

COUNCIL ASSESSMENT BRIEFING REPORT TO PANEL NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-211 DA2023-0322 (PAN-312797)
PROPOSAL	Group Homes Comprising eight (8) Dwellings, Community Facility & Associated Ancillary Development
ADDRESS	██████████ Street, EAST TAMWORTH ██████████
APPLICANT	Housing Plus
OWNER	KC Singh Pty Ltd
DA LODGEMENT DATE	06 April 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 5 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Group homes with CIV over \$5m
CIV	\$5,346,000 (excluding GST)
CLAUSE 4.6 REQUESTS	NIL
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	• <i>Biodiversity Conservation Act 2016</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy (Housing) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Draft Remediation of Land SEPP</i> • <i>Tamworth Regional Local Environmental Plan 2010</i> • <i>Tamworth Regional Development Control Plan 2010</i>
AGENCY REFERRALS	NSW Rural Fire Service

	Department of Planning and Environment – Water Essential Energy
TOTAL & UNIQUE SUBMISSIONS	One (1) submission
KEY ISSUES	NIL
DOCUMENTS SUBMITTED FOR CONSIDERATION	Attachment 1 – Architectural Plans Attachment 2 – Statement of Environmental Effects Attachment 3 – Stormwater Plan Attachment 4 – BASIX Certificate Attachment 5 – Quantity Surveyor Report Attachment 6 – Waste Management Plan
PREVIOUS BRIEFINGS	N/A
PLAN VERSION	Proposed Tamworth Group Home with Eight Dwellings & Community Facility, Job No 001, Rev M, dated 07/06/2023
ASSESSMENT STATUS	Under Assessment
PREPARED BY	Rean Lourens – Consultant Town Planner
DATE OF REPORT	3 July 2023

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is a single allotment, legally identified as [REDACTED] located at [REDACTED], EAST TAMWORTH NSW 2340.

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

The northern boundary is formed by residential development along [REDACTED]. The southern boundary is formed by the [REDACTED] located along the eastern boundary.

The site has frontage to the [REDACTED] intersection along the northern boundary, and [REDACTED] along the western boundary. The site is currently vacant with scattered vegetation.

The western portion of the site was previously utilised for industrial purposes. (i.e. a concrete batching plant) that caused contamination of the soils along the western boundary. Category 2 Remediation works are currently being undertaken on the site in accordance with the Remedial Action Plan that was submitted with the DA. The remediation works will involve the construction of a 2.5m bund to cap the contamination. A site validation report and a clearance certificate will be submitted to Council upon completion of the works.

A drainage easement is located along the northern boundary that allows for stormwater drainage from the [REDACTED] intersection to [REDACTED] in the east.

A sewer main also traverses the area identified for the subject development. A manhole is also located central to the development area.

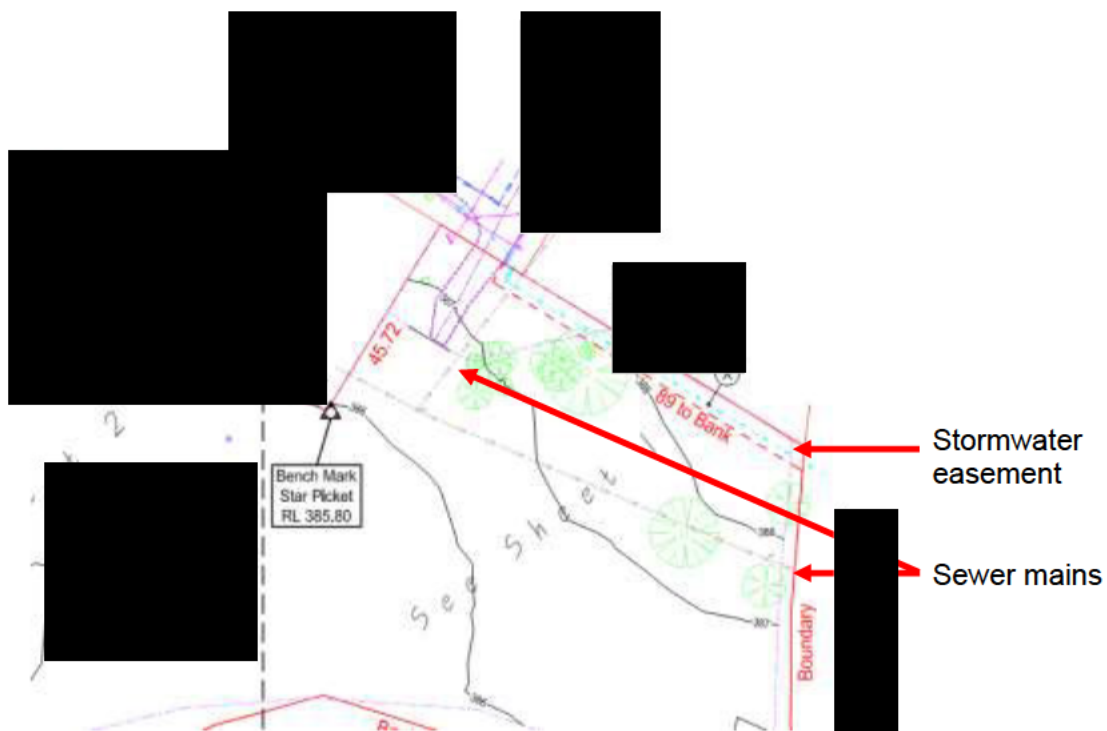


Figure 1: Survey of subject area



Figure 2: Aerial image of site area



Figure 3: Aerial image of the wider area

1.2 Site Inspection

A site inspection was carried out on 12 May 2023. The subject site can be seen in the photos below:



Figure 4: Site photo towards the southern boundary



Figure 5: Site photo towards [REDACTED] in the west



Figure 6: Site photo towards the adjoining development along [REDACTED] in the north.

1.3 The Locality

The existing development to the north and east of the site primarily consist of single storey detached developments. The land to the west contains a landscape supplies business, with the land to the south of the Peel River used for agricultural purposes.

The site is located approximately 3km to the southeast of the Tamworth CBD and is connected by a regular bus service.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The development application (DA2023-0322) seeks consent for a group home and community facility.

The single storey community facility comprises two (2) distinct areas. The northern area of the building includes an entry / reception area, resident support area, conference room, two (2) consulting rooms and a bathroom.

The southern portion of the building contains a communal kitchen and laundry, lounge, dining, bathroom, children's space and study nooks. Entry to this area is provided from the eastern side of the building.

A parking area is located to the west of the community facility and provides 11 parking spaces and a storage area.

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

Units 1 and 2 are adjoining and connected via an internal door to allow for the use of larger families. Unit 1 comprises of living areas, a kitchen, two (2) bedrooms and a bathroom. Unit 2 contains a kitchen, living areas, one (1) bedroom and a bathroom.

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

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

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

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

A bin storage area is located at the [REDACTED] Street frontage.

2.2 Site History

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

It is understood that this land use ceased in the early 2010s and extensive remediation works have been undertaken on the site. This resulted in the location of capped bund in the western portion of the site (**Figure 7**).



Figure 7: Aerial image of the sit date 4 July 2014.

3. PLANNING CONTROLS

The site is located within the R1 General Residential Zone pursuant to Clause 2.3 of the Tamworth Regional Local Environmental Planning 2010 (TRLEP 2010) (see **Figure 8**). The proposal is permissible in the zone with consent. The proposal is consistent with the Zone objectives.

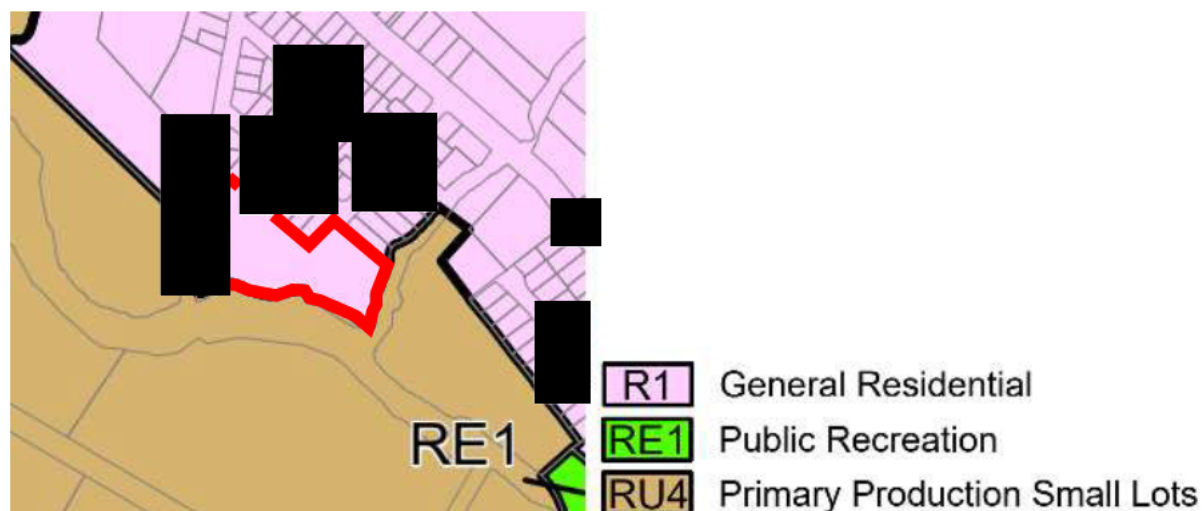


Figure 8: Zoning Map

A summary of the key matters for consideration and non-compliances arising from the relevant EPIs are outlined in **Table 1**. The pre-conditions to the grant of consent have been considered and are outlined in bold.

Table 1: Summary of Key Matters in the Relevant EPIs

EPI	Matters for Consideration	Comply (Y/N)
Biodiversity Conservation Act 2016	Section 7.2 provides the triggers for development or an activity is likely to significantly affect threatened species. These include: - it is likely to significantly affect threatened species or ecological communities or their habitats, or - the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or - it is carried out in a declared area of outstanding biodiversity value. The proposed clearing is considered to be limited and outside of the areas identified on the biodiversity values map. The proposal therefore does not trigger the preparation of a Biodiversity Development Assessment Report (BDAR).	Y

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	No compliance issues identified subject to imposition of conditions on any consent granted.	Y
State Environmental Planning Policy (Housing) 2021	Chapter 3: Diverse Housing Secondary dwellings, Group Homes, Co-living housing, build-to-rent housing, Housing for Seniors and people with a disability, short-term rental accommodation, manufactured home estates and caravan parks.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 5 of Schedule 6.	Y
State Environmental Planning Policy (Resilience & Hazards) 2021	Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation has been considered in the Remediation Action Plan and the proposal is satisfactory subject to conditions.	Y
Draft Remediation of Land State Environmental Planning Policy	No compliance issues identified.	Y
Tamworth Regional Local Environmental Plan (TRLEP) 2010	- Clause 2.3 – Permissibility and zone objectives - Clause 5.21 – Flood Planning - Clause 7.1 – Earthworks - Clause 7.6 – Development in flight path	Y
Tamworth Regional Development Control Plan (TRDCP) 2010	Step 2 – Residential (Multi-Dwelling) Development Controls Step 3 – Environmental Controls Step 4 – Site Specific Requirements (Development on Flood Affected Land)	Y

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The DA has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act 1979 and outlined below in **Table 2**.

Table 2: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Integrated Development (S 4.46 of the EP&A Act)			
Rural Fires Act (RFS) 1997	Section 100B – Bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	The NSW RFS reviewed the proposal and provided a Bushfire Safety Authority for the development on 30/05/2023.	Y
Department of Planning and Environment (Water)	Section 91 of the Water management Act 2000 that requires activity approvals for development in close proximity of water courses.	A Controlled Activity Approval of DPE (Water) is required and the assessment is currently still outstanding.	Pending
Referral/Consultation Agencies			
Essential Energy	Clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 requires referral of applications in close proximity to overhead powerlines to be referred to the affected energy provider.	Essential Energy provided a response on 28/04/2023 regarding the supply of electricity to the development, minimum separation / clearance distances, a 'Dial before you Dig' enquiry prior to commencement and works to be carried out as per best practice standards.	Y (conditions)
NSW Police	CPTED	No response has been received to date.	Pending

4.2 Council Referrals

The development application has been referred to various Council Officers for technical review as outlined **Table 3**.

Table 3: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	The DA was referred to Council's Development Engineering Division and the referral is still pending finalisation.	Pending

Strategic Planning	A review of the proposal found that it is in accordance with Blueprint 100, in particular regarding the need for housing of various types to meet the needs of the range of demographic groups in Tamworth.	Yes
Integrated Planner	The application does not attract any developer contributions as the applicant is a registered not for profit community housing provider.	Yes
Building	No objections subject to recommended conditions.	Yes (conditions)
Environmental Health	The Environmental Health section reviewed both the contamination and noise impacts of the development and raised no objections (subject to recommended conditions).	Yes (conditions)

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan 2019 from 21 April 2023 until 22 May 2023. During this period, one (1) unique submission was received.

The issues raised in the submission included the following:

- Increased traffic
- Access to [REDACTED] Streets from the New England Highway (known as Armidale Road)
- Lack of kerbs and gutters along the local roads
- Lack of footpaths
- Development by a non-local company

The submission noted that a similar development was refused at [REDACTED] Street.

5. KEY ISSUES

No specific key issues were identified during the assessment of this application. Additional issues may be identified during the finalisation of the internal and external referrals.

6. RECOMMENDATION

Following a preliminary assessment of the development application in relation to the development controls, taking into account the issues raised in submissions from the community, Council officers and agencies, the Council recommends that time be allowed for internal and external referral comment to be completed.

7. ATTACHMENTS

The following attachments are provided:

- Attachment A: Survey Plan
- Attachment B: Architectural Plans
- Attachment C: Statement of Environmental Effects
- Attachment E: NSW RFS Bushfire Safety Authority