



Bath Stewart Associates

Surveying | Engineering | Planning

MARCH 18, 2025

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED SUBDIVISION

Lot 59 DP1091779

60 GILL STREET

NUNDLE NSW 2340



Prepared by



Bath Stewart Associates Pty Ltd



BATH STEWART ASSOCIATES Pty Ltd

02 6766 5966

office@bathstewart.com.au

239 Marius Street TAMWORTH NSW 2340
PO BOX 403 TAMWORTH 2340

TABLE OF CONTENTS

1.0	GENERAL OVERVIEW.....	5
1.1	Background	5
1.2	Site Details	5
1.3	Topography & Vegetation	5
1.4	The Proponent.....	6
1.5	Zoning	6
1.6	Environmental Hazards	6
2.0	THE PROPOSAL	7
2.1	Proposed Development	7
2.2	Existing Development.....	8
2.3	Adjoining Land Uses.....	8
2.4	Context and setting.....	8
2.5	Development Staging	9
2.6	Infrastructure & Servicing	9
2.6.1	Electricity.....	9
2.6.2	Telecommunications.....	9
2.6.3	Sewer	9
2.6.4	Water Supply	10
2.6.5	Access.....	10
3.0	PLANNING CONSIDERATIONS.....	11
3.1	Commonwealth Legislation.....	11
3.1.1	Environment Protection and Biodiversity Conservation Act 1999.....	11
3.2	NSW State Legislation.....	11
3.2.1	Environmental Planning and Assessment Act 1979 (EPAA)	11
3.2.2	The Biodiversity Conservation Act 2016	12
3.2.3	State Environmental Planning Policies	20
3.2.4	SEPP Commentary	21
	BIODIVERSITY AND CONSERVATION 2021	21
	Chapter 2 – Vegetation in Non-Rural Areas	21
	Chapter 4 – Koala Habitat Protection 2021	21
	PRIMARY PRODUCTION 2021.....	21
	RESILIENCE AND HAZARDS 2021	22



3.3	Land Use Zoning – Local Environmental Plan(s)	22
3.4	Permissibility	23
3.5	Development Control Plan(s).....	23
4.0	BUSH FIRE RISK ASSESSMENT	26
4.1	Introduction.....	26
5.0	ENVIRONMENTAL CONSIDERATIONS	29
5.1	The Provisions of:.....	29
5.1.1	Any Environmental Planning Instrument	29
5.1.2	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	29
5.1.3	The Provisions of any Development Control Plan	29
5.1.4	Any planning agreement that has been entered into under section 7.4 or any draft planning agreement that a developer has offered to enter into under section 7.4. 29	
5.1.5	The regulations (to the extent that they prescribe matters for the purposes of this paragraph).	29
5.2	Likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.	29
5.2.1	Land use conflicts.....	29
5.2.2	Land contamination	30
5.2.3	Water resources	30
5.2.4	Soil	30
5.2.5	Flora & Fauna.....	30
5.2.6	Natural hazards	30
5.2.7	Heritage significance	31
5.2.8	Visual and Noise Impact.....	31
5.2.9	Access.....	31
5.2.10	Traffic	31
5.2.11	Servicing	31
5.2.12	Social & economic impacts.....	31
5.3	The Suitability of the site for the development	32
5.4	Submissions made in accordance with The Act or Regulations	32
5.5	The Public Interest.....	32
6.0	RECOMMENDATION.....	33

LIST OF APPENDICES

Appendix A – Searches34

Appendix B – DA Sketch.....35

Appendix C – Services Diagrams.....36

Appendix D – Land Capability Statement.....37

Appendix E – Preliminary Contamination Report38



STATEMENT OF ENVIRONMENTAL EFFECTS (SoEE)

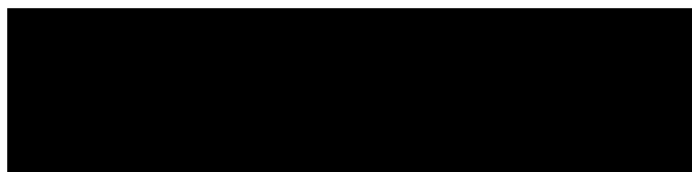
SoEE Prepared by:

Name: John Herdegen
Qualifications: Bachelor of Surveying (University of Newcastle)
Registered Surveyor under the Surveying & Spatial Information Act 2002
Company: Bath Stewart Associates Pty Ltd
ACN 19 659 162 062
PO Box 403
Tamworth NSW 2340

In respect of
Development Application (DA):

Proprietors Name:

Proprietors Address:



Land in respect of which
The DA is made

Lot 59 DP1091779
Gill Street, Nundle NSW 2340
LGA: Tamworth Regional Council

Development Description: Proposed 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: John Herdegen

Date: 18th March 2025



1.0 GENERAL OVERVIEW

1.1 Background

This Statement of Environmental Effects (SoEE) accompanies a development application to *Tamworth Regional Council* (TRC) seeking to subdivide the existing one(1) lot into five(5) lots plus one(1) drainage reserve, pursuant to the provisions of *Clause 4.1* of the *Tamworth Regional Local Environmental Plan 2010* (the TRLEP 2010).

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 effects are presented.

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
- *Development Concept Plans prepared by Bath Stewart Associates (23348 SS Rev A)*

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

1.2 Site Details

The subject land is identified as Lot 59 DP1091779, located at *60 Gill Street, Nundle*, and also enjoys a small frontage to *Charles Street*, in the Parish of Nundle, & County of Parry. The land parcel is legally held under freehold title, and the relevant title diagram indicates that it comprises an area of 1.365 hectares.

The site is located within the village of *Nundle*, approximately 45 kilometres to the south by southeast of the *City of Tamworth*.

1.3 Topography & Vegetation

Inspection of the site reveals that it is cleared and at some stage in the past may have been utilised for grazing practices.

The subject site falls from east to west towards Gill Street and the Peel River. The site currently stands vacant of any dwelling or other improvements other than boundary fencing.



1.4 The Proponent

Bath Stewart Associates has been engaged by the registered proprietors of the subject land, [REDACTED] to prepare this SoEE in support of a development application seeking approval for the subdivision of the subject land to create five(5) additional lots utilising the provisions of *Clause 4.1* of the TRLEP 2010).

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

1.5 Zoning

Referral to the TRLEP 2010, confirms that the land is currently zoned **RU5–Village**. Further referral to the relevant Minimum Lot Size Map confirms that the "*minimum lot size*" (MLS) is designated as 2000 square metres.

1.6 Environmental Hazards

The mapping of *Flood Affected Land* issued by *Tamworth Regional Council* (TRC) indicates that the lot is not flood affected.

The *Bush Fire Prone Land Map* issued by *Tamworth Regional Council* (TRC) indicates that the lot is bush fire prone.



2.0 THE PROPOSAL

2.1 Proposed Development

It is our client's desire to subdivide the subject Lot 59 to a total of five (5) lots, as shown by the subdivision concept plan(s) found in **APPENDIX B**.

The characteristics of the proposed development is summarised below:

- Lots 1-3 will:
 - enclose an area of between 2,029m² and 2,111m²
 - enjoy full frontage to Gill Street
 - gain connection to the water, telecommunications and electrical network via the Gill Street road reserve
 - utilise AWTs sewerage systems to attend to onsite waste water
- Lot 4 will:
 - enclose an area of approximately 2,043m² excluding access handle
 - enjoy access to the Gill Street road reserve via a hardstand battle-axe accessway
 - gain connection to the water, telecommunications and electrical network via the Gill Street road reserve
 - utilise AWTs sewerage systems to attend to onsite waste water
- Lot 5 will:
 - enclose an area of approximately 2,309m² excluding access handle
 - enjoy access to the Gill Street road reserve via a hardstand battle-axe accessway
 - gain connection to the water, telecommunications and electrical network via the Gill Street road reserve, within the aforementioned battle-axe accessway
 - utilise AWTs sewerage systems to attend to onsite waste water
- Drainage Reserve will:
 - Enclose an area of approximately 2,181m²
 - Convey the stormwater from the upstream catchment through the development to Gill Street
 - Be dedicated to Tamworth Regional Council as a Drainage Reserve



2.2 Existing Development

The site is currently vacant and any particular land use is not obvious.

2.3 Adjoining Land Uses

The subject land is located immediately abutting the existing & occupied residential development of the village of *Nundle*. The allotments within this village precinct have an area are generally small to medium sized residential allotment and have land sizes ranging up to and over 2000m².

The following **Figure 1** provides an aerial image as a background to assist to understand the current development of the surrounding area.

2.4 Context and setting

The general locality is characterised by urban & peri-urban land holdings centred on the village of *Nundle*. There is little doubt that *Nundle* is a dormitory suburb within the economic and social catchment of the *City of Tamworth*.

It is further evident that the proposed additional lots will be fully consistent and compatible with the context & setting of the locality.



Figure 1 – Aerial Imagery

2.5 Development Staging

Staging is not applicable to this development.

2.6 Infrastructure & Servicing

2.6.1 Electricity

At the present time the subject land does not enjoy a connection to the electricity network. However, the said network is located as an overhead service running along the western side of the *Gill Street* road reserve, as shown in the “*Dial Before You Dig*” search in **Appendix C**.

It would appear that extension of the network in *Gill Street*, sufficient to provide connection to each of the proposed lots could be achieved by suitable application being made to the appropriate authority.

2.6.2 Telecommunications

Our “*Dial Before You Dig*” search confirms that the subject land may not enjoy a current connection to the telecommunications reticulation network. This being said, the spine of the network appears to be located for the full extent of its *Gill Street* frontage. It would appear that extension of the network to the proposed additional lots could be readily achieved by application to the appropriate authority.

2.6.3 Sewer

There is no reticulation sewer network in the village of Nundle. All dwellings within the village rely on individual disposal of their wastewater, whether it be by tank & trench systems or more latterly aerated wastewater treatment systems (AWTS).

Under the subdivision controls in Council’s TRDCP 2010 it states, inter alia, “that reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m²”. However, as no sewer network is available in this locality, coupled with the fact that the subject lands are not known to be flood prone, that this control could be relaxed for this development.

A Land Capability Assessment has been prepared by SMK Consultants for the six allotments originally proposed for the development. The assessment is positive and provides recommendations as to the most effective means of effluent disposal for each proposed allotment.

As such, providing that the recommendations are adopted, the proposed development is deemed suitable for individual on-site waste water treatment and disposal systems. These systems will be the subject of a further report and will be constructed at the time of any future dwelling on each of the sites.

2.6.4 Water Supply

According to the Tamworth Regional Council services diagram, the public water supply network is located within the eastern verge of the *Gill Street* road reserve. There appears to be no constraints to the proposed development to be connected to this public water supply.

2.6.5 Access and Traffic

As indicated earlier the subject land enjoys frontages to two roads, being *Gill Street* abutting its western boundary and *Charles Street* abutting its eastern boundary.

However, site inspection will confirm that *Charles Street* is unconstructed & generally impassable, thus the proposed development allows for access to *Gill Street* only.

As can be seen from the following **Figures** *Gill Street* is a two way bitumen sealed street with formed table drains. There seems to be no restriction from the sight distances due to the flat to slightly undulating nature of Gill Street.



Figure 2 – South along Gill Street



Figure 3 – North along Gill Street

It is proposed that five additional accessways will be constructed as part of the development to service the proposed properties. Whilst the location of Lots 4 and 5 necessitates the banking of the accessways, the remainder will be spread along the whole of the development frontage.

The additional accessways, and their spacing, remains inline with the existing development of the surrounding village and will mimic the opposite development below Gill Street.

It is the opinion of the writer that the additional accessways, servicing five additional allotments, will not impose an unreasonable risk to the current traffic flows along Gill Street.

3.0 PLANNING CONSIDERATIONS

3.1 Commonwealth Legislation

3.1.1 Environment Protection and Biodiversity Conservation Act 1999

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.

A *Protected Matters Report* under the EPBC Act was not performed in relation to the subject site as it is our opinion that the circumstances of this minor development do not require such.

The subject land mostly comprises an area of totally cleared, modified and disturbed land. The subdivision itself will not generate any need to clear vegetation, we note that the change in land use will eventually result in the removal of the majority of the groundcover for residential occupation. Whilst some may consider that the subdivision may result in some environmental impacts it is our contention that any such impacts would not be significant for any threatened species or ecological communities that may be present on the site.

Consequently, we do not believe that the proposed development poses any significant impact to any threatened species and ecological communities that may occur within the area and further investigation is not warranted.

There are no known items of heritage significance associated with the subject site.

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.

The proposed development requires the consent of *Tamworth Regional Council* in accordance with *Part 4* of the *Environmental Planning and Assessment Act 1979* (EPAA).

The proposed development constitutes “*integrated development*” in accordance with the provisions of *Section 4.46* of the *Environmental Planning & Assessment Act 1979* (EPAA). As previously indicated in **Section 1.2** of this report the site is mapped as bushfire prone. Consequently, consideration of the requirements of *Planning for Bushfire Protection 2019* in conjunction with *Section 4.14* of the EPAA is required.

As such, a bushfire risk assessment has been prepared - please refer to the following **Section 4.0** of this report.

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).

In accordance with the BC Act, there are three triggers that may result in a BDAR being required. These being:

- Is there native vegetation clearing or a prescribed biodiversity impact on land mapped on the Biodiversity Values Map, or
- Does the clearing of native vegetation exceed the area threshold, or
- Is it likely to significantly affect threatened species or ecological communities or their habitats, according to the Test of Significance?

Is there native vegetation clearing or a prescribed biodiversity impact on land mapped on the Biodiversity Values Map?

Upon review of the Biodiversity Values Map, it is noted that the subject lands are identified as unclassified, meaning that the land in question may have a low Biodiversity Value.

Ref: 23348 [REDACTED] @ 60 Gill Street Revision C.docx

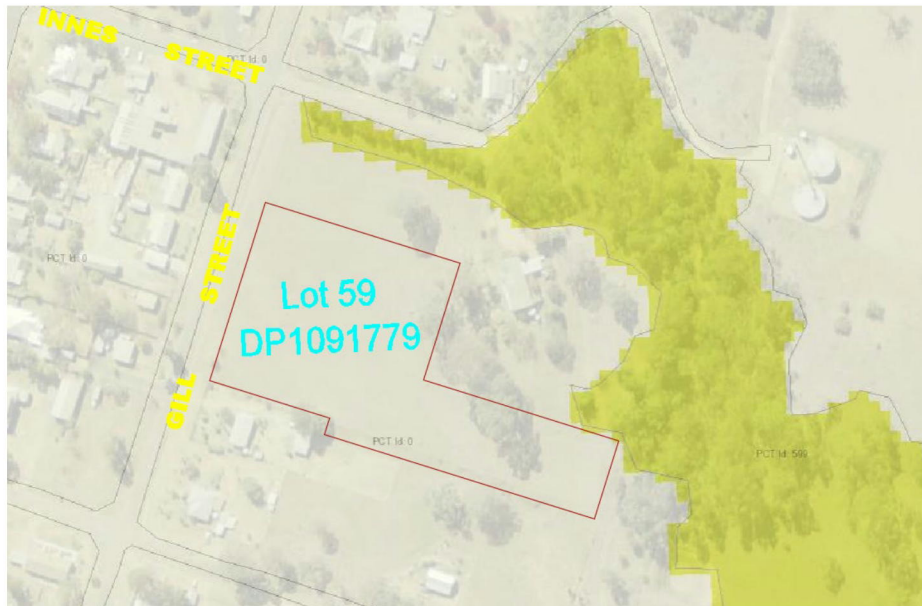


Figure 4 – Plant Community Type Mapping



Does the clearing of Native Vegetation exceed the Area Threshold

3.2.2.1 Land-use History

The subject lands have enjoyed a long history of agricultural enterprises, including being historically cleared and farmed for grazing purposes. Images sought from various providers indicate that the history of land clearing and cultivation extend well back into the early 1970's. The clearing involved the removal of almost all of the established trees and all ground cover for the purposes of cultivation for an improved agricultural return. In recent times the subject lands seem to have experienced heavy grazing, with the current ground cover being heavily degraded from slashing and grazing activities, as depicted in the site photos below.



Figure 5 – Aerial Imagery – 1970



Figure 6 – Aerial Imagery – 1990

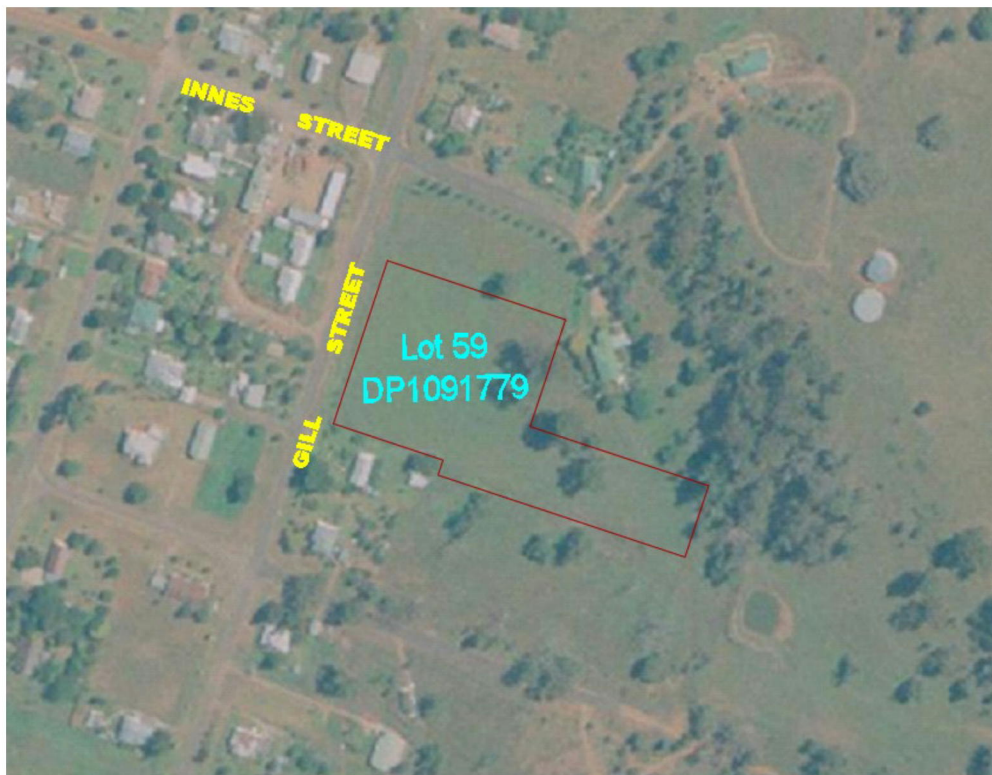


Figure 7 – Aerial Imagery – 1996

Ref: 23348 1 [REDACTED] 50 Gill Street Revision C.docx



Figure 8 – Aerial Imagery – 2014



Figure 9 – Site Photo – November 2023

3.2.2.2 Development Footprint

The proposed development includes the eventual clearing of the whole of the land parcel, whilst minimal clearing will be required in the initial subdivision phase, it is expected that extensive clearing of the ground cover will be undertaken during the subsequent construction of the future dwellings.

It is proposed that the existing trees located in the north eastern corner will be retained during development to be utilised as future shade trees by the incoming residents.

3.2.2.1 Land Classification – Exempt Land under the LLS Act.

The BC Act applies to developments requiring development consent under the Environmental Planning and Assessment Act. Whilst Rural Land is also subject to the Local Land Service Act (LLS Act) and Regulation, which includes areas subject to the SEPP Vegetation in Non-Rural Areas 2017. The LLS Act and regulation allows for provisions such as:

- Allowable activities;
- Code-based clearing; and
- Clearing that requires approval by the Native Vegetation Panel and/or Local Land Services (LLS)

The LLS Act defines two separate land categories:

- Category 1 – exempt Land; and
- Category 2 – Regulated Land.

Part 5A of the LLS Act outlines that Category 1 Exempt Land is defined as:

(1) Land is to be designated as category 1-exempt land if the Environment Agency Head reasonably believes that—

- (a) The land was cleared of native vegetation as at 1 January 1990, or*
- (b) The land was lawfully cleared of native vegetation between 1 January 1990 and the commencement of this Part.*

(2) Land is to be designated as category 1-exempt land if the Environment Agency Head reasonably believes that—

- (a) The land contains low conservation value grasslands, or*
- (b) The land contains native vegetation that was identified as regrowth in a property vegetation plan referred to in section 9 (2) (b) of the [Native Vegetation Act 2003](#), or*
- (c) The land is of a kind prescribed by the regulations as category 1-exempt land.*

The aerial imagery previously discussed indicates that the whole of the subject lands has been periodically cultivated and re-sown since the 1970's, well prior to the appointed day being the 1st of January 1990 as set out above. Given the whole extent of the site that has experienced the long history of clearing and heavy farm management, the whole of the site is hereby considered to be Category 1 Exempt Land.

The proposed development will result in the continued clearing of lands described as "Category 1 – Exempt Land and thus will not form part of the area calculations utilised to determine whether or not a BDAR is required for the subject development. As the whole of the parcel of land was clearly farmed on the appointed day, being the 1st of January 1990, the subject land retains the right to continue to be cleared. Thus, none of the subject land is to be included in the Area Threshold calculations and thus this item will not result in the triggering of a BDAR.

Minimum lot size associated with the property	Threshold for clearing, above which the Biodiversity Assessment Method (BAM) and offsets scheme apply
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1000 ha	1 ha or more
1,000 ha or more	2 ha or more



Is it likely to significantly affect threatened species or ecological communities or their habitats, according to the Test of Significance

Upon careful consideration, we believe that the proposed development is not likely to have any significant affect to any threatened species, ecological communities or their habitats.

The subject land is a small holding of approximately 1.365 hectares located within the urban fringe of Nundle. The lands have long been cultivated and heavily grazed and still carries the right to be cultivated. This history of cultivation removes any notion that the further development of the land, and subsequent removal of ground cover, will cause any undue effects to the local ecological community.

The existing trees, located in the north eastern corners of the site are not proposed to be removed and are proposed to be retained as shade trees for the future residence. Furthermore, these trees are well remote from the larger stand of trees located to the north and east of the subject lands.

Given the information outlined above, we are of the firm belief that subject proposal is able to be reviewed and approved by local council without triggering the need for a BDAR to be completed by an accredited assessor.



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	See Commentary
	Resilience and Hazards 2021	See Commentary
	Resources and Energy 2021	Not relevant
	Transport and Infrastructure 2021	Not relevant
No. 65	Design Quality of Residential Apartment Development	Not relevant

Table 1 - SEPP Table



3.2.4 SEPP Commentary

BIODIVERSITY AND CONSERVATION 2021

The SEPP *Biodiversity and Hazards 2021* contains several arms, however only those listed below are deemed relevant to this application:

Chapter 2 – Vegetation in Non-Rural Areas

The aims of this chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

By virtue of *Part 2.3(b)* of the said chapter, any land designated under an environmental planning instrument as **Zone RU5–Village** is defined as a *non-rural* area of the state.

As this minor development proposal will not lead to the clearing or destruction of any Regulated Land then it is readily apparent that it does not generate the need to obtain a permit or approval under this Chapter.

Chapter 4 – Koala Habitat Protection 2021

The aims of this chapter are to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.

Inspection of the site confirms that it is devoid of mature vegetation. In addition, the proposed development does not involve the clearing & removal of any native vegetation or require the construction of any works internal to the site. The proposed boundaries are located within areas experiencing historic and continued disturbance.

As such, it is our view that this development will have low or no impact on koalas or koala habitat and no further koala assessment is warranted.

PRIMARY PRODUCTION 2021

The SEPP *Primary Production 2021* contains two arms, however only those deemed relevant are discussed below:

Chapter 2 – Primary Production and Rural Development

The aims of this Chapter are, inter alia, to facilitate the orderly economic use and development of lands for primary production, to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources, and to encourage sustainable agriculture.

On the bases that the subject site is not identified as state significant land, the area of the site is not a viable economic unit for primary production, and the development will not contribute to or foster any change in the current use of the land, no further commentary is necessary.

RESILIENCE AND HAZARDS 2021

The SEPP *Resilience and Hazards 2021* contains three arms, however only those deemed relevant are discussed 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.

It would appear that the subject land may have experienced long term hobby farm type agricultural use predominantly for the grazing of livestock. There is no visible evidence that the land is contaminated, or that if there is any contamination that it is significant enough as to require remediation prior to this development taking place.

A preliminary contamination report has been completed by SMK Moree. This report, located in Appendix E, indicates that it found no area or material of concern on the subject site.

3.3 Land Use Zoning – Local Environmental Plan(s)

The subject lot is zoned **RU5–Village** in accordance with the provisions of the *Tamworth Regional Local Environmental Plan 2010*.

The objectives of the **RU5** zone are as follows:

OBJECTIVES OF THE ZONE	COMMENTS
To provide for a range of land uses, services and facilities that are associated with a rural village.	The proposal is generally consistent with this objective. The proposed development facilitates the continuing use of the land for large lot rural residential living in a village environment and is considered suitable and appropriate within the prevailing land use context in this locality.
To encourage a range of housing types in appropriate locations.	Subdivisions do not encourage a range of housing types, they only facilitate the opportunity for variety in housing. As such this proposal meets this objective.
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.	Given the prevailing land use context in Nundle, combined with the fact that it falls within the economic catchment of the City of Tamworth, this objective fails the practicality test in this location.

Table 2 - Zone Objectives

3.4 Permissibility

The subject lands are zoned **RU5- Village**.

Clause 4.1 of the TRLEP 2010 describes the development standard applicable to subdivision particularly with regard to the minimum lot size (MLS) for subdivision. The MLS applicable to the site is 2000m².

Perusal of the accompanying subdivision concept plan will confirm that proposed lots all comply with the MLS imposed by the said *Clause 4.1*.

We consider that the proposed development satisfies the provisions of the TRLEP 2010 & stands compatible with the stated objectives of the *RU5-Village* zoning of its locality.

3.5 Development Control Plan(s)

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. Importantly it is considered that the proposed development generally complies with the relevant parts of the DCP guideline, as per the following comparison: -

Subdivision Controls	Comments
Plans of Subdivision	Not Relevant
Servicing Strategy	Relevant. Please refer to Appendix B
Sewer	Relevant. The subdivision control indicates that reticulated sewer is required where the Lot Size Map specified a minimum lot size of up to and including 4000m ² . As previously mentioned in Section 2.6.3 there is no reticulation sewer supply in this locality & hence it is impossible to comply with this control, as it is for all lots in the village of Nundle. There is ample site area on each lot well above the 1% ARI flood height where wastewater can be treated & disposed of via the use of an aerated wastewater treatment system (AWTS). This control is deemed to have been alternatively satisfied.
Water	Refer to Section 2.6 for discussion.
Stormwater	Given that the proposal does not include the extension of existing road infrastructure and that the proposed allotments fall towards the existing table drain within the Gill Street road reserve, any further stormwater infrastructure is deemed not to be warranted.
Telecommunications	Refer to Section 2.6 for discussion.
Electricity	Refer to Section 2.6 for discussion.
Lot Size	The proposed lots satisfy the provisions of the TRLEP.
Battle-axe shaped lots	Relevant. The two proposed battleaxe allotments meet this control, as outlined below:

	<p>Both allotments are well in excess of 800m² excluding access handles.</p> <p>The proposal allows for a shared access arrangement with a total width of 4.5 metres, and a hardstand width of 3 metres to be constructed between the edge of bitumen in Gill Street to their respective allotments.</p>
Road Network Design	<p>Relevant. No new roads are required in order to facilitate this development. Access to the lots will be restricted to the Gill Street. The alignment, width, & standard of construction of this road would appear more than adequate when measured against the current traffic volumes together with the increase that will be generated by the opportunity for 5 additional dwellings.</p> <p>Given the lack of kerb and guttering within the immediate vicinity of the proposed development, we do not believe that such kerb and guttering should be imposed on the subject development.</p>
Staged Subdivision	No Staging
Site Levels and Retaining Walls	There are no new retaining walls proposed for the development. The existing site contours are illustrated in the servicing strategy.
Geology	
Landscaping	As the subdivision does not involve new road construction, no landscaping is required for this development.
Environmental Values Locality Map	
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 of this report.
Site Access	Refer to Section 2.6.5 .
Open Space	Not Relevant
Lot Orientation	Not Relevant – The surrounding subdivision pattern has been adopted.
Open Space	Not Relevant
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	Not Relevant
Community Title Subdivision	Not Relevant
Contamination	Not Relevant. Refer to Section 3.2.4 for discussion.



Road Widths	Not Relevant
Environmental Effects	Refer to Section 5 of this report.
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	The construction of the development will create short term noise that will be the responsibility of the contractor to maintain the relevant standards.
Aboriginal Heritage	An AHIMS report has been completed and may be viewed in Appendix A. Whilst there are not records of historical items being located within the works zones, the usual stop work measures will be in place should construction uncover any artefacts.

4.0

5.0 BUSH FIRE RISK ASSESSMENT

5.1 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*, as depicted in **Figure 4** below. The proposed development relates to a subdivision of the subject lands to create five(5) additional lots for the purpose of residential occupation.

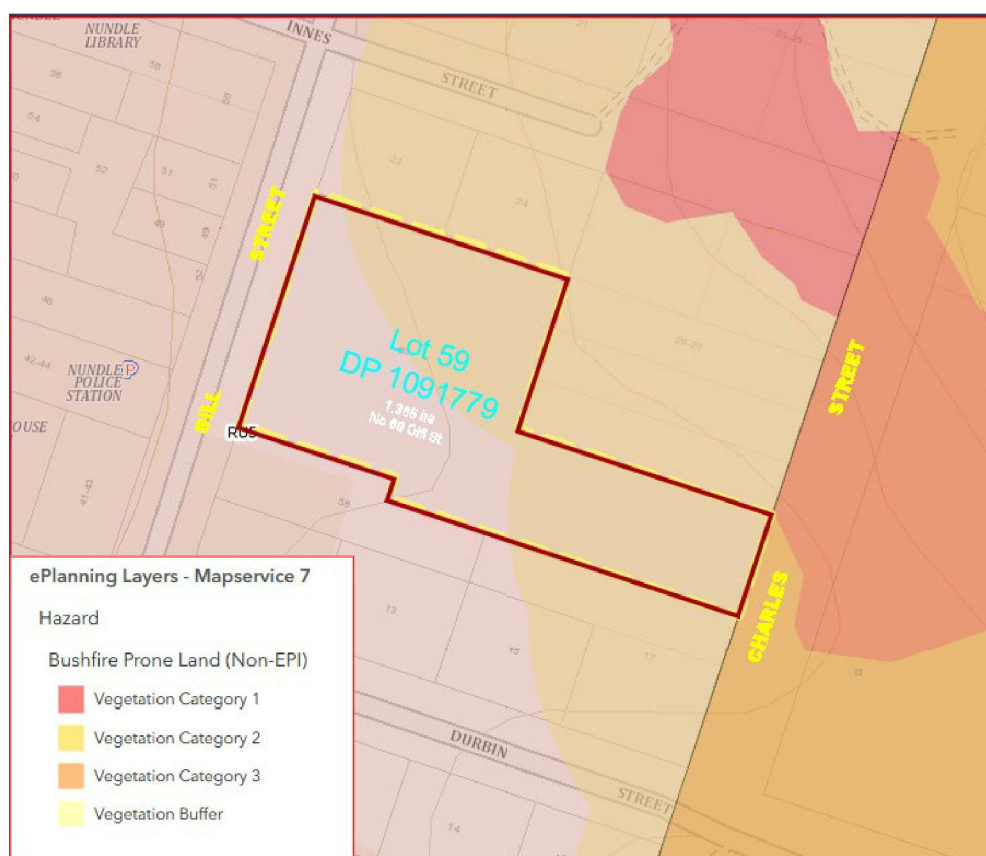


Figure 10 – Bushfire Mapping

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 59 in DP1091779, known as 66 Gill Street, Nundle 2340. The land parcel is legally held under freehold title.
- b) Vegetation Classification out to 140 metres from the boundaries may be viewed in the table below.
- c) Slope out to 100 metres from the properties boundaries may be viewed in the table below.
- d) The subject site may be described western sloping parcel of land and is generally covered by highly degraded grasslands currently utilised for grazing purposes. The subject lands are devoid of any significant vegetation, however there is a small community of trees to the north 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 A.
- g) Bushfire Self-Assessment - The subject site is located within the Northern Slopes region with an FFDI rating of 80
 - a. Categories of Bush Fire Attack
 - b.

Lot 1 (Centre)				
Allotment	Vegetation Class	Distance to Vegetation	Effective Slope	Min Distance for APZ
North	Grassland	10 (Bdy)	5°	10 -< 14 Bal - 29
South	Grassland	10 (Bdy)	-5°	8 -< 11 Bal - 40
East	Grassland	50 (Bdy)	10°	20 -< 50 Bal - 12.5
West	Grassland	50 (Bdy)	-5°	23 -< 50 Bal - 12.5
Lot 2 (Centre)				
Allotment	Vegetation Class	Distance to Vegetation	Effective Slope	Min Distance for APZ
North	Grassland	10 (Bdy)	5°	10 -< 14 Bal - 29
South	Grassland	10 (Bdy)	-5°	8 -< 11 Bal - 40
East	Grassland	50 (Bdy)	8°	20 -< 50 Bal - 12.5
West	Grassland	50 (Bdy)	-5°	26 -< 50 Bal - 12.5
Lot 3 (Centre)				
Allotment	Vegetation Class	Distance to Vegetation	Effective Slope	Min Distance for APZ
North	Grassland	15 (Bdy)	0°	10 -< 14 Bal - 29
South	Grassland	15 (Bdy)	0°	10 -< 14 Bal - 29
East	Grassland	30 (Bdy)	6°	20 -< 50 Bal - 12.5
West	Grassland	30 (Bdy)	-5°	26 -< 50 Bal - 12.5



Lot 4 (Centre)				
Allotment	Vegetation Class	Distance to Vegetation	Effective Slope	Min Distance for APZ
North	Grassland	15 (Bdy)	0°	10 -< 14 Bal - 29
South	Grassland	15 (Bdy)	0°	10 -< 14 Bal - 29
East	Grassland	30 (Bdy)	4°	20 -< 50 Bal - 12.5
West	Grassland	30 (Bdy)	-4°	23 -< 50 Bal - 12.5
Lot 5 (Centre)				
Allotment	Vegetation Class	Distance to Vegetation	Effective Slope	Min Distance for APZ
North	Grassland	15 (Bdy)	0°	14 -< 20 Bal - 19
South	Grassland	15 (Bdy)	0°	14 -< 20 Bal - 19
East	Grassland	(Bdy)	4°	20 -< 50 Bal - 12.5
West	Grassland	25 (Bdy)	-4°	23 -< 50 Bal - 12.5

- c. The subject site currently enjoys connection to the reticulated water network which is located within the Gill Street Road reserve. Each allotment will be able to be serviced from this existing public infrastructure.
 - d. 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.
 - e. The proposal does not include, nor require, the connection of fire trails.
 - f. Access to and from the proposed allotments will be via the existing Gill Street road formation.
 - g. The construction standards of the development are not relevant to this application.
 - h. Sprinkler systems are not warranted by the scope of this development.
 - i. There are no registered fire trails located within the boundaries of the subject lands.
- h) In our opinion, the development generally conforms to the ideals of the Planning for Bushfire Protection 2019 guidelines. Furthermore, the formal bush fire maintenance plan or emergency procedure does not appear to be warranted for the subject development.



6.0 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 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:

6.1 The Provisions of:

6.1.1 Any Environmental Planning Instrument

The proposed development is considered compatible with the objectives pertaining to the **RU5-Village** zone which is applicable to the site.

6.1.2 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.

6.1.3 The Provisions of any Development Control Plan

Please refer to **Section 3.5** of this statement.

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

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

6.1.5 The regulations (to the extent that they prescribe matters for the purposes of this paragraph).

The provisions of the *Environmental Planning and Assessment Regulation 2021* do not prescribe matters that need addressing as part of this application.

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

6.2.1 Land use conflicts

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

6.2.2 Land contamination

There are no identified issues with regard to land contamination, the site is not known to be contaminated. A preliminary contamination report has been prepared by SMK Moree. This report indicates that there is no evidence of contamination present at the site. This report is located in Appendix E for review.

6.2.3 Water resources

There is no evidence to suggest the proposed development will have any impact on the conservation of water resources including the flow and quality of surface water, groundwater, flooding, and drainage.

6.2.4 Soil

The proposed development is considered unlikely to generate negative soil impacts, site erosion, land degradation, salinity or risk of subsidence or land slip.

6.2.5 Flora & Fauna

No specific study has been undertaken as it is held that the circumstances of this matter do not require such. The subject development proposes the creation of four additional residential lots.

As discussed previously the subject land mostly comprises an area of modified and disturbed land. The subdivision itself will not generate any need to clear vegetation. Whilst some may consider that the subdivision may result in some environmental impacts it is our contention that any such impacts would not be significant for any threatened species or ecological communities that may be present on the site.

6.2.6 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, bushfire, tidal inundation, subsidence, or acid sulphate soils.*

It is considered that the proposal will not contribute to any heightened risk of the site being impacted upon by natural hazards.

6.2.7 Heritage significance

There are no known items of environmental or cultural heritage situated on the subject land. By the nature of the primary production carried out there on the subject site experiences cultivation disturbance on an annual basis. We are of the opinion that if any items of cultural significance did exist, within the boundaries of the subject land, these items would have incurred significant disturbance since the original land grant.

6.2.8 Visual and Noise Impact

We do not believe that the proposed development will generate any negative impacts in terms of visual & acoustic privacy, overshadowing or views.

6.2.9 Access

See **Section 2.6.5 and Table 3** for further discussion with regard to access.

6.2.10 Traffic

The proposed development will not generate any noticeable impact on the existing local road network, please refer to **Section 2.6.5**.

6.2.11 Servicing

In accordance with **Section 2.6 & Table 3** issues with regard to servicing have been discussed & appropriately addressed in accordance with the minor needs of this development.

6.2.12 Social & economic impacts

Neither the social nor economic fabric of the locality will be adversely impacted by the proposed development.

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

6.3 The Suitability of the site for the development

The site is considered suitable for the development due to the following factors:

- The proposal generally meets the aims and objectives of the relevant zoning and clauses contained in the TRLEP 2010;
- The proposed allotments have adequate access to and from the existing local road network;
- The proposal will not lead to an unreasonable increase in 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 village development;
- 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.

6.4 Submissions made in accordance with The Act or Regulations

We are not aware of any such submissions.

6.5 The Public Interest

The proposed development satisfies the public interest by ensuring that land zoned for a range of land uses associated with a rural village can be utilised to its potential.



7.0 RECOMMENDATION

On behalf of the proponents, we recommend that Council grant approval to the subdivision of the subject property.

There does not appear to be any significant issues in terms of suitability or permissibility which would prevent approval of the additional lots.

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

