



Statement of Environmental Effects

Subdivision (No. 2)

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.

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

Note:

The reports accompanying this development application relate primarily to a recent separate subdivision DA for the same site that is currently with Council (DA2025-0204). These reports are considered suitable for reference to this DA because they have a generic application to the site and the nature of the proposed development is subdivision only in both DAs.

2 Site Analysis

2.1 Site Description

Street Address	18-50 Mayne Drive, Westdale
Legal Description	Lot 1 DP 1017953
Site Area	Approximately 29.21 hectares (refer Survey Plan)
Brief Site Description	<p>The site (outlined in yellow in Figure 1) 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. Figure 2 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>
Topography	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.
Road Access	<p>The Property benefits from the following easements:</p> <ol style="list-style-type: none">1. Right of carriageway 20 metre(s) wide; and2. Easement for Services 20 metre(s) wide.

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 (No. 2)
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Figure 1. Subject site



PROPOSED SUBDIVISION (No. 2)
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Figure 2. View of site

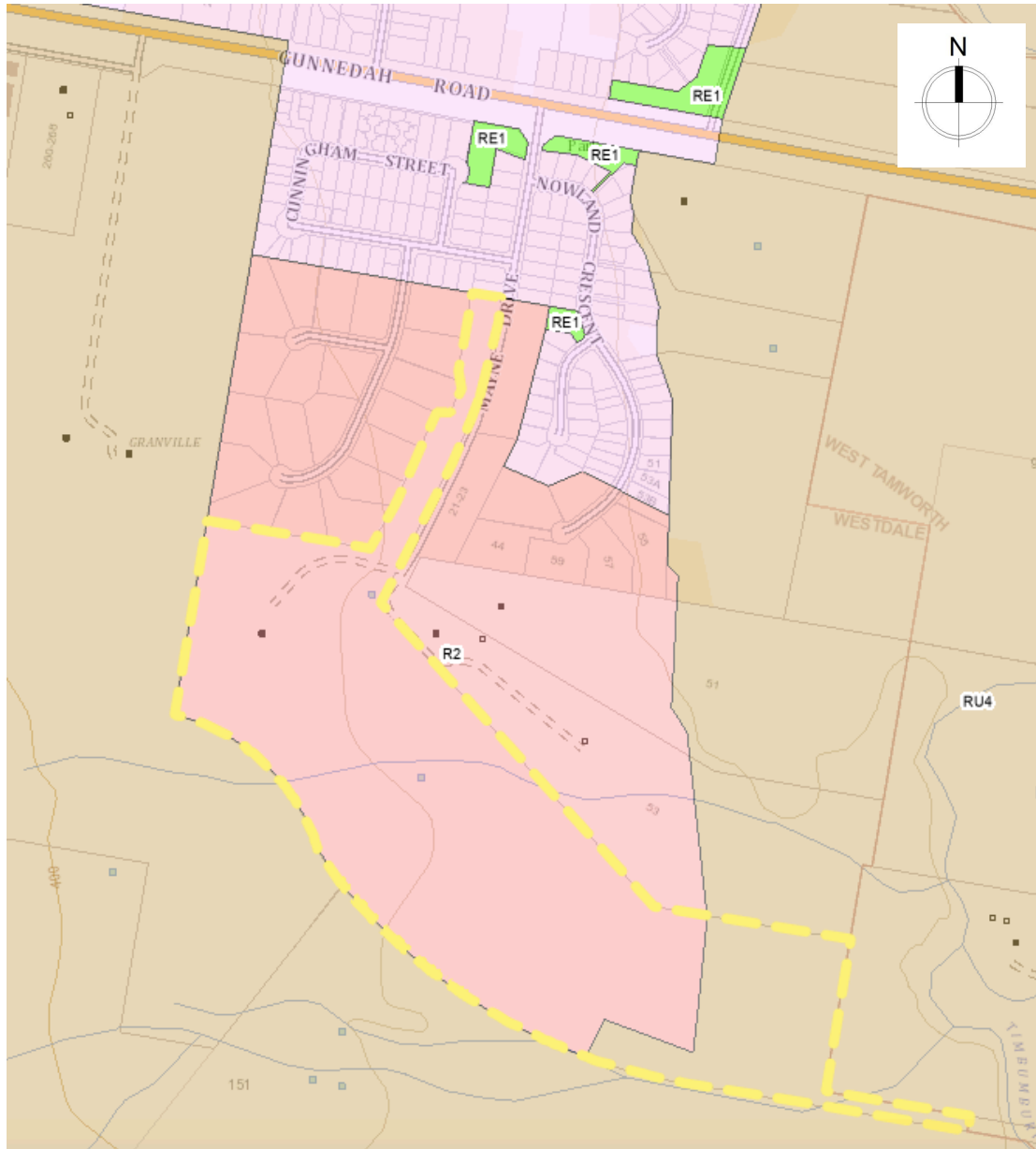


Source: Domain

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 two (2) lots as detailed in **Subdivision Plan** that accompanies this application (refer Figures 4 & 5).

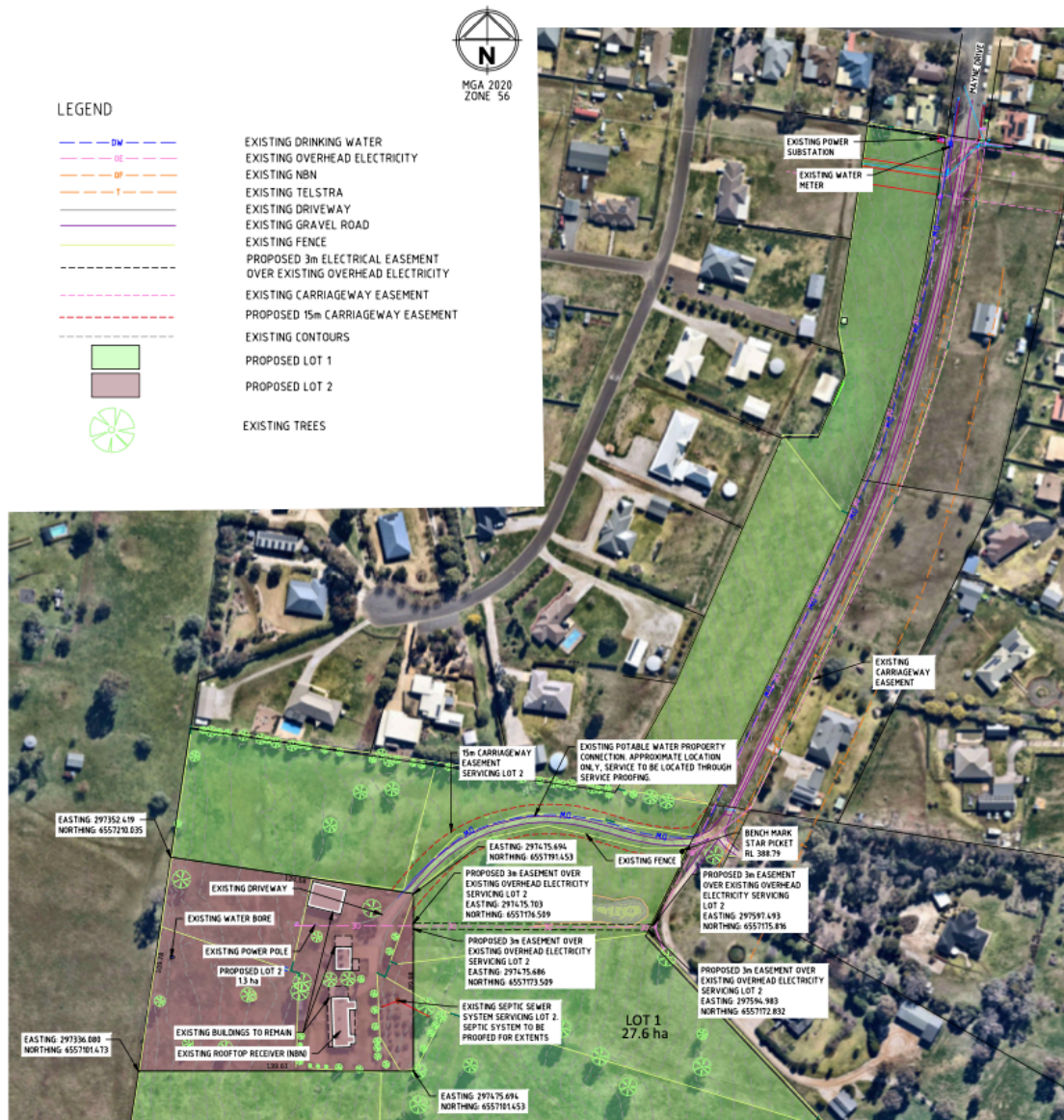
This application does not seek approval for any works associated with the provision of new housing or infrastructure.

Figure 4. Plan of Subdivision - 1



PROPOSED SUBDIVISION (No. 2) 18-50 MAYNE DRIVE, WESTDALE

Figure 5. Plan of Subdivision - 2



4.2 Subdivision Plan

Key elements of the 2-lot subdivision plan include:

Lot 1 - large residual lot (in land zoned *R2 Low Density Residential* and *RU4 Primary Production Small Lots* with a site area of approximately 27.6 hectares. This site is the subject of a separate development application for subdivision.

Lot 2 - large residential lot in land zoned *R2 Low Density Residential* with a site area of 1.3 hectares. This site will accommodate exiting homestead.

Easements to facilitate access for roads and services.

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. Preliminary Biodiversity Assessment
6. Survey Plan
7. Preliminary Site Investigation
8. Bushfire Assessment Report
9. Owners Consent
10. Legal Advice on Right of Carriageway
11. Copy of Easement

4.4 Servicing Strategy

Subdivision Plan details the following servicing strategy for existing dwelling on proposed lot 2:

Road infrastructure: a proposed 15m carriageway easement over the existing road provides connection on to Mayne Drive.

Drainage infrastructure: No changes are proposed to the existing on-site drainage for the existing house.

Sewer infrastructure: Existing individual septic system will be maintained to service the existing house.

Water infrastructure: Existing potable water connection to the existing house is located within the proposed 15m wide carriageway easement. While this location is currently approximate only, the service will be located through service proofing.

Electricity infrastructure: A 3m wide easement is proposed over the existing overhead electricity lines servicing the existing house.

Telecommunication infrastructure: There is ample telecommunications infrastructure in the locality.

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 Table** accompanies this application and provides an estimate of the cost of development to be \$8,500 + GST. This estimated development cost has been prepared having due consideration to NSW Government Planning Circular PS 24-002 issued on 27 February 2024 and titled *Changes to how development costs are calculated for planning purposes*.

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 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 s5.3.3 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.

The development proposes no works that will have any impact on the environment and subsequently no further detailed assessment is required.

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..

The development proposes no works that will have any impact on the environment and subsequently no further detailed assessment is required.

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**.

The assessment in the compliance table addresses the subdivision plan and not any 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.

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

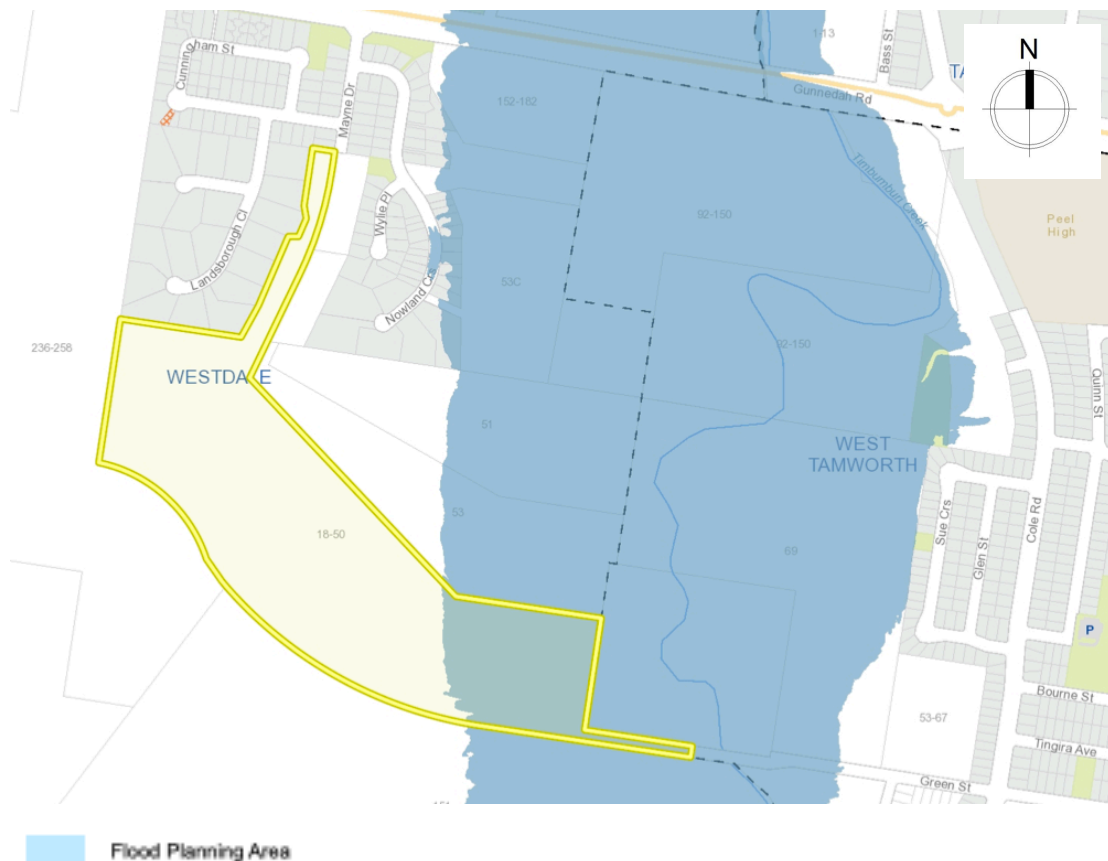
Part of the land is within the flood planning area and subject to flood related development controls set out in the provisions of the Tamworth Regional Local Environmental Plan 2010 (Clause 5.21) and the Tamworth Regional Development Control Plan 2010 (Development on Flood Affected Land).

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.

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.

Figure 6. 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 Traffic and Parking

The proposed 2-lot subdivision will not generate any additional vehicle trips and is supportable on vehicular access, traffic, parking and servicing grounds and will not result in any unacceptable implications. No further detailed assessment is considered necessary.

5.3.6 Social Impacts

On balance, social impacts are likely to be positive in consideration of this proposal facilitating the future development of Lot 1 for residential development because:

- 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.

5.3.7 Economic Impacts

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

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- Will provide land for future variety of residential development to be undertaken and thereby contribute towards the supply of housing in Tamworth;
- Will enable the eventual 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 two (2) residential lots with associated easements to support existing 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 4,000m²+ lot size.

The plan of subdivision has been designed having due regard to the accommodation of the existing dwelling on the site. This SEE has confirmed the suitability of the site for the proposed subdivision and the future 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 2-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 2-lot subdivision with associated road and servicing infrastructure at 18-50 Mayne Drive, Westdale warrants Council approval.

APPENDIX 1
LEP Compliance Table

APPENDIX 2

DCP Compliance Table