



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Community Title Development

Lot 341 DP 1128683

34 Johns Drive KOOTINGAL NSW 2340

Revision: C

Project: C24 812

Report No: 179 Rpt



1.0 DOCUMENT CONTROL

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2.0 TABLE OF CONTENTS

1.0	DOCUMENT CONTROL.....	1
2.0	TABLE OF CONTENTS.....	2
	APPENDICES:	3
3.0	INTRODUCTION.....	4
4.0	SITE OVERVIEW	5
4.1	SITE DETAILS	5
4.2	LAND ZONING	5
4.3	PROPERTY DESCRIPTION	6
4.4	TOPOGRAPHY AND DRAINAGE.....	6
4.5	FLORA AND FAUNA	8
4.6	EXISTING SITE SERVICING INFRASTRUCTURE	8
4.7	HERITAGE	9
4.7.1	<i>Indigenous Heritage</i>	9
4.7.2	<i>European Heritage</i>	9
4.8	PAST LAND USE	9
5.0	PROPOSED DEVELOPMENT	12
5.1	PROPOSED DEVELOPMENT & STAGING	12
5.1.1	<i>Staging</i>	12
5.2	DEMOLITION OF EXISTING DWELLINGS	12
5.3	TRAFFIC MANAGEMENT	13
5.3.1	<i>Existing Road Network</i>	13
5.3.2	<i>Proposed Public Road</i>	13
5.3.3	<i>Internal Access & Parking</i>	14
5.4	SERVICE STRATEGY	15
5.5	SITE EARTHWORKS	16
6.0	ASSESSMENT OF ENVIRONMENTAL & PLANNING INSTRUMENTS	17
6.1	ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	17
6.2	OTHER ACTS.....	18
6.2.1	<i>Biodiversity Conservation Act 2016</i>	18
6.2.2	<i>Water Management Act 2000</i>	19
6.3	INTEGRATED DEVELOPMENT	20
6.4	STATE ENVIRONMENTAL PLANNING POLICIES (SEPP).....	21
6.4.1	<i>SEPP (Resilience & Hazards)2021 – Remediation of Land</i>	21
6.5	TAMWORTH REGIONAL LOCAL ENVIRONMENTAL PLAN 2010 (TREL P 2010)	22
6.5.1	<i>Zoning</i>	22
6.5.2	<i>Minimum Lot Size</i>	22
6.6	TAMWORTH REGIONAL DEVELOPMENT CONTROL PLANS 2010	22
6.6.1	<i>Step 2 Residential (Multi Dwelling) Development Controls</i>	23
6.6.2	<i>Step 2 Subdivision Controls</i>	27
6.6.3	<i>Environmental Controls</i>	32
6.6.4	<i>Kootingal Site Specific Requirements</i>	34
6.6.5	<i>Other Environmental Controls</i>	35
a)	<i>Bushfire</i>	35
7.0	RECOMMENDATION	36

Appendices:

Appendix A – Deposited Plan

Appendix B – Site Plan

Appendix C – Service Strategy Plan

3.0 INTRODUCTION

This Statement of Environmental Effects (SOEE) has been prepared by CSO Engineers on behalf of Prospective Developments Pty Ltd to accompany a Development Application for Lot 341 in DP 1128683, located at No. 34 Johns Drive Kootingal, NSW 2340.

Development consent is sought for the demolition of existing dwellings, and the construction of a 43 Lot Community Title Housing Development with public road connection, and internal access and servicing infrastructure.

To assist Council in the assessment of this development, this SOEE describes the site, its environs, and the proposed development, and provides an assessment of the proposal under the *Environmental Planning and Assessment Act 1979 (EP&A 1979)* and Tamworth Regional Council's local planning instruments. The following information and plans are provided:

- Site overview.
- Proposed Development.
- Planning & Environmental assessment.
- Accompanying reports, and
- Design plans including:
 - Proposed Development Plan.
 - Service Strategy Plans.

Within this report, references to “the site” mean the land to which this DA relates, and “Council” refers to Tamworth Regional Council.

4.0 SITE OVERVIEW

4.1 Site Details

- Property Identification: Lot 341 in DP 1128683
- Property Address: 34 Johns Drive Kootingal NSW 2340
- Registered Owner: [REDACTED]
- Applicant: CSO Engineers Pty Ltd
- Local Authority: Tamworth Regional Council
- Total Site Area: Approx. 2.122 Ha

A copy of the Deposited Plan 1128683 is included as **Appendix A**.

4.2 Land Zoning

Under the provisions of the *Tamworth Regional Local Environmental Plan 2010* (TRELPL 2010), the development site is zoned: **R1 General Residential**

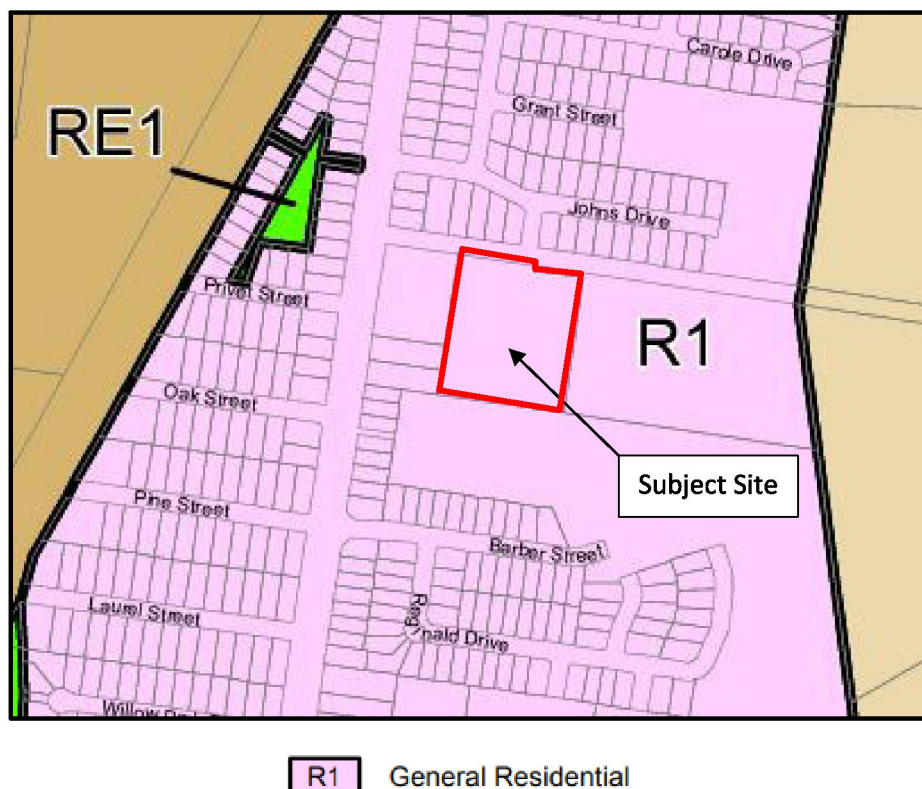


Figure 1 Land Zoning (Source; TRELPL 2010)

4.3 Property Description

The subject lot is located within the village of Kootingal, approximately 13km due east of the Tamworth CBD.

As shown in Figure 3, the site is currently cleared land with two vacant dwellings, a single shed, and a gravel access driveway from Johns Drive. The surrounding area consists of established residential development to the north and west, vacant land to the east and new residential construction to the south.

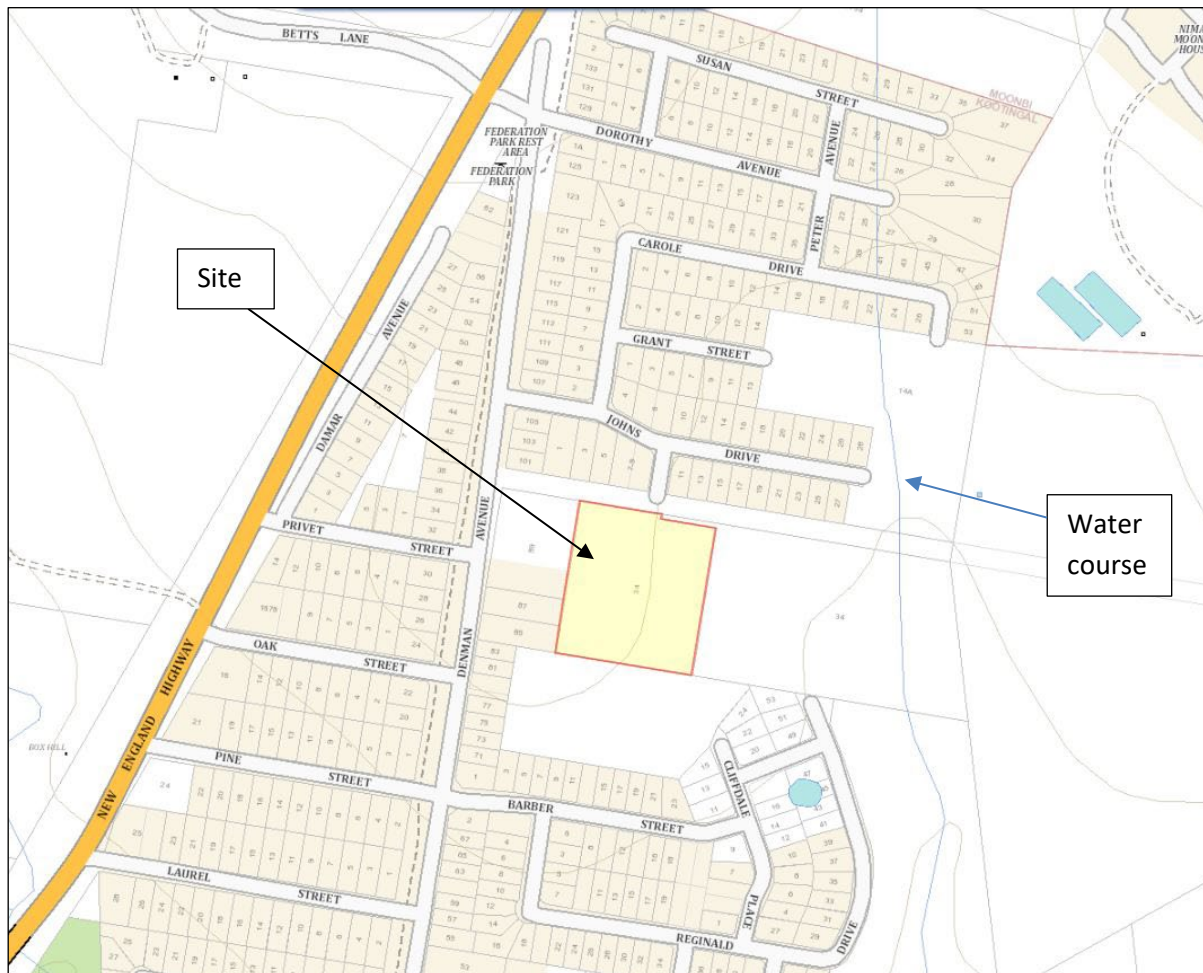


Figure 2 Site Location – No. 34 Johns Drive Kootingal (Source; LPI SIX MAPS 10/01/24)

4.4 Topography and Drainage

Natural surface levels over the site range from AHD 463.5 to 455.5 metres, gently grading to the east by approximately 4%.

The site drains east as sheet flow for approximately 200 metres to an unnamed water course located in the adjacent Lot 342. The drainage channel is classed as a 1st order stream (NSW DPE) and is regulated by the Water Management Act 2000 (WM Act). The channel drains south where it forms a tributary of Sandy Creek south of Kootingal Village.



Figure 3: 2024 Aerial Photo – No. 34 Johns Drive Kootingal (Source; Google Maps 03/01/24)



Figure 4: View of site to SE Corner

4.5 Flora and Fauna

The site has been cleared for agricultural use since before 1966 (Refer *Section 4.8 Past Land use*). As shown in *Figure 3*, garden trees and shrubs have been established around the southern dwellings since 2011 and two eucalypt trees are present on the eastern boundary. The remainder of the site has been regularly slashed.

4.6 Existing Site Servicing Infrastructure

As shown in Councils GIS Map reproduced in *Figure 4*, the following service infrastructure is located near the site:

- Sewer: Council sewer mains are located in the vacant road reserve to the north of the site and in adjacent allotments to the west and east. There are no junctions currently servicing the site. The existing dwelling(s) are sewered by a septic onsite disposal system.
- Water: The closest water main is the 150mm PVC line in Johns Drive. A 20mm service currently extends from this main to the site.
- Stormwater: The site has no Council or private drainage infrastructure.

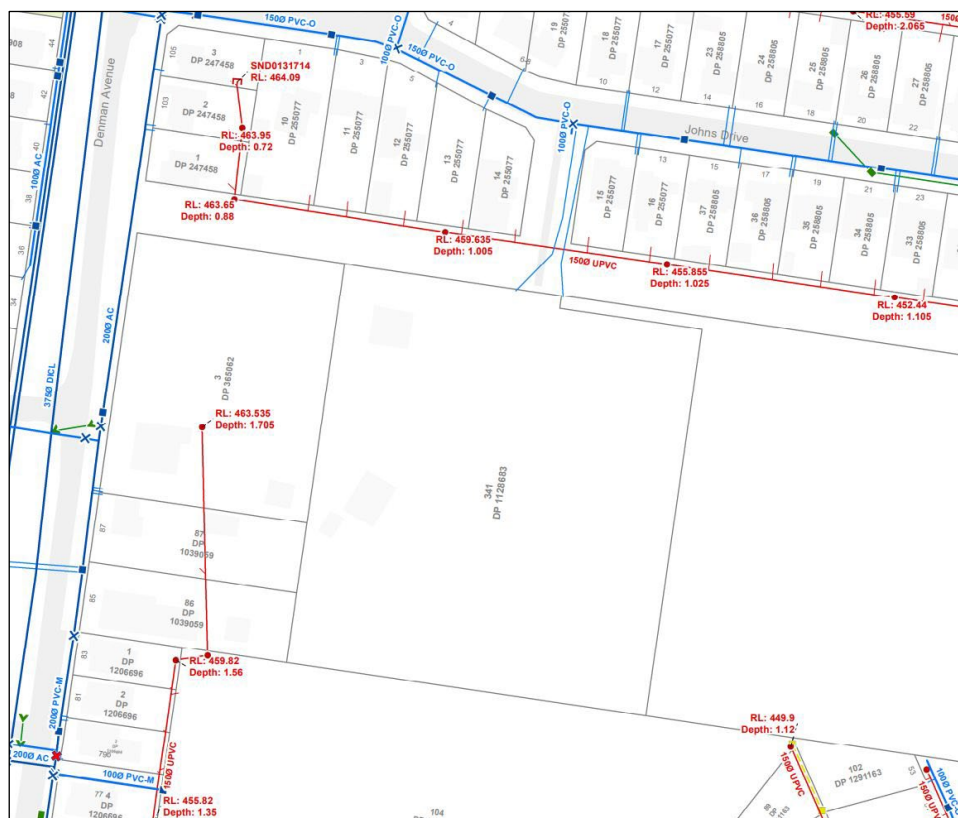


Figure 5 - Existing Servicing Infrastructure

4.7 Heritage

4.7.1 Indigenous Heritage

A search of the Heritage *NSW AHIMS (Aboriginal Heritage Information Management System)* has shown that there are no Aboriginal sites or places on or within (50m) of the site.

4.7.2 European Heritage

A search of the *Tamworth Regional Local Environmental Plan 2010 Heritage Map* identified that the subject site is not deemed to have any Heritage classification.

4.8 Past Land Use

Land use in the Kootingal area from the late 1830s, including the proposed development site, consisted primarily of open range pastoral runs, with the major station being the 'Moonbi' run of approximately 10,240 hectares. Due to favourable climatic conditions and alluvial soils, agricultural activities including lucerne, fruit & vegetable crops and chicken and egg farms became the predominant local land use in and around the Kootingal area into the early to mid-1900's.

The following historical photos have been sourced from *NSW Spatial Viewer Services* and show the development of the site and surrounding area. As illustrated, the site has been cleared for agricultural use since before 1966 and has remained mostly vacant until the early 2000's (*Figures 5 to 8*). Six Maps imagery (*Figure 9*) show a dwelling was either relocated to or constructed onsite prior to 2011 and a second dwelling is evident in the Google Map imagery dated 2024 (Refer *Figure 4*).



Figure 6 - 1966: The approximate site and surrounding area have been cleared for intensive cropping, most likely fruit & vegetables.



Figure 7-1983: Residential development has been established in Johns Street to the north and streets to the east. Agricultural sheds have been established to the south and east and a shed has been constructed on the eastern boundary.



Figure 8-1989: Residential development has continued to the north and east while the site has remained as a cleared grazing paddock.



Figure 9-1997 The shed to the east has been removed and there is with little evidence of any change in land use since 1989.



Figure 10-2011(Six Maps): A dwelling, gardens and access driveway has been constructed from Johns Drive and the dam has been filled in.

5.0 PROPOSED DEVELOPMENT

5.1 *Proposed Development & Staging*

Development consent is sought for the demolition of the existing dwellings and construction of a 43 Lot Community Title Housing Development with public road connection to Johns Drive and internal access and servicing infrastructure.

The ownership system for the dwellings will be via a Community Title, whereby the property will be subdivided, and all owners share ownership of the common property including access driveways, common servicing infrastructure and landscaping areas. A community area including gardens and BBQ area will be incorporated in the drainage area in the southeast corner of the development. Management of the common property will be through a Community Title Management Scheme.

5.1.1 Staging

The following construction stages are proposed:

- Stage 1: Site Demolition
- Stage 2: Civil construction of roads & services.

Construction of dwellings will be subject to a separate development application for each allotment.

The proposed development layout plan is shown in *Figure 9* and included as *Appendix B*.

5.2 *Demolition of Existing Dwellings*

The proposed development includes the demolition of the two dwellings which are timber framed structures with clad lining and iron rooves. The sewer system is a septic tank located downstream of the dwelling. Out buildings include a shed in the rear yard which consists of a steel frame and iron cladding.

All redundant water and utility service connections are to be decommissioned and capped off in accordance with requirements of the local authority.

All demolition works are to be undertaken by a licenced contractor with demonstrated experience and be carried out in accordance with *Australian Standard 2601-2001 Demolition of Structures*.

Depending on the scale and type of demolition work to be undertaken, persons undertaking demolition work may need to be licensed under the *Work Health and Safety Regulation 2017*.

Materials to be demolished will include iron roofing, wall claddings and internal wall linings, timber framing, and concrete footings and slabs.

No bonded or friable asbestos products have been identified in site inspections. However, if any asbestos material becomes evident during works, then all demolition and disposal of asbestos is to be undertaken in accordance with the requirements of the *Work Health and Safety Regulation 2017*, *Construction Safety Act*, *EPA* and *SafeWork NSW*.



Figure 11 - Existing Site dwellings.

5.3 Traffic Management

5.3.1 Existing Road Network

Access to the site is via a gravel driveway within an unnamed road reserve (20 metres wide) off Johns Drive (Refer Figure 10 & Appendix B). The driveway is approximately 65 metres to the site boundary and there is no associated drainage infrastructure. Another unformed road reserve (20m wide) extends along the northern boundary of the site.

In accordance with Councils *Engineering Standards*, Johns Drive is classified as a 'Local Road' and consists of an 11-metre pavement within a 20-metre-wide road reserve. There are no pedestrian footpaths in the connecting streets.

5.3.2 Proposed Public Road

It is proposed to construct a new intersection and public road from Johns Drive to the site as shown in Figure 10. The public road will be constructed in accordance with Councils Engineering Standards to an R1 Residential 'Local' standard and will be consistent with the existing road formation in Johns Drive and new development south of the site.

The public road will consist of an 11m pavement with two travel and two parking lanes and include a temporary turning head for future connection to residential development in Lot 342 to the east and provide options for the looped extension of Reginald Drive in the southeast.

The Kootingal Site Specific DC Plan shows a preferred future development layout, which includes a road bisecting the site and meeting Denman Avenue to the west however recent development in Lot 3 (DP 365062) excludes this as an option. The proposed new road provides a viable option for future connectivity and meets the general requirements of the Site-Specific Kootingal DCP Plan as far as recent development allows. A possible road layout for Lot 342 is included in the Servicing Plan in Appendix C.

Given the available road layout options available, it is considered the proposed new road connection will not have any noticeable impact on local traffic loads. The existing road network has sufficient capacity to cater for the increase in traffic resulting from the proposed development and all intersections will continue to operate with uninterrupted flow conditions.

5.3.3 Internal Access & Parking

The proposed access driveways are in accordance with Australian Standard AS2890.2- *Parking Facilities Part 1 Off Streetcar parking*. Internal access ways are suitable for both standard B99 vehicle and the largest design vehicle being a 12.5m Rigid HV. Turning maneuvers are shown in the Site Plan included in *Appendix B*.

The proposed parking spaces for each dwelling will be subject to a separate development application for each dwelling.

All visitor parking areas' dimensions as shown are in accordance with AS/NZS 2890.1 *Parking Facilities Part 1: Off-street parking*.



Figure 11 - Proposed Development Site Layout

5.4 Service Strategy

The proposed Service Strategy Plan for the development is included in *Appendix C*. Site services will need to be extended to Councils infrastructure as shown and easements will be created over downstream properties to facilitate the proposed connections. Specific requirements for each service are detailed as follows:

5.4.1 Stormwater

The proposed drainage system is based on collecting and discharging minor flows via a network of pipes and conveying major flows within road formations. All stormwater generated from the development is to be directed to an onsite detention basin (OSD) and then piped to the unnamed drainage line within the adjacent Lot 342.

The onsite detention system is proposed to be constructed to limit post development flows to predevelopment flow rates for all stormwater events up to and including the 100-year ARI event. The final configuration of the detention system is subject to detailed design, which will be submitted with the application for Construction Certificate. The OSD system will be privately owned and managed through the Community Title Management Scheme. An easement benefitting the site will be required for the overflow pipeline through lot 342. The pipeline will be designed to cater for 100-year overflows from the onsite detention system.

The proposed internal drainage system will be designed & installed in accordance with *AS3500.3:2003*, and the discharge line to Councils *Engineering Standards for Subdivisions and Developments*.

5.4.2 Water Supply

A new 150mm water main is proposed to be constructed as part of the public road works linking Johns Drive to the site and will extend to provide for future residential development to the east. A 100mm lot service will be provided to the site from this new main which will cater for both internal water and fire service requirements.

The proposed internal water reticulation will be designed and constructed in accordance with *AS 3500.1:2003* and the connection water main to Councils *Engineering Standards for Subdivisions and Developments*

5.4.3 Sewerage

All site sewers will be piped to a private manhole in southeastern corner of the site. A new 150mm Council sewer main will be constructed from this manhole to Councils trunk main in the southeastern corner of adjacent Lot 342. An easement benefitting Council (3m wide) will be created for the new main and provisions for future connections.

The proposed internal sanitary drainage system will be designed and constructed in accordance with *AS3500.2:2003* and the trunk main to Councils *Engineering Standards for Subdivisions and Developments*.

5.4.4 Telecommunications & Electricity

Underground telecommunications (NBN) and electrical utility services currently exist in development in Johns Drive. It is anticipated that electrical and communications designs will be undertaken to extend services to the proposed development and provide for future connections to the east of the site.

5.5 Site Earthworks

Site earthworks will be required with civil road and service construction. All site earthworks will be required to be undertaken in accordance with *AS3798 (As Amended)- Guidelines for on Earthworks for Commercial & Residential Developments and Councils Engineering Standards for Subdivisions and Developments*.

6.0 ASSESSMENT OF ENVIRONMENTAL & PLANNING INSTRUMENTS

A thorough investigation of the site has been undertaken to identify relevant constraints and opportunities for the proposed development. This section contains our assessment of the potential environmental impacts of the proposed development in consideration of relevant legislation and local planning instruments:

- *Environmental Planning & Assessment Act (EP&A Act 1979)*
- *Other Acts*
- *State Environmental Planning Policies (SEPPS)*
- *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)*
- *Tamworth Regional Development Control Plan 2010 (TRDCP 2010)*
 - *Step 2 Residential (Multi Dwelling) Development Controls*
 - *Step 2 Subdivision Controls*
 - *Step 3 Environmental Controls*
 - *Step 4 Kootingal Site Specific Requirements.*

6.1 *Environmental Planning and Assessment Act 1979*

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 and Environment (DPE). The objectives of the EPA Act are list in Section1.3 and are as follows:

- (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 preparation of this DA has been undertaken with consideration of the relevant criteria listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 and is considered to meet the overall objectives as detailed in Section 1.3 above.

Section 1.7 of the EP&A Act requires consideration of whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats as a result of the proposed development.

The proposed development is located within an area which has been previously impacted by agricultural activity and surrounding development. The site has been extensively cleared since prior to 1966 and the proposed development is unlikely to have an adverse impact on threatened species, populations or ecological communities, or their habitats.

6.2 Other Acts

6.2.1 Biodiversity Conservation Act 2016

The main legislation that identifies and protects threatened species populations and ecological communities in NSW is the *Biodiversity Conservation Act 2016 (BC Act)*. The NSW BC Act together with the NSW *Biodiversity Conservation Regulation 2017 (BC Reg)* outlines the framework for addressing impacts on biodiversity from development and clearing. The framework details a pathway to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offset Scheme (BOS).

Entry into the NSW Biodiversity Offset Scheme (BOS) is triggered by developments, projects and activities that meet criteria or certain thresholds for significant impacts on biodiversity in accordance with Section 6.3 of the BC Act. Criteria to which the BOS applies include the following:

- Local Development (assessed under Part 4 of the Environmental Planning and Assessment Act 1979) that triggers the BOS Threshold or is “likely to significantly affect threatened species” (based on a test of significance pursuant to Section 7.3 of the BC Act). The BOS Threshold has two parts, and is triggered by the following:
 - Clearing of vegetation that exceeds an area threshold (based on the minimum lot size), or
 - Impacts to areas mapped on the NSW Biodiversity Values Map (BV Map) (DPE 2022g).
- State Significant Development (SSD) and State Significant Infrastructure projects (SSI), unless “the Secretary of the Department of Planning, Industry and Environment and the environment agency head determine that the project is not likely to have a significant impact”.
- Biodiversity certification proposals.
- Clearing of native vegetation in urban areas and areas zoned for environmental conservation that exceeds the BOS threshold and does not require development consent.
- Clearing of native vegetation that requires approval by the Native Vegetation Panel under the Local Land Services Act 2013.
- Activities assessed and determined under Part 5 of the EP&A Act (generally, proposals by government entities) if proponents choose to ‘opt in’ to the Scheme.

A review has been undertaken of the *NSW Department of Planning & Environment Biodiversity Values Map & Threshold (BMAT) Tool*. The BMAT Tool determines whether or not a *Biodiversity Development Assessment Report (BDAR)* is required under the *Biodiversity Conservation Regulation 2017* (BC Reg Cl 7.2 & 7.3). The following information is provided:

a) Biodiversity Values (BV) Map (BC Reg Clause 7.2)

The footprint of the proposed development does not intersect with BV site mapping and entry into the BOS is not triggered.

b) Area Clearing Threshold (BC Reg Clause 7.3)

The minimum lot size for the site is based on the zoning R1 and is 600m². In accord with the BC Reg (Clause 7.2), the smallest minimum lot size associated with the development is to be used when calculating the 'area clearing threshold' to which the BOS is triggered. Given that smallest minimum lot size (600m²) is less than one hectare (ha), entry into the BOS is triggered for clearing of native vegetation 0.25 ha in area or greater.

Based on the review of historical photographs and site inspection (Refer Section 4.8 Past Land use), the development site has been cleared since before 1966 and has been used extensively for cropping and grazing activities. The site has remained vacant land until after 2000, where a residential dwelling was constructed. The most recent aerial photo for the site (Refer Figure 3: 2024), shows the land surrounding the dwelling contains introduced garden trees and two eucalypt trees on the eastern boundary. The site has been regularly slashed.

The total area of clearing required for the development is significantly less than 0.25 ha and the BOS threshold for clearing of native vegetation is not triggered.

6.2.2 Water Management Act 2000

As defined by the *Water Management Act 2000* (WM Act), waterfront land includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake, or estuary. Similarly, controlled activities refer to work, or action done on waterfront land. These activities must be designed in a way to protect our waterways and ensure minimal harm as a result of the work carried out on the land.

Controlled activities carried out in, on, or under waterfront land are regulated by the *WM Act* and are administered by the *NSW Department of Planning & Environment* (DPE). The DPE is required to assess the impact of any proposed controlled activity to ensure that no more than minimal harm will be done to waterfront land as a consequence of carrying out the controlled activity.

The unnamed drainage line in adjacent Lot 342 is identified as 'blue line' on topographic mapping and is therefore classified as waterfront land under the *Water Management Act 2000* (WM Act). An interallotment stormwater line will be required to drain site generated stormwater to this water course. Proposed works within the riparian zone including a discharge headwall and erosion controls and will be designed in accordance with the *Guidelines for Controlled Activities on waterfront land* and constructed in accordance with the Controlled Activity Approval.

6.3 Integrated Development

Section 4.46 of the EP&A Act requires that consideration be afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more approvals under the following NSW Acts. The proposed development is considered to be integrated as determined in the table below.

Act	Provision	Approval	Relevant
Coal Mine Subsidence Compensation Act 2017 (NSW)	s22	Approval to alter or erect improvements, or to subdivide land within a mine subsidence district	No
Fisheries Management Act 1994 (NSW)	s144	Aquaculture permit.	No
	s201	Permit to carry out dredging or reclamation work.	No
	s205	Permit to cut, remove, damage, or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.	No
	s219	Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway, or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river, or creek, or across or around a flat.	No
Heritage Act 1977 (NSW)	s58	Approval to carry out work that may affect an interim heritage order or listing on the State Heritage Register, referred to in s 57 (1) of that Act.	No
Mining Act 1992 (NSW)	ss63,64	Grant of mining lease.	No
National Parks and Wildlife Act 1974 (NSW)	s90	Consent to knowingly destroy, deface, or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place.	No
Petroleum (Onshore) Act 1991 (NSW)	s16	Grant of production lease.	No
Protection of the Environment Operations Act 1997 (NSW)	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	No
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	No
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No
Roads Act 1993 (NSW)	s138	Consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work, or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	Yes
Rural Fires Act 1997 (NSW)	s100B	Authorisation under Section 100B in respect of 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.	No
Water Management Act 2000 (NSW)	ss 89,90,91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3.	Yes

6.4 State Environmental Planning Policies (SEPP)

State and local planning legislation and policies set the rules that control what development can occur on land. *State Environmental Planning Policies* (SEPPs) apply across the state while *Local Environmental Plans* (LEPs) set planning rules for each local government area.

The following SEPPs are triggered by the proposed development.

6.4.1 SEPP (Resilience & Hazards)2021 – Remediation of Land

This policy requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities, as follows:

Clause 7: Contamination and need for remediation to be considered in determining development applications.

The development site is not listed on the NSW Environment Protection Authority's (NSW EPA) online List of contaminated sites and land record notices under *Section 58 of the Contaminated Land Management Act 1997*.

A site inspection was organised with Councils Specialist Environmental Health Office (Mr. Brendan Woods) on Friday 19th January 2024. Visual inspection of the site did not identify any evidence of scalding, bare ground, or sign of stressed vegetation other than what would be expected with the residential use of the site since the early 2000's. Similarly, there was no evidence of chemical spills, empty drums or any other refuse that would suggest the site has been subject to illegal dumping or storage of contaminants.

In consultation with Council, there was no records of any potential contaminating land use occurring on the site and there did not appear to be any reason for further investigation for this proposal.

If any (at present unknown) contamination comes to light during site works, the appropriate actions shall be taken in accordance with the SEPP, work health and safety and environmental protocols to address any issues relating to human health and environmental protection.

6.4.2 SEPP (Biodiversity & Conservation)2021

The aims of this SEPP are to:

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

This SEPP applies to clearing of vegetation in non-rural areas (including R1 Residential Zones) and determines clearing activities that require permit or approval.

Clause 2.6 (2) of this SEPP specifies:

- (2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.*

With reference to Section 6.2.1, the Biodiversity Offset Scheme (BOS) threshold will not be exceeded with the proposal and Council permits or approvals are not required for the proposal.

6.5 *Tamworth Regional Local Environmental Plan 2010 (TREL P 2010)*

6.5.1 Zoning

The subject land is affected by the following land zones under the TREL P 2010.

Zone R1 – General Residential.

The objectives of this zone under the TRLEP 2010 are:

- *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.*

Under the *R1 Zoning*, the development proposal of a Community Title multi-housing development is viewed as a 'permissible land use with consent' and is deemed to meet the overall aims and objectives of the LEP.

6.5.2 Minimum Lot Size

Based on Councils Lot Size mapping, the minimum Lot size for this zone is 600m². This lot size is not applicable for Strata or Community Title subdivisions.

6.6 *Tamworth Regional Development Control Plans 2010*

The *Tamworth Development Control Plan 2010* provides the key criteria for specific types of development that occurs in the Tamworth Regional Local Government area. The aims of the plan are to:

- *Define development standards that deliver the outcomes desired by the community and Council.*
- *Provide clear and concise development guidelines for various form of development.*
- *Expedite development approvals by providing clear direction on Councils intent and criteria; and*
- *Provide certainty of development outcomes for developers and the community.*

Development controls relevant to the proposal include:

- Step 2: Residential (Multi -Dwelling) & Subdivision Development Controls
- Step 3: Environmental Controls.
- Step 4: Kootingal Site Specific Requirements

The relevant subdivision and site-specific environmental controls are addressed in the following sections.

6.6.1 Step 2 Residential (Multi Dwelling) Development Controls

‘Deemed to Satisfy’ Controls	Design Requirement	Development Compliance (Y-Yes, N-No, C – Yes with Conditions, NA – Not Applicable to Proposal)																							
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.	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	NA- Setbacks for individual dwellings will be subject to separate development applications.
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																					
	No Concession to secondary frontage	NA -Setbacks for individual dwellings will be subject to separate development applications.																							
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	-	Y - Refer Appendix B – Site Plan.											
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.	NA																							
	Garage/s shall not exceed 60% of the street elevation.	NA																							
Utilities and Services	Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale of development.	Y- Refer Appendix C – Service Strategy Plan & Section 5.4.																							
	Buildings and structures are to be located clear of utility infrastructure.	Y- Refer Appendix C – Service Strategy Plan & Section 5.4.																							
	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.	Y- Refer Appendix C – Service Strategy Plan & Section 5.4. Internal sewer mains are not Council assets.																							
	Multiple dwellings not permitted on unsewered land.	Y- Refer Appendix C – Service Strategy Plan.																							

	<i>Stormwater arrangements shall be designed to a gravity system. Alternatives such as infiltration or pump out systems are not acceptable.</i>	Y- Refer Appendix C – Service Strategy Plan & Section 5.4.															
	<i>Details of any stormwater detention systems shall be provided.</i>	Y- Refer Appendix C – Service Strategy Plan. Detailed design to be provided with application for Construction certificate.															
	<i>Individual detention systems are acceptable for each unit up to 5 units (maximum).</i>	NA Individual detentions systems not proposed.															
	<i>Detention tanks must be a separate tank to that required by BASIX or bushfire requirements.</i>	Requirement Noted															
	<i>Detention basins or underground detention must be provided in a development with more than 5 units.</i>	Y- Refer Appendix C – Service Strategy Plan & Section 5.4.															
	<i>Refer to Council's Engineering Guidelines for Subdivisions and Developments for design requirements.</i>	Requirement Noted															
	<i>The developer is responsible to consult with Essential Energy, natural gas and a telecommunications carrier regarding the provision of services.</i>	Requirement Noted															
Building Height	<i>Measured from natural ground level to: • Topmost ceiling: maximum 7.2m • Top of the ridge: maximum 10m</i>	NA – Individual dwellings to be subject of separate development applications.															
Site Coverage	<i>Residential zones: Maximum site coverage of 75% (includes all hardstand areas).</i>	Y - Refer Appendix B – Site Plan.															
	<i>Commercial zones: Refer to LEP</i>	NA															
Privacy	<i>Multi-storey development must locate and size windows to habitable rooms to avoid facing onto windows, balconies, or courtyards of adjoining dwellings.</i>	NA															
Solar Access	<i>Shadow diagrams 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).</i>	NA															
	<i>In this regard, "habitable" refers to rooms capable of occupation and does not include laundry, bathroom or garages.</i>	NA															
Parking	<table border="1"> <thead> <tr> <th>Number of b/r in each dwelling</th><th>Parking spaces per dwelling</th><th>Visitor spaces</th></tr> </thead> <tbody> <tr> <td>1</td><td>1 (1 enclosed)</td><td>1 per 5 dwellings</td></tr> <tr> <td>2</td><td>2 (1 enclosed)</td><td></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> </tbody> </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	NA – Parking for Individual dwellings to be subject of separate development applications.
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															
	<i>Parking of one vehicle behind another in a stack arrangement is not acceptable.</i>	NA – Parking for Individual dwellings to be subject of separate development applications.															

	<i>External parking spaces are not allowed in the front setback.</i>	Y - Refer Appendix B – Site Plan.															
	<i>The minimum dimensions of a garage required to park a car must exclude intrusions such as laundries & storage.</i>	NA – Dwellings to be subject of separate development applications															
Access	<i>Dimensions to meet AS2890.1 Parking Facilities Off Street Carparking.</i>	Y - Refer Appendix B – Site Plan.															
	<i>Manoeuvring areas within the development must be designed to accommodate a B99 vehicle under AS2890.1 Parking Facilities Off Street Parking.</i>	Y - Refer Appendix B – Site Plan.															
	<i>Swept paths for a B99 vehicle must be shown on plans prepared to accompany the DA.</i>	Y - Refer Appendix B – Site Plan. Swept paths are provided for largest design vehicle (12.5m HV)															
	<i>All parking and manoeuvring areas to be hardstand (pavers or concrete).</i>	Y - Refer Appendix B – Site Plan.															
	<i>Driveways to be located a minimum of 6 metres from an intersection measured from the tangent point of the kerb return.</i>	Y - Refer Appendix B – Site Plan.															
	<i>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.</i>	Y - Refer Appendix B – Site Plan.															
Private Open Space	<i>Private open space (POS) must be provided for units on ground level at the following rate in relation to its orientation for solar access.</i>	NA – Individual dwellings to be subject of separate development applications.															
	<i>The private open space on ground level must be fenced. Details of the height and style of fencing must accompany the development application.</i>	NA – Individual dwellings to be subject of separate development applications.															
	<table border="1"> <thead> <tr> <th>POS Location</th><th>Minimum Amount</th><th>Minimum Dimension</th></tr> </thead> <tbody> <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> </tbody> </table>	POS Location	Minimum Amount	Minimum Dimension	North	35m ²	4m	East	50m ²	4m	South	60m ²	4m	West	45m ²	4m	NA – Individual dwellings to be subject of separate development applications.
POS Location	Minimum Amount	Minimum Dimension															
North	35m ²	4m															
East	50m ²	4m															
South	60m ²	4m															
West	45m ²	4m															
	<i>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.</i>	NA – Individual dwellings to be subject of separate development applications.															
	<i>Area calculation does not contain intrusions such as drying areas, electricity substation, water tanks, onsite stormwater detention systems, hot water systems, retaining walls.</i>	NA – Individual dwellings to be subject of separate development applications.															
	<i>If located on street side of dwelling, details of fencing must be supplied.</i>	NA – Individual dwellings to be subject of separate development applications.															
Balconies for Private Open Space	<i>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:</i>	NA															

	<table border="1"> <thead> <tr> <th>Number of b/r in each dwelling</th><th>Minimum Amount</th><th>Minimum Dimension</th></tr> </thead> <tbody> <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> </tbody> </table>	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	
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												
	<i>Must be located adjacent to a living room, dining room or kitchen to extend the living space.</i>	NA – Individual dwellings to be subject of separate development applications.												
	<i>Are calculation does not contain intrusions such as drying areas, hot water systems or air conditioners</i>	NA – Individual dwellings to be subject of separate development applications.												
	<i>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</i>	NA – Individual dwellings to be subject of separate development applications.												
Landscaping	<i>Landscaping shall be provided on the basis of 100m² per dwelling for the development site.</i>	NA – Landscaping requirements for dwellings to be subject of separate development applications.												
	<i>Location and grouping of plant types shall be multi-functional providing privacy, security, shading and recreation functions.</i>	NA – Landscaping requirements for dwellings to be subject of separate development applications.												
	<i>Landscaping shall comprise only drought and frost tolerant species.</i>	NA – Landscaping requirements for dwellings to be subject of separate development applications.												
	<i>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</i>	NA – Landscaping requirements for dwellings to be subject of separate development applications.												
	<i>Minimum width of 2m required for all landscaped areas.</i>	NA – Landscaping requirements for dwellings to be subject of separate development applications.												
Outdoor Lighting	<i>Must provide certification of compliance with AS4282 Control of Obtrusive Effects of Outdoor Lighting if >10 dwellings proposed.</i>	Control Noted												
Adaptability	<i>Development of ≥5 units must provide 1 in 5 units capable of conversion to adaptable housing in accordance with AS4299, Class C level.</i>	Control Noted. To be addressed with DA for dwellings.												
Facilities	<i>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.</i>	NA Waste collection to be by private contractor.												
	<i>Letterboxes provided at the front property boundary in accordance with Australia Post requirements. Strata developments require an additional letter box for the Body Corporate.</i>	Development Compliant, Refer Appendix B – Architectural Plan Set.												
	<i>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.</i>	NA – Individual dwellings to be subject of separate development applications.												
Storage	<i>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).</i>	NA – Individual dwellings to be subject of separate development applications.												
Water Tanks	<i>Water storage tanks are to be located below ground or behind the buildings in the development.</i>	NA – Individual dwellings to be subject of separate development applications.												

6.6.2 Step 2 Subdivision Controls

This section identifies potential environmental impacts of the development and mitigation measures proposed.

'Deemed to Satisfy' Controls	Design Requirement	Development Compliance (Y-Yes, N-No, C – Yes with Conditions, NA – Not Applicable to Proposal)
Plan of Subdivision	<i>A registered surveyor must prepare a suitable plan showing the proposed subdivision for submission with a Development Application for Strata and Community Title subdivisions.</i>	Y- Proposed Community Title Subdivision Layout Plan is provided as Appendix B.
Service Strategy	<i>The provision of a service strategy (sewer, water & stormwater) in accordance with Councils Engineering Guidelines for Subdivisions & Developments.</i>	Y- A service design strategy for water, sewer and stormwater is included as Appendix C and specific service details are provided in Section 5.4.
	<i>The strategy shall include evidence that the developer has consulted with the Water Supply Authority in relation to the availability and capacity of the existing water and sewer networks consistent with the likely future use of the land.</i>	Y- The proposed strategy (Refer Appendix C) is in accordance with the Pre DA-Meeting (Ref: PDA2024-043).
	<i>The strategy shall include evidence that the developer has consulted with TRC Regional Services to obtain available information in relation to stormwater catchments, capacities, and preferred solutions.</i>	Y- The proposed strategy (Refer Appendix C) is in accordance with the Pre DA-Meeting (Ref: PDA2024-043).
	<i>For new estates this shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure.</i>	Y – The proposed development will include a maximum of 43 ET.
	<i>Where the verge is proposed to be less than the minimum width specified by Council's Engineering Design Guidelines for Subdivisions and Developments, a drawing of the road reserve demonstrating that all services and utilities will fit within the alternative width must be provided.</i>	NA – No changes are proposed to Council road formations.
Sewer	<i>The servicing strategy including preliminary engineering designs shall identify the method of providing sewer to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.</i>	Y – Gravity sewer can be provided to the site. Refer Service Strategy Plan Appendix C and Section 5.3.
	<i>Residential lots are to be serviced by gravity sewer. Detail of any lot filling required to achieve minimum grade shall be provided.</i>	Y – Gravity sewer can be provided to the site. Refer Service Strategy Plan Appendix C and Section 5.4.
	<i>The area within proposed lots shall be capable of being serviced by gravity sewer</i>	Y – Gravity sewer can be provided to the site. Refer Service Strategy Plan Appendix C and Section 5.4.
	<i>Reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m²</i>	Y – Gravity sewer can be provided to the site. Refer Service Strategy Plan Appendix C and Section 5.4.
Sewer	<i>On-site sewer management facilities will be required when developing lots where the Lot Size Map specifies a minimum area of 1 hectare or greater</i>	NA

Water	<i>The provision of a water supply system in accordance with Councils Engineering Guidelines for Subdivisions & Developments.</i>	Y- A Water service is to be extended to the site. Refer Service Strategy Plan Appendix C and Section 5.4.
	<i>Reticulated water (public utility supply) will not be available to development in areas outside of those areas modelled in the latest water servicing strategy.</i>	NA
	<i>Reticulated water (public utility supply) is to be supplied to subdivisions where the Lot Size Map specifies a minimum lot size of up to and including 2 hectares unless the Table below provides exclusion to this requirement.</i>	Y- A Water service is to be extended to the site. Refer Service Strategy Plan Appendix C and Section 5.4.
	<i>The servicing strategy should give consideration to recommended minimum static head required at the meter location for each allotment, when service reservoir is 1/3 depleted, in accordance with the following: Tamworth 28metres.</i>	Y – The site is at a lower elevation from the existing main in Johns Drive and is assumed to meet the Kootingal village elevation of 25m.
Stormwater Drainage	<i>The servicing strategy, including preliminary engineering designs shall include consideration of flows up to the 1 in 100-year ARI for existing natural flow, existing developed flow, and post developed flow.</i>	Y – The proposed Service Strategy Plan for the site is included as Appendix C. Detailed design for the private Community system is to be provided with application for Construction certificate.
	<i>Minor flows are to be designed to a 1 in 5-year ARI.</i>	Y – Control Noted.
	<i>Locations of major flows are to be defined to a designated overland flow path up to 100-year ARI. Where the path traverses, private property, it shall be dedicated as a drainage reserve UNLESS a natural drainage line (as indicated by a blue line on the topographic map).</i>	N - Site overflows to be piped to the closest water course in the adjacent allotment with appropriate easements. Refer Service Strategy Plan Appendix C and Section 5.4.
	<i>Detention basins are not a preferred solution.</i>	Control Noted: As discussed in the Pre DA-Meeting (PDA2024 0043), a privately managed onsite basin will be required for this development.
	<i>Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.</i>	Y- Interallotment drainage will be provided in the adjacent lot for piped discharge from the site to the point of discharge being the unnamed water course in Lot 342. Refer Service Strategy Plan Appendix C and Section 5.4.
	<i>Lot layout and easements are to be established so that no future development will rely upon pump-out, infiltration systems or any other method other than connection to the gravity piped system.</i>	Y- Interallotment drainage will be provided in the adjacent lot for piped discharge from the site to the point of discharge being the unnamed water course in Lot 342. Refer Service Strategy Plan Appendix C and Section 5.4.
Telecommunications	<i>Telecommunications are to be for each lot in a subdivision in accordance with the requirements of the provider.</i>	Y- Local services will be extended to provide communication access. Refer Section 5.4.
Electricity	<i>The subdivision is to be serviced by underground electricity where the lot size is a minimum of up to and including 2 hectares.</i>	Y - Local services will be extended to provide underground electrical supply. Refer Section 5.4.
Lot Size	<i>Minimum Lot Size in accordance with the relevant TRLEP 2010 Lot Size Map.</i>	NA- Minimum Lot sizes do not apply to Community Title Subdivision.

	<i>Minimum lot sizes do not apply to Strata and Community Title Subdivisions.</i>	Control Noted
	<i>Lots to accommodate building envelope of 10 x 15m.</i>	Y-Design requirement achieved. - All proposed lots can accommodate the minimum building envelope as specified.
	<i>Easements do not encumber more than 10% of the lot.</i>	NA
Battle-Axe Shaped Lots	<i>Minimum area 800 m2 excluding access corridors.</i>	NA
	<i>Access handles minimum width 4.5 m, 3.0 metres of which to be sealed</i>	NA
	<i>The topography of the site may require installation of kerbing to manage overland stormwater.</i>	NA
	<i>Battle-axe lots in zone R1 must share a common boundary with a public reserve of at least 15 metres in length. This control does not apply to dual occupancy or multi dwelling housing developments.</i>	NA
	<i>No more than two Torrens Title lots to share a battle-axe handle access.</i>	NA
Road Network Design	<i>A Traffic Impact Assessment is to include an assessment of the proposed subdivision and its impacts on the adjacent existing road network.</i>	NA The proposed public road upgrade to the site will be constructed to Councils design standards for R1 Local roads and will not adversely impact on the local road network and operation of the connection intersection. Refer Section 5.3.2.
	<i>Road hierarchy shall be defined.</i>	NA The proposed public road will be upgraded to 'local' road status in accord with Council Engineering Standards.
	<i>Road network design should include consideration of vehicular, pedestrian and cyclist safety. This should include the restricted/controlled use of four-way intersections, the standards for staggered-T intersections, the speed environment created by the road network and the risk to safety created by the design.</i>	NA
	<i>Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement.</i>	NA
	<i>The alignment, width and design standard for roads shall be in accordance with Councils Engineering Guidelines for Subdivisions and Development.</i>	Y - The proposed public road will be upgraded to 'local' road status in accord with Council Engineering Standards. Refer Section 5.3.2.
	<i>Kerb & Gutter is required where minimum lot size of up to and including 2000m2.</i>	Y - The proposed public road will be upgraded to 'local' road status in accord with Council Engineering Standards. Refer Section 5.3.2.
	<i>The road pavement requirement will be determined on vehicle movements and with consideration to the existing development and character of the locality.</i>	Y- A Pavement design will be provided with the subdivision works certificate.
	<i>Where a proposed allotment adjoins both an existing road and a new road within a subdivision, the existing road must be upgraded to the standard nominated by Council's Engineering Design Guidelines for Subdivisions and Developments.</i>	Y - The proposed public road will be upgraded to 'local' road status in accord with Council Engineering Standards. Refer Section 5.3.2.

Road Network Design	<i>A road within a residential subdivision servicing 15 lots or more must include a constructed pedestrian footpath.</i>	NA
	<i>Subdivision layouts shall make provision for road connection to adjoining undeveloped land.</i>	Y – The proposed development will provide for future connection off the new access road. As detailed in Section 5.3.2, the design layout generally meets the Kootingal Site Specific DCP as far as recent development allows for.
	<i>Subdivision design shall ensure that individual allotments are within 400 metres walking distance of a collector road.</i>	Y - Refer Appendix B – Site Plan.
	<i>Roads to be designed having regard to both the topography of the site and the requirements of stormwater overland flow path.</i>	Y - Refer Appendix B – Site Plan.
Staged Subdivision	<i>Subdivision Staging to be identified and manner in which staging of all infrastructures will occur.</i>	NA
Cul-De-Sac	<i>Design must accommodate stormwater drainage flow paths.</i>	NA
	<i>Cul-de-sac bowl to be minimum radius of 10 metres.</i>	NA
	<i>Alternate cul-de-sac configuration is not permitted, eg. “hammerhead” or “Y” shapes.</i>	NA
	<i>Temporary cul-de-sac heads should be within the road reserve. They are not permitted to be located within private property</i>	Y - Refer Appendix B – Site Plan.
Landscaping	<i>Landscaping of new subdivisions to include street tree planting of suitable species.</i>	NA
	<i>Provision of Landscape Plans for all dual use drainage reserves.</i>	NA
Site Access	<i>Public road access is required to all lots.</i>	Y- Design requirement achieved – Refer Site Plan Appendix B.
Site Access	<i>No direct access to arterial or sub-arterial roads shall be permitted where alternatives are available.</i>	Y - Refer Appendix B – Site Plan.
Lot Orientation	<i>Lot access to provide for solar access and minimise overshadowing.</i>	NA
	<i>Where residential subdivision involves a road running north-south, allotments are to be designed to provide solar access for future development.</i>	NA
Open Space	<i>Open space provision within residential subdivision will be determined compliance with the provisions of the Section 94 Plan or Site-Specific Design Criteria.</i>	NA
	<i>Where required, subdivision design must provide open space achieving the following criteria:</i> a) Minimum area of 0.5 Ha b) Buffered from Main roads and identified hazards.	NA

	c) Safely accessible by pedestrian and cycleway links d) To maximise connectivity between open space e) Walkable access to highest number of the population f) High passive surveillance opportunities g) Minimum slope, and h) Provide complimentary uses of open space (drainage, conservation, cycle ways etc.) that ensures ongoing usability.	
Vegetation	<i>The design shall accommodate the retention of significant trees and vegetation.</i>	Y- The site has been cleared for agricultural use since prior to 1966.
Garbage Collection	<i>Road design must accommodate the legal movement of garbage collection vehicles.</i>	NA – The proposed Community Title Subdivision will be serviced by a private garbage collection service.
	<i>Allotments are to allow for placement of garbage receptacles for collection within the alignment of that lot</i>	Y - Refer Appendix B – Site Plan.
	<i>Temporary turning facilities shall be provided to facilitate garbage collection services.</i>	Y - Refer Appendix B – Site Plan.
Community Title Subdivision	<i>Community title subdivision of 5 or more lots must include community facilities that are shared between the residents of the development. It is not appropriate that this form of development be used as an alternative to strata title for subdivisions with 5 or more lots where the only shared component is a driveway.</i>	Y - Refer Appendix B – Site Plan.
	<i>Community facilities may include a swimming pool, tennis court, vegetable gardens, barbeque area or similar.</i>	Y - Refer Appendix B – Site Plan.
Contamination	<i>All subdivision development applications are to include consideration of potential land contamination.</i>	Y-The site has a low potential for site contamination. Refer Section 6.4.1.
Road Widths	<i>Road widths are specified in the Engineering Design Guidelines for Subdivision and Development.</i>	Y - The proposed public road will be upgraded to 'local' road status in accord with Council Engineering Standards.
Bylong Road	<i>Subdivision plans are to provide adequate space for future road upgrade works including o Approximately 5-8 metre widening of sections of Warwick Road and Bylong Road. o Intersection upgrades along Warwick Road. o Intersection upgrades along Bylong Road.</i>	NA
Bylong Road	<i>All lots within the Arcadia and Bylong Road Precinct are to be serviced by reticulated water in accordance with the Development Servicing Plan.</i>	NA
	<i>All lots within the Arcadia and Bylong Road Precinct are to be serviced by connection to reticulated sewer in accordance with the Development Servicing Plan.</i>	NA

	Subdivision plans need to provide infrastructure that makes provision for future downstream development in accordance with the adopted Stormwater Management Strategy.	NA
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6.6.3 Environmental Controls

'Deemed to Satisfy' Controls	Design Requirement	Development Compliance
Environmental Effects	The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to: a) Traffic b) Flood liability c) Slope d) Construction impacts e) Solid and Liquid Waste f) Air quality (odour and pollution) g) Noise emissions h) Water quality i) Sustainability	a) Traffic – minimal changes, slight increase in traffic generation. Refer Section 5.3.2 b) Flood Liability – The subject site is not affected by Flooding. c) Slope – All sediment and erosion measures are to be installed before site excavation. d) Construction Impacts – The construction of the proposed development will be undertaken by a qualified construction company with a demonstrated commitment to quality, safety and environmental work practices. Construction activities have the potential to generate adverse impacts through construction traffic, noise, surface water and land degradation and dust. In this regard, the following mitigation measures are proposed to ameliorate any adverse impacts (where applicable to proposed developments): • Preparation of a Soil and Water Management Plan prior to construction and implementation of the Plan throughout all phases of construction activity. • The adoption of appropriate soil erosion control measures. This would include techniques such as minimising the area of disturbance at any given time, diverting clean runoff away from disturbed areas, treatment of dirty runoff using sediment traps and filters installed to engineering design standards and rehabilitating disturbed areas as soon as practicable following construction. • Preparation and implementation of a traffic management plan during construction works. • All plant and equipment would be operated and maintained in accordance with the manufacturer's specifications. • Works would be undertaken in accordance with standard daytime hours recommended by Council: that is, 0700-1700 Monday to Friday and 0800-1300 on Saturday, with no works on Sunday or Public Holidays. Any variation to these hours would first be negotiated in consultation with Council and adjoining landowners. • Undertake strategic watering as required and stabilise exposed surfaces with a vegetative cover as soon as is practicable. • Any damage sustained to Council infrastructure during construction will be the responsibility of the site building contractor to repair at no cost to Council. e) Solid and Liquid Waste – The solid waste from the proposed development once completed will be via garbage collection service. The proposed development will not require liquid trade waste application.

Environmental Effects		f) Air Quality (odour and pollution where applicable) – Earthworks during initial construction will generate dust which will be monitored on site and suppressed using water carts as necessary. It is not anticipated that pollution will be an issue once initial earthworks are completed. g) Noise Emissions - The standard construction hours proposed and the surrounding locality are such that the proposed development does not pose any significant impacts in terms of acoustic amenity upon neighbouring properties. All construction activities will be in accordance with the working hours prescribed by Council. h) Water Quality – To be managed in accordance with the sediment and erosion control measures where applicable, detail below. i) Sustainability – It is intended that the proposed development will implement measures such as (but not limited to): ○ Provide a lot layout to maximise solar access to buildings. ○ Cater for the safe and efficient passage of stormwater through the site, ○ Provide for efficient vehicle access to allotments.
Soil Erosion and Control	Runoff shall be managed to prevent any land degradation including offsite sedimentation.	Controls will be maintained during and post construction to limit any potential sedimentation of stormwater runoff from the development where applicable.
	Reference shall be made to the NSW Governments <i>Managing urban stormwater: soils and construction, Volume 1</i> (available from Landcom), commonly referred to as “The Blue Book”.	The likelihood of erosion and sedimentation during construction will be managed in accordance with the NSW Governments publication “ <i>Managing Urban Stormwater: Soils & Construction Vol. 1 (The Blue Book)</i> ”. Where applicable.
Soil Erosion and Control	Cut and fill will be minimised, and the site stabilised during and after construction.	All proposed cut and fill will be kept to the minimum required to create a viable shape for construction and operation of the proposed industrial development.
	Arrangements in place to prompt revegetation of earthworks to minimise erosion.	Where necessary revegetation of earthworks will be conducted to minimise erosion.
Vegetation	Development design shall accommodate the retention of any significant trees and vegetation.	All efforts will be made to retain any significant tree or vegetation during the construction and development process. Not applicable to this site.
Waste Management	General waste storage and collection arrangements shall be specified.	General waste storage and collection arrangements shall be detailed by the contractor during construction and the development will be serviced by private garbage collection once constructed.
Noise	Where relevant, applications are to contain information about likely noise generation and the method of mitigation.	Refer to part g) of the Environmental effects section above. Ongoing noise generated by the development is not considered to be obtrusive and consistent with the site zoning and permitted land use.
Geology	The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet	A site geotechnical investigation will be undertaken as a part of the development process to aid in the design of pavement/footing design, and to identify potential impacts and mitigation measures as required.

	strength, highly reactive soils and steep slopes and document how these constraints are addressed.	
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6.6.4 Kootingal Site Specific Requirements

'Deemed to Satisfy' Controls	Design Requirement	Development Compliance (Y-Yes, N-No, C – Yes with Conditions, NA – Not Applicable to Proposal)
Open Space	Any subdivision development will require public open space provision within the areas of Kootingal as identified in the Kootingal DCP Map (below) and the applicable Section 94 Contributions Plan	Y- Refer Site Plan Appendix B.
Subdivision	Subdivision proposals must be consistent with the prevailing subdivision pattern as per the Kootingal DCP Map	Y – The proposed development is for a Community Title development which is not illustrated on the Site-Specific Kootingal DCP. The proposed public access road allows for connection to future development and as far as recent development allows, is consistent with the Kootingal DCP.
Drainage	Subdivision plans need to provide infrastructure suitable for future upstream and/or downstream development	Y- The proposed construction of the Public road will include drainage for future connection in accord with Councils Engineering Standards. Site generated stormwater will be conveyed to the water course in adjacent Lot 342 via an interallotment pipeline in an easement. Refer Service Plan Appendix C.
Road Design & Network	Development proposals will be required to give consideration to the traffic impacts on the road network including the intersections with the New England Highway at Sandy Road and Denman Avenue.	Y-The proposal as far as possible meets the prevailing subdivision pattern as per the Kootingal DCP. Refer Section 5.2.2 for consideration of impact on surrounding roads.
	The road hierarchy shall be defined as per the Kootingal DCP Map.	Y- The proposed new road will be constructed to a Local road standard consistent with existing roads in John Drive and new development in Reginald Drive to the south.
	Road connections, pedestrian footpaths and bicycle paths are to be provided in accordance with the DCP Map	Y-The proposed public access road allows for connection to future development and as far as recent development allows, is consistent with the Kootingal DCP.
	General waste storage and collection arrangements shall be specified.	Y-Waste collections will be via a private waste collection service.
	Subdivision plans need to provide for future connectivity.	Y-The proposed public access road allows for connection to future development and as far as recent development allows, is consistent with the Kootingal DCP.
Water Storage	In addition to water storage capacity required by BASIX commitments, rainwater storage relative to the size of a property is encouraged to allow for the sustainability of lawns and gardens.	Development control noted. Dwellings will be subject to separate development applications.
	Rainwater tanks are to be located behind the street setback of the existing dwelling and suitably screened where visible from a public place or street.	Development control noted. Dwellings will be subject to separate development applications.
	Development properties within the confines of Bushfire Prone Land that do not have full mains pressure available are	NA The site is not within Bushfire Prone Land.

	required to have at minimum 10,000 Litres water storage for firefighting purposes.	
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6.6.5 Other Environmental Controls

a) Bushfire

The subject site according to the *NSW Planning Portal Spatial Viewer Bushfire Mapping* is not considered to be in a bushfire prone area. A bushfire assessment was not considered to be necessary.

7.0 RECOMMENDATION

Development consent is sought for the construction of a Community Title development at on 34 Johns Drive Kootingal.

The aim of the development is to meet the growing demand for affordable multi-housing developments in the Tamworth region.

The development meets the overall objectives of the TRLEP and will provide housing needs for the community by providing a variety of housing types and densities. The proposed Community Title development is consistent with land zoning and the site-specific development controls applying to the site.

The social and economic impacts of the proposal are considered to provide a positive outcome for the local area with respect to additional housing opportunities.

Based on determination of similar developments in the local area and the assessment of potential environmental impacts in the above report, we do not believe there are any issues in terms of site suitability for the proposal, and that the proposal satisfies the statutory planning controls which apply to the site.

If any additional information is required to assist with the assessment of this Development Application, please do not hesitate to contact our Tamworth office at your earliest convenience.

Appendix A – Deposited Plan

Appendix B – Site Layout Plan

CSO Engineers C23752 Site Plan Sheet G001 Rev A

Appendix C – Service Strategy Plan

CSO C23752 Sheet G002 Rev A
