



Bath Stewart Associates

Surveying | Engineering | Planning

ABN 19 659 162 062

239 Marius Street

PO Box 403

TAMWORTH NSW 2340

02 6766 5966

office@bathstewart.com.au

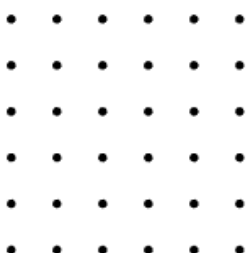
29.01.2025

STATEMENT OF ENVIRONMENTAL EFFECTS (SoEE)

Residential Subdivision

Lot 74 in DP775678

36 Moonbi Gap Road, Moonbi NSW 2352



Plan prepared by



Bath Stewart Associates

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STATEMENT OF ENVIRONMENTAL EFFECTS (SoEE)

SoEE Prepared by:

Name:



Qualifications:

Bachelor of Landscape Architecture (UNSW)
Masters of Environmental Management (UNSW)
Registered Landscape Architect 

Company:

Bath Stewart Associates Pty Ltd
ABN 19 659 162 062
PO Box 403
Tamworth NSW 2340

in respect of Development Application (DA):

Proprietors Name:



Proprietors Address:

c/- Bath Stewart Associates
PO Box 403
Tamworth NSW 2450

Land in respect of which the DA is made:

Lot 74 in DP778678
36 Moonbi Gap Road, Moonbi NSW 2353
L.G.A.: Tamworth Regional Council

Development Description:

Residential Subdivision

We hereby certify that we have prepared the contents of this statement and to the best of our knowledge it is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

Name:



Date:

28 January 2025



1 General Overview

1.1 Background

This Statement of Environmental Effects (SoEE) accompanies a development application to Tamworth Regional Council (TRC) for the Torrens subdivision of Lot 74 in DP778678 into six (6) lots. The property is vacant land located on the edge of Moonbi. The subject site is located at 36 Moonbi Gap Road, Moonbi, with frontage to Edward Street both roads a sealed local roads.

This statement describes the existing site and specific characteristics of the proposed development. The statement also addresses the potential impacts of the proposal and where deleterious impacts are identified, measures to mitigate their impact are presented. The client submitted an application for this site reference PAN-447390 which was returned. This report has been prepared to address the reasons for return.

The following documents have been relied upon in preparing this SoEE:

- *Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010);*
- *Tamworth Regional Development Control Plan 2010 (TRDCP 2010); and*
- *Bath Stewart Associates Plans*
 - *Topographic & Detail Survey - Existing lot configuration, Sheets 1-4 (Ref. 24398DA) Rev A;*
 - *Proposed lot configuration, Sheet 5 (Ref. 24398DA) Rev A;*
- *Dial Before you dig searches (Enquiry No. 38435589)*

It is our opinion that the Torrens subdivision of the subject site represents a suitable and appropriate land use in the locality.

1.2 Site Detail

The subject land is identified as Lot 74 in DP778687, 36 Moonbi Gap Road, Moonbi NSW 2353. The land parcel is legally held under freehold title.

The total land area of the above lot is 2.377 hectares.

The Bush Fire Prone Land Map issued by Tamworth Regional Council (TRC), available on the ePlanning Spatial Viewer, indicates that the lot is considered to be bush fire prone land. The site is not mapped as being flood prone.

The subject lot is rectangular in shape with a 13.59 metre access handle to Moonbi Gap Road. The frontage to Edward Street is 136.36 metres and the property has a depth of 171.83 metres. The property has been used as a hobby block and contains some scattered tree vegetation.

Figure 1 provides an aerial satellite image and Figure 2 to Figure 8 are site photographs of the property showing the site character.



Figure 1: Aerial Photo of the subject site



Figure 2: View along Moonbi Gap Road from Edward Street intersection



Figure 3: View from Edward Street North East corner



Figure 4: View North across property from South West corner



Figure 5: View North along Edward Street from Moonbi Gap Road Intersection



Figure 6: View North from Moonbi Gap Road



Figure 7: View South along Edward Street



Figure 8: View Edward Street

1.3 The Proponent

_____ has engaged Bath Stewart Associates to prepare this SoEE in support of a development application seeking approval for the Torrens subdivision of Lot 74 in DP778678 into six lots.

The registered landowner of the development are

As requested in the 'Consent of Owner Form' and endorsed by the land owner all correspondence is to be sent [REDACTED]



2 The Proposal

2.1 Proposed Development

It is proposed to torrens subdivide Lot 74 in DP778678 into six (6) lots. Proposed Lots 1 to 5 are 2,000 square metres in size and proposed Lot 6, which has dual frontage to Edward Street and Moonbi Gap Road is 1.377 hectares. All six lots will be suitable for future residential development.

It is proposed to construct access driveways into each lots from Edward Street. A new driveway, with concrete dish is proposed to access each lot in accordance with Council's Standard.

Services including stormwater drainage, water supply, onsite sewer management, telecommunications and power will be extended to each lot as outlined in section 2.6 of this report.

The concept plan of subdivision has been attached to this application. Figure 9 is an image of the proposed subdivision layout.

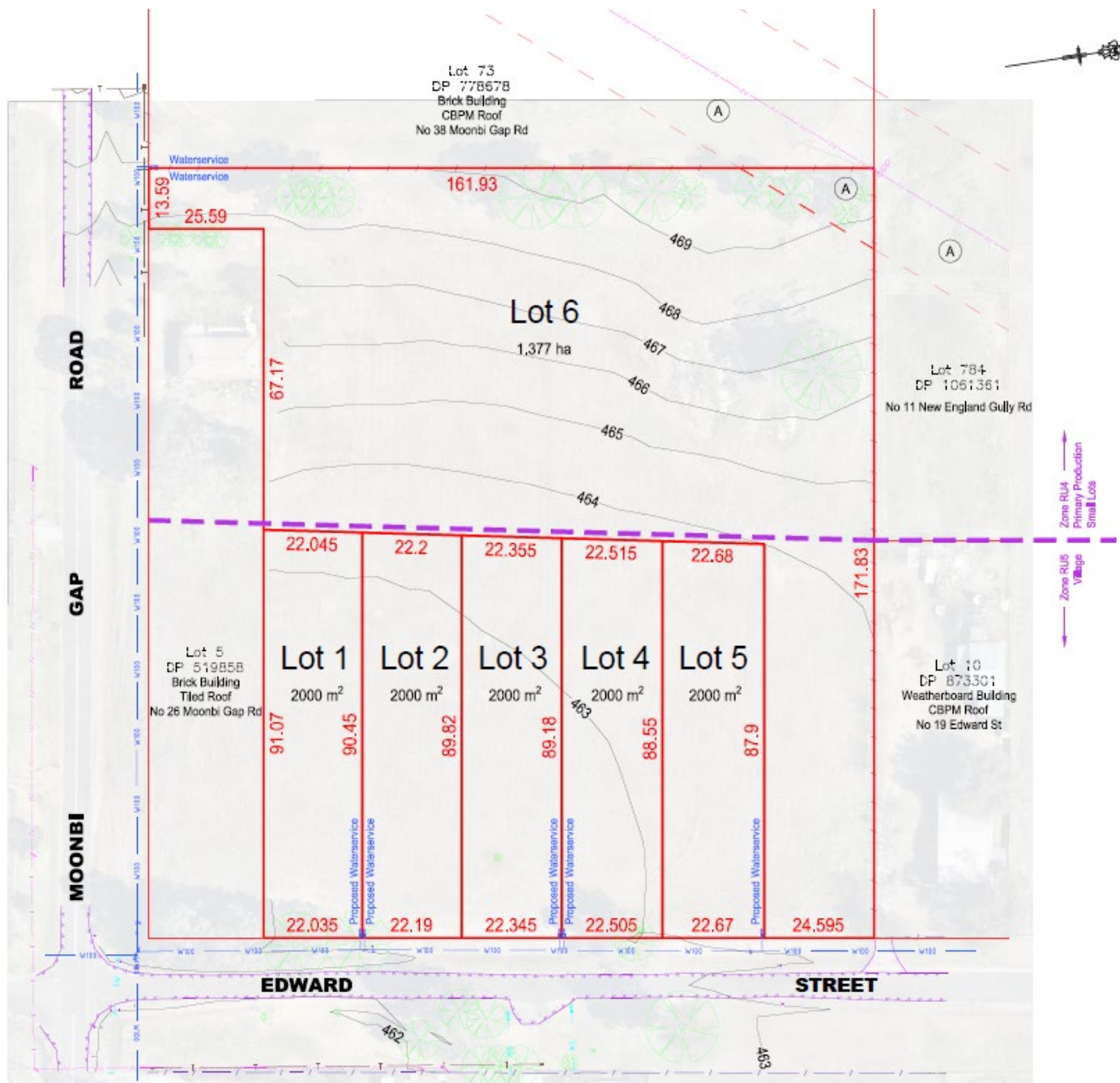


Figure 9: Plan - Proposed Lot Configuration

2.2 Existing Development

The existing holding Lot 74 in DP 1239283 is vacant land with a water service in the south western corner of the holding fronting Moonbi Gap Road. The land used is mapped in the 2017 Landuse SEED portal map as category 5.4.0 Residential and Farm Infrastructure, as shown in Figure 10 and the Plant Community Type (PCT) Map, Figure 11, notes the site as being PCT 0 – Non Native Vegetation. Therefore, we consider the site to be fully modified.

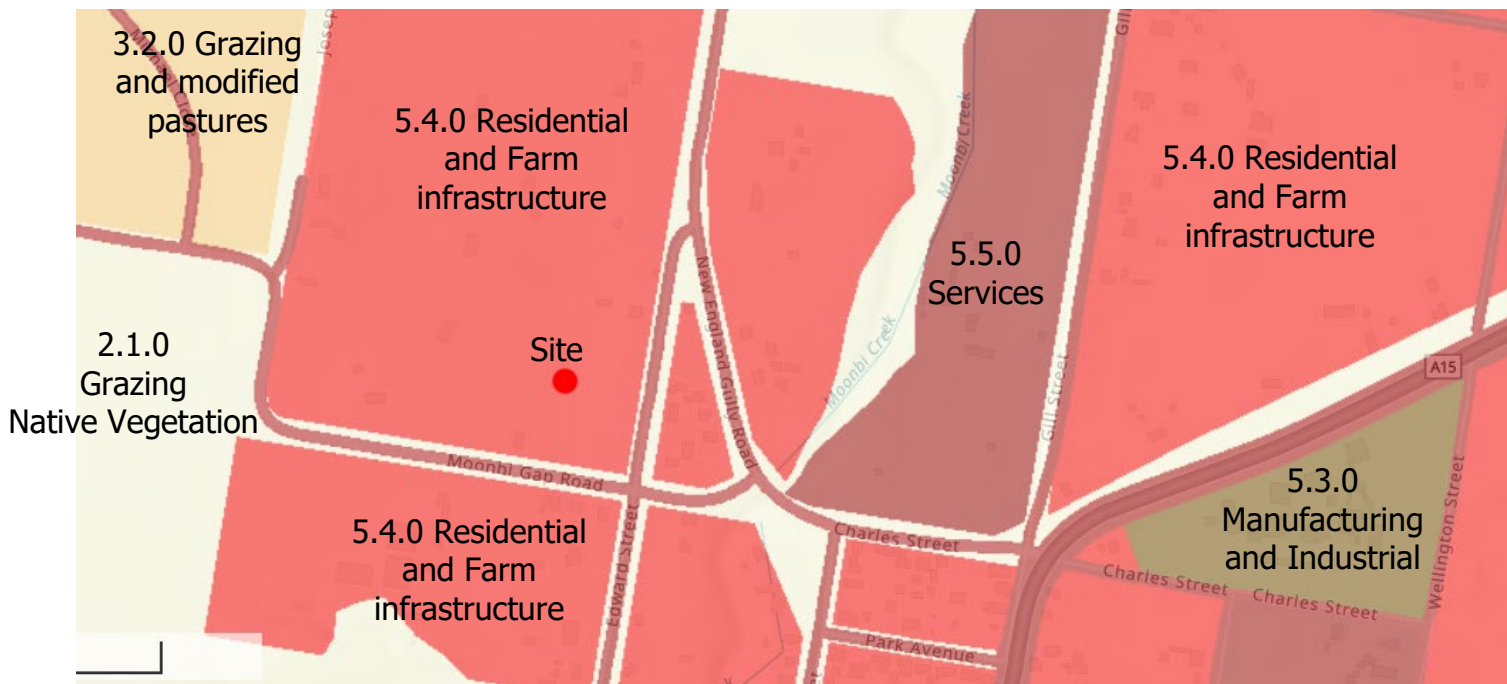


Figure 10: Landuse Mapping 2017 (SEED)

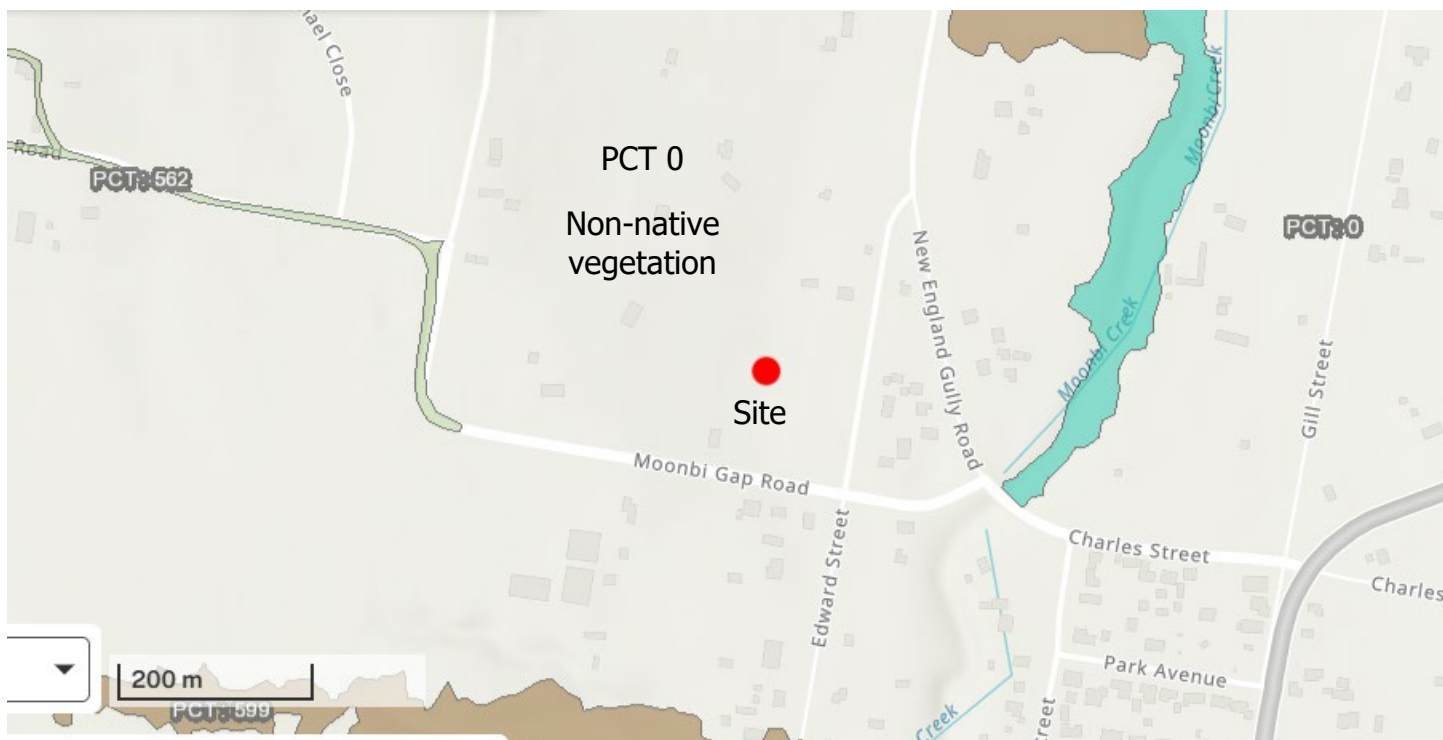


Figure 11: Plant Community Type (PCT) mapping (SEED)

2.3 Adjoining Land Uses

The subject land is located on the western fringe of Moonbi with residential properties surrounding the site. The site is partly within the urban boundaries of Moonbi and partly zoned Primary Production Small Lots. Surrounding rural properties vary in size.



2.4 Context and Setting

The general locality is characterised as urban settlement featuring low density residential housing and large lot residential development. The subject site is located approximately 500 metres west of the New England Highway. It is considered that the proposed development will be consistent & compatible with the character of the surrounding area.

2.5 Development Staging

This is not a staged development.

2.6 Infrastructure & Servicing

2.6.1 Site Servicing Strategy

We have conducted a 'Before You Dig' search of the property. Servicing diagrams indicate that reticulated water is the only service connected to the subject site. The full 'Before you Dig' searches are appended to this report, refer Appendix F. Section 2.6.1.1 to 2.6.1.5 and outlines each service connection. Upgrades nominated are in accordance with the Tamworth Regional Development Control Plan 2010.

2.6.1.1 Electricity Supply

The area is serviced by overhead power with overhead powerlines along both Edward Street and Moonbi Gap Road as shown in Figure 12. There is no existing power connection to the subject site. The proponent will make enquiries with a suitably qualified electrical contractor to extend power to each of the proposed development lots in accordance with Essential Energy's requirements. At the completion of the subdivision a notice of arrangement will be provided to Council, to confirm that all lots have suitable electricity connection.

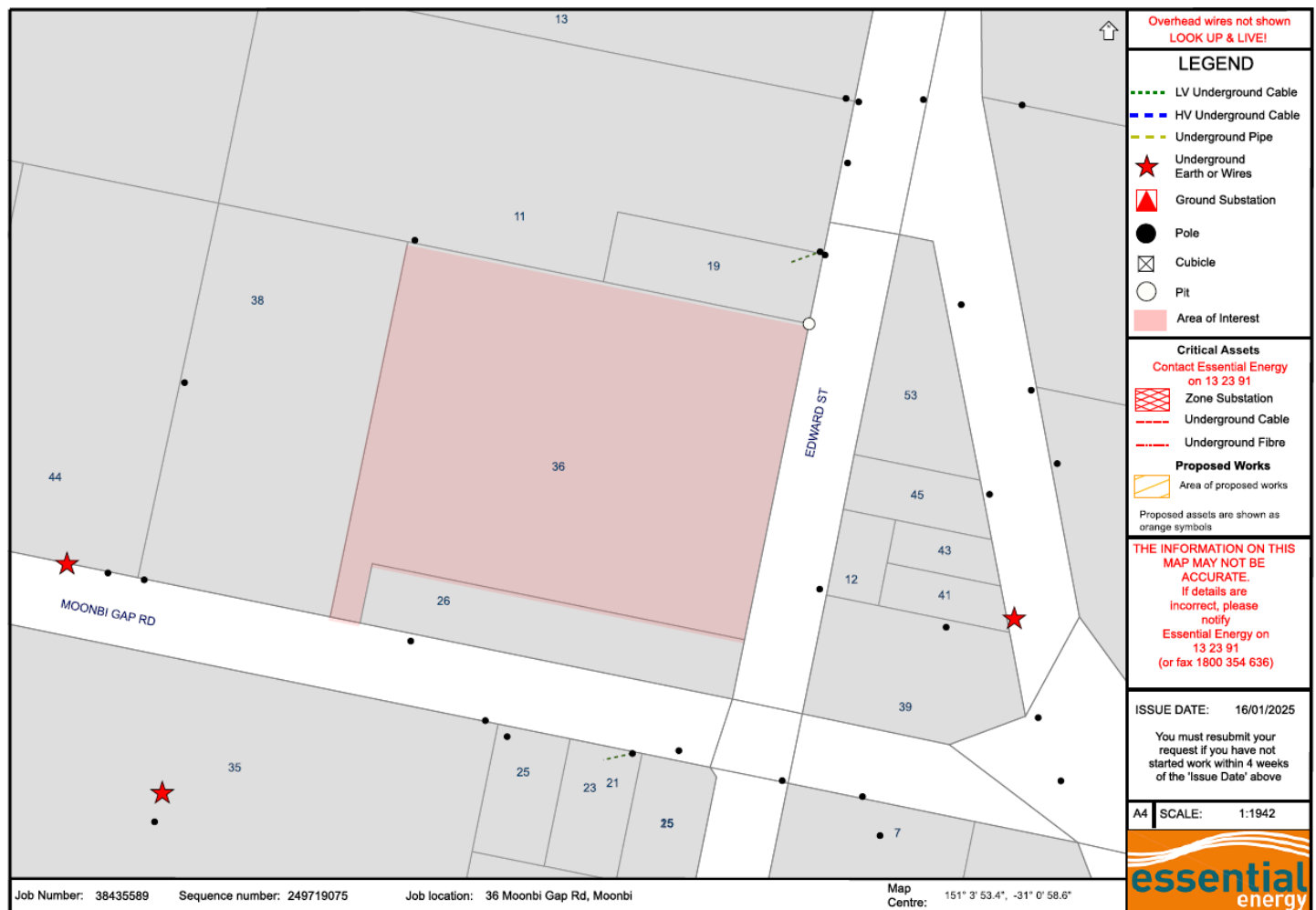


Figure 12: Essential Energy Power Diagram

2.6.1.2 Telecommunications

A search of the Telstra infrastructure surrounding the site indicates that the surrounding properties are connected to telecommunications services. This infrastructure is shown in Figure 13. A search of the NBN Co Rollout maps shows the site is serviced by Fixed Wireless internet. The developer will apply to have telecommunications services extended to each of the lots in the proposed development and a notice of arrangement will be provided at the subdivision certificate stage of the application.



Figure 13: Telstra Dial Before you Dig Diagram

2.6.1.3 Water Supply

There is an existing 100mm water main along Edward Street and Moonbi Gap Road with existing lot connection at the north west corner of the property on Moonbi Gap Road. A new water service will be provided from the existing Edward Street water main to Lots 1 to 5 as shown in the proposed Lot configuration plan.

All existing internal water pipes will be retained in Lot 6, with any lines that cross the proposed boundaries capped off and removed. All internal plumbing works will be carried out by a licenced plumber and the proponent will apply to Council for 20mm water service metre connections into the live main. Following these works all proposed lots in the subdivision will have a suitable water connection.

2.6.1.4 Sewer Supply

The subject site is not located in a reticulated sewer service area. It is proposed to install an onsite sewer management system on each lot at the time of house construction. A section 68 application will be made to confirm the suitability of the proposed system in accordance with the NSW Health Domestic Waste Water requirements.



2.6.1.5 Stormwater Drainage

The subject site falls to the south eastern corner of Moonbi Gap Road and Edward Street. Stormwater is conveyed in table drains along both Moonbi Gap Road and Edward Street falling east into Moonbi Creek, which is about 100 metres from the site.

Following the subdivision it is proposed to construct a low bund 300mm nominal along the eastern boundary of proposed Lot 6 and common boundary between Lot 5 and 6 to Edward Street. This low bund will direct overland flow from Lot 6 to Edward Street. Lots 1 to 5 all fall to the east and stormwater is legally discharged into the Edward Street Table Drain.

The proposed development is low density with no formal stormwater piped infrastructure in the vicinity. The proposed management through a low bund and existing table drains is considered suitable for this type of low density development. Following these works stormwater up to the 1 in 5 year event will be conveyed within each lot to Edward Street.

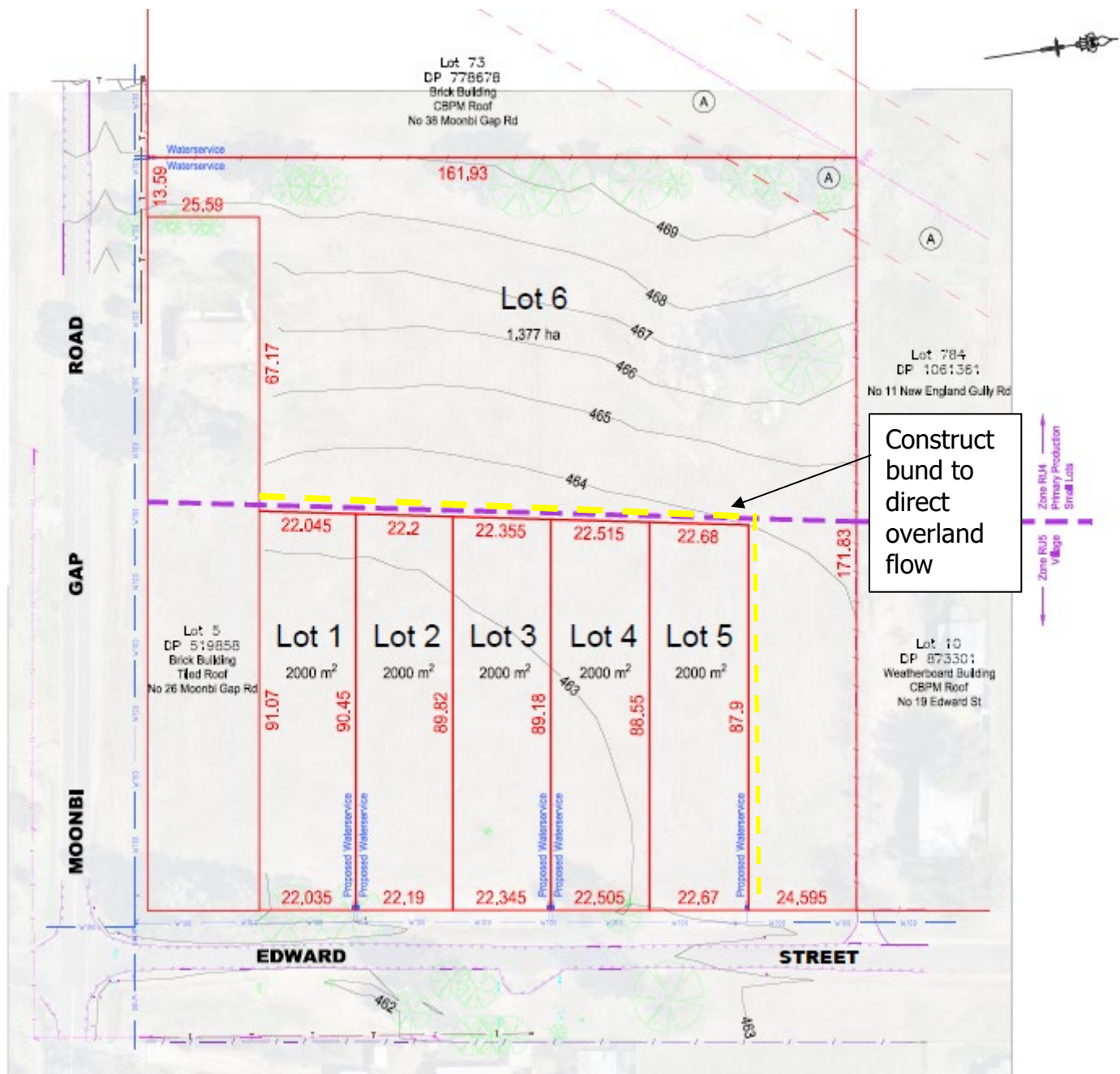


Figure 14: Proposed Stormwater Bund on Detailed Survey and Proposed Lot Layout

2.6.2 Access

It is proposed to construct a driveway from Edward Street to the boundary of each lot in the development. The driveways will be constructed in accordance with Council's Standard drawing RD012 Rural Access Driveway across a table drain. The details of the proposed driveways will be documented in the Subdivision works certificate application. Edward Street is a local road of bitumen construction and it is expected that six (6) additional lot access on this road will be within the carrying capacity of the local road network.



3 Planning Considerations

3.1 Commonwealth Legislation

3.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Department of the Environment administers the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is administered by the Commonwealth Department of the Environment and provides a legal framework to protect and manage nationally important flora, fauna, ecological communities and heritage places defined as matters of national environmental significance. An action that “has, will have or is likely to have a significant impact on a matter of National Environmental Significance” may not be undertaken without prior approval from the Commonwealth Minister, in accordance with Part 9 of the EPBC Act.

As outlined in section 2.2, the subject site is fully modified and therefore, there are no requirements under the EPBC Act for this application.

3.2 NSW State Legislation

3.2.1 Environmental Planning and Assessment Act 1979 (EPAA)

The EPAA is the principal piece of legislation overseeing the assessment and determination of development proposals in NSW. It aims to encourage the proper management, development and conservation of resources, the protection of the environment, and ecologically sustainable development.

3.2.2 The Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) is administered by the NSW State Government Office of Environment and Heritage. The BC Act provides a legal framework to protect and manage biodiversity at a regional and State scale. Clearing of native vegetation which is considered likely to have a significant effect on threatened species is captured within the BC Act and subject to assessment in accordance with the Biodiversity Offset Scheme (BOS).

The BOS applies to developments captured by Part 4 of the EPAA that exceed the BOS threshold, are likely to have a significant effect on threatened species in accordance with the “test of significance” or occur in areas of Outstanding Biodiversity Value.

We have conducted a Biodiversity Values Map and Threshold Report for the development site, results are appended. The subject site is not mapped as being in an area of high biodiversity value under the Biodiversity Offset Scheme. The minimum lot size for the development is 2000 square metres. Under the Biodiversity Conservation Regulation 2017, the allowable clearing threshold for a lot less than 1 hectare is 2500 square metres. As the site is already fully modified and there is no vegetation clearing proposed



the development does not exceed the clearing threshold and therefore does not trigger the Biodiversity Conservation Act.

3.2.3 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are legal Environmental Planning Instruments (EPIs) prepared by the Minister to address issues significant to the State and people of NSW. The proposed development is considered to be consistent with the aims or objectives of any SEPP.

We refer to the following State Environmental Planning Policies that may be applicable to the subject lands.

NUMBER	PLANNING POLICY	RELEVANCE
	Biodiversity and Conservation 2021	See Commentary
	Building Sustainability Index: BASIX 2004	Not relevant
	Exempt & Complying Development Codes 2008	Not relevant
	Housing 2021	Not relevant
	Industry and Employment 2021	Not Relevant
	Planning Systems 2021	Not relevant
	Primary Production 2021	Not relevant
	Resilience and Hazards 2021	See Commentary
	Resources and Energy 2021	Not relevant
	Transport and Infrastructure 2021	Not relevant
	Biodiversity and Conservation 2021	Not Relevant
No. 65	Design & Quality Residential Flat Development	Not relevant

Table 1. SEPP Table

3.3 SEPP Commentary

3.3.1 SEPP (RESILIENCE AND HAZARDS) 2021

The SEPP Resilience and Hazards 2021 contains three arms as outlined below:

- Chapter 2 – Coastal Management – Not Applicable to this development
- Chapter 3 – Hazardous and Offensive Development - Not Applicable to this development
- Chapter 4 – Remediation of Land – See comments below.

Chapter 4 – Remediation of Land

The object of this Chapter is to provide for a State-wide planning approach to the remediation of contaminated land, with particular aims to promote the remediation of contaminated land for the purpose of reducing risk of harm to human health or any other aspect of the environment and applied to the whole state of New South Wales.



A preliminary contamination site investigation report has been prepared for this development by SMK Consulting. The Preliminary Contamination Site Investigation Report concludes that there are no areas or materials of concern at this site and the site is considered suitable for a residential land use.

The site has been assessed against the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, as outlined in Appendix D. We do not believe there are any concerns for contamination at this property.

3.3.2 SEPP (Biodiversity Conservation) 2021

The SEPP Biodiversity Conservation 2021 contains 13 chapters. Below we have addressed the chapters and how the SEPP applies to the development.

- Chapter 2- Vegetation in non-rural area – There is no tree removal proposed as part of this development.
- Chapter 3 – Koala Habitat Protection 2020- only applies to RU1, RU2 and RU3 zoning.
- Chapter 4 – Koala Habitat Protection 2021

The subject site is zoned RU4 & RU5 and therefore falls under the requirements of State Environmental Planning Policy (Biodiversity Conservation) 2021 – Chapter 4. This policy defines a Koala assessment Report as:

Koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts.

Tamworth Regional Shire Council is listed as containing Koala Habitat under the SEPP. This policy states that for all land greater than 1 hectare in size, before Council may grant consent to an application to carry out development on land it must determine the level of impact a development is likely to have on Koalas or their habitat.

There is no approved Koala Plan of Management on this site and therefore clause 4.9 of the SEPP applies to this development.

The SEPP defines core Koala habitat as:

care koala habitat means-

- (a) An area of land which has been assessed by a suitably qualified and experience person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or*



(b) An area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.

Tamworth Regional falls into the Northern Tablelands Koala Management Area under the SEPP. Schedule three of the SEPP outlines Koala use tree species for this management area.

This site is utilised as a hobby block with a few scattered trees including Cypress pine and Eucalyptus species across the block. These trees could provide some habitat value to Koala’s.

We have undertaken a desktop review of the NSW Bionet database for public listings of Koala sightings in the area. The Bionet search Public Report of all Valid Records of Koalas in selected area [North: -30.97 West: 151.01 East: 151.11 South: -31.07] returned a total of 3 species observations in the 10km x 10km square around the site. These observations are summarised in Table 1 and Shown in Figure 15.

Table 1: Bionet Public sightings of Koala listings

Species		Date of Observation		Zone 56			
		First	Last	Easting	Northing	Timeframe	Distance
Phascolarctos cinereus	Koala	1/01/1980	30/06/2006	316146	6567054	19 + yrs	800m East
Phascolarctos cinereus	Koala	8/11/2012	8/11/2012	315168	6568632	12 + yrs	1.6km North
Phascolarctos cinereus	Koala	11/03/2022	11/03/2022	314152	6563126	2 yrs 10 mths	4km South

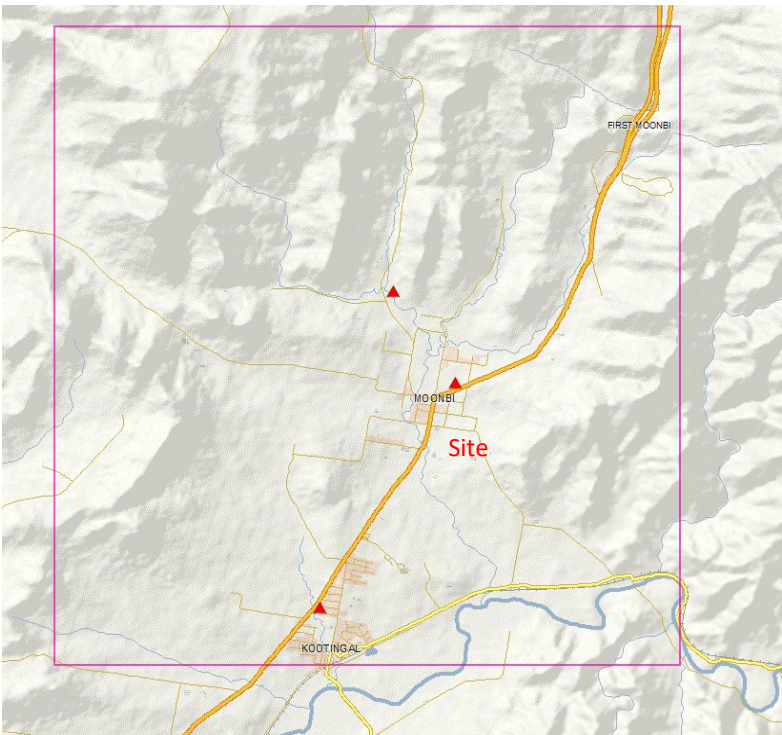


Figure 15: Bionet Results



Based on the findings outlined above we do not believe the subject site is classified as core koala habitat, as the only recent observation was recorded 4km south of the site in Kootingal and in the last 18 years there have only been two individual Koala's sighted in a 10x10 kilometer square around the site. The proposed development does not involve the removal of any trees and therefore, will have a negligible impact on habitat values at the site.

Clause 4.9 (3) of the policy states that if Council are satisfied that the development is likely to have a low or no impact on koalas or koala habitat, the council may grant consent to development application.

- Chapter 5 – River Murray Lands – does not apply to Tamworth Regional Council
- Chapter 6 – Water Catchments – does not apply to Tamworth Regional Council
- Chapter 7-12 – Repealed
- Chapter 13 – Strategic Conservation Planning – Does not apply to this development.

3.4 Land Use Zoning – Local Environmental Plan

The subject lot is zoned RU5 Village in the eastern section and RU4 Primary Production Small Lot in the western section in accordance with the provisions of the *Tamworth Regional Local Environmental Plan* 2010. The division of the zones is shown in the Proposed Lot Configuration Plan appended to this report.

Table 2 outlines the objectives of the R1 zone and development compliance and Table 3 outlines the objectives of the RU4 zone and development compliance.

The objectives of the R1 zone are as follows:

Table 2: RU1 Village Zone Objectives

OBJECTIVES OF THE ZONE	COMMENTS
To provide for a range of land uses, services and facilities that are associated with a rural village.	The proposed development will allow the subdivision of an existing holding into six holdings, creating six housing lots. This will meet the needs of the community by providing a more efficient use of the land.
To encourage a range of housing types in appropriate locations.	The proposed lot size of 2,000m ² minimum is suitable for varying house type construction.
To enable development for retail, commercial and light industrial purposes for the local and nearby rural community in appropriate locations and scale within the zone.	The proposed development is for a residential land use. The proposal is compliant with this objective.


Table 3: RU4 Primary Production Small Lots Zone Objectives

OBJECTIVES OF THE ZONE	COMMENTS
To enable sustainable primary industry and other compatible land uses.	The proposed development contains a an area of RU4 zoned land on the western side of the lot. The size of the site doesn't not entice primary industry uses but allows a varied lot size to suit the needs of the community. The development is compatible with both zones and complies with this objective.
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.	As noted above the proposed development is not a primary industry and therefore this objective does not apply to the development. The development does not contravene this objective.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The proposed development is for a residential land use. There are no land use conflicts identified in this area. The proposal is compliant with this objective.

3.5 Permissibility

The proposed development will result in the Torrens subdivision of Lot 74 in DP778678 into six (6) lots. It is envisaged that future applications for dwelling houses will be made on the lots.

It is proposed to create five lots of 2,000m² in the RU5 Village zoned section of the site. This section has a minimum lot size of 2,000m². The sixth Lot, is 1.377 hectares and contains a section of 2,000m² in the RU5 zone and 1.177 hectares in the RU4 zone. The minimum lot size for this zone is 40 hectares. Figure 16 shows the extract of the minimum lot size map for the subject site.

Subdivision is permitted under clause 2.6 of the TRLEP, 2010 with development consent. There are no dwellings on the subject site. Therefore, the proposed development is consistent with this clause and permissible under clause 2.6 of the TRLEP, 2010.

This application is made under clause 4.1B Minimum subdivision lot size for certain split zones. This clause allows land that is an original lot and contains land in a residential zone and the RU4 Primary Production Small Lots zone to be subdivided, if the land that is in the residential zone area of the lot has an area that is not less than the minimum lot size shown on the lot size map in relation to that land and all of the land zoned RU4 was in the original lot. This is the case for proposed Lot 6 where the residential section is mapped as having a MLS of 2000m² and the proposed area of this section is 2,000m². The proposed total area of Lot 6 is 1.377 hectares. We believe the development is compliant with, and permissible under clause 4.1B of the TRLEP, 2010.

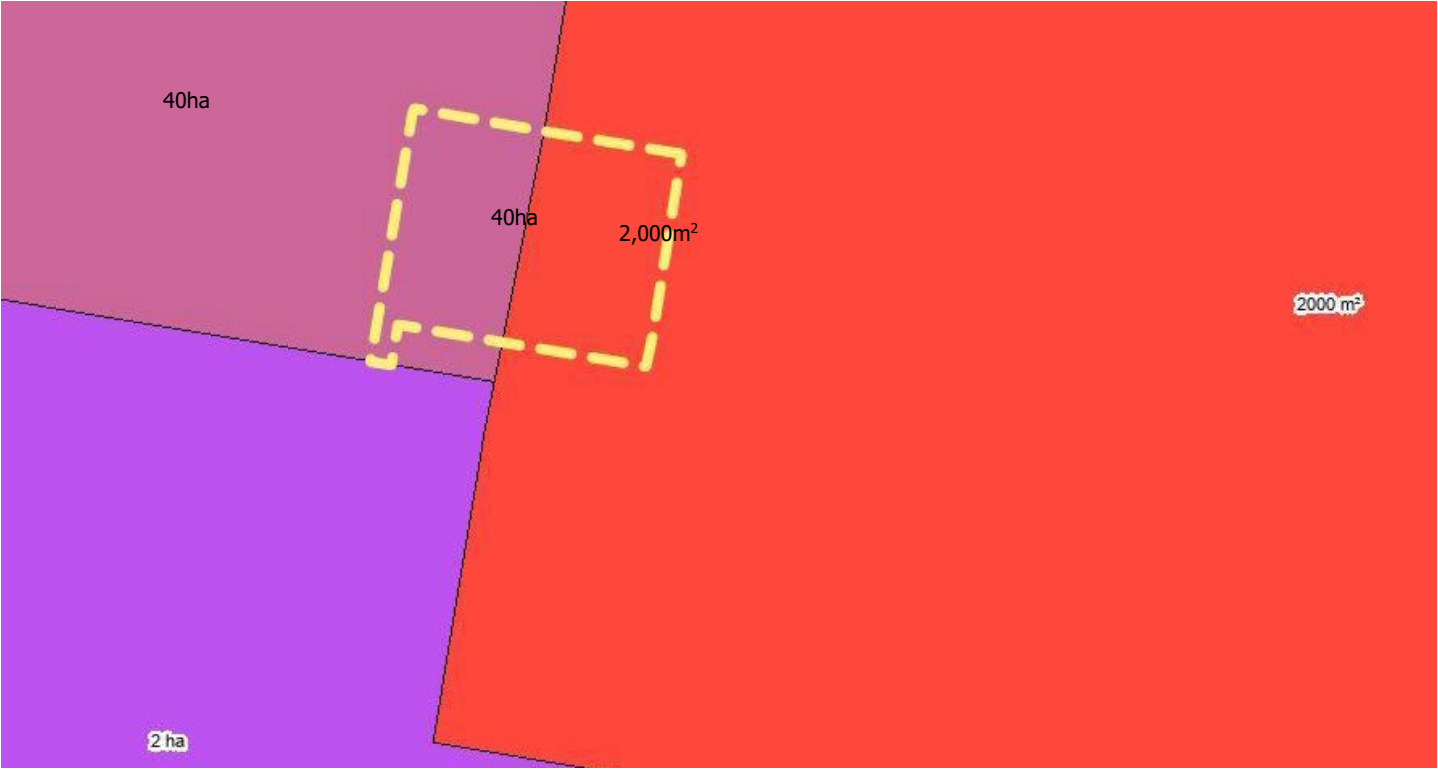


Figure 16: Minimum Lot Size Map (Eplanning Spatial Viewer)

3.6 Development Control Plan

The *Tamworth Regional Development Control Plan 2010* (TRDCP 2010) is applicable to the subject land. An assessment against the relevant Subdivision Controls found in the said DCP is provided below in Table 4. Importantly it is considered that the proposed development either complies, or can readily comply, with the relevant parts of the DCP guideline: -

Table 4: Development Control Plan Requirements and Development Compliance

Subdivision Controls	Comments
Plans of Subdivision	The Plan of Subdivision appended to this application has been prepared by Registered Surveyor John Bruce Herdegen.
Service Strategy	Refer to section 2.6.1 site services strategy. It is proposed to extend services as part of this development, and with these works the development will be suitably serviced.
Water	The development site is already provided with one water connection/meter. Five (5) new water meters



	will be connected to the existing main on Edward Street, providing a water connection to each lot. All internal service lines which cross boundaries will be removed and redirected to the water meter for that lot. Following these works, each lot will be provided with a reticulated water connection compliant with the DCP standard.
Sewer	The subject site is not located in a reticulated sewer area. It is proposed to install onsite sewer management systems on each lot at the time of house construction. A section 68 application will be made to detail the proposed system for council approval.
Stormwater Drainage	Stormwater from the property discharges into the table drain on Edward Street, which falls into the Moonbi Creek catchment east of the site. It is proposed to construct a new bund along the eastern boundary and southern side of the handle to Edward Street, this will direct all overland flow to Edward Street. All other lots drain to Edward Street. Following these works each lot will capture the 1 in 5 year stormwater within its lot. All larger flows to the 1 in 100 year event will fall into Edward Street. These works meet the requirements of the DCP.
Telecommunications	The developer will engage a suitably qualified contactor to extend telecommunications services to each lot as part of the subdivision. A notice of arrangement will be provide as part of the subdivision certificate to confirm that a suitable connection to each lot has been provided.
Electricity	The developer will engage a suitably qualified electrical consultant to advise the necessary works to provide each lot with an electricity connection meeting Essential Energy's requirements. At the subdivision certificate stage a notice of arrangement will be provided by EE demonstrating that a suitable connection has been provided to each lot in the development.
Lot Size	Each Lot meets the RU5 Village minimum Lot size of 2000m ² . This application is made under clause 4.1B for dual zones as outlined in section 3.4 of this application.
Battle-axe shaped Lots	There are no battle-axe lots proposed, however Lot 6 has dual access of 13.59 meters to Moonbi Gap Road, and 24.595 meters to Edward Street.
Road Network Design	The traffic impacts of the development are assessed in section 2.6.2 of this report. There are no new



	roads proposed as part of this subdivision, only construction of driveway accesses. We believe the proposed development meets the DCP standards.
Staged Subdivision	The proposed subdivision is not a staged development
Future Development	There is no future subdivision development intended for this site. It is intended that lots will become residential holdings in the future.
Cul-de-sac	This is not applicable to this application as there is no new road works proposed.
Site Levels and Retaining Walls	Site levels have been shown on the proposed development plans. There are no new retaining walls proposed as part of this application.
Geology	Refer to section 5.2.4 for soil and geology references there are no constraints which prevent this application proceeding
Landscape Plan	As the subdivision does not involve new road construction, no landscaping is required for this development.
Environmental Values Locality Map	The site has been mapped as PCT 0 Non-Native Vegetation refer to Figure 11. There it the principles of avoidance and minimisation are not relevant to this site. As there is no tree removal offset planting is not deemed necessary. The establishment of residential dwellings in the future is likely to result in the establishment of gardens and trees on the site. Which creates habitat values and improves biodiversity in the area. We believe the proposed development meets the objectives of the Environmental Values DCP clause.
Biodiversity Protection	We have assessed the development against the Biodiversity Conservation Act 2016 and Biodiversity Regulation 2017 this legislation is not triggered by this development. Refer to section 3.2.2 of this report.
Site Access	Public road access is provided to all lots from Edwards Road, which is a local road. Driveways will be constructed to Council's standard for rural locations with a table drain. Lot 6 has alternative access available to Moonbi Gap Road.
Lot Orientation	The lots are of ample size to allow construction of a north facing building and no overshadowing of adjoining properties.
Open Space	Not applicable to this application



Construction waste management	Construction works are limited to new driveway access into each lot and trenching for proposed services. Any excess spoil from these works will be spread within the site. These works are short term and expected to be completed within 3 weeks. There is not expected to be any general waste, but if there is it will be transported to a licensed waste management facility. This forms the resource and waste management plan for the development.
Garbage Collection	No new road construction is proposed. Garbage collection will be from Edwards Road where current services are provided to the property.
Community Title Subdivision	Not applicable to this application
Contamination	Refer to section 3.3.1 and 4.2.2 where land contamination is addressed.
Road Widths	Not applicable to this application
Environmental Effects	Refer to section 5.2 of this report where the environmental effects of the development are addressed.
Soil and Erosion Control	Erosion and sediment control measures will be put in place prior to construction works in accordance with “the blue book”.
Noise	Refer to section 5.2.8 of this report where noise impacts are addressed
Aboriginal cultural heritage	Refer to section 5.2.7 of this report where Aboriginal Cultural Heritage is addressed.

The proposed development is considered to be fully compliant with the requirements for subdivision under the Tamworth Regional Development Control Plan.

3.7 Integrated Development

The subject site is mapped as bushfire prone land. It is therefore classified as “integrated development” under the provisions of Section 4.46 of the *Environmental Planning & Assessment Act 1979* (EPAA). Referral to the Rural Fire Services is required under s100B of the *Rural Fires Act, 1997*.

3.8 Local Provisions

There are no local provisions identified for this application.

4 Bushfire Risk Assessment

1.1 Introduction

The subject site has been identified as being located in an area considered to be bush fire prone, according to the Tamworth Regional Council and the NSW Rural Fire Service, refer to Figure 17. The proposed development relates to a six lot subdivision of the subject lands.



Figure 17: Bushfire Prone Land Map (Eplanning Spatial Viewer)



The development is considered to be integrated development in accordance with Section 4.46 of the Environmental Planning & Assessment Act 1979. A bushfire risk assessment report (BFRA) has been prepared in accordance with the guidelines outlined in the NSW Rural Fire Service's guide Planning for Bushfire Protection produced in November 2019 and Section 100B of the Rural Fires Act.

As identified in Clause 45 of the Rural Fires Regulation 2022, an application for bush fire safety must include the following items:

- a) The subject land is identified as Lot 74 in DP778678, known as 36 Moonbi Gap Road, Moonbi 2353. The land parcel is legally held under freehold title.
- b) Vegetation Classification out to 140 metres from the boundaries

Aspect	Vegetation Class
North	Grassy Semi Arid Woodland
South	Grassy Semi Arid Woodland
East	Grassy Semi Arid Woodland
West	Grassy Semi Arid Woodland

- c) Slope out to 100 metres from the properties boundaries

Aspect	Effective Slope
North	0° FLAT
South	0° FLAT
East	-1° DOWNSLOPE
West	2° UPSLOPE

- d) The subject site may be described as gently sloping and is generally covered by highly degraded grasslands and scattered trees. When viewing the site in a wider context the surrounding vegetation is similar grasslands with scattered trees, there are dense sections of tree vegetation flanking Moonbi Creek east of the site.
- e) The applicant is not aware of a threatened species or ecological community existing on the subject lands. The likelihood of such communities existing is deemed to be low due to the degraded nature of the lands.
- f) The subject site is not registered on the Aboriginal Heritage Information Management System (AHIMS). Please see report in Appendix E.



- g) Bushfire Self-Assessment - The subject site is located within the Northern Slopes region with an FFDI rating of 80. There are no existing dwellings on the subject site.

a. Proposed APZs

Aspect	Vegetation Class	Effective Slope	Minimum Distance for APZ
North	Grassy Semi Arid Woodland	0° FLAT	11m APZ
South	Grassy Semi Arid Woodland	0° FLAT	11m APZ
East	Grassy Semi Arid Woodland	-1° DOWNSLOPE	13m APZ
West	Grassy Semi Arid Woodland	2° UPSLOPE	11m APZ

- b. The subject site enjoys connection to the reticulated water network which is located within the Moonbi Gap Road and Edward Street road reserves. All proposed allotments will be connected to the Edward Street main with the conventional 20mm connection. There are two hydrants across the site frontage in the existing main.
- c. The subject lands are well connected to the public road network, with unfettered access to a variety of routes into and out of the locality.
- d. The proposal does not include, nor require, the connection of fire trails.
- e. All lots are within 200m of a public through road.
- f. The construction standards of the development are not relevant to this application.
- g. Sprinkler systems are not warranted by the scope of this development.
- h. There are no registered fire trails located within the boundaries of the subject lands.
- h) In our opinion, the development generally conforms with the ideals of the Planning for Bushfire Protection 2019 guidelines.



5 Environmental Considerations

Appropriate consideration has been given to the potential impact of this proposal on the existing environment, its locality and the surrounding populace. It is considered that this development will have a negligible environmental impact and will not generate any significant conflicts with the surrounding neighbourhood.

Items considered include those matters set out under Section 4.15 of the Environmental Planning & Assessment Act 1979. A summary of the major points of that consideration follows:

5.1 The Provisions of:

5.1.1 Any Environmental Planning Instrument

The proposed development is considered compatible with the objectives pertaining to the RU5 Village and RU4 Primary Production Small Lots zones which are applicable to the site.

5.1.2 Subjects of Public Consultation

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.

Not relevant to this development application.

5.1.3 The Provisions of any Development Control Plan

Please make reference to Section 3.6 of this statement.

5.1.4 Planning or Draft Planning Agreement under Sec 7.4

Planning agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements or draft planning agreements offered by the developer in relation to this proposed development.

5.1.5 The Regulations

(The extent that they prescribe matters for the purposes of this paragraph)

The provisions of the *Environmental Planning and Assessment Regulation 2000* are not applicable to this development.

5.2 Impacts of Development

Impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.



5.2.1 Land use conflicts

The proposed development is considered unlikely to result in any land use conflicts. The development is considered suitable and appropriate for the location.

5.2.2 Land contamination

Refer to section 3.3.1 of this report. There are no issues identified, with regard to land contamination, the site is not known to be contaminated.

5.2.3 Water resources

The subject site falls into the Mooki Creek catchment approximately 500 metres east of the site. The section of Mooki Creek adjacent to the site, is an order 2 stream. Construction works are limited to new driveway access and provision of services, during the works erosion and sediment control measures will be utilised to prevent sedimentation and erosion into the natural waterways. This will be detailed in the subdivision works certificate application. We do not believe the development will impact the surface flows, quality of surface water, groundwater, flooding or drainage of the locality.

5.2.4 Soils & Geology

The soils of Moonbi include a variety of types, including clayey soils, siliceous sands, red earths, and loams. Each is summarised below:

- **Clayey soils:** Also known as Vertisols, these soils are prone to cracking when dry and swelling when wet.
- **Siliceous sands:** These sands are derived from granites and are found among rock outcrops.
- **Red earths:** These soils are widespread across the New England Tableland Bioregion and are prone to erosion.
- **Loams:** These soils can be shallow and stony on steep areas, or deep and fertile on flatter slopes.
- **Fluvial quartz gravels, sands, and silts:** These materials are found beneath basalt flows on the high plains.

Construction is limited to new driveways and fencing at the subject site. It is recommended that erosion and sediment control measures are implemented to protect the environment. As works are limited in this subdivision, with the implementation of an erosion and sediment control plan, There are not expected to be any long-term impacts on the soil or geology at the site.



5.2.5 Flora & Fauna

The subject site is fully modified with no native flora or fauna impacts. Figure 11 shows the NSW Plant Community type (PCT) mapping. PCT 0 is non-native vegetation.

5.2.6 Natural Hazards

According to Council's records *'the land is not affected by a policy adopted by Council and any other public authority that has been notified to Council that restricts the development of the land because of the likelihood of land slip, flooding, tidal inundation, subsidence, acid sulphate soils'*

As outlined in section 4 of this report the subject site is mapped as bushfire prone land and a bushfire risk assessment has been prepared for the development. The proposal is considered to not contribute to any heightened risk of the site being impacted by natural hazards.

5.2.7 Heritage significance

The subject site is not identified as a site of heritage significance or within a heritage conservation area in the TRLEP, 2010. The closest items of heritage significance to the site is 49-73 Gill Street, Moonbi, approximately 500 metres east of the site as shown in Figure 18. The proposed development will not impact the heritage significance of this site.

A search of the Office of Heritage and Environment Aboriginal Heritage Information Management System (AHIMS) has been undertaken and no aboriginal sites are recorded in or near the above location.

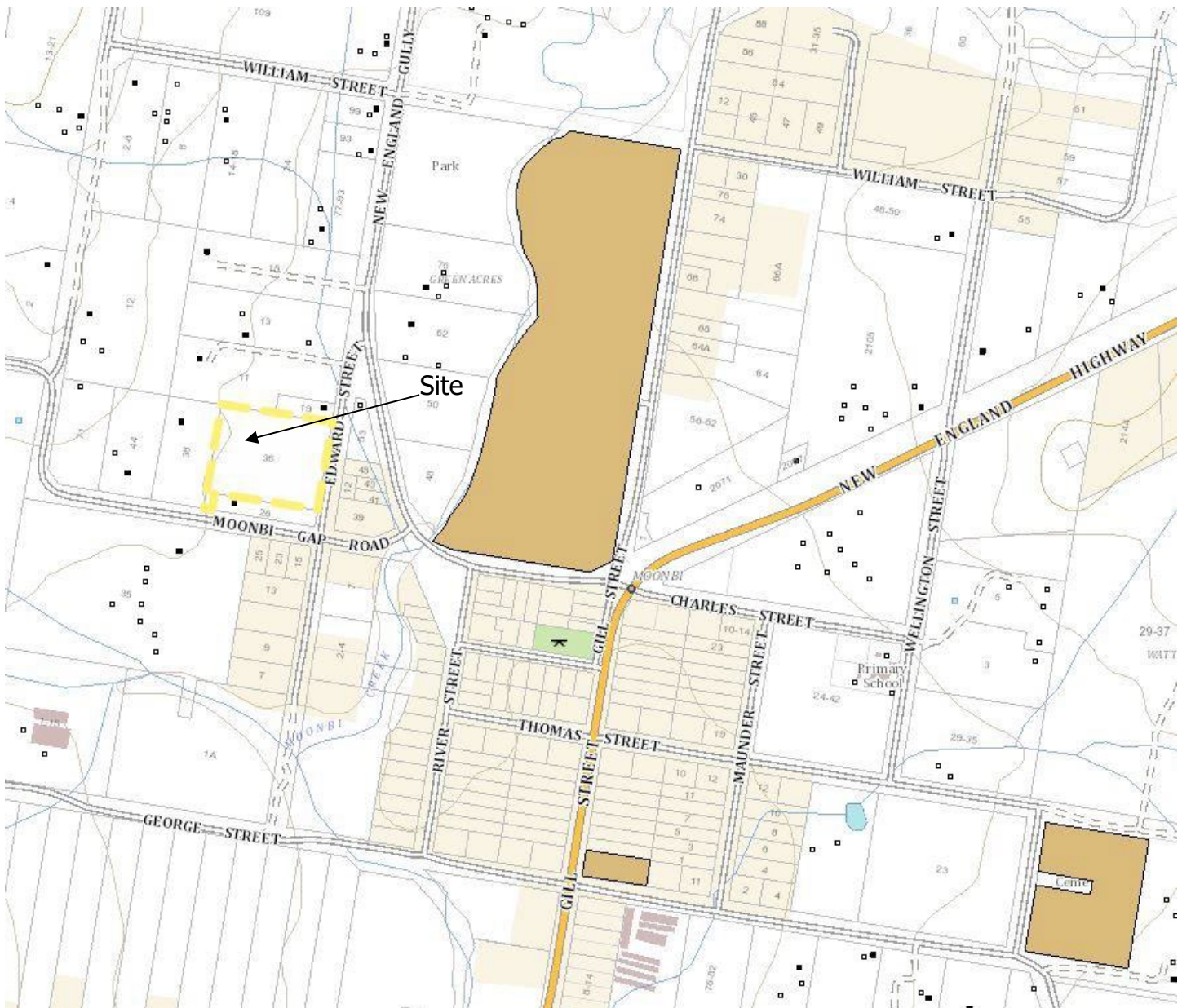


Figure 18: Heritage Map (TRLEP, 2010 Eplanning Spatial Viewer)

5.2.8 Visual and Noise Impact

The subject site is located within the Village limits of Moonbi. There are not expected to be any ongoing unacceptable impacts on the visual amenity or noise levels of the area.

During construction there will be some noise impacts for surrounding land owners. These impacts will be short term and will return to normal once construction has been completed. To mitigate any impacts of the development on surrounding land owners it is recommended that works be limited to the daytime period of 7am to 6pm Monday to Friday and 8am to 6pm on weekends and public holidays.



5.2.9 Access

See Section 2.6 for further details with regard to access.

5.2.10 Traffic

The proposed development will result in an increase to traffic on Edward Street and Moonbi Gap Road. This increase is minor and offset by the economic benefits of the development. We believe the existing road network is in good condition and can handle the minor increase in traffic from this development.

5.2.11 Servicing

In accordance with Section 2.6 issues with regard to servicing have been addressed accordingly. The subdivision lots are adequately serviced with no council mains through the property.

5.2.12 Social & economic impacts

The proposed development is considered to have a positive social and economic impact. It will create five additional Torrens title lots for sale, and future house construction, resulting in a more efficient use of land in an appropriate location for residential development.

There is no evidence to suggest that the proposal will detrimentally affect the amenity or utilisation of lands within the surrounding neighbourhood.

5.3 The Suitability of the Site for the Development

The subdivision of Lot 74 in DP778678 is permissible under the TRLEP, 2010. The site is considered suitable for the development due to the following factors:

- The proposal meets the aims and objectives of the relevant zonings and clauses contained in the TRLEP 2010;
- The property has suitable frontage to a public road with proposed access driveways providing adequate access to and from the property to Edward Street;
- The proposal will not lead to any substantial increased demands on existing road infrastructure, recreational or public lands, available utility services, air quality or noise levels, other than those expected in relation to land zoned for residential development;
- Council has confirmed in the preliminary development advice for this application that the existing reticulated sewer and water services have the capacity to service the holding and headworks charges applicable to the development will offset any future maintenance on council infrastructure;
- The proposal will not generate any significant environmental or socio-economic impacts; and
- To our knowledge there are no hazardous land uses or activities nearby.



5.4 Submissions made in accordance with The Act or Regulations

We are not aware of any such submissions.

5.5 The Public Interest

The proposed development satisfies the public interest by allowing the strata subdivision of the land to make housing which is on land zoned for residential purposes more affordable. Furthermore, the proposed development complies with the objectives of the current zoning requirements and associated development standards.

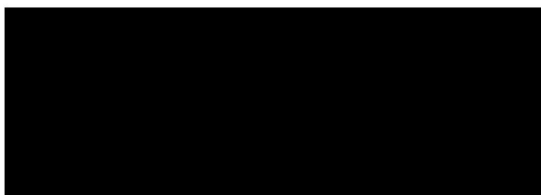
6 Recommendation

On behalf of the proponents [REDACTED] we recommend that Council grant approval to Torrens subdivide Lot 74 in DP 778678, 36 Moonbi Gap Road, Moonbi.

There does not appear to be any significant issues in terms of suitability or permissibility which would prevent approval of this development. We ask that Council forward advice on their determination with regard to this application at the earliest opportunity. Should you require any further information in relation to this Statement of Environmental Effects please contact the applicant in the first instance.

Yours Faithfully

Bath Stewart Associates



BLArch (UNSW), MEnvMgmt (UNSW)

Registered Landscape Architect #001493



APPENDIX A

Proposed Subdivision Plans

Sheet 1 to 4 Lot 74 in DP7786878 - Topographical & Detail Survey – Existing Lot Configuration

Sheet 5 Lot 74 in DP7786878 – Proposed Lot Configuration



APPENDIX B

Certificate of Title and Owners Consent



APPENDIX C

Biodiversity Values Map and Threshold Report



APPENDIX D

Preliminary Contamination Site Investigation Report

36 Moonbi Gap Road, Mooni NSW

Prepared by SMK Consulting, Dated January 2025



APPENDIX E

AHIMS Search Results Lot 74 DP778678



APPENDIX F

Dial Before You Dig Searches

- Essential Energy
- Telstra