRLEP 2010 prevents TRC from granting development consent on land in the flight path of the Tamworth Airport if the proposed height of the building would exceed the obstacle height limit as shown on the Obstacle Height Limitation Surface Height Map.

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

4.5.2 STATE ENVIRONMENTAL PLANNING POLICY

4.5.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

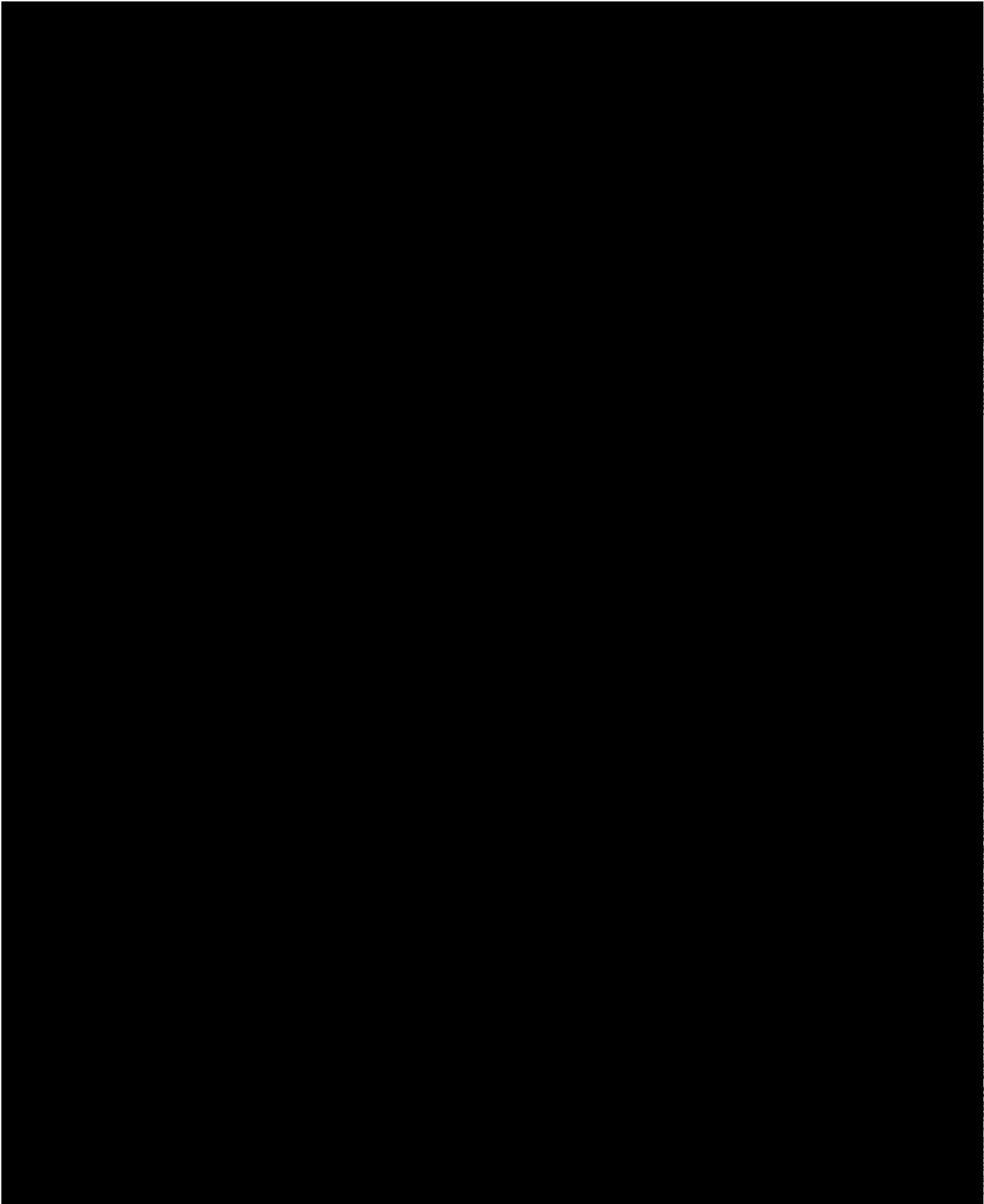
4.5.2.1.1 Chapter 2 Vegetation in Non-Rural Areas

Under clause 2.3 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity SEPP), Chapter 2 of the Biodiversity SEPP 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 respect to the first point, clause 2.9 of the Biodiversity SEPP provides that a development control plan may declare any vegetation in any non-rural 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.



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State of NSW, Department of Planning and Environment, 2022, Newmap 2022

- Legend
-  Site
 -  Cadastre
 -  Road
 -  Water Body
 -  Watercourse
 -  Flood Planning Area

Development consent for the removal of a small number of trees is sought as part of this DA. Their removal is acceptable as the trees in the vicinity of [REDACTED] are understood to be exotic. The removal of the single tree that is understood to be native is acceptable as it is an isolated tree, disconnected from vegetation along [REDACTED]. Substantial planting of native vegetation is proposed as part of this development, ensuring that it will result in a significant improvement in canopy cover for the benefit of both future residents and 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.

4.5.2.1.2 Chapter 4 Koala Habitat Protection

Chapter 4 of the Biodiversity SEPP relates to koala habitat protection. At clause 4.4, it provides that the chapter applies to each LGA listed in Schedule 2 of the SEPP, subject to certain exceptions. Where the Chapter applies, the development assessment process is dependent upon whether an approved koala plan of management does (clause 4.8) or doesn't (clause 4.9) apply to the land or other (clause 4.10).

Where an approved koala plan of management doesn't apply (clause 4.9), clause 4.9(2) prevents TRC from granting development consent to a DA seeking to carry out development on land with an area of at least one hectare (including adjoining land within the same ownership) unless it has assessed whether the development is likely to have any impact on koalas or their habitat. If TRC is satisfied that the development is likely to have low or no impact on koalas or their habitat, clause 4.9(3) allows TRC to grant consent to the DA.

The site is subject to the provisions of clause 4.9 as the TRC LGA is listed in Schedule 2 of the SEPP, the exceptions specified in clause 4.4 do not apply, no approved koala plan of management applies and the site has an area of at least one hectare. TRC may be satisfied that the development is likely to have low or no impact on koalas or their habitat on the basis that it is located within an urban environment, contains minimal vegetation and is substantially separated from the nearest patch of contiguous vegetation with sufficient width to accommodate koalas.

Accordingly, no further assessment is required.

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

Clause 6 of the BASIX SEPP provides that the BASIX SEPP applies to proposed BASIX affected development and proposed BASIX optional development. Under the dictionary attached to the EP&A Regulation:

- Is not BASIX excluded development, being development for the purposes of a garage, storeroom, carport, gazebo, verandah or awning, alteration to a building listed on the State Heritage Register, alteration of a building resulting in a space that cannot be fully enclosed or any other BASIX excluded development declared by the Planning Secretary; and
- Involves the erection of (not relocation), change of use to or alteration exceeding \$50,000 to a BASIX building (a building containing at least one dwelling, not including hotel or motel accommodation or boarding house, hostel or co-housing accommodation more than 12 residents or with a gross floor area exceeding 300m²) or a swimming pool and/or spa servicing with a combined capacity of 40,000L or more servicing only one dwelling.

As the development subject of this application is not BASIX excluded development and seeks consent for the erection of a BASIX building, the development is BASIX affected development. Accordingly, a BASIX certificate issued no earlier than three months before the day on which the application is lodged is provided as part of the application in accordance with clause 27 of the EP&A Regulation.

4.5.2.3 State Environmental Planning Policy (Housing) 2021

Chapter 3 of *State Environmental Planning Policy (Housing) 2021* (the Housing SEPP) relates to diverse housing. Part 2 of Chapter 3 relates to group homes. Clause 61 in Chapter 3, Part 2 provides that development for the purposes 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 on a site and if it is carried out by or on behalf of a public authority. Alternatively, it must be carried out without consent via either a DA or complying development certificate (CDC) application.

Clause 64 of Chapter 3, Part 2 provides that a group home is complying development if it does not contain more than ten bedrooms within one or more group homes on a site, satisfies the general requirements for complying development in clauses 1.18 and 1.19 (except 1.18(1)(h) and 1.19(1)(b) of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP), is not in a draft heritage conservation area and meets the development standards set out in Schedule 2 of the Housing SEPP.

Where a DA is required, clause 62 of Chapter 3, Part 2 prevents CHCC from refusing consent to development for the purposes of a group home unless it 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.

Whilst the proposed development is carried out on behalf of a not-for-profit organisation, it is not carried out on behalf of a public authority. The site also does not meet the general requirements for complying development under clauses 1.18 and 1.19 of the Codes SEPP. Accordingly, a DA is required. CHCC may be satisfied that there is a clear community need for the group home subject of this application as it will provide accommodation and associated services to survivors of domestic violence, an increasingly important issue locally, regionally and nationally (refer to **Section 1.1**).

4.5.2.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (the Hazards SEPP) relates to remediation of land. Clause 4.6 of the Hazards SEPP 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 (or will be suitable after remediation) for the purposes for which the development is to be carried out.

A Detailed Site Investigation (DSI; SLR 2018) forms part of this application and is provided in **Appendix C**. 11 areas of concern (AEC) were identified in the DSI based on historical assessments of the site. 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.

Premise understands that remediation works commenced on 14 March 2023 in accordance with the Remediation Action Plan attached in **Appendix D**.

4.5.2.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* (the Infrastructure SEPP) relates to infrastructure development. Under clause 2.48 of the Infrastructure SEPP, a consent authority must give written notice to the electricity supply authority for the area and take into consideration any response received within 21 days with respect to development involving any of the following:

- (a) *the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*

(b) development carried out—

- (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
- (ii) immediately adjacent to an electricity substation, or*
- (iii) within 5m of an exposed overhead electricity power line,*

(c) installation of a swimming pool any part of which is—

- (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*
- (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

The proposed development involves the installation of new driveways below existing overhead lines at the terminus of Dayal Street. Accordingly, it is understood that the proposed development will be notified to the electricity supply authority for the area (Essential Energy). It is anticipated that any recommendations provided by Essential Energy can be complied with by way of conditions of consent.

4.5.3 DEVELOPMENT CONTROL PLANS

4.5.3.1 Tamworth Development Control Plan 2010

The Tamworth Development Control Plan 2010 (TRDCP 2010) applies to the site. **Appendix E** provides a summary of relevant matters raised via the DCP together with an assessment of project specific compliance.

As outlined in **Appendix E**, the development is generally compliant with all relevant provisions of the Development Control Plan, with the exception of those relating to detention tank provision, parking provision, internal layout of Unit 2 and storage provision. Each of the non-compliances are addressed in the following sections.

4.5.3.1.1 Detention Tanks

The proposed development provides individual, above-ground detention systems to each of the eight proposed dwellings in the form of rainwater tanks, non-compliant with the TRDCP 2010 which requires communal, underground detention systems for developments with more than five dwellings. The non-compliance is acceptable as the rainwater tanks:

- Are BASIX compliant;
- Proposed positioning above ground, adjoining each dwelling ensures ease of access for maintenance;
- Will not have any visual impact on development in neighbouring properties due to the significant site area and isolated location on the southern side of the rear boundary of residential allotments, west and north of densely vegetated corridors along [REDACTED].

4.5.3.1.2 Parking

11 unenclosed parking spaces are provided as part of the proposed development, non-compliant with the 14 resident parking spaces (of which eight are required to be enclosed) and two visitor parking spaces required under the TRDCP 2010. The non-compliance is acceptable as, in the Housing Plus experience in operating other domestic and family violence accommodation elsewhere in NSW, a significant proportion of survivors will arrive at the site by taxi or will be dropped by a trusted family member or friend.

The site benefits a high level of accessibility via public transport, [REDACTED] to:

- Bendemeer to the [REDACTED] 10:00, 13:30 and 16:13 on weekdays and 12:55 on Saturdays; and
- Tamworth Railway Station to the [REDACTED] at 7:57, 11:06 and 14:34 on weekdays and 8:13 on Saturdays.

Subject to TRC approval, there is ample space within the site to extend the at-grade car park in future, should it be determined that additional parking is required to meet demand for the proposed development.

4.5.3.1.3 Unit 2 Internal Layout

Pedestrian access to the private open space [REDACTED], non-compliant with the TRDCP 2010 which requires that it be [REDACTED] non-compliance is acceptable as opportunities to provide direct pedestrian access between the living room and private open space in [REDACTED] as well as by the desire for the living room to be positioned where it enables casual surveillance of the central open space.

4.5.3.1.4 Adaptable Dwellings

One of eight dwellings is adaptable in accordance with AS4299, non-compliant with the minimum two required. The non-compliance is acceptable as, in the Housing Plus experience in operating other domestic and [REDACTED] accommodation elsewhere in NSW, a rate of one adaptable dwelling in eight meets typical demand.

4.5.3.1.5 Storage

The proposed development does not include any storage in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, linen press), non-compliant with the minimum 5m³ required per dwelling under the TRDCP 2010. The non-compliance is acceptable as, in the Housing Plus experience in operating [REDACTED] typically arrive on-site [REDACTED] They also do not typically reside in the facility for a sufficient period of time as to [REDACTED] in which they reside.

5. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of Section 4.15(1)(b) of the EP&A Act and the Application Requirements (Department of Planning and Environment 2022).

This section also addresses the consideration at Section 4.15(c) and Section 4.15(e) of the Act that relate to the suitability of the site for the development and the public interest.

5.1 Context and Setting

The former [REDACTED]
[REDACTED]
[REDACTED] Residential lots are occupied by single and occasional two storey detached dwelling houses (some with secondary dwellings), dual occupancies and multi dwelling housing. Regardless of land use, residential development is characterised by brick or weatherboard construction with pitched roofs of tiled or metal finish.

The proposed development is consistent with its context and setting, comprising six single storey detached dwellings and two attached single storey dwellings that comprise the Cluster and one larger single storey dwelling that [REDACTED]. The dimensions of the building envelopes are generally consistent with that of existing residential development in the locality, as is their materiality. External walls in all buildings are to be constructed of brick whilst roofs are to be pitched with metal finish.

The impact of the proposed development on the context and setting is further mitigated by built form being concentrated in the eastern portion of the site where it will have [REDACTED]
[REDACTED]
[REDACTED] Vegetation is to be further embellished through additional planting within the buffer areas between the [REDACTED], to be detailed following DA approval.

The proposed development will not result in any privacy impacts to neighbouring properties due to its single storey height. It also will not result in any overshadowing impacts to neighbouring properties due to its single storey height and positioning on the southern side of existing residential lots. It also will not result in any view impacts.

5.2 Access, Transport and Traffic

5.2.1 CONSTRUCTION PHASE

The proposed development will result in traffic during the construction phase associated with:

- Construction staff coming to and from the site in light vehicles;
- Construction vehicles and equipment being delivered to and from the site in heavy vehicles;
- Construction materials being delivered to the site in heavy vehicles; and
- Excess soils, vegetation and other waste being taken away from the site (refer to **Section 5.9**) in heavy vehicles.

It is anticipated the majority of this traffic would be coming from other areas of Tamworth, [REDACTED]
[REDACTED]
[REDACTED] due to its straight alignment that allows adequate sightlines and braking distance given a speed limit of 70 kilometres per hour.

5.2.2 OPERATIONAL PHASE

Once operational, vehicular access to the site is to continue to be from the site's existing access from the [REDACTED]
[REDACTED]
[REDACTED]

The vehicular access leads directly to the proposed at-grade parking, accommodating parking for 11 vehicles including two disabled spaces. As discussed in **Section 4.5.3.1.2**, the 11 proposed spaces are sufficient to meet the needs of the proposed development.

Vehicles accessing the proposed at-grade parking will generate additional traffic along [REDACTED] connecting streets. The impacts of the additional traffic is expected to be acceptable as:

- In the Housing Plus experience in operating other domestic and family violence accommodation elsewhere in NSW, a significant proportion of residents will arrive at the site by taxi or will be dropped by a trusted family member or friend;
- Once prospective residents accepted to reside in the facility, it is anticipated that they will undertake far fewer trips to and from the site than residents of a typical dwelling house as a high proportion of services are delivered to the site or performed by staff (e.g. bulk grocery deliveries);
- Vehicle movements are expected to be limited to light vehicles and occasional vans and small trucks, resulting in far less traffic impacts to the surrounding road network and far less noise and vibration impacts to residential dwellings than the heavy vehicle movements associated with the former industrial use of the site; and
- The site benefits a high level of accessibility via public transport, being less than [REDACTED] to:
 - Bendemeer to the [REDACTED] on Saturdays; and
 - Tamworth Railway Station to the [REDACTED] on Saturdays.

5.3 Servicing

Vehicular access to the proposed development is to be provided via the existing driveway from the site's [REDACTED] frontage, upgraded to comply with TRC's current standards.

Each independent living quarter is to be provided with a dedicated water tank in accordance with BASIX requirements to enable on-site reuse of captured stormwater. Any increased runoff as a consequence of the proposed development that isn't reused or detained on-site is to drain by gravity directly to adjoining watercourses in accordance with the stormwater management plan (Tricend 2022). This ensures that there will not be any increase in demand on TRC's stormwater infrastructure as a consequence of the proposed development.

The proposed development will be connected to existing electricity, telecommunications, potable water and sewer infrastructure within the site and surrounding area. It is anticipated that these networks can be augmented to accommodate any additional demand generated by the development.

5.4 Heritage

The site is not identified as being or adjoining items of heritage significance or within a heritage conservation area under the TRLEP 2010. It is unlikely to contain Aboriginal sites or places due to being significantly disturbed as a consequence of its extensive use for industrial purposes. This is supported by the results of the Aboriginal Heritage Information Management System (AHIMS) search on 18 October 2022 which did not identify any Aboriginal sites or places within a 5 metre buffer of the site (refer to **Appendix F**).

5.5 Other Land Resources

The site is located within land zoned R1 General Residential and is not subject to any exploration and mining titles or applications for exploration or mining titles. Historical industrial uses have ceased operations. The proposed use of the land for the purposes of a group home will have far lesser impacts on existing and continuing agricultural activities in land zoned RU4 Primary Production Small Lots on [REDACTED] of the [REDACTED] than the former industrial use of the land.

5.6 Water

As shown in [REDACTED] a portion of the site is mapped as being within the Flood Planning Area in the Flood Planning Map. The proposed development is situated outside of the mapped Flood Planning Area. It is anticipated that any additional runoff as a consequence of the proposed development will have minimal downstream flood impact due to the minor scale of the development (4.13% increase in site coverage) and detention measures proposed as part of the stormwater management plan (Tricend 2022).

The proposed development includes works [REDACTED] [REDACTED] However, the buffer areas are currently denuded of vegetation, other than a [REDACTED] [REDACTED] The proposed development results in a significant improvement on current conditions, providing new habitat [REDACTED] for threatened species and ecological communities through revegetation of the buffer areas in accordance with a vegetation management plan, to be provided following DA approval.

5.7 Air and Microclimate

The proposed development will result in negligible air and microclimate impacts during construction. However, these are expected to be short-lived and manageable through construction in accordance with a construction management plan, to be provided following DA approval.

Once operational, the proposed development will not result in any air and microclimate impacts.

5.8 Flora and Fauna

The proposed development is likely to have a positive effect on flora and fauna as:

- Vegetation to be removed is predominantly exotic (including trees near the site entry [REDACTED] and grass in the eastern portion of the site), with the exception of a single native tree closer to [REDACTED] that is isolated and disconnected from vegetation the [REDACTED]
- After being denuded of native vegetation to enable the [REDACTED] of the site, buffer areas between the proposed development and the [REDACTED] are to be revegetated to provide new habitat along the watercourses for threatened species and ecological communities; and
- Stormwater that previously drained informally to the adjoining [REDACTED] from [REDACTED] use of the site is to now be managed in accordance with the stormwater management plan (Tricend 2022), mitigating downstream impacts to threatened species or ecological communities.

5.9 Waste

The proposed development will result in minimal waste impacts during construction due to all existing built form being previously demolished and due to the site being generally level and denuded of vegetation. Any

excavated material will be reused on-site to the maximum extent possible. Any surplus excavated material and cleared vegetation will be deposited at an approved waste facility in accordance with TRC requirements.

Once operational, the proposed development will generate low levels of household and office waste that will be stored in an enclosed area adjoining the at-grade parking. The location of the enclosed bin storage enables ease of access by TRC standard waste vehicles or contracted waste vehicles.

5.10 Noise & Vibration

The proposed development will result in noise and vibration impacts during the construction phase associated with construction activities and construction vehicles and equipment being delivered to and from the site, construction staff coming to and from the site, construction materials being delivered to the site, excess soils, vegetation and other waste being taken away from the site (refer to **Section 5.9**). However, these are expected to be short-lived and manageable through construction in accordance with a construction management plan, to be provided following DA approval.

Once operational, the proposed development will not result in any vibration impacts and noise impacts are expected to be consistent with eight typical dwelling houses. Any noise impacts from the proposed group home are expected to be far less than those emitted by the former industrial use of the site.

An operational Plan of Management (POM) may be prepared and implemented prior to occupation of the proposed group home. The POM would include measures to ensure that proposed group home is operated in a manner which minimises potential off-site impacts.

5.11 Natural Hazards

The site that contains land identified on the Bush Fire Prone Land Map as Vegetation Buffer along the western boundary and a portion of the southern boundary. A minor area portion of the south-western corner of the site is also identified as Vegetation Category 3 on the Bush Fire Prone Land Map.

Accordingly, a Bush Fire Assessment Report (Statewide Bushfire Consulting 2022) is provided at **Appendix B**. It includes the following recommendations (p. 18):

- Establishment of an Inner Protection Area (IPA) between the proposed development and the northern, eastern and southern boundary, as well as 36 metres to the west of the proposed development (including the vegetated riparian zone);
- All roads to have a minimum four metre carriageway width, minimum vertical clearance of four metres to any overhanging obstructions, suitable turning area, minimum inner radius of six metres in any curves, a minimum distance of six metres between inner and outer curves, a maximum crossfall of 10°, a maximum grade of 15° and access via a dedicated road and not a right of way;
- All hydrant flows and pressures comply with AS2419.1:2005, Table 2.2 and all above-ground water services external to the building are metal;
- All transmission lines and poles are compliant with ISSC3;
- All gas services comply with AS/NZS 1596:2014, above-ground gas service pipes are metal and gas cylinders are kept clear of flammable materials to ten metres;
- Construction is compliant with AS3959-2018 Section 3 and Section 5 (BAL-12.5) for all buildings including adjacent structures within six metres of the main occupancy, including *Planning for Bush Fire Protection* (PBFP; RFS 2019) Section 7.5.2 and NSW variations to AS 3959;
- Fences and gates are constructed of hardwood or non-combustible materials;
- Landscaping is designed and managed in accordance with Appendix 4 of PBFP (RFS 2019); and

- An Emergency and Evacuation Management Plan consistent with the NSW RFS guidance is prepared for the site and made available to all occupants.

It is concluded in the report that (p. 18):

Provided the buildings, APZ areas, Landscaping, Access and Utilities on site are constructed, designed and maintained in accordance with the recommendations described in this report, the proposed development can satisfy the aims, objectives and performance requirements of PBP 2019 considered relevant to the development under s.100B of the NSW Rural Fires Act.

5.12 Safety, Security and Crime Prevention

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. The four key principles of the guidelines include surveillance, access control, territorial reinforcement, and space management.

The proposed development creates opportunities for technological surveillance of the surrounding area through the use of closed-circuit television (CCTV) monitoring access points, the boundaries of the site and internal areas. It creates opportunities for casual surveillance from new dwellings and a Core building that is staffed 24 hours per day, seven days per week. Windows from the Core building enable views to the entry into the site, the at-grade carpark, the central communal area and entries to individual dwellings that comprise the Cluster. Similarly, windows associated with living rooms in the dwellings that comprise the Cluster enable casual surveillance of the central communal area, as well as entries to other dwellings.

The proposed development ensures access control through the provision of 2.1 metre-high fencing around the facility. This is combined with gates and doors throughout to ensure that persons are unable to access various zones in the facility without first being granted access by staff.

The proposed development creates territorial reinforcement through the provision of 2.1 metre-high fences around the facility, clearly delineating the site boundary from the public domain and neighbouring properties.

The proposed development will ensure space management through the employment of groundskeepers that will maintain the facility in a tidy condition.

5.13 Social Impact

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

[REDACTED]

^{6,6} <https://www.dvns.org.au/domestic-family-and-sexual-violence-statistics/>

[REDACTED]
[REDACTED]
[REDACTED]

The proposed development will have a [REDACTED]
[REDACTED] This includes legal, health and employment assistance, as well as other professional services. The significant public benefit provided by the development will far exceed any potential minimal impacts associated with the development as discussed in the preceding sections of this report.

5.14 Economic Impact

Housing Plus is a not-for-profit organisation providing [REDACTED]
[REDACTED]

The proposed development will have a positive economic impact during the construction phase, creating opportunities for a local construction contractor, equipment hire services and materials suppliers. At the operational phase, employment opportunities would include [REDACTED]
[REDACTED] The proposed development will also create opportunities for local professionals such as legal, health and employment assistance professionals.

There is no evidence to suggest that development of accommodations for [REDACTED]
[REDACTED] having a negative effect on property values of adjoining or nearby properties, especially where the accommodation is provided in a high quality facility delivered by a [REDACTED] housing provider. Any impact on property values of adjoining and nearby properties as a consequence of the proposed development will not be greater than that of the former industrial use of the site.

5.15 Site Design and Internal Design

The proposed development has been designed with reference to the publicly available [REDACTED]
[REDACTED] *Accommodation*, prepared by Housing Plus and Custance Architects. The guideline establishes the following design standards for [REDACTED] accommodation (2022, pp. 38, 39):

- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- *Operational: Good Design considers and integrates all operational requirements relevant to each provider. Building maintenance policy and strategies, facilities management and performance management will need to be considered. It should be easy to maintain, robust and liveable. The design should ensure maximum end value and future alternative use options.*
- [REDACTED]
[REDACTED] *through light, texture, colour, space and the careful consideration of*

- *Flexibility & Adaptability: Good design means the accommodation can meet the needs of many different family structures and [REDACTED] the building form is adaptable to meet different family sizes [REDACTED]*
- *[REDACTED]
[REDACTED] They need robust design and furnishings and a place of their own.*
- *Culturally Appropriate Design: Good design considers what people value as culture needs to enable them to feel immediately 'at home' and should consider the cultural, religious and familial demographic of the location.*
- *Fit for Purpose: Good design should consider the built form, urban context and streetscape, and through sympathetic material selection and well considered passive design integration, meet the clients' expectations and objectives and comply with the relevant codes for construction.*

- Standard construction hours (7 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday and at no times on Public holidays) would be implemented;
- Avoiding dust generating activities during windy and dry conditions; and
- Maintaining all equipment in good working condition such that the construction contractor and site manager ensure the prevention of the release of smoke by construction equipment, which would be in contravention of Section 124 of the *Protection of the Environment Operations Act 1997* and Clause 16 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

There are no known major projects being undertaken in proximity to the site that would result in cumulative impacts during either the construction or operation phase of the proposed development.

6. CONCLUSION

6.1 Suitability of the Site

The site is suitable for the proposed development because:

- It is an [REDACTED] between the rear of residential lots to the north [REDACTED] to the east and south and existing and [REDACTED] (refer to **Section 5.1**);
- It has existing connections to essential services, understood to be capable of being augmented to accommodate any increase in demand generated by the proposed development (refer to **Section 5.3**);
- It is generally level, ensuring that minimal earthworks are required to enable the proposed development (refer to **Section 4.5.1.5**);
- The land will be suitable to the proposed use following the completion of remediation works in accordance with the Remediation Action Plan, understood to have commenced on 14 March 2023 (refer to **Section 4.5.2.2**);
- It is unlikely to contain Aboriginal sites or places due to being significantly disturbed (refer to **Section 5.4**);
- [REDACTED] on the site (refer to **Section 5.5**);
- Mapped flood prone land is limited to minor portions of the site [REDACTED] can be avoided and it has a [REDACTED] allowing stormwater to drain by gravity through water quality measures without increasing demand on TRC infrastructure (refer to **Section 5.6**);
- Native vegetation is predominantly limited to the edges of the site which can be avoided and embellished with new planting (refer to **Section 5.8**); and
- Bushfire can be managed in accordance with the Bush Fire Assessment Report (Statewide Bushfire Consulting 2022) provided at **Appendix B** (refer to **Section 5.11**).

6.2 The Public Interest

The proposed development is in the public interest because:

- It is permitted with consent in and consistent with the objectives of Zone R1 General Residential in which the proposed development is to occur, as well as compliant and consistent with all other relevant development standards and provisions under the TRLEP 2010;
- It is compliant with all development controls under the TRDCP 2010, with the exception of those relating to detention tanks, parking provision, internal layout of Unit 2 and storage provision, all of which are considered to be acceptable on merit in the circumstances of the unique features of the site and/or the proposed development;
- It will have minimal environmental, social and economic impacts; and
- The site is suitable to the proposed development.

For the reasons set out above, the proposed development is supported subject to TRC's standard conditions of consent.



APPENDIX A

PROJECT DRAWINGS



APPENDIX B

BUSH FIRE ASSESSMENT REPORT



APPENDIX C

DETAILED SITE INVESTIGATION



APPENDIX D

REMEDIATION ACTION PLAN



APPENDIX E

DCP COMPLIANCE TABLE

Table 5 – Development Control Plan Matters and Assessment

Objective/Requirement	Standard	Assessment	Compliance																							
Residential (Multi-Dwelling) Development Controls																										
Building Setbacks	<table><tr><th rowspan="2">Zone</th><th colspan="2">Single Storey</th><th colspan="2">≥ 2 storey</th></tr><tr><th>Front</th><th>Side / rear</th><th>Front</th><th>Side / rear</th></tr><tr><td>R1</td><td>4.5m, 5.5m to garage</td><td rowspan="2">1m (675mm[#])</td><td>4.5m, 5.5m to garage</td><td>2m (1125m[#])</td></tr><tr><td>RU5</td><td>6m</td><td>6m</td><td></td></tr><tr><td>B2, B3, B4</td><td>BCA</td><td>BCA</td><td>BCA</td><td>BCA</td></tr></table> [#] roof eaves, sunhoods, gutters, downpipes, chimney flues, light fittings, electricity and gas metres, and aerials. No concession to secondary frontage.	Zone	Single Storey		≥ 2 storey		Front	Side / rear	Front	Side / rear	R1	4.5m, 5.5m to garage	1m (675mm [#])	4.5m, 5.5m to garage	2m (1125m [#])	RU5	6m	6m		B2, B3, B4	BCA	BCA	BCA	BCA	The site is located within the R1 General Residential zone and the proposed development is limited to a single storey. All proposed buildings are setback over 4.5 metres from the street boundary.	✓
Zone	Single Storey		≥ 2 storey																							
	Front	Side / rear	Front	Side / rear																						
R1	4.5m, 5.5m to garage	1m (675mm [#])	4.5m, 5.5m to garage	2m (1125m [#])																						
RU5	6m		6m																							
B2, B3, B4	BCA	BCA	BCA	BCA																						
Density	<table><tr><th>Zone</th><th>Min. Site Area per Dwelling</th></tr><tr><td>R1</td><td>300m²</td></tr><tr><td>RU5</td><td>300m² sewered</td></tr><tr><td>B2</td><td>-</td></tr><tr><td>B3</td><td>-</td></tr><tr><td>B4</td><td>-</td></tr></table>	Zone	Min. Site Area per Dwelling	R1	300m ²	RU5	300m ² sewered	B2	-	B3	-	B4	-	Over 2,700m ² of site area is provided per dwelling.	✓											
Zone	Min. Site Area per Dwelling																									
R1	300m ²																									
RU5	300m ² sewered																									
B2	-																									
B3	-																									
B4	-																									
Design	For corner lots, dwellings be designed to present to and have vehicle access from alternate frontages, unless one street is a collector road or greater, where access shall be obtained from the lesser street classification.	The site is not a corner lot.	N/A																							
	Garage/s shall not exceed 60% of the street elevation.	No enclosed parking spaces or garages are proposed as part of the development.	N/A																							

Utilities	• Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.	Refer to Section 5.3.	✓
	• Buildings and structures are to be located clear of utility infrastructure.	Structures located over known utility infrastructure (sewer main) is limited to footpaths, a yarning circle, fences and at-grade parking. No buildings are proposed over the sewer main.	✓
	• For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth from the centreline of the main. See Council Policy "Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains" for further detail.	Structures located within the sewer easement are limited to footpaths, a yarning circle, fences and at-grade parking. No buildings are proposed within the sewer main easement.	✓
	• Multiple dwellings not permitted on unsewered land.	The site is sewered.	✓
	• Stormwater arrangements shall be designed to a gravity system.	Refer to Section 5.3.	✓
	• Details of any stormwater detention systems shall be provided.	Stormwater detention systems, limited to rainwater tanks adjoining each dwelling, are detailed in the stormwater management plan (Tricend 2022).	✓
	• Individual detention systems are acceptable for each unit up to 5 units (maximum).	Detention tanks are provided to each of the proposed eight dwellings. Justification for the non-compliance is provided in Section 4.5.3.1.1.	Acceptable on merit
	• Detention tanks must be a separate tank to that required by BASIX or bushfire requirements.	Detention tanks separate to rainwater tanks are not proposed.	N/A
	• Detention basins or underground detention must be provided in a development with more than 5 units.	Neither detention basins nor underground detention is proposed. Justification for the	Acceptable on merit

		non-compliance is provided in Section 4.5.3.1.1.	
	Refer to Council's Engineering Guidelines for Subdivisions and Developments for design requirements.	Civil plans (Tricend 2022) forming part of this application have been prepared with reference to TRC guidelines.	✓
	The developer is responsible to consult with Essential Energy, natural gas and a telecommunications carrier regarding the provision of services.	Essential Energy and gas and telecommunications carriers are to be consulted following DA approval.	✓
Building Height	Measured from natural ground level to: - Topmost ceiling: maximum 7.2m - Top of the ridge: maximum 10m	All proposed buildings are limited to a single storey in height, ensuring that topmost ceiling and ridge will not exceed 7.2 or 10 metres respectively.	✓
Site Coverage	Residential zones: Maximum site coverage of 75% (includes all hardstand areas).	The proposed development results in a site coverage of 4.13%.	✓
	Commercial zones: Refer to LEP.	The site is located in the R1 General Residential zone.	N/A
Privacy	Multi-storey development must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.	The proposed development is limited to a single storey in height.	N/A
Solar Access	- Shadow diagram are required for developments of ≥ 2 storeys and need to demonstrate habitable rooms of adjoining dwellings and major part of their landscaped open space to retain a minimum of 4hrs sunlight between 9am-3pm on 21st June (winter solstice). - In this regard, "habitable" refers to rooms capable of occupation and does not include laundry, bathroom or garages.	As above.	N/A
Parking	Parking requirements for each dwelling are as follows:	11 unenclosed parking spaces are provided as part of the proposed development, non-compliant with the 14 resident parking spaces (of which eight are required to be	Acceptable on merit

	<table><tr><th>Number of b/r in each dwelling</th><th>Parking spaces per dwelling</th><th>Visitor spaces</th></tr><tr><td>1</td><td>1 (1 enclosed)</td><td rowspan="2">1 per 5 dwellings</td></tr><tr><td>2</td><td>2 (1 enclosed)</td></tr><tr><td>3</td><td>2 (both enclosed)</td><td>1 per 3 dwellings</td></tr><tr><td>≥4</td><td>2 (both enclosed)</td><td>1 per 2 dwellings</td></tr></table>	Number of b/r in each dwelling	Parking spaces per dwelling	Visitor spaces	1	1 (1 enclosed)	1 per 5 dwellings	2	2 (1 enclosed)	3	2 (both enclosed)	1 per 3 dwellings	≥4	2 (both enclosed)	1 per 2 dwellings	enclosed) and two visitor parking spaces required. Justification for the non-compliance is provided in Section 4.5.3.1.2.	
	Number of b/r in each dwelling	Parking spaces per dwelling	Visitor spaces														
	1	1 (1 enclosed)	1 per 5 dwellings														
	2	2 (1 enclosed)															
	3	2 (both enclosed)	1 per 3 dwellings														
≥4	2 (both enclosed)	1 per 2 dwellings															
	Parking of one vehicle behind another in a stack arrangement is not acceptable.	No stacked parking is proposed as part of the development.	✓														
	External parking spaces are not allowed in the front setback.	No parking spaces are proposed within the front setback.	✓														
	The minimum dimensions of a garage required to park a car must exclude intrusions such as laundries and storage.	No enclosed parking spaces or garages are proposed as part of the development.	N/A														
Access	Dimensions to meet AS2890.1 Parking Facilities Off Street Carparking.	Compliance with AS2890.1 would be demonstrated following DA approval.	✓														
	Manoeuvring areas within the development must be designed to accommodate a B99 vehicle under AS2890.1 Parking Facilities Off Street Parking.	As above. It is anticipated that there is adequate space in the at-grade parking area to accommodate all B99 vehicle movements.	✓														
	Swept paths for a B99 vehicle must be shown on plans prepared to accompany the DA	As above. Swept paths would be provided following DA approval.	✓														
	All parking and manoeuvring areas to be hardstand (pavers or concrete).	All manoeuvring areas are hardstand.	✓														
	Driveways to be located a minimum of 6 metres from an intersection measured from the tangent point of the kerb return.	Access to the site is to be provided from an existing driveway at the [REDACTED] [REDACTED]	✓														

	Developments requiring ≥ 4 car spaces are to provide adequate turning dimensions to allow all vehicles to enter and leave the site in a forward direction.	It is anticipated that the proposed at-grade parking area provides adequate space to allow vehicles to enter and exit the site in a forward direction.	✓															
Private Open Space	Private open space (POS) must be provided for units on ground level at the following rate in relation to its orientation for solar access.<table><tr><th>POS Location</th><th>Minimum Amount</th><th>Minimum Dimension</th></tr><tr><td>North</td><td>35m²</td><td>4m</td></tr><tr><td>East</td><td>50m²</td><td>4m</td></tr><tr><td>South</td><td>60m²</td><td>4m</td></tr><tr><td>West</td><td>45m²</td><td>4m</td></tr></table>	POS Location	Minimum Amount	Minimum Dimension	North	35m ²	4m	East	50m ²	4m	South	60m ²	4m	West	45m ²	4m	The proposed development includes: - Three units with north-facing private open space (Units 1 to 3), all of which are provided with a minimum area of 55.28m² and minimum dimension of 6.12 metres; and - Five units with south-facing private open space, all of which are provided with a minimum area of 52.52m² with a minimum dimension of four metres.	✓
	POS Location	Minimum Amount	Minimum Dimension															
	North	35m ²	4m															
	East	50m ²	4m															
	South	60m ²	4m															
	West	45m ²	4m															
The private open space on ground level must be fenced. Details of the height and style of fencing must accompany the development application.	Ground floor private open space is fenced and detailed in the architectural plans (refer to Appendix A).	✓																
Must be directly accessible from a living area and may partially or wholly include a deck, alfresco area, balcony or similar area located at ground level.	All units in the proposed development are provided with private open space that is directly accessible from a living room, with the exception of Unit 2. Justification for the non-compliance is provided in Section 4.5.3.1.3 .	Acceptable on merit																
Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, onsite stormwater detention systems, hot water systems, retaining walls.	Intrusions are excluded from area calculation of each private open space.	✓																
If located on street side of dwelling, details of fencing must be supplied.	Ground floor private open space is fenced and detailed in the architectural plans (refer to Appendix A).	✓																

Balconies for Private Open Space	- For units located on the upper storey of a building in a development not captured by the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, the following balcony size is required: <table><tr><th>Number of b/r in each dwelling</th><th>Minimum Amount</th><th>Minimum Dimension</th></tr><tr><td>1</td><td>4m²</td><td>2m</td></tr><tr><td>2</td><td>10m²</td><td>2m</td></tr><tr><td>3 or more</td><td>16m²</td><td>4m</td></tr></table> - Must be located adjacent to a living room, dining room or kitchen to extend the living space. - Area calculation does not contain intrusions such as drying areas, hot water systems or air conditioners. - The minimum balcony depth to be counted as contributing to the balcony area is 1m.	Number of b/r in each dwelling	Minimum Amount	Minimum Dimension	1	4m ²	2m	2	10m ²	2m	3 or more	16m ²	4m	Balconies are not proposed due to the single storey height of the proposed development.	N/A
Number of b/r in each dwelling	Minimum Amount	Minimum Dimension													
1	4m ²	2m													
2	10m ²	2m													
3 or more	16m ²	4m													
Landscaping	Landscaping shall be provided on the basis of 100m² per dwelling for the development site.	Over 100m ² of landscaped area is provided per dwelling.	✓												
	Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.	A landscape plan is to be provided following DA approval. Landscaping will be designed to provide privacy, security, shading and recreation in accordance with the requirements of the proposed use.	✓												
	Landscaping shall comprise only drought and frost tolerant species.	As above. Plants are to be selected with reference to the climatic conditions.	✓												
	Landscaping shall allow solar access to windows, solar collectors, living areas and drying areas in winter and shade to buildings and outdoor spaces in summer.	As above. Landscaping will be designed to allow solar access to windows, living areas and drying areas in winter and to provide	✓												

		shade to building and outdoor spaces in summer.	
	Minimum width of 2m required for all landscaped areas.	All landscaped areas have width exceeding two metres.	✓
Outdoor Lighting	Must provide certification of compliance with <i>AS4282 Control of Obtrusive Effects of Outdoor Lighting</i> if >10 dwellings proposed.	The proposed development is limited to eight dwellings.	✓
Adaptability	Development of ≥5 units must provide 1 in 5 units capable of conversion to adaptable housing in accordance with <i>AS4299</i>, Class C level.	One of eight dwellings is adaptable in accordance with AS4299, non-compliant with the minimum two required. Justification for the non-compliance is provided in Section 4.5.3.1.4.	Acceptable on merit
Facilities	Screened garbage storage required inside front property boundary, at the rear of each unit or within garages. Storage locations to be included in landscape plan.	Screened garbage storage is provided adjoining the proposed at-grade carpark.	✓
	Letterboxes provided at the front property boundary in accordance with Australia Post requirements. Strata developments require an additional letter box for the Body Corporate.	Letter box location and design is to be resolved following DA approval.	✓
	Clothes drying facilities required free of access ways. Clothes lines and hoists shall be located at the rear of development and adequately screened from adjoining roads.	All clothes drying areas are located at the rear of each dwelling where they will not be visible from the public domain.	✓
Storage	Must provide a minimum of 5m³ of dedicated storage area per dwelling in addition to the standard internal storage provision (e.g. wardrobes, kitchen cupboards, pantry, linen press).	Dedicated external storage is not provided. Justification for the non-compliance is provided in Section 4.5.3.1.5.	Acceptable on merit
Water Tanks	Water storage tanks are to be located below ground or behind the buildings in the development.	Water tanks are provided behind the front façade of every dwelling in the proposed development.	✓



APPENDIX F

AHIMS SEARCH



AHIMS Web Services (AWS)

Search Result

Your Ref/PO Number : East Tamworth

Client Service ID : 723607

Premise Australia Pty Ltd

Date: 18 October 2022

154 Peisley Street

Orange New South Wales 2800

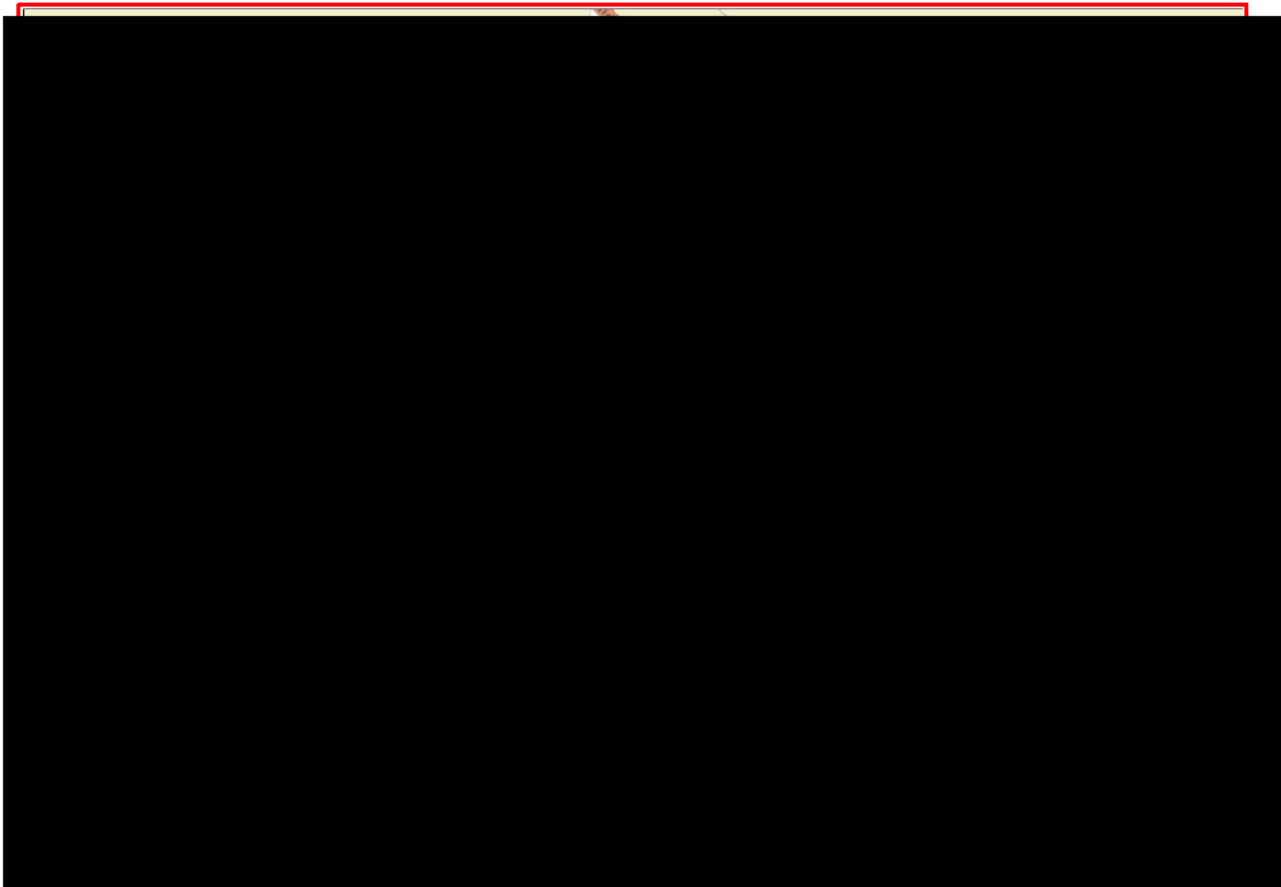
Attention: Mark Raikhman

Email: mark.raikhman@premise.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at [REDACTED] - with a Buffer of 50 meters, conducted by Mark Raikhman on 18 October 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



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