



Statement of Environmental Effects

**Proposed 23 Torrens Title Residential
subdivision.**

**Lot A DP 364661, Lot B1 DP 378740 and Lot
B4 DP 382010
45-47 Denman Avenue
Kootingal**



Date January 2024.

PM ANDERSON CONSULTING

17 Currawong Road,
Wamberal NSW 2260

M 0407 330 884
E paul@pmandersonconsulting.com.au

ABN 30 617 667 053



Planning
Institute
Australia

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1.0 Introduction

PM.Anderson Consulting Pty Ltd has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a development application (DA) to be submitted to Tamworth Regional Council (**TRC**) for a proposed 23 Torren Title residential subdivision. The subject site is located at 45-47 Denman Avenue Kootingal. This SEE is to be read in conjunction with the other documentation prepared for lodgement of the DA.

The subject site is zoned R1 – General Residential under the Tamworth Regional LEP 2010 and is mapped as having a minimum allotment size of 600m². All of the proposed lots achieve the minimum allotment size. It is proposed to create Lot 10 as a multi dwelling housing lot and Lot 1 as a larger lot suitable for a childcare centre or other permitted use.

Consent is also sought for the bulk earthworks, connection to services, constriction of a detention basin and retaining and filling of the site to facilitate drainage and development pads for future residential dwellings. The plans of the proposed subdivision are contained with appendix 1.

This SEE has been prepared in accordance with the requirements of S4.112 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 3 of the *Environmental Planning and Assessment Regulation, 2021*.

The purpose of this SEE is to:

Provide a description of the development and its context, assess the development as proposed against the applicable planning instruments, standards and controls, and assess the potential environmental impacts and mitigation measures.

The SEE has been compiled, through on ground investigations, research, analysis and discussions with the client and design team.

The following table provides a list of reports and plans to be considered with the SEE.

| Plan/Report | Author |
|----------------------------|-----------------------|
| Survey Plan | Brown and Kripner |
| Civil design/Stormwater | Hanlons Consulting |
| PSI | Broadcrest Consulting |
| Geotechnical Investigation | Broadcrest Consulting |
| Traffic Report | Seca Solution |
| Cost Estimate Report | Aplas |

Table 1 – Consultant Reports

Overall, the development satisfied the provisions of the Tamworth Regional LEP 2010 and the Tamworth Regional DCP, where variations to the DCP are proposed, this SoEE justifies these variations and illustrates the compliance with the overall objectives of the controls.

2.0 The Site

2.1 Site Location and Description

The site is located at 45-47 Denman Avenue Kootingal and has a real property description of Lot A DP 364661, Lot B1 DP 378740 and Lot B4 DP 382010. The site is located on Eastern Side of Denman Ave . The site is afforded with access from Orchid Drive to the South and Coach Street to the North as a result of recent developments in the locality.

The site is approximately 650m from the Kootingal town centre and shops and Railway Station.

The site has an area of approximately 3.1ha.



Figure 1 – The site

Source: Sixmaps

2.2 Site Features and existing developments

The site is an irregular shape in nature and having 3 street frontages, The site is the subject of. At the time of preparing this SoEE there were no improvements on the property and the land to the rear of the site is currently under development of a residential subdivision.

Vehicular access to the site is afforded off the 3 roads that provide access to the site, Denman Ave, Orchid Drive and Coach Street.

The site is relatively level with a very general fall towards the Southeast. This fall necessitates the construction of retaining walls partially along the Southern and Eastern boundaries of the site to facilitate filling of this portion of the site to ensure drainage and sewer services are feasible along with a localised detention basin on site.



Figure 2– Aerial Photo of site.

Source Meconne

There are no watercourses that traverse the site, however the site drains across the land to the Southeast. The topographical features of the site have aided in the design and have been used to formulate an appropriate subdivision of this site.

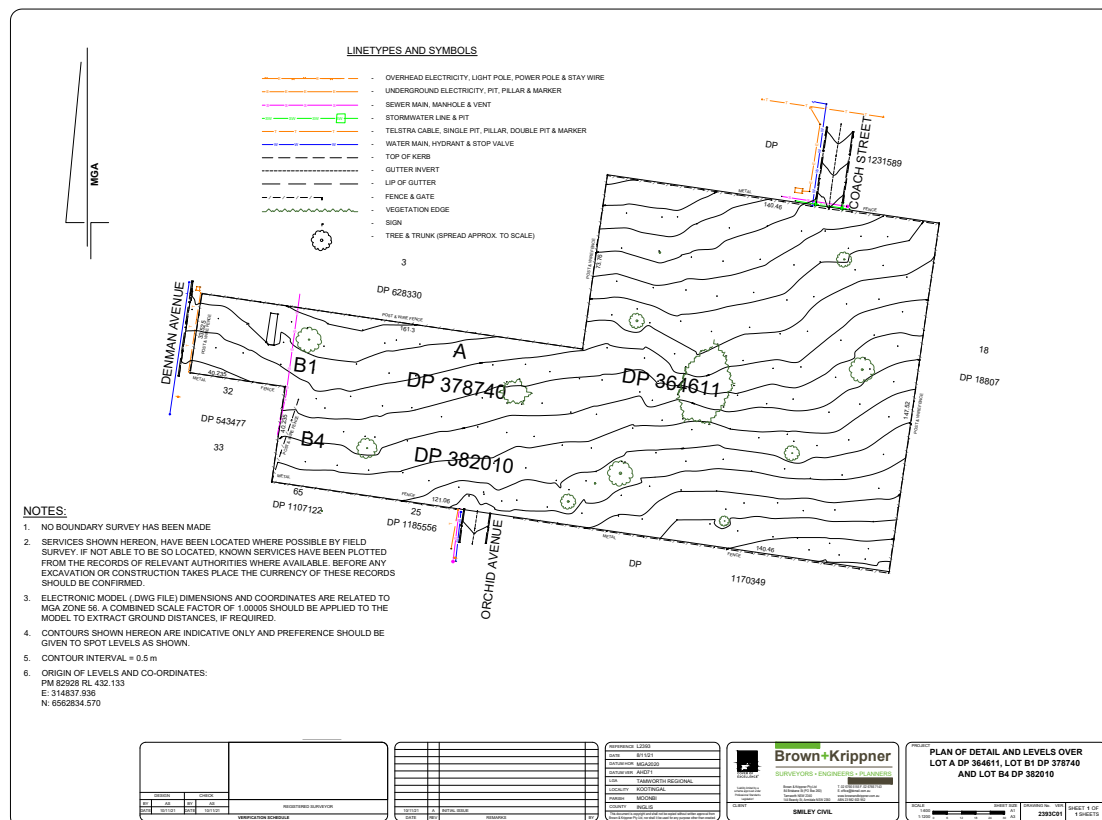


Figure 3 - Detail Survey.

Source Brown + Krippner

As can be seen from the aerial photo and detailed survey there is very little vegetation other than previous pasture improved grasses on the site. This vegetation will be removed as part of the overall redevelopment of the site.

2.3 Surrounding Lands

The site sits within the Kootingal township and is in close proximity to the local swimming pool and town centre area and Railway Station. These local landmarks are all within easy walking distance of the proposed subdivision on the subject site.

Surrounding the site are all residential in nature. There are some existing dwelling and recently constructed dwellings along with development sites for subdivisions that are under construction.

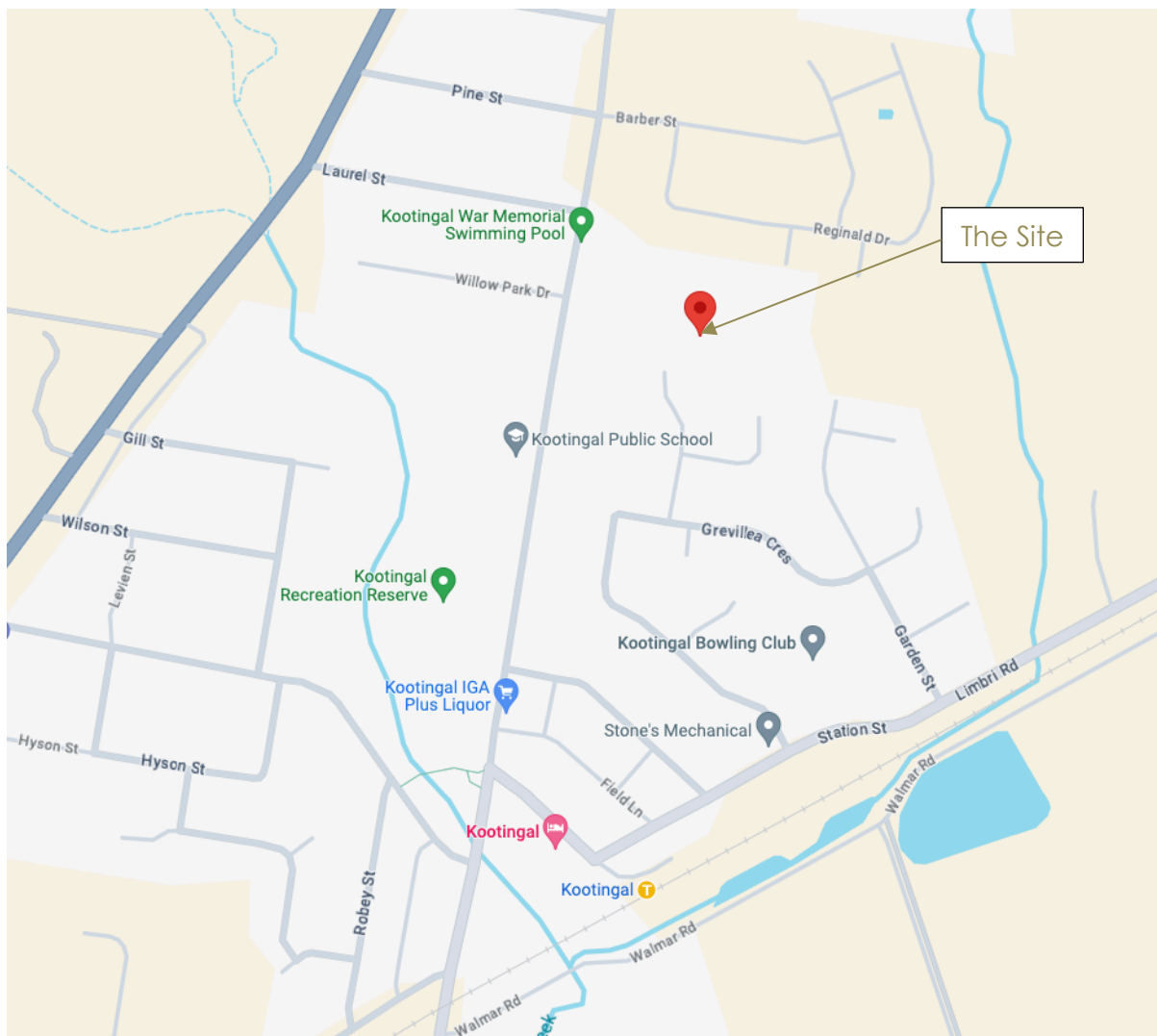


Figure 4 – map image of site illustrating local features

Source: Google maps

3.0 Zoning and Planning Controls

3.1 Zoning

The site is zoned R1 – General Residential under the Tamworth Regional LEP 2010 (**TRLEP**). Under the TRLEP subdivision is permitted with Council consent in all zones.

The ultimate use of the site once the subdivision has been completed will be residential, most likely use of the land will be for residential dwelling houses. Dwelling houses are permitted within the R1 zone.

The ancillary works associated with the subdivision of the land includes the construction of roads and footpaths, connection of water, sewer, gas, telecommunications, and stormwater. These activities are all permissible within the zone.

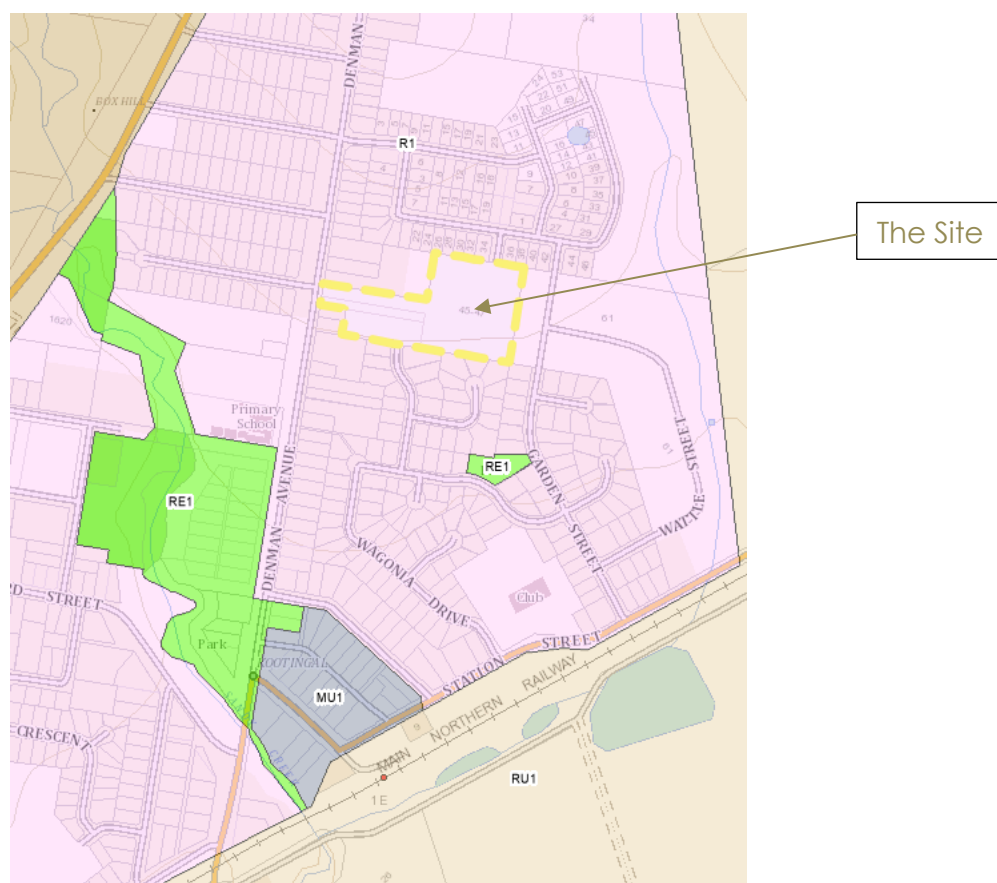


Figure 5 – TRLEP zoning map

Source NSW Planning Portal

3.2 Other Planning Controls

The site is also affected by the Tamworth Regional DCP, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Primary production) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (industry and Employment), State Environmental Planning Policy (Transport and Infrastructure) 2021 and State Environmental Planning Policy (sustainable buildings) 2022. There are other SEPPs that apply to the land but are less relevant for this application.

3.3 Bushfire

The site is not mapped as being bushfire prone lands under the provisions of the Planning for Bushfire Provisions 2019.

4.0 The Proposal

The proposal is to develop a 23 lot Torrens Title residential subdivision to be delivered in 1 single stage as follows;

- Remediation of the site where necessary,
- 23 Torrens Title Lots,
- Local Road construction including footpaths,
- Construction of a stormwater detention basin on the site,

- Bulk earthworks for the filling and leveling of the site,
- Construction of retaining walls on the boundary where necessary to contain the fill above,
- Provision of underground services including power, water, sewer, telecommunications and stormwater,
- Removal of existing vegetation from the site,
- Landscaping and street tree planting as required, and
- The creation of all necessary easements.

The proposed development plans are contained in appendix 1 along with the engineering concept designs.

The internal roadway will connect to the existing section of Orchid Drive and Coach Street and generally follows the site geometry to ensure the design speed can be achieved. A pedestrian access way will be created lining the site and broader area to Denman Street and the services and facilities that are located in this area. This will facilitate accessing these areas on foot or bicycle in lieu of relying on motor vehicles to travel around the township.

The design intent of the proposed subdivision has been to create a wide range of regular shaped lots with a minimum area of 600m². This design initiative accommodates the broadest range of housing for future lot owners which can still accommodate a full-sized family home. 2 larger lots are proposed (Lots 1 and 10) for future developments on site. These lots can accommodate a multi dwelling housing development, childcare centre or other appropriate uses.

Stormwater generated on site and from the development will be controlled by the construction of stormwater detention systems design to meet the 1% AEP Event. This detention system will relieve the pressure on the downstream drainage infrastructure during rain events

The use of the site for the proposed development is permitted with consent.



Figure 7 Photo of site from Orchid Drive



Figure 8 Photo viewing down Orchid Drive.

5.0 Planning Considerations

5.1 Tamworth Regional LEP 2010

The site is zoned R1 – General Residential under the TRLEP 2010. The subdivision of the site for residential purposes is permitted under clause 2.6 of the LEP.

Clause 2.3 of the LEP stipulates that the consent authority must have regard to the objectives for a development in a zone when determining a development application in respect of land within the zone. The proposed residential lots located within the R1 zone have addressed the following relevant objectives:

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

Comment

The proposed subdivision will create 23 R1 zoned residential allotments in a logical pattern within an area undergoing some substantial growth. The proposed lot sizes meet the minimum standard and are generally of a regular shape and size, able to support a wide variety of dwelling designs.

Ultimately a range of residential developments will be permissible on the site as outlined in the land use table.

Zone R1 General Residential

1 Objectives of zone

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

2 Permitted without consent

Home-based child care; Home occupations; Moorings; Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities;

Industries; Local distribution premises; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies.

Table 2 R1 land use table.

Source: Legislation NSW.

As outlined above in accordance with Clause 2.3, the proposed development satisfies the objectives of the R1 zone, in so far as it will ensure the efficient and viable use of the land for residential purposes, and enable a range of residential uses on site when complete.

The following table provides for the compliance with the provisions of the TRLEP 2010

| LEP Provision | Comments | Complies |
|--|---|------------|
| Clause 1.2 Aims of Plan | The proposed development satisfies the aims of the plan and, providing for a diverse and compatible mix of land uses and facilitating economic growth that contributes to long-term employment. | Yes |
| Part 4 Development Standards | | |
| Clause 4.1 Minimum Subdivision lot Size | The site is mapped as having a minimum allotment size of 600m ² . All lots proposed satisfy this control. | Yes |
| Part 5 Miscellaneous provisions | | |
| Clause 5.21 Flood Planning | The site is not mapped as being affected by flooding or a flood planning area. (fig 9) | Yes |
| Part 7 Additional Local Provisions | | |
| Clause 7.1 Earthworks | The site has a fall in a South easterly direction and as a result some earthworks are proposed to create level building pads which are able to drain to the proposed detention basin on site. These earthworks are considered to be ancillary to the development consent being sought and satisfy the provisions of the LEP. | Yes |
| Clause 7.6 Development in a flight path | The site is not located within the area mapped as the flight path of Tamworth Airport. | Yes |
| Clause 7.7 Development in areas subject to aircraft noise | The site is not mapped as being within the flight training path map area. | Yes |
| Clause 7.12 Dwelling Density | The site is not mapped as being within an area that is subject to the | Yes |

| | | |
|--|---|--|
| | provisions of a minimum dwelling density. | |
|--|---|--|

The land is not identified as having and additional permitted uses, within a water catchment area, is not identified as being for acquisition nor is it identified as being affected by lot amalgamation.

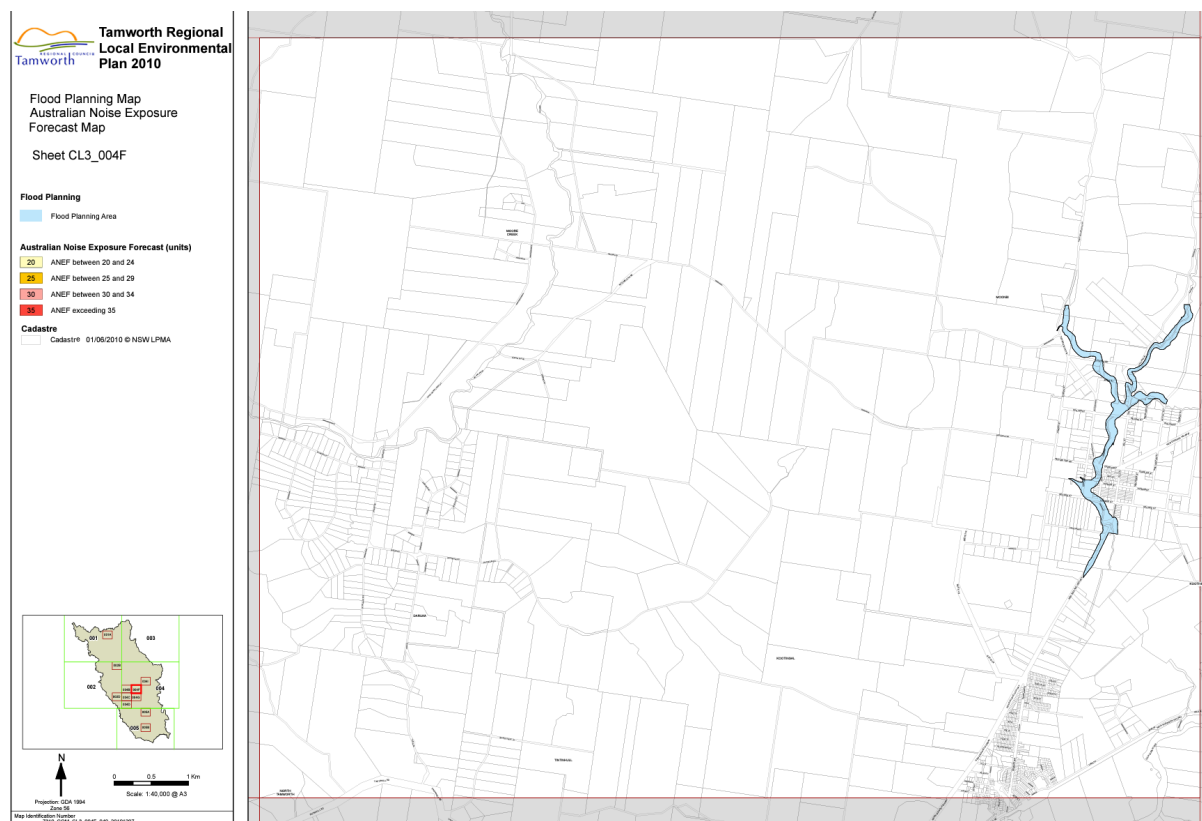


Figure 9 – Flood Planning Map and ANEF Map.

Source: Legislation NSW

5.2 Council DCP 2010

The subject site is impacted by the provisions of the TRDCP 2010. Consistency with the provisions of the TRDCP 2010 are set out in the below table.

The proposed development satisfies the provisions of the DCP and its objectives. The development has been designed to reflect the nature and character of residential developments within the locality and local government area. The proposal will not detract from the scenic quality of the area as a result of the proposed development and landscaping.

In assessing the proposal against TRDCP 2010 it is recognised that the Environmental Planning & Assessment Act 1979 reinforces that the provisions contained in a DCP are to provide guidance and to be flexibly applied (Section 3.42 of the Act). Any noncompliance can be addressed through alternative solutions or addressing how a proposal otherwise meets the objectives of the DCP.

The proposed subdivision has been discussed with Council in 2021 when a slightly

different lot layout was proposed. Council have provided advice with respect to servicing of the site. This advice is provided in appendix 3. This advice concludes that services in the form of sewer, water and stormwater are adequate for the proposed development.

Electricity and telecommunications are proposed to be supplied to the site via augmentation of the existing underground system that services Orchid Drive and Coach Street.

| DCP Provision | Comments | Complies |
|------------------------------|---|------------|
| Controls | | |
| Subdivision | | |
| Lot Size | The site is mapped as having a minimum allotment size of 600m ² . Each of the proposed lots exceeds the minimum allotment size. Each lot can accommodate a rectangle of 10x15m for the purposes of building a dwelling. The lots are not proposed to be heavily encumbered with easements. | Yes |
| Battle-axe allotments | There are no specific battle axe allotments proposed for this subdivision. Lot 5 could be considered as a battle axe but is provided with sufficient area and 'handle' width to satisfy these provisions. | Yes |
| Road Network Design | The proposal is supported by a traffic impact assessment from Seca Solutution. The roads have been designed to cater for a 50km/h design speed and include adequate facilities for pedestrians and cyclists. The proposed internal road has been designed to provide connections to both Orchid Drive and Coach Street. | Yes |
| Future Development | The statement identifies the lot that maybe subject to future development of multi dwelling housing, childcare or other approved purposes. | Yes |
| Cul-de-sac | The proposal does not include a cul-de-sac, however a bulb is included on the bend adjacent to proposed lots 16-19. This bulb has been designed with a radius of 10m to comply with the relevant controls. | Yes |
| Landscaping | The roads have been designed with a verge suitable for the provision of street | Yes |

| | | |
|---------------------------|--|-----------------------------------|
| | tree planting. The species and location of the street tree can be conditioned by Council to enable a theming of the area to continue. | |
| Site Access | Each of the proposed lots is provided with access to a public road. No lots are provided with direct access to an arterial or sub arterial road. | Yes |
| Lot Orientation | Each of the lots have been designed to ensure adequate solar access is available to future developments on site. | Yes |
| Vegetation | The site is predominantly cleared of any significant vegetation. Any remaining vegetation will be removed as part of the development of the site. | Yes |
| Garbage Collection | The road has been designed to ensure access is available to a 12.5HRV. This will ensure that garbage collection vehicles can access the site. Each site has sufficient space for the placement of garbage receptacles. | Yes |
| Contamination | The site has been investigated for potential contamination. The conclusion of these reports is that the site can be suitable for the proposed development in accordance with the provisions of SEPP Resilience and hazards. | Yes |
| Road Widths | The roads and roads widths have all been designed in accordance with Council's Engineering Design Guidelines for subdivision and development | Yes |
| Kootingal | | |
| Open Space | The site is not identified as being a site for the provision of open space on the DCP map plan or contributions plan. | Yes |
| Subdivision | The proposed lot and road layout is generally consistent with the conceptual layout identified. The exception is the connecting road to the east. The current approval for the development to the East does not provide a road to connect to from this development to Garden Street. | Yes with Variation to DCP. |
| Drainage | The proposed subdivision has catered for drainage and the management of stormwater from the site and ensures that the detention system will manage the post development flows to the | Yes |

| | | |
|--------------------------------|--|------------|
| | predevelopment flows from the site. | |
| Road Design and Network | <p>The proposal is supported by a traffic impact assessment from Seca Solution. The road layout and pedestrian linkages are generally in accordance with the concept plan. The proposal provides a direct pedestrian linkage to Denman Avenue from this proposed development and the adjoining developments.</p> <p>The proposed subdivision ensures connectivity to the developments located on either side of the development via Orchid Drive and Coach Street.</p> | Yes |
| Water Storage | <p>These controls can be managed at the individual property development phase.</p> <p>The site is not bushfire prone.</p> | Yes |

5.3 State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This SEPP deals with the clearing of vegetation and protection of Koalas in NSW generally. The location of the proposed development is on lands that are predominantly clear of vegetation. A review of aerial photographs of the site indicate that this area has been clear of vegetation for some time. As a result this the site is not considered suitable as habitat for koala population. On this basis the proposal is not considered to impact the Koala protection program.

The proposed development does require the removal of vegetation, albeit sparse in its nature.

State Environmental Planning Policy (Resilience and Hazards) 2021

This SEPP deals with the contamination and remediation of lands across the state. The proposed development has been the subject of a preliminary site investigation. This investigation concluded that the site can be made suitable for the proposed use of a residential subdivision subject to following the recommendations in the report including some more detailed investigation of the former shed on site. This can be covered by a deferred commencement condition of consent. The full PSI report is included as an appendix to this report.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The site does not access directly off a classified road nor does the development generate large volumes of traffic that would facilitate the need for concurrence of the roads authority. The development is minor in nature and the local roads in the vicinity of the development have the capacity to manage the vehicle movements

from the site.

6.0 Environmental Impacts

Vegetation Removal

The proposed development does require the removal of some limited vegetation from the site. The extent of this vegetation does not require the production of a BDAR report.

Fauna and Flora Impacts

The site of the proposed development is vacant, predominantly cleared residential land. No impacts are anticipated to the fauna and flora of the site as a result of the development.

Flooding

The proposed residential subdivision development on the site is located outside of any areas mapped as being flood prone or a flood planning area on the mapping available as part of the TR LEP 2010.

Aboriginal Cultural Heritage

The site is not listed as having an aboriginal site or aboriginal place as per the AHIMS database. A copy of the AHIMS report is attached to this report.

European Heritage

The site is not listed as an item of environmental heritage under the LEP, nor is it listed under the NSW Heritage database.

Social and Economic Impacts

The development of the site as a residential subdivision is considered to have a positive impact on social and economic grounds. The development of the site will assist Council in diversifying the residential development of the region and assist in creating alternative and diversity in housing in the region. The proposed development in this location also reinforces the use of the and as residential lands and prevent the use of other lands for such purposes.

General Amenity Impacts

The proposal is to develop the site into a residential subdivision. The impact of this facility to the adjoining properties and the amenity of the adjoining properties is minor in nature and unlikely to cause harm. The amenity of the surrounding properties will be maintained and the proposal is not likely to impact on the enjoyment or operation of adjoining land uses.

7.0 Section 4.15 Considerations

The following assessment addresses the matters required to be considered under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) *the provisions of:*

(i) *any environmental planning instruments*

Comment: the proposal has been assessed against the Tamworth Regional LEP 2010, and relevant State Environmental Planning Policies. The proposal is permissible in the zone.

(ii) *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved)*

Comment: The site is not subject to a draft environmental planning instrument.

(iii) *any development control plan*

Comment: the proposal has been assessed against Tamworth Regional DCP 2010 and is consistent with relevant DCP requirements.

(iiia) *any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F*

Comment: There is no planning agreement relevant to the subject land or the proposal

(iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates*

Comment: There are no matters prescribed in the regulations that impact on the proposal.

(b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*

Comment: As detailed in the Statement, environmental impacts have been considered and addressed for the proposal. The social and economic impacts of the proposal are positive in terms of ensuring the strengthening and maintenance of residential sector and contributing to the overall development of the Tamworth Regional area.

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

Comment: The site is zoned for the proposed use and is therefore considered suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations

Comment: This is a matter Council will consider once the application has been notified.

(e) the public interest

Comment: the proposal will provide a development that will provide for the strengthening and maintenance of the residential sector in this area and will ensure the land is not fragmented for other uses that may be in conflict with the residential and non residential uses adjacent to the property as required under the Tamworth Regional LEP. The development of the site is consistent with the desired future vision of the area, and in this regard is in the public interest.

8.0 Conclusion

The use of the site for the development of a residential subdivision is permitted under the Tamworth Regional planning instruments that affect the site.

An assessment of the proposal confirms the following:

- The proposal is for the construction of a residential subdivision of 23 Torrens Titled lots, roads, drainage, services connection and bulk earthworks.
- The lots all exceeds the minimum allotment size.
- The proposal is generally consistent with the provisions of the TRCP 2010.
- The proposal will provide for a suitable residential development to cater for the growth and the needs for the growing community.
- The proposal is consistent with the future desired character of the Kootingal area.
- The development will generate positive social and economic impacts to the areas with the construction of the subdivision and ongoing development and occupation and use of the development in this location.

This Statement has addressed the impacts of the development on traffic, environmental, social and economic grounds and it is considered that the proposal is satisfactory.

The proposal is generally consistent with the provisions of the Tamworth Regional DCP 2010 and Tamworth Council are requested after assessment of the impacts to issue a consent pursuant to the provisions of the Tamworth Regional LEP 2010.

Paul Anderson
Director
PM Anderson Consulting Pty Ltd

17th January 2024



Appendix 2 AHIMS Report



Your Ref/PO Number : Denman Ave Pty

Client Service ID : 855642

Paul Anderson

Date: 18 January 2024

Unit 1.4 69 Central Coast highway
West Gosford New South Wales 2250

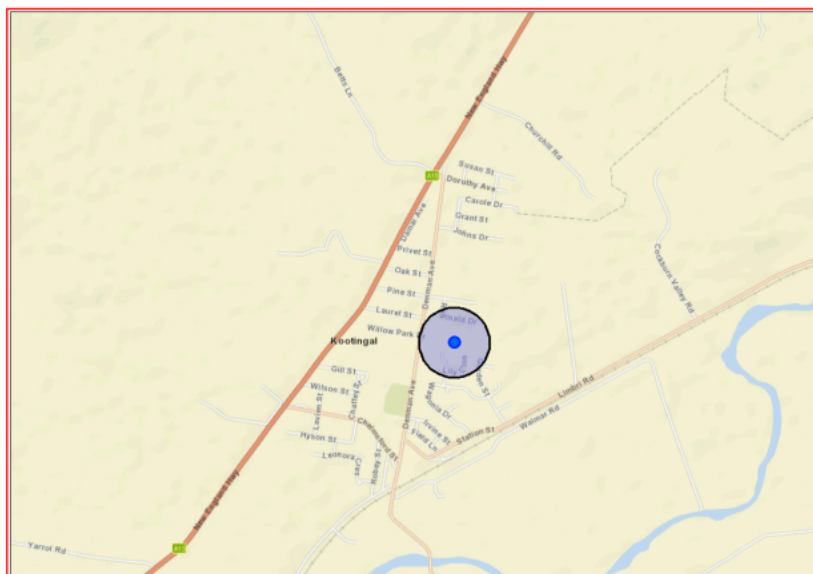
Attention: Paul Anderson

Email: paul@pmandersonconsulting.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 45-47 DENMAN AVENUE KOOTINGAL 2352 with a Buffer of 200 meters, conducted by Paul Anderson on 18 January 2024.

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. * |

Appendix 4 –Preliminary Site Investigation

 **Broadcrest Consulting Pty Ltd**

45-47 Denman Ave, Kootingal **Preliminary Site Investigation** **July 2023**

Appendix 5 – Geotech Report

 **Broadcrest Consulting Pty Ltd**

45-47 Denman Avenue, Kootingal, NSW

Geotechnical Report

July 2023

1300 554 945 | contact@broadcrest.com.au | broadcrest.com.au

Wastewater | Stormwater | Flood | Environmental | Geotechnical | Acoustic | Structural

 Broadcrest Consulting

45-47 Denman Avenue, Kootingal, NSW