



BARTLETT PLANNING SOLUTIONS

The Town Planning Experts



# Statement of Environmental Effects

**Change of Use to  
Landscaping Material Supplies**

Lot 11, DP 604603  
302 Burgmanns Lane  
Kingswood NSW 2340

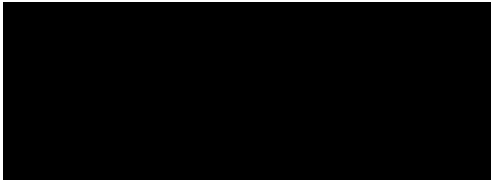
9<sup>th</sup> February 2025



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Change of Use to Landscaping Material Supplies Business

Bartlett Planning Solutions



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This Statement was prepared in order to demonstrate compliance with applicable environmental planning instruments as well as local plans and strategies.

Issue	Rev.	Date	Author	Approved	Issued To
Draft	1	5/6/2024			
Final	1	8/7/2024			
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	3	9/2/2025			



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

### Submission of Statement of Environmental Effects (SoEE)

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

#### SoEE Prepared by

Name

Nathan Bartlett - **Managing Director**

Qualifications

B. Urban and Regional Planning (UNE), MPIA.

Diploma Project Management (SYD)

Diploma Leadership and Management (TAFE NSW)

Certificate IV Frontline Management (TAFE NSW)

Address

Bartlett Planning Solutions Pty Limited

#### In respect of

Proponent Name

Land on which  
activity is to be  
carried out

Proposed  
Development

Proposed Landscaping Material Supplies Business

#### Statement of Environmental Effects

A SoEE is attached.

#### Certificate

I certify that I have prepared the contents of this Statement and 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

Nathan Bartlett

**Managing Director**

Bartlett Planning Solutions Pty Ltd

Date

9<sup>th</sup> February 2025



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

### TABLE OF CONTENTS

<b>1</b>	<b>DEVELOPMENT APPLICATION OUTLINE .....</b>	<b>5</b>
<b>2</b>	<b>EXECUTIVE SUMMARY .....</b>	<b>6</b>
2.1	BACKGROUND .....	6
2.2	PROPOSAL .....	6
2.3	PERMISSIBILITY .....	6
<b>3</b>	<b>SUBJECT SITE AND LOCALITY .....</b>	<b>6</b>
3.1	LAND TITLES .....	6
3.2	SITE DETAILS AND EXISTING DEVELOPMENT .....	6
3.3	LAND USE CONTEXT .....	7
<b>4</b>	<b>THE PROPOSAL .....</b>	<b>8</b>
4.1	MATERIALS TO BE SUPPLIED .....	8
4.2	OPERATION .....	9
4.3	PLANT AND EQUIPMENT .....	9
4.4	SIGNAGE .....	10
4.5	DUST MANAGEMENT PLAN .....	10
<b>5</b>	<b>STATUTORY PLANNING ASSESSMENT .....</b>	<b>10</b>
5.1	SECTION 4.15(1)(A)(i) THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT .....	10
5.1.1	State Environmental Planning Policies .....	10
5.1.2	Local Environmental Plans: Tamworth Regional Local Environmental Plan 2010 .....	15
5.2	SECTION 4.15(1)(A)(ii) THE PROVISIONS OF ANY PROPOSED ENVIRONMENTAL PLANNING INSTRUMENT .....	16
5.3	SECTION 4.15(1)(A)(iii) THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN .....	17
5.4	SECTION 4.15(1)(A)(iia) THE PROVISIONS OF ANY PLANNING AGREEMENT .....	19
5.5	SECTION 4.15(1)(A)(iv) THE PROVISIONS OF THE REGULATIONS .....	20
5.6	SECTION 4.15(1)(B) THE LIKELY IMPACTS OF THE DEVELOPMENT .....	21
5.6.1	Impacts on the natural environment .....	21
5.6.2	Impacts on the built environment .....	21
5.6.3	Context and setting .....	21
5.6.4	Site Design and Internal Design .....	21
5.6.5	Utility / infrastructure impacts .....	21
5.6.6	Access, Transport and Traffic .....	21
5.6.7	Social issues and impacts .....	22
5.6.8	Economic issues and impacts .....	22
5.6.9	Flora and Fauna .....	22
5.6.10	Air Quality .....	22
5.6.11	Waste management .....	22
5.6.12	Natural Hazards .....	22
5.6.13	Technological Hazards .....	23
5.6.14	Construction impacts .....	23
5.6.15	Heritage Significance .....	23
5.6.16	Drainage .....	24
5.6.17	Noise and Vibration .....	24
5.6.18	Cumulative impacts .....	24
5.6.19	Public Domain .....	24
5.7	SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT .....	24
5.8	SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT OR THE REGULATIONS .....	25
5.9	SECTION 4.15(1)(E) THE PUBLIC INTEREST .....	25
<b>6</b>	<b>CONCLUSION .....</b>	<b>26</b>

### FIGURES

Figure 1 - Aerial Image of the Subject Land Lot 11, DP 604603, 302 Burgmanns Lane, Kingswood .....	7
Figure 2 - Cadastral Image of the Subject Land Lot 11, DP 604603, 302 Burgmanns Lane, Kingswood .....	8
Figure 3 - Nearest adjoining residential dwelling from the Subject Site manns Lane, Kingswood .....	18
Figure 4 - NSW Rural fire Service Bushfire Prone Mapping for the Subject Land .....	22

### APPENDICES

APPENDIX A:	DESIGN PLANS OF THE PROPOSED DEVELOPMENT AND ESTIMATED COST REPORT
APPENDIX B:	PROPOSED SIGNAGE DESIGN
APPENDIX C:	SITE PHOTOGRAPHS
APPENDIX D:	AHIMS REPORT
APPENDIX E:	RESOURCE AND WASTE MANAGEMENT PLAN
APPENDIX F:	LETTERS OF SUPPORT FROM ADJOINING NEIGHBOURS



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

### 1 DEVELOPMENT APPLICATION OUTLINE

<b>Development:</b>	Proposed Landscaping Material Supplies Business
<b>Subject Land:</b>	Lot 11, DP 604603 302 Burgmanns Lane Kingswood NSW 2340
<b>Zone:</b>	<i>RU4 - Primary Production Small Lots as per the Tamworth Regional Local Environmental Plan 2010</i>
<b>Proponent:</b>	<p>The proponent for the development is Mr Dan Said.</p> <p>Bartlett Planning Solutions Pty Ltd has been engaged by Mr Said to prepare a Statement of Environmental Effects to accompany a development application to Tamworth Regional Council, seeking consent for the proposed development as outlined above.</p> <p>The principal contact for this development will be Mr Nathan Bartlett: Phone: (02) 6761 5367 Mobile: 0436 312 926 Email: <a href="mailto:nathan@bartlettplanning.com.au">nathan@bartlettplanning.com.au</a></p>
<b>Estimated Construction Value:</b>	<p>Total Cost: <b>\$ 30,800.00 (Incl. GST)</b></p> <p>Based on this Capital Investment Value (CIV) and the provisions of Section 2.15 and Part 4 of the <i>Environmental Planning and Assessment Act 1979</i>, the consent authority for the subject development application will be Tamworth Regional Council (<b>refer Appendix A</b>).</p>
<b>List of all Relevant S.4.15(1)(a) Legislation Matters:</b>	<ul style="list-style-type: none"><li>• <i>Environmental Planning and Assessment Regulation 2021</i></li><li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li><li>• <i>State Environmental Planning Policy (Biodiversity &amp; Conservation) 2021</i></li><li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li><li>• <i>Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010)</i></li><li>• <i>Tamworth Regional Development Control Plan 2010 (TRDCP 2010)</i></li></ul>



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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## 2 EXECUTIVE SUMMARY

### 2.1 Background

Bartlett Planning Solutions has been engaged by [REDACTED] to prepare a Statement of Environmental Effects to accompany a Development Application (DA) to be submitted to Tamworth Regional Council seeking consent for a proposed Landscaping Material Supplies Facility (Retail Premises).

This Statement provides a description of the subject site and surrounds, the characteristics of the proposal and an assessment of the perceived impacts of the proposal for those relevant matters contained within *Section 4.15* of the *Environmental Planning and Assessment Act 1979*, as amended.

### 2.2 Proposal

This development application proposes a Change of Use to Landscaping Material Supplies business at Lot 11, DP 604603, 302 Burgmanns Lane, Kingswood NSW 2340. The following assessment demonstrates that the application is satisfactory and is recommended for approval.

### 2.3 Permissibility

The proposed land use, being a “landscaping material supplies” is highly consistent with the zone objectives and intent and is not prohibited development. Consequently, proposal is permissible with development consent pursuant to *Part 2* of *Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010), under which the site is zoned *RU4 - Primary Production Small Lots*.

## 3 SUBJECT SITE AND LOCALITY

### 3.1 Land Titles

The subject site is identified as Lot 11, DP 604603, 302 Burgmanns Lane, Kingswood NSW 2340. The allotment is situated in a rural zone of Tamworth, in the vicinity of Kingswood. Vehicular access to the development site is provided from Burgmanns Lane. Adequate area exists to accommodate the operation of the proposed development on the allotment.

### 3.2 Site Details and Existing Development

The subject land comprises an allotment with existing structures and represents an area of approximately 6.86 Hectares. The north property boundary is contiguous to Burgmanns Lane, while the eastern and western boundary adjoins rural agricultural land.

The subject land is relatively flat and is located approximately 1.1 Kilometres west of the New England Highway and is approximately 1.1 Kilometres southwest of the *Australian Equine and Livestock Events Centre* (AELEC). Land uses that surround the development site includes Econo Lodge Savannah Park (Motel), farming land, Pet Crematorium, Acacia Function Centre, City of Lights Holiday Park and Triple M Cake Decorating Supplies. The subject site is currently occupied by residential development and farm buildings used for farming purposes. There is no significant vegetation located on the allotment and the proposed development does not require the removal of any trees.

The site has direct road frontage to Burgmanns Lane, which is bitumen sealed. The posted speed limit in the vicinity of the development site is 100 kilometres per hour. Access to fully reticulated services for water, electricity and telecommunications is available to the allotment.

## STATEMENT OF ENVIRONMENTAL EFFECTS

### *Proposed Change of Use to Landscaping Material Supplies Business*

In accordance with the maps accompanying the *Tamworth Local Environmental Plan 2010 (TRLEP 2010)*, the subject site is not classified as being prone to inundation by flooding or improved with any items of environmental heritage. Furthermore, there are no environmental planning instruments applying to the land which provide for the acquisition of the land by a public authority. However, the subject property is identified as bushfire prone land.

### 3.3 Land Use Context

The subject land is located in the *RU4 - Primary Production Small Lots* zone within Tamworth Regional Council and is surrounded by mixture of rural, commercial and residential development. The allotment is located approximately 5.8 kilometres southwest of the Tamworth CBD.

In accordance with the Maps accompanying the TRLEP 2010, the subject site is not classified as being prone to inundation by flooding. The land is also not improved with any items of environmental heritage and is not subject to any additional restrictions (including a floor space ratio and restrictions on building height). However, the land is identified as being bushfire prone.

Land uses adjoining the subject site include properties featuring a mixture of small and medium holdings used for agricultural and residential development. To the south of the subject allotment is a large area of land that is suitable for residential purposes. Some of these sites are currently under construction. The Australian Bushmen's Campdraft and Rodeo Association exists approximately 1 kilometre southwest of the subject site.

The site and its locality are shown in Figure 1 below, in an annotated air photo, while a cadastral image is included as Figure 2 over the page.

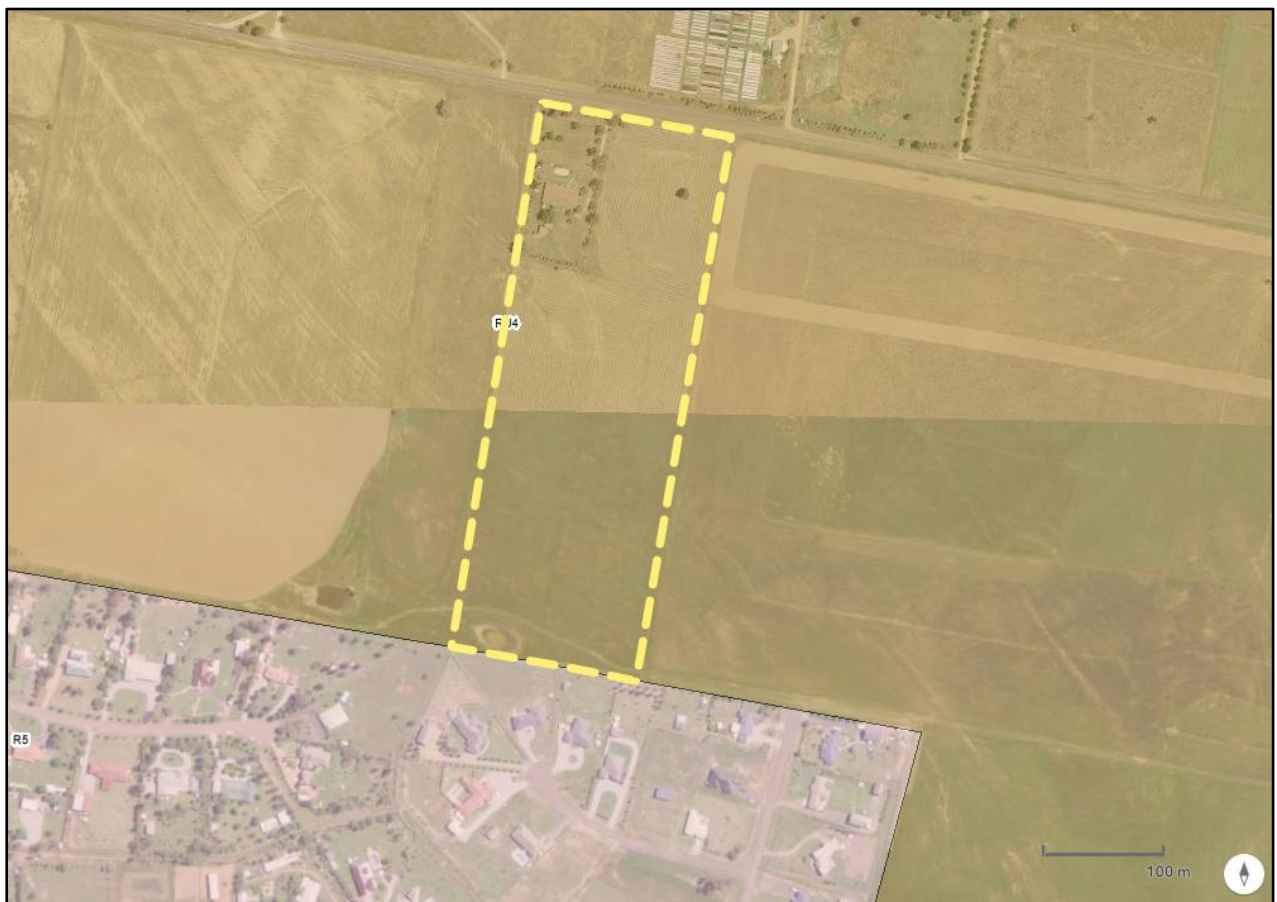


FIGURE 1 - AERIAL IMAGE OF THE SUBJECT LAND LOT 11, DP 604603, 302 BURGMANN'S LANE, KINGSWOOD

## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

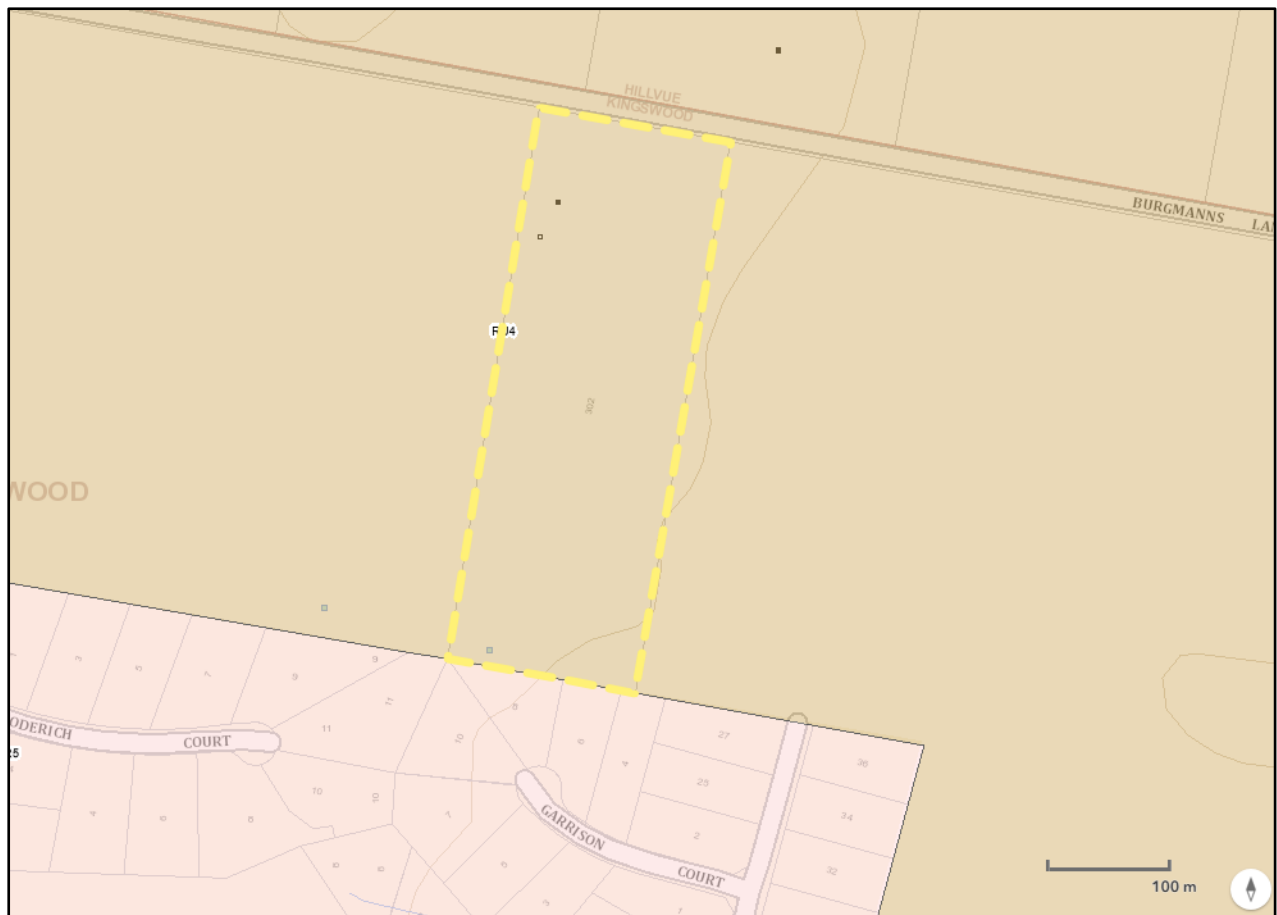


FIGURE 2 - CADASTRAL IMAGE OF SUBJECT LAND LOT 11, DP 604603, 302 BURGMANN'S LANE, KINGSWOOD

## 4 THE PROPOSAL

A Landscaping Material Supplies business is proposed on the subject land. The proposal is for a use having a relatively small scale of operation. The following proposed and existing structures will be installed / utilised: -

- Proposed site office being a 6 metre x 3 metre portable building (refer design plans in **Appendix A**);
- **Landscaping measures; and**
- Existing open-bay storage shed.

The costs associated with the proposal are the purchase / installation of the portable building, site preparation and other external works.

Note: The proposed scale of the development has been reduced as the proponent has identified future expansion to a larger area will be dependent on the success of the operation. In this regard, the development will be reliant on the existing access point on the property. Refer to the amended Plans in **Appendix A** for the proposed new layout of the development site.

### 4.1 Materials to be Supplied

The materials to be supplied in the operation of the commercial business are detailed as follows: -

- Firewood
- Sands
- Soils



## STATEMENT OF ENVIRONMENTAL EFFECTS

### *Proposed Change of Use to Landscaping Material Supplies Business*

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- Aggregates
- Rocks
- Mulch
- Concrete bags
- Concrete pavers

The subject land provides adequate area on-site for manoeuvrability and parking to access the above-mentioned materials. There will be no hazardous materials sold / stored on the premises.

#### **4.2 Operation**

The facility is proposed to be operated from 7.00 am to 5.00 pm, Monday to Friday, and 7.00 am to 3.00 pm on Saturday and Sunday. All supply material will be stored on site by loading into small bays with a front-end loader. The storage bays will consist of concrete precast blocks. A display area will also be included providing customers with the opportunity to view materials for section.

All customers purchasing and collecting will be loaded with a front-end loader into their vehicles. However, another intention is to deliver the material to customers off-site. The landscaping material supplies will be transported to the site via a ridged 12 tonne truck and dog owned by the proponent. The property owner anticipates vehicular movements from the operating plant to be as follows:-

- Twenty (20) to Thirty (30) heavy vehicle movements per week (approximate); and
- Twenty (20) light vehicle movements per week (approximate).

The proponent also advises that traffic movement from customers during operation would be no more than:-

- Sixty (60) to Eighty (80) vehicles per week (approximate).

Most of the movements from customers to / from the site are most likely to occur during the weekend.

Manoeuvring areas and on-site access on the subject land will occur in a forward direction. All plant and equipment will also be stored on-site, and the internal layout will be maintained with road base. The office component of the use is a small component of the total site area and is ancillary. The nature of the use means that the majority of the site is an open use area. Refer to the specification details and the proposed layout as demonstrated by the site plan attached as **Appendix A**.

The mobile plant equipment has been situated in order to reduce the potential impacts of the activity on potential receptors located both on the subject land as well as on adjoining properties. Landscaping consisting of native, and frost tolerant tree species is also proposed along the southern and western borders of the landscaping supplies site area of the subject land for screening in order to reduce the impact of the proposed development from adjoining properties.

#### **4.3 Plant and Equipment**

The equipment and machinery proposed to be used in the operation of the development are detailed as follows:-

- Truck and Dog;
- Front-end Loader;
- Ute and box trailer; and
- Tractor.



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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### 4.4 Signage

The proposal will also include new signage and will form part of the approval. The Pylon Sign will reflect the new business intended to occupy the property (refer Plans in **Appendix B**). The proposed dimensions are two (2) boards each at 2,500 mm long by 1,500 mm high with the overall sign height 2,500 mm. The colour scheme of the signage for the Landscaping Material Supplies development will be neutral colours and consistent with the existing environment.

### 4.5 Dust Management Plan

The Landscaping Material Supplies operation shall also be subject to a Dust Management Plan in order to minimise any potential generation of dust particles on the subject site, as follows:

- The supply of the materials will be located within the designated envelope (Proposed Driveway Yard and Landscape Supplies Area) with consideration of the direction of prevailing winds;
- Internal roads for loading / unloading, where unsealed will be periodically watered in order to minimise dust generation from truck movements;
- The new access point will be sealed to facilitate vehicular movements to and from the landscaping supplies facility; and
- Dedicated water storage tanks shall provide sufficient water for dust suppression purposes in relation to both storage and handling of material.

It is acknowledged that the landowner shall be responsible for waste, pests, plant and animal management.

## 5 STATUTORY PLANNING ASSESSMENT

The preparation of this DA has been undertaken with consideration of the relevant criteria listed in *Section 4.15* of the *Environmental Planning and Assessment Act 1979*, as amended. In determining a DA, the determining / consent authority is to take into consideration the following matters as are relevant to the application:

### 5.1 Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

#### 5.1.1 State Environmental Planning Policies

The following SEPPs are considered relevant to this Development Application:

##### 5.1.1.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

This consolidated Policy applies in the Tamworth region local government area to land that has an area of more than 1 hectare and is identified as rural zoned. The subject land has a total area of approximately 6.86 hectares and is greater than the prescribed area. Therefore, the provisions of this Policy requires consideration as part of the proposed development. However, significant disturbance and modification of the natural environment has occurred on the subject land as a result of historic land uses such as agricultural (e.g. farming, cattle grazing etc.). A site inspection also confirmed that the proposed location of the development is largely clear of native vegetation. Furthermore, there are no significant stands of native vegetation located in proximity to the development site as identified in the Biodiversity Values Map.

In addition to the above information, there will be no additional clearing of native trees and shrubs undertaken and no construction of new buildings will occur as they already exist. As such, the subject application does not pose a risk to koala habitat and the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 have been met.



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

### 5.1.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The proposed development is subject to the provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021*. This SEPP aims to provide a State-wide planning approach to the remediation of contaminated land and promotes the remediation of contaminated land for the purpose of reducing risk of harm to human health or the environment.

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

Part	Clause	Subject	Comments
4	4.6	Contamination and need for remediation to be considered in determining development applications	<p>It is understood the subject land is currently owned by Dan Said and has historically been utilised for rural and residential purposes. The site is not known to be contaminated, and a site inspection did not reveal any visual indicators of contamination. Furthermore, the site is not listed on the NSW Environment Protection Authority's online register of Records under Section 58 of the <i>Contaminated Land Management Act 1997</i>.</p> <p>The site is expected to be suitable in its existing state to accommodate the proposed development and any associated works. If any (at present unknown) contamination comes to light during any installation works, the appropriate actions shall be taken in accordance with <i>SEPP No. (Resilience and Hazards) 2021</i>, work health and safety and environmental protocols in order to address any issues relating to human health and environmental protection. The proposed development will comply with the specified requirements and a suitably qualified consultant shall be engaged to investigate and report the outcomes of the subject land.</p> <p>Use of the subject land for the development proposed by this application is therefore considered suitable.</p>

### 5.1.1.3 State Environmental Planning Policy (Industry and Employment) 2021

*Chapter 3 Advertising and signage* of this Policy is concerned with outdoor advertising and signage. Details of the proposed development and associated signage are included as part of the development drawings attached as **Appendix A** to this Statement. Chapter 3 outlines the signage to which this policy applies:

(1) *This Chapter applies to all signage that—*

- (a) *can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and*
- (b) *is visible from any public place or public reserve, except as provided by this Chapter.*

A 'public place' is defined in the *Local Government Act 1993* as:

- a) *a public reserve, public bathing reserve, public baths or public swimming pool, or*



## STATEMENT OF ENVIRONMENTAL EFFECTS

### *Proposed Change of Use to Landscaping Material Supplies Business*

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- b) a public road, public bridge, public wharf or public road-ferry, or*
- c) a Crown reserve comprising land reserved for future public requirements, or*
- d) public land or Crown land that is not:*
- e) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or*
- f) a common, or*
- g) land subject to the Trustees of Schools of Arts Enabling Act 1902, or*
- h) land that has been sold or leased or lawfully contracted to be sold or leased, or*
- i) land that is declared by the regulations to be a public place for the purposes of this definition.*

As the proposed signage will be visible from a 'public place', specifically a public road, this Policy is applicable to the application. The consent authority must not grant consent for the proposed signage unless it is satisfied that the signage is consistent with the objectives of Chapter 3 Advertising and signage of SEPP (Industry and Employment) 2021, and that it satisfies the assessment criteria specified in Schedule 5 of the policy. An assessment of the proposed signage against these provisions is provided below:

*(1) This Chapter aims:*

*a) to ensure that signage (including advertising):*

- i. is compatible with the desired amenity and visual character of an area, and*

The subject building is located in the *RU4 - Primary Production Small Lots* zone of Tamworth. The proposed development includes the erection of one business identification signage comprising one (1) pylon sign measuring 1,500 mm x 2,500 mm (2 x sign panels) at 2,500 mm in overall height. The sign is to be located at the front property as detailed on the design drawings included as **Appendix B** to this Statement. The proposed development provides for limited signage in a suitable location, will not contribute to visual clutter and will not detract from the visual quality of the development or the public domain. The proposed development is therefore considered compatible with the amenity and visual character of the area.

- ii. provides effective communication in suitable locations, and*

The proposed signage is designed purely to identify the businesses within the premises, thereby providing effective communication. The signage will be located wholly within the allotment boundary and is therefore considered to be suitably located.

- iii. is of high-quality design and finish, and*

The proposed signage will make use of quality materials, will be of a high-quality finish and will complement the proposed development on the site. Details of the proposed signage are included as part of **Appendix B** to this Statement. The proposed design, quality and finish for the signage is considered to be suitable.

### Schedule 5 Assessment Criteria:

#### **1 Character of the area**

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

The subject land is located within the *RU4 - Primary Production Small Lots* of Tamworth. The proposed signage will advertise a business and be placed in a suitable location. The intended sign to be used will be compatible with the existing and proposed future character of the locality.

- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The area surrounding the site is of a rural character. There does not appear to be a particular theme for outdoor advertising in the area or locality, however, a number of commercial sites on



## STATEMENT OF ENVIRONMENTAL EFFECTS

### *Proposed Change of Use to Landscaping Material Supplies Business*

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Burgmanns Lane have signs at their frontage. The proposed development is consistent with existing signage in the locality and is suitable for the type of use proposed.

#### **2 Special areas**

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The design and location of the signage is intended to blend with the landscape features of the area. Furthermore, the sign is considered to be of an appropriate scale in the context of area which it is proposed to be located. The proposed sign is therefore considered to be in keeping with existing development in the locality as well as anticipated future uses.

#### **3 Views and vistas**

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*

The proposed signage shall be pylon signage (max. height 1.8 metres) and will not obscure or compromise important views, nor will it dominate the skyline or reduce the quality of vistas. The signage has been strategically placed to blend with the surrounding environment without being obtrusive.

- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure any existing advertisements in the vicinity. Furthermore, there will be no conflict or obstruction to other advertisers within the immediate area.

#### **4 Streetscape, setting or landscape**

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

The proposed signage is of a scale, proportion and form that will not conflict with the surrounding, setting and landscape. It is consistent with the established character of development in the locality.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

It is considered that the proposed signage will contribute to the visual interest of the streetscape and not detract from the current setting. The signage has been designed commensurate with the proposed landscape supplies business on the site. It will appropriately direct attention without degrading the visual amenity of the locality.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

The proposed development incorporates the erection of one (1) pylon sign measuring 1500 mm x 2500 mm to be located at the front property. There is no clutter within the area and the signage is not anticipated to introduce 'clutter' as a result of approval of the application. The signage is expected to have negligible impact on the existing setting.

- *Does the proposal screen unsightliness?*

It is considered that there is no unsightliness to screen in this instance.

- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The proposed signage does not protrude above buildings, structures or tree canopies in the area.

- *Does the proposal require ongoing vegetation management?*

The signage will not require ongoing vegetation management as it appropriately located.



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

### 5 Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

The proposed signage is deemed to be compatible with the characteristics of the site and surrounding development.

- Does the proposal respect important features of the site or building, or both?*
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

It is considered that the proposal to erect one (1) pylon sign in the front setback is appropriate in terms of the relationship to the site and setting. The proposed signage has been designed in conjunction with the subject development and as such, the relationship between the two is considered to be compatible.

### 6 Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

No safety devices, platforms, lighting devices or logos been designed as part of the signage.

### 7 Illumination

- Would illumination result in unacceptable glare?*
- Would illumination affect safety for pedestrians, vehicles or aircraft?*
- Would illumination detract from the amenity of any residence or other form of accommodation?*

No illumination is proposed for the signage.

### 8 Safety

- Would the proposal reduce the safety for any public road?*
- Would the proposal reduce the safety for pedestrians or bicyclists?*
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage is not expected to have an adverse impact on the safety of any public road or for pedestrians or bicyclists. The signage will be visible by vehicles travelling Burgmanns Lane. The proposed sign is not consistent with existing development in the surrounding locality and is designed to not be a visually obtrusive element. The proposed sign will not obstruct the views of motorists entering or exiting the site or travelling along the abovementioned road.

#### 5.1.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

The Application has been considered having regard to the relevant provisions of this SEPP: -

Clause	Subject	Comments
Clause 2.122 & Schedule 3	Traffic generating development	The proposed change of use development has been considered against the provisions of this Policy and is not deemed 'traffic generating' under the criteria listed in Clause 2.122 and Schedule 3 of this Policy. <b>That is, the traffic movements will not exceed 65 trips per week (to and from) for the operation of the Landscaping Material Supplies business (average of 10 movements per day).</b>



## STATEMENT OF ENVIRONMENTAL EFFECTS

### Proposed Change of Use to Landscaping Material Supplies Business

		In this regard the scope of the proposed development and any potential impacts on the effective and ongoing operation and function of Burgmanns Lane is considered to be acceptable within the existing traffic network. Therefore, the proposal will not have a significant impact on the intensity of traffic generation and is not required to be referred to Transport for NSW South Wales (TfNSW) for consideration.
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#### 5.1.2 Local Environmental Plans: Tamworth Regional Local Environmental Plan 2010

*Tamworth Regional Local Environmental Plan 2010* (TRLEP 2010) applies to the subject site. The allotment is not subject to flooding or identified on Council's land reservation / acquisition map. Furthermore, there are no heritage items located on the property. The land is however identified as bushfire prone. A review of the proposal against the relevant provisions of the TRLEP 2010 is provided as follows: -

Clause	Subject	Comments
1.2 (2)	Aims	Relevant aims of the TRLEP 2010 considered in this Statement of Environmental Effects include: <i>(2)(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</i> <i>(2)(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,</i> The proposed development is considered to be consistent with these aims. Relevant issues have been addressed where appropriate in this Statement.
2.1	Land use zones	The subject site is zoned <i>RU4 - Primary Production Small Lots</i> .
2.3	Zone objectives	The consent authority must have regard to the relevant zone objectives in determining a DA (see Land Use Table provisions, below).
-	Land use table	In the LEPs Land Use Table, the objectives for the <i>RU4 - Primary Production Small Lots</i> zone are: <ul style="list-style-type: none"> <li><i>To enable sustainable primary industry and other compatible land uses.</i></li> <li><i>To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.</i></li> <li><i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i></li> </ul> The proposed development is considered consistent with the abovementioned zone objectives, and is permissible with consent in the zone under the Land Use Table, being a 'landscaping material supplies' business which is defined in the Dictionary of the LEP as follows:-



## STATEMENT OF ENVIRONMENTAL EFFECTS

### Proposed Change of Use to Landscaping Material Supplies Business

		<p><i>“...<b>landscaping material supplies</b> means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like ...</i></p> <p><i>Note—</i></p> <p><i>Landscaping material supplies are a type of retail premises...”.</i></p> <p>The proposed use is specified as permissible in the zone under Part 2 of the relevant zone table. It is considered that the proposed development is consistent with the relevant zone objectives. Adjoining land uses are generally associated with rural, residential and commercial activities, the proposed development is compatible with surrounding development (refer <b>Appendix C</b> for photographs depicting the mixed-use setting of the land).</p>
5.10	Heritage conservation	<p>This clause aims to conserve items of heritage significance, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance. The buildings on the subject land are not listed in Schedule 5 of the LEP as having heritage significance, and an AHIMS search did not reveal any significantly listed archaeological sites, Aboriginal objects or Aboriginal places of heritage significance (refer <b>Appendix D</b>). As such, the development is considered appropriate and is not inconsistent with the provisions of this Section.</p>
7.10	Earthworks	<p>The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.</p> <p>This clause requires consideration of the environmental impacts of any earthworks to be carried out in conjunction with development. In this case earthworks associated with the construction of footings for the portable building (Office) will be required in connection with the proposal and consent for this aspect is therefore sought as part of this proposal.</p> <p>Where any soil is disturbed during construction appropriate management and treatment will be undertaken. An Erosion and Sediment Control Plan (ESCP) will be implemented during the construction stage to mitigate soil erosion. Stormwater controls on site are detailed in ESCPs which will be in accordance with regulatory authority guidelines including Landcom NSW's Managing Urban Stormwater, Soils and Construction (“Blue Book”).</p>

## 5.2 Section 4.15(1)(a)(ii) The provisions of any proposed environmental planning instrument

At the time of preparing this Statement (**February 2025**), no relevant proposed planning instruments that had been the subject of public consultation were detailed on the Tamworth Regional Council website or *Department Planning, Housing and Infrastructure* website.



## STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Change of Use to Landscaping Material Supplies Business

### 5.3 Section 4.15(1)(a)(iii) The provisions of any development control plan

The *Tamworth Regional Development Control Plan 2010 (TRDCP 2010)* is a comprehensive document which has been adopted by Council to provide more specific guidelines and control for development throughout the Tamworth Region complementary to the provisions of the TRLEP 2010. An assessment of proposed development against the applicable Commercial Development Controls detailed in the TRDCP 2010 has been undertaken as detailed within the following Table:-

Chapter	Comment
1.7 Developer Contributions	It is noted that a contribution under Section 7.11 / 7.12 of the <i>Environmental Planning and Assessment Act 1979</i> may be imposed as a condition of development consent in accordance with Tamworth's Contributions Plan.
1.8 Community Consultation	The application may be required to be publicly exhibited, assessed and determined in accordance with the provisions of this Chapter.
Building Setbacks	The proposed change of use does not propose to erect any building structures. However, a prefabricated office will be located in the centre of the development site and complies with the side and rear setback provisions of the BCA.
Design	<p>The proposed development will not change any exterior of the existing approved buildings. Only a prefabricated office building will be located on site (refer <b>Appendix A</b>). The building elements of the proposed structure are also of low scale materials and consistent with the existing setting. Further, considering the private location of the site in the surrounding rural environment and its screening from any public road, the land use proposed is appropriate for the locality.</p> <p>The identified existing and proposed buildings are to be utilised for commercial purposes and complies with the provisions of this Part. Refer Site Plan in <b>Appendix A</b> for the proposed location of the development.</p>
Utilities and Services	<p>The property is located in a rural area outside of Tamworth and has access to fully reticulated services for water, telecommunications and electricity infrastructure. The proposed development will not be located over any utility infrastructure. <b>There are currently six (6) water tanks on the premises, each with a 22,500 litre capacity.</b></p> <p>As all utilities are existing on the subject land and readily accessible it is not considered that a servicing strategy is required in this instance.</p>
Traffic and Access	<p><b>Materials processed on the subject site shall be transported via a ridged truck and dog owned by the proponent. The property owner anticipates truck movements to be approximately one-hundred (100) to one-hundred and thirty (130) vehicular movements per week (50-65 ingress and 50-65 egress customer and proponent operating movements combined). It is therefore considered that Burgmanns Lane and adjoining roads have the capacity to accommodate these truck movements, especially considering that they are designated as B-double routes. Adequate area exists on site in order to facilitate manoeuvring so that all vehicles are capable of entering and exiting the site in a forward direction.</b></p> <p><b>In addition to seeking consent for the land use, the subject application also proposes the use of the existing access point.</b></p>



## STATEMENT OF ENVIRONMENTAL EFFECTS

### Proposed Change of Use to Landscaping Material Supplies Business

Parking	Customers entering the site will obtain materials within the dedicated loading area (Driveway Yard Area) in a brief timeframe and leave the site. Given their occupancy of the site will be short term, on-site parking spaces are generally not required. <b>However, a dedicated car parking area is provided on-site to accommodate eight (8) spaces, inclusive of one (1) disabled, if required.</b>
Landscaping	As demonstrated by the Site Plan attached to this Statement, appropriate landscaping measures will be provided onsite and is in accordance with the provisions of this Part. The landscaping will comprise low maintenance drought and frost tolerant native species <b>that will be planted at a height of approximately 1.5 metres. Refer to the Landscaping Plan in Appendix A for further information.</b>
Fencing	There is no new fencing proposed as part of development works.
Loading / Unloading Facilities	Adequate area exists on the subject land to accommodate the loading and unloading of vehicles within the proposed Driveway Yard Area (refer <b>Appendix A</b> ).
Outdoor Signage	Refer to Section 5.1 regarding requirements for outdoor signage.
Outdoor Lighting	The operation of the development will only occur during daylight hours and outdoor lighting will not be required. However, should any security lighting be installed these will comply with the provisions of <i>AS4282 Control of Obtrusive Effects of Outdoor Lighting</i> .
Noise	<p>The subject site is located approximately 275 metres of the nearest residential dwelling. Rural residential land uses surround the subject land, and commercial development exists further northeast. All land in proximity to the site is zoned <i>RU4 - Primary Production Small Lots</i>.</p> <p>The landscaping material supplies development is proposed to be located in the northern portion of the allotment as detailed by the Site Plan in Figure 3 below. The operating hours are proposed to be restricted from 7:00 am to 5:00 pm Monday to Friday and 7:00 am to 3:00 pm Saturday and Sunday in order to reduce any potential noise impacts on adjoining development.</p> <p>Additionally, the proponent intends to carry out tree planting immediately around the subject site to further reduce any potential noise impacts that may arise from the development.</p>

## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*



**FIGURE 3 – NEAREST ADJOINING RESIDENTIAL DWELLING FROM THE SUBJECT SITE**

STEP 3	Other Types of Development Controls
Environmental effects	<p>The proposed change of use is considered eminently suited for the subject land as outlined within this Statement. Environmental hazards or constraints such as wetlands and threatened species are not associated with the allotment. The development site is also clear of relevant environmental exclusion zones considered in TRLEP 2010.</p> <p>The proposed development is not expected to detract from the integrity of surrounding activities or lead to land use conflict. Potential environmental impacts in relation to the development and mitigation measures have been addressed in this Report.</p>
Waste Management	<p>Waste services for the development will comply with Council's policy during operation. The storage of the bins will be in an appropriate area that is screened from the road.</p> <p>Any operational wastes associated with the development shall be dealt with via waste contractors employed by the business and Council.</p>
Soil and Erosion Control	<p>In order to address matters relating to dust during the operation of the development the loading area will be sprayed with a water cart. This eliminates any potential for dust to emanate from the site.</p>

### 5.4 Section 4.15(1)(a)(iia) The provisions of any planning agreement

Not applicable.



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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### 5.5 Section 4.15(1)(a)(iv) The provisions of the regulations

The development is not listed in *Schedule 3* of the *Environmental Planning and Assessment Regulation 2021* (i.e. not designated development). Therefore, development is not deemed to require, with the exception of Tamworth Regional Council, development consent by any state agency or governing body.

#### **Clause 62 Consideration of Fire safety**

As there is a change in building use proposed, the provisions of Clause 62 of the *Environmental Planning and Assessment Regulation 2021* are applicable to the subject application.

- (1) *This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.*
- (2) *The consent authority must—*
  - (a) *consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and*
  - (b) *not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.*
- (3) *Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

In this regard, the following matters are noted:

- The historic use of the existing shed is considered to be a privately used storage building (Class 10a) and the proposed change of use to include commercial use with an office is considered to be Class 5 (being a building used for professional or commercial purposes);
- Fire safety requirements have been factored into the proposed commercial use and therefore relevant provisions will be provided, which meet the requirements of the BCA / NCC 2022;
- The proposed fire safety measures on site include Portable Fire Extinguishers and a Fire Safety Blanket.

It is considered the proposed on-site fire safety facilities are capable of supporting the operation of the proposed development.

Further, it is noted the portable office will need to be anchored. In this regard, a Construction Certificate (CC) will be required for the works of these proposed structures.

#### **Accessibility**

While accessibility is a requirement for commercial development under the provisions of the BCA / NCC 2022, it is deemed wheelchair access is not required for the office building (6 m x 3 m) in this instance for the following reasons:-

- The business is owner operated and no external employees will operate at the premises;
- The office building is a portable structure and not deemed a permanent structure; and
- The portable structure, being 3 metres x 6 metres, is too small and incapable of accommodating accessible requirements.



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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### 5.6 Section 4.15(1)(b) The likely impacts of the development

#### 5.6.1 Impacts on the natural environment

The subject land is zoned *RU4 - Primary Production Small Lots* has no known residual value as habitat for any threatened species, populations or ecological communities, or their habitats for the purposes of Section 1.7 of the *Environmental Planning and Assessment Act 1979*. The site has not been declared as critical habitat under part 7 of the *NSW Biodiversity Conservation Act 2016*, nor is it known to host any habitat or species listed under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

The proposed development has been designed in order to be cognisant of site constraints. It is considered that approval of the application will have a negligible impact on the natural environment.

#### 5.6.2 Impacts on the built environment

The development has been designed in order to achieve consistency with surrounding land uses. The proposed development is considered to be compatible with the quality of the built environment and urban design in this locality.

#### 5.6.3 Context and setting

The proposed development, being a landscaping material supplies business, is a permissible land use and considered compatible with the adjoining development, which consists of land zoned for rural development. The allotment is also in close proximity to commercial areas on the periphery of Tamworth. The subject site is situated within an area characterised by buildings of a similar design and scale and the proposed development has adequate separation distances from adjoining dwellings. Furthermore, the proposed development will be consistent with the context of the immediate surroundings and will have appropriate management. Accordingly, the subject development is expected to be compatible with the character of the existing rural environment in the locality and should not lead to localised land use conflict. The proposed development is therefore considered to be consistent with the context and setting of the locality (refer photographs in **Appendix C**).

#### 5.6.4 Site Design and Internal Design

The proponent intends to organise the stockpiles of landscaping supplies within the subject property with the construction of concrete precast blocks for retaining walls (see **Appendix A** and **Appendix C**). Landscaping consisting of native, and drought tolerant species will be provided, with mulch proposed along the south and western boundaries of the subject land, in order to reduce the visual impact of the proposed development from Burgmanns Lane and neighbouring properties.

#### 5.6.5 Utility / infrastructure impacts

The site has access to fully reticulated services for water, on-site sewer, electricity and telecommunications. The proposed development is not expected to have an undesirable impact on these existing services.

#### 5.6.6 Access, Transport and Traffic

Access to the subject site for operation will be via the existing access point from Burgmanns Lane. The existing access point will allow vehicles to enter and exit the site in a forward direction. The owner anticipates the development will generate approximately one-hundred (100) to one-hundred and thirty (130) vehicular movements per week (i.e. 50-65 ingress and 50-65 egress). It is considered that Burgmanns Lane has the capacity to accommodate the increase in traffic generated by the proposed development, especially considering the road is designated as a B-double and heavy traffic route. In addition to seeking consent for the land use, the subject application also proposes to utilise the existing formed access point and driveway in order to reduce any potential dust impacts generated by truck and light vehicle movements.



## STATEMENT OF ENVIRONMENTAL EFFECTS

### *Proposed Change of Use to Landscaping Material Supplies Business*

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The proposed access arrangement and manoeuvring areas are capable of accommodating the operation of the landscaping supplies development. Further, the proposed development is not considered a higher-order commercial use. In this regard, the proposal will not generate high volumes of traffic and will have minimal impact upon the existing road network.

#### **5.6.7 Social issues and impacts**

It is considered that the proposed development is within the public interest and will have little social impact on the surrounding agricultural allotment area. There is an appropriate buffer between the nearest adjoining neighbours and suitable management and mitigation strategies will be adopted. The proposed change of use will be consistent with development on adjoining allotments.

#### **5.6.8 Economic issues and impacts**

The proposed development will generate employment opportunities during installation of the portable structures. Further, opportunities for another landscaping materials supplier in Tamworth. There are no detrimental economic impacts are expected.

#### **5.6.9 Flora and Fauna**

The subject site has been extensively cleared and is heavily disturbed. There are no known threatened or endangered species of native flora and/or fauna present on the subject land. Furthermore, the proposed development will not require the clearing of any trees in order to accommodate the land use.

#### **5.6.10 Air Quality**

Potential onsite emission sources during operation include movement of vehicles within the site, unloading of materials, movement of material around the site using front-end loaders, loading vehicles, wind erosion of storage areas, and emissions from vehicle and equipment exhaust. All aspects of potential dust impacts can be mitigated with water dispersion and limiting movement of materials to non-windy periods. It is also considered that there is adequate buffer distances between the adjoining property owners that will reduce any impacts associated with air quality.

#### **5.6.11 Waste management**

As a landscape supplies business, most of the waste received and temporarily stored on-site will be associated with the goods received (i.e. plastic wrapping, pallets, paper, cardboard etc.). Residual waste will be collected in waste containers (MGB or skip bins) and removed regularly for disposal at the Tamworth Regional waste disposal facility. There are no significant waste implications anticipated in the approval of the subject application. Refer to the attached Resource and Waste Management Plan in **Appendix E** for further information.

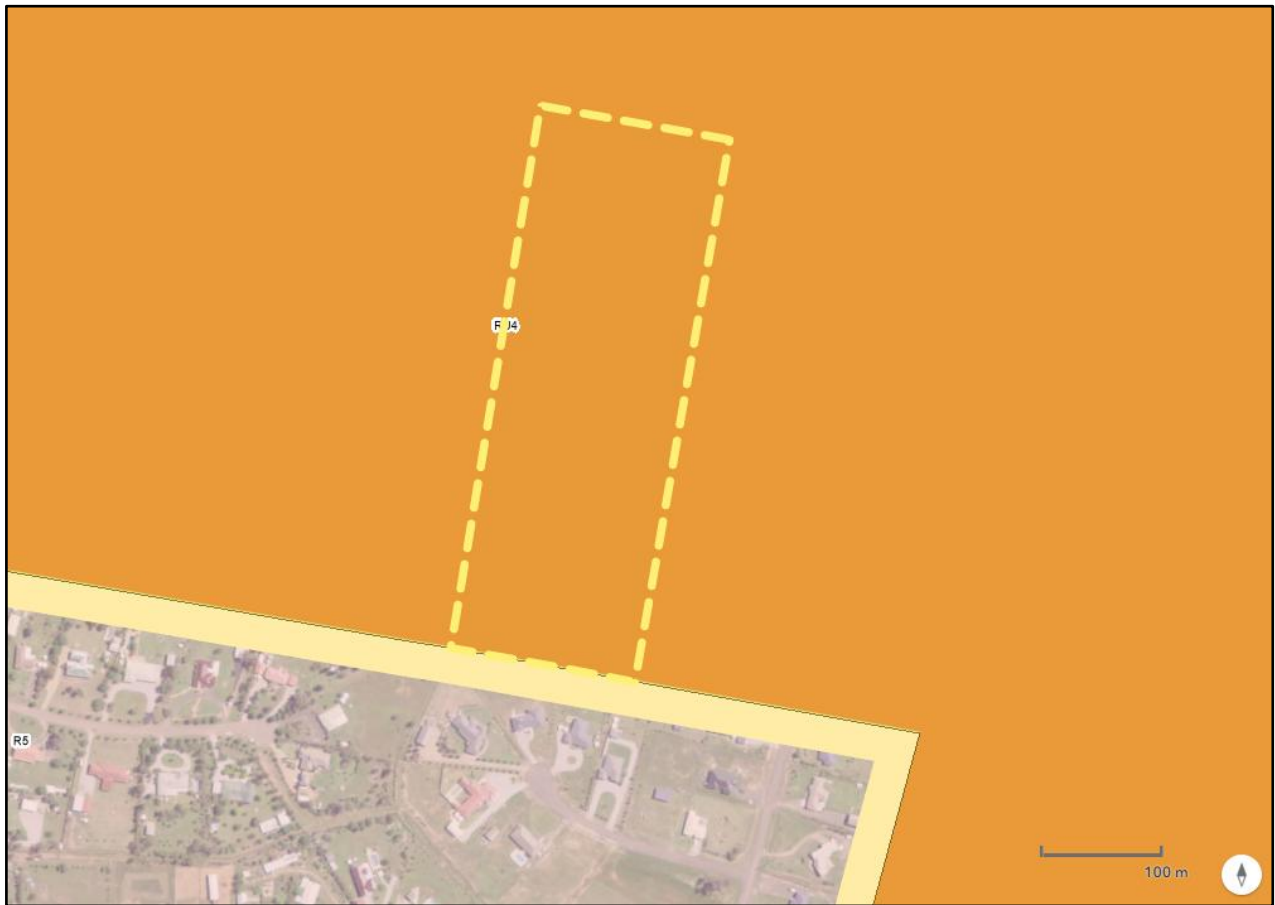
#### **5.6.12 Natural Hazards**

The property is not affected by inundation by flooding. However, the property is classified as bushfire prone land under the Tamworth Regional Council Bushfire Prone Land Mapping 2010 and Figure 4 shows the bushfire threat. Given the development is not identified as a Special Fire Protection Purpose under the provisions of Section 100B of the *Rural Fires Act 1997*, approval is not required from the NSW Rural Fire Service for the proposed change of use.

However, as the development is on bushfire prone land the NSW Bushfire Protection Guidelines 2019 are to be considered.

## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*



**FIGURE 4 – NSW RURAL FIRE SERVICE BUSHFIRE PRONE MAPPING FOR THE SUBJECT LAND**

### **5.6.13 Technological Hazards**

There are no additional technological hazards present on the subject land that require consideration as part of the assessment of the proposed development.

### **5.6.14 Construction impacts**

It is anticipated that suitable conditions of development consent shall be included as part of the determination documentation in order to address relevant construction matters, including:

- Hours of building work (to be consistent with NSW State Guidelines);
- Construction waste storage and management;
- Noise and dust management and control of other potential pollutants;
- Continuity of public access to services; and
- Signage.

All construction works will be compliant with the National Construction Code: Building Code of Australia (BCA).

### **5.6.15 Heritage Significance**

There is no record of any historical, scientific, social, anthropological and / or archaeological significance at the development site. Furthermore, there is no heritage conservation in close proximity to the area. Refer to the AHIMS Report in **Appendix D** for further information.



## STATEMENT OF ENVIRONMENTAL EFFECTS

### *Proposed Change of Use to Landscaping Material Supplies Business*

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#### **5.6.16 Drainage**

Given that all structures are existing no stormwater drainage will be required to be connected for the proposed development. However, an office (portable building) will be appropriately placed onsite to serve customers for the development. This building will have negligible impact for stormwater drainage. The proponent has also confirmed that storm water would flow naturally into the paddocks and no sedimentation would be generated in the process of design of the yard. A plan for managing Stormwater is not necessary for the following reasons:-

- the scale of the development is minor and the disturbance of the surface of the soil from construction is very minimal;
- the surrounding vegetation will continue to act as a natural form of stormwater management;
- the soil type is very permeable, and stormwater run-off is easily absorbed; and
- the topography of the land is relatively flat and there is adequate surrounding area to ensure any impacts will be mitigated.

In this regard, stormwater and drainage is capable of being discharged in accordance with Tamworth Regional Council's requirements.

#### **5.6.17 Noise and Vibration**

The subject land is situated in an area currently zoned for rural use. The plant equipment has been positioned on site in order to achieve the greatest distance between the machines and adjoining development within the vicinity of the allotment in order to reduce any negative noise impacts. Furthermore, the operation of this equipment for serving customers and obtaining supplies shall be limited to 7.00 am to 5.00 pm, Monday to Friday, and 7.00 am to 3.00 pm on Saturday and Sunday.

#### **5.6.18 Cumulative impacts**

The subject site is considered to be appropriately located for the proposed development and is compatible with surrounding land uses and development. The use is not expected to result in any unacceptable land use conflicts with surrounding properties or the environment. Issues such as traffic and parking matters have been discussed in previous sections of this Statement and are considered to be acceptable in this instance.

#### **5.6.19 Public Domain**

The proposal will not be in conflict with adjoining properties and will be consistent with the existing developments in the area. The proposed development will also have no significant impact on the existing public spaces. The proposed use and mitigating landscaping measures make a positive contribution to the natural and built landscape and public amenity. There is nothing in the operation of the proposed development that could be interpreted as being contrary to the public interest.

### **5.7 Section 4.15(1)(c) The suitability of the site for the development**

The subject site is considered eminently suited for the proposed development as outlined within this Statement. There are no known environmental hazards or constraints associated with the allotment, with the exception of bushfire prone land. The development site is also clear of relevant environmental exclusion zones considered in the TRLEP 2010. The site is suitable as a landscaping material supplies facility for the following reasons:

- It is located within a large allotment of rural land with adequate buffers from residential dwellings;
- It is easy for heavy vehicles to access using major roads for the majority of their journey;



## STATEMENT OF ENVIRONMENTAL EFFECTS

### *Proposed Change of Use to Landscaping Material Supplies Business*

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- The site is within easy reach for its customers, and potential customers requiring the products;
- The proposed use is adequately separated from sensitive land uses and, in any event, will not cause any environmental harm;
- The site is flat, making it suitable for operating equipment and heavy vehicle manoeuvring;
- The site contains managed savanna and is a low risk for bushfire; and
- There is sufficient area on the site allowing for a suitable operation with minimal impact.

As discussed in detail in this SoEE, the potential emissions can be mitigated to ensure there is no impact on surrounding properties.

### **5.8 Section 4.15(1)(d) Any submissions made in accordance with the Act or the Regulations**

This issue can only be fully considered after submission of this DA if submissions are sought from the community and relevant agencies. However, the proponent has contacted adjoining property owners to inform them of the proposed development. The feedback received from the neighbours is positive who have provided their support for the development. Letters of support are included in **Appendix F** for further information.

### **5.9 Section 4.15(1)(e) The public interest**

The proposed development is considered to be in the public interest as potential deleterious impacts have been identified and measures to mitigate their impact have been presented. In this regard, the property owner is committed to constructing a road base driveway, establishing landscaping along the western and eastern boundary and midpoint of the subject site and implementing a Dust Management Plan. Furthermore, the identified area for loading / unloading of materials shall be restricted.

It is further considered that the establishment of a landscaping material supplies business is in the public interest as it promotes sustainability of resources. Durable materials such as concrete pavers, natural stone, and higher-grade lumber that are intended to be sold can withstand extreme weather and heavy traffic. This means less frequent replacements and less maintenance in the long term. Some of the landscape supplies are also recycled and reduce the demand for new / raw materials.

Potential detrimental visual, social and environmental impacts have been addressed in this Statement, and no detrimental economic impacts have been identified as a result of the proposed development. It is considered that the proposal fits within the locality as detailed previously. In this regard, the subject application is considered to be in the public interest.



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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### 6 CONCLUSION

This application seeks Council's consent for a proposed Landscaping Material Supplies development at Lot 11, DP 604603, 302 Burgmanns Lane, Kingswood NSW 2340. An assessment of the perceived impacts of this development has identified that:-

- The site is not unsuitable for development by virtue of physical characteristics;
- The likely traffic generation characteristics of this proposal should be satisfactorily accommodated within the adjoining road network;
- The resultant development will not be in conflict with the surrounding land uses;
- On-site traffic management (i.e. access, parking, manoeuvrability, etc.) is suitable as outlined within this Statement and the accompanying development plans;
- The overall scale and operation of the proposed development is considered to be appropriate for the large rural setting;
- Adequate utility services are available in the vicinity of the development site and are capable of meeting the demands of this proposal; and
- The proposal is permissible within the zone and is consistent with development on nearby land and adjoining future development.

The proposed development has been designed in order to be cognisant of site constraints and is considered to be consistent with surrounding development. Mobile plant equipment has been strategically positioned to reduce the potential impacts of the activity on residential receptors located both on the subject land as well as on adjoining properties. Stockpiles for the operation of the business shall be retained via concrete precast blocks for retaining walls, and landscaping shall be established in order to reduce the visual impact of the proposed development from adjoining development. Furthermore, the property owner has committed to reducing environmental impacts as a result of the proposed development through the adoption of a Dust Management Plan as well as through the implementation of restricted operating hours.

The proposed development, consisting of a material landscaping supplies business, has been assessed in accordance with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, the *Tamworth Regional Local Environmental Plan 2010*; and other applicable statutory planning and related policy provisions, including those provided within the *Tamworth Regional Development Control Plan 2010*. The proposed landscaping material supplies business is considered to be compliant as detailed throughout this Statement. On this basis development consent is now sought for the project as detailed within this Statement of Environmental Effects and attached Appendices.



## **STATEMENT OF ENVIRONMENTAL EFFECTS**

*Proposed Change of Use to Landscaping Material Supplies Business*

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# **APPENDIX A**

## **DESIGN PLANS OF THE PROPOSED DEVELOPMENT**



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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## APPENDIX B

### PROPOSED SIGNAGE



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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# APPENDIX C

## SITE PHOTOGRAPHS



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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**PHOTOGRAPH 1: VIEW NORTHWEST ALONG BURGMANN'S LANE AT FRONT BOUNDARY OF SUBJECT SITE**



**PHOTOGRAPH 2: VIEW SOUTH EAST ALONG BURGMANN'S LANE AT FRONT BOUNDARY OF SUBJECT SITE**



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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**PHOTOGRAPH 3: VIEW OF PROPOSED NEW ACCESS (CENTRE) TO THE SUBJECT SITE FROM BURGMANN'S LANE**



**PHOTOGRAPH 4: VIEW NORTHEAST OF EXISTING STORAGE SHED LOCATED ON THE SUBJECT LAND**



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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**PHOTOGRAPH 5: VIEW SOUTHWEST DEPICTING LOCATION OF PROPOSED LANDSCAPE SUPPLY AND DRIVEWAY AREA**



**PHOTOGRAPH 6: VIEW SOUTHEAST CONFIRMING RESIDENTS SETBACK AT ADEQUATE DISTANCE FROM SITE AREA**



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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## APPENDIX D

### RESOURCE AND WASTE MANAGEMENT PLAN



## STATEMENT OF ENVIRONMENTAL EFFECTS

*Proposed Change of Use to Landscaping Material Supplies Business*

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# APPENDIX E

## AHIMS REPORT



## **STATEMENT OF ENVIRONMENTAL EFFECTS**

*Proposed Change of Use to Landscaping Material Supplies Business*

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# **APPENDIX F**

## **LETTERS OF SUPPORT FROM ADJOINING PROPERTY OWNERS**