



## **Statement of Environmental Effects**

Subdivision

18-50 Mayne Drive, Westdale

22 November 2024

## ppd | planning consultants

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## 1 Introduction

PPD Planning Consultants has been engaged to prepare this Statement of Environmental Effects (**SEE**) to accompany a Development Application (DA) for subdivision at 18-50 Mayne Drive, Westdale (the **Site**).

This SEE has been prepared pursuant to the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* and Clause 50 of the *Environmental Planning and Assessment Regulation 2000*.

In preparing the SEE, PPD Planning Consultants has relied upon the adequacy and accuracy of the assessments and advice contained in the reports, plans, diagrams, tables and so forth prepared by consultants engaged to provide necessary specialist advice in their respective fields of expertise. These reports and plans accompany this development application.

The DA has been prepared in accordance with Council's requirements for the submission of DAs.

## 2 Site Analysis

### 2.1 Site Description

<b>Street Address</b>	18-50 Mayne Drive, Westdale
<b>Legal Description</b>	Lot 1 DP 1017953
<b>Site Area</b>	Approximately 289,178m <sup>2</sup>
<b>Brief Site Description</b>	<p>The site (outlined in yellow in <b>Figure 1</b>) is an irregular shaped parcel of land that includes a single dwelling.</p> <p>The site is currently cleared for grazing and contains pasture and isolated trees. <b>Figure 2</b> provides views of the site.</p> <p>Vehicular access to the site is provided by a gravel road which extends south of the existing Mayne Drive roadway and lies within a 20m wide easement along the eastern side boundary of the access handle.</p>
<b>Topography</b>	Characterised by extensive rolling to undulating hills and low hills. The closest surface water body identified is the Timbumburi Creek located approximately 92m to the east of Site.
<b>Road Access</b>	<p>The Property benefits from the following easements:</p> <ol style="list-style-type: none"><li>1. Right of carriageway 20 metre(s) wide; and</li><li>2. Easement for Services 20 metre(s) wide.</li></ol>

A review of Tamworth Regional Local Environmental Plan (TRLEP) 2010 together with the Planning Certificate under Section 10.7 Part 2 and 5 of the Environmental Planning and Assessment Act 1979 provides the following information:

- The Site is not affected by heritage items
- The Site and/or adjacent lots are not affected by land reserved for acquisition
- The Site is not affected by environmentally sensitive land or critical habitat
- There are no prescribed matters under section 59(2) of the Contaminated Land Management Act 1997 to be disclosed.
- The land is identified as “bushfire prone land” (either whole or part) on the Bushfire Prone Land Map, certified by the NSW Rural Fire Service on 28 July 2022. Council has not, by resolution, adopted a policy to restrict development on the land in respect to bushfire for that reason.
- The land is within the flood planning area and subject to flood related development controls set out in the provisions of the Tamworth Regional Local Environmental Plan 2010 (Clause 5.21) and the Tamworth Regional Development Control Plan 2010 (Development on Flood Affected Land).

PROPOSED SUBDIVISION  
18-50 MAYNE DRIVE, WESTDALE

**Figure 1.** Subject site



PROPOSED SUBDIVISION  
18-50 MAYNE DRIVE, WESTDALE

**Figure 2.** View of site

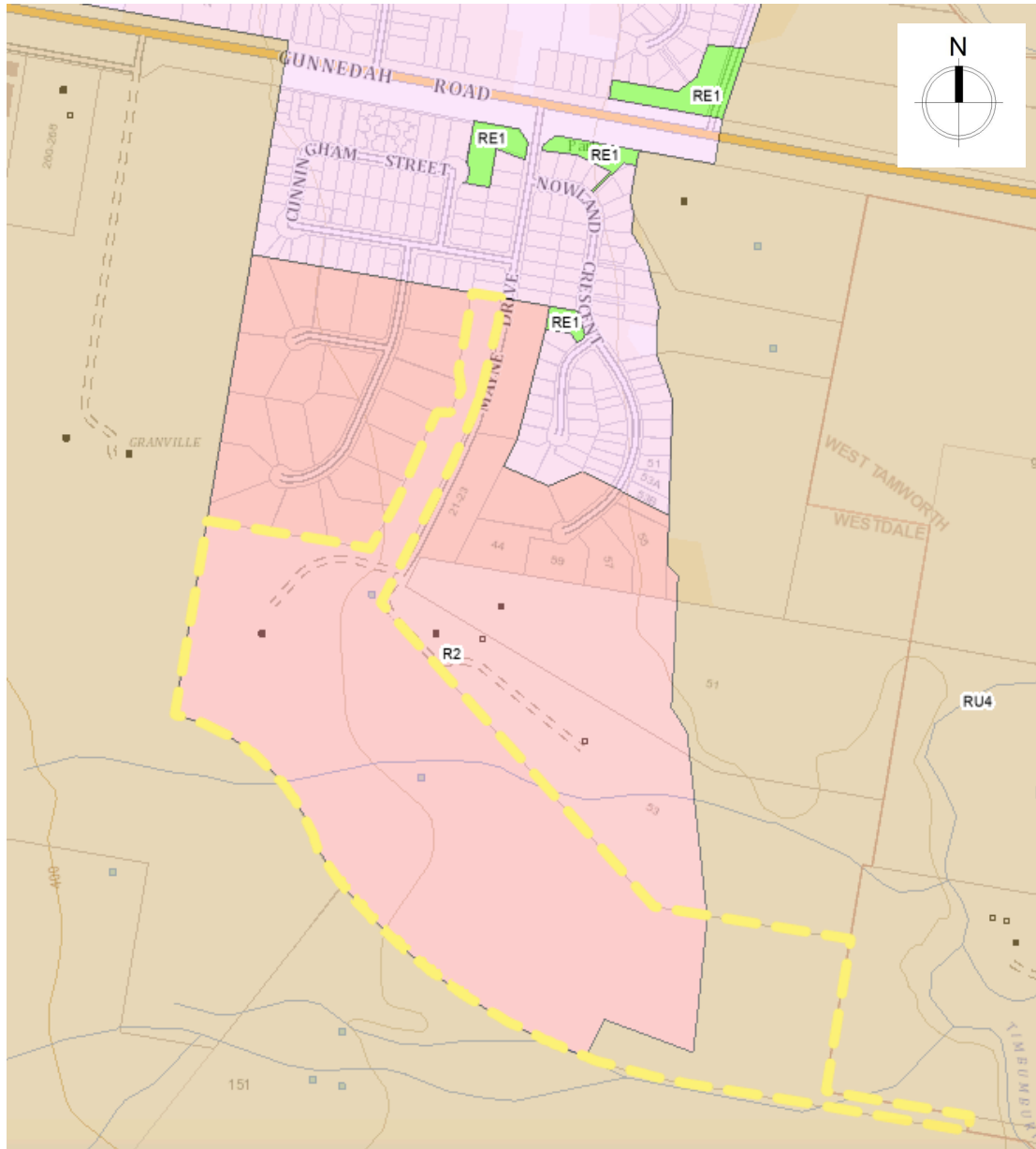


Source: Domain

## 2.2 Zoning

The subject land is affected by the Tamworth Regional Local Environmental Plan 2010. Under this plan, the land, shown outlined in yellow in **Figure 3**, is zoned R2 Low Density Residential and RU4 Primary Production Small Lots.

**Figure 3.** Zoning Map



Source: NSW Planning Portal

### 3 Strategic Planning

The following background to strategic planning impacting the site has been extracted from the Traffic and Parking Assessment Report accompanying this application.

*Tamworth Regional Council's strategic planning framework for the next two decades is outlined in the Tamworth Regional Council Local Strategic Planning Statement 2020 (LSPS). It guides the character of the centres and neighbourhoods into the future. It is developed in accordance with Section 3.9 of Environmental Planning and Assessment Act 1979 and is aligned with the goals of the New England North West Regional Plan 2036.*

*The LSPS is part of the Land Use and Infrastructure Strategic Planning framework, forming a key component of the Blueprint 100 strategy. Blueprint 100 provides an integrated approach to strategic planning, aiming to fulfill the outcomes outlined in the Community Strategic Plan.*

*In 2019, the population of the Tamworth Regional LGA stood at approximately 63,000. Through Blueprint 100, the Council explores the implications and opportunities associated with potential growth to a population of 100,000 by 2041, driven by significant infrastructure investments and development initiatives.*

*The Council's Land Use vision includes the following themes and planning priorities:*

- *Facilitate smart growth and housing choices*
- *Create a prosperous region*
- *Connect the region and its citizens*
- *Build resilient communities*
- *Design with nature*
- *Celebrate the culture and heritage*
- *Deliver durable infrastructure*

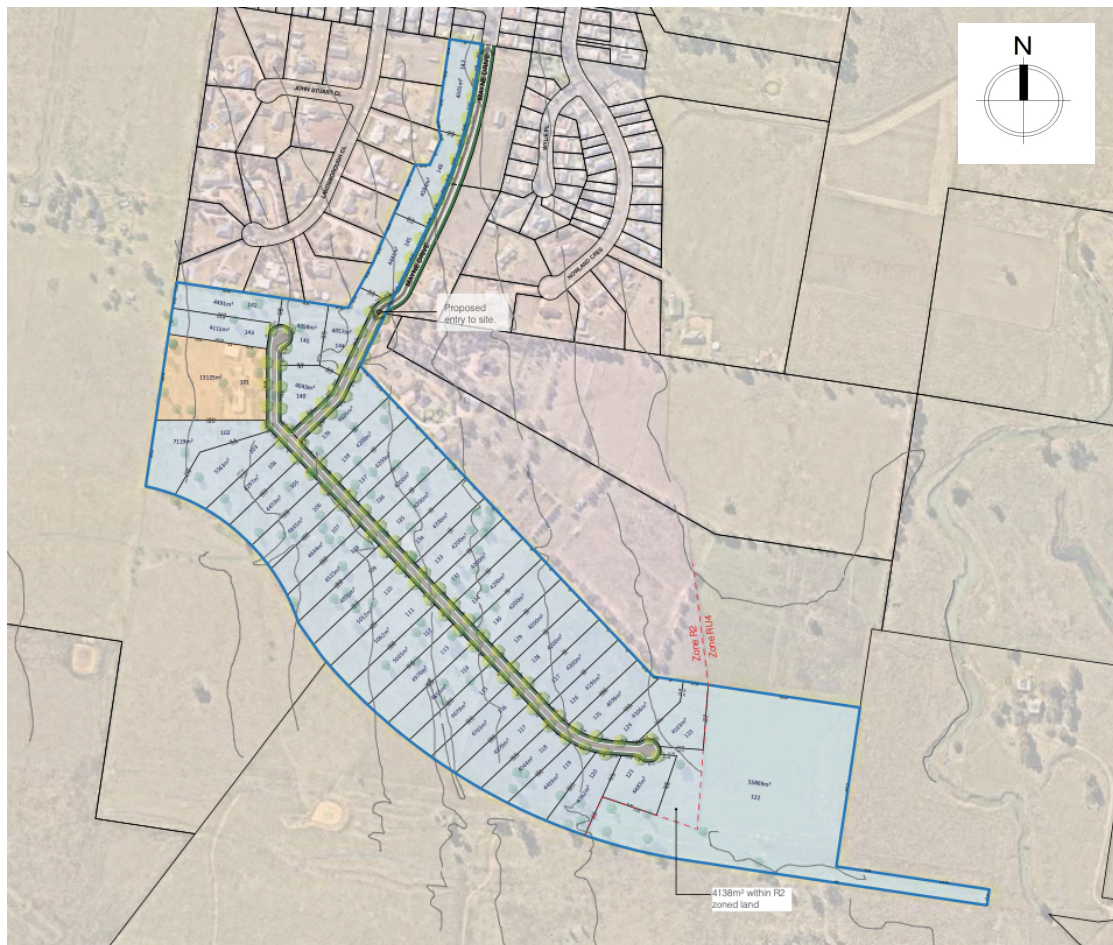
## 4 Development Application

### 4.1 Proposal

Approval is sought for subdivision of the site into 47 residential lots with associated road and service infrastructure as detailed in **Figure 4**.

This application does not seek approval for the design of any built form on the new lots. Any new building on any or all of the new lots will require the submission of a separate DA/CDC application.

**Figure 4.** Plan of Subdivision



### 4.2 Subdivision Plan

Key elements of the 47 residential lot subdivision plan include:

**Forty-five (45) residential lots** in land zoned *R2 Low Density Residential* ranging in size from 4,043m<sup>2</sup> to 7,119m<sup>2</sup>.

**One (1) large residential lot** (Lot 101) in land zoned *R2 Low Density Residential* accommodating the existing house on a site of 13,125m<sup>2</sup>.

**One (1) large residential lot** (Lot 122) in land zoned *R2 Low Density Residential* and *RU4 Primary Production Small Lots* with a site area of 55,869m<sup>2</sup>.

**Road infrastructure** as detailed in the Traffic and Parking Assessment Report.

### 4.3 Supporting Documentation

The following plans and documents have been submitted in support of this application.

1. Development Application Lodgement Checklist
2. Statement of Environmental Effects
3. Plan of Subdivision
4. Aboriginal Heritage
5. Drainage Management
6. Infrastructure Servicing Report
7. Landscape Plans
8. Preliminary Biodiversity Assessment
9. Environmental Management Plans
10. Survey Plan
11. Preliminary Environmental Site Investigation
12. Traffic and Parking Assessment Report
13. Bushfire Assessment Report
14. Owners Consent
15. Legal Advice on Right of Carriageway
16. Copy of Easement

### 4.4 Servicing Strategy

Application is accompanied by an **Infrastructure Servicing Report** that concludes the development is serviceable with existing local infrastructure to the site summarised as follows:

**Road infrastructure:** The site connects on to Mayne Drive, a 20m road reserve, servicing all dwellings within the development. All internal roads within the development to be provided with a 20m road reserve

**Drainage infrastructure:** A Stormwater Management Strategy has been prepared under separate cover to provide a detailed assessment of drainage assets. The site has a moderate gradient from northwest to southeast to discharge into an existing waterway. There are no onsite detention requirements, and no requirement to meet water treatment objectives.

**Sewer infrastructure:** Individual septic systems have been proposed for the majority of the site, with some lots able to be serviced by reticulated gravity network for the northern portion of the site.

**Water infrastructure:** There is opportunity to connect into a DN250 DICL water main traversing Mayne Drive which has adequate capacity to service the development with potable water.

**Electricity infrastructure:** There is an existing 500kVA distribution substation to the north of the site in Mayne Drive which we believe has capacity to service the development. This is subject to Essential Energy input.

**Telecommunication infrastructure:** There is ample telecommunications infrastructure

### 4.5 Use of Right of Carriageway

Application is accompanied by **Copy of Easement** and **Legal Advice** providing details on the use of the right of carriageway benefiting the property for the development. The legal advice covers:

- Right of Carriageway

- Easement for Services
- Obligation of owners of Lots Burdened to convert easements to public road
- Obligation of owners of Lots Burdened to convert easements to public road

In summary, every person who is at any time entitled to an estate or interest in possession in the Property shall have the right at any time to make an application to have the site of the easement comprising the right of carriageway constructed and dedicated as a public road, including the installation of all appropriate servicing infrastructure.

Subsequently, application will be made to have the site of the easement comprising the right of carriageway constructed and dedicated as a public road that will include the installation of all appropriate servicing infrastructure.

#### **4.6 Estimated Development Cost**

A **Cost Summary Report** accompanies this application and provides an estimate of the cost of development to be \$1,852,000 + GST. This confirms the proposal does not trigger regionally significant development.

## 5 Compliance Assessment

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (the **Act**) details the following matters of relevance that a consent authority is to take into consideration in determining a development application:

*(a) the provisions of:*

*(i) any environmental planning instrument, and*

*(ii) 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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*

*(iii) any development control plan, and*

*(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement a developer has offered to enter into under s 93F, and*

*(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

*that apply to the land to which the development application relates,*

*(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

*(c) the suitability of the site for the development,*

*(d) any submissions made in accordance with this Act or the regulations,*

*(e) the public interest.*

The following provides an assessment of how the proposed development complies with the relevant matters detailed in Section 4.15(1) of the EP&A Act 1979.

### 5.1 Environmental Planning Instruments

In accordance with the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (the Act) the development proposal has been assessed for compliance with the provisions of the following relevant environmental planning instruments:

- Environmental Planning & Assessment Act 1979
- State Environmental Planning Policy (Resilience and Hazards) 2021
- Biodiversity Conservation Act 2016
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Tamworth Local Environmental Plan 2009

#### 5.1.1 Environmental Planning & Assessment Act 1979

##### Section 1.3 Objects of the Act

The objects of the Act are:

*(a) to encourage:*

*(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*
- (b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The proposed development will provide for future orderly and economic use of vacant land identified for urban purposes in accordance with the provisions and objects for the zones that apply to the site.

#### **Section 4.14 Consultation and development consent—certain bush fire prone land**

This development falls within bush fire affected land within the Tamworth Council bush fire prone land map. Section 4.14 of the Act requires Council to assess the impact of the development in relation to Planning for Bush Fire Protection (PBP) 2019 and Rural Fire Service requirements. In this regard, the application is accompanied by a **Bush Fire Assessment Report** recommending development consent be granted subject to compliance with conditions to comply with PBP 2019 (refer s4.3.3 of this SEE).

#### **Section 4.46 What is Integrated development**

Pursuant to the provisions of s4.46 of the Act, the proposed development is defined as integrated development requiring the following approvals:

Act	Provision	Approval
Rural Fires Act 1997	S100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes

#### **5.1.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

This policy requires that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated.

The proposed development is accompanied by a **Preliminary Site Investigation (PSI)** that investigates potential contaminant sources, pathways and receptors in relation to the subject site as well as inform preliminary consideration of potential risks to human health and/or the environment within the context of the most sensitive potential land use.

Key findings of the **PSI** based on available information pertaining to the Site's historical use and through thorough site inspection were:

1. Potential contamination sources at the Site are limited based on historical land use; and
2. Visible signs of gross contamination were not observed during Site inspection

In summary, the PSI has concluded

- no potential contamination sources or indication of gross contamination has been identified which would constrain the development of the Site for the proposed low density residential development.
- No further assessment in context of the proposed development is required.
- Given the preliminary nature of the investigation an unexpected finds protocol should be utilised during any proposed future earthworks at the Site.

The presence of any unexpected finds will be highlighted during development works by the observation of any unusual physical (e.g. staining, fill material, asbestos-containing material) or sensory characteristics of the soil. In the event that any significant unknown type of material is identified, site works will be stopped in that area and an assessment of the material and its likely impact will be undertaken by an appropriately qualified environmental consultant immediately to prepare a suitable response to the occurrence. All additional works will be documented and detailed in a validation report.

### 5.1.3 Biodiversity Conservation Act 2016

The purpose of this Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future consistent with the principles of ecologically sustainable development.

This application is accompanied by a **Preliminary Biodiversity Assessment** that addresses the relevant provisions of this Act. In particular, the assessment concludes the following:

no candidate species and ecological communities (SAIL entities) were found to be present within the subject land and in relation to a future proposal for subdivision on the site the following advice is provided to satisfy avoid/ minimise requirements:

*Mature trees on the site should be retained to the maximum extent possible with priority given to large mature Blakely's Red Gums including hollow-bearing trees.*

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

The purpose of this Policy is to protect and manage our natural environment, which helps support the community's health and wellbeing, economic security and cultural identity..

This application is accompanied by a **Preliminary Biodiversity Assessment** that addresses the relevant provisions of this Policy. In response to the recommendations contained within this assessment, the following has been undertaken:

- The subdivision layout has been designed to retain mature paddock trees where possible with a particular focus on large mature trees and hollow-bearing trees as shown in Illustration 1, and
- A Biodiversity Development Assessment Report (BDAR) has been commissioned to support this application and is expected to be completed by the end of February 2025.

It is noted the assessment also recommends consultation with DPIE Water is required to determine if setbacks are required from the mapped first order waterway on the site which has the potential to affect the development footprint. This may require preparation of a Waterfront Land Assessment.

### 5.1.5 Tamworth Regional Local Environmental Plan (TRLEP) 2010

An assessment of the proposed development's compliance with the relevant clauses of TRLEP 2010 has been undertaken and can be found at **Appendix 1**.

This assessment confirms the proposed development complies with all the relevant provisions of TRLEP 2010.

## 5.2 Development Control Plans

In accordance with the provisions of Section 4.15(1)(a)(iii) of the EP&A Act 1979 the development proposal has been assessed for compliance with the provisions of the Tamworth Regional Development Control Plan (TRDCP) 20010 that applies to the subject site. A copy of the compliance table can be found at **Appendix 2**.

As much as practicable, the assessment in the compliance table addresses the concept subdivision plan and not and residential development that will be the subject of further development applications.

It is noted that the DCP includes provisions to allow flexibility in the application of development control standards, particularly in relation to allowing alternative solutions to otherwise strict numeric compliance to achieve the objectives of the DCP control.

This is in general compliance with Section 4.15(3A) of the EP&A Act, 1979, that provides requirements which govern the application of controls within development control plans and seeks to provide flexibility and an outcome based approach to the achievement of the objectives expressed by specific controls. Section 4.15(3A) provides as follows:

*(3A) Development control plans*

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

*(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and*

*(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development,*

*and*

*(c) may consider those provisions only in connection with the assessment of that development application.*

In this subsection, “standards” include performance criteria.

The proposed subdivision has been designed to comply with the relevant development control standards in the DCP as much as practicable. Where the proposed development does not fully comply with the design solutions (refer compliance table in **Appendix 2**) the following justification is provided for a variation to the relevant control standard identified in bold.

### **Subdivision**

#### Summary of non-compliance

The development proposes residential subdivision where 2 lots to be created will be fully inundated by a 1% AEP event.

#### Justification of non-compliance

The development proposes subdivision of 47 lots of which lots 122 and 123 will be fully inundated by a 1% AEP event. The lots have a site area of 55,869m<sup>2</sup> and 4,103m<sup>2</sup> respectively.

Lot 122 has a site area which is predominantly zoned RU4 and will not be developed.

Lots 122 and 123 have a total site area of 59,972m<sup>2</sup> with 86% of the land zoned RU4 and will not be developed.

Lots 122 and 123 have frontage to a new road that will provide safe and convenient flood free access to Mayne Drive.

Future built forms on lots 122 and 123 can be designed to be resilient to flooding through their design, materiality, construction, siting, and mitigation measures.

Stormwater runoff from the site is to be conveyed overland via aboveground drainage swales where possible with a focus on the 1% AEP event conveyance.

## 5.3 Environmental Impacts

In accordance with the provisions of Section 4.15(1)(b) of the EP&A Act 1979 the following provides an assessment of the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

### 5.3.1 Flooding

Part of the land is within the flood planning area and subject to flood related development controls set out in the provisions of the Tamworth Regional Local Environmental Plan 2010 (Clause 5.21) and the Tamworth Regional Development Control Plan 2010 (Development on Flood Affected Land).

**Figure 5** is an extract of the most recent Flood Planning Map and shows how the site is affected by flooding in the eastern part of the site. This area of flood impact is primarily zoned RU4 and will not be developed. However, only lots 122 and 123 will be fully inundated by a 1% AEP event.

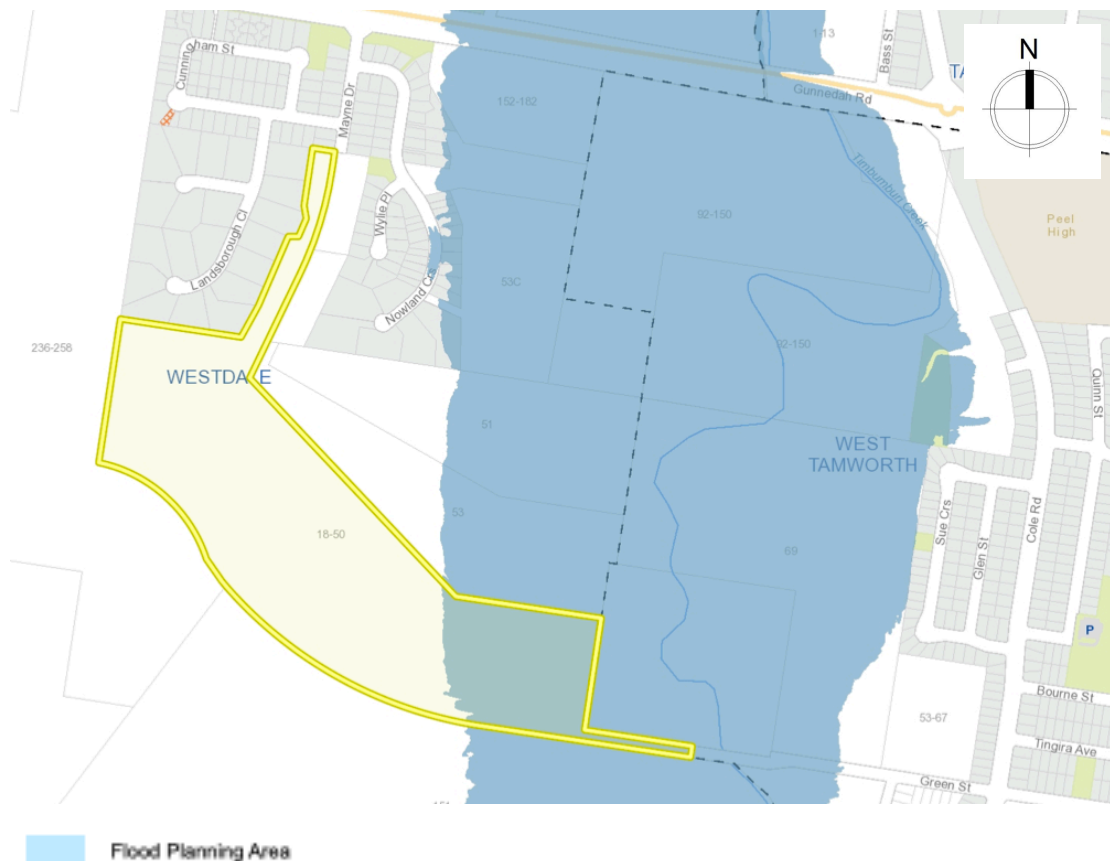
Having due consideration to the design of the subdivision, the proposed subdivision:

- is compatible with the flood function and behaviour on that part of the land that is flood affected, and
- will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- Future built forms on lots 122 and 123 that are fully inundated by a 1% AEP event can be designed to be resilient to flooding through their design, materiality, construction, siting, and mitigation measures. This design will be the subject of future DAs.
- Stormwater runoff from the site is to be conveyed overland via aboveground drainage swales where possible with a focus on the 1% AEP event conveyance.

Any building (new works) will be the subject of further development applications and will be subject to compliance with NCC flood requirements and the Australian Building Codes Board Standard - Construction of Buildings in Flood Hazards.

PROPOSED SUBDIVISION  
18-50 MAYNE DRIVE, WESTDALE

Figure 5. Flood Planning Map



Source: Tamworth Regional Council

### 5.3.2 Aboriginal Heritage

The application is accompanied by an **Aboriginal Heritage Assessment**. The stated purpose of this assessment *“is to establish whether any known or additional unrecorded Aboriginal objects are present, and to assess the likelihood of archaeological deposits within the study area”*.

In summary, the archaeological survey did not identify any Aboriginal sites or objects or potential archaeological deposits and the impact assessment has identified that the proposed works are unlikely to have an impact on Aboriginal objects or places.

Based on the findings of the archaeological assessment and archaeological survey, the assessment makes following four (4) recommendations:

**Recommendation 1** – No further assessment is required

Subsurface investigations would not provide any further understanding to the nature and extent of the Aboriginal archaeological record of the Tamworth region.

**Recommendation 2** – An aboriginal heritage impact permit is not required

No Aboriginal objects or places have been identified within the study area.

**Recommendation 3** – Unexpected aboriginal objects

An unexpected heritage finds procedure will be produced for the proposed works. If suspected Aboriginal objects are identified during construction work will stop immediately and Tamworth LALC, Heritage NSW and an archaeologist will be contacted to identify and record the objects. This procedure will be made accessible to all on site employees and contractors working within the study area via tool box talks and be displayed in break rooms and sites offices etc.

#### **Recommendation 4 – Unexpected human remains**

If any human remains (or suspected human remains) are discovered and/or harmed within the study area, the proponent will:

- immediately cease all activity in the vicinity of the suspected human remains.
- ensure no further harm occurs, secure the area so as to avoid further impact to the remains.
- notify NSW Police
- notify Heritage NSW Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location.
- not recommence any work at the particular location unless authorised in writing by Heritage NSW.

#### **5.3.3 Bushfire**

This development is located within Bushfire Prone Land and subsequently this application is accompanied by a **Bushfire Assessment Report (BAR)** consistent with the requirements of *Planning for Bushfire Protection, 2019*.

The BAR has found the classifiable vegetation of unmanaged grasslands as described by NSW Comprehensive Fuel Loads both level and downslope to the south, west and east of the site creates the greatest bushfire threat.

The BAR makes recommendations that will be adopted and will reduce the risk of damage and/or harm in the event of a bushfire event to acceptable levels. The recommendations have informed the planning of the development to obtain development consent and relate specifically to the following:

- Asset Protection Zones
- Landscaping
- Construction
- Access
- Water Supply
- Electricity Services
- Gas Services

In conclusion, the BAR finds “...the implementation of the adopted measures and recommendations forwarded within this report comply with PBP (2019) and will contribute to the amelioration of the potential impact of any bushfire upon the development, but they do not and cannot guarantee that the area will not be affected by bushfire at some.”

#### **5.3.4 Flora and Fauna**

This application is accompanied by a **Preliminary Biodiversity Assessment** that addresses the relevant provisions of the *Biodiversity Conservation Act 2016* and *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (refer s5.1.3 and 5.1.4 of this SEE).

No threatened flora species were detected during the site inspection. Given the highly degraded nature of the site no such species are considered likely to occur however more extensive surveys will be undertaken in accordance with requirements of the Biodiversity Assessment Method (BAM).

No threatened fauna species were detected at the site however several such species (mostly raptors and woodland birds) are considered to have a moderate potential to occur at the site on occasion. More targeted surveys will be undertaken under the BAM.

### 5.3.5 Landscaping

**Landscaping Plans** accompany this application and provide details of how the proposal will comply with the landscape controls prescribed in Council's DCP.

The Landscaping Plans provide a general landscaping strategy for the site and provide details on:

- street tree layout
- -street tree planting details
- public domain details
- opportunity to retain existing trees within private lots
- landscape material
- landscape specification

The landscaping on the site will result in greater aesthetic quality and amenity for the occupants of the development and neighbours. The landscaping is of high quality and contributes positively to its context and site.

### 5.3.6 Drainage Management

A **Drainage Management Strategy** accompanies this application and provides drainage servicing advice for the proposed development.

According to Tamworth Regional Council Engineering Minimum Standards the site has been classified as DDS3 with the following drainage considerations:

- There is no stormwater detention required.
- Water quality objectives do not need to be met.
- Discharging through connection into drainage at Wylie Park may need pipe size upgrades due to investigation.
- No kerb and channel nor underground drainage is required by this classification. Drainage is allowed to be conveyed overland in open channels.

In summary, *"A network of open drains is proposed to service the development for drainage, including open drains at rear of lots and within road reserves. Drains at the rear of western lots in the development will include prevention of nuisance flows from external catchments."*

### 5.3.7 Servicing

Application is accompanied by an **Infrastructure Servicing Report** that details how the development is serviceable with existing local infrastructure to the site (refer s4.4 of the SEE).

In summary, the report concludes the development is serviceable with existing local infrastructure to the site including:

- Road infrastructure
- Drainage infrastructure
- Sewer infrastructure
- Water infrastructure
- Electricity infrastructure
- Telecommunication infrastructure

### 5.3.8 Traffic and Parking

A **Traffic and Parking Assessment Report** accompanies this application and provides an assessment of “...*the traffic, parking, access, transport and servicing characteristics of the DA, and the associated impacts of the proposal on the surrounding road network, parking and transport environment*”.

Based on the findings contained within this assessment report, the following conclusions are made:

- the site is located approximately 300m walking distance to the nearest bus stop which is located on Gunnedah Road and serviced by routes 437 and 438 loop service, operating in Tamworth, Westdale, and Coledale.
- the proposed development is expected to generate in the order of 39-41 vehicle trips during the weekday morning and afternoon peak periods.
- the proposed nett increase in traffic does not result in any unacceptable traffic or environmental capacity implications to the surrounding road network, nor will any intersection upgrades be required
- the proposed road design and sections the future internal roads are all in accordance with Council’s requirements.
- the proposed lot layout and road design can accommodate the swept turn path requirements of a 10.5-m truck.

In summary, the assessment concludes “...*the proposed residential subdivision development is supportable on vehicular access, traffic, parking and servicing grounds and will not result in any unacceptable implications.*”

### 5.3.9 Noise

The site is affected by noise from operations at Tamworth Regional Airport. An **Acoustic Report** accompanies this application to assess aircraft noise impacting the site and determine any treatment requirements.

Indicative maximum noise levels provided for locations across the site highlighted the need for further assessment during the design and DA stage for all new dwellings. The report concluded:

*“Through the implementation of appropriate acoustic treatment of glazing, façade and structural materials, the development is predicted to achieve the minimum noise criteria.”*

### 5.3.10 Erosion and Sediment Control

**Environmental Management Plan** accompanies this application and provides details on how the proposed development will be managed to ensure there is no detrimental impact on environmental functions and process, neighbouring uses, or features of the surrounding land. The site works contractor will use these plans and related specifications to generate their own environmental management and health and safety plans to implement prior to the commencement of site works.

All erosion and sediment control measures or works and rehabilitation measures will conform to or exceed the specifications or standards set out in the *Managing Urban Stormwater: Soils and Construction* manual prepared by Landcom.

### 5.3.11 Waste Management

There is no waste expected to be produced by this development because there is no proposed demolition, construction or on-going operational use of proposed buildings on the site.

### 5.3.12 Social Impacts

- There is likely to be considerable benefit in terms of housing supply, diversity (type and tenure) and affordability from the provision of a future 47 dwellings in the context of the local housing market.
- The provision of additional detached housing is also in line with local and regional strategic planning objectives.
- There are unlikely to be any significant adverse social impacts in relation to amenity, crime or safety, particularly given the no-through nature of the street pattern and the need for new housing development to address crime prevention through urban design.

On balance, social impacts are likely to be positive in consideration of these factors.

### 5.3.13 Economic Impacts

The provision of residential development resulting from the subdivision of land in an area identified for urban development, has long been a key part of state and local planning policies. The proposed development will provide for the co- location of residential population within an establishing area of economic, employment and cultural activity that in close proximity to Tamworth Airport and Tamworth Global Gateway Park. This is seen as economically efficient and conducive to the building of stronger and healthier communities.

Of particular importance, the following economic impacts are expected:

- The increase in the residential population will (cumulatively) result in an increase in available retail spending and contribute to eventual floorspace expansion and employment opportunities associated with additional spending,
- ongoing employment opportunities during the construction of the the subdivision and subsequent dwellings, and
- Council rate revenue can be expected to increase.

## 5.4 Suitability of the Site

In accordance with the provisions of Section 4.15(1)(c) of the EP&A Act 1979 the suitability of the site for the proposed development has been assessed.

The site was identified by Tamworth Regional Council as being suitable for the development of housing on large lots that will contribute towards the supply of necessary housing in Tamworth.

## 5.5 Public Interest

In accordance with the provisions of Section 4.15(1)(e) of the EP&A Act 1979 the development proposal has been assessed for being in the public interest.

This proposal is in the public interest because it is consistent with the intended outcomes of the zoning of the subject site, and in particular:

- Will provide housing that meets the needs of the community within a low-density residential environment
- Will allow subdivision into a range of residential lot sizes, consistent with adjoining land use;

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- Will provide land for a variety of residential development to be undertaken and thereby contribute towards the supply of housing in Tamworth;
- Will enable the logical extension of existing residential areas; and
- Will provide for the efficient use of existing and proposed servicing infrastructure.

## 6 Conclusion

Approval is being sought for subdivision of the site at 18-50 Mayne Drive, Westdale into 47 residential lots with associated road and servicing infrastructure.

Subject to Section 4.15(1) of the EP&A Act 1979, the proposed development has been assessed having regard to the relevant matters that a consent authority is to take into consideration in determining a development application.

Based on this assessment, we consider the proposed development:

- Is a permissible development with consent from the relevant authority;
- Is consistent with the objectives of the relevant environmental planning instruments;
- Meets the development controls/objectives set down in the development control plan;
- Has no adverse impacts on both the natural and built environments;
- Has no adverse social and economic impacts in the locality;
- Is suitable for the site; and
- Is in the public interest.

The plan of subdivision achieves the primary objective of the R2 zone and will facilitate the future development of housing on the site that will provide for the needs of the community within a very low-density residential environment characterised by a minimum 4,000m<sup>2</sup>+ lot size.

The plan of subdivision has been designed having due regard to the environmental constraints of the site including flooding, bushfire, retention of existing trees (where practicable) and split zoning. This SEE has confirmed the suitability of the site for the proposed subdivision and development of the site for residential purposes.

The plan of subdivision will provide for:

- A range of residential lot sizes in a low-density environment.
- A logical extension of, and connection between, existing residential and large lot residential zones and adjoining RU4 Primary Production Small Lots zone.
- An efficient use of existing and proposed servicing infrastructure.
- A continuing choice and selection of land use types and locations within the local government area.
- Development that aligns with the Tamworth Regional Council Local Strategic Planning Statement 2020 objective of building resilient communities. Specifically, the proposed development supports the aim of enhancing the growth and vitality of towns and rural centres by providing housing opportunities and promoting aging-in-place initiatives.

In conclusion, it is considered this development application for a 47-lot subdivision as proposed will not detrimentally impact on:

- the existing character of the locality; and
- the ability of the site to accommodate residential development in the future on the site (subject to Council consent and in accordance with the objectives of the land R2 zone in which it is located).

The proposal for a 47-lot subdivision with associated road and servicing infrastructure at 18-50 Mayne Drive, Westdale warrants Council approval.

## **APPENDIX 1**

### **LEP Compliance Table**

## TAMWORTH REGIONAL LEP 2010 COMPLIANCE TABLE

Relevant Clause	Comment	Complies
<b>2.3 Zone objectives and land use table</b>	<p>The site is zoned <i>R2 Low Density Residential</i> and <i>RU4 Primary Production Small Lots</i>.</p> <p>The subdivision will provide for the housing needs of the community within a low density residential environment on 4,000m<sup>2</sup>+ lots in accordance with the primary objective of the R2 zone.</p>	✓
<b>2.6 Subdivision—consent requirements</b>	The site may be subdivided because it is land to which the Tamworth LEP applies.	✓
<b>4.1 Minimum subdivision lot size</b>	<p>The minimum size of any lot resulting from the subdivision of land is not less than the 4,00m<sup>2</sup> minimum lot size shown on the Lot Size Map in relation to the site.</p> <p>The subdivision of the land in the RU4 zone will be undertaken in accordance with the relevant provisions of cl 4.1B.</p>	✓
<b>4.1B Minimum subdivision lot sizes for certain split zones</b>	<p>The proposal provides for the subdivision of a lot that is within more than one zone but cannot be subdivided under clause 4.1.</p> <p>In accordance with the provisions of cl.4.1B(3), proposed subdivision of the original lot will create other lots (the resulting lots) where one of the resulting lots will contain—</p> <ul style="list-style-type: none"> <li>land in a residential zone that has an area of 4,138m<sup>2</sup> that is not less than the minimum 4,000m<sup>2</sup> size shown on the Lot Size Map in relation to that land, and</li> <li>all of the land in Zone RU4 Primary Production Small Lots, that was in the original lot, and</li> <li>all other resulting lots in the R2 zone will contain land that has an area that is not less than the 4,000m<sup>2</sup> minimum size shown on the Lot Size in relation to that land.</li> </ul>	✓
<b>5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</b>	A portion of the site is zoned RU4 Primary Production Small Lots and will be amalgamated with R2 zoned land pursuant to the provisions of cl.4.1B. This amalgamation will ensure that the subdivision occurs in a manner that promotes suitable land use and development that will minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned.	✓
<b>5.21 Flood planning</b>	<p>The land is identified as being within the flood planning area.</p> <p>Refer s5.3.1 of the SEE for details on how the proposed subdivision complies with the provisions of this clause.</p>	✓
<b>7.1 Earthworks</b>	<p>Minor earthworks are proposed in the construction of road infrastructure and the provision of services. The required earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land because:</p> <ul style="list-style-type: none"> <li>there is unlikely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</li> <li>the proposed subdivision will facilitate the desired future residential use of the land,</li> </ul>	✓

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	<ul style="list-style-type: none"> <li>• there will be no fill or soil excavated – there will only be some redistribution of soils,</li> <li>• the effect of the proposed development on the existing and likely amenity of adjoining properties will be positive because it is in keeping with the primary objective of the zone and will only provide for housing in a very low-density environment,</li> <li>• no aboriginal objects or places have been identified within the study area and an unexpected heritage finds procedure will be produced for the proposed works.</li> <li>• <b>Environmental Management Plans</b> will ensure the potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area (the Timbumburi Creek is located approximately 92m to the east of site). See s5.3.10 of the SEE for further detail</li> </ul>	
<b>7.7 Development in areas subject to aircraft noise</b>	The site is affected by noise from aircraft flyovers from Tamworth Regional Airport. <b>Acoustic Report</b> provides detail on how the issue of aircraft noise will be adequately addressed (refer s5.3.9 of the SEE).	✓

## APPENDIX 2

### DCP Compliance Table

## TAMWORTH REGIONAL DCP 2010 COMPLIANCE TABLE

### STEP 2: TYPE OF DEVELOPMENT

#### Subdivision Controls

Controls	Comment	Compliance
<b>Plans of Subdivision</b>	Spiire, registered surveyors, have prepared a suitable plan showing the proposed subdivision for submission with this Development Application (DA).	✓
<b>Servicing Strategy &amp; Preliminary Engineering Designs</b>	Pre-lodgement meetings with Council Officers to discuss the proposal have been undertaken and feedback on the likely issues that need to be addressed by the application has been provided and taken into consideration in the preparation of this application.	✓
<b>Water</b>	<b>Infrastructure Servicing Report</b> details the preliminary layout of reticulated water main extension through the proposed development.	✓
<b>Water Supply - Minimum static head</b>	Site not identified in the relevant table.	✓
<b>Sewer</b>	<p>Lot Size Map specifies a minimum area of 4000m<sup>2</sup> hectare or greater for the site and there is no feasible sewerage infrastructure surrounding the site for connection into.</p> <p>The development has proposed provision of septic systems for each individual lot, aside from those in the north (Lots 140,144, 145,146, and 147) able to reticulate into the existing network in Mayne Drive (refer <b>Infrastructure Servicing Report</b>).</p>	✓
<b>Stormwater Drainage</b>	<p>The site falls from North-West to South-East, with the majority of the site discharging to the Timbumburi River. A portion of the site discharges to an existing pit at the southern end of Mayne Drive.</p> <p>A network of open drains is proposed to service the development for drainage, including open drains at rear of lots and within road reserves. Drains at the rear of western lots in the development will include prevention of nuisance flows from external catchments (refer <b>Drainage Management Strategy</b>).</p>	✓
<b>Telecommunications</b>	As detailed in the <b>Infrastructure Servicing Report</b> , there are existing NBN assets in Mayne Drive to which the development can connect to and access the NBN network. The conduit sizes in these roads are expected to be of sufficient size to allow the development to be connected to the existing NBN network.	✓
<b>Electricity</b>	<p>As detailed in the <b>Infrastructure Servicing Report</b>, provision of electricity supply to the subject site will likely consist of the following supply arrangement:</p> <ul style="list-style-type: none"> <li>Provision of a new supply connection to the site from the existing 500kVA Essential Energy distribution substation (#18-3930) in Mayne Drive.</li> <li>All installed electrical infrastructure will have to be above the 1:100 flood level as per standard authority requirements.</li> </ul>	✓

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<b>Lot size</b>	<p>The proposed subdivision complies with the minimum 4,000m<sup>2</sup> lot size prescribed on the "Lot Size Map" and Clause 4.1 of Tamworth Regional LEP 2010.</p> <p>Give the size and width of proposed lots, all residential lots are able to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback having due consideration to the minimum 10m front setback and 2.5m side and rear setbacks recommended in the DCP.</p> <p>No easements are proposed.</p>	✓
<b>Battle-axe shaped lots</b>	<p>Lot 122 is a battle shape lot with an area of 55,869m<sup>2</sup> and a 10.03m access handle..</p>	✓
<b>Road Network Design</b>	<p>The <b>Traffic and Parking Assessment Report</b> provides an assessment of the traffic, parking, access, transport and servicing characteristics of the DA, and the associated impacts of the proposal on the surrounding road network, parking and transport environment.</p> <p>In relation to road design, the report confirms Tamworth Regional Council adheres to the Engineering Design Minimum Standards for Subdivision and Developments Version 2 document for procedural and design requirements concerning subdivisions. The following key compliances are noted with respect to the proposed development:</p> <ul style="list-style-type: none"> <li>• 3m x 3m splay corners</li> <li>• 8m kerb return radii</li> <li>• 3% crossfalls on road carriageways</li> <li>• 20m road reserve to match existing</li> <li>• 2 x travel lanes; 3.5m wide each</li> <li>• 2 x shoulders (to the same standard as the travel lanes); 0.5m wide each</li> <li>• New intersection is a T-junction which meet at 90°</li> <li>• 20m diameter cul-de-sac turning heads.</li> </ul> <p>Further to the above, the proposed new internal road network has been designed to accommodate the swept turning path requirements of an 11m rigid truck, allowing it to enter and exit the site in a forward direction at all times, and circulate through the site without difficulty, including a three-point-turn within the cul-de-sac turning heads.</p>	✓
<b>Staged Subdivision</b>	<p>No staged subdivision is proposed.</p>	✓
<b>Future Development</b>	<p>No lots within the proposed subdivision are intended for future dual occupancy, multi dwelling housing developments and/or further subdivision.</p>	✓
<b>Cul-de-sac</b>	<p>Radius of the cul-de-sac bowls is not less than 10 metres (actual = 20m) and has been designed to accommodate stormwater drainage overland flow paths.</p>	✓
<b>Site Levels and Retaining Walls</b>	<p>Site levels are detailed on the Survey Plan. No retaining walls are proposed as part of this application.</p>	✓
<b>Geology</b>	<p>The site has been identified as not containing any erosive soils, saline soils, soils of low wet strength, highly reactive soils and</p>	✓

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	steep slopes that will be a constraint to development and need to be further addressed.	
<b>Landscaping Plan</b>	Subdivision involves new road construction and a <b>Landscape Plan</b> is provided that includes street tree planting of suitable species and the design accommodates the retention of any mature trees and vegetation where practicable.	✓
<b>Environmental Values Locality Map</b>	The subject land is greater than 2 hectares and the <b>Preliminary Biodiversity Assessment</b> provides description and mapping of the existing environmental values of the site.  This assessment notes that no defined waterway bed/ banks occur on site associated with a mapped first order waterway on the site.	✓
<b>Biodiversity Protection</b>	Development application is supported by a <b>Preliminary Biodiversity Assessment</b> . In accordance with the recommendations of this assessment  The subdivision layout has been designed to retain mature paddock trees where possible with a particular focus on large mature trees and hollow-bearing trees.  Consultation with DPIE Water will determine if setbacks are required from the mapped first order waterway on the site and whether preparation of a Waterfront Land Assessment is required.  A Biodiversity Development Assessment Report (BDAR) has been commissioned to support the DA.	✓
<b>Site Access</b>	Public road access will be provided to all lots. The existing 'right of carriageway' providing access to Mayne Drive will be developed as a public road (refer s4.5 of the SEE).	✓
<b>Lot Orientation</b>	Proposed subdivision involves a road running north-south and allotments are designed and orientated as much as practicable to provide solar access for future development and minimise potential overshadowing impacts of existing and future buildings.  The minimum size of allotments being greater than 4,000m <sup>2</sup> will provide significant area to accommodate dwellings that can achieve adequate solar access and not overshadow existing and future buildings.	✓
<b>Open Space</b>	There is no requirement for open space within the provisions of the Section 94 Plan or Site-Specific Design Criteria.	✓
<b>Construction Waste Management</b>	Application does not include any construction that will require waste management.	✓
<b>Garbage collection</b>	Roads have been designed to accommodate the legal movement of garbage collection vehicles.  All allotments have a width at the front street to allow for placement and servicing of garbage receptacles for collection within the alignment of that lot.	✓
<b>Community Title Subdivision</b>	No Community Title subdivision is proposed.	✓
<b>Contamination</b>	Application includes consideration of potential land contamination (refer s5.1.2 of the SEE). No potential contamination sources or indication of gross contamination has been identified which would constrain the development of the Site for the proposed low density residential development.	✓

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<b>Road Widths</b>	Road widths are in compliance with the specifications in the Tamworth Regional Council's current version of the Engineering Design Minimum Standards.	✓
<b>Environmental effects</b>	The SEE identifies any potential environmental impacts of the development and demonstrate how they will be mitigated where necessary.	✓
<b>Soil and Erosion Control</b>	The <b>Environmental Management Plans</b> provide details on how the proposed development will be managed to ensure there is no detrimental impact on environmental functions and process, neighbouring uses, or features of the surrounding land.	✓
<b>Noise</b>	The site is affected by noise from operations at Tamworth Regional Airport. An <b>Acoustic Report</b> accompanies this application to assess aircraft noise impacting the site and determine any treatment requirements (refer s5.3.9 of the SEE).	✓
<b>Aboriginal Cultural Heritage</b>	<p>The application is accompanied by an <b>Aboriginal Heritage Assessment</b>.</p> <p>In summary, the archaeological survey did not identify any Aboriginal sites or objects or potential archaeological deposits and the impact assessment has identified that the proposed works are unlikely to have an impact on Aboriginal objects or places.</p> <p>Based on the findings of the archaeological assessment and archaeological survey, the assessment makes four (4) recommendations (refer s5.3.2 of the SEE).</p>	✓

### Step 3: GENERAL DEVELOPMENT SPECIFICATIONS

#### Development on Flood Affected Land

Controls	Comment	Compliance
<b>Is land flood affected?</b>	A portion of land in the is flood affected (refer s5.3.1 of the SEE).	✓
<b>Glossary of Terms</b>	Noted.	✓
<b>Land Behind Levees</b>	Land is not protected by the urban levee system.	✓
<b>Access</b>	All lots created by subdivision will have safe vehicle access to Mayne Drive for events up to 1% AEP.	✓
<b>On-site Sewer Management</b>	On-site sewer management facilities will be the subject of further development applications for dwelling houses on each lot.	✓
<b>General Development Requirements</b>	The <b>Survey Plan</b> has been prepared by a registered surveyor and shows existing ground levels and flood levels. No finished ground levels or floor levels are provided because there are no proposed building works.	✓
<b>General Development below the 1% AEP flood level</b>	Any building (new works) will be the subject of further development applications and will be subject to compliance with NCC flood requirements and the Australian Building Codes Board Standard - Construction of Buildings in Flood Hazards.	✓

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<b>Residential Development</b>	Any building (new works) will be the subject of further development applications and will be subject to compliance with the provisions of this DCP.	✓
<b>Commercial/ Retail/ Industrial Development</b>	No building or work (including land filling, fencing, excavation) is proposed on flood affected land.	✓
<b>Subdivision</b>	Lots 122 & 123 will be fully inundated by a 1% AEP event (refer s5.3.1).	X
<b>Landfilling</b>	No landfilling is proposed within the floodway.	✓
<b>Non-residential rural buildings</b>	Non-residential rural buildings are not proposed in the floodway,	✓