

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**Lot 24 DP 844939  
6 Condowie Road  
DARUKA NSW 2340**

**Construction of Detached Shed with  
Attached Studio and Carport**

**FEBRUARY 2024**  
**[REDACTED]**

## STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of Detached Shed with Attached Studio and Carport  
Lot 24 DP 844939 No. 6 Condowie Road, DARUKA NSW 2340



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Statement of Environmental Effects			
Rev No	Date	Revision details	Author
0	12/12/2023	Draft	James Sheridan (checked by R. Sheridan)
1	10/02/2023	Final	James Sheridan
PROJECT		Construction of Detached Shed with Attached Studio and Carport	
CLIENT			
OUR REFERENCE			

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## 1. INTRODUCTION

This Statement of Environmental Effects (SoEE) has been prepared on behalf of [REDACTED] by RuralPlan Consultants. This statement is to accompany a Development Application (DA) to Tamworth Regional Council (TRC).

The proposal seeks consent to construct a detached metal shed with attached studio and carport upon the land known as Lot 24 DP 844939 No. 6 Condowie Road, DARUKA NSW 2340.

The development has been designed to blend with the existing locality by presenting wholly as a detached shed and carport located behind the building line of the existing dwelling when viewed from the public domain (of which is commensurate with other nearby properties which also contain dwelling houses and detached sheds / carport of varying sizes).

Importantly, as shown on the accompanying architectural plans, the studio including slab has been designed to meet NCC 2022 building requirements for a Class 1a building (i.e. dwelling).

A detailed description of the proposal follow below:

- The shed component is proposed to measure 12m x 8m (96m<sup>2</sup>) and contain 3 x roller doors allowing the storage of vehicles and equipment associated with the existing Dwelling house located upon the land.
- The studio is proposed to be associated with the existing Dwelling house and located at the eastern end of the shed. It is proposed to measure 4.09m x 8m (32.72m<sup>2</sup>) and comprise a bedroom with wetbar and storage cupboard and separate bathroom with shower, basin and WC.
- The carport is proposed at the western end of the shed and will be used to store vehicles associated with the existing Dwelling house. It is proposed under the same roof of the shed and studio and will measure 8m x 4m (32m<sup>2</sup>).

**Please refer to the architectural plans submitted with the application and the remainder of this report for further information.**

### 1.1. Design Compliance

The proposed detached shed with studio and carport has been designed to be compatible with development in the immediate and surrounding rural locality, with considerations made to ensure the provisions of the Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010) and the Tamworth Regional Development Control Plan 2010 (TRDCP 2010) are met.

## 1.2. Land Use Permissibility

The proposed use is permissible with consent in the 'R5 – Large Lot Residential' zone and is generally compliant with the objectives of the planning controls and design requirements.

## 1.3. Purpose of this Report

The DA and statement have been prepared on behalf of the applicant and addresses the matters referred to in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the matters required to be considered by the consent authority.

The purpose of this SoEE is to:

- *Describe the existing environment to which the DA relates and the character of the surrounding area;*
- *Describe the proposed development;*
- *Outline the statutory planning framework within which the DA is assessed and determined; and*
- *Assess the proposed development in considering the relevant heads of consideration (Section 4.15(1) of the EP&A Act).*

## 1.4. Applicant, Owner and Site Details

DEVELOPMENT APPLICATION DETAILS	
<b>Applicant</b>	RuralPlan Consultants Contact: James / Riarna Sheridan Address: PO Box 5, GLEN INNES NSW 2370 Phone: 0460 440 252 Email: <a href="mailto:admin@ruralcert.com.au">admin@ruralcert.com.au</a>
<b>Owners Details</b>	
<b>Property Address</b>	Lot 24 DP 844939 6 Condowie Road DARUKA NSW 2340
<b>Local Government Area</b>	Tamworth Regional Council
<b>Zone</b>	R5 – Large Lot Residential
<b>Calculations</b>	<p><b>Land Area:</b> 18,420m<sup>2</sup> or 1.842 ha</p> <p><b>Site Coverage:</b></p> <ul style="list-style-type: none"> <li>➤ <b>Existing Dwelling:</b> 270m<sup>2</sup> approx.</li> <li>➤ <b>Existing Detached Shed:</b> 130m<sup>2</sup> approx.</li> <li>➤ <b>Existing Detached Skillion Awning:</b> 50m<sup>2</sup> approx.</li> <li>➤ <b>Existing Pool Area:</b> 135m<sup>2</sup> approx.</li> <li>➤ <b>Existing Rainwater Tank:</b> 35m<sup>2</sup> approx.</li> <li>➤ <b>Proposed Shed, Studio &amp; Carport:</b> 160.72m<sup>2</sup></li> <li>➤ <b>Total:</b> 780.72m<sup>2</sup> or 4.23% site coverage</li> </ul> <p><b>Height:</b> Approx. 5.5m (max) from existing ground to ridge including earthworks.</p>
<b>Existing Structures and Site Features</b>	Dwelling, detached shed, detached carport, swimming pool area, rainwater tank.

## DEVELOPMENT APPLICATION DETAILS

## Easements and Covenants

**Easements:**

- **Easement for access use and maintenance of water pipeline 5 wide extending along the western side boundary of the allotment shown as 'A' on the Deposited Plan and numbered 1 in the 88b:**  
The development does not propose to encroach the easement.
- **Easement for access use and maintenance of water pipeline bore and pump 5 wide extending along the western side boundary of the allotment shown as 'B' on the Deposited Plan and numbered 2 in the 88b:**  
*The development does not propose to encroach the easement.*
- **Easement for services 5 wide extending along the western side boundary of the allotment shown as 'D' on the Deposited Plan and numbered 4 in the 88b:**  
*The development does not propose to encroach the easement.*

**Covenants / Restriction of Use of Land:**

- **88b Instrument Item Numbered 6:**  
*General developer restrictions to title in regard to building design, size, appearance and fencing.*  
The development has been assessed and found to comply with all general developer restrictions, with the exception of 6(l) and 6(m) as the building is proposed to be

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### DEVELOPMENT APPLICATION DETAILS

	<p><b>constructed from Colorbond steel which both explicitly prohibit.</b></p> <p><i>The proposal for the shed to be clad in Colorbond steel is considered acceptable given that precedent has been set on all surrounding sites and the subject site, with legally approved structures comprising Colorbond steel.</i></p>
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## 2. SITE DETAILS

### 2.1. Location and Context

The subject site (the site), known as Lot 24 DP 844939 No. 6 Condowie Road, DARUKA NSW 2340, is located within the rural suburb of Daruka, approximately 11.5km north-east of the Tamworth Town Centre.

The land is irregular in shape and displays as a corner allotment, with a 170m wide primary frontage to Condowie Road and a 74.51m wide secondary frontage to Urangera Road as shown on the accompanying site plan. Site slope in relation to the proposed building area is minor, falling from east to west. The entire site slope can be described as largely undulating, falling from rear to front.

Currently existing upon the land is a dwelling house and associated detached skillion awning outbuilding, carport, in-ground swimming pool and rainwater tank and boundary fencing. Established vegetation in the form of grasscover and ornamental trees which frame most boundaries of the site and the internal gravel driveway, exists.

With the exception of Condowie Road and Urangera Road, which bound the land to the west and south respectively, the land is surrounded by R5 large lot residential zoned land and / or development in all directions.

Existing development within the locality is typically large lot residential in nature. Buildings vary in density and present as a mix of heights and traditional style designs with hip and / or hip and gable roof profiles. Materiality is predominantly brick veneer / rendered brick veneer or timber / weatherboard clad with tiled or sheet metal roofing.

Photographic aerial view and topographic aerial view mapping of site is provided on the following pages.

## STATEMENT OF ENVIRONMENTAL EFFECTS

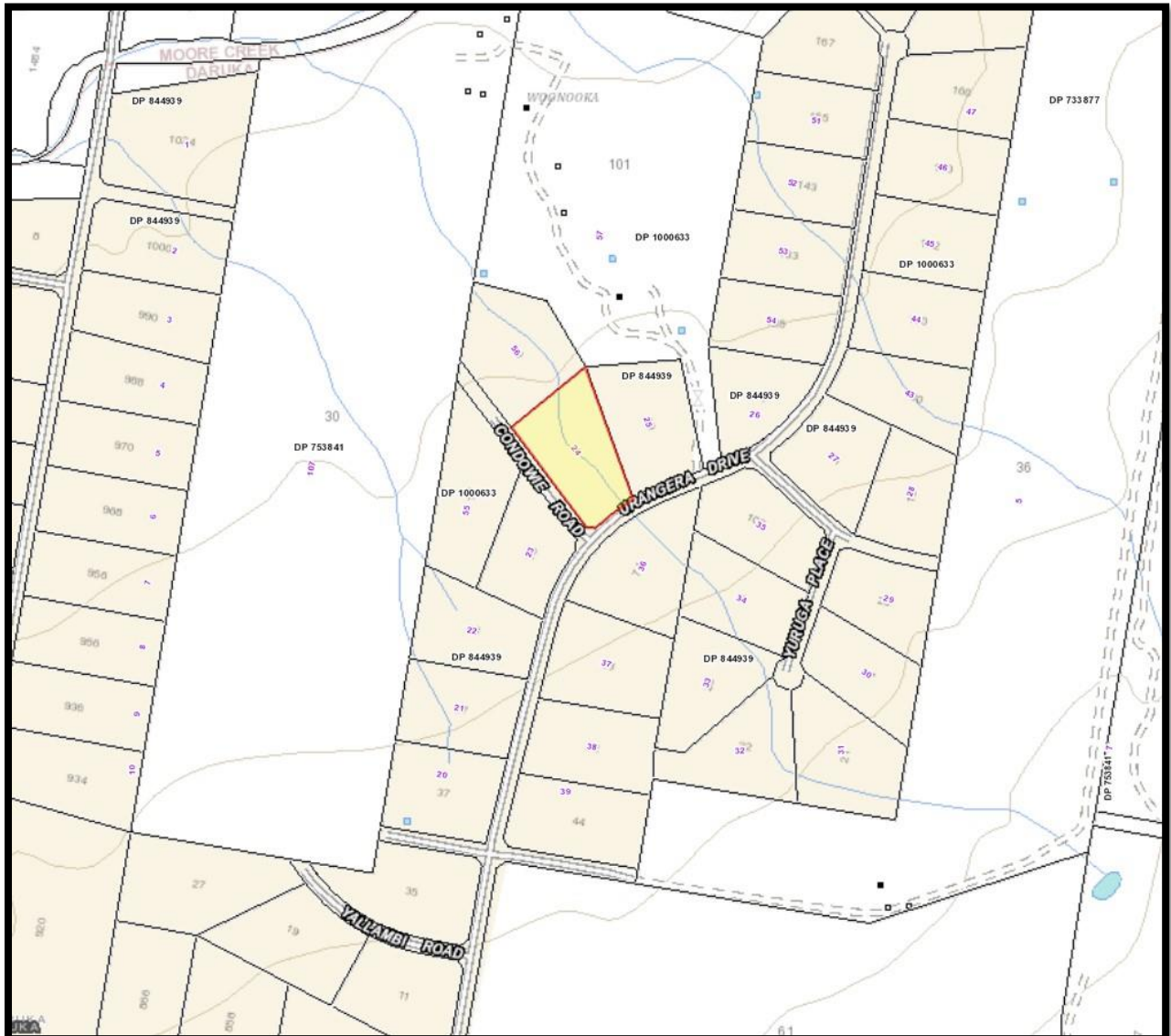
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**Figure 1: Aerial View, showing subject land outlined in red. Note – Boundary dimensions are approximate only. Please refer to the submitted architectural plans for accurate dimensions  
(Source: Google Earth with boundary dimensions added by RuralPlan Consultants)**

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**Figure 3: Topographic Aerial View, showing subject land outlined in red with yellow shading  
(Source: LPI SIX Maps Viewer)**

## 2.2. Site Opportunity and Constraints

The key opportunities and constraints of the site include:

- Opportunity to develop the allotment, consistent with the intentions of the TRLEP 2010 and TRDCP 2010.
- No tree removal proposed and shed / studio / carport to be located behind the building line of the existing dwelling and established vegetation framing the site. Development therefore considered not to significantly alter the landscape setting or ecological values of the site and context.
- The site is not identified as:
  - Flood prone; or
  - A heritage item, or close to any heritage items.
- The site is identified as:
  - Bushfire Prone Land. ***As the development proposes a habitable studio within the shed, a bushfire report has been prepared in accordance with the NSW Rural Fire Service publication 'Planning for Bushfire Protection 2019' and submitted with this application for Council's consideration accordingly.***
  - Being located within an Obstacle Limitation Surface Area (0 – 45). ***Assessment revealed the proposed development does not impact the Obstacle Limitation Surface Area. Please refer to Section 5 of this report for further details.***

## 2.3. Site Conditions

### 2.3.1. Site Configuration

The land is irregular in shape and displays as a corner allotment, with a 170m wide primary frontage to Condowie Road and a 74.51m wide secondary frontage to Urangera Road as shown on the accompanying site plan.

### 2.3.2. Topography

Site slope in relation to the proposed building area is minor, falling from east to west. The entire site slope can be described as largely undulating, falling from rear to front.

### 2.3.3. Soils and Geology

The site has been preliminarily classified as containing Class M – Class H - Moderately – Highly Reactive soils. Footings designed by a practicing structural engineer, prepared in accordance with the final soil classification, will be submitted with the Construction Certificate application accordingly.

### 2.3.4. Aboriginal Archaeology and European Heritage

In regard to Aboriginal heritage an Aboriginal Heritage Information Management System (AHIMS) search was undertaken in December 2023 (**Appendix A**). The search revealed no items of Aboriginal heritage to be located within 200m of the site and as such, no items are considered to be located upon the subject site.

A desktop search of the NSW Heritage Inventory and the TRLEP 2010 Heritage Schedule also undertaken in November 2022, revealed that the site is not classified as a Heritage Item, nor is located within a Heritage Conservation Area or close to other Heritage Items.

### 2.3.5. Bushfire

The site is identified as bushfire prone land according to Tamworth Regional Council Bushfire Mapping and the RFS Online Bushfire Prone Land search tool. ***As the development proposes a habitable studio within the shed, a bushfire report has been prepared in accordance with the NSW Rural Fire Service publication 'Planning for Bushfire Protection 2019' and submitted with this application for Council's consideration accordingly.***

### 2.3.6. Flooding

The land is not classified as flood prone in accordance with TRLEP 2010 flood prone land mapping.

### 2.3.7. Road and Public Transport Network

Vehicle access to Condowie Road is available exclusively from Urangera Drive (via Link Road or the New England Highway). An existing gravel driveway crossover and internal gravel driveway providing access to the development, exists.

### **2.3.8. Pedestrian Network**

A footpath network is not available, however this is typical of many large lot residential subdivisions within the Tamworth Regional LGA.

### **2.3.9. Utility Services**

The site / existing buildings located upon it enjoy connection to private water supply (rainwater tank), on-site sewerage management, mains power electricity and NBN telecommunication services.

### **2.3.10. Surrounding Development**

With the exception of Condowie Road and Urangera Road, which bound the land to the west and south respectively, the land is surrounded by R5 large lot residential zoned land and / or development in all directions.

Existing development within the locality is typically large lot residential in nature. Buildings vary in density and present as a mix of heights and traditional style designs with hip and / or hip and gable roof profiles. Materiality is predominantly brick veneer / rendered brick veneer or timber / weatherboard clad with tiled or sheet metal roofing.

### 3. PROPOSED DEVELOPMENT

#### 3.1. Summary

The application seeks consent from Tamworth Regional Council to construct a detached metal shed with attached studio and carport upon the land known as Lot 24 DP 844939 No. 6 Condowie Road, DARUKA NSW 2340.

The development has been designed to blend with the existing locality by presenting wholly as a detached shed and carport located behind the building line of the existing dwelling when viewed from the public domain (of which is commensurate with other nearby properties which also contain dwelling houses and detached sheds / carport of varying sizes).

Importantly, as shown on the accompanying architectural plans, the studio including slab has been designed to meet NCC 2022 building requirements for a Class 1a building (i.e. dwelling).

A detailed description of the proposal follow below:

- The shed component is proposed to measure 12m x 8m (96m<sup>2</sup>) and contain 3 x roller doors allowing the storage of vehicles and equipment associated with the existing Dwelling house located upon the land.
- The studio is proposed to be associated with the existing Dwelling house and located at the eastern end of the shed. It is proposed to measure 4.09m x 8m (32.72m<sup>2</sup>) and comprise a bedroom with wetbar and storage cupboard and separate bathroom with shower, basin and WC.
- The carport is proposed at the western end of the shed and will be used to store vehicles associated with the existing Dwelling house. It is proposed under the same roof of the shed and studio and will measure 8m x 4m (32m<sup>2</sup>).

#### 3.2. Setbacks

The proposal includes the following setbacks, of which are compatible with existing development in the surrounding vicinity:

- Detached shed, studio and carport to north (rear) boundary: 10m
- Detached shed, studio and carport to east (side) boundary: >120m
- Detached shed, studio and carport to south (front) boundary: >100m
- Detached shed, studio and carport to west (side) boundary: 10m
- Detached shed, studio and carport to existing dwelling: 19.7m

### 3.3. Earthworks

Due to the building platform being relatively undulating, the proposal requires minor earthworks of max 300mm, associated with the establishment of foundations of the development.

Given the minor amount of excavation and filling proposed and generous setbacks from all boundaries, all cut and fill is proposed to be and capable of being battered back to natural levels.

### 3.4. Erosion and Sedimentation Control

Prior to the commencement of works, erosion and sedimentation control measures will be installed upon the site in accordance with Council regulations, fact sheets and the NSW 'Blue Book' as necessary. Erosion and sedimentation control measures will remain in place throughout the course of works and until the site is suitable to remove them.

### 3.5. Development Design

In developing the design, the owners carefully considered the surrounding large lot residential locality and development and propose the development to present wholly as a detached shed and carport located behind line of the existing dwelling when viewed from the public domain (of which is commensurate with other nearby properties which also contain dwelling houses and detached sheds / carport of varying sizes).

As alluded to, design considerations have also been made in terms of setbacks, building separation, privacy and overshadowing, along with these elements internally to the site.

The building responds to existing development within the area, with the materials proposed to be low-maintenance, durable and in keeping with materials and fenestration of similar shed type developments.

In summary, the proposal is considered a suitable response to local planning objectives. The end result will provide an enhanced planning outcome for the site and a development that is compatible with the existing and desired character of the locality.

### 3.6. Access and Parking

#### 3.6.1. Road Access and Public Transport Network

Access to the subject land is available from Condowie Road exclusively from Uranger Drive via an existing gravel driveway crossover and internal gravel driveway. ***As driveway access from Condowie Road already exists (and is proposed to remain unaltered), approval under S138 of the Roads Act is not required to be lodged in conjunction with this application.***

### **3.7. Stormwater and Drainage**

Stormwater from the shed, studio and carport development will be directed via gravity feed to the existing rainwater tank located south-west of the proposed building site in accordance with Council conditions of consent / regulations, the National Plumbing Code and associated Australian Standards.

### **3.8. Servicing**

The site / existing buildings located upon it enjoy connection to private water supply (min 100,000l rainwater tank), on-site sewerage management, mains power electricity and NBN telecommunication services. The development is proposed to be connected to all services (as applicable). Service connection and any capacity augmentation will be determined through application to the relevant service providers (Council, Essential Energy, Telstra, NBN etc.).

In regard to the studio, application to Council under S68 of the Local Government Act for approval to connect the studio bathroom and wetbar to the existing Aerated Wastewater Treatment System (which is understood to be of a size capable of receiving the additional load imposed by the studio), has been applied for in conjunction with this application.

### **3.9. Bushfire**

The site is classified as bushfire prone land according to Tamworth Regional Bushfire Mapping and the NSW RFS Bushfire Prone Land Online Search Tool.

As the development proposes a habitable studio within the shed, a bushfire report has been prepared in accordance with the NSW Rural Fire Service publication 'Planning for Bushfire Protection 2019' and submitted with this application for Council's consideration accordingly.

Results of the Bushfire Assessment revealed a BAL-LOW rating (i.e. no level of bushfire construction applicable).

## 4. STATUTORY REQUIREMENTS

This section deals with the proposal's consistency with the various statutory and non-statutory provisions.

### 4.1. Commonwealth Legislation

#### 4.1.1. Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation. It covers environmental assessment and approvals, protects significant biodiversity and integrates the management of important natural and cultural places.

The EPBC Act specifically aims to:

- *Provide for the protection of the environment, especially matters of national environmental significance.*
- *Conserve Australian biodiversity.*
- *Provide a streamlined national environmental assessment and approvals process.*
- *Enhance the protection and management of important natural and cultural places.*
- *Control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife.*
- *Promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources.*
- *Recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity.*
- *Promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.*

The EPBC requires Commonwealth approval for development which significantly impacts upon matters relating to National environmental significance. The nine matters of national environmental significance protected under the EPBC Act include:

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- *World heritage properties.*
- *National heritage places.*
- *Wetlands of international importance.*
- *Listed threatened species and ecological communities.*
- Migratory species.
- Commonwealth marine areas.
- The Great Barrier Reef Marine Parks.
- Nuclear actions (including uranium mines).
- Water resources, in relation to coal seam gas development and large coal mining development.

### **EPBC ACT ASSESSMENT**

The subject site is not situated on or near an area of environmental significance, nor does it contain any of the aforementioned national environmental significance items. As such, further assessment is not deemed required.

## 4.2. State Legislation

### 4.2.1. Environmental Planning and Assessment Act 1979 (EP&A Act)

Development in New South Wales is carried out in accordance with the planning provisions stipulated within the EP&A Act. Section 4.15 (1) – ‘Evaluation’ provides a framework of conditions which a development application must satisfy to be successful.

The proposed development has been evaluated with regard to the matters for consideration of section 4.15(1) of the EP&A Act with the results outlined in **Section 7 of this report – EP&A Act Section 4.15(1) Evaluation.**

### 4.2.2. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) replaced the Threatened Species Conservation Act 1995 (TSC Act) in 2017. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. In summary the BC Act provides:

- A new framework for managing native vegetation clearing
- An enhanced and strategic approach to private land conservation and threatened species conservation
- An expanded biodiversity offsetting scheme

The table below assesses the proposed development against the Biodiversity Conservation Act criteria.

#### ***Biodiversity Conservation Act Assessment***

BIODIVERSITY CONSERVATION ACT TRIGGER QUESTIONS	ANSWER AND COMMENTARY
<p>Is the proposed development categorised as Development (i.e., Part 1, Cl1.5 Meaning of Development under the NSW Environmental Planning and Assessment Act 1979)?</p> <p><b>IF ‘YES’ THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</b></p>	<p><b>YES.</b></p> <p>The Act and BAM Assessment will apply subject to if the development answers ‘YES’ to any of the below questions.</p>

BIODIVERSITY CONSERVATION ACT TRIGGER QUESTIONS	ANSWER AND COMMENTARY										
<p>Has Sensitive Biodiversity Values been mapped within your project area (as mapped by the State Government)?</p> <p><b>IF 'YES' THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</b></p>	<p><b>NO</b></p>										
<p>Has your project been identified within a strategic plan and likely to fall within an area subject to Strategic Biodiversity Certification?</p> <p><b>IF 'YES' THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</b></p>	<p><b>NO</b></p> <p>A search of Tamworth Regional Council's strategic planning documents revealed the project is not identified within a plan subject to strategic biodiversity certification.</p>										
<p>Does the development propose clearing of native vegetation (not including 'Category 1' under the Local Land Services Act 2013) in excess of the *area clearing thresholds?</p> <p><i>* Area Clearing Threshold</i> Determined by minimum lot size (MLS) applicable to the relevant land as shown in the Lot Size Maps under the relevant Local Environmental Plan (LEP)</p> <p><u>OR</u> Determined by actual lot size where there is no MLS provided for the relevant land under the LEP</p> <p><b>IF 'YES' THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</b></p>	<p><b>Subject Site Minimum Lot Size (TRLEP 2010): 2 ha</b></p> <p><b>NO</b></p> <p>The minimum lot size assigned to the land in accordance with TRLEP 2010 minimum lot size mapping, is 2 ha.</p> <p>The development does not propose to clear any vegetation in excess of the applicable area clearing / minimum lot size threshold as shown in the below table (0.5 ha), with only topsoil / earth proposed to be removed for the establishment of the foundations for the proposed shed, studio and carport development, which equates to less than 0.5 ha).</p> <p><b>Area Clearing Threshold Table:</b></p> <table border="1"> <thead> <tr> <th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr> </thead> <tbody> <tr> <td>Less than 1 ha</td><td>0.25 ha or more</td></tr> <tr> <td>1 ha to less than 40 ha</td><td>0.5 ha or more</td></tr> <tr> <td>40 ha to less than 1000 ha</td><td>1 ha or more</td></tr> <tr> <td>1000 ha or more</td><td>2 ha or more</td></tr> </tbody> </table> <p><b>Source: Environment.nsw.gov.au website</b></p>	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										

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BIODIVERSITY CONSERVATION ACT TRIGGER QUESTIONS	ANSWER AND COMMENTARY
<p>Will the proposed development impact on threatened species, populations or communities that are likely to be 'significant' as determined through the <i>Biodiversity Conservation Act 'five-part test'</i>?</p> <p><b>IF 'YES' THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</b></p>	<p><b>NO.</b></p> <p>The building is proposed to be constructed on a cleared and established parcel of land not known to contain threatened species, populations or communities that are likely to be 'significant' under the <i>Biodiversity Conservation Act 'five-part test'</i>.</p>

### **BIODIVERSITY CONSERVATION ACT ASSESSMENT CONCLUSION**

As per the above assessment the Biodiversity Conservation Act 2016 **does not apply**. Due to being located on a portion of the site that is already established, the proposed development is not anticipated to have an adverse impact on any threatened or migratory flora and fauna species, endangered populations, threatened ecological communities, or their habitats.

### **4.3. Environmental Planning Instruments (EPIs)**

Development in NSW is carried out under the EP&A Act. Environmental planning instruments, including State Environmental Planning Policies (SEPP) and Local Environmental Plans (LEP), are legal documents enacted under Part 3 of the EP&A Act that regulate land use and development. Environmental planning instruments determine the permissibility of the proposed development and the environmental assessment pathway for the proposed development. The environmental planning instruments relevant to the proposed development are discussed below.

#### **4.3.1. State Environmental Planning Policies (SEPP)**

A review was conducted of State Environmental Planning Policies (SEPP) considered applicable to the development: -

- State Environmental Planning Policy (Sustainable Buildings) 2022 – Chapter 2 - Standards for residential development – BASIX
- State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 4 - Koala Habitat Protection 2021

Consideration of the development against the above SEPPs follows overpage

#### **4.3.1.1. State Environmental Planning Policy (Sustainable Buildings) 2022**

The State Environmental Planning Policy (Sustainable Buildings) 2022 (SB SEPP) commenced on 1 October 2023. The SEPP is a consolidation of SEPP (Building Sustainability Index: BASIX) 2004, which has now been repealed.

The SB SEPP applies to all of NSW. BASIX provisions continue to apply to all new residential developments and home renovations over \$50,000. BASIX is an online program that is accessible to anyone. The designer enters data relating to the house or unit design such as location, size, building materials etc., into the BASIX tool. BASIX analyses this data and determines how it scores against the Energy and Water targets. The BASIX tool recognises regional variation to standards resulting from local climatic conditions.

The non-residential provisions have different applications depending on the building type. All new non-residential development with a capital investment value over \$5 million and any renovation with a capital investment value over \$10 million must consider general and embodied emissions provisions.

In addition, state significant development under Schedules 13-15 of the State Environmental Planning Policy (Planning Systems) 2022 - health, education and cultural institutions - must demonstrate that they are capable of operating without fossil fuels by 2035.

There are also energy and water standards that only apply to large commercial development, defined as follows:

- Offices with a net lettable area greater than 1,000 square metres
- Hotels and motels with more than 100 rooms
- Serviced apartments with more than 100 apartments.

Large commercial developments also need to demonstrate net zero capacity and offset any onsite fossil fuel use and any performance gap in operational energy.

There are specific exclusions, including land zoned rural, industrial, environmental conservation and waterways. The policy does not apply to non-residential development that is for the purposes of infrastructure or is considered exempt and complying development.

The aims of the SB SEPP include:

- (a) to encourage the design and delivery of sustainable buildings,
- (b) to ensure consistent assessment of the sustainability of buildings,
- (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,

- (d) to monitor the embodied emissions of materials used in construction of buildings,
- (e) to minimise the consumption of energy,
- (f) to reduce greenhouse gas emissions,
- (g) to minimise the consumption of mains-supplied potable water,
- (h) to ensure good thermal performance of buildings.

This State Environmental Planning Policy was enacted to ensure dwellings are designed to use less potable water and minimise greenhouse gas emissions by setting energy and water reduction targets for residential houses and units.

The aims of the SEPP include:

- 1) Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX Scheme) under which:
  - An application for a development consent, complying development certificate or construction certificate in relation to certain kinds of residential development, must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out.
  - The carrying out of residential development pursuant to the resulting development consent, complying development certificate or construction certificate, will be subject to a condition requiring such commitments to be fulfilled.

BASIX is an online program that is accessible to anyone. The designer enters data relating to the house or unit design such as location, size, building materials etc., into the BASIX tool. BASIX analyses this data and determines how it scores against the Energy and Water targets.

### **Proposed Development Compliance with SEPP (Sustainable Buildings) 2022**

As the value of the dwelling alterations and additions (studio) exceeds \$50k, the additions are subject to Chapter 2 of the SB SEPP (Standards for residential development – BASIX). The design of the dwelling additions must pass specific targets (which vary according to location and building type) before the user can print the BASIX Certificate. A BASIX assessment has been undertaken as part of the proposed development, with the completed certificate submitted with the application. Plans have also been notated with applicable BASIX Commitments as legislatively required.

#### **4.3.1.2. State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land**

The State Environmental Planning Policy (Resilience and Hazards) 2021 commenced on 1 March 2022. The SEPP is a consolidation of the following SEPPs:

- SEPP (Coastal Management) 2018 (now known as *Chapter 2 Coastal Management*)
- SEPP 33 - Hazardous and Offensive Development – now known as *Chapter 3 Hazardous and Offensive Development*)
- **SEPP 55 – Remediation of Land (now known as *Chapter 4 Remediation of Land*)**

**This development is required to be considered against Chapter 4 – Remediation of Land.**

The object of Chapter 4 is to provide for a Statewide planning approach to the remediation of contaminated land.

In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and
- (c) by requiring that remediation work meet certain standards and notification requirements.

Clause 4.6 of the chapter requires the consent authority to consider whether:

1. The land is contaminated, and
2. If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

3. If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

**Proposed Development Compliance with SEPP (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land**

The subject site is located entirely within a R5 – Large Lot Residential zone. A search of the New South Wales Environment Protection Authority (EPA) Contaminated Land Records revealed that no notices have been issued for the site under the Contaminated Land Management Act 1997, nor have any licences been issued under the POEO Act for the site. In addition, the property report retrieved for the site from the NSW Planning Portal revealed the subject allotment is not known to be a contaminated site.

**As such, a contaminated land assessment is not deemed required.**

#### **4.3.1.3. State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 4 - Koala Habitat Protection 2021**

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 4 - Koala Habitat Protection 2021 was made and commenced on 17 March 2021.

The Koala SEPP 2021 reinstates the policy framework of SEPP Koala Habitat Protection 2019 to 83 Local Government Areas (LGA) in NSW. At this stage:

In nine of these LGAs – Metropolitan Sydney (Blue Mountains, Campbelltown, Hawkesbury, Ku-Ring-Gai, Liverpool, Northern Beaches, Hornsby, Wollondilly) and the Central Coast LGA – Koala SEPP 2021 applies to all zones.

In all other identified LGAs, Koala SEPP 2021 does not apply to land zoned RU1 Primary Production, RU2 Rural Landscape or RU3 Forestry.

For all RU1, RU2 and RU3 zoned land outside of the Sydney Metropolitan Area and the Central Coast, Koala SEPP 2020 continues to apply. This is an interim measure while new land management and private native forestry codes are developed in line with the NSW Government's announcement on 8 March 2021.

The Koala SEPP 2020 replicates the objectives and provisions of SEPP 44, which was in force from 1995 through to 2019.

The Koala SEPP 2021 aims to:

*Encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.*

#### **ASSESSMENT OF SUBJECT SITE AGAINST SEPP (KOALA HABITAT PROTECTION) 2020**

Assessment revealed the subject site is required to address Chapter 4 of this SEPP as it is:

- Located in the Tamworth Regional LGA, being a Council area included in Schedule 1 of the SEPP;
- Zoned R5 – Large Lot Residential; and
- Over 1 hectare in **total size / area**.

**ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST SEPP (BIODIVERSITY  
AND CONSERVATION) 2021 – CHAPTER 4 - KOALA HABITAT PROTECTION 2021**

1. The part of the site proposed to be developed (which includes the detached shed with studio and carport), **is not greater than 1 ha** in accordance with *Part 2, Clause 7(c) of the SEPP – Land to which this Part applies*.
2. No trees are proposed to be removed as part of the development and owners confirmed the site does not have koala activity present.
3. The development is below the Biodiversity Offsets Scheme threshold under the BC Act.

**ASSESSMENT SUMMARY**

In accordance with the above assessment, **as the part of the site to be developed is under 1 ha in size, proposes no tree removal, no koala activity is present upon the land and the development is under the Biodiversity Offset Scheme threshold**, a report from a qualified ecologist or preparation of Koala Plan of Management **is NOT required**.

#### 4.4. Integrated Development

Consideration was 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 of the following approvals:

- *Coal Mine Subsidence Compensation Act 2017*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Mine Subsidence Compensation Act 1961*
- *National Parks and Wildlife 1974*
- *Petroleum Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016 No 63*

##### 4.4.1. Coal Mine Subsidence Compensation Act 2017

The site is not identified as being within a Mine Subsidence District on the maps published by NSW Subsidence Advisory and therefore does not require authorisation from the Mine Subsidence Board.

##### 4.4.2. Fisheries Management Act 1994

No authorisation required.

##### 4.4.3. Heritage Act 1977

No authorisation required.

##### 4.4.4. Mining Act 1992

No authorisation required.

##### 4.4.5. National Parks and Wildlife Act 1974

No authorisation required.

##### 4.4.6. Protection of the Environment Operations Act 1997

An Environment Protection Licence (EPL) is not required for the development.

#### **4.4.7. Roads Act 1993**

The Roads Act 1993 details objectives for public and classified roads. Access to the subject land is available from Condowie Road exclusively from Urangera Drive via an existing gravel driveway crossover and internal gravel driveway. ***As driveway access from Condowie Road already exists (and is proposed to remain unaltered), approval under S138 of the Roads Act is not required to be lodged in conjunction with this application.***

#### **4.4.8. Rural Fires Act 1997**

No authorisation required.

#### **4.4.9. Water Management Act 2000**

The Water Management Act 2000 aims to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations. Under the Water Management Act, Activity Approvals are required for certain development. In this instance, a controlled activity approval is not considered to be required as the proposed development is not located on waterfront land.

## 5. LOCAL ENVIRONMENTAL PLANS (LEP)

### 5.1. Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)

The site of the proposed development is located within the **R5 Large Lot Residential** zone as identified by the Tamworth Regional LEP 2010.

#### 5.1.1. Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide a mix of housing that supports and encourages neighbouring equine-related facilities and is compatible with surrounding land uses and activities.*

The proposed development is considered to be consistent with the above objectives as it seeks to establish a detached shed with studio and carport ancillary to an existing Dwelling house located upon the site which is permitted with consent in this zone. It will not adversely affect any surrounding land uses.

Overall, the development will assist in providing a mix of housing (i.e. the detached studio associated with the existing dwelling compatible with surrounding land uses and activities.

#### 5.1.2. Permitted with consent

The Tamworth Regional LEP 2010, permits the following land uses with Council's consent in the zone:

*Backpackers' accommodation; Bed and breakfast accommodation; Cellar door premises; Dwelling houses; Home industries; Markets; Neighbourhood shops; Neighbourhood supermarkets; Oyster aquaculture; Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 4*

***The proposed development is defined as development ancillary to a dwelling house (detached shed, studio and carport), all of which is permissible with consent in this zone.***

## LEP Considerations

The following considerations have been made in accordance with the following *TRLEP 2010* provisions:

TRLEP 2010 PART 4: PRINCIPLE DEVELOPMENT STANDARDS	COMMENTARY
<b>4.1 Minimum subdivision lot size</b>	Not applicable to this development.
<b>4.1AA Minimum subdivision lot size for community title schemes</b>	Not applicable to this development.
<b>4.1A Minimum subdivision lot size for Zones R1 and RU5</b>	Not applicable to this development.
<b>4.1B Minimum subdivision lot sizes for certain split zones</b>	Not applicable to this development.
<b>4.2 Rural Subdivision</b>	Not applicable to this development.
<b>4.2A Lot size exceptions for certain rural subdivisions</b>	Not applicable to this development.
<b>4.2B Erection of dwelling houses in certain rural and environmental protection zones</b>	Not applicable to this development.
<b>4.2C Minimum subdivision lot size for strata subdivision of residential or tourist and visitor accommodation in certain zones</b>	Not applicable to this development.
<b>4.2D Boundary changes between lots in certain rural zones</b>	Not applicable to this development.
<b>4.3 Height of Buildings</b>	Not adopted.
<b>4.4 Floor Space Ratio</b>	Not applicable to this development. Land not located within a nominated floor space ratio area as per TRLEP 2010 FSR Mapping.
<b>4.5 Calculation of floor space ratio and site area</b>	Not applicable to this development.
<b>4.6 Exceptions to development standards</b>	Not applicable to this development.

# STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of Detached Shed with Attached Studio and Carport  
Lot 24 DP 844939 No. 6 Condowie Road, DARUKA NSW 2340



TRLEP 2010 PART 5: MISCELLANEOUS PROVISIONS	COMMENTARY
<b>5.1 Relevant acquisition authority</b>	Not applicable to this development.
<b>5.1A Development on land intended to be acquired for public purposes</b>	Not applicable to this development.
<b>5.2 Classification and reclassification of public land</b>	Not applicable to this development.
<b>5.3 Development near zone boundaries</b>	Not applicable to this development.
<b>5.4 Controls relating to miscellaneous permissible uses</b>	Not applicable to this development.
<b>5.5 Controls relating to secondary dwellings on land in a rural zone</b>	Not applicable to this development.
<b>5.6 Architectural roof features</b>	Not adopted.
<b>5.7 Development below mean high water mark</b>	Not adopted.
<b>5.8 Conversion of fire alarms</b>	Not applicable to this development.
<b>5.9 Dwelling house or secondary dwelling affected by natural disaster</b>	Not applicable to this development.
<b>5.9AA Repealed</b>	Repealed.
<b>5.10 Heritage conservation</b>	Not applicable to this development.
<b>5.11 Bush fire hazard reduction</b>	Not applicable to this development.
<b>5.12 Infrastructure development and use of existing buildings of the Crown</b>	Not applicable to this development.
<b>5.13 Eco-tourist facilities</b>	Not applicable to this development.
<b>5.14 Siding Spring Observatory—maintaining dark sky</b>	Not adopted.

## STATEMENT OF ENVIRONMENTAL EFFECTS

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TRLEP 2010 PART 5: MISCELLANEOUS PROVISIONS		COMMENTARY
5.15	Defence communications facility	Not adopted.
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Not applicable to this development.
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not applicable to this development.
5.18	Intensive livestock agriculture	Not applicable to this development.
5.19	Pond-based, tank-based and oyster aquaculture	Not applicable to this development.
5.20	Standards that cannot be used to refuse consent – playing and performing music	Not applicable to this development.
5.21	Flood planning	Not applicable to this development.
5.22	Special flood considerations	Not adopted.
5.23	Public bushland	Not adopted.
5.24	Farm stay accommodation	Not applicable to this development.
5.25	Farm gate premises	Not applicable to this development.

TRLEP 2010 PART 6: URBAN RELEASE AREAS		COMMENTARY
6.1	Arrangements for designated State public infrastructure	Not applicable to this development.
6.2	Public utility infrastructure	Not applicable to this development.
6.3	Relationship between Part and remainder of Plan	Not applicable to this development.

<b>TRLEP 2010 PART 7: ADDITIONAL LOCAL PROVISIONS <u>CLAUSE 7.1 - EARTHWORKS</u></b>	<b>COMMENTARY</b>
<b>7.1 Earthworks</b>	<p>Applicable to this development. The following commentary is provided to demonstrate compliance with Clause 6.1 Part 3 (a) – (h), detailed as follows:</p>
<p><b><i>(a) The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.</i></b></p>	<p>Given the minor nature of earthworks and stormwater management method proposed, no disruption to drainage patterns or soil stability will result as detailed below:</p> <p>In regard to earthworks, due to the building platform being relatively undulating, the proposal requires minor earthworks of max 300mm, associated with the establishment of foundations of the development.</p> <p>Given the minor amount of excavation and filling proposed and generous setbacks from all boundaries, all cut and fill is proposed to be and capable of being battered back to natural levels.</p> <p>In regard to stormwater, stormwater from the shed, studio and carport development will be directed via gravity feed to the existing rainwater tank located west of the proposed building site in accordance with Council conditions of consent / regulations, the National Plumbing Code and associated Australian Standards.</p>
<p><b><i>(b) The effect of the development on the likely future use or redevelopment of the land,</i></b></p>	<p>The earthworks will facilitate the proposed development of the subject site and allow for the appropriate use and redevelopment of the land.</p>
<p><b><i>(c) The quality of the fill or the soil to be excavated, or both,</i></b></p>	<p>While the proposal requires minimal excavation and filling, all excavated materials will either be reused on-site, or disposed of in accordance with Council's regulations and recommendations.</p>

<b>TRLEP 2010 PART 7: ADDITIONAL LOCAL PROVISIONS <u>CLAUSE 7.1 - EARTHWORKS</u></b>	<b>COMMENTARY</b>
	<p>If in the event additional fill material is required to be imported to site, it will be uncontaminated virgin excavated natural material (VENM) in accordance with the provisions of the POEO Act 1997.</p>
<p><b><i>(d) The effect of the development on existing and likely amenity of adjoining properties.</i></b></p>	<p>It is not anticipated that the amenity of neighbouring properties will be significantly impacted. The construction earthworks will be short term and will be limited to business hours during weekdays and between 8am and 1pm on Saturdays.</p>
<p><b><i>(e) The source of any fill material and the destination of any excavated material.</i></b></p>	<p>Refer to part (c) response above for detailed response.</p>
<p><b><i>(f) The likelihood of disturbing relics.</i></b></p>	<p>In regard to Aboriginal archaeology, an AHIMS search was undertaken in December 2023 <b>(Appendix A)</b>. The search revealed no items of Aboriginal heritage to be located upon the site or within 200m of the subject site.</p> <p>A desktop search of Tamworth Regional LEP Heritage Mapping and the NSW Heritage Inventory, also undertaken in December 2023, revealed that the site is not classified as containing items of heritage, nor is located within a Heritage Conservation Area.</p> <p>Notwithstanding, should any relics be discovered during the course of works all excavations or disturbance to the area will cease immediately and the Heritage Council of NSW will be notified in accordance with Section 146 of the Heritage Act 1977.</p>

TRLEP 2010 PART 7: ADDITIONAL LOCAL PROVISIONS <u>CLAUSE 7.1 - EARTHWORKS</u>	COMMENTARY
	All necessary approvals will be obtained from the Heritage Council of NSW and copies provided to Council prior to works recommencing accordingly.
<b><i>(g) The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></b>	The development is not located within close proximity to any water course, drinking catchment or environmentally water sensitive area.
<b><i>(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></b>	<p>Erosion and sedimentation control will be installed prior to works commencing as necessary with aim to provide appropriate measures to avoid, minimise and mitigate the impacts during earthworks including waste disposal.</p> <p>A waste management plan has been prepared and is attached for consideration as <b>Appendix B</b>.</p>

**In summary,** the proposed earthworks required for the construction are considered to comply with Clause 7.1 of the TRLEP 2010. The construction contractor will be versed in the above requirements to ensure compliance is achieved throughout the course of works.

TRLEP 2010 PART 7: ADDITIONAL LOCAL PROVISIONS (CONTINUED)	COMMENTARY
<b>7.2 Repealed</b>	Repealed.
<b>7.3 Erection of rural workers' dwellings on land in Zone RU1 and RU4</b>	Not applicable to this development.
<b>7.4 Development in Zone B1 and Zone B4</b>	Not applicable to this development.
<b>7.5 Development within a designated buffer area</b>	Not applicable to this development.

TRLEP 2010 PART 7: ADDITIONAL LOCAL PROVISIONS (CONTINUED)	COMMENTARY
<b>7.6 Development in flight path</b>	<p><b>Applicable to this development</b></p> <p>The subject land is identified as being located within an <i>Obstacle Height Limitation Surface area (0 – 45)</i> as confirmed by the TRLEP 2010 Obstacle Height Limitation Surface Height Map. As such, the development is required to be assessed against this clause.</p> <p>Clause 7.6(2) states:</p> <p>(2) <i>Development consent must not be granted to erect a building on land in the flight path of the Tamworth Airport if the proposed height of the building would exceed the obstacle height limit determined by the relevant Commonwealth body.</i></p> <p><b>Clause 7.6 Assessment:</b></p> <p>The shed, studio and carport development is proposed as a single storey structure less than 4.8m in height, measured from existing ground level. Given the single-storey height of the development, it will not exceed the 0 – 45 OLS.</p> <p>Due to the above, no further assessment or notification to Tamworth Airport is considered required.</p>
<b>7.7 Development in areas subject to aircraft noise</b>	Not applicable to this development.
<b>7.8 Location of sex services premises and restricted premises</b>	Not applicable to this development.
<b>7.9 Temporary events on public reserves and public roads</b>	Not applicable to this development.
<b>7.10 Temporary workers' accommodation</b>	Not applicable to this development.
<b>7.11 Design excellence</b>	Not applicable to this development.
<b>7.12 Minimum dwelling density</b>	Not applicable to this development.

## STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of Detached Shed with Attached Studio and Carport  
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TRLEP 2010 PART 7: ADDITIONAL LOCAL PROVISIONS (CONTINUED)	COMMENTARY
<b>7.12 Development control plan for certain land at Browns Lane and Manilla Road, Stratheden</b>	Not applicable to this development.

### 5.1.3. TRLEP 2010 Assessment Conclusion

Overall, it is considered that the proposed development generally complies with the requirements of the Tamworth Regional Local Environmental Plan 2010.

## **6. DEVELOPMENT CONTROL PLAN (DCP)**

### **6.1. Tamworth Regional Development Control Plan 2010**

The Tamworth Regional DCP 2010 (TRDCP 2010), provides detailed direction about aspects of development that must be considered prior to submitting a Development Application.

The following sections of the TRDCP 2010 are applicable to this application:

- **Step 2 – Type of Development:**
  - **General Housing and Ancillary Structures Development Controls**
- **Step 3 – General Development Specifications:**
  - **Environmental Controls**
- **Step 4 – Site Specific:**
  - **Kootingal**
  - **Development on Flood Affected Land**

*Consideration and assessment of the proposed development against each of the above DCP sections is provided on the following pages.*

### 6.1.1. TRDCP 2010 – Step 2 – Type of Development: General Housing and Ancillary Structures Development Controls

TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures) Development Controls	
<b>Building Setbacks</b> R5 Zone – Lot Size Map ‘Z’ Front: 20m Side / Rear: 10m	<b>Complies</b> As shown on the accompanying architectural plans, the development is proposed over 20m from the front (Condowie Road) boundary and 10m (or greater) from rear and side boundaries.
<b>Building Height – Outbuildings, Carports and Detached Garages</b> R5 Zone <ul style="list-style-type: none"> <li>• Height to eave – 4m</li> <li>• Height to ridge – 4.4m</li> </ul> Alternatively, outbuilding may match the house roof pitch.	<b>Part Complies and Considered to Comply</b> As shown on the submitted architectural plans, the proposed outbuilding does not exceed 4m to the eave, however exceeds 4.4m to the ridge (Maximum 5.5m to ridge proposed – including earthworks or 5.2m to ridge without earthworks).  Despite this, the outbuilding height is considered compliant with the provisions of this control as the roof pitch has been designed to complement the existing dwelling roof pitch.  In addition: <ul style="list-style-type: none"> <li>- Given the generous setbacks from all boundaries proposed, along with the outbuilding being located in the rear yard behind the dwelling, the proposed 5.2m height is not considered to render the building a domineering feature of the property; and</li> <li>- A host of other outbuildings in the immediate locality display heights greater than 4.4m, so the proposal will blend with and not be out of place with similar developments located on nearby properties.</li> </ul>
<b>Privacy</b> <ul style="list-style-type: none"> <li>• Single storey development meeting setbacks do not require specific privacy controls.</li> </ul>	<b>Not Applicable</b> Development not more than 1 storey and meets minimum setback controls.  Notwithstanding, the windows and door to the bedroom within the studio is proposed to face the existing pool area

**TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)**  
**Development Controls**

<ul style="list-style-type: none"> <li>Development of more than one storey must locate and size windows to habitable rooms to avoid facing onto windows, balconies or courtyards of adjoining dwellings.</li> </ul>	<p>(and not rear or side boundaries) to avoid overlooking of adjoining properties.</p>
<b>Design</b> <ul style="list-style-type: none"> <li>No windowless facades at the street frontage(s).</li> <li>Street elevations are to include at least 5% of openings, including windows and doors.</li> <li>Where a three car garage is proposed, the third garage is to be setback at least 1m from the front garage line.</li> <li>The width of garage doors must not be greater than 50% of the front elevation.</li> </ul>	<b>Complies</b> <p>As demonstrated upon the accompanying architectural plans, the proposed shed, studio and carport complies with all applicable controls listed in the adjacent column.</p>
<b>Site Coverage</b> <ul style="list-style-type: none"> <li>R5 Zone: 25% cumulative site coverage</li> </ul>	<b>Complies</b> <p>As shown in the below calculations, site coverage for both existing and proposed buildings is less than 25% in compliance with this control:</p> <p><b>Land Area:</b> 18,420m<sup>2</sup> or 1.842 ha</p> <p><b>Site Coverage:</b></p> <ul style="list-style-type: none"> <li>➤ Existing Dwelling: 270m<sup>2</sup> approx.</li> <li>➤ Existing Detached Shed: 130m<sup>2</sup> approx.</li> <li>➤ Existing Detached Carport: 50m<sup>2</sup> approx.</li> <li>➤ Existing Pool Area: 135m<sup>2</sup> approx.</li> </ul>

**TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)**  
**Development Controls**

	<ul style="list-style-type: none"> <li>➤ <b>Existing Rainwater Tank:</b> 35m<sup>2</sup> approx.</li> <li>➤ <b>Proposed Shed, Studio &amp; Carport:</b> 160.72m<sup>2</sup></li> <li>➤ <b>Total:</b> 780.72m<sup>2</sup> or 4.23% site coverage</li> </ul>
<b>Parking</b> <ul style="list-style-type: none"> <li>• Provision for parking of two vehicles behind the building line.</li> <li>• Parking of one vehicle behind another in a stack arrangement is acceptable.</li> </ul>	<b>Complies</b> As shown on the accompanying architectural plans, ample parking for more than two vehicles behind the building line already exists upon the site (and can also be provided within the proposed shed and carport).
<b>Utilities</b> <ul style="list-style-type: none"> <li>• Buildings and structures are to be located clear of utility infrastructure.</li> <li>• For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth from the centreline of the main.</li> <li>• Details of water supply are to be provided.             <ul style="list-style-type: none"> <li>○ If available, connect to reticulated supply;</li> <li>○ Where trickle supply is available, connection shall be in accordance with Council Policy “Low Flow (Trickle Feed) Water Supply”. Tanks required under this policy are required in addition to any</li> </ul> </li> </ul>	<b>Complies</b> As shown on the accompanying architectural plans, the shed, studio and carport is proposed clear of utility infrastructure.  Water supply to the bathroom and wetbar within the studio will come from the existing 100,000L tank (which provides potable water supply to the dwelling).

**TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)**  
**Development Controls**

<p>BASIX and bushfire requirements.</p> <ul style="list-style-type: none"> <li>Where no water supply is available, a minimum tank storage of 60,000 litres is required, of which a minimum of 10,000 litres is retained for firefighting purposes (this can increase in bushfire prone areas). See Council Policy “Water Supply to Residential Dwellings with no Reticulated Supply”.</li> </ul>	
<b>Fencing</b>	<b>Not Applicable</b> No fencing proposed as part of application.
<b>Temporary Accommodation (during dwelling construction)</b>	<b>Not Applicable</b>
<b>Outbuildings, Carports and Detached Garages</b> <ul style="list-style-type: none"> <li>Outbuilding size R5 – (LSM-Z) zone:</li> <li>Max 200m<sup>2</sup> per outbuilding</li> <li>Max 250m<sup>2</sup> cumulative per site.</li> <li>In Zones R1, R5 and RU4, setbacks vary dependent upon lot size.</li> </ul>	<b>Complies – Step 5 Discretionary Standards for 2 items</b> The proposed outbuilding development complies with all applicable controls listed in the adjacent column with the exception of the following: <ul style="list-style-type: none"> <li>The cumulative floor area of all outbuildings on the site exceeds 250m<sup>2</sup>.</li> <li>Outbuilding height exceeds 4.4m to the ridge.</li> </ul> <p>In accordance with Clause 1.5 of the TRDCP 2010, the proposed departures listed above have been assessed against the applicable provisions of <b>Step 5 – Discretionary Development Standards – Residential Standards</b> within <b>Appendix C</b> of this report.</p>

## TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures) Development Controls

- Not allowed within building setback.
- Not allowed in front of main dwelling if <4,000m<sup>2</sup> lot.
- In Zone R1, detached sheds made from a material that is not the same as the dwelling, must be setback at least 1 metre behind the front façade of the dwelling. This control applies to lots with both single and secondary frontages, with the exception of rear lanes.
- If in front of main dwelling, must:
- Same construction,
- Matching roof pitch, and
- Appear like part of the habitable dwelling.
- Amenities in an ancillary structure to a dwelling are restricted to one toilet and one hand basin. In a pool house or cabana, a shower will be allowed. Refer to Council's Policy – "Approvals issued

Results of the assessment (Appendix C) revealed the development complies with all discretionary standards and is suitable for approval in its current form.

**TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)**  
**Development Controls**

<p>pursuant to section 68 of the Local Government Act 1993 for bathrooms in sheds or outbuildings”.</p> <p>R5 Zone Outbuilding Height</p> <ul style="list-style-type: none"> <li>• Height to eave – 4m</li> <li>• Height to ridge – 4.4m</li> <li>• Alternatively, outbuilding may match the house roof pitch.</li> <li>• Alternatively outbuilding may match the same pitch.</li> </ul>	
<b>Shipping Containers for Storage</b>	<b>Not Applicable</b>
<b>Shipping Containers for Houses, Pools, Garages</b>	<b>Not Applicable</b>
<b>Relocated Dwellings</b>	<b>Not Applicable</b>
<p><b>Access</b></p> <ul style="list-style-type: none"> <li>• All weather 2WD access is required to the dwelling for a B99 vehicle under AS2890.1.</li> <li>• Driveways to be located a minimum of 6 metres from an intersection measured from the tangent point of the kerb return.</li> </ul>	<p><b>Existing Access Complies</b></p> <p>As shown on the accompanying architectural plans, 2WD access from Condowie Road into the property via an existing gravel driveway crossover and internal gravel driveway exists and is proposed to remain.</p>

**TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)**  
**Development Controls**

<ul style="list-style-type: none"> <li>A long section of the driveway must be prepared to accompany the DA if the natural ground level is sloping to confirm that the cross fall of the footpath will not be altered.</li> </ul>	
<b>Crown Access Road</b>	<b>Not Applicable</b>
<b>Ridgelines</b> <ul style="list-style-type: none"> <li>Development roofline must not project above the ridgeline where visible from any public road or space.</li> </ul>	<b>Complies</b> Due to the undulating nature of the subject building site, the outbuilding development will not project above any ridgelines.
<b>Slope</b> <ul style="list-style-type: none"> <li>Development on slopes &gt;20% is not permitted.</li> <li>Development on slopes &gt;15% requires detailed geotechnical investigation (including slope stability analysis) and design to demonstrate good hillside development practice. Engineer's certification to accompany development application.</li> <li>Details of sub-surface drainage is to be provided with no discharge to slopes.</li> <li>A survey must be prepared by a registered surveyor (that includes contours) to accompany the DA.</li> </ul>	<b>Not Applicable</b> Development not proposed on slope greater than >15%.

**TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)**  
**Development Controls**

<ul style="list-style-type: none"> <li>Proposals for retaining walls greater than 1 metre in height located on the property boundary must include elevations and sections illustrating the impact on adjoining properties. The height and style of fencing to be installed atop the retaining wall must also be nominated.</li> </ul>	
<b>Pools</b>	<b>Not Applicable</b>
<b>Water Tanks</b>	<b>Not Applicable</b>
<b>Exhibition Homes</b>	<b>Not Applicable</b>
<b>Water Sensitive Essentials (WSE)</b> Details must be provided demonstrating that a minimum of 2 out of the following 5 WSE's has been achieved: <ul style="list-style-type: none"> <li><b>Water efficient appliances and fittings</b> - Water Efficiency Labelling &amp; Standards (WELS) rating with a minimum of 4 stars.</li> <li><b>Rainwater tank(s) with a volume of not less than 10,000L.</b> An appropriate mechanism is to be provided for automatically switching to the town water supply (if available) when the volume of water in the rainwater tank(s) is low.</li> </ul>	<b>Not Applicable (WSE Exemptions) – Reticulated water supply not available.</b>

## TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)

### Development Controls

- **Landscaped stormwater retention area (Rain garden)**
  - minimum of 5m<sup>2</sup> of retention area
  - must be designed by a suitably qualified person.
- **Grey water diversion device** - a gravity diversion device with a hand-activated valve, switch or tap that is fitted to the outlet of the waste pipe of the laundry tub. The device can be switched by the householder to divert greywater from the laundry tub by gravity directly to the diversion line and the dedicated land application system (ego lawn or garden beds) instead of the sewer.
  - The dedicated land application system must be not less than 10 m<sup>2</sup>.
  - Greywater must not be stored.
  - Gravity diversion devices must not be installed below the “S” bend on any plumbing fitting and must be installed by a licensed plumber.
  - A Council approved on-site wastewater disposal system will also be acceptable
- **Grey water treatment device**
  - this treats greywater for re-

## TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)

### Development Controls

use on a property, such as toilet flushing, washing machine and surface irrigation of gardens and lawn. It is a form of on-site wastewater treatment.

- the owner of the premises must obtain approval from Council for installation and operation under section 68 of the Local Government Act 1993 and Part 2, Division 4 Local Government (General) Regulation 2005.
- A council must not approve the installation unless they have been accredited by the NSW Department of Health.
- must be installed by a licensed plumber.

#### Plumbing for recycled water

- When a new dwelling is being constructed the inclusion of additional underfloor drainage pipes to enable an external greywater reuse device to be connected.

#### WSE Exemptions

- Water Sensitive Design (WSE) controls (including pumping for recycled water) do not apply to General Housing, Ancillary Structure development or Dual

**TRDCP 2010 – Step 2 - Residential (General Housing and Ancillary Structures)**  
**Development Controls**

Occupancy where reticulated connection to water and sewer is not available or is not required.

### 6.1.2. TRDCP 2010 – Step 3 – General Development Specifications: Environmental Controls

TRDCP 2010 – Step 3 - Environmental Controls	
<b>Environmental Effects</b>  The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to: <ul style="list-style-type: none"> <li>o Traffic</li> <li>o Flood liability</li> <li>o Slope</li> <li>o Construction impacts</li> <li>o Solid and Liquid Waste</li> <li>o Air quality (odour and pollution)</li> <li>o Noise emissions</li> <li>o Water quality</li> <li>o Sustainability</li> </ul>	<b>Complies</b>  Please refer to <b>Section 2, Section 3 &amp; Section 5</b> of this report, which provides detailed considerations and responses in regard to compliance with this clause.
<b>Soil and Erosion Control</b> <ul style="list-style-type: none"> <li>• Runoff shall be managed to prevent any land degradation including offsite sedimentation.</li> <li>• Reference shall be made to the NSW Governments Managing urban stormwater: soils and construction, Volume 1 (available from Landcom), commonly referred to as “The Blue Book”.</li> <li>• Cut and fill will be minimised, and the site stabilised during and after construction.</li> </ul>	<b>Complies</b>  Prior to the commencement of works, erosion and sedimentation control measures will be installed upon the site in accordance with Council regulations, fact sheets and the NSW ‘Blue Book’ as necessary. Erosion and sedimentation control measures will remain in place throughout the course of works and until the site is suitable to remove them. Erosion and sedimentation control details have been included in the accompanying plans.

**TRDCP 2010 – Step 3 - Environmental Controls**

<ul style="list-style-type: none"> <li>Arrangements in place to prompt revegetation of <b>earthworks to minimise erosion.</b></li> </ul>	
<b>Vegetation</b> <ul style="list-style-type: none"> <li>Development design shall accommodate the retention of any significant trees and vegetation.</li> </ul>	<b>Complies</b> The development does not propose to remove any significant trees or vegetation, with only top soil and earth proposed to be removed to establish a level pad for the slab of the outbuilding to be constructed.
<b>Waste Management</b> <ul style="list-style-type: none"> <li>General waste storage and collection arrangements shall be specified</li> </ul>	<b>Complies</b> Please refer to <b>Appendix B – Waste Management Plan</b> , which provides detailed advice in relation to waste management during both pre and post construction phases and in perpetuity for the development.
<b>Noise</b> <ul style="list-style-type: none"> <li>Where relevant, applications are to contain information about likely noise generation and the method of mitigation.</li> </ul>	<b>Complies</b> As the development proposes an outbuilding with generous setbacks from all boundaries in an existing large lot residential locality, noise generation will be minimal and no more than what currently exists upon the subject site and surrounding residential sites. As such, no noise mitigation measures are deemed necessary to be installed.
<b>Geology</b> <ul style="list-style-type: none"> <li>The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.</li> </ul>	<b>Complies</b> As detailed earlier, the site has been preliminarily identified as Class M – Class H - Moderately – Highly Reactive soils.  Notwithstanding, testing will be undertaken by a Geotechnical Engineer and structural plans prepared by a Structural Engineer (based on the results of the soil testing), prior to issue of the Construction Certificate.
<b>Landscaping Poultry Farms</b>	<b>Not Applicable</b>

### **6.1.3. TRDCP 2010 Assessment Conclusion**

Overall, it is considered that the proposed development generally complies with the requirements of the Tamworth Regional Development Control Plan 2010.

## 7. EP&A ACT SECTION 4.15(1) EVALUATION

The proposed development is evaluated with regard to the matters for consideration of section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

### 7.1. The Provisions of any Environmental Planning Instrument – 4.15(1)(a)(i)

Consideration has been given to relevant Environmental Planning Instruments (EPI). The proposed development is not inconsistent with any EPI.

### 7.2. The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)

No Draft Environmental Planning Instruments (EPI) available for consideration at time of development.

### 7.3. The Provisions of any Development Control Plan – 4.15(1)(a)(iii)

Consideration has been given to the provisions of the relevant Development Control Plan. The proposed development is not inconsistent with the objectives or controls within the DCP.

### 7.4. The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)

None applicable to this application.

### 7.5. The Provisions of the Regulations – 4.15(1)(a)(iv)

None applicable to this application.

### 7.6. The Provisions of any Coastal Zone Management Plan – 4.15(1)(a)(v)

Not applicable to this application.

### 7.7. Likely Impacts of the Development – 4.15(1)(b)

Likely Impacts	Assessment
Context and Setting	The proposal is appropriately located within the site and with respect to adjoining allotments.
Access, Transport and Traffic	Any additional traffic generated by the proposed development will not create any adverse impact on the surrounding road network.
Public Domain	The proposal will not result in any adverse impacts to the public domain.

## STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of Detached Shed with Attached Studio and Carport  
Lot 24 DP 844939 No. 6 Condowie Road, DARUKA NSW 2340



Likely Impacts	Assessment
<b>Utilities</b>	<p>The site / existing buildings located upon it enjoy connection to private water supply (rainwater tank), on-site sewerage management, mains power electricity and NBN telecommunication services. The development is proposed to be connected to all services (as applicable). Service connection and any capacity augmentation will be determined through application to the relevant service providers (Council, Essential Energy, Telstra, NBN etc.).</p> <p>In regard to the studio, application to Council under S68 of the Local Government Act for approval to connect the studio bathroom and wetbar to both reticulated water supply and the existing Aerated Wastewater Treatment System (which is understood to be of a size capable of receiving the additional load imposed by the studio), has been applied for in conjunction with this application.</p>
<b>Heritage</b>	No heritage items exist upon the subject allotment.
<b>Other Land Resources</b>	The proposed development will not alienate other uses on neighbouring sites.
<b>Water Quality</b>	Stormwater management to Building Code and Council regulations.
<b>Soils</b>	The site of the proposed development is not identified as contaminated, nor is located within an Acid Sulfate Soils zone.
<b>Air and Microclimate</b>	The proposal is expected to have a negligible impact on air quality and microclimate.
<b>Ecological</b>	There are negligible ecological impacts anticipated.
<b>Waste</b>	Waste generated will be handled by the occupier of the land with disposal to local Council waste facilities as required in accordance with the Waste Management Plan ( <b>Appendix B</b> ).

## STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of Detached Shed with Attached Studio and Carport  
Lot 24 DP 844939 No. 6 Condowie Road, DARUKA NSW 2340



Likely Impacts	Assessment
<b>Energy</b>	A BASIX Certificate accompanies this report in order to satisfy legislative energy efficiency provisions.
<b>Noise and Vibration</b>	The construction of the outbuilding development will comply with the provisions for acceptable noise and vibration.
<b>Natural Hazards</b>	<p>The site is identified as:</p> <ul style="list-style-type: none"> <li>➤ Bushfire Prone Land. <b><i>As the development proposes a habitable studio within the shed, a bushfire report has been prepared in accordance with the NSW Rural Fire Service publication 'Planning for Bushfire Protection 2019' and submitted with this application for Council's consideration accordingly.</i></b></li> </ul>
<b>Technological Hazards</b>	<p>The site is identified as:</p> <ul style="list-style-type: none"> <li>➤ Being located within an Obstacle Limitation Surface Area (0 – 45). <b><i>Assessment revealed the proposed development does not impact the Obstacle Limitation Surface Area. Please refer to Section 5 of this report for further details.</i></b></li> </ul>
<b>Safety, Security and Crime Prevention</b>	The development is designed and located to ensure safety and security will be maintained.
<b>Social Impact in Locality</b>	The proposal does not introduce a type of development or scale of development that would result in an adverse impact.
<b>Economic Impact in Locality</b>	No adverse economic impact is expected, nor is the proposal envisaged to impact the future economic viability of the locality.
<b>Site Design and Internal Design</b>	

Likely Impacts	Assessment
	Compatible in relation to the existing built form and context of surrounding rural locality.
<b>Construction</b>	To Council and BCA requirements.
<b>Cumulative Impacts</b>	None are likely to result from this scale of development.

### 7.8. Suitability of the Site for Development – 4.15(1)(c)

The SoEE has demonstrated in detail that the site is suitable for the proposed development. In summary, suitability is achieved given:

- The proposed development is permissible and will be consistent with the relevant zone objectives.
- The development will respect the desired future character of the immediate and surrounding locality.
- There are no prohibitive constraints posed by the site or those adjacent.

### 7.9. Submissions – 4.15(d)

It is requested that should the assessing officer choose to notify the application in accordance with Council's Community Participation Plan, any submissions received as a result of said notification be forwarded to the applicant for consideration.

### 7.10. Public Interest – 4.15(e)

It is considered that the public interest is best served in providing certainty in the planning process through encouraging development of good design that satisfies the outcomes contained within the adopted legislative framework. In this regard, the development is consistent with the objectives of the relevant planning provisions and therefore the development is considered to be in the public interest.

### 7.11. Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) have been considered in preparing this SoEE. Schedule 2 of the Environmental Planning and Assessment Regulation 2000 notes that ecologically sustainable development requires the effective integration of

## STATEMENT OF ENVIRONMENTAL EFFECTS

Construction of Detached Shed with Attached Studio and Carport  
Lot 24 DP 844939 No. 6 Condowie Road, DARUKA NSW 2340

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economic and environmental considerations in decision-making processes. The principles of ESD have been considered in the preparation of this SoEE and development design. The proposed development is considered to be able to comply with the ESD objectives for the site.

## 8. CONCLUSION

The application for development seeks assessment and consent under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The development is a permissible use of the land under the *Tamworth Regional Local Environmental Plan 2010* and displays compliance with the objectives and controls of the *Tamworth Regional Development Control Plan 2010*. It is therefore requested that Council favourably consider the proposed development, subject to conditions of consent.