



Bath Stewart Associates

Surveying | Engineering | Planning

JUNE 31, 2025

STATEMENT OF ENVIRONMENTAL EFFECTS

RURAL SUBDIVISION

Lot 41 in DP634499 and Lot 442 in DP807359

348 Meadows Lane

Warral, NSW, 2340 NSW, 2340



Plan Prepared by



Bath Stewart Associates Pty Ltd



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STATEMENT OF ENVIRONMENTAL EFFECTS (SoEE)

SoEE Prepared by:

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in respect of Development Application (DA):

Proprietors Name: Alan David James
Leanne Elizabeth James

Proprietors Address: c/- PO Box 403
Tamworth NSW 2450

Land in respect of which

The DA is made Lot 41 in DP634499 and Lot 442 in DP807359
348 Meadows Lane, Warral, NSW, 2340
LGA: Tamworth Regional Council

Development Description: **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: 31st July 2025



1.0 GENERAL OVERVIEW

1.1 Background

This Statement of Environmental Effects (SoEE) accompanies a development application to Tamworth Regional Council for the subdivision of the subject lands to create three additional lots under the provisions of Clause 4.1 of the Tamworth Regional Local Environmental Plan 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 impact are presented.

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

- Tamworth Regional Local Environmental Plan 2010 (TRLEP 2010).
- Preliminary Contamination Site Inspection by SMK Consultants;
- Preliminary Environmental Site Inspection by Stringybark Ecological;
- Tamworth Regional Development Control Plan 2010 (TRDCP 2010); and
- Development Concept Plans prepared by Bath Stewart Associates (DA 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 41 and Lot 442 in DP634499 and DP807359, known as 348 Meadows Lane, Warral, NSW, 2340 in the Parish of Calala, County of Parry. The land parcel is legally held under freehold title, and the relevant title diagram indicates that subject lands comprise an area of approximately 153.2 hectares.

The site is located approximately 13 kilometres to the southwest of City of Tamworth, with the commute being via Bridge Street, Duri Road & Gowrie Road, with current accessways providing access to Spains Lane, Gowrie Road and Meadows Lane.

The allotment has been well improved for farming practices and comprises two homesteads together with appurtenant shedding commonly associated with agricultural production pursuits. The land generally falls to the west, with a series of contour banks and dams managing the current stormwater flows.



Mapping of *Flood Affected Land* issued by Tamworth Regional Council indicates that the lot is not flood affected.

The *Bush Fire Prone Land Map* issued by Tamworth Regional Council indicates that the lands are bush fire prone, notwithstanding that they are almost void of significant mature vegetation. Please refer to Appendix F for the Bushfire Self Assessment for each dwelling.

Referral to the TRLEP 2010, indicates that the land is currently zoned RU4-Primary Production Small Lots with a “minimum lot size” designated as 9.9 hectares.

The image below provides an aerial satellite image as a background to assist in the current development of the surrounding area.

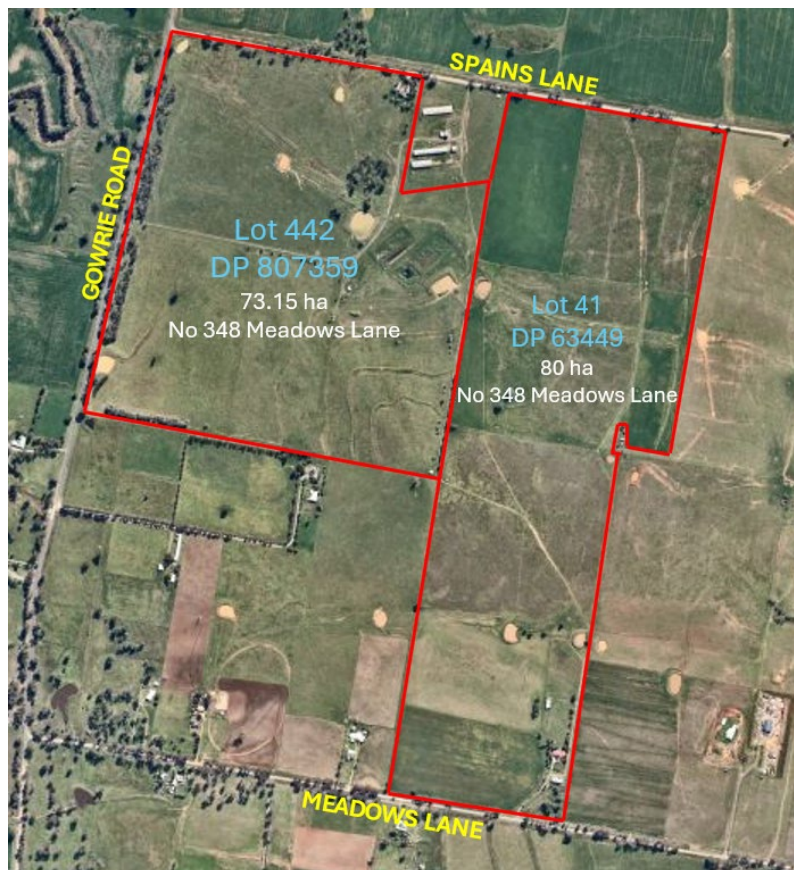


Figure 1 – Aerial Imagery

1.3 The Proponent

Bath Stewart Associates has been engaged by the registered proprietors of the subject land, Aland David James and Leanne Elizabeth James, to prepare this SoEE in support of a development application seeking approval for the subdivision of the subject land to create 13 additional allotments utilising the provisions of *Clause 4.1* of the TRLEP 2010.



As requested in the 'Consent of Owner Form', and endorsed by the landowner, all correspondence is to be sent c/- PO Box 403, Tamworth NSW 2450.

2.0 THE PROPOSAL

2.1 Proposed Development

The key objectives of this development are outlined below:

- To subdivide residential zoned lands for the purpose of creating rural residential lots capable and suitable for residential dwellings;
- To increase the supply of dwelling houses in an area considered suitable for this purpose; and
- To realise the development potential of the subject land for purposes suited to its size and locality.

Our client proposes to subdivide the subject land to create a rural small-lot development comprising fifteen (15) allotments, resulting in an average lot size of approximately 10 hectares, as illustrated in the subdivision concept plan(s) provided in Appendix B.

The characteristics of the proposed allotments are as follows:

Proposed Lot	Area	Access	Comments
Lot 1	10.00 ha	New Road	<ul style="list-style-type: none"> • Burdened by existing easement for overhead powerline • Burdened by proposed easement to drain water • Provisions for access, electricity and telecommunications required
Lot 2	10.00 ha	Spains Lane.	<ul style="list-style-type: none"> • Benefitted by an existing two storey dwelling and appurtenant garden shedding • Benefitted by existing access, electricity and telecommunication provisions • Burdened by existing easement for overhead powerline • Burdened by proposed easement to drain water
Lot 3	10.00 ha	Spains Lane.	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 4	10.00 ha	Spains Lane.	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 5	10.00 ha	Spains Lane.	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 6	10.07 ha	New Road	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 7	10.11 ha	New Road	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required



Lot 8	10.02 ha	Meadows Lane.	<ul style="list-style-type: none"> • Benefitted by an existing single storey dwelling and appurtenant garden shedding • Benefitted by existing access, electricity and telecommunication provisions • Burdened by proposed easement for overhead powerline
Lot 9	10.02 ha	Meadows Lane.	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 10	10.21 ha	New Road	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 11	10.19 ha	New Road	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 12	10.00 ha	New Road	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 13	10.00 ha	Gowrie Road.	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 14	10.00 ha	New Road	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required
Lot 15	10.00 ha	New Road	<ul style="list-style-type: none"> • Provisions for access, electricity and telecommunications required

Table 1 - Proposed Lots

2.2 Existing Development

The subject lands are currently utilised for commercial farming and grazing purposes with the property being currently managed with improved pasture and cultivation practices. The existing allotments are described below.

Lot 442 in DP807359 characteristics:

- benefited by a two storey dwelling house located in the north eastern corner of the site.
- existing accesses off Spains Lane, to the existing dwelling house and Gowrie Road, providing access to the general farming operation.

Lot 41 in DP634499 characteristics:

- benefited by a single storey dwelling house located in the south eastern corner of the site.
- existing access off Meadows Lane, to the existing dwelling house.

2.3 Context and Setting

The subject land is located within an area experiencing a long history of farming, grazing and cultivation practices. The surrounding area is characterised by small to medium sized operations with lot sizes ranging from 5-10 hectares and upwards to that of the parent



allotments. The predominant use in the area is farming for commercial benefit, however the smaller hobby farming allotments are starting to infiltrate from the east.

The land to the east and west of the subject lands currently enjoy a Minimum Lot Size of 9.9 hectares, whilst the land to the north and south have a Minimum Lot Size of 40 hectares.

The north eastern corner of the site is located approximately 300m west of a small existing Council quarry on the southern side of Spains Lane, and a Railway quarry on the northern side of Spains Lane. Furthermore, Oats Pty Ltd have a current proposal for a larger quarry on to the north of the existing Railway Quarry site.

2.4 Development Staging

The development is proposed to be completed in five stages, as outlined below:

Proposed Stage	Lots	Required Works
Stage 1	2	No works required – Access, Electricity and Telecommunication currently servicing the existing dwelling
Stage 2	3, 4, 5	Allotments require Access, Electricity and Telecommunications provisions. No works to be completed for proposed stormwater provisions within proposed easement to Drain Water 30 Wide.
Stage 3	8,9,13	No works required for Lot 8 – Access, Electricity and Telecommunication currently servicing the existing dwelling Allotments 9 and 13 require Access, Electricity and Telecommunications provisions.
Stage 4	1,14,15	The construction of the proposed road is required to the eastern boundary of Lot 15. Turning provisions should be provided in lieu of the completion of the roadway. The construction of the proposed stormwater provisions within proposed easement to Drain Water 30 Wide to the eastern boundary of Lot 15. Allotments also require Access, Electricity and Telecommunications provisions.
Stage 5	6,7,10,11,12	The completion of the proposed road is required.



		<p>The completion of the proposed stormwater provisions is required.</p> <p>Allotments also require Access, Electricity and Telecommunications provisions.</p>
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Whilst the intention is to complete the development as described above, we would like to retain the right to complete the development as condition as allow, providing that the continuity of services is not adversely affected.

2.5 Infrastructure & Servicing

All proposed servicing works are outlined in the Servicing Strategy located in Appendix B.

2.5.1 Electricity

The electrical network is located within the subject lands, as well as the Gowrie Road, Spains Lane and Meadows Lane road reserves. The existing dwellings located on proposed lot 2 and proposed lot 8 enjoy connection to the energy network via existing overhead powerlines. The extension of the electricity network does not appear to be a problem and will be facilitated by further electrical design and approvals through the construction phase.

Services searches may be viewed in Appendix C.

2.5.2 Telecommunications

The telecommunications network is located within the subject lands, as well as the Gowrie Road, Spains Lane and Meadows Lane road reserves. The existing dwellings located on proposed lot 2 and proposed lot 8 enjoy connection to the energy network via existing overhead powerlines. The extension of the telecommunications network does not appear to be a problem and will be facilitated by further electrical design and approvals through the construction phase.

Services searches may be viewed in Appendix C.

2.5.3 Access

The subject land is bounded by Meadows Lane, Spains Lane, and Gowrie Road. These roads, along with the proposed allotments, are well connected to both the local and regional road networks via the New England Highway and Duri Road. The proposed subdivision offers multiple route options for access to nearby population centres.

Meadows Lane and Gowrie Road are sealed two-lane bitumen roads in good condition. It is anticipated that the additional traffic generated by the ten new allotments will remain within



the carrying capacity of these roads and will not result in any significant or adverse impacts on the surrounding area.

Spains Lane is currently a gravel two-lane formation. The three proposed additional access points to Gowrie Road are not expected to result in negative impacts that would warrant upgrades to the existing infrastructure. Potential dust concerns are considered to be minimal, as future landowners will be aware of the development and its associated conditions at the time of purchase.

Access to proposed Lots 1, 6, 7, 10, 11, 12, 14, and 15 will be provided via the proposed internal road extension. The remaining allotments will gain access through new or existing driveways connected to the current road network. The locations of all access points are shown in the subdivision plans in Appendix B, and photographs of existing and proposed accessways are included below. It is noted that all proposed and existing access points maintain appropriate sight distances in accordance with relevant guidelines.



Figure 2 - Lot 2 - Access Left



Figure 3 - Lot 2 - Access Towards



Figure 4 - Lot 2 - Access Right



Figure 5 - Lot 3 - Access Left



Figure 6 - Lot 3 - Access Towards



Figure 7 - Lot 3 - Access Right



Figure 8 - Lot 4 - Access Left



Figure 9 - Lot 4 - Access Towards



Figure 10 - Lot 4 - Access Right



Figure 11 - Lot 5 - Access Left



Figure 12 - Lot 5 - Access Towards



Figure 13 - Lot 5 - Access Right



Figure 14 - Lot 8 - Access Left



Figure 15 - Lot 8 - Access Towards



Figure 16 - Lot 8 - Access Right



Figure 17 - Lot 9 - Access Left



Figure 18 - Lot 9 - Access Towards



Figure 19 - Lot 9 - Access Right



Figure 20 - Lot 13 - Access Left



Figure 21 - Lot 13 - Access Towards



Figure 22 - Lot 13 - Access Right

2.5.4 Sewerage

The subject land is located outside Tamworth Regional Council's reticulated sewerage network and will therefore rely on site-specific sewerage arrangements designed to meet the needs of future development on each proposed allotment.

The existing sewerage systems servicing the dwellings on proposed Lots 2 and 9 have no known or documented complaints and as such may be deemed to be adequate for their current effluent requirements. Consequently, no upgrades or additional works are proposed for this existing infrastructure.

Sewerage arrangements for any future dwellings will be assessed and approved at the time of their construction and are considered outside the scope of this proposal.

2.5.5 Water

The subject land is located outside Tamworth Regional Council's reticulated water network and will therefore rely on site-specific water arrangements designed to meet the needs of future development on each proposed allotment.



The existing water provisions servicing the dwellings on proposed Lots 2 and 9 have no known or documented complaints and as such may be deemed to be adequate for their current water requirements. Consequently, no upgrades or additional works are proposed for this existing infrastructure.

Water arrangements for any future dwellings will be assessed and approved at the time of their construction and are considered outside the scope of this proposal.

2.5.6 Stormwater

The existing stormwater provisions servicing the dwellings on proposed Lots 2 and 9 have no known or documented issues and are therefore considered adequate for current requirements. As such, no upgrades or additional works are proposed for this existing infrastructure.

Stormwater management for any future dwellings will be assessed and approved at the time of construction and is considered outside the scope of this proposal. Given the substantial size of the proposed allotments, it is anticipated that onsite stormwater solutions will be sufficient to accommodate future development.

Overland flows from the northern and north-west sloping sections of the site are proposed to be managed via an open channel located within a 30-metre-wide drainage easement. This channel will direct surface water towards the north-western corner of the property, where it will discharge into the existing Council stormwater infrastructure crossing beneath Gowrie Road.

Stormwater collected by the drainage infrastructure associated with the new internal road will be directed westward into the existing Council stormwater system along Gowrie Road. These channels will then convey flow northwards into the existing culvert beneath Gowrie Road, as previously described.

Existing overland flows traversing the northern portion of proposed Lots 8 and 9 will remain in their current state, with no modifications proposed in these areas.

Ultimately, overland flows from the development site will discharge into Timbumburi Creek, which forms part of the natural stormwater system in the locality. Given the proximity of the site to the creek and the absence of downstream stormwater infrastructure, it is considered



that detention of these overland flows would represent an unnecessary and unreasonable impost on the development.

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), administered by the Commonwealth Department of the Environment, provides a legislative framework to protect and manage flora, fauna, ecological communities, and heritage places of national environmental significance. Under Part 9 of the EPBC Act, any action that “has, will have, or is likely to have a significant impact on a matter of national environmental significance” must not proceed without prior approval from the Commonwealth Minister.

While a Protected Matters Search Report under the EPBC Act has not been undertaken for the subject site, an initial Environmental Preliminary Assessment has been completed and is provided in Appendix E. Supporting aerial imagery (Appendix D) and a physical site inspection confirm that the site has a long history of disturbance and cultivation, and generally appears devoid of significant native flora or fauna. Additionally, the proposed development is not expected to impact migratory species.

There are no known heritage-listed features or items of cultural 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.

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.

A Preliminary Assessment of the project has been completed and may be viewed in Appendix E. This report indicates that the site is severely degraded and subject to the retention of the existing native flora, as identified in the restriction on the use of land, no further assessments are required under the provisions of the BC Act.

3.2.3 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) are legal *Environmental Planning Instruments* (EPs) 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
	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
	Sustainable Buildings 2022	Not relevant
	Transport and Infrastructure 2021	Not relevant
No. 65	Design & Quality Residential Flat Development	Not relevant

Table 2 - SEPP Table



3.2.4 SEPP Commentary

3.2.5 SEPP – Biodiversity and Conservation 2021

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

3.2.6 SEPP – Chapter 3 – Koala Habitat Protection 2020

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 and therefore falls under the requirements of State Environmental Planning Policy (Biodiversity Conservation) 2021 – Chapter 4.

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 conventional farming enterprise and is benefited by a couple of small stands of Eucalypt Trees, notably those planted along the western adjacent to Gowrie Road. These trees could provide some habitat value to Koala's.

A desktop review of the NSW Bionet database for public listings of Koala sightings in the area. The Bionet Data indicates that any sightings of Koala or Koala sign is well removed from the site of the subject development, as illustrated in the image below.



Figure 15: Bionet Results

Based on the findings outlined above we do not believe the subject site is classified as core koala habitat. 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.



3.2.7 SEPP – Primary Production 2021

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

3.2.8 SEPP – 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, and the development is in line with the current zoning of the subject lands no further review is necessary.

3.2.9 SEPP – Resilience and Hazards 2021

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

3.2.10 SEPP – 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 is noted that subject land has experienced long term agricultural use for broad acre cropping with some associated grazing of livestock. It is further noted that all surrounding land use is, & has been for many years, utilised for the same purpose. An inspection of the site was completed and there were no apparent or obvious sources of contamination present in its current form.

A Preliminary Site Inspection, located in Appendix D, identified no areas of concern on the site. Based on the report provided the proposed development is considered to be suitable for the subject site.



3.3 Land Use Zoning – Local Environmental Plan(s)

The subject lot is zoned RU4-Primary Production in accordance with the provisions of the Tamworth Regional Local Environmental Plan 2010.

The objectives of the RU4-Primary Production zone are as follows:

OBJECTIVES OF THE ZONE	COMMENTS
To enable sustainable primary industry and other compatible land uses.	The proposal includes the subdivision of primary production lands down towards the minimum lot size of 9.9 hectares. Whilst this is not considered to be adequate for most farming pursuits, it would be sufficient to support a variety of activities within the equine industry, as well as general small scale hobby type farms. This control is deemed to be met by the proposal.
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.	The proposal allows for an increase in the small allotments that will be made available to the sale pool for small hobby farm sized parcels within a reasonable vicinity of Tamworth's Equine Centre. This control is deemed to be met by this proposal.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	The surrounding lands are made up of a mixture of small to medium farming enterprises. The proposed allotment configuration and sizing is in keeping with the current fabric of the area and will not create any obvious conflict with the surrounding development. This control is deemed to be met by this proposal.

Table 3 - Zoning Objectives

3.4 Permissibility

The subject lands are zoned RU4-Primary Production.

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 9.9 hectares.



Perusal of the accompanying subdivision concept plan, located in Appendix B, will confirm that the proposed allotments readily comply with the MLS imposed by the said *Clause 4.1*.

We consider that the proposed development satisfies the provisions of the TRLEP 2010 and stands compatible with the stated objectives of the RU4-Primary Production zoning of the locality.

3.5 Tamworth Regional Council Miscellaneous Provisions – Clause 5.16

Clause 5.16 of the Tamworth Regional Local Environmental Plan requires the consent authority to consider potential land use conflicts with the surrounding locality.

The majority of land within the subject proposal's locality is currently used for small to medium scale farming enterprises. While some larger agricultural operations remain in the area, they are interspersed with numerous small rural residential holdings. The land located between Spains Lane and Meadows Lane, east of Gowrie Road and west of the New England Highway, has long been earmarked for rural small-holding subdivisions, with a minimum lot size of 9.9 hectares. These smaller allotments have progressively expanded westward from the New England Highway. As such, the proposed development is consistent with the existing and emerging character of the locality.

The only notable land use conflicts within the vicinity relate to Lots 422 DP1035806 and 1 DP208222, which contain small-scale quarries. Lot 422 is owned and operated by Tamworth Regional Council, and Lot 1 by Transport for New South Wales. Both are modest operations that are actively managed to ensure compliance with relevant environmental and operational guidelines. These quarries have operated for many years and, while they present a known source of limited disruption to nearby residents, their impact is considered to be manageable and acceptable.

There is a current proposal for a new quarry on Lot 102 DP1288693, situated north of the existing quarry sites. The proposed access to this future quarry is from the northwest via Gowrie Road. The potential for conflict between this proposed quarry and the subject development is considered to be limited, given that Spains Lane is not proposed for access and that any future quarry operations would be subject to contemporary development consent conditions. Furthermore, given the strong public interest in the quarry proposal, any prospective purchaser of the subject land would be reasonably aware of the potential for quarrying activities in the area.



3.6 Tamworth Regional Council Development Control Plan

The Tamworth Regional Local Environmental Plan 2010 (TRLEP 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 **readily complies with the relevant parts of the DCP guideline**, as per the following comparison: -

Subdivision Controls	Comments
Plans of Subdivision	Not Relevant
Servicing Strategy	A servicing strategy has been prepared and is located in Appendix B for perusal.
Sewer	Connection to Reticulated sewer is not able to be made, nor is it required by any planning instrument.
Water	Connection to Reticulated sewer is not able to be made, nor is it required by any planning instrument.
Stormwater	The servicing strategy in Appendix B outlines the proposed stormwater solution.
Telecommunications	Connections are available to each proposed allotment. Please Refer to Section 2
Electricity	Connections are available to each proposed allotment. Please Refer to Section 2
Lot Size	The proposed lots satisfy the provisions of the TRLEP.
Battle-axe shaped lots	Not Relevant
Road Network Design	Please refer to Section 2 for further commentary on the road network.
Staged Subdivision	The proposed staging is outlined in Section 2.4.



Future Development	Not Relevant
Cul-de-sac	The servicing strategy outlines the proposal that meets current TRC Engineering Guidelines
Site Levels and Retaining Walls	Not Relevant
Geology	Please refer to Section 4.2.4 for further commentary.
Landscaping Plan	Not Relevant
Environmental Values Locality Map	A preliminary site assessment has been completed by Stringybark Ecological and may be found in Appendix E for further perusal.
Biodiversity Protection	A preliminary site assessment has been completed by Stringybark Ecological and may be found in Appendix E for further perusal.
Site Access	Refer to Section 2.
Lot Orientation	Not Relevant
Open Space	Not Relevant
Lot Orientation	Not Relevant
Open Space	Not Relevant
Construction Waste Management	Construction Waste Management is considered negligible as there is no demolition proposed development. The waste management of the construction phase will be adequately dealt with by the contractor completing the works. Given the nature of the construction it is unlikely to generate any significant amounts of waste



Garbage Collection	The servicing strategy located in Appendix B meets the relevant TRC Engineering Standards.
Community Subdivision Title	Not Relevant
Contamination	A Preliminary Site Inspection is located in Appendix D for perusal. The report indicates that the subject lands are suitable for the proposed development.
Road Widths	The servicing strategy located in Appendix B meets the relevant TRC Engineering Standards.
Bylong Road	Not Relevant
Environmental Effects	The environmental effects have been suitable discussed throughout this report.
Soil and Erosion Control	Soil and Erosion shall be approved by TRC at the Subdivision Works Certificate stage and this will be implemented by the relevant contractors onsite.
Noise	Noise generation associated with the proposal is expected to be limited to the construction phase of the development. All works will be carried out in accordance with current Tamworth Regional Council requirements relating to construction methods, hours of operation, and noise management. As such, noise is not anticipated to present a significant issue for the development or for adjoining properties.
Aboriginal Cultural Heritage	A preliminary investigation has been undertaken and has not identified any known items of cultural or historical significance within the vicinity of the proposed development. Should any items of potential interest be discovered during the construction phase, all works will cease in the affected area and appropriate protocols,



	including notification of the relevant authorities, will be strictly followed in accordance with legislative requirements. An AHIMS report may be viewed in Appendix A.
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Table 4 - TRDCP 2010 - Subdivision Controls

4.0 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:

4.1 The Provisions of:

4.1.1 Any Environmental Planning Instrument

The proposed development is considered compatible with the objectives pertaining to the RU4-Primary Production zone which is applicable to the site.

4.1.2 Subject of Public Consultation – Proposed instrument

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.

4.1.3 The Provisions of any Development Control Plan

Please refer to Section 3.6 of this statement.

4.1.4 Planning agreement or draft planning agreements

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.



4.1.5 The regulations

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

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

4.2 Likely impacts of the development

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

4.2.1 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. Please refer to section 3.5 for further commentary.

4.2.2 Land contamination

There are no issues with regard to land contamination, the site is not known to be contaminated. Please refer to the Preliminary Site Inspection in Appendix D.

4.2.3 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.

4.2.4 Soil & Geology

The soil landscape of the site is mapped in the Soil Landscapes of Tamworth 1:100,000 sheet (Robert Banks 2001) as the Duri (du) Soil Landscape, an extract of this map from the ESspade portal is illustrated in Figure 23.

The Duri soil landscape is described as highly variable and complex due to rapid changes in underlying geology.

The dominant soil types are moderately well-drained duplex soils, primarily Red and Brown Chromosols. Shallow, well-drained Rudosols are present around rock outcrops, while deeper, poorly drained soils such as Vertosols, Chromosols, and Sodosols are found along drainage lines and sodic bedrock areas.

The site presents a number of localised soil limitations that may influence land use and management, including areas of poor drainage, erosion risk (gully, sheet, and wind), sodicity, and structural decline. Other constraints include shallow soils, seasonal waterlogging, low permeability, and areas with limited engineering suitability. These



factors will be considered in future site management to ensure sustainable land use and minimal environmental impact.

Given the minor nature of works associated with this development, we believe any impacts on the soils or underlying geology at the site will be negligible.

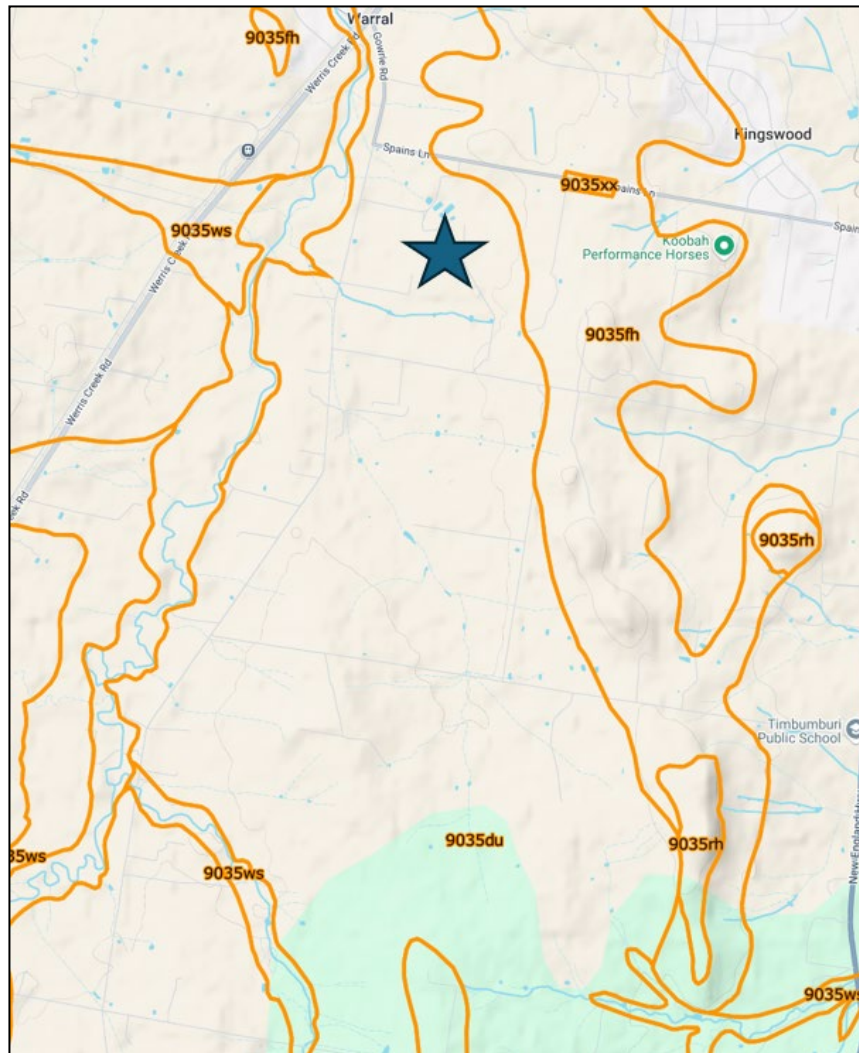


Figure 23: Soil Landscape (Source: Espade)

4.2.5 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 three small primary production allotments. There is no evidence to suggest that the subject land includes or comprises critical habitat or is within a conservation area. Furthermore, the proposed development will not require the clearing of any trees or other significant native vegetation. Please refer to the preliminary assessment located in Appendix E.



4.2.6 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.

4.2.7 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.

4.2.8 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.

4.2.9 Access

See **Section 2** for further details with regard to access.

4.2.10 Traffic

Whilst the proposal will generate an increase in daily traffic numbers it is believed that these additional numbers will not breach the capacity of the quality surrounding road network.

4.2.11 Servicing

In accordance with **Section 2** issues with regard to servicing have been addressed accordingly.

4.2.12 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.



4.3 The Suitability of the site for the development

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 proposed allotments have adequate access to and from the existing local road network;
- The proposal will not lead to any 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 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.

4.4 Submissions made in accordance with The Act or Regulations

We are not aware of any such submissions.

4.5 The Public Interest

The proposed development satisfies the public interest by ensuring that land zoned for primary production small lots can be utilised to its potential. Furthermore, the proposed development complies with the objectives of the current zoning requirements and associated development standards.

5.0 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 this additional primary production lot.

We ask that Council forward advice on their determination regarding 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,

per: John Herdegen
Registered Surveyor

Bath Stewart Associates

Registered Surveyor

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