

Statement of Environmental Effects

For a Proposed

**s4.55 (1A) Modification to Development
Application – DA0962/2005 (Stage 2,
Redgum Easte)**

**2 Pindari Drive, Nemingha NSW 2340
(Lot 18 in DP 1124283 & Lot 262 in DP
753848)**

[REDACTED]

Ref: 22057

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Ref.: 22057

ISSUE	REV	DATE	AUTHOR	REVIEWED	APPROVED	ISSUED
00	00	23/05/2024	[REDACTED]			
01	A	24/06/2024				

Submission of Statement of Environmental Effects (SEE)


Prepared under the *Environmental Planning and Assessment Act 1979*.

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Development Application

Proponents Name 

Proponent Address 

Land on which activity to be carried out: 2 Pindari Drive, Nemingha NSW 2340
(Lot 18 in DP 1124283 & Lot 262 in DP 753848)

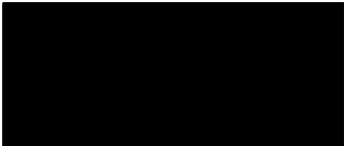
Proposed development / modification description s4.55 (1A) Modification to Development Application – Reduction in Lot Yield and Change to Road Network

SEE Certification

I certify that I have prepared the contents of this report to the best of my knowledge: It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Signature

Name



Release Date 24/06/2024

TABLE OF CONTENTS

1.0	BACKGROUND.....	9
1.1	The Proposal.....	9
1.2	The Proponent	9
1.3	Proposed Site	9
2.0	EXISTING ENVIRONMENT.....	11
2.1	Site Identification	11
2.2	Site Description	12
2.3	Topography & Drainage	12
2.3.1	Existing Discharge Points	13
2.4	Access & Roads	13
2.5	Biodiversity.....	13
2.6	Heritage.....	15
2.6.1	European Heritage	15
2.6.2	Indigenous Heritage.....	15
2.7	Flooding.....	15
2.8	Bushfire Prone Land.....	15
2.9	Site Contamination.....	16
2.10	Existing Services	17
2.10.1	Water Reticulation	17
2.10.2	Sewerage.....	17
2.10.3	Stormwater	17
2.10.4	Gas	18
2.10.5	Electrical & Telecommunications.....	18
3.0	THE PROPOSAL & IMPACT ASSESSMENT	19
3.1	Development Overview	19
3.2	Land Titling.....	20
3.2.1	Torrens Title Lots	20
3.2.2	Easements.....	20
3.2.3	Drainage Reserves.....	20
3.3	Ecology & Biodiversity.....	24

3.4	Bushfire	24
3.5	Access & Traffic	24
3.5.1	Access & Road Network	24
3.5.2	Traffic	25
3.6	Servicing Strategy	26
3.6.1	Stormwater	26
3.6.2	Sewer	28
3.6.3	Water Supply	29
3.6.4	Electricity & Telecommunications	29
3.7	Noise	29
4.0	PLANNING FRAMEWORK	30
4.1	Environment Protection and Biodiversity Conservation Act, 1999	30
4.2	Environmental Planning & Assessment Act, 1979	30
4.2.1	Section 4.46 – Integrated Development	30
4.2.2	Section 4.55 – Modification of Consents	31
4.3	Environmental Planning and Assessment Regulation, 2000	31
4.4	Protection of the Environment Operations Act 1997	32
4.5	Contaminated Lands Management Act, 1997	32
4.6	Crown Lands Management Act, 2016	32
4.7	Biodiversity Conservation Act, 2016	33
4.8	Rural Fires Act, 1997 (Amended)	33
4.9	Water Management Act, 2000	34
4.10	State Environmental Planning Policies	36
4.10.1	SEPP (Transport and Infrastructure), 2021	36
4.10.2	SEPP (Biodiversity & Conservation), 2021	37
4.10.3	SEPP (Resilience & Hazards), 2021	37
4.10.4	SEPP (Planning Systems), 2021	38
4.11	Local Environmental Plans	38
4.11.1	Tamworth Regional LEP, 2010	38
4.11.2	Permissibility	44
4.12	Development Control Plans, Strategies & Guidelines	45
4.12.1	Development Control Plan	45
5.0	CONCLUSION	46

6.0	LIMITATIONS	47
APPENDIX A.	DCP COMPLIANCE TABLE	A-1
APPENDIX B.	DEVELOPMENT PLANS	B-1
APPENDIX C.	BIODIVERSITY ADVICE	C-1
APPENDIX D.	BUSHFIRE ASSESSMENT	D-1
APPENDIX E.	STORMWATER MANAGEMENT PLAN	E-1
APPENDIX F.	WATER STRATEGY	F-1
APPENDIX G.	CROWN LANDS CORRESPONDANCE	G-1

LIST OF TABLES

Table 1: List of Abbreviations & Acronyms	8
Table 2: Site Identification	11
Table 3: Stage 2 Lot Comparison	19
Table 4: DRAINS Parameters	26
Table 5: Pre-developed Catchment (DRAINS Analysis)	28
Table 6: Developed Catchment Results	28
Table 7: Integrated Development – Relevant Acts	31
Table 8: State Environmental Planning Policies	36
Table 9: DCP Compliance Table – Subdivision	A-2

LIST OF FIGURES

Figure 1: Locality Plan.....	10
Figure 2: Site Locality.....	10
Figure 3: Stream Order (Strahler)	12
Figure 4: Site Bushfire Mapping	15
Figure 5: TRC Servicing Information (Extract)	17
Figure 6: Approved Development Plan – DA0962-2005	21
Figure 7: Proposed Site Layout Plan	22
Figure 8: Proposed vs Approved Layout Plan	23
Figure 9: Proposed Typical Section – Pindari Drive (Road 01)	25
Figure 10: Proposed Typical Section – Road 02	25
Figure 11: SEPP T&I Impacted Land.....	35
Figure 12: Zoning Map (Extract)	38
Figure 13: Minimum Lot Size (Extract).....	39

ABBREVIATIONS & ACRONYMS

Table 1: List of Abbreviations & Acronyms

ABBREVIATION	DESCRIPTION	ABBREVIATION	DESCRIPTION
AHIMS	Aboriginal Heritage Information Management System	HC	Hanlons Consulting
AMSL	Above Mean Sea Level	km	Kilometre
ANEF	Australian Noise Exposure Forecast	LGA	Local Government Area
AS/NZS	Australian Standard / New Zealand Standard	MNES	Matters of National Environmental Significance
BC ACT	Biodiversity Conservation Act 2016	NCC	National Construction Code
CBD	Central Business District	NSW	New South Wales
CLM Act	Contaminated Land Management Act 1997	POEO ACT	Protection of Environmental Operations Act 1997
DA	Development Application	PSI	Preliminary Site Investigation
DP	Deposited Plan	OHL	Obstacle Height Limitations
DPIE	Department of Planning, Industry and Environment	SEE	Statement of Environmental Effects
DCP	Development Control Plan	SEPP	State Environmental Planning Policy
DBYD	Dial-Before-You-Dig	SEPP B&C	State Environmental Planning Policy (Biodiversity & Conservation) 2021
EPA	Environment Protection Authority	SEPP I&E	State Environmental Planning Policy (Industry & Employment) 2021
EP&A Act	Environmental Planning & Assessment Act 1979	SEPP H&R	SEPP (Resilience & Hazards) 2021
EP&A Reg	Environmental Planning and Assessment Regulation, 2000	SEPP T&I	State Environmental Planning Policy (Transport & Infrastructure) 2021
EPBC ACT	Environment Protection and Biodiversity Conservation Act 1999	TfNSW	Transport for New South Wales
EIA	Environmental impact assessment	TRC	Tamworth Regional Council
ESD	Ecologically Sustainable Development		

1.0 BACKGROUND

This *Statement of Environmental Effects* (SEE) has been prepared in accordance with Part 4 (specifically 4.55) of the *Environmental Planning and Assessment Act 1979* (EP & A Act).

This statement describes the existing land and the characteristics of the proposed development and seeks to identify any potential impacts the development may have on the surrounding area. Where impacts are identified, mitigation measures will be presented.

1.1 The Proposal

This SEE accompanies a Section 4.55 (1A) modification to the development consent previously issued by *Tamworth Regional Council* (TRC) for Stage 2 of 'Pindari Estate' (now known as 'Redgum Estate'), 2 Pindari Drive, Nemingha NSW 2340.

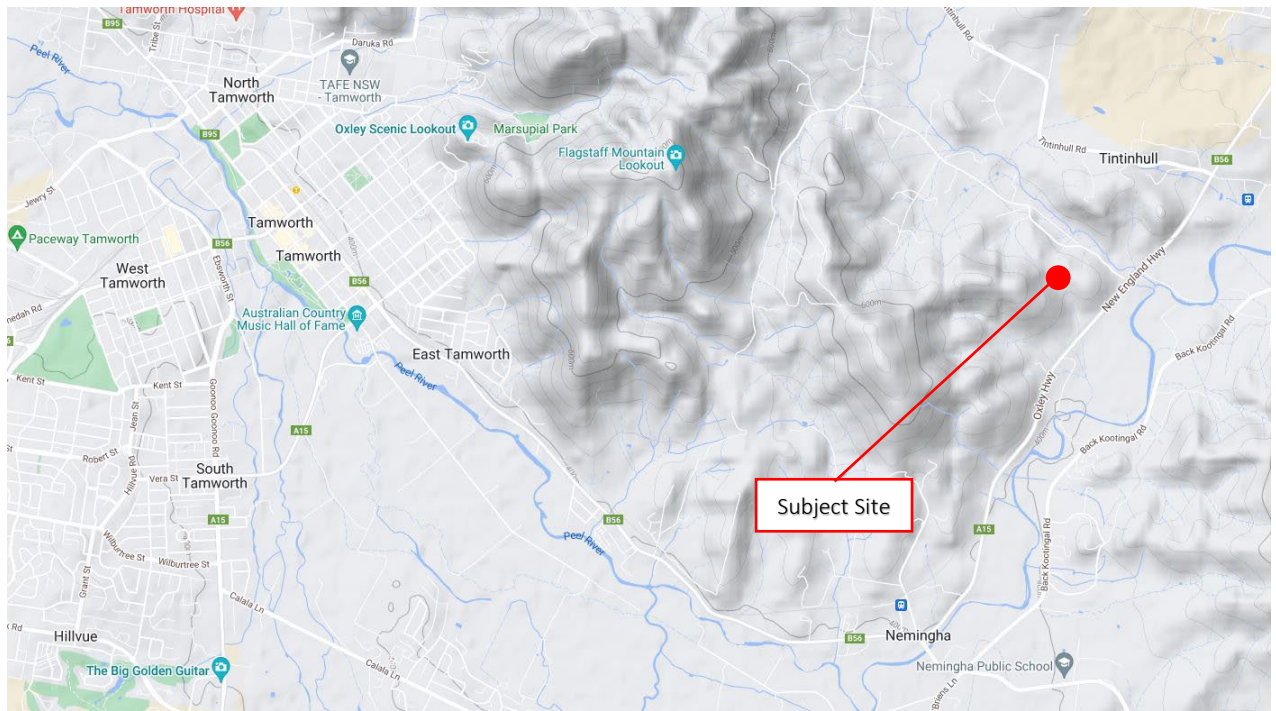
The modification seeks to alter the approved road network and reduce the yield from **twenty-five (25) lots to twenty-three (23) lots**.

1.2 The Proponent

The proponent for the development [REDACTED] has subsequently engaged Hanlons to prepare this SEE.

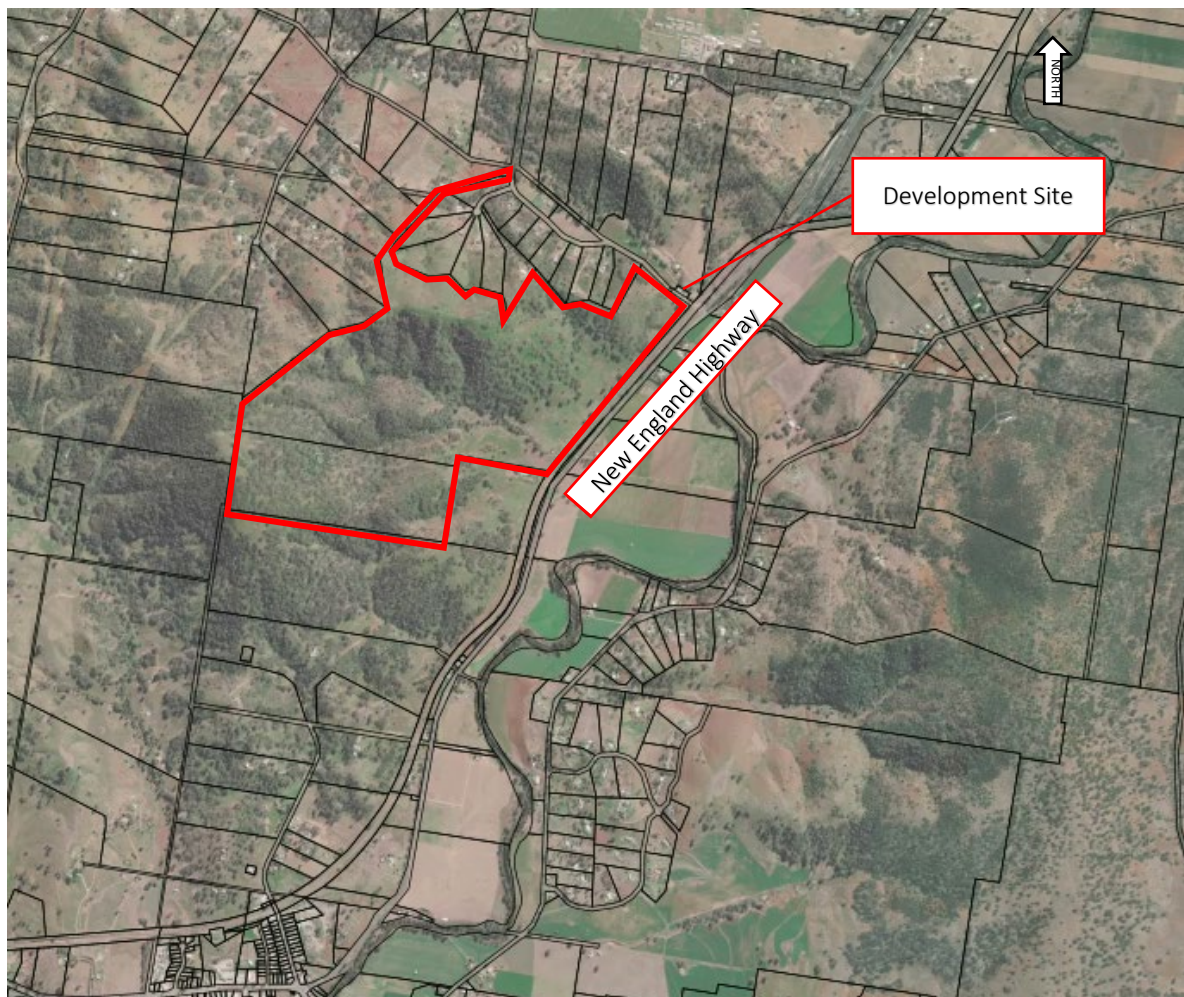
1.3 Proposed Site

The land in question is identified as Lot 18 in DP 1124283 & Lot 262 in DP 753848. The study site is at the termination of Wollanda Road and Pindari Drive, Nemingha, 2340 (Refer to Figure 1 and Figure 2).



Source: MinView, 2023

Figure 1: Locality Plan



Source: MinView, 2023

Figure 2: Site Locality

2.0 EXISTING ENVIRONMENT

2.1 Site Identification

Specific details of the subject land are included in Table 1.

Table 2: Site Identification

ASPECT	DESCRIPTION
Site Address	2 Pindari Drive
Suburb	Nemingha, 2340
Proponent	
Site Owner/s	Pindari Developments Pty Limited
Lot / Section / DP	18 / - / 1124283 262 / - / 753848
Type of Title	18 / - / 1124283 – Torrens 262 / - / 753848 – Torrens
Parish / County	Tamworth / Inglis
LGA	Tamworth Regional Council
Co-ordinates: (GDA 2020)	E: 309252, N: 6557911 Zone: 56
Approximate Total Site Area	127 hectares
Current Zoning #	R5 – Large Lot Residential (2ha) C3 – Environmental Management (100ha)
Current Use	Vacant Land
Local Planning Instrument	Tamworth Regional Local Environmental Plan 2010

Zoning under TR LEP 2010

Title search information was sourced from NSW Land Registry Services.

2.2 Site Description

The development site is identified as Lot 18 in DP1124283, Lot 262 in DP753848 and forms part of a Rural-Residential housing subdivision formerly known as 'Pindari Estate'. The site is located approximately seven (7) km north of the CBD of Tamworth. Specific details of the subject land are included in Table 2.

The site forms part of the existing rural residential development now known as Redgum Estate and is identified as Stage 2 of the development. The area immediately surrounding the proposed development contains large rural-residential lots. Access is provided from the north via Pindari Drive. This area already contains an existing stormwater drainage network under the main northern railway and it is proposed to extend and utilise this network for the development.

2.3 Topography & Drainage

The site is currently utilised as grazing land with the site sloping easterly towards the New England Highway and the Cockburn River (a 7th order stream) beyond (Refer to Figure 3).

Undeveloped site flows are directed towards the New England Highway via a number of unnamed 1st order ephemeral drainage lines. These converge to become a 2nd order stream near the eastern boundary of the development site.



Source: NSW Map, 2022

Figure 3: Stream Order (Strahler)

2.3.1 Existing Discharge Points

Given the known stormwater infrastructure within the vicinity of the development site, it is proposed that all flows will discharge to the existing culverts in the Main Northern Railway corridor which ultimately drains to the Cockburn River.

2.4 Access & Roads

The site is situated on the eastern extent of Pindari Drive and, as such, access to the site is currently via an existing road through Stage 1 of the Estate.

Generally, the existing length of Pindari Drive has an approximate corridor width of 25m generally comprising a 6m wide bitumen seal including 3.0m wide travel lanes allowing for single lane bidirectional traffic flows and 2.0m wide table drains with 1 in 3 (33%) batters.

The posted speed in Pindari Road within the immediate vicinity of the site is 50 km/h.

2.5 Biodiversity

The majority of the site has been previously cleared for agriculture. The whole of the site has been subject to cattle grazing.

As part of the original development application for *Pindari Estate*, [REDACTED] were engaged to undertake a *Flora and Fauna Assessment* (2005) and an addendum to this report in 2006 following an amendment to the development footprint. This 2005 assessment noted that [sic]:

'two (2) distinct vegetation communities have been identified on the site, namely Whaite Box-Yellow Box-Blakely's Red Gum Woodland (Box Woodland) and Cleared Vacant Land. Much of the lower and flatter areas of the site are represented by Cleared Vacant Land. These areas occur along the southeastern and northeastern boundaries of the site, on the northern lobe of the central highland and as intermittent clearings with the Box Woodland areas. The Cleared Vacant Lands were assessed to be habitats of low ecological value.

The remainder of the site, generally exhibiting steeper grades, is covered by Box Woodland of varying ecological value. Box Woodland is listed as the threatened under the TSC Act 1995 and EPBC Act 1999. Those areas of Box Woodland exhibiting higher ecological value occur mostly in the site's southwest, largely on steep and elevated areas. The remainder of the site's Box Woodlands occur in the site's east and northeast, and are of medium ecological value. Some sections of these northeast woodlands are important for wildlife access between the site and other Box Woodland to the north.

*The northeastern foothills of the site are covered with Box Woodland that exhibits greater than normal tree densities due to the unrestricted regrowth of the *Eucalyptus albens* (White Box) trees upon land that was previously maintained as clear and vacant. This area of the site has had a sustained history of pastoral use and as a consequence the understorey exhibits a low diversity of native flora and a high number of exotic weeds. A number of exotic thistles, namely *Chondrilla juncea* (Skeleton Weed), *Centaurea calcitrapa* (Star Thistle) and especially *Carthamus lanatus* (Saffron Thistle) and *Centaurea solstitialis* (St Barnaby's Thistle) are present in high densities on the lower eastern slopes of the central highlands and the lower northern slopes of the northeast foothills. The understorey of the remaining northeast woodlands are predominately composed of *Aristida ramosa* var. *speciosa* (Three-awned Speargrass), with weeds such as *Portulaca**

oleraceae (Purslane), Sida rhombifolium (Paddy's Lucerne) and Opuntia aurantiaca (Tiger Pear) widespread throughout the area.

The crown road reserve connecting Woolanda and Tintinhull Roads contains mature Box Woodland trees, namely Eucalyptus a;bens (White Box), E. melliodora (Yellow Box) and E. blakelyi (Blakely's Red Gum). The understorey does not exhibit a high diversity or abundance of Box Woodland plant species due to the use of the land by livestock.'

Further to the above, the assessment noted [sic]:

'Two nationally vulnerable (EPBC Act 1999) plant species, Bothriochloa boloba (Lobed Blue-grass) and Dicanthium setosum (Bluegrass) are known from other areas around Tamworth and specific searches were made to determine if they occur on the site.

B boloba has been delisted as a threatened plant species under the TSC Act 1995, and is relatively abundant within the local area. Despite B. biloba and D. setosum, having a moderate to high chance of occurring in site, the wee not recorded during the flora searches.'

The assessment concluded [sic]:

It is considered that the proposed development of the site is able to proceed without significant impacts under both State and Commonwealth legislation if the recommendations herewith are considered and incorporated in forthcoming design, construction and operational phases.

The opportunity for conservation outcomes that will realise the protection of Box Woodland exhibiting high ecological value, net gains in vegetation on the site and the retention of all existing woodland areas in an ecologically uncompromised state need to be weighed with the current land use; that of continued rural use, which allows the unfettered stocking of the site with livestock, which may include highly destructive browsing animals such as goats.

In 2006 an amendment to the development was proposed. As part of these works, an addendum to the Flora and Fauna Assessment was prepared by HSO. The proposed amendments included:

- Reduces the number of rural residential blocks from 93 to 41 and
- Reduces the road infrastructure required to service those blocks
- Slight re-alignment of the access road at the site's northern extremity.
- The removal of the proposed road linking Tintinhull and Woolanda Roads.

This assessment concluded that [sic]:

A reduction in rural residential Lot numbers from 93 to 41, in the current proposal, will reduce ecological impacts upon the subject site, when compared with the original proposal. This is primarily due to a reduction in vegetation clearing and thinning as a consequence of a lower number of building envelopes, reductions in access road infrastructure (particularly in sloped areas) and reduced vegetation management required for associated bushfire threat alleviation.

In conclusion, it is considered that the proposed development of the subject site is able to proceed without significant impacts under both State and Commonwealth legislation, as demonstrated within the original flora and fauna documentation, if the original recommendations, incorporating the amendments contained herewith, are incorporated in forthcoming design, construction and operational phases.

2.6 Heritage

2.6.1 European Heritage

The site is not currently listed within the TRLEP, nor does it appear on any state or Commonwealth heritage registers.

2.6.2 Indigenous Heritage

An *Aboriginal Heritage Assessment* was undertaken as part of the original DA for the development. The assessment found no Aboriginal items or places within the site boundaries.

As such, the site is not expected to impact on known Aboriginal site or places.

2.7 Flooding

Upon review of the Tamworth Regional LEP 2010, the site is not identified as being flood prone.

2.8 Bushfire Prone Land

Mapping sourced from the *Planning Portal NSW* indicate that the site is identified as bushfire prone (Category 1 and 3 Vegetation).

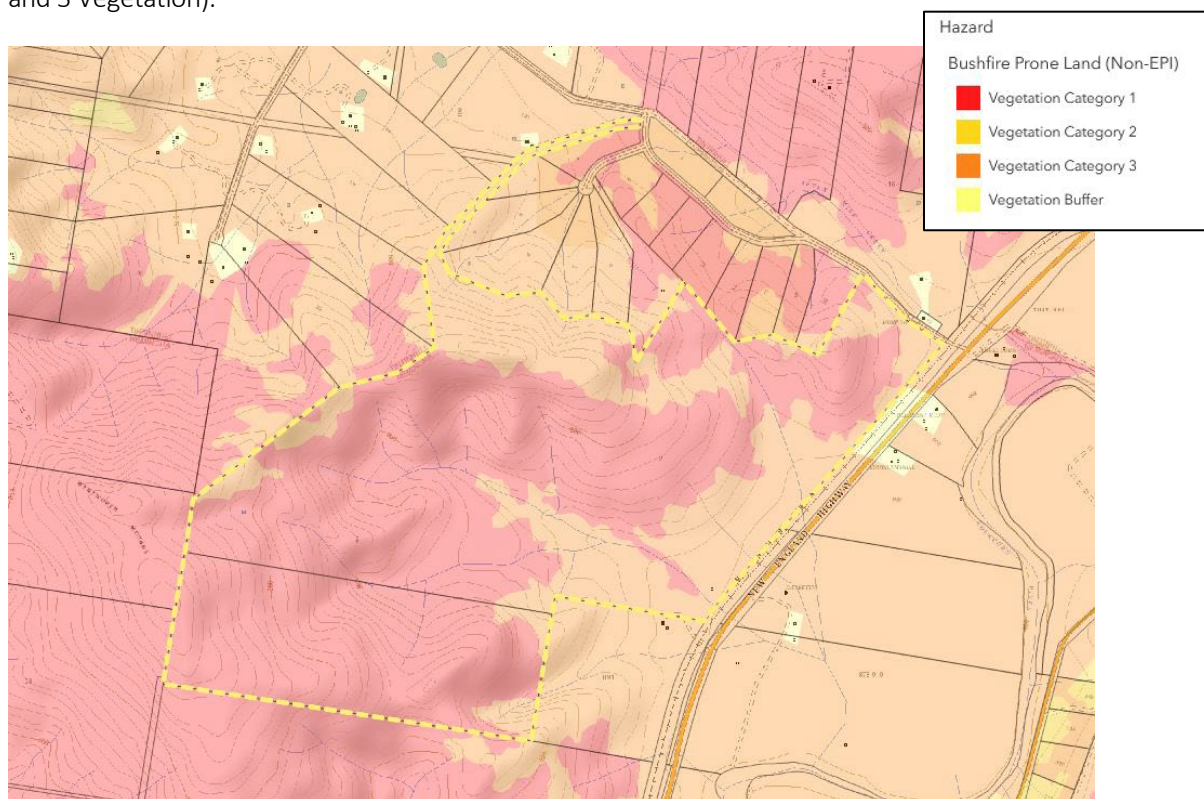


Figure 4: Site Bushfire Mapping
Source: NSW ePlanning Spatial Viewer (2023)

The map classifies land as being bush fire prone land if it is identified as possessing the following vegetation categories:

- Category 1 vegetation (**high risk**) consists of:
 - Forest;
 - Woodlands;
 - Heaths (tall and short);
 - Forested wetlands; and
 - Timber plantations.
- Vegetation Category 2 (**low risk**) consists of:
 - Grasslands;
 - Scrublands;
 - Rainforests;
 - Open woodlands; and
 - Mallee rainforests.
 - Lower risk vegetation parcels, including:
 - Remnant vegetation; and
 - Land with ongoing land management practices that actively reduces bush fire risk.
- Vegetation Category 3 (**medium risk**) consists of:
 - Grasslands;
 - Freshwater wetlands;
 - Semi-arid woodlands;
 - Alpine complex; and
 - Arid shrublands
- Vegetation Buffer
 - Land within 100m of category 1; or
 - 30m of category 2.

2.9 Site Contamination

The site was assessed by *Ellis Environmental* (2004) as part of the original development application. As part of the assessment, a detailed site history was obtained, and site inspections were undertaken by Mr Ellis and Tamworth Regional Council officers.

No areas of contamination were identified as a result of the investigation completed by Ellis Environmental.

No known contaminating activities have been undertaken onsite since the approval of the development. As such, the requirements of the CML Act are deemed to have been addressed and no further assessment is deemed required.

2.10 Existing Services

2.10.1 Water Reticulation

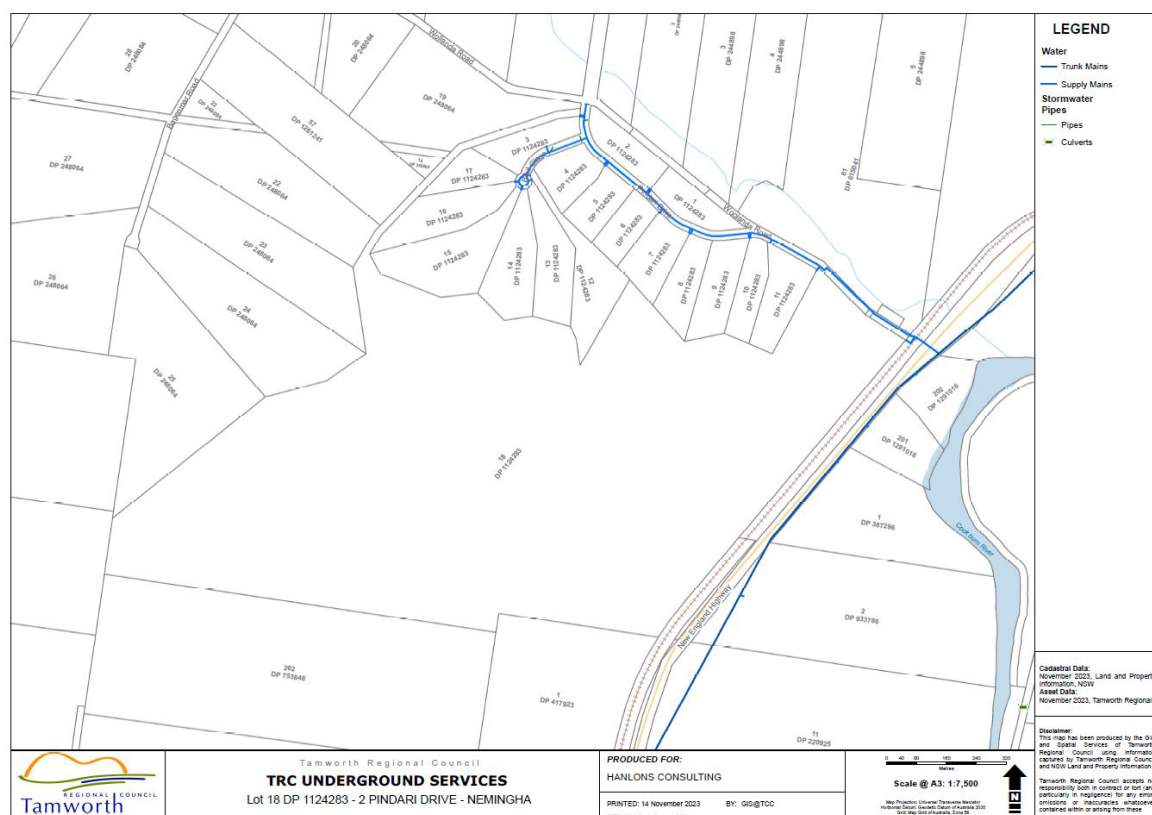
A review of GIS data obtained from Tamworth Regional Council indicates that reticulated water supply is provided to Stage 1 via an existing 100mm water main connected to the 375mm DICL water main located along the eastern side of the New England Highway.

2.10.2 Sewerage

A review of GIS data obtained from Tamworth Regional Council (Refer to Figure 5) indicates that sewerage is not currently provided to the site. As such, Stage 1 of the development is serviced via onsite wastewater systems.

2.10.3 Stormwater

A review of Council GIS data (Refer to Figure 5) indicates that the area has no existing Council owned stormwater infrastructure. However a number of culverts are known to be present within the Main Northern Railway. These culverts are expected to provide cross-track drainage allowing flows generated within the corridor and upstream areas (including within the development site) to drain to the Peel River.



Source: TRC, 2023

Figure 5: TRC Servicing Information (Extract)

2.10.4 Gas

A *Before-You-Dig-Australia* (BYDA) search indicates that no existing gas main is located within the vicinity of the site.

2.10.5 Electrical & Telecommunications

BYDA and survey data indicates that the area surrounding the site is serviced via existing underground electrical supply and has access to existing pit and pipe telecommunication infrastructure. It is noted that the site is now located in the 'Fixed Wireless' area.

3.0 THE PROPOSAL & IMPACT ASSESSMENT

3.1 Development Overview

This SEE accompanies a modification to development consent previously issued by *Tamworth Regional Council* for Stage 2 of 'Redgum Estate', Pindari Drive, Nemingha.

Specifically, the modification seeks to alter the approved lot configuration and reduce the yield from twenty-five (25) lots to **twenty three (23) lots** (Refer to Figure 7). As a result, it is also proposed to alter the internal road layout, servicing routes and the creation of drainage reserves.

Table 3: Stage 2 Lot Comparison

APPROVED LOT (DA0962-2005)		PROPOSED LOT		APPROVED LOT (DA0962-2005)		PROPOSED LOT	
Lot No.	Lot Size (Ha)	Lot No.	Lot Size (Ha)	Lot No.	Lot Size (Ha)	Lot No.	Lot Size (Ha)
12	2.4	51	2.05	25	2.41	64	3.06
13	3.57	52	2.58	26	11.88	65	3.77
14	2.24	53	2.05	27	9.31	66	9.3
15	2.86	54	2.88	28	3.77	67	11.89
16	2.09	55	2.02	29	3.18	68	2.91
17	5.39	56	5.47	30	1.95	69	40.77
18	2.89	57	2.35	31	1.88	70	2.93
19	2.05	58	2.03	32	3.55	71	1.99
20	2.02	59	2.1	33	2.11	72	2.0
21	2.01	60	2.11	34	2.02	73	46.1
22	2.0	61	3.28	41	43.65	N/A	
23	1.93	62	2.07	42	2.06	N/A	
24	2.05	63	2.02				

Development Plans have been prepared and are contained in Appendix B.

3.2 Land Titling

3.2.1 Torrens Title Lots

Stage 2 will contain Torrens titled lots suitable for future large lot residential development. These lots will comply with the requirements of the *Tamworth Regional Local Environmental Plan 2010* (TRLEP). LEP compliance is discussed further in Section 4.0.

Typically, the following characteristics will apply to the stages containing Torrens title lots:

- Lot size in excess of 2Ha;
- Road corridor widths in excess of 25m;
- Two (2) stormwater detention basins and channels; and
- Inclusion of drainage reserves (to be dedicated to Council).

3.2.2 Easements

Easements associated with the provision of services will be registered and included in the subdivision plan to ensure equity and management in perpetuity.

3.2.3 Drainage Reserves

Drainage reserves will be created for major stormwater infrastructure including basins and channels (Refer to Figure 7). These reserves will be dedicated and included in the subdivision plan to ensure adequate management of the infrastructure.

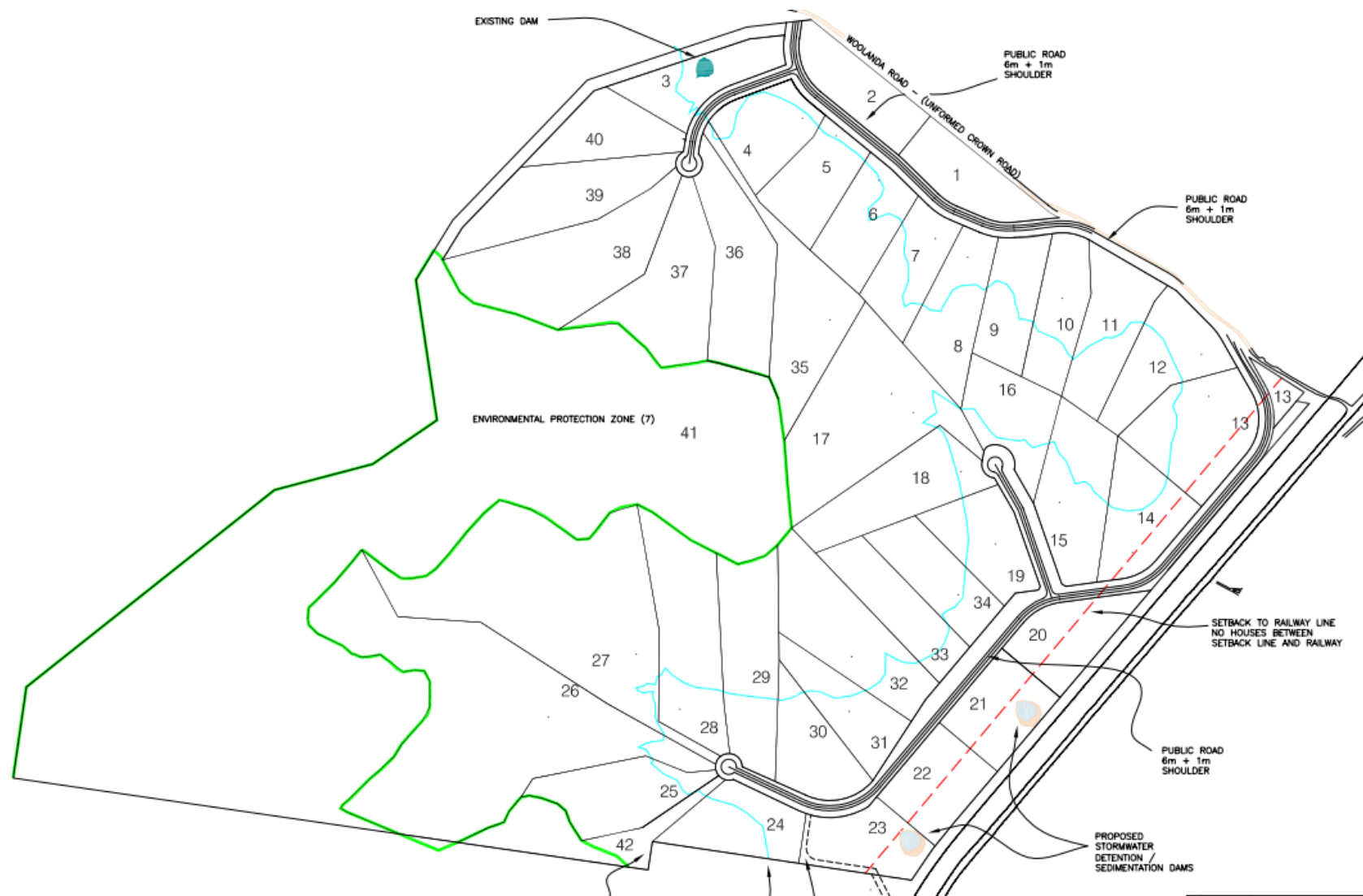
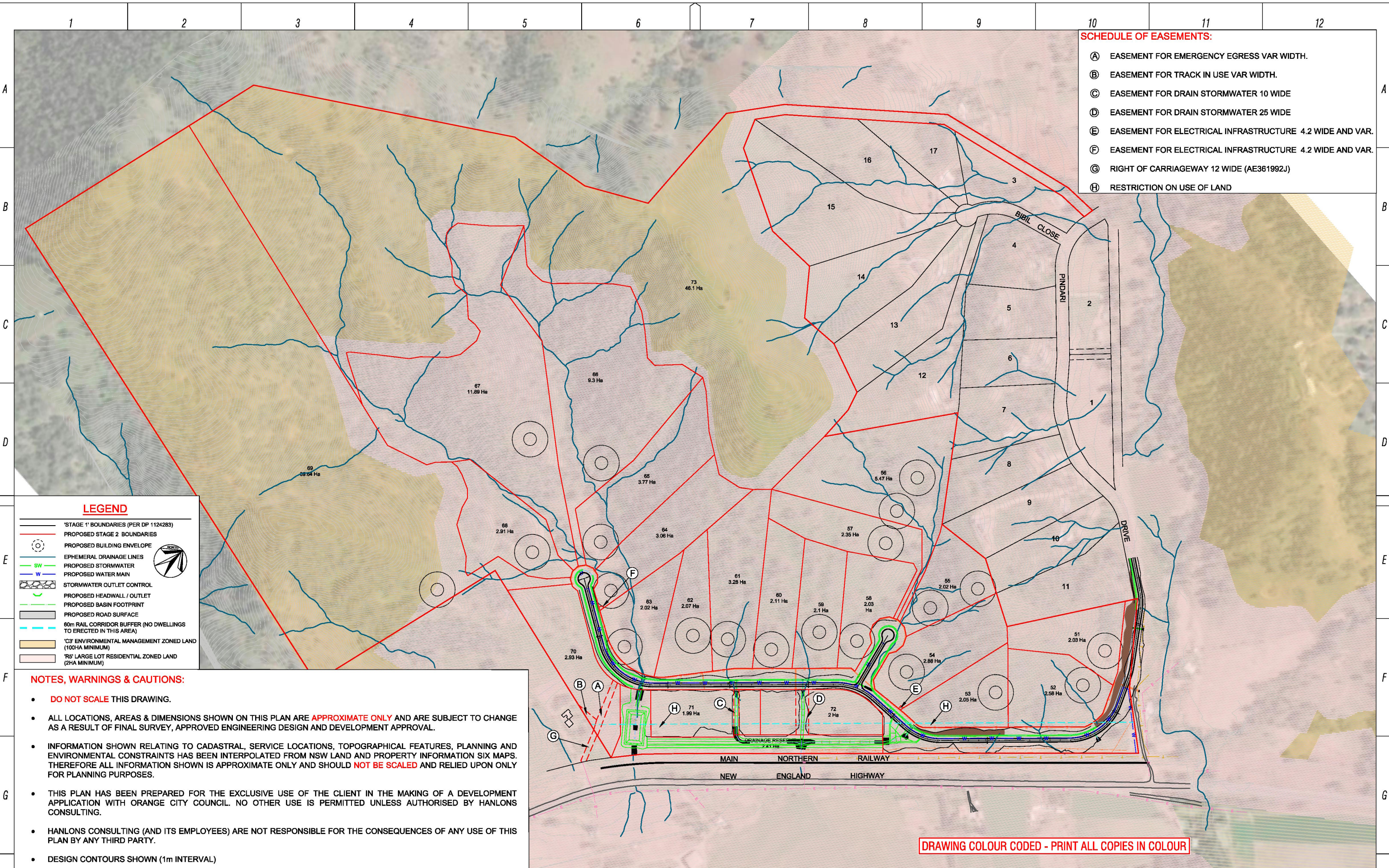















Figure 6: Approved Development Plan – DA0962-2005



SCHEDULE OF EASEMENTS:

- (A) EASEMENT FOR EMERGENCY EGRESS VAR WIDTH.
- (B) EASEMENT FOR TRACK IN USE VAR WIDTH.
- (C) EASEMENT FOR DRAIN STORMWATER 10 WIDE
- (D) EASEMENT FOR DRAIN STORMWATER 25 WIDE
- (E) EASEMENT FOR ELECTRICAL INFRASTRUCTURE 4.2 WIDE AND VAR.
- (F) EASEMENT FOR ELECTRICAL INFRASTRUCTURE 4.2 WIDE AND VAR.
- (G) RIGHT OF CARRIAGEWAY 12 WIDE (AE361992J)
- (H) RESTRICTION ON USE OF LAND

LEGEND

- | | |
|--|--|
|  | 'STAGE 1' BOUNDARIES (PER DP 1124283) |
|  | PROPOSED STAGE 2 BOUNDARIES |
|  | PROPOSED BUILDING ENVELOPE |
|  | EPHEMERAL DRAINAGE LINES |
|  | PROPOSED STORMWATER |
|  | PROPOSED WATER MAIN |
|  | STORMWATER OUTLET CONTROL |
|  | PROPOSED HEADWALL / OUTLET |
|  | PROPOSED BASIN FOOTPRINT |
|  | PROPOSED ROAD SURFACE |
|  | 60m RAIL CORRIDOR BUFFER (NO DWELLINGS TO ERRECTED IN THIS AREA) |
|  | 'C3' ENVIRONMENTAL MANAGEMENT ZONED LAND (100HA MINIMUM) |
|  | 'R5' LARGE LOT RESIDENTIAL ZONED LAND (2HA MINIMUM) |

NOTES, WARNINGS & CAUTIONS:

- **DO NOT SCALE THIS DRAWING.**
- ALL LOCATIONS, AREAS & DIMENSIONS SHOWN ON THIS PLAN ARE **APPROXIMATE ONLY** AND ARE SUBJECT TO CHANGE AS A RESULT OF FINAL SURVEY, APPROVED ENGINEERING DESIGN AND DEVELOPMENT APPROVAL.
- INFORMATION SHOWN RELATING TO CADASTRAL, SERVICE LOCATIONS, TOPOGRAPHICAL FEATURES, PLANNING AND ENVIRONMENTAL CONSTRAINTS HAS BEEN INTERPOLATED FROM NSW LAND AND PROPERTY INFORMATION SIX MAPS. THEREFORE ALL INFORMATION SHOWN IS APPROXIMATE ONLY AND SHOULD **NOT BE SCALED** AND RELIED UPON ONLY FOR PLANNING PURPOSES.
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ABN 51 104 693 736

C:\Users\michael.hanlon\Documents\Consulting\HC - Job\2022\22037 - Henry Kendal Group - Phased Estate Stage 703 Design\H2
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Plot Date: 24 June 2024

A	TMC	14/06/2024	ISSUED FOR DEVELOPMENT APPLICATION		
REV	BY	DATE	DESCRIPTION		
			A1 Original	Co-ordinate System: N/A	Height Datum: N/A
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PROJECT: s4.55 (1A) MODIFICATION TO DA0962/2005 (STAGE 2, REDGUM EASTE)
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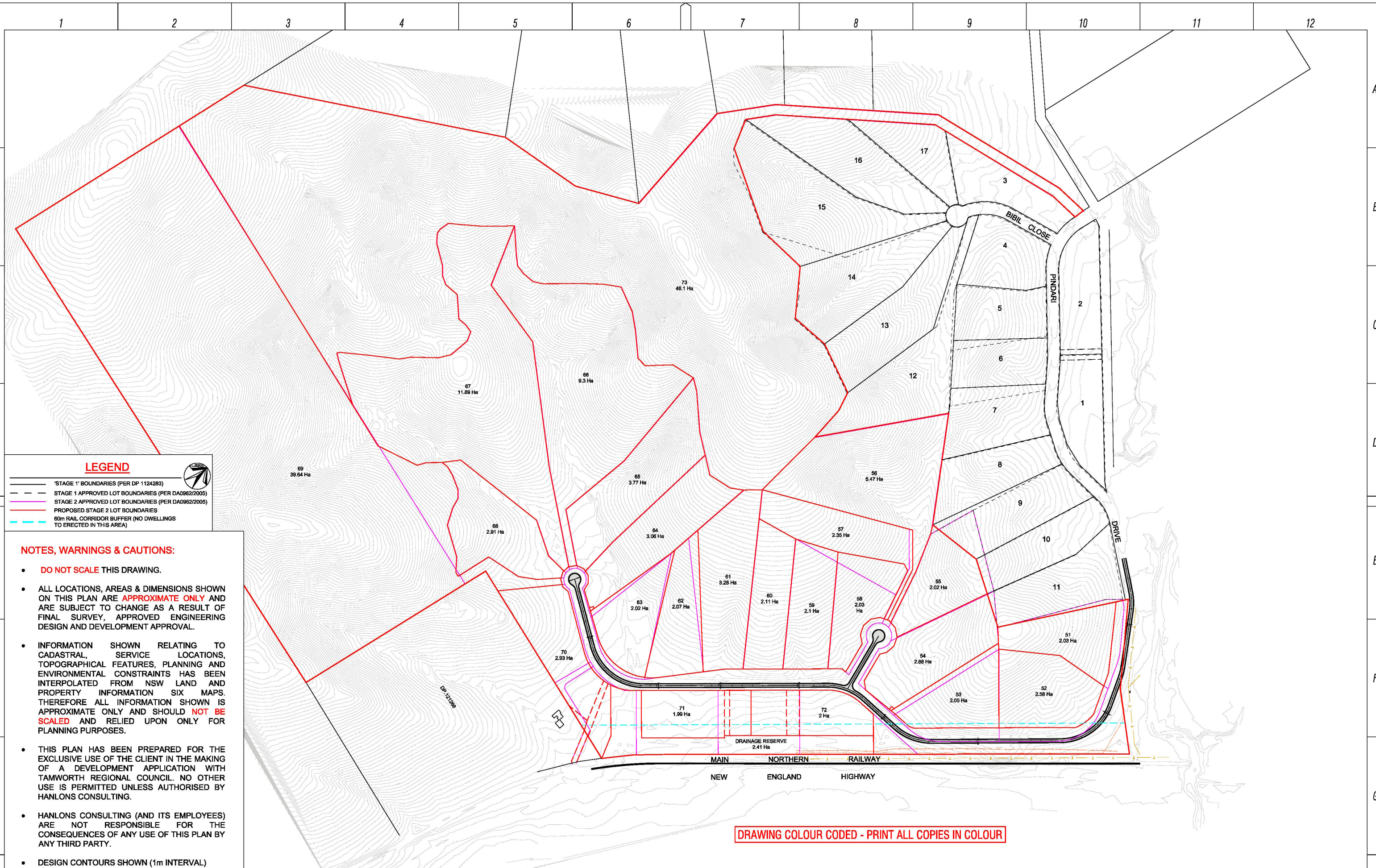
PROPOSED SITE LAYOUT PLAN
2 PINDARI DRIVE, NEMINGHA

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FIGURE: 7

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Plot Date: 24 June 2024

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**PROPOSED vs APPROVED LAYOUT PLAN
2 PINDARI DRIVE, NEMINGHA**

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3.3 Ecology & Biodiversity

The site was assessed for in 2014 ecological impacts as part of the original development application (Refer to Section 2.5).

Given the proposed changes to the lot yield and road network associated with this modification, Hanlons engaged the services of *Cedar Ecology* to determine if there were additional impacts on biodiversity values and/ or habitat as a result of the proposed changes to the approved development footprint. The assessment also sought to determine if a *Biodiversity Development Assessment Report* (BDAR) is required to be prepared.

The *Cedar Ecology* assessment makes the following summary:

In my opinion the areas identified as 'footprint differences' are highly likely to have required clearing/ disturbance to enact DA0962/2005. Accordingly, based on the information provided the proposed modification does not appear to increase the impact on biodiversity values (compared with anticipated impacts of enacting DA0962/2005).

On the basis of the report, there is not increased impact of the modification on native vegetation.

3.4 Bushfire

TPD engaged *Bushfire Environmental Management Consultancy* (BEMC) Pty Ltd to complete a *Bush Fire Assessment Report* (BFAR) for the proposed modification.

BEMC undertook an assessment in accordance with Appendix 1 of PBP2019 and implemented the detailed assessment pathway described in Appendix B of AS3959:2018. This BFAR found the classifiable vegetation of Woodlands as described by PBP 2019 both up and downslope throughout the site creates the greatest bushfire threat.

Based upon the assessment completed, BEMC recommended that development consent be granted subject to a number of conditions as stated in the BFAR (Refer to Appendix D). These conditions seek to ensure the development complies with PBP 2019.

3.5 Access & Traffic

3.5.1 Access & Road Network

As the site is situated on the eastern extent of Pindari Drive, access to the site will be via the extension of the current road corridor through Stage 1 of the Estate.

Pindari Drive (Road 01)

The proposed formation associated with the extension of Pindari Drive (Refer to Figure 9) will generally comprise a variable width road corridor with a minimum width of 25m. The road formation comprises a 8.4m wide seal (including 3.0m wide travel lanes and 1.2m shoulders) and 2.0m wide flat bottom table drains with variable (from 25% to 50%) batters.

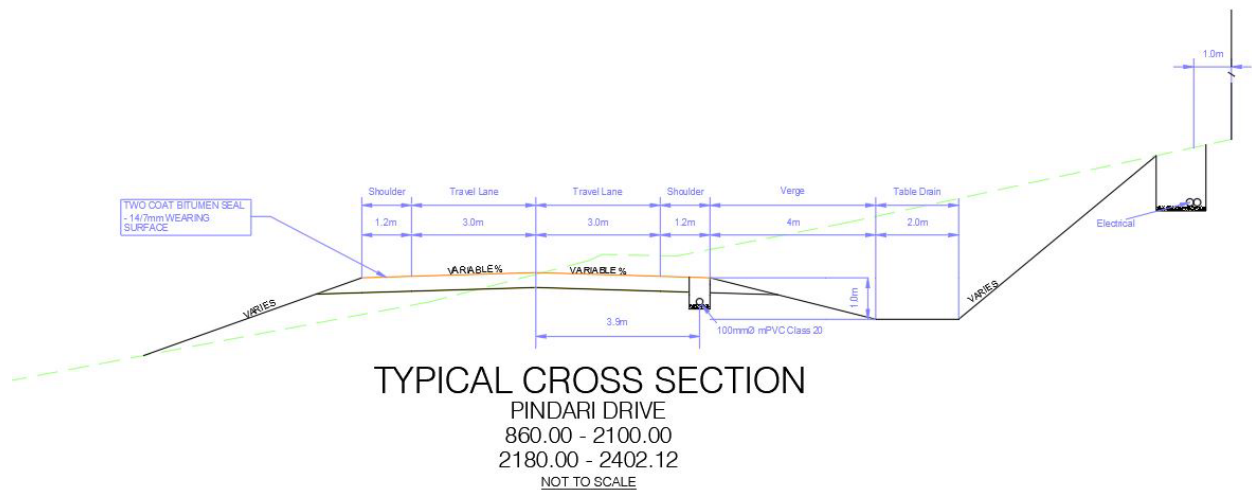


Figure 9: Proposed Typical Section – Pindari Drive (Road 01)

Roads 02

The proposed formation for Road 02 (Refer to Figure 10) will generally comprise an approximate corridor width of 40m comprising a 8.4m wide seal (including 3.0m wide travel lanes and 1.2m shoulders) and 2.0m wide flat bottom table drains with variable (from 25% to 50%) batters.

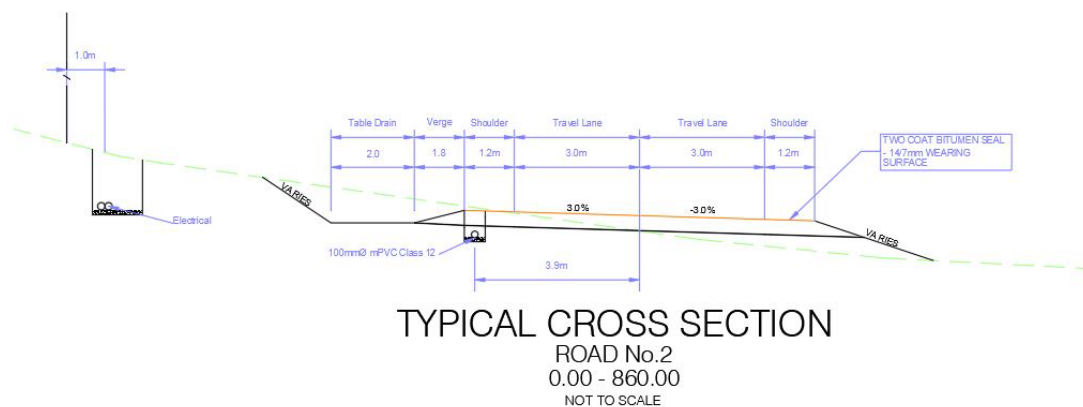


Figure 10: Proposed Typical Section – Road 02

3.5.2 Traffic

Based on the nature of the proposal, the development is unlikely to affect the operation of the existing road network.

3.6 Servicing Strategy

The following section details the proposed servicing provisions associated with the proposal. The proposed servicing arrangements are detailed within the Preliminary Engineering Design drawings contained within Appendix B.

3.6.1 Stormwater

Hanlons has prepared a stormwater management design to provide drainage for the site. The design is illustrated in the plans contained in Appendix B and detailed below.

A DRAINS analysis of the existing ('predeveloped') flows within the development site has been undertaken. The following methodology has been applied in the preparation of the concept onsite detention system.

DRAINS Analysis

To assess the existing and developed scenarios as well as calculate the required stormwater infrastructure a combined *Horton/ILSAX* model was used.

The DRAINS model adopted the following assumptions and parameters for modelling.

Table 4: DRAINS Parameters

PARAMETER	VALUE
Modelling Procedure	AR&R 2019
Minor Event	0.2 EY
Major Event	1% AEP
Basin Storage Events	1EY, 0.2 EY to 1% AEP
Storm Durations	5min to 2 hours
Hydrological Models	Horton / ILSAX & RAFTS
Pre and Post Developed Catchment (ILSAX)	
Impervious area depression storage	2mm
Supplementary area depression storage	2mm
Pervious area depression storage	8mm
Soil Type	3
Antecedent moisture condition (AMC)	3

The site was modelled for the 0.2EY & 1% AEP design storms to cover both the minor and major events. Design rainfall intensity/frequency/duration (IFD) data and storm temporal patterns were derived using the procedures set out in *Australia Rainfall and Runoff* (Institution of Engineers Australia, 2019), in line with *TRC Engineering Design Minimum Standards (EDMS)* and *TRC Construction Specifications*.

For comparison, the discharge volumes were modelled using both AR&R 1987 and 2019 data and procedures.

Existing Conditions

The pre-developed catchment scenario is based on existing conditions prior to any kind of construction or demolition associated with the development. Currently flows generated in the site are directed via overland sheet flow and channel (in the form of gullies and creeks) flow to two (2) discharge points. These points are identified as two (2) existing culverts beneath the Main Northern Railway.

Existing conditions in the top catchments of the subdivision in areas unaffected by development have VxD conditions that are considered “unsafe”. This is due to the steep grades in natural flow paths (blue lines) and times of concentration. As such the conditions will be maintained for the developed model. The rural residential nature of the development and the large blocks with specified building envelopes mean the natural features of the landscape will be maintained.

Stormwater Network

The proposed stormwater network for development site has been determined using the rationale detailed below.

The drainage network comprises of large overland flow paths that concentrate into built drainage infrastructure. The built drainage will be comprised of table drains, detention basins and open channels with culverts for road crossings.

Discharge from the channel system will generally be directly into the proposed detention basins that discharge at a reduced/restricted flow rate into the culverts under the Main Northern Railway.

Preliminary sizing of the system components has been undertaken to demonstrate that it can generally meet the TRC’s *Engineering Design Minimum Standards*. The final system is subject to further detailed assessment during the detailed design stage to ensure it complements the proposed development layout.

The drainage network comprises of large overland flow paths that concentrate into built drainage infrastructure. The built drainage will comprise of table drains, detention basins and open channels with culverts for road crossings.

All design features are to restrict developed flow to pre-developed values. There are two (2) crossings under the rail formation that restrict the quantity of flow from the site. It is evident from the model that these existing conditions are met.

Modelling Results

Pre-development vs Developed Flows

The pre-developed and post-developed site conditions were modelled to establish the peak rate of discharge for each critical storm event from the 0.2 EY to 1% AEP events. The developed results show a reduction in flows for the minor and major storm.

A summary of the pre-development peak flows is provided in Table 5 below.

Table 5: Pre-developed Catchment (DRAINS Analysis)

NODE/PIT	0.2EY PEAK DISCHARGE (L/S)	1% AEP PEAK DISCHARGE (L/S)
Rail Culvert 1	4,040	11,300
OF Rail Corridor	0	6,000
Rail Culvert 2	233	5,900
OF Rail Culvert 2	0	0

Table 6: Developed Catchment Results

NODE/PIT	0.2EY PEAK DISCHARGE (L/S)	1% AEP PEAK DISCHARGE (L/S)
OF C.3 Mounded Trap	1,170	4,120
Rail Culvert 1	4,000	11,100
OF Rail Corridor	0	5,020
Rail Culvert 2	230	5,040
OF Rail Culvert 2	0	0

The modelling results contained above demonstrate that with the provision of the proposed onsite detention basins, the post development peak flows discharging from the site are at or below predevelopment levels.

3.6.2 Sewer

Given the location and nature of the development site, sewerage is managed via the use of onsite wastewater disposal systems.

Per TRC's Development Control Plan (DCP), reticulated sewer is only required for lots with a minimum lot size of up to and including 4,000m². As the proposed lots are greater than 4,000m², onsite sewer management will be maintained.

It is deemed that the operation of these onsite wastewater disposal systems will have limited impact upon the surrounding environment and residents provided all appropriate operation and best practice principles are followed.

3.6.3 Water Supply

Based upon the outcome of the water servicing strategy (Refer to Appendix E), it is proposed that the lots contained within Stage 2 will be serviced via the extension of the existing 100mm diameter water main located within Pindari Drive.

Water reticulation mains will be capable of delivering a 'low flow' (5 L/s) supply. Given the low flow nature of the proposed supply a minimum on-site storage of 5,000 litres per lot is required for the provision of potable town water. The proposed main will have thrust block at all bends, tees and dead-ends. Hydrants will be positioned at high and low points in the water main as well every 160m to satisfy Council and firefighting requirements.

The proposed servicing arrangements are detailed within the Preliminary Engineering Design drawings contained within Appendix B.

3.6.4 Electricity & Telecommunications

All electrical & telecommunication services will be provided via the extension of the existing infrastructure located within the vicinity of the site.

3.7 Noise

It is considered that the proposed subdivision will not introduce any detrimental noise impacts to the surrounding environment.

An earth embankment is proposed to be constructed towards the rear of the lots bordering the rail corridor. Given the separation distance between the rail corridor and the nearest proposed lots and the minimal rail movements currently associated with the Main North Railway, the proposal is not expected to be negatively impacted by noise or vibration generated by the operation of the rail line.

4.0 PLANNING FRAMEWORK

The following legislation and policies were taken into consideration when developing this *Statement of Environmental Effects* (SEE).

4.1 Environment Protection and Biodiversity Conservation Act, 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) prescribes the Commonwealth's role in environmental assessment, biodiversity conservation and the management of protected species, populations and communities and heritage items.

Under the EPBC Act 1999, activities that are likely to have a significant impact on matters of national environmental significance, actions undertaken on Commonwealth lands, or by the Commonwealth must be assessed and approved.

The EPBC Act identifies *Matters of National Environmental Significance* (MNES). Section 3.3 of this report provides a summary of the findings of the assessments undertaken to satisfy the requirements of the EPBC Act.

Based upon the findings of these assessments, it is considered that the requirements of the EPBC Act have been satisfied.

4.2 Environmental Planning & Assessment Act, 1979

The *NSW Environmental Planning and Assessment Act, 1979* (EP & A Act) and the *Environmental Planning and Assessment Regulation, 2000* set down the procedures for the approval of developments in NSW. The proposed development requires consideration under Section 7.9 of the EP&A Act.

The proposal has been assessed with consideration of the various statutory planning instruments that apply under Section 4.15 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) along with various non-statutory plans, policies and/or strategies. The following sections contain a summary of the major points of the planning considerations.

4.2.1 Section 4.46 – Integrated Development

The proposed development is considered to be an integrated development under Section 4.46 of the EP&A Act on the basis that concurrence from one or more NSW Government bodies is not required. Such development requires approval under a list of Acts – see Table 7.

Table 7: Integrated Development – Relevant Acts

RELEVANT ACT	RELEVANCE (Y/N)
Fisheries Management Act 1994	N
Coal Mine Subsidence Compensation Act 2017	N
Mining Act 1992	N
National Parks and Wildlife 1974	N
Rural Fires Act 1997	Y
Water Management Act 2000	Y
Heritage Act 1997	N
Petroleum (Onshore) Act 1991	N
Protection of the Environment Operations Act 1997	N
Roads Act 1993	N

Based upon the scope of works associated with the proposal, the development is deemed to be integrated. As such, concurrence from a state government body is deemed to be required.

4.2.2 Section 4.55 – Modification of Consents

Given the nature of the application, the provisions of *Section 4.55 – Modification of Consents* of the EP&A Act is deemed to apply to the proposal.

Specifically, the proposal is deemed to satisfy the requirements of *Clause 4.55 (1A) – Modifications Involving Minimal Environmental Impact* as evidenced by Section 3.0 of this document.

In addition, given the proposed changes to the approved development footprint are minimal, the proposal is considered to be substantially the same development as the development for which the consent was originally granted.

4.3 Environmental Planning and Assessment Regulation, 2000

The proposed development is **not** defined as a ‘*Designated Development*’ as per the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). Designated development industries are outlined in Clause 29 in Schedule 3 of the EP&A Regulation 2000.

This *Statement of Environmental Effects* (SEE) has been prepared and is required as per Schedule 1 of the EP&A Regulation for all developments other than Designated or State Significant Development.

4.4 Protection of the Environment Operations Act 1997

The proposal is not expected to exceed the criteria for a 'Scheduled Activity' as detailed in Schedule 1 of the POEO Act.

4.5 Contaminated Lands Management Act, 1997

The *Contaminated Land Management Act 1997* (CLM Act) establishes a process for investigating and (where appropriate) remediating land that the *NSW Environment Protection Authority* (EPA) considers to be contaminated significantly enough to require regulation. The CLM Act outlines the responsibilities for assessing, managing and reporting contamination of land.

The proposal seeks to modify an existing development consent and we are aware that contamination was assessed by *Ellis Environmental* as part of the original development application. No areas of contamination were identified as a result of the investigation completed by Ellis Environmental.

No known contaminating activities have been undertaken onsite since the approval of the development. As such, the requirements of the CML Act are deemed to have been addressed and no further assessment is deemed required.

4.6 Crown Lands Management Act, 2016

The *Crown Lands Management Act* (CL Act) seeks to provide clarity concerning the ownership, use and management of the Crown land of New South Wales and to provide for the consistent, efficient, fair and transparent management of Crown land for the benefit of the people of New South Wales.

Given that the proposal seeks to acquire a portion of the Crown Road (Wollanda Road) adjacent to the northern boundary of the site for use as a proposed electrical easement, the requirements of the CL Act are deemed to be applicable to the development.

A portion of this road corridor has recently been transferred to TRC (Refer to Appendix G), with a portion (known as Lots 51 & 52) still to be transferred. Discussion with *NSW Department of Crown Lands* by Tamworth Regional Council indicates that, pending the outcome of an internal search into the ownership of the lots, Crown Lands would support the application to purchase this section of land.

4.7 Biodiversity Conservation Act, 2016

The *Biodiversity Conservation Act 2016* (BC Act) aims to protect vulnerable species, populations and communities listed under the Act. The BC Act requires consideration to be given to whether a development is likely to have impacts to these listed species, populations or communities. In accordance with Section 5A of the BC Act, impacts are identified through the application of an Assessment of Significance 5-part test. If the 5-part test indicates that the development will impart negative impacts to a listed threatened species, population and their habitat or on ecological communities, a *Species Impact Statement* or *Biodiversity Development Assessment Report* (BDAR) may be required.

The site was previously (in 2005 & 2006) assessed for ecological impacts as part of the original development application (Refer to Section 3.3).

Cedar Ecology undertook an assessment to determine if there were additional impacts on biodiversity values and/ or habitat as a result of the proposed changes to the approved development footprint. The assessment also sought to determine if a *Biodiversity Development Assessment Report* (BDAR) is required to be prepared.

A summary of the findings of this assessment is contained with Section 3.3 of this report. Given the above, it is considered that the requirements of the BC Act have been satisfied.

4.8 Rural Fires Act, 1997 (Amended)

Amongst other things, the Act requires approval (s.100B) for certain types of developments in areas designated as being bushfire prone.

As the site is identified as containing bushfire prone vegetation, the development is deemed to require concurrence from the NSW RFS under the *Rural Fires Act*.

Given the nature of the development the proposal is considered to require consideration under NSW RFS *Planning for Bushfire Protection, 2019*.

Planning for Bushfire Protection, 2019

Planning for Bushfire Protection 2019 (PBP) is the product of consultation between NSW RFS, representatives from the *NSW Department of Planning, Industry and Environment* (DPIE). PBP provides development standards for designing and building on bush fire prone land in New South Wales

PBP is applicable to all development on bush fire prone land (BFPL) in NSW. All development on BFPL must satisfy the aim and objectives of PBP.

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment

This document provides bushfire protection measures for residential development such as minimum width setbacks and landscaping. These measures are provided as part of a strategy to address bushfire threat with the aim of reducing risk to life and property.

Planning for Bushfire Protection 2019 provides the necessary planning framework for developments in rural and urban areas close to land likely to be affected by bushfire. It is also applicable to the subdivision of land for residential and rural-residential purposes and those developments which are considered a special fire protection purpose.

The aim of PBP is to provide for the protection of human life and minimise impacts on property from the threat of bush fire, while having due regard to development potential, site characteristics and protection of the environment.

In accordance with the *Rural Fires Act 1997* and the *Planning for Bushfire Protection 2019* a bushfire assessment has been prepared for the proposal (Refer to Appendix D). The findings of this assessment have been reproduced in Section 3.4.

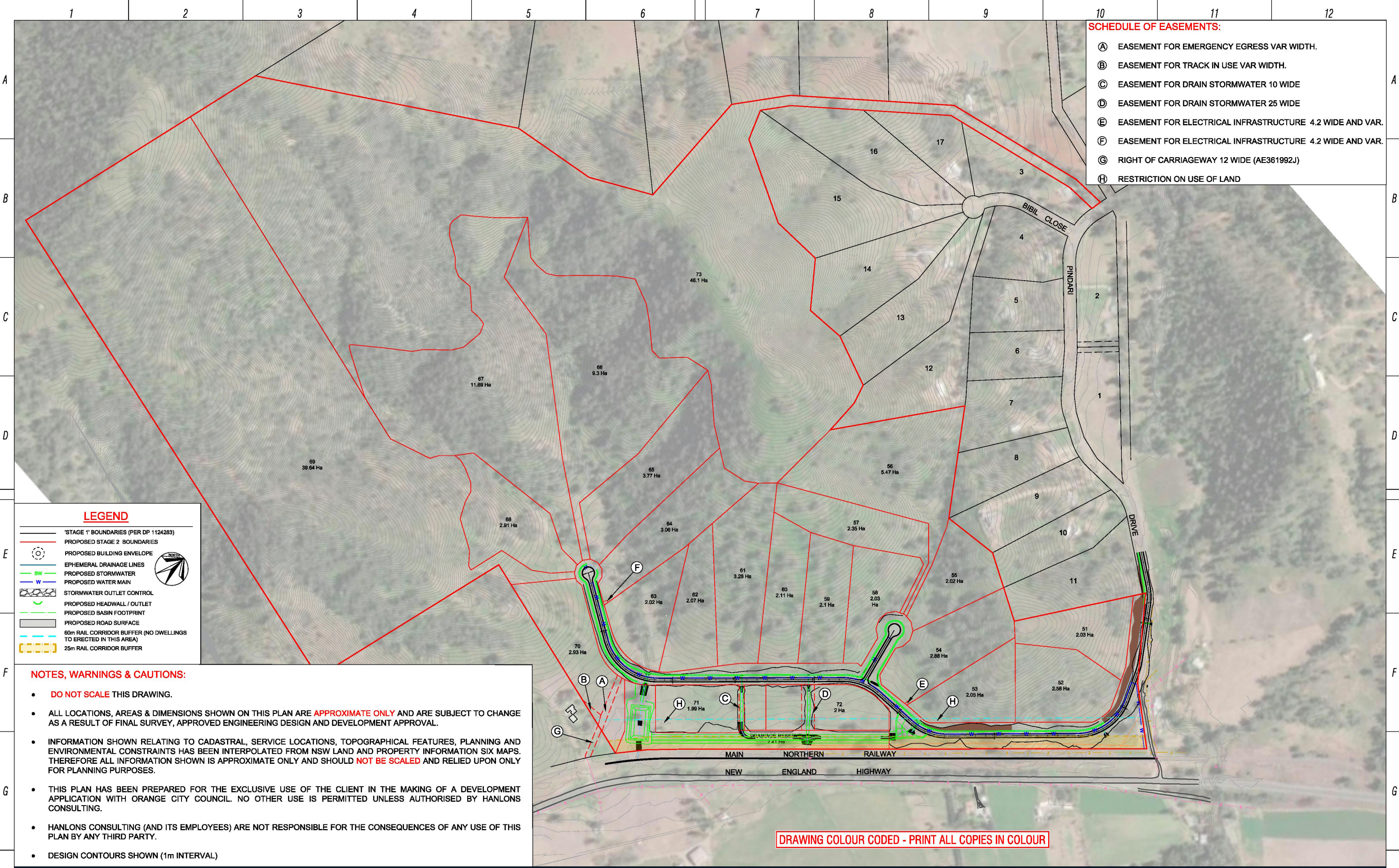
4.9 Water Management Act, 2000

The *Water Management Act 2000* (WM Act) aims to ensure that water resources are conserved and properly managed for sustainable use benefitting both present and future generations. It also provides formal protection and enhancement of the environmental quality of waterways and in-stream uses as providing protection of catchment conditions.

The *National Resource Access Regulator* (NRAR) administers the WM Act and is required to assess the impact of any proposed 'controlled activity' (as defined by the WM Act) to ensure that no more than minimal harm will be done to waterfront land as a consequence of carrying out the controlled activity. Controlled activities are actions or activities carried out in, on, under or within the immediate vicinity of waterfront land and are regulated by the 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.

As construction works are proposed within the vicinity of the identified waterfront land are proposed, the proposal is deemed to be subject to the requirements of the *Water Management Act 2000*.



SCHEDULE OF EASEMENTS:	
(A)	EASEMENT FOR EMERGENCY EGRESS VAR WIDTH.
(B)	EASEMENT FOR TRACK IN USE VAR WIDTH.
(C)	EASEMENT FOR DRAIN STORMWATER 10 WIDE
(D)	EASEMENT FOR DRAIN STORMWATER 25 WIDE
(E)	EASEMENT FOR ELECTRICAL INFRASTRUCTURE 4.2 WIDE AND VAR.
(F)	EASEMENT FOR ELECTRICAL INFRASTRUCTURE 4.2 WIDE AND VAR.
(G)	RIGHT OF CARRIAGEWAY 12 WIDE (AE361992J)
(H)	RESTRICTION ON USE OF LAND

LEGEND

- 'STAGE 1' BOUNDARIES (PER DP 1124283)
- PROPOSED STAGE 2 BOUNDARIES
- PROPOSED BUILDING ENVELOPE
- EPHEMERAL DRAINAGE LINES
- PROPOSED STORMWATER
- PROPOSED WATER MAIN
- STORMWATER OUTLET CONTROL
- PROPOSED HEADWALL / OUTLET
- PROPOSED BASIN FOOTPRINT
- PROPOSED ROAD SURFACE
- 60m RAIL CORRIDOR BUFFER (NO DWELLINGS TO BE ERRECTED IN THIS AREA)
- 25m RAIL CORRIDOR BUFFER

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Plot Date: 24 June 2024

REV	BY	DATE	DESCRIPTION	APPD.
A	TMC	14/06/2024	ISSUED FOR DEVELOPMENT APPLICATION	
A1 Original Co-ordinate System: N/A Height Datum: N/A Scale:				

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SEPP T&I IMPACTED LAND
2 PINDARI DRIVE, NEMINGHA

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4.10 State Environmental Planning Policies

A review of the *Planning Reports* for the subject site obtained from the *NSW Department of Planning, Environment and Industry's Planning Portal*, indicates the following *State Environmental Planning Policies* (SEPPs) may apply to the proposal; see Table 8.

Table 8: State Environmental Planning Policies

PLANNING POLICY	RELEVANCE (Y/N)
SEPP (Biodiversity and Conservation) 2021	Y (see commentary below)
SEPP (Building Sustainability Index: BASIX) 2004	N
SEPP (Exempt and Complying Development Codes) 2008	N
SEPP (Housing) 2021	N
SEPP (Industry and Employment) 2021	N
SEPP No 65 – Design Quality of Residential Apartment Development	N
SEPP (Planning Systems) 2021	Y (see commentary below)
SEPP (Primary Production) 2021	N
SEPP (Resilience and Hazards) 2021	Y (see commentary below)
SEPP (Resources and Energy) 2021	N
SEPP (Transport and Infrastructure) 2021	Y (see commentary below)
State Environmental Planning Policy (Sustainable Buildings) 2022	N

4.10.1 SEPP (Transport and Infrastructure), 2021

The following clauses and provisions have been considered in the preparation of this modification:

Division 15 Railways, Subdivision 2 – Development in or Adjacent to Rail Corridors and Interim Rail Corridors

Cl2.98 – Development Adjacent to Rail Corridors & Cl2.99 – Excavation in, above, below or adjacent to rail corridors

Given the need to construct stormwater channels and detention basins to manage and direct developed stormwater flows, it is possible that there is a risk that the proposal may adversely impact rail safety. As such, clause 2.98 (1a) of SEPP T&I is deemed to apply to the modification.

Hanlons has prepared stormwater design drawings for the proposed channels and basins (Refer to Appendix B) to illustrate the proposal will not adversely impact the rail corridor.

The designs involved the preparation of:

- Location of the stormwater infrastructure;
- Generation of a DRAINS model to determine both pre and post development flows;
- Sizing of the necessary stormwater channels and detention basins (and outlet structures) required to ensure post developed discharge equals (or is less than) the pre-developed flows; and
- Longitudinal and cross sections for the stormwater infrastructure.

Based upon the designs prepared it has been determined that the site will contain proposed infrastructure within 25m of the rail corridor (as indicated in the attached plans). With the exception of a length of Pindari Drive and small sections of stormwater channels, a majority of the stormwater network is situated less than 1.5m in depth. The proposed infrastructure located within the 25m corridor buffer greater than 2m deep is situated sufficiently above the rail corridor not to cause subsidence within or adjacent to the corridor.

Should excavations, greater than two (2) metres and within the zone of influence of the rail corridor be required during the detailed design, suitable shoring (or other mitigations and controls) will be designed by a structural engineer to ensure that no settlement or affect to the railway corridor will occur.

Division 17 Roads and Traffic, Subdivision 2 – Development in or Adjacent to Road Corridors and Interim Rail Corridors

CL2.122 Traffic Generating Development

The currently approved development does not meet the size or capacity criteria as listed by Column 2 or 3 of the Table to Schedule 3 of the SEPP. It is also noted that the proposed modification will result in a reduction in traffic from that currently approved. As such, the proposal is not deemed to trigger the requirements of this section of the SEPP.

4.10.2 SEPP (Biodiversity & Conservation), 2021

A summary of the findings of the assessment undertaken for the development is contained with Section 3.3 of this report. Given the above, it is considered that the requirements of the SEPP have been satisfied.

4.10.3 SEPP (Resilience & Hazards), 2021

Chapter 4 Remediation of Land

Given the nature of the development, Clause 4.6 of SEPP (*Resilience and Hazards*) is considered to apply to the proposal.

Chapter 4 seeks to provide for a Statewide planning approach to the remediation of contaminated land. Chapter 4 also seeks to promote the assessment and remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Chapter 4 prohibits a consent authority from consenting to the carrying out of any development on land unless the application has considered whether the land is contaminated, if the land is suitable in its current state (or will be suitable, after remediation) and if the land requires remediation to be made suitable.

Site contamination was assessed as part of the original development application. No known contaminating activities have been undertaken onsite since the approval of the development. As such, the requirements of the SEPP are deemed to have been addressed and no further assessment is deemed required.

4.10.4 SEPP (Planning Systems), 2021

Chapter 2 State and Regional Development

The proposal is not expected to satisfy the State and Regional Development triggers as detailed in the SEPP.

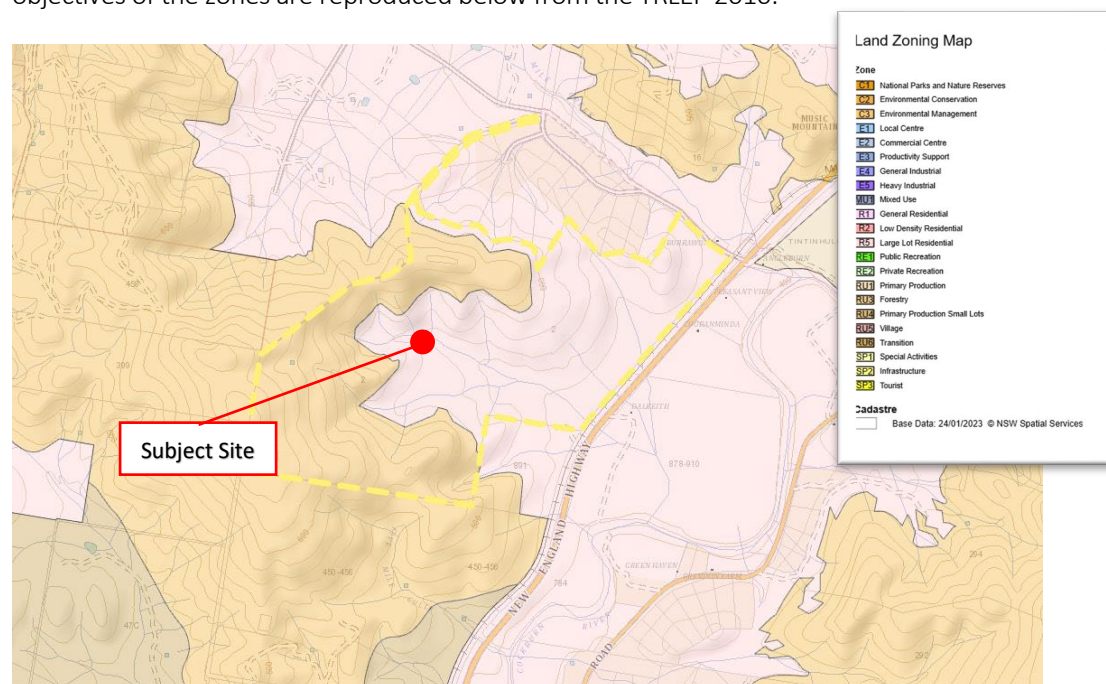
4.11 Local Environmental Plans

4.11.1 Tamworth Regional LEP, 2010

Part 2 Permitted or Prohibited Development

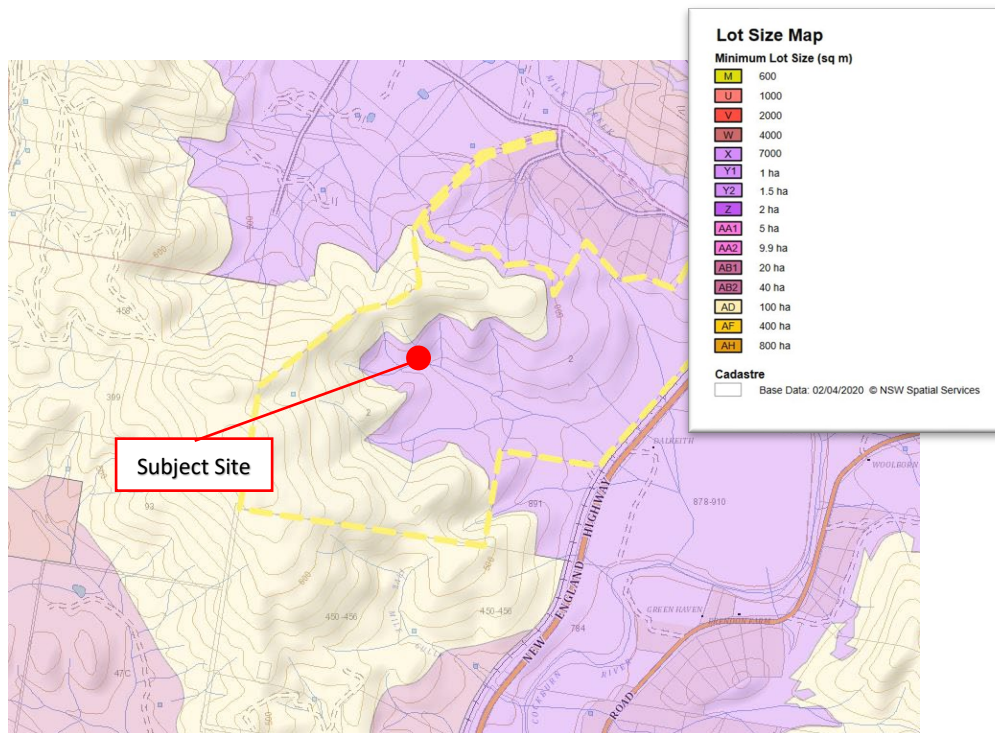
2.1 Land Use Zones

As previously stated, the site is currently zoned 'R5 – Large Lot Residential' and 'C3 – Environmental Management' under the *Tamworth Regional Local Environmental Plan 2010* (Refer to Figure 12). The general objectives of the zones are reproduced below from the TRLEP 2010.



Source: TRLEP, 2010

Figure 12: Zoning Map (Extract)



Source: TRLEP, 2010

Figure 13: Minimum Lot Size (Extract)

2.3 Zone Objectives & Land Use Table

Clause 2.3 of the TRLEP requires specifies that the consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. To show compliance with the objectives of the subject zones we offer the following:

R5 Zone Objectives

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.

Commentary:

The proposal will be consistent with the relevant R5 zone objectives:

- Given the proposed lot size and configuration, the development is considered to allow for a variety of large lot residential housing options in a rural setting whilst preserving the environmentally sensitive nature of the existing landform and ecology.

Given the nature and scale of the development, the proposal is not expected to create any land use conflicts within the vicinity of the site or adjoining zones. The proposed lot sizes are also deemed to be compatible with a variety of land use activities.

Given its nature and the proposed extension of the existing services, the proposal is not considered to result in an unreasonable increase in the demand for public services or public facilities.

2. Permitted or Prohibited Development

- Permitted without consent

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

- Permitted with consent

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.

- Prohibited

Advertising structures; Air transport facilities; Amusement centres; Boat building and repair facilities; Boat sheds; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Depots; Eco-tourist facilities; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Local distribution premises; Marinas; Mooring pens; Mortuaries; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Turf farming; Vehicle body repair workshops; Vehicle repair stations; Water recreation structures; Wharf or boating facilities; Wholesale supplies.

C3 Zone Objectives

1. Objectives of Zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

Commentary:

The proposal will be consistent with the relevant C3 zone objectives:

The scale and configuration of the proposal is considered to allow for the development of rural residential land whilst preserving the environmentally sensitive nature of the existing landform and ecology of the site. The use of building envelopes will assist in the reduction of clearing identified ecological communities as well as ensuring future dwellings are protected against bushfire impacts.

2. Permitted or Prohibited Development

- Permitted without consent

Home occupations

- Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Electricity generating works; Environmental facilities; Environmental protection works; Extensive agriculture; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Research stations; Roads; Roadside stalls; Secondary dwellings; Sewage treatment plants; Tank-based aquaculture; Water supply systems.

- Prohibited

Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3.

2.6 Subdivision—Consent Requirements

Clause 2.6 of the TRLEP states that 'Land to which this plan applies may be subdivided, but only with development consent'. As such, the proposal seeks to satisfy the relevant legislative requirements to gain development consent.

Part 3 – Exempt & Complying Development

The proposal is not considered to be identified as either an exempt or complying development and as such the provisions detailed within this section of the LEP are not considered to be applicable to this application.

Part 4 – Principal Development Standards

Given the nature of the development, the following provisions are considered to apply to the proposal.

Clause 4.1 Minimum Subdivision Lot Size

This clause requires the subdivision of land to be equal to or greater than the size nominated for the land under the *Minimum Lot Size Map*.

Clause 4.1 (3) states that:

3. *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

Commentary:

The site is currently zoned 'Z' (2Ha) and 'AD' (100Ha) under the TRLEP Lot Size Map – Sheet LSZ_004G (Refer to Figure 13). This correlates to the R5 and C3 zoned land respectively.

This application seeks to allow the modification of two (2) lots (Lot 69 & Lot 73) within the C3 (AD) zoned land.

Proposed Lot 69 is a boundary adjustment of the existing Lot 262 in DP 753848 and results in a slight increase in the overall lot area (i.e. Lot 262 – approx. 39.41Ha and Lot 69 – 40.77Ha).

Lot 73 is identified as having a proposed lot area of approximately 46Ha which is below the required minimum for the AD zone.

It is noted that the available area within the parent lot (Lot 18 in DP 1124283) impacted by the C3 zoned land is approximately 37ha in size and is itself well below the required minimum of 200ha.

With the exception of the two (2) proposed lots contained in the C3 zoned area, all lots comply with the specified Minimum Lot Size. With respect to the two (2) lots, it is acknowledged that two lots will be lower than the current minimum lot size for the RU4 zone, however, the modified lots will be larger than the lots approved under the original consent.

As such, the modification is considered to be generally compliant with the requirements of this clause.

Clause 4.1B Minimum Subdivision Lot Sizes for Certain Split Zones

This clause allows for the subdivision of lots that are within more than one zone (specifically RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone RU6 Transitions, Zone C2 Environmental Conservation or **Zone C3 Environmental Management**) that cannot be subdivided under clause 4.1.

However, Clause 4.1B (3) states that:

3. *'Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if:*
 - (a) *One of the resulting lots will contain:*
 - i. *land in a residential, employment or mixed use zone that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and*

- ii. *all of the land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots, Zone RU6 Transitions, Zone C2 Environmental Conservation or Zone C3 Environmental Management that was in the original lot, and*

(b) All other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.

Commentary:

The proposal seeks to create two (2) allotments (Refer to Lot 69 & Lot 73 in Figure 7) in the C3 zone with a lot size smaller than the minimum necessary under the 'AD' (200 Ha) requirement. Both Lots contain adequate R5 land to satisfy the associated minimum lot size requirement ('Z' being 2 Ha). As such, the proposal is deemed to satisfy this requirement and the creation of a lot smaller than the AD lot size requirement.

As such, the modification is considered to be generally compliant with the requirements of this clause.

Part 5 – Miscellaneous Provisions

Clause 5.16 Subdivision of, or Dwellings on, Land in Certain Rural, Residential or Conservation Zones

The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses)

Clause 5.16 (3) states that:

4. *A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*

- (a) subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) erection of a dwelling*

5. *The following matters are to be taken into account—*

- (a) the existing uses and approved uses of land in the vicinity of the development,*
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

Commentary:

As previously stated, the scale and configuration of the proposal is considered to allow for the development of rural residential land whilst preserving the environmentally sensitive nature of the existing landform and ecology of the site. The use of building envelopes will assist in the reduction of clearing identified ecological communities as well as ensuring future dwellings are protected against bushfire impacts.

As such, the modification is considered to be generally compliant with the requirements of this clause.

No other provisions detailed within this section of the LEP are not considered to apply to the proposal.

Part 6 – Urban Release Areas

The development is not located within a known urban release area and, as such, the provisions detailed within this section of the LEP are not considered to apply to the proposal.

Part 7 – Additional Local Provision

Clause 7.1 Earthworks

Given that the proposed earthworks are ancillary to a development requiring consent, this Clause of the LEP are not considered to apply to the proposal.

No other provisions detailed within this section of the LEP are not considered to apply to the proposal.

4.11.2 Permissibility

The subject development is identified as a modification of an existing '*Subdivision*'. As such the proposal is deemed permissible with consent under Clause 2.6 of the TRLEP. The proposal is considered to have shown deemed compliance with the objectives for the R5 and C3 zones and satisfies the relevant requirements of Parts 4 to 7 of the TRLEP.

Based upon the information provided within this document, the proposal is considered to satisfy the necessary provisions and is therefore permissible with consent.

4.12 Development Control Plans, Strategies & Guidelines

4.12.1 Development Control Plan

The subject site is located within the Tamworth Local Government Area (LGA), thus the *Tamworth Regional Development Control Plan* (DCP) 2010 applies. The overall aims and objectives of the Tamworth Regional DCP are outlined below:

- *Define development standards that deliver the outcomes desired by the community and Council;*
- *Provide clear and concise development guidelines for various forms of development;*
- *Encourage innovation in design and development by not over-specifying development controls;*
- *Expedite development approvals by providing clear direction on Council's intent and criteria; and*
- *Provide certainty of development outcomes for developers and the community.*

We believe the development meets this criteria as discussed in the following section.

Industrial Controls

This section of the Tamworth Regional DCP specifies the guidelines relating to industrial developments and, as such is not deemed to require further consideration.

General Development Specifications

This section of the Tamworth Regional DCP identifies a range of general development specifications required to be addressed. Deemed compliance with the relevant requirements of this section of the DCP is outlined in Table 9 (Refer to Appendix A). Each of these issues have been addressed in the relevant sections of the SEE.

Environmental Controls

This section of the Tamworth Regional DCP identifies a range of environmental issues required to be addressed. This section also requires any potential mitigation measures to be outlined. The environmental issues include: soil and erosion controls, vegetation, waste management, noise and geology. Each of these issues have been addressed in the relevant sections of this SEE.

Site Specific

The subject site is not identified as a site requiring consideration under a site-specific development control plan.

Discretionary Development Standards

This section of the Tamworth Regional DCP identifies a range of discretionary development standards required to be addressed. Deemed compliance with the relevant requirements of this section of the DCP is outlined Table 9 (Refer to Appendix A).

5.0 CONCLUSION

The proposed development is considered justified as it meets the requirements and the objectives of the EP&A Act. Though environmental impacts may occur, they have been avoided as best as possible. Any residual impact can be effectively mitigated through the application of environmental management measures detailed within this report. The benefits of the proposal are considered to outweigh any potential minor impacts on the environment.

An environmental assessment of the proposed development has been undertaken and presented in this SEE. This SEE outlines the proposal, the regulatory framework, potential impacts from the project on the environment and the local community and provides a number of mitigation measures to address these impacts.

The proposed modification is permissible with consent, is generally consistent with the intention of the 'R5 – Large Lot Residential' and 'C3 – Environmental Management' zones under the TRLEP 2010 and seeks to minimise any adverse effect on other land uses. The proposed modification is deemed to allow for the development of rural residential land whilst preserving the environmentally sensitive nature of the existing landform and ecology of the site.

In our opinion, the proposed development will have minimal impact on the environment and will be in keeping with the nature of the existing locality and the long term effects of the proposal are considered to be negligible.

The development meets all legislative requirements. It is recommended that the development be approved.

6.0 LIMITATIONS

This report has been prepared for use by the client who has commissioned the works in accordance with the project brief only.

The findings and recommendations made in this report are based upon the information provided to [REDACTED] for the proposed development.

This report may not be relied upon by any third party not named in this report for any purpose except with the prior written consent of [REDACTED] (which consent may or may not be given at the discretion of [REDACTED]).

It has been assumed that all investigations and information supplied by others (or not undertaken by [REDACTED]) is complete, accurate and correct. [REDACTED] has relied on this information in good faith and takes no responsibility for any subsequent damages or liabilities as a result of incomplete, inaccurate or misleading information.

This document has been reviewed and approved for release by the client. By approving the document for release the client confirms that the information supplied to [REDACTED] in regard to the proposal does not, by its presentation or omission of information, materially mislead and that this document represents an accurate statement of the proposed development, environmental impacts and the methodology for environmental protection of the site.

By reviewing and approving this document the client acknowledges that this document is binding and that the information contained in this document in regard to the present and proposed use of the site is true and correct.

[REDACTED] owns the copyright in this report. No copies of this report are to be made or distributed by any person without express written consent to do so from [REDACTED]. If the Client provides a copy of this report to a third party, without [REDACTED] consent, the Client indemnifies [REDACTED] against all loss, including without limitation consequential loss, damage and/or liability, howsoever arising, in connection with any use or reliance by a Third Party.

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[REDACTED] has prepared this report with the diligence, care and skill which a reasonable person would expect from a reputable surveying and environmental planning consultancy and in accordance with regulatory authority and industry standards, guidelines and assessment criteria applicable as at the date of this report. Industry guidelines, standards and criteria change frequently, and may change at any time after the date of this report.



APPENDIX A. DCP COMPLIANCE TABLE



APPENDIX B. DEVELOPMENT PLANS



APPENDIX C. BIODIVERSITY ADVICE

Cedar Ecology



APPENDIX D. BUSHFIRE ASSESSMENT

Bushfire Environmental Management Consultancy



APPENDIX E. STORMWATER MANAGEMENT PLAN

Hanlons Consulting



APPENDIX F. WATER STRATEGY

Hanlons Consulting



APPENDIX G. CROWN LANDS CORRESPONDANCE