

Environmental Planning Approvals

Town Planning and Urban Planning Specialists

Statement of Environmental Effects

80 Upper St Tamworth

July 2024

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1. Introduction

Environmental Planning Approvals has been engaged to prepare documentation for a development application for the demolition of existing dwelling, carport and metal shed and a 1 lot into 3 lot subdivision of land.

2. The Site Locality & Proposal

2.1 Site and Locality

The site is located at 80 Upper St Tamworth with a title reference of Lot 8, Sec 58, DP 758951. The lot has an approximate area of 2,026.6m² and the zoning for this lot is R1 General Residential under the Tamworth Local Environmental Plan (TLEP) 2010.



Figure 1: Aerial Site Image – Source: (<https://maps.six.nsw.gov.au/>)

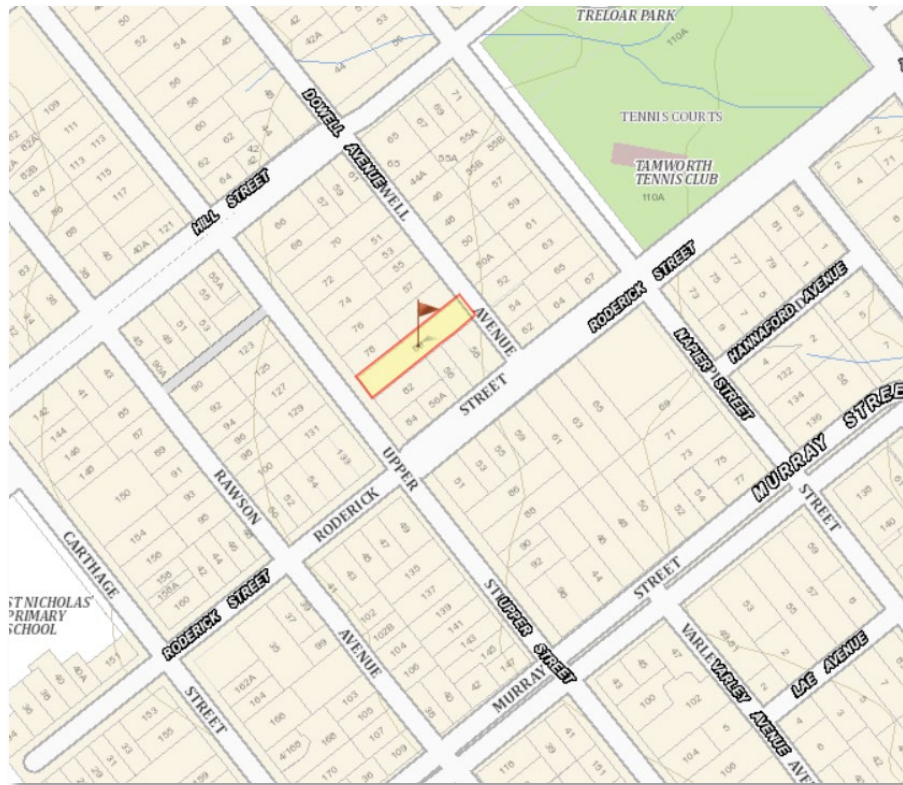


Figure 2: Location Map - Source: (<https://maps.six.nsw.gov.au/>)

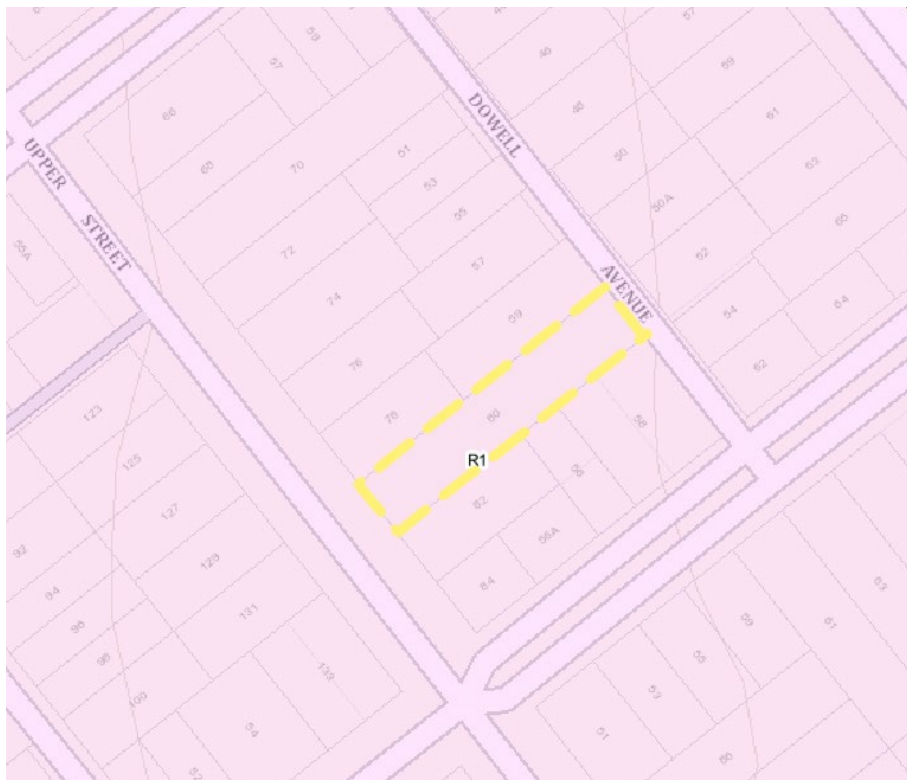


Figure 3: Zoning R1 - Source NSW planning

2.2 Development background

There is a single storey dwelling, carport and metal shed on the lot.

2.3 The Application

The proposal is for the demolition of the existing dwelling and garage and the subdivision of the lot. The existing lot will be divided into 3 lots and will have an area of: Lot 1 600.26 m², Lot 2 will have an area of 622.13 m² and Lot 3 will have an area of 805.44 m².

No approval for dwellings is requested at this stage.

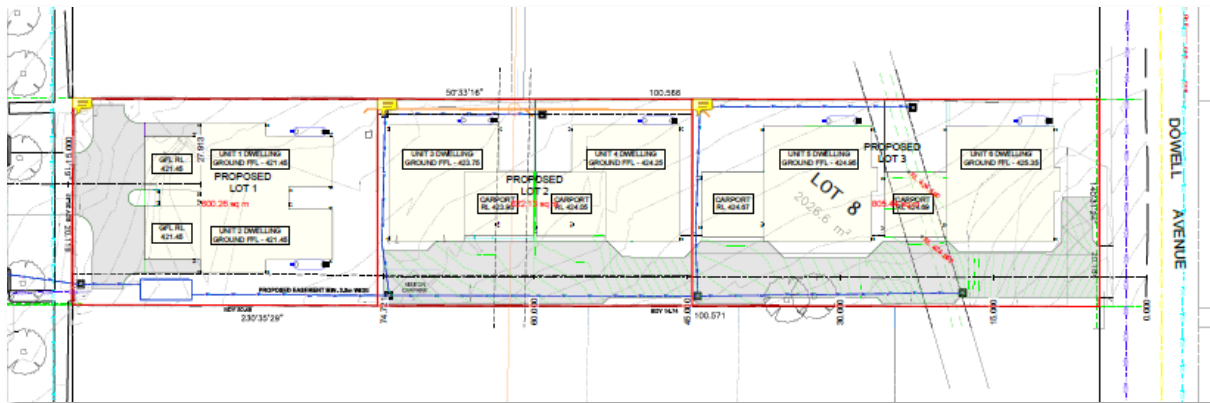


Figure 4: Sub division plan extract.

3. Environmental Mapping Constraints - Tamworth LEP 2010

3.1 Site Zoning

The site is zoned R1 – General Residential - pursuant to TLEP 2010.

1 Objectives of zone

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

2 Permitted without consent

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

3 Permitted with consent

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

4 Prohibited

Advertising structures; Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Local distribution premises; Marinas; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sex services premises; Storage premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Waste or resource management facilities; Wharf or boating facilities; Wholesale supplies

4. Environmental Assessment

4.1 Tamworth Local Environmental Plan 2010

The *Tamworth Local Environmental Plan 2010* is the primary environmental planning instrument that applies to this site. The property is zoned R1 General Residential under the *TLEP 2010*. The development provisions of the *TLEP 2010* for consideration and comment relative to compliance are outlined in the table below.

Clause	Provisions	What is proposed and statement of compliance
1.1	Name of Plan	Noted
1.1AA	Commencement	Noted
1.2(2)	Aims of Plan	
	<p>This Plan aims to make local environmental planning provisions for land in the Tamworth Regional Council area in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.</p> <p>The particular aims of this Plan are as follows—</p> <ul style="list-style-type: none"> (a) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts, (a) to encourage the orderly management, development and conservation of natural and other resources within the Tamworth region by protecting, enhancing or conserving (i) important agricultural land, and (ii) timber, minerals, soil, water and other natural resources, and (iii) areas of significance for nature conservation, and (iv) places and buildings of archaeological or heritage significance, (b) to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity, (c) to manage and strengthen retail hierarchies and employment opportunities, promote appropriate tourism development, guide affordable urban form and provide for the protection of heritage items, (d) to promote ecologically sustainable urban and rural development and control the development of flood liable land, and (e) to secure a future for agriculture by expanding Tamworth's economic base and minimising the loss or fragmentation of productive agricultural land. 	Consistent
		Consistent
1.3	Land to which Plan applies	The project is on land governed by this Plan.

1.4	Definitions	Noted
1.5	Notes	Noted
1.6	Consent authority	Council are the relevant consent authority
1.7	Maps	Noted
1.8	Repeal of planning instruments applying to land	Noted
1.8A	Savings provision relating to development applications	Noted
1.9	Application of SEPPs	Project will comply with all relevant SEPPs
1.9A	Suspension of covenants, agreements and instruments	Noted
2.1	Land use zones	The relevant zone is R1.
2.2	Zoning of land to which Plan applies	The relevant zone is R1.
2.3	Zoning objectives and Land Use Table	See land use table above.
2.4	Unzoned land	Not relevant
2.5	Additional permitted uses for particular land	Not relevant
2.6	Subdivision consent requirements	Noted
2.7	Demolition requires development consent	Not relevant
2.8	Temporary use of land	Not relevant.

3 Exempt and complying development

3.1	Exempt development	Not relevant.
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3.2	Complying development	Not relevant.
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3.3	Environmentally sensitive areas excluded	Not relevant.
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4 Principal development standards

4.1	<p>Minimum subdivision lot size</p> <p>(1) The objectives of this clause are as follows—</p> <p>(a) to ensure that new subdivisions are consistent with the predominant lot sizes and holding patterns of the surrounding locality,</p> <p>(b) to ensure that lot sizes have a practical and efficient layout to meet the intended use of the lot,</p> <p>(c) to prevent the fragmentation of rural lands.</p> <p>(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.</p> <p>(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.</p> <p>(4) This clause does not apply in relation to the subdivision of any land—</p> <p>(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</p> <p>(b) by any kind of subdivision under the Community Land Development Act 2021.</p>	<p>Mapped as 600 m² minimum. Lot size is 2,026m² thus subdivision is possible.</p>
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4.1AA	Minimum subdivision lot size for community title schemes	Not relevant.
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4.1A	<p>4.1A Minimum subdivision lot size for Zones R1 and RU5</p> <p>Despite clause 4.1, the size of any lot resulting from a subdivision of land in Zone R1 General Residential or Zone RU5 Village may be less than the minimum lot size shown on the Lot Size Map in relation to that land, but not less than 450 square metres (excluding access handles), if—</p> <p>(a) the land is connected to a reticulated sewerage system, and</p> <p>(b) development consent has been granted in respect of the subdivision for the purposes of any of the following—</p> <p>(i) dual occupancy,</p> <p>(ii) multi dwelling housing,</p> <p>(iii) attached dwellings,</p> <p>(iv) semi-detached dwellings.</p>	Noted.
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4.2	Rural subdivision	Not relevant.
4.2A	Erection of dwelling houses, dual occupancies and secondary dwellings on land in certain rural and environment protection zones	Not relevant.
4.2B	Erection of dwelling houses, dual occupancies and secondary dwellings in Zone RU5 and Zone R5	Not relevant.
4.2C	Minimum subdivision lot size for strata plan schemes in certain rural and environment protection zones	Not relevant.
4.3	Height of buildings	Not adopted.
4.4	Floor space ratio	Noted.
4.5	Calculation of floor space ratio and site area	Noted.
4.6	Exceptions to development standards	Noted.
5	Miscellaneous provisions	
5.1	Relevant acquisition authority	Not relevant
5.2	Classification and reclassification of public land	Not relevant
5.3	Development near zone boundaries	Not relevant
5.4	Controls related to miscellaneous permissible uses	Noted.
5.5	Development within the coastal zone	Not applicable.
5.6	Architectural roof features	Not adopted.
5.7	Development below mean high water mark	Not applicable.
5.8	Conversion of fire alarms	Not relevant
5.9	Preservation of trees or vegetation	Repealed.
5.9AA	Trees or vegetation not prescribed by development control plan	Repealed.
5.10	Heritage conservation	Noted.
5.11	Bush fire hazard reduction	Noted.

5.12	Infrastructure development and use of existing buildings of the Crown	Not relevant
5.13	Eco-tourist facilities	Not relevant
5.14	Siding Spring Observatory – maintaining dark sky	Not adopted
5.15	Defence communications facility	Not adopted
5.21	Flood planning	Not flood prone mapped however a stormwater overland flow easement exists on the site.
Part 6	Urban release areas	
6.1	Arrangements for designated State public infrastructure	Not relevant
6.2	Public utility infrastructure	Not relevant
6.3	Development control plan	Noted
6.4	Relationship between Part and remainder of Plan	Not relevant
Part 7	Additional local provisions	
7.1	Earthworks	Noted
7.2	Flood planning	Noted
7.3	Stormwater management	Noted
7.4	Terrestrial biodiversity	Not relevant
7.5	Groundwater vulnerability	Noted
7.6	Riparian land and watercourses	Not relevant
7.7	Sensitive lands	Not relevant
7.8	Development within a designated buffer area	Not relevant.
7.9	Active street frontages	Noted.

4.2 Tamworth Regional DCP 2010

Subdivision Controls

Plans of Subdivision

A registered surveyor must prepare a suitable plan showing the proposed subdivision for submission with a Development Application.

Comment: Survey and sub division plan submitted.

Servicing Strategy & Preliminary Engineering Designs

All development applications shall provide a servicing strategy (water, sewer, stormwater, telecommunications and electricity) and preliminary engineering designs where an extension to infrastructure is required to demonstrate that it is feasible for the subdivision to be serviced in accordance with the requirements of Council's Engineering Guidelines for Subdivision and Developments.

The strategy shall include evidence that the developer has consulted with the Water Supply Authority in relation to the availability and capacity of the existing water and sewer networks consistent with the likely future use of the land.

The strategy shall include evidence that the developer has consulted with TRC Regional Services to obtain available information in relation to stormwater catchments, capacities and preferred solutions.

Comment: Contact has been made with council regarding this requirement.

Sewer

The servicing strategy including preliminary engineering designs shall identify the method of providing sewer to the proposed lots in accordance with the Council's Engineering Guidelines for Subdivision and Development.

Residential lots are to be serviced by gravity sewer. Detail of any lot filling required to achieve minimum grade shall be provided.

Comment: Details on submitted plans.

Stormwater Drainage

The servicing strategy, including preliminary engineering designs shall include consideration of flows up to the 1 in 100 year ARI for existing natural flow, existing developed flow and post developed flow.

Minor flows are to be designed to a 1 in 5 year ARI.

Location of major flows are to be defined to a designated overland flow path up to a 1 in 100 year ARI. Where the path traverses private property, it shall be dedicated as a drainage reserve UNLESS a natural drainage line (as indicated by blue line on the topographic map).

Detention basins are not a preferred solution.

Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.

Comment: Details on submitted plans.

Section 4.15 of the Environmental Planning and Assessment Act, 1979

Section 4.15 (1) (a)(i) – Has consideration been given to all relevant provisions of any relevant environmental planning instrument?	Yes
Section 4.15 (1) (a)(ii) – Has consideration been given to any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)?	Yes
Section 4.15 (1) (a)(iii) – Has consideration been given to all relevant provisions of any provisions of any development control plan?	Yes
Section 4.15 (1) (a)(iia) – Has consideration been given to all relevant provisions of any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?	N/A
Section 4.15 (1) (a)(iv) – Have you considered all relevant provisions of the Regulations (to the extent that they are prescribed for the purposes of this paragraph)?	Yes
Section 4.15(1)(a)(v) – Has consideration been given to any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>)?	N/A
Section 4.15 (1) (b) – Are the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality acceptable?	Yes
Section 4.15 (1) (c) – Is the site suitable for the development?	Yes
Section 4.15 (1) (d) – Has consideration been given to any submissions made in accordance with the EPA Act or EPA Regulations?	TBA by council
Section 4.15 (1) (e) – Is the proposal in the public interest?	Yes

5. Summary and Conclusion

The proposal is for the demolition of existing dwelling, carport and metal shed and the subdivision of land from 1 lot into 3 lots.

Consideration has been given to;

- the circumstances of the case;
- an analysis of the subject site and the surrounding locality;
- compliance of the lot width

It is requested that council give favourable consideration to this proposal.



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