

COUNCIL ASSESSMENT REPORT
NORTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSNTH-192 / DA2023-0232
PROPOSAL	961-lot Torrens Title subdivision, associated infrastructure (roads, servicing, stormwater management, and detention basins), external intersection upgrade works, and ancillary works including minor removal of vegetation, earthworks, landscaping, estate signage, and two recreational (public park) areas.
ADDRESS	Lot 6, DP 1211122 (Duri Road, Hillvue, NSW 2340)
APPLICANT	MAAS Group Properties Arcadia Pty Limited
OWNER	MAAS Group Properties Arcadia Pty Limited
DA LODGEMENT DATE	11 January 2023
APPLICATION TYPE	Development Application (Integrated)
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 2 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as the CIV of the development (\$51,267,844.10) exceeds the \$30 million CIV threshold for Regionally Significant Development.
CIV	\$51,267,844.10 (excluding GST)
CLAUSE 4.6 REQUESTS	The development does not propose a variation to a development standard.
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Tamworth Regional Local Environmental Plan 2010</i> • <i>Tamworth Regional Development Control Plan 2010</i>

AGENCY REFERRALS	<ul style="list-style-type: none"> • Department of Planning and Environment (Biodiversity, Conservation and Science Directorate) • Department of Planning and Environment (Water) • Transport for New South Wales • Heritage NSW • Essential Energy • Transgrid • Rural Fire Service • Tamworth Local Aboriginal Lands Council
TOTAL & SUBMISSIONS	Following the notification of the development for 28 days between 10 February 2023 and 10 March 2023, no submissions were received.
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Subdivision Plans</p> <p>Site Servicing Plans</p> <p>Landscape Plans</p> <p>Materials Palette</p> <p>Stormwater Management Plans</p> <p>Statement of Environmental Effects</p> <p>Integrated Stormwater and Floodplain Management Strategy</p> <p>Aboriginal Cultural Heritage Assessment Report</p> <p>Biodiversity Development Assessment Report</p> <p>Development Servicing Strategy</p> <p>Preliminary Site Investigation</p> <p>Traffic Assessment</p> <p>Acoustic Assessment</p> <p>Unexpected Finds Protocol</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS	The site is not located in an area that Special Infrastructure Contributions (SIC) apply.
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	22 October 2024
PREPARED BY	<p>Gareth Simpson, Senior Planning Officer, NSW Department of Planning, Housing and Infrastructure (Regional Housing Flying Squad).</p> <p>Mitch Gillogly, Team Leader – Strategic Planning, Tamworth Regional Council.</p>
DATE OF REPORT	15 October 2024

EXECUTIVE SUMMARY

Description of Development

The Applicant is seeking development consent for a 961 Torrens title subdivision (refer **Figure 3**), comprising of:

The proposed development includes:

- 932 residential lots, to facilitate future residential development;
- 19 englobo lots to facilitate future medium density development;
- 6 residue lots;
- 1 commercial lot to facilitate the activation of the Arcadia neighbourhood centre;
- 2 public reserves; and
- 1 drainage reserve lot, to support stormwater infrastructure.

The following civil works are proposed:

- Intersection treatment on Burgmanns Lane;
- Internal road network;
- Internal pedestrian and cycleway facilities;
- Relocation, augmentation and installation of essential services;
- Stormwater management;
- Drainage basins; and
- Site grading for all proposed lots and supporting infrastructure.

Ancillary works include:

- Removal of vegetation;
- Revegetation works;
- Estate signage; and
- Street trees.

Regionally Significant Development

The development is 'Regional Development' as defined by Chapter 2 Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* (PS SEPP) – The development has a Capital Investment Value (CIV) of over \$30 million in value being \$51,267,844.10. The Northern Regional Planning Panel (NRPP) is the relevant determining authority.

Site Description

The subject site is legally identified as Lot 6, DP 1211122, and has an address of Duri Road, Hillvue. It comprises of a large and irregularly shaped allotment with two road frontages to Duri Road to the west and Burgmanns Lane to the south, and is generally undeveloped, containing only agricultural infrastructure. It has historically been used for agricultural purposes.

Consultation

The development was publicly notified in accordance with the Tamworth Regional Council Community Participation Plan 2019 (CPP) and the provisions of *Environmental Planning and Assessment Regulations 2021* (EP&A Regulation). The notification period was for 28 days between 10 February 2023 and 10 March 2023. Council received no submissions in response to the notification.

Integrated Development

The development constitutes integrated development pursuant to the following:

Legislation	Comment from agency
Section 91 of the <i>Water Management Act 2000</i>	The development was referred to the Department of Planning and Environment – Water (DPE-Water) under s91 of the <i>Water Management Act 2000</i> given the requirement for a controlled activity approval for the development. DPE-Water raised no objection and issued General Terms of Approval on 26 August 2023.
Section 58 of the <i>Heritage Act 1977</i>	The development was referred to Heritage NSW under section 58 of the <i>National Parks and Wildlife Act 1974</i> (NPW Act) in relation to the issuing of an Aboriginal Heritage Impact Permit (AHIP). Heritage NSW raised no objection and issued General Terms of Approval on 15 August 2024.
Section 100B of the <i>Rural Fires Act 1997</i>	The development is within bushfire prone land and is nominated as integrated development under section 100B of the <i>Rural Fires Act 1997</i> (RF Act) as the development proposes development of bush fire prone land for a special fire protection purpose (subdivision). The NSW RFS raised no objection and issued General Terms of Approval on 17 October 2024.

A discussion on these referrals is proposed in Table 9 and 10 of Section 4.1 of this report.

Other external referrals

In addition to Heritage NSW, DPE-Water and the NSW RFS, comment was also sought from the following bodies:

- Transport for New South Wales (TfNSW);
- Department of Climate Change, Energy, the Environment and Water - Biodiversity Conservation Science Directorate (BCSD);
- Essential Energy (EE);
- Transgrid; and
- Tamworth Local Aboriginal Lands Council (TLALC).

A discussion on these referrals is proposed in Table 9 and 10 of Section 4.1 of this report.

Internal referrals

The following internal referrals were also made:

- Development Engineering;
- Environmental Health;
- Sports and Recreation; and
- Development Contributions Planner.

Pre-conditions to granting development consent

The following legislative clauses apply to the development which require the consent authority satisfaction prior to the granting of development consent:

- Chapter 2 'State and Regional Development' and Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* (PS SEPP) – The development is for a residential subdivision with a CIV over \$30 million in value. The Northern Regional Planning Panel (NRPP) is the relevant determining authority.
- Chapter 4 – Clause 4.6 'Contamination and remediation to be considered in determining development application' of *State Environmental Planning (Resilience and Hazards) 2021*. A Preliminary Site Investigation (PSI) was provided with the development application. A site inspection was conducted by Hanlon's Consulting, which discovered an existing building rubble with an unknown origin. It was deemed as a sign of potential soil contamination which necessitates further investigation. Further sampling and testing were undertaken which confirmed that no contaminants were present in the location of the building

rubble. The PSI concluded that the site is suitable for the proposed residential subdivision. The PSI has been reviewed by Council's Environmental Health Officer and is considered to sufficiently address contamination issues subject to the imposition of conditions of consent.

- Chapter 2.2 – Clause 2.6 Clearing that requires permit or approval of *State Environmental Planning Policy (Biodiversity & Conservation) 2021*—provides that a person must not clear vegetation in any non-rural area of the State without the authority confirmed by a permit granted by the council. The application involves vegetation removal which is discussed in detail in this report and is considered acceptable.
- Clause 2.3 'Zone objectives and Land Use Table' of Tamworth Regional Local Environmental Plan 2010 (TRLEP) – The development site is zoned R1 – General Residential, R2 – Low Density Residential and Zone B1 – Neighbourhood Centre. The development is permitted with consent in these zones.
- Clause 7.1(3) 'Earthworks' provides several matters that the consent authority must consider prior to granting development consent to earthworks. The matters listed under cl.7.1(3) have been considered during the assessment and the proposed works are acceptable.

Key Issues

The key issues considered during the assessment relate to:

- Dwelling density;
- Biodiversity; and
- Traffic and access arrangements.

Recommendation

That the Development Application DA2023/0232 for a 961-lot Torrens Title subdivision, associated infrastructure (roads, servicing, stormwater management, and detention basins), external intersection upgrade works, and ancillary works including minor removal of vegetation, earthworks, landscaping, estate signage, and two recreational (public park) areas on Lot 6 DP 1211122, Duri Road, Hillvue, be **APPROVED** pursuant to Section 4.16(1)(a) or (b) of the *EP&A Act* subject to the recommended conditions of consent attached to this report as **Attachment A**.

1. THE SITE AND LOCALITY

1.1 The Site

The site is currently vacant and has an area of 156.02 hectares and is legally described as Lot 6 DP 1211122. The site is irregular shape with a sloped topography that generally falls in a south/south-west direction, with a maximum elevational change of approximately 36 metres or 2.3%. The site is located on the western side of the 'Arcadia' precinct (**Figure 1**), which is located approximately 5.1 kilometres southwest and 5.5 kilometres southeast of the Tamworth CBD and Tamworth Airport respectively.

The TRLEP 2010 maps the site as comprising R1 - General Residential zone, R2 – Low Density Residential zone and E1 – Local Centre zone. The site is mapped in an Urban Release Area that is also subject to a dwelling density yield that is restricted to a maximum 1,370 dwellings per hectare. Portions of the site are identified as containing flood prone and bushfire prone land.

The northern end of the site also contains elevated TransGrid 132kV powerlines while an overhead Essential Energy 66KV powerlines burden the south-east corner.



Figure 1: Site Location

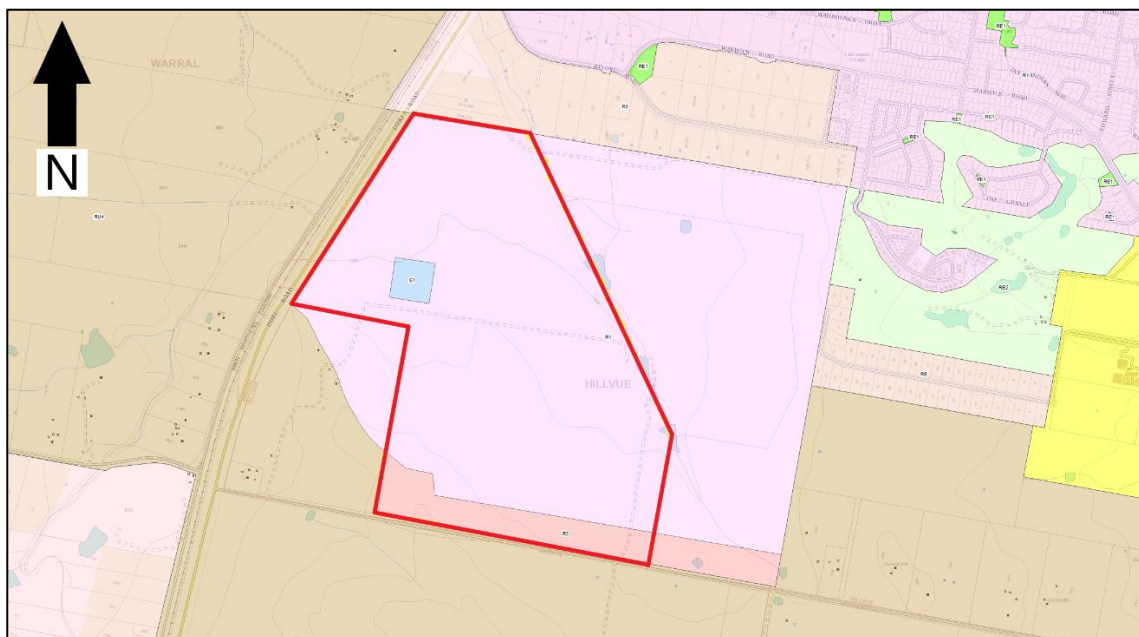


Figure 2: Site area showing zoning

1.2 Surrounding Locality

The site is within an area that contains mostly rural and residential land uses.

Sites adjoining the eastern boundaries of the subject site are located within eastern sections of the Arcadia precinct. As with the subject site, there are no buildings on these sites, with development being limited to structures associated with rural land-use activities (e.g. dams, isolated tanks, etc.). Sites further to the east contain a variety of uses including a golf course and a range of sporting and recreational facilities.

Areas to the north of the site consist predominantly of large-lot residential sites. Development on such sites consist predominantly of dwelling houses, sheds and associated structures (e.g. outbuildings, swimming pools, etc.). Areas further to the north of these sites comprise predominantly of well-established residential areas. To the west of Duri Road is a railway line, and rural and large-lot residential sites.

2 THE DEVELOPMENT AND BACKGROUND

2.1 The Development

The Applicant is seeking development consent for a 961 Torrens title subdivision (refer **Figure 3**), comprising of:

The proposed development includes:

- 932 residential lots, to facilitate future residential development;
- 19 englobo lots to facilitate future medium density development;
- 6 residue lots;
- 1 commercial lot to facilitate the activation of the Arcadia neighbourhood centre;
- 2 public reserves; and
- 1 drainage reserve lot, to support stormwater infrastructure.

Works associated with the proposed subdivision includes:

- Tree removal;
- Internal road construction and connections of internal roads to the surrounding road network;
- Installation of services and infrastructure;
- Earthworks;
- Stormwater management, including:
 - Onsite drainage infrastructure (i.e. pit and pipe systems, inter allotment drainage, etc.),
 - Eight Onsite Stormwater Detention (OSD) basins, comprising of:
 - Seven OSD basins adjacent to Burkes Gully, and
 - One OSD basin to the northwest of the site adjacent to Duri Road,
- Revegetation and vegetation management works within the Burkes Gully corridor,
- Internal landscaping;
- Development of the two parks, including landscaping and placement of structures such as playgrounds,
- Signage, comprising of:
 - Signage to be integrated with the entry feature adjacent to the Duri Road frontage, and
 - Internal wayfinding signage.

The main entry road to the estate and early works intersection upgrade on Duri Road, was subject to a separate Development Application (DA2023-0212/: PAN-290509), which was approved by Council on 17 October 2023.



Figure 3: Masterplan Diagram

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	156.02 hectares (approx.)
GFA	N/A
FSR (retail/residential)	0.5:1 (no building proposed as part of this development application)
Residential allotment sizes	451.6m ² - 1,650m ²
Englobo allotment sizes	1,423m ² – 70,540m ²
Clause 4.6 Requests	N/A
No of apartments	N/A
Max. Height	No buildings are proposed within the development. The entry feature is a maximum 3m from ground level and is acceptable.
Landscaped area	N/A
Car Parking spaces	N/A
Setbacks	N/A

2.2 Background

There is no known significant development or application history for the site, which has been used primarily for agricultural uses since the mid-1960s.

The subject site was originally rezoned from RU4 Primary Production Small Lots to a mixture of R1 General Residential, R2 Low Density Residential and B1 Neighbourhood Centre in 2017.

The subject lands were identified as part of the Blueprint 100 process as being critical to the future growth of Tamworth and a candidate for increased density given the sites proximity to the CBD and services. Council initiated a review of the Arcadia precinct which resulted in Council and the landowners engaging an urban designer to undertake a structure plan for the precinct. The structure plan resulted in an increase in dwelling yield with a focus on good urban design, housing diversity and the Burkes Gully green spine.

Subsequently, a Planning Proposal (PP-2021-4286) was prepared to amend the zoning, floor space ratios and lot size provisions whilst also applying a dwelling density (10 dwelling/Hectare) and restricted lot yield (2350 dwellings) for the Arcadia Estate. The Planning Proposal was gazetted on 7 December 2022.

The development application was submitted on 4 January 2023. A chronology of the development application since lodgement is outlined in **Table 2. Note:** The table also include key dates for DA2023-0212 (Duri Road access works), as elements of that proposal are relevant to this DA.

Table 2: Chronology of the DA

Date	Event
19 December 2022	Development Application no. DA2023-0212 lodged (Duri Road access works)
22 December 2023	Subject DA submitted.
11 January 2023	Subject DA lodged.
13 January 2023	DA referred to external agencies and internal divisions.
20 January 2023	Response received from Essential Energy
2 February 2023	Response received from TransGrid
6 February 2023	A Request for Additional Information (RFI) received from the Department of Planning and Environment (DPE) – Biodiversity, Conservation and Science (BCS).
10 February – 10 March 2023	The DA was exhibited for 28 days. No submissions were received in response to the exhibition of the DA.
22 February 2023	A request for additional information received from Transport for New South Wales (TfNSW).
17 March 2023	A request for additional information was sent to the Applicant.
31 March 2023	GTA's received from DPE-Water.
3 April 2023	A request for additional information received from Heritage NSW.
12 May 2023	A second request for additional information was sent to the applicant.
24 May 2023	A briefing meeting was held with the Northern Regional Planning Panel (NRPP).

05 July 2023	A request for additional information received from Biodiversity, Conservation and Science Directorate.
19 September 2023	Development Application no. DA2023-0212 approved. (Duri Road access works)
14 March 2024	A response to the additional information requests was provided by the Applicant.
9 April 2024	Applicant's response to BCSD request for additional information.
22 April 2024	DA referred to NSW Rural Fire Service (NSW (RFS)
24 April 2024	A request for additional information received from Transport for New South Wales.
1 May 2024	Response received from Biodiversity, Conservation and Science Directorate.
7 May 2024	Applicant's response to TfNSW request for additional information.
6 May 2024	GTA's received from Heritage NSW.
20 May 2024	A request for additional information received from NSW RFS.
7 June 2024	Satisfactory Arrangement Certificate issued by Secretary of the Department of Planning, Housing and Infrastructure
17 June 2024	Amended GTA's received from Heritage NSW.
9 July 2024	Referral response from TfNSW received supporting the development.
19 July 2024	Amended Statement of Environmental Effects and Plans submitted by applicant.
August 2024	Revised responses received from agencies based on amended plan set.
27 August 2024	Referral response received from Tamworth Local Aboriginal Land Council (TLALC).
11 September 2024	Amended bushfire assessment report received from applicant and referred to NSW RFS.
9 October 2024	2 nd RFI received from the NSW RFS

3 STRATEGIC CONTEXT

3.1 New England North West Regional Plan 2041

The New England North West Regional Plan 2041 (Regional Plan 2041), prepared by the NSW Department of Planning and Environment sets out a 20-year strategic land use planning framework for the region, aiming to protect and enhance the region's assets and plan for a sustainable future. The subject site is identified in the Regional Plan 2041 as a developing residential area as shown in **Figure 4**.

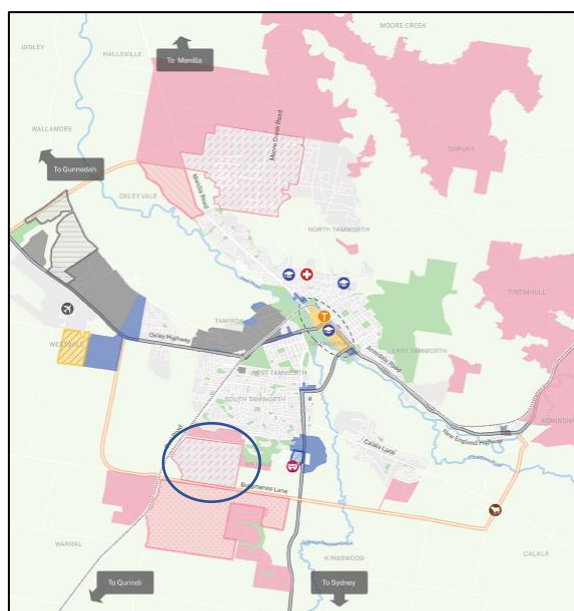


Figure 4 – Extract from Regional Plan 2041

The Regional Plan has outlined key themes, objectives, and strategies to facilitate the implementation by stakeholders. The proposed development responds to the objectives below.

Objective	Comment
Objective 1 - Coordinate land use planning for future growth, community need and regional economic development	The Arcadia Estate has been identified as a key urban growth area to meet the projected demand of a growing population. A structure plan has been developed for the Arcadia Estate which informs site specific development controls which focus on housing diversity, ecological suitable development, urban design principles and protection of the environment. The area is also identified in Tamworth Regional Council Blueprint 100 – Part 2 - Local Strategic Planning Statement 2021 to ensure strategic alignment and reinforces its important in catering for the future growth of Tamworth.
Objective 12 – Protect regional biodiversity and areas of high environmental value	The proposed development aligns with the Arcadia Structure Plan to retain woodland vegetation (where located outside of infrastructure works) and has also proposed rehabilitation of the Burkes Gully watercourse to provide a significant green corridor. The proposal includes significant revegetation of Burkes Gully. Measures to rehabilitate and enhance of the corridor are proposed by the proposed development and include the provision of vegetation buffers, the conservation of riparian areas, proposed vegetated basins, open parkland for passive recreation.
Objective 13 - Provide well located housing options to meet demand.	The subdivision proposes a variety of lot sizes and shapes to facilitate different housing options. Lot sizes are also guided by clause 7.12 of the TRLEP 2010 which requires 10 dwelling per hectare and a restricted yield of 1350 dwellings. The proposal includes several englobo which will cater for future medium density housing.

Objective 15 – Understand, respect and integrate Aboriginal culture and heritage	An Aboriginal Cultural Heritage Assessment Report accompanies the proposal. The survey discovered a number of existing and new artefacts within the subject area. To enable surface collection of identified artefacts to ensure no harm occurs, an Aboriginal Heritage Impact Permit (AHIP) will be sought under the NPWS Act. Continued consultation will occur with the Registered Aboriginal Parties and the Tamworth Local Aboriginal Land Council regarding the placement of any collected artifacts and methods for incorporating 'Country' into the rehabilitation of Burkes Gully.
Objective 21 – Improve active and public transport networks	The proposal includes active transport in accordance with the Arcadia Structure Plan. This includes a mixture of standard and shared paths which have been located to provide a legible, connected and accessible network of pedestrian and cycling facilities. The shared path provides access to the future commercial centres, parks and Burkes Gully corridor while it will eventually connect into the wider active transport network.

3.2 Tamworth Regional Council Blueprint 100 – Part 2 - Local Strategic Planning Statement 2020

Tamworth Regional Council Blueprint 100 – Part 2 - Local Strategic Planning Statement 2021 (LSPS 2020) is a strategic plan prepared by Tamworth Regional Council and adopted on 26 May 2020. The LSPS is the strategic plan which guides land use planning for the next 20 years. The subject site is identified in the LSPS 2020 as a preferred residential growth area as shown in **Figure 5**.

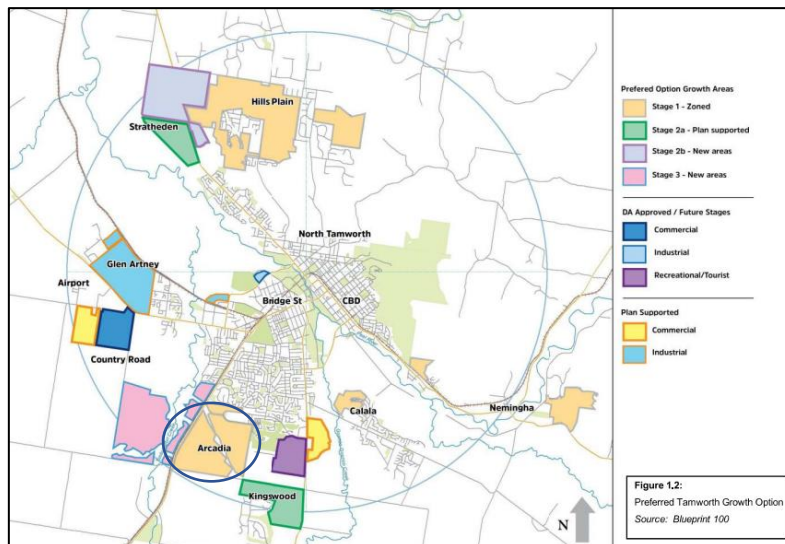


Figure 5 – Extract from LSPS 2020

The LSPS 2020 has outlined key themes, objectives, and strategies to facilitate the implementation by stakeholders. The proposed development responds to the planning priorities below.

Planning Priority	Comment
Priority 1 – Facilitate smart residential growth and housing choices	<p>The Arcadia Estate has been identified as a key urban growth area to meet the projected demand of a growing population. A structure plan has been developed for the Arcadia Estate which informs site specific development controls which focus on housing diversity, ecological suitable development, urban design principles and protection of the environment.</p> <p>Future residential development throughout the Arcadia Estate will be guided by the site-specific development controls, which identify desired housing options including standard single houses, large lot houses, and medium density housing on compact lots.</p>

	The Arcadia precinct is also subject to clause 7.12 of the TRLEP 2010 which requires 10 dwelling per hectare and a restricted yield of 1350 dwellings. The objective of clause 7.12 are to provide a mix of dwelling types and to ensure the efficient use of public infrastructure whilst meeting the demand for regional housing. It is considered the proposal meets these objectives.
Priority 2 – Create a prosperous region	The LSPS 2020 designates a new neighbourhood centre at Arcadia. The proposed development proposes a commercial lot which in the future will accommodate a neighbourhood centre. Figures 2.3 and 2.5 in the LSPS 2020 identify the neighbourhood centre would be anchored by a supermarket or large food and grocery store. The location is also consistent with the Arcadia Structure Plan.
Priority 4 – Connect our regions and its citizens	The proposal includes multiple connections to the wider transport and active transport network. This includes a mixture of standard and shared paths which have been located to provide a legible, connected and accessible network of pedestrian and cycling facilities. A new access is proposed for Burgmanns Lane which is identified in the LSPS 2020 as the future western right link. This will provide direct access from the residential growth area to the future employment lands located to the west of the CBD.
Priority 5 – Design with nature	The proposed development would provide stormwater management infrastructure of pipes and open drainage across the site in order to minimise adverse impact to the existing drainage regime. In addition, the proposed development proposes to utilise the Burkes Gully riparian corridor as a blue/green corridor by integrating both stormwater drainage and passive recreational facilities. Offline drainage basins would be vegetated and provided adjacent to the existing waterway to both reduce the risk of overland flooding and offers increased amenity alongside recreational areas. The proposal aims to utilise the existing environmental setting within the corridor and provides opportunities for the rehabilitation and improvement of the existing habitat and watercourse.

4 STATUTORY CONSIDERATIONS

When determining a Development Application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. These matters as are of relevance to the development application include the following:

- (1) *Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*
 - (a) *the provisions of—*
 - (i) *any environmental planning instrument, and*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iv) *(iia) 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, and*
 - (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (vi) *(Repealed)*
- that apply to the land to which the development application relates,*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

The application is Integrated Development pursuant to Section S4.46 of the EP&A Act, and was referred to the NSW RFS, DPE-Water and Heritage NSW for General Terms of Approval (GTAs).

4.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and matters for consideration under the EP&A Regulations are considered below.

(a) Section 4.15(1)(a)(i) – any Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP)*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP)*
- *State Environmental Planning Policy (Resilience and Hazards) 2021 (R&H SEPP)*
- *State Environmental Planning Policy (Industry and Employment) 2021 (I&E SEPP)*
- *State Environmental Planning Policy (Planning Systems) 2021 (PS SEPP)*
- *Tamworth Regional Local Environmental Plan 2010*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summaries of Key Matters in the Relevant EPIs and DCPs

EPI	Matters for Consideration	Comply (Y/N)						
B&C SEPP	<p>Chapter Two: Vegetation in non-rural areas Chapter Two of the Biodiversity and Conservation SEPP (B&C SEPP) applies to the development pursuant to clause 2.3 and aims to protect the biodiversity and amenity values of trees within non-rural areas of the state.</p> <p>Part 2.3 has been considered and as development consent is being sought for the removal of vegetation under this development, no further consideration of Chapter Two is required.</p> <p>Chapter Four: Koala Habitat Protection 2021 Chapter Four – Koala Habitat Protection 2021 of the B&C SEPP applies to the development pursuant to clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</p> <p>Table 4: Koala Habitat Assessment</p> <table> <tr> <th>Control</th><th>Development</th><th>Outcome</th></tr> <tr> <td>Clause 4.8 - Does the site have a Koala Plan of Management (KPOM)?</td><td>No</td><td>Assessed under Clause 4.9.</td></tr> </table>	Control	Development	Outcome	Clause 4.8 - Does the site have a Koala Plan of Management (KPOM)?	No	Assessed under Clause 4.9.	Y
Control	Development	Outcome						
Clause 4.8 - Does the site have a Koala Plan of Management (KPOM)?	No	Assessed under Clause 4.9.						

	<table border="1"> <tr> <td data-bbox="419 203 775 293">Clause 4.9 - Does the site have a site area greater than 1.0 Ha or does not have a KPOM</td><td data-bbox="775 203 927 293">Yes</td><td data-bbox="927 203 1238 293">Assessment under B&C SEPP required.</td></tr> <tr> <td data-bbox="419 293 775 1249"> Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat. Note: 'koala habitat' means koala habitat however described in a plan of management under this Chapter or a former Koala SEPP and includes core koala habitat. </td><td data-bbox="775 293 927 1249">No</td><td data-bbox="927 293 1238 1249"> The site is located within the Northern Tablelands Koala Management Area. The BDAR submitted with the DA indicates that as the site contains trees, however surveys of the site did not detect koalas or evidence of koalas within the study area, and there are no recent records indicating the presence of koalas in proximity to the site. Furthermore, vegetation within the area is highly fragmented and as such koalas would need to travel significant distances to access vegetation on the site. The BDAR has subsequently found that the site is not core koala habitat and the proposal will subsequently have a low impact on koala populations. The development is satisfactory under B&C SEPP – able to grant consent. </td></tr> </table> <p>The development has been assessed against the requirements of Chapter Four of the B&C SEPP and it has been determined that the development would meet the requirements and objectives of the B&C SEPP.</p>	Clause 4.9 - Does the site have a site area greater than 1.0 Ha or does not have a KPOM	Yes	Assessment under B&C SEPP required.	Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat. Note: 'koala habitat' means koala habitat however described in a plan of management under this Chapter or a former Koala SEPP and includes core koala habitat.	No	The site is located within the Northern Tablelands Koala Management Area. The BDAR submitted with the DA indicates that as the site contains trees, however surveys of the site did not detect koalas or evidence of koalas within the study area, and there are no recent records indicating the presence of koalas in proximity to the site. Furthermore, vegetation within the area is highly fragmented and as such koalas would need to travel significant distances to access vegetation on the site. The BDAR has subsequently found that the site is not core koala habitat and the proposal will subsequently have a low impact on koala populations. The development is satisfactory under B&C SEPP – able to grant consent.	
Clause 4.9 - Does the site have a site area greater than 1.0 Ha or does not have a KPOM	Yes	Assessment under B&C SEPP required.						
Clause 4.9 - Is the development likely to have any impact on koalas or koala habitat. Note: 'koala habitat' means koala habitat however described in a plan of management under this Chapter or a former Koala SEPP and includes core koala habitat.	No	The site is located within the Northern Tablelands Koala Management Area. The BDAR submitted with the DA indicates that as the site contains trees, however surveys of the site did not detect koalas or evidence of koalas within the study area, and there are no recent records indicating the presence of koalas in proximity to the site. Furthermore, vegetation within the area is highly fragmented and as such koalas would need to travel significant distances to access vegetation on the site. The BDAR has subsequently found that the site is not core koala habitat and the proposal will subsequently have a low impact on koala populations. The development is satisfactory under B&C SEPP – able to grant consent.						
T&I SEPP	<p>Chapter Two: Infrastructure</p> <ul style="list-style-type: none"> • Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the development has been assessed by Essential Energy and Transgrid and is considered acceptable subject to the imposition of conditions of consent. • Section 2.119(2) - Development with frontage to classified road • Section 2.120(2) Impact of road noise or vibration on non-road development • Section 2.122(4) - Traffic-generating development <p>The development has been referred to relevant energy supply authorities (Essential Energy and Transgrid) and Transport for NSW, all of whom have responded with no objections to the development, subject to conditions in the event of approval. Each agency referral response is discussed in greater detail in Table 9 of this report.</p>	Y						
R&H SEPP	<p>Chapter Four: Remediation of Land</p> <p>Chapter Four of the R&H SEPP applies to the site pursuant to clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has</p>	Y						

	<p>considered whether the land is contaminated or requires remediation for the proposed use to be carried out.</p> <p>The site has previously been in agricultural use and therefore has potential for contamination. A Preliminary Site Investigation (PSI) has been prepared by Hanlons and provided with the DA. In summary, the PSI concludes:</p> <p><i>“Based upon the desktop investigations and the outcome of the site survey undertaken, there appears to be minimal to no potentially contaminating activities to have (historically) occurred onsite soil contamination was identified.”</i></p> <p>The development has been assessed by Council's Environmental Health Officer and is considered acceptable subject to the imposition of conditions of consent.</p>							
PS SEPP	<p>State Environmental Planning Policy (Planning Systems) 2021 applies to the development pursuant to Part 2.4 – Regionally Significant Development as the development is classified as regionally significant development under Schedule 6 of the PS SEPP.</p> <p>The PS SEPP applies to the development pursuant to Part 2.4 – Regionally Significant Development as the development is classified as regionally significant development under Schedule 6.</p> <p>Chapter 2: State and Regional Development</p> <p>The development has a CIV of \$51,267,844.10 and is therefore classified as being 'regionally significant development' pursuant to Clause 2.19(1) and Clause 2 of Schedule 6 of Planning Systems in having a CIV of more than \$30 million.</p>	Y						
I&E SEPP	<p>State Environmental Planning Policy (Industry and Employment) 2021</p> <p>The development includes the provision of signage such as entry signage and wayfinding signage. The development has therefore been assessed against the requirement of Clause 3.5 of this SEPP including the requirements of Schedule 5 as provided in Table 5:</p> <p>Table 5: SEPP (Industry and Employment) 2021 Schedule 5 – Assessment Criteria</p> <table><tr><th>EPI</th><th>Matters for Consideration</th></tr><tr><td><p>(1) Character of the area</p><p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p><p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p></td><td><p>The development proposes signage at the entrance to the site from Duri Road to the west which includes features that reflect the agricultural history of the locality and materials that are consistently found in the surrounding area. The proposed signage is considered to accord with this requirement.</p></td></tr><tr><td><p>(2) Special areas</p><p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural</p></td><td><p>There are no known environmentally sensitive areas that will impacted upon by the proposed entrance signage.</p></td></tr></table>	EPI	Matters for Consideration	<p>(1) Character of the area</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The development proposes signage at the entrance to the site from Duri Road to the west which includes features that reflect the agricultural history of the locality and materials that are consistently found in the surrounding area. The proposed signage is considered to accord with this requirement.</p>	<p>(2) Special areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural</p>	<p>There are no known environmentally sensitive areas that will impacted upon by the proposed entrance signage.</p>	Y
EPI	Matters for Consideration							
<p>(1) Character of the area</p> <p>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</p> <p>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</p>	<p>The development proposes signage at the entrance to the site from Duri Road to the west which includes features that reflect the agricultural history of the locality and materials that are consistently found in the surrounding area. The proposed signage is considered to accord with this requirement.</p>							
<p>(2) Special areas</p> <p>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural</p>	<p>There are no known environmentally sensitive areas that will impacted upon by the proposed entrance signage.</p>							

	landscapes or residential areas?	
	<p>(3) Views and vistas</p> <ul style="list-style-type: none"> • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed entrance signage and associated landscaping extends to a maximum 3m above ground level and will not obscure or compromise important views, dominate the skyline and will respect the viewing rights of other advertisers</p>
	<p>(4) Streetscape, setting or landscaping</p> <ul style="list-style-type: none"> • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? 	<p>The development proposes a combination of signage and landscaping to provide for an entry to the site. The arrangement includes a series of hills extending to a maximum 3m above ground level, signage and landscaping. The scale and proportion of the signage is not inconsistent with the scale of existing structures along Duri Road. The entry is considered to contribute to the visual interest of the streetscape and will contribute to the visual interest of the development. Given the entry includes landscaping, ongoing maintenance will be required and will be undertaken as part of the management of communal areas within the development.</p>
	<p>(5) Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed entry sign will be a maximum 3m in height which is consistent with the scale of future development on site.</p>

	(6) Associated devices and logos Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A
	(7) Illumination <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? 	No illumination is proposed.
	(8) Safety <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed signage and entry arrangement will not impact on the safety of the users of Duri Road.

Tamworth Regional Local Environmental Plan 2010

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of EPIs, which includes Local Environmental Plans (LEPs). The TRLEP 2010 applies to all land within the Tamworth LGA. An assessment of the development against the relevant sections of the TRLEP 2010 is provided below:

Table 6: TRLEP 2010 Assessment

TRLEP 2010 Clause	Development	Compliance
Part 1 Preliminary		
Clause 1.2 Aims of Plan	The aims of this clause are as follows: <i>(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,</i>	Yes

	<p>(a) <i>to encourage the orderly management, development and conservation of natural and other resources within the Tamworth region by protecting, enhancing or conserving—</i></p> <p>(i) <i>important agricultural land, and</i></p> <p>(ii) <i>timber, minerals, soil, water and other natural resources, and</i></p> <p>(iii) <i>areas of significance for nature conservation, and</i></p> <p>(iv) <i>places and buildings of archaeological or heritage significance,</i></p> <p>(b) <i>to allow flexibility in the planning framework so as to encourage orderly, economic and equitable development while safeguarding the community's interests and residential amenity,</i></p> <p>(c) <i>to manage and strengthen retail hierarchies and employment opportunities, promote appropriate tourism development, guide affordable urban form and provide for the protection of heritage items,</i></p> <p>(d) <i>to promote ecologically sustainable urban and rural development and control the development of flood liable land, and</i></p> <p>(e) <i>to secure a future for agriculture by expanding Tamworth's economic base and minimising the loss or fragmentation of productive agricultural land.</i></p> <p>The development is generally consistent with the relevant aims of the TRLEP 2010. Specifically, the development will promote a sustainable growth footprint by directing urban development and growth into an appropriate urban footprint, promoting the delivery and maintenance of housing diversity and affordable housing and promoting a strong sense of community, identity and place.</p>	
Clause 1.4 Definitions	The development is defined as subdivision under the TRLEP 2010	Yes
Clause 1.6 Consent Authority	Pursuant to Schedule 2 of the EP&A Act, the NRPP is the consent authority for the development.	Yes
Clause 1.9A Suspension of Covenants, Agreements and Instruments	The site is burdened by transmission easements, predominantly restricted to the northern portion of the site. The design has considered these easement.	Yes
Part 2 Permitted or Prohibited Development		
Clause 2.1 Land use zones	The site is located within the R1 General Residential, R2 Low Density Residential and E1 Local Centre zones.	Yes

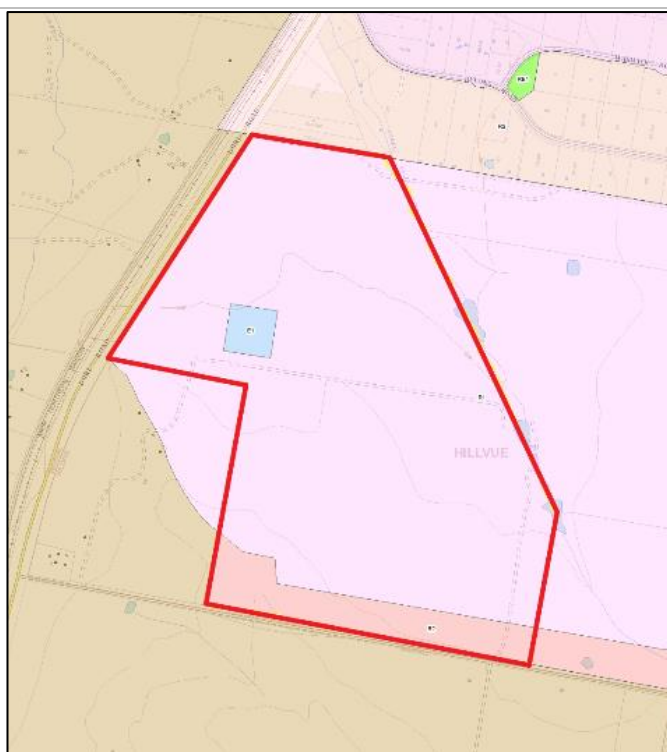


Figure 6: Zoning Map

**Clause 2.3
Zone objectives
and Land Use
Table**

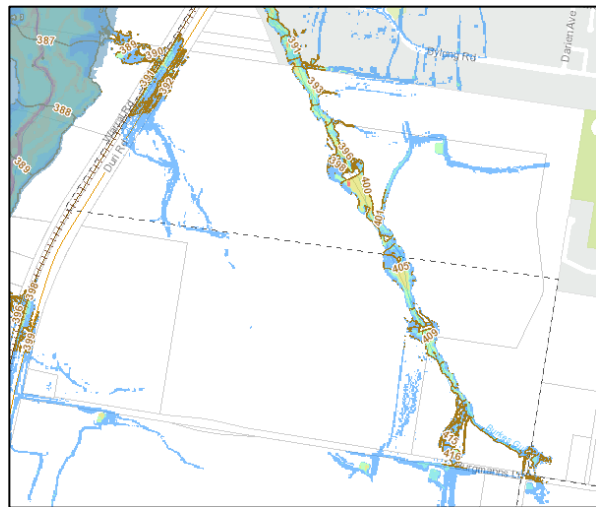
The objectives of the relevant zones are contained within **Table 7** below.

Yes

Table 7: Objectives of the R1, R2 and E1 zones

Zone	Zone objectives	Comments
R1 General Residential	<ul style="list-style-type: none"> To provide for the housing needs of the community. To provide for a variety of housing types and densities. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<ul style="list-style-type: none"> The proposal provides a mixture of lot sizes which can support a variety of housing types and densities to support the housing needs of the community. The proposal includes the creation of 2 public parks, formalisation of the Burkes Gully corridor and a future neighbourhood commercial centre which will meet the day to day needs of the residents.
R2 Low Density Residential	<ul style="list-style-type: none"> To provide for the housing needs of the community within a low-density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	<ul style="list-style-type: none"> The proposal provides a mixture of lot sizes which can support a variety of housing to support the housing needs of the community. The proposal includes the creation of 2 public parks, formalisation of the Burkes Gully corridor and a future neighbourhood commercial centre which will meet the day to day needs of the residents.
E1 Local Centre	<ul style="list-style-type: none"> To provide a range of retail, business and community 	<ul style="list-style-type: none"> The proposal includes residential development that

	<p>uses that serve the needs of people who live in, work in or visit the area.</p> <ul style="list-style-type: none">• To encourage investment in local commercial development that generates employment opportunities and economic growth.• To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.• To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.• To ensure quality of design of buildings and public spaces to achieve a locality that is safe and accessible.• To ensure that the size and function of both retail and commercial facilities are established in accordance with the Council's preferred hierarchy of retail and commercial centres for the region.	<p>will contribute to a future vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area</p>
	<p>The development is considered to be consistent with the objectives of the R1, R2 and E1 zones as demonstrated within Table 7.</p>	
Clause 2.6 Subdivision – Consent requirements	<p>Clause 2.6 applies as the development includes subdivision for which development consent is sought.</p>	<p>Yes</p>
Part 4 Principal Development Standards		
Clause 4.1 Minimum subdivision lot size	<p>The site has minimum lot sizes of 450m² (R1 zone) and 800m² (R2 zone) as referenced in TRLEP 2010. The proposed residential allotments range in size from 467m² to 2034m² and are consistent with the relevant minimum lot size.</p> <p>The area zoned as E1 within the subject land is not subject to a minimum lot size</p>	<p>Yes</p>
Part 5 Miscellaneous Provisions		
Clause 5.10 Heritage conservation	<p>The site is not within a heritage conservation area and has no known European heritage items on site.</p> <p>However, the site contains cultural heritage items along Burkes Gully to the east of the site. An Aboriginal Cultural Heritage Assessment Report (ACHAR) was provided with the development application.</p> <p>The ACHAR was undertaken in accordance with relevant guidelines and included consultation with registered aboriginal parties (RAPs). An Aboriginal Heritage Impact Permit (AHIP) is required to be sought in accordance with requirements of the <i>National Parks and Wildlife Service Act 1974</i> (NPWS Act).</p> <p>A two-day site survey from 31 May to 1 June 2022 with the RAPs to inspect any previously registered sites, identify any previously undetected Aboriginal sites, and evaluate the possible need for further investigation. The survey discovered a number of existing and new artefacts within the site, namely along Burkes Gully. The study conducted an assessment of the significance of the artefacts and concludes that the artefacts are of low to moderate significance.</p>	<p>Yes</p>

	To enable surface collection of identified artefacts to ensure no harm occurs, an AHIP is required to be sought under the NPWS Act.													
Clause 5.21 Flood planning	<p>The subject site is subject to overland stormwater flooding, rather than riverine flooding. This is largely restricted to Burkes Gully as shown below.</p>  <p>Figure 7 – Extract of Flood Map from Council GIS</p> <p>Before granting development consent the consent authority must consider the following matters:</p> <table><tr><th>Clause</th><th>Comment</th></tr><tr><td>(2)(a) is compatible with the flood function and behaviour on the land.</td><td>The proposal is compatible with the flood function and behaviour on the land.</td></tr><tr><td>(2)(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.</td><td>The proposed development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties. The development will control overland stormwater flow via detention basin and pipe drainage infrastructure.</td></tr><tr><td>(2)(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.</td><td>All lots and roads have been designed to ensure safe evacuation routes in the event of a flood.</td></tr><tr><td>(2)(d) incorporates appropriate measures to manage risk to life in the event of a flood.</td><td>The proposal includes 8 offline detention basins. Flooding is mainly restricted to Burkes Gully with the detention basins and piped drainage system assisting in controlling overland stormwater flows which will improve flood resilience.</td></tr><tr><td>(2)(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</td><td>The proposal will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</td></tr></table>	Clause	Comment	(2)(a) is compatible with the flood function and behaviour on the land.	The proposal is compatible with the flood function and behaviour on the land.	(2)(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.	The proposed development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties. The development will control overland stormwater flow via detention basin and pipe drainage infrastructure.	(2)(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.	All lots and roads have been designed to ensure safe evacuation routes in the event of a flood.	(2)(d) incorporates appropriate measures to manage risk to life in the event of a flood.	The proposal includes 8 offline detention basins. Flooding is mainly restricted to Burkes Gully with the detention basins and piped drainage system assisting in controlling overland stormwater flows which will improve flood resilience.	(2)(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	The proposal will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	Yes
Clause	Comment													
(2)(a) is compatible with the flood function and behaviour on the land.	The proposal is compatible with the flood function and behaviour on the land.													
(2)(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties.	The proposed development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties. The development will control overland stormwater flow via detention basin and pipe drainage infrastructure.													
(2)(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.	All lots and roads have been designed to ensure safe evacuation routes in the event of a flood.													
(2)(d) incorporates appropriate measures to manage risk to life in the event of a flood.	The proposal includes 8 offline detention basins. Flooding is mainly restricted to Burkes Gully with the detention basins and piped drainage system assisting in controlling overland stormwater flows which will improve flood resilience.													
(2)(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	The proposal will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.													

	(3)(a) the impact of the development on projected changes to flood behaviour as a result of climate change.	The proposal will not have a negative impact to flood behavior as a result of climate change.							
	(3)(b) the intended design and scale of buildings resulting from the development.	No buildings are proposed as part of this application.							
	(3)(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood.	All lots and roads have been designed to ensure safe evacuation routes in the event of a flood.							
	(3)(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	No buildings are proposed as part of this application.							
Part 6 Urban release areas									
Clause 6. 1- Arrangements for designated State public infrastructure	The site is located within an Urban Release Area (URA) which requires satisfactory arrangements to be made for the provision of designated State public infrastructure. A Planning Agreement between the Secretary of the Department of Planning, Housing and Infrastructure and MAAS Group Properties Arcadia Pty Ltd, dated 7 June 2024.								
6.2 Public utility infrastructure	<p>Sewerage The site is currently serviced by a sewer connection. Each lot will be serviced with reticulated sewer.</p> <p>Water The site is currently serviced by a water connection. Each lot will be serviced with reticulated water.</p> <p>Electricity The proponent would seek approval from Essential Energy to enable the extension and supply of electricity.</p> <p>Telecommunications The proponent would seek approval from NBN Co. to enable the supply of telecommunication infrastructure.</p>		Yes						
Part 7 Additional Local Provision									
Clause 7.1 Earthworks	<p>The site requires the removal of vegetation via site regrading and earthworks to facilitate road construction, allotment grading and to facilitate the installation of associated infrastructure.</p> <p>Before granting development consent for earthworks the consent authority must consider the following matters:</p> <table><tr><th>Clause</th><th>Comment</th></tr><tr><td>a) The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</td><td>A Stormwater Management Strategy prepared by Premise was submitted as part of the development application. The development has been assessed by Councils Development Engineer and is not considered to impact on drainage patterns or soil stability.</td></tr><tr><td>b) The effect of the development on the likely future use or redevelopment of the land,</td><td>The development is consistent with the identified future use of the land and will not impact its potential future re-development.</td></tr></table>		Clause	Comment	a) The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	A Stormwater Management Strategy prepared by Premise was submitted as part of the development application. The development has been assessed by Councils Development Engineer and is not considered to impact on drainage patterns or soil stability.	b) The effect of the development on the likely future use or redevelopment of the land,	The development is consistent with the identified future use of the land and will not impact its potential future re-development.	Yes
Clause	Comment								
a) The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,	A Stormwater Management Strategy prepared by Premise was submitted as part of the development application. The development has been assessed by Councils Development Engineer and is not considered to impact on drainage patterns or soil stability.								
b) The effect of the development on the likely future use or redevelopment of the land,	The development is consistent with the identified future use of the land and will not impact its potential future re-development.								

	<table><tr><td>c) The quality of the fill or the soil to be excavated, or both,</td><td>The development proposes to utilise existing soil on site where available. Should any external fill be required, this is to meet the relevant Australian standards as a condition of consent.</td></tr><tr><td>d) The effect of the development on the existing and likely amenity of adjoining properties.</td><td>The development is unlikely to impact on the existing and likely amenity of adjoining residential and non-residential properties.</td></tr><tr><td>e) The source of any fill material and the destination of any excavated material</td><td>The source or destination of any fill material will be considered at the final engineering design stage.</td></tr><tr><td>f) The likelihood of disturbing relics,</td><td>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was provided with the development application and reviewed by Heritage NSW. The ACHAR identifies that archaeological test excavations were undertaken on site identifying a very low frequency of stone artefacts present. The report also identified that Aboriginal objects including surface stone artefacts will be impacted by the development, The artefact sites are to be subject to surface salvage under an Aboriginal Heritage Impact Permit as mitigation against impact from the development. This approach is considered acceptable by Heritage NSW.</td></tr><tr><td>g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</td><td>The development is considered acceptable subject to the imposition of conditions of consent.</td></tr><tr><td>h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,</td><td>Appropriate measures are required as a condition of consent.</td></tr><tr><td>i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.</td><td>This is discussed in detail in point f).</td></tr></table>	c) The quality of the fill or the soil to be excavated, or both,	The development proposes to utilise existing soil on site where available. Should any external fill be required, this is to meet the relevant Australian standards as a condition of consent.	d) The effect of the development on the existing and likely amenity of adjoining properties.	The development is unlikely to impact on the existing and likely amenity of adjoining residential and non-residential properties.	e) The source of any fill material and the destination of any excavated material	The source or destination of any fill material will be considered at the final engineering design stage.	f) The likelihood of disturbing relics,	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was provided with the development application and reviewed by Heritage NSW. The ACHAR identifies that archaeological test excavations were undertaken on site identifying a very low frequency of stone artefacts present. The report also identified that Aboriginal objects including surface stone artefacts will be impacted by the development, The artefact sites are to be subject to surface salvage under an Aboriginal Heritage Impact Permit as mitigation against impact from the development. This approach is considered acceptable by Heritage NSW.	g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The development is considered acceptable subject to the imposition of conditions of consent.	h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,	Appropriate measures are required as a condition of consent.	i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.	This is discussed in detail in point f).	
c) The quality of the fill or the soil to be excavated, or both,	The development proposes to utilise existing soil on site where available. Should any external fill be required, this is to meet the relevant Australian standards as a condition of consent.															
d) The effect of the development on the existing and likely amenity of adjoining properties.	The development is unlikely to impact on the existing and likely amenity of adjoining residential and non-residential properties.															
e) The source of any fill material and the destination of any excavated material	The source or destination of any fill material will be considered at the final engineering design stage.															
f) The likelihood of disturbing relics,	An Aboriginal Cultural Heritage Assessment Report (ACHAR) was provided with the development application and reviewed by Heritage NSW. The ACHAR identifies that archaeological test excavations were undertaken on site identifying a very low frequency of stone artefacts present. The report also identified that Aboriginal objects including surface stone artefacts will be impacted by the development, The artefact sites are to be subject to surface salvage under an Aboriginal Heritage Impact Permit as mitigation against impact from the development. This approach is considered acceptable by Heritage NSW.															
g) The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The development is considered acceptable subject to the imposition of conditions of consent.															
h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,	Appropriate measures are required as a condition of consent.															
i) The proximity to and potential for adverse impacts on any heritage item, archaeological site, or heritage conservation area.	This is discussed in detail in point f).															
7.6 Development in flight path	No proposed structures will exceed the prescribed 45 metre OLS height standard applying to the site.	Yes														
7.12 Minimum dwelling density	<p>The site is identified as land which a minimum density requirement applies.</p> <p>Before granting development consent the consent authority must consider the following matters:</p> <table><tr><th>Clause</th><th>Comment</th></tr><tr><td>(a) will result in at least the dwelling density shown for the land on the Dwelling Density Map, and</td><td>The proposal will enable for the 10 dwelling per hectares to be achieved. The proposal includes a variety of lot sizes, including englobo lots, which</td></tr></table>	Clause	Comment	(a) will result in at least the dwelling density shown for the land on the Dwelling Density Map, and	The proposal will enable for the 10 dwelling per hectares to be achieved. The proposal includes a variety of lot sizes, including englobo lots, which	Yes										
Clause	Comment															
(a) will result in at least the dwelling density shown for the land on the Dwelling Density Map, and	The proposal will enable for the 10 dwelling per hectares to be achieved. The proposal includes a variety of lot sizes, including englobo lots, which															

		<p>will support a mixture of housing types.</p> <p>A Restriction to User pursuant to 88E of the Conveyancing Act 1919 will be placed on the title of each lot to nominate each future development must comply with clause 7.12 and each standard housing lot is limited to 1 ET for sewer. The medium density and englobo lots have been allocated ET's based on compliance with minimum density requirement of 10 dwellings per hectare.</p> <p>This is to ensure future development complies with clause 7.12 whilst also maintaining the sewer capacity to fully realise the development.</p>	
	(b) will not result in more than the restricted dwelling yield.	<p>The proposal includes the creation of 957 lots which could support a dwelling/s. Furthermore, this application does not seek consent for the construction of any dwellings. Therefore, the proposal does not exceed the restricted dwelling yield of 1370 dwellings.</p> <p>A Restriction to User pursuant to 88E of the Conveyancing Act 1919 will be placed on the title of each lot to nominate each future development must comply with clause 7.12 and each standard housing lot is limited to 1 ET for sewer. The medium density and englobo lots have been allocated ET's based on compliance with minimum density requirement of 10 dwellings per hectare.</p> <p>This is to ensure future development complies with clause 7.12 whilst also maintaining the sewer capacity to fully realise the development.</p>	

(b) Section 4.15(1)(a)(ii) – any draft Environmental Planning Instruments that has been notified

Section 4.15(1)(a)(ii) of the EP&A Act requires the consent authority to consider the provisions of draft EPIs that have been publicly exhibited.

The Planning Proposal for the Phase 1 Review of the TRLEP 2010 was placed on public exhibition from 5 June 2024 to 5 July 2024. The Planning Proposal for the Phase 1 Review of the TRLEP 2010 has been considered.

(c) Section 4.15(1)(a)(iii) – any Development Control Plan

Section 4.15(1)(a)(iii) of the EP&A Act requires Council to consider the provisions of any development control plan.

The development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Tamworth Regional Development Control Plan 2010 (TRDCP 2010). An assessment of relevant development controls is contained within **Table 8** below.

Table 8: Assessment of relevant DCP Provisions

Provision	Requirement	Proposal	Comply
Step 2 Subdivision Controls			
Servicing Strategy & Preliminary Engineering Designs	All DAs to provide a servicing strategy that the subdivision can be feasibly serviced in accordance with Council guidelines.	The development includes a servicing strategy and can be feasibly serviced in accordance with Council guidelines.	Yes
	The strategy is to include evidence that the developer has consulted with the water supply authority that the availability and capacity of the system is consistent with the likely future use of the land.	Complies.	Yes
	The strategy shall include evidence that the developer has consulted with Council to obtain available information in relation to stormwater catchments, capacities and preferred solutions.	Complies.	Yes
	New estates shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure.	Complies.	Yes
Sewer	The servicing strategy including preliminary engineering designs shall identify the method of providing sewer to the proposed lots in accordance with the Council's Engineering Guidelines	Details of sewer provision to all sites is provided as part of the engineering documents.	Yes
	Residential lots are to be serviced by gravity sewer.	Complies.	Yes
	Reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m ² .	Complies.	Yes
Water	The Servicing Strategy including preliminary engineering designs to identify the method of providing water to proposed lots in accordance with the Council Guidelines.	Complies.	Yes
	Reticulated water (public utility supply) is to be supplied to subdivisions where the Lot Size Map specifies a minimum lot size of up to and including 2 hectares.	Complies.	Yes

Stormwater Drainage	The servicing strategy, including preliminary engineering designs shall include consideration of flows up to the 1 in 100 year ARI for existing natural flow, existing developed flow and post developed flow.	The servicing strategy has included consideration of flows up to the 1 in 100 year ARI.	
	Minor flows are to be designed to a 1 in 5 year ARI.	Complies	yes
	Location of major flows are to be defined to a designated overland flow path up to a 1 in 100 year ARI. Where the path traverse's private property, it shall be dedicated as a drainage reserve UNLESS a natural drainage line (as indicated by blue line on the topographic map).	Complies	yes
	Detention basins are not a preferred solution.	The development proposes the provision of eight detention basins. This has been considered by Council's Development Engineer and is considered acceptable and is consistent with the structure plan.	Yes
	Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.	Complies	Yes
Telecommunications	Telecommunications are to be provided for each lot in accordance with the requirements of the provider.	Complies, subject to recommended conditions in the event of approval.	Yes
Electricity	The subdivision is to be serviced by underground electricity where the Lot Size Map specifies a minimum lot size of up to and including 2 hectares.	All new electrical infrastructure will be underground. The existing 132KV Transgrid and the 66KV Essential Energy electrical infrastructure will remain above ground.	Yes
Lot size	"Lot Size Map" and Clause 4.1 of TRLEP 2010 2010 prescribe the minimum lot sizes for all new allotments.	The development achieves the minimum lot sizes in accordance with this control.	Yes
	Residential lots must be able to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback (note: no concession to a second street frontage for setbacks).	Complies	Yes

	Easements are not to encumber more than 10% of the total area of the lot where the Lot Size Map specifies a minimum lot size of up to and including 2000m ² .	<p>Lots 919, 924, 925 and 929 which are located in the northern portion of the site do not comply with this control, in respect to the existing 45m wide (variable) easement for energy transmission.</p> <p>In this regard, the lots have been designed to accommodate a standard dwelling. A condition of consent requires a building envelope to be created at registration and located outside of the easement for energy transmission and be able to accommodate a standard dwelling and detached outbuilding</p>	No
Battle-axe shaped lots	Minimum area for battle-axe shaped lot is 800m ² excluding access handles. This control does not apply to dual occupancy or multi dwelling housing developments.	Complies	Yes
	In Zones R1, R2, R5 and RU5 access handles shall be a minimum width of 4.5m, of which 3m is to be constructed and sealed with reinforced concrete, asphaltic concrete or interlocking pavers at the time of subdivision.	The majority of the battle axe lot complies with this control, however Lots 167, 168, 551, 552, 907 and 908 have an access handle width of 3.2m-3.5m. Council does not raise an issue with the reduction; however a Right of Carriageway must be created over the access handles of Lots 167, 168, 551, 552, 907 and 908. This has been included as a condition of consent.	No
	Where subdivision comprises part of a proposal for a dual occupancy or multi dwelling housing, access handles shall be a minimum width of 4.5m, of which 3m is to be constructed and sealed with reinforced concrete, asphaltic concrete or interlocking pavers. The works shall be completed prior to issue of an Occupation Certificate or a Subdivision Certificate, whichever occurs first.	No dwellings proposed as part of this development.	N/A
	The topography of the site may require installation of kerbing to manage overland stormwater.	Noted	N/A

	No more than two Torrens title lots shall share a battle-axe handle access. This control does not apply to multi dwelling housing developments.	Complies	Yes
Road Network Design	A TIA is to include an assessment of the proposed subdivision and impacts on the adjacent existing road network.	The development includes a Traffic Impact Assessment.	Yes
	The road hierarchy shall be defined.	The road hierarchy is defined.	Yes
	Road network design should include consideration of vehicular, pedestrian and cyclist safety. This should include the restricted/controlled use of four-way intersections, the standards for staggered-T intersections, the speed environment created by the road network and the risk to safety created by the design.	The road network design is considered acceptable. The proposal requires construction of a roundabout on Duri Road which is supported by TfNSW. This is discussed in further detail in Table 9.	
	Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement.	The development incorporates bicycle paths and sufficient opportunity for pedestrian and bicycle movement.	Yes
	The alignment, width and design standard for all roads shall be in accordance with the expected traffic volume, type of traffic and desired speed in accordance with the Council's Engineering Guidelines for Subdivisions and Development.	The proposed road network has been assessed by Council's Development Engineer and is considered to achieve the required design standards.	Yes
	Kerb and gutter is required for subdivision where the Lot Size Map specifies minimum lot sizes up to 2000m ² .	The development is required to have kerbing and guttering as a condition of consent.	Yes
	Road pavement requirements will be determined based on vehicle movements (both current and future) and with consideration to the existing development and character of the locality. Generally, sealed pavement will be required where the Lot Size Map specifies a minimum lot size of up to 5 hectares.	Noted	N/A
	Where a proposed allotment adjoins both an existing road and a new road within a subdivision, the existing road must be upgraded to the standard nominated by Council's Engineering Design Guidelines	Noted.	N/A

	for Subdivisions and Developments.		
	A road within a residential subdivision servicing 15 lots or more must include a constructed pedestrian footpath.	Pedestrian footpaths are required to be provided as a condition of consent.	Yes
	Subdivision layouts shall make provision for road connection to adjoining undeveloped land.	Complies	Yes
	Subdivision design shall ensure that individual allotments are within 400m walking distance of a collector road.	All allotments are within 400m walking distance of a collector road.	Yes
	Roads to be designed having regard to both the topography of the site and the requirements of stormwater overland flow paths.	The road network is considered to have regard to both the topography of the site and the requirements of stormwater overland flow paths.	Yes
Staged subdivision	Where subdivision is proposed to be carried out in a number of stages, these shall be identified, and information supplied as to the manner in which staging of all infrastructure will occur (roads, water, sewer and stormwater drainage).	<p>The development includes a staged subdivision and the application proposes to apply for Subdivision Works Certificates (SWCs) as determined at the time (subject to market conditions) for the relevant extents of civil works to be constructed and/or developed.</p> <p>The SWC plan set would identify a staging sequence and where appropriate, the termination of roads, temporary turning heads, capping of services, temporary stockpile of material, for example.</p> <p>This application does not propose the erection of residential or commercial buildings.</p> <p>The proposed residue lots are subject to assessment as separate/future DAs. This proposed arrangement is considered acceptable in this instance.</p>	Yes
Cul-de-sac	Radius of a cul-de-sac bowl in a residential subdivision shall not be less than 10m.	Complies.	
	Design must accommodate stormwater drainage overland flow paths.	The design incorporates stormwater drainage overland flow paths.	Yes

	Alternate cul-de-sac configuration is not permitted (e.g. hammer-head" or "Y" shapes).	Noted	N/A
	Temporary cul de sac heads should be within the road reserve. They are not permitted to be located within private property.	Noted	N/A
	Temporary cul de sac heads on Collector Roads (or major roads through a development) must cater for 12.5m service vehicles to cater for school buses and garbage trucks.	Noted	N/A
Landscaping	Subdivision involving new road construction shall include street tree planting of suitable species.	The development proposes tree planting along the proposed roads.	Yes
	Landscape plans shall be provided for all dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function.	The development includes landscaping of dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function.	Yes
Site Access	A right of carriageway, Crown Road, Forestry Road or Travelling Stock Route (TSR) are not acceptable as the primary access to an allotment and will only be allowed in extenuating circumstances.	Not proposed.	N/A
Lot Orientation	Where residential subdivision involves a road running north-south, allotments are to be designed to provide solar access for future development.	The lot layout has been designed to provide solar access for future development.	Yes
	Orientation shall minimise potential overshadowing impacts of existing and future buildings.	The lot orientation minimises potential overshadowing impacts of existing and future buildings.	Yes
Open Space	Open space provision within residential subdivision will be determined compliance with the provisions of the Section 94 Plan or Site Specific Design Criteria.	Noted	N/A
	Where required, subdivision design must provide open space achieving the following criteria: Minimum area of 0.5ha; <ul style="list-style-type: none"> Buffered from main roads and identified hazards for improved safety; 	Compliant	Yes

	<ul style="list-style-type: none"> o Safely accessible by pedestrian and cycleway links; o Connectivity maximised between open space; o Walkable access to highest number of the population; o High passive surveillance opportunities; o Minimum slope; and o Provide complimentary uses of open space (drainage, conservation, cycleways etc) that ensures ongoing usability. 		
Vegetation	The design shall accommodate the retention of any significant trees and vegetation.	The development proposes the retention of significant trees and vegetation.	Yes
Garbage Collection	Road design must accommodate the legal movement of garbage collection vehicles.	The road network can accommodate garbage collection vehicles.	
	Allotments are to allow for placement of garbage receptacles for collection within the alignment of that lot.	Allotments have sufficient space to accommodate garbage collection.	
	Temporary turning facilities shall be provided to facilitate garbage collection services.	Temporary bitumen sealed turning circles of sufficient radius to allow a 12.5-metre-long service vehicle to turn around in one movement shall be provided outside the end of all roads where future stages of development are proposed.	
Contamination	All subdivision DAs are to include consideration of potential land contamination.	Refer to the assessment of SEPP (Resilience and Hazards) 2021.	Yes
Road Widths	Road widths are specified in the Engineering Design Guidelines for Subdivision and Development.	Noted	N/A
Step 3 Other Types of Development Controls			
Step 4 Site Specific			
Development on Flood Affected Land			
Access	Flood free vehicle access is required for all lots created by subdivision.	The development is located on flood prone land and has been assessed by Council's development engineer. It is confirmed that flood free access is provided for all lots.	Yes
	For development of existing lots, where flood free vehicle access is not possible, the development	N/A	N/A

	must be able to achieve safe wading criteria as specified in Figure L1 of the Flood Planning Manual.		
General Development Requirements	No building or work (including land filling, fencing, excavation) shall be permitted on flood affected land where in the opinion of Council, such building or work will obstruct the movement of floodwater or cause concentration or diversion of floodwaters.	The proposed works are considered acceptable.	Yes
	DA must demonstrate the building or structure can withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate.	Buildings are not proposed.	N/A
	A survey plan prepared by a registered surveyor showing existing ground levels, finished ground levels, finished floor levels, flood levels and location of existing/proposed buildings and safe evacuation path on the site relative to AHD.	A survey plan is included in the development application.	Yes
	All materials used in construction shall be flood compatible.	To comply where applicable (subject to conditions in the event of approval).	Yes
Subdivision	Residential subdivision will not be permitted where any lot to be created will be fully inundated by a 1% ARI event and the creation of such lot will create the potential for increased intensity of development on flood liable land.	All lots are located above the 1% ARI event.	Yes
Arcadia Estate			
Subdivision	Subdivision proposals must be generally consistent with the prevailing subdivision pattern shown in Figures 1 and 2.	The proposed subdivision arrangement is generally consistent with the prevailing subdivision pattern.	Yes
	Where residential development adjoins land zoned RE1 Public Recreation or a drainage/natural corridor (Burkes Gully Corridor), lots are to be designed to enable a future dwelling to front the open space or Burkes Gully Corridor.	The subdivision pattern has been designed to enable future dwellings to front the Burkes Gully Corridor.	Yes
	Where smaller lots are proposed they are encouraged be located close to the neighbourhood centre, public transport or adjacent to high amenity areas	Smaller lots are proposed to be located close to amenity areas including district parks.	Yes

	such as the Burkes Gully corridor or parks.		
	An alternative lot orientation may be considered where other amenities such as views and outlook over open space are available, and the design demonstrates appropriate solar access and overshadowing outcomes on adjoining lots	N/A	N/A
	All corner lots should be an adequate size to cater for a dual occupancy development.	All corner lots are of a sufficient size to accommodate dual occupancy development.	Yes
Density	All applications for residential subdivision and the construction of residential buildings are to demonstrate that the development meets or contributes to the net minimum residential density of 10 dwellings/ha.	The lot area of a typical residential lot is proposed at around 600m ² across the subdivision which can warrant a net minimum residential density of 10 dwellings per hectare.	Yes
	A variety of lot sizes and housing types are encouraged to be developed throughout the area to cater for the growing needs of the community.	This development is for subdivision only however the lot sizes can accommodate a range of housing types.	Yes
Traffic, Access & Road Network	Figure 6 identifies key intersections with the treatments for the identified intersections to be determined in consultation with Council staff to ensure a functional road network.	The proposed key intersections have been assessed by Council's Development Engineer and is considered to ensure a functional road network.	Yes
	No Local Roads are to be longer than 250 metres without an intersection and/or traffic calming treatment.	All local roads are either provided with sufficient intersections to calm traffic or would be provided with treatments to calm the traffic within the neighbourhood. Traffic calming measures would be demonstrated at detailed design phase, to enable full coordination with proposed services and infrastructure.	Yes
	Traffic calming measures are to be implemented in suitable locations to reduce vehicle speeds. Traffic calming measures include passive measures such as narrowing, minimising widths of road pavements, designation of slow speed streets and use of rumble strips at pedestrian crossing points and intersections.	The road network within the subdivision is proposed generally in accordance with the Structure Plan and DCP and comprises short streets and adequate intersections to calm the traffic. Where traffic calming measures would be required, this would be demonstrated at detailed design	Yes

		phase, to enable full coordination with proposed services and infrastructure.	
	Where two Local Road Type B (9m Carriageway) intersect each other, it must be identified how on-street parking will be managed to ensure that service vehicles can operate unimpeded.	On-street parking and service vehicle analysis would be demonstrated at SWC stage, where swept path analysis and parking space buffers would apply from each intersection (where required).	Yes
	The principle of water sensitive urban design are to be considered in the road network for any new streets.	<p>Principles of water sensitive urban design have been considered in the road network to:</p> <ul style="list-style-type: none"> • protect and enhance natural watercourses and their associated ecosystems and ecological processes; and • maintain, protect and/or rehabilitate modified watercourses and their associated ecosystems and ecological processes towards a natural state. <p>This is considered acceptable.</p>	Yes
	The intersection treatments for the identified key intersections shall be designed in consultation with Council staff to ensure a functional road network.	The intersection treatments for the identified key intersections have been reviewed by Council's Development Engineer and are considered acceptable.	Yes
	Direct individual lot access onto Werris Creek Road/Duri Road and Burgmanns Lane is not permitted.	No lots have access to Werris Creek Road/Duri Road. Prior to issue of a Subdivision Certificate, a Restriction of User pursuant to Section 88B of the Conveyancing Act 1919 must be registered on Lots 7, 8, 9, 24, 25, 41, 42, 43, 57, 58, 59, 73, 74, 75, 92, 93, 94, 148, 149 and 959 to identify direct access to Burgmanns Lane is prohibited.	Yes
	Persons creating allotments adjoining Burgmanns Lane are required to create restrictions on the use of land under Section 88B of the Conveyancing Act 1919 to legally deny direct vehicular access onto Burgmanns Lane.	All lots adjoining Burgmanns Lane will be restricted from creating a direct vehicular access. Prior to issue of a Subdivision Certificate, a Restriction of User pursuant to Section 88B of the Conveyancing Act 1919 must be registered on Lots 7, 8, 9, 24, 25, 41, 42, 43, 57, 58, 59, 73, 74, 75, 92, 93, 94, 148, 149 and	Yes

		959 to identify direct access to Burgmanns Lane is prohibited.	
Pedestrian & Cycleways	Cycleways, shareways and other pedestrian facilities are to be generally consistent with Figure 14.	Pedestrian and cycleways have been provided throughout the proposed subdivision and are generally in accordance with the structure plan.	Yes
Public Open Space	Any subdivision development will require Public Open Space provisions in accordance with Figure 8 and the Arcadia Section 7.11 Contributions Plan.	Noted	N/A
	<p>Parks are to be generally located in accordance with Figure 14 and should include:</p> <ul style="list-style-type: none"> ○ 2 parks to be located in western section each with an area of 2.5ha; and ○ 1 park to be located in eastern section with an area of 3ha. 	<p>The two parks in the western section of Arcadia Precinct are located in accordance with Figure 14 and are adequately sized.</p> <p>Concept details are provided in the landscape master plan for each park.</p>	Yes
	Any subdivision development will require Public Open Space provisions in accordance with the Arcadia Section 7.11 Contributions Plan.	The development includes public open space provisions in accordance with the Arcadia Section 7.11 Contributions Plan.	Yes
	Areas surrounding the public open space and Burkes Gully corridor are encouraged to include provisions which would contribute to the amenity, such as a café or the like.	The R1 zoned land permits a variety of land uses, which could contribute to the offering of amenity and services to support the users of public open space.	Yes
	Stormwater detention and retention basins will be considered in areas designated as Public Open Space where the active and passive use of the space will not be diminished. Storage of excess water from events up to and including the critical 10% AEP shall be contained in underground structures, with excess storage from more infrequent events being allowed "above ground" via bubble-up structures or alternative approved mechanisms.	Noted	N/A
Landscaping & Street Trees	A Landscape Plan must be submitted as part of lodgement of a development application for subdivision or medium density development.	A landscape plan has been submitted.	Yes

	A Landscape Plan must detail the species selected, maturity at planting, location and ultimate height.	Details of the species selected, quantity, maturity at planting, location and ultimate height are provided in the Landscape Documentation.	Yes
	Street trees are required for all streets and each lot as shown in Figure 7. Council's Urban Street Tree Management Plan is a guide for suitable tree species selection.	Trees are provided on all streets across the subdivision, consistent with the Structure Plan and Council's Engineering Design Minimum Standards for Subdivisions & Developments.	Yes
	Development applications for future dwellings located around the perimeter of Arcadia Estate are to include landscaping treatments to assist in providing buffers to adjoining land uses.	This is to be addressed in future development applications.	Yes
Burkes Gully	The Burkes Gully corridor must be generally consistent with Figures 15 and 16.	The proposed basin's locations, footpath connectivity, vegetation improvement and road layouts are generally consistent with the design guide.	Yes
	The Burkes Gully corridor must have a minimum width of 100m for its entirety. This is measured 50m either side of the Burkes Gully ephemeral drainage line.	The Gully corridor has been provided with adequate width of more than 50m on the western side of the ephemeral drainage line.	Yes
	The 100m minimum width does not take into consideration the placement of the offline basins wholly within the 100m wide corridor. It will be likely in some location's basins will be partially located outside of the corridor which will assist in providing greater amenity by reducing a "gun barrel "effect.	Eight detention basins have been provided in locations separate from the ephemeral drainage line. Basins act as dual purpose (stormwater detention and a vegetated green space), which is proposed adjacent to the pedestrian network which runs through the Burkes Gully corridor. Where substantial (wooded) vegetation is plating around the basins, it transitions to other rehabilitation planting that is also proposed within the Gully Corridor.	Yes
	Basins along the Burkes Gully corridor shall be designed to maximise usable passive recreational area and to maintain continuity of pedestrian access.	Footpaths and other amenity offerings (seating, shade structures etc.) have been proposed along the Gully corridor to facilitate use recreational use of the Gully as well as maintain pedestrian access continuity around and through the proposed subdivision.	Yes

	Stormwater basins adjacent to Burkes Gully must be designed as offline structures.	All proposed basins are designed off the main ephemeral drainage line, therefore classed as offline basins.	Yes
	All roads are to be located outside of the Burkes Gully corridor.	All roads are to be located outside the corridor.	Yes
	The use of Burkes Gully as passive recreation is encouraged and details of footpaths, cycleways, seating, and other facilities are to be shown on the submitted plans.	Noted	Yes
	Existing trees must be retained within Burkes Gully corridor. Council will only consider the removal of a tree under exceptional circumstances where it can be demonstrated that all other options have been exhausted.	Select trees are required to be removed within the Burkes Gully corridor, to allow for the construction and operation of drainage basins and the future through road to Arcadia East. Substantial vegetative improvement works are proposed (with a vegetation management plan) to offset the impacts generally of the trees proposed to be removed.	Yes
Drainage	Basins and spillways are to be designed to minimise risk to downstream properties in the event of overtopping or failure.	The basins and spillways are designed to reduce the likelihood of adverse impact to downstream areas. A Stormwater Management Report and Servicing Strategy is provided with the development application demonstrating this.	Yes
	The upstream batters on the basins are to be designed acknowledging safety and passive recreation consideration, especially with respect to batter slopes. Steep sided basins should be avoided wherever possible.	Steep sided basins are avoided in the basins designs to ensure the safety and passive recreation of the facilities.	Yes
Water	All lots must be serviced by reticulated water in accordance with the Development Servicing Plan.	Reticulated water supply is proposed to all allotments.	Yes
	The south-west corner (hatched blue in Figure 1) cannot be supplied with mains water above the 425m contour. The design of these lots will need to ensure a portion of the future lots are below the 425m contour to suitably site a water meter. The remainder of	All proposed residential allotments are to be located below the 425m contour.	Yes

		the lot would be serviced via private pump system.		
Sewer		All lots must be serviced by gravity connection to reticulated sewer in accordance with the Development Servicing Plan.	Sewerage service would be provided to each allotment in accordance with the Development Servicing Plan.	Yes
		A sewer pump station and low-pressure sewer systems would not be supported by Council for the provision of sewer services for the Arcadia Estate.	No sewer pump station or low pressure sewer system is proposed by the development.	N/A
		The south-west corner (hatched red in the Structure Plan) has sewer servicing constraints. If gravity sewer cannot be provided to this area, on-site sewer systems will be permitted only on lots greater than 4000m ² . Building Envelopes must be registered on the title of any lot greater than 4000m ² to restrict the placement of a dwelling in order to not restrict the future subdivision of the lot if gravity sewer is available in the future.	The hatched red area in the Structure Plan is proposed by the development as residue lot with no building envelopes proposed under the DA.	Yes
Significant Vegetation	Woodland	Removal of vegetation within the Burkes Gully corridor identified as Significant Woodland Vegetation will only be considered if supported by a report prepared by a suitably qualified ecologist and arborist.	Minor impacts occur to vegetation identified as significant woodland trees to facilitate the construction and operation of drainage basins. A Biodiversity Development Application Report (BDAR) has been submitted with the development application and has been assessed by the Biodiversity, Science and Conservation Division. The proposed tree removal is considered acceptable.	Yes
		Any activities that may impact on the integrity of the habitat vegetation including under-storey clearing must be avoided.	With the exception of a small area of vegetation impacted for infrastructure works, the majority of the existing habitat vegetation would be unchanged, therefore maintaining integrity.	Yes
Soil/Ground Vulnerability	Water	Some areas within the precinct may be affected by the presence of groundwater vulnerability and potential soil salinity which can result in the corrosion of concrete, as well as the deterioration of metal, masonry and bituminous structures/products.	The site is not mapped as being subject to groundwater vulnerability or potential soil salinity.	N/A

	Further analysis may be required from a suitably qualified person indicating that consideration has been given to the possible of groundwater vulnerability in the structural design and construction of future development within the area.	N/A	N/A
Aboriginal Cultural Heritage Significance	Indigenous heritage items, including culturally modified trees (scarred), have been identified as being located within the Arcadia Estate. This may limit development within these locations which are to be kept clear of any works, road works or residential development. Appropriate respectful management of the sites will be required.	An Aboriginal Cultural Heritage Assessment Report has been prepared, in conjunction with site inspections undertaken by AREA and Registered Aboriginal Parties. Where items would be impacted by the development footprint, an AHIP is required.	Yes
	Consultation with the Tamworth Aboriginal Lands Council shall be undertaken prior to any works commencing within the area.	Consultation with Tamworth Local Aboriginal Land Council (LALC) has occurred to date.	Yes
Acoustic Control	An acoustic report from a suitably qualified acoustic engineer must be submitted with a development application for any subdivision of lots along Burgmanns Lane. The report must take into consideration Burgmanns Lane forming part of the future Western Freight Link (Figure 17).	An Acoustic Assessment was provided with the development application. The report takes into account Burgmanns Lane forming part of the future Western Freight Link.	Yes
	Development of lots adjoining Burgmanns Lane should comply with AS3671 Acoustics – Road traffic noise intrusions – Building siting and construction.	Noted. The development does not involve the erection of residential dwellings. A recommended condition of consent requires a Restriction to User to be registered on Lots 7, 8, 9, 24, 25, 41, 42, 43, 57, 58, 59, 73, 74, 75, 92, 93, 94, 148, 149 and 959 to identify that future dwelling must be constructed to comply with the requirements specified in Section 4.2 of the Acoustic Assessment Report.	Yes
Environment	Existing trees are to be incorporated within the lots. Dwelling configurations and ground level should ensure existing tree health and longevity.	The majority of existing trees are to be retained on site where possible and incorporated within the lots.	Yes
Neighbourhood Centre	The neighbourhood centre corridor must be generally consistent with Figure 18.	Specific works associated with the neighbourhood centre is not proposed	Yes

		within this application.	
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S7.11 Development Contributions

The development site is located in an area subject to Tamworth Regional Council Arcadia Section 7.11 Development Contributions Plan 2018. The following S7.11 contributions are applicable on a per lot basis:

Description	Contribution (\$)
Roads	\$3691.00 per lot
Open Space and Recreation	\$4220.50 per lot
Plan Preparation and Administration	\$158.00 per lot
TOTAL	\$8,069.50

All contributions shall be paid prior to the release of a subdivision certificate.

In accordance with the Tamworth Regional Council Arcadia Section 7.11 Development Contributions Plan 2018, Lots 958 and 960 must be dedicated to Council as public reserves as part of the release of the relevant stage. Any land which is dedicated to Council, must be in a condition which is suitable for its intended public purpose and is to be cleared of all rubbish and debris and have a separate title.

Water Management Act 2000 – Water & Sewer Headwork's Charges:

Council's Development Engineering Division have advised that the following headworks contributions are applicable:

- a) Water - \$10,599 per additional lot; and
- b) b) Sewer - \$6,900 per additional lot.

The above amounts have been adopted under the 2024/2025 Annual Operation Plan. The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of subsequent Annual Operation Plans.

(d) Section 4.15(1)(a)(iia) – any planning agreement entered into or offered under section 7.4

A Planning Agreement between the Secretary of the Department of Planning, Housing and Infrastructure and MAAS Group Properties Arcadia Pty Ltd has been entered into to satisfy Clause 6.1 of the TRLEP 2010 as the subject site is located in a nominated urban release area.

(e) Section 4.15(1)(a)(iv) – the Regulations

The *Environmental Planning and Assessment Regulation 2021* requires the consent authority to consider requirements including the provisions of the Building Code of Australia and Australian Standards with respect to demolition. Appropriate conditions of consent will be recommended as required.

4.2 Section 4.15(1)(b) – Likely impacts of development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- **Construction** – The construction stage of the development will have the potential to impact on adjoining properties and the environment for a short period of time. Any approval is conditioned to ensure construction activities do not unreasonably impact on the adjoining properties and the environment by way of noise, erosion, dust and the like.

- **Cumulative impacts** – Cumulative impacts relate to the small impacts of developments in an area that when considered in unison can result in detrimental impact on the natural or built environment. It is considered that with adherence to recommended conditions of consent that the proposal will not give rise to any adverse cumulative impacts.
- **Aboriginal heritage** – Numerous Aboriginal artefacts have been identified on site along Burkes Gully. An ACHAR has been provided by the Applicant which details how the development will seek to minimise impacts on Aboriginal heritage. A detailed assessment of this is provided in this report. The impact is considered acceptable.
- **Biodiversity** - The proposal will directly impact 153.28 ha of native vegetation, of which, 151.86 ha is considered to occur in low condition and 1.28 ha is planted. Approximately 0.14 ha of impacts are proposed to the White box - Yellow box - Blakely's Red Gum Grassy Woodland ecological community listed as Critically Endangered under the *Environment Protection Biodiversity Conservation Act 1999*. The proposed direct impacts are minor (0.14 ha) and 0.66 ha of the listed community will be retained under the current proposal. The Proponent has avoided or minimised impacts where possible by retaining a significant vegetation corridor along Burkes Gully and the western boundary which are proposed to be revegetated with native vegetation.

During construction, biodiversity impacts would be managed through pre-clearing surveys, tree protection measures, and ensuring plant maintenance and refuelling occur away from watercourses and riparian zones. The mitigation measures identified in the submitted Biodiversity Development Assessment Report (BDAR) are conditioned to be included in the construction site management plan. Nonetheless, the proposal would have residual impacts after implementation of mitigation measures. The Proponent is required to offset these impacts, in accordance with the Biodiversity Offsets Scheme (BOS). The requirement to offset the impact forms part of the conditions of consent.

4.3 Section 4.15(1)(c) – Suitability of the site

As discussed throughout this report, the site is suitable for the proposed development as it is located in an urban release area, which will be in the future be well serviced by shops, commercial, transport, recreational and general amenity facilities. The subdivision is supported by the Regional Plan 2041, Blueprint 100, Parts 1 and 2 (Local Strategic Planning Statement 2020) and Site Specific Arcadia Precinct development controls. There are no known environmental constraints or land use restrictions that would make the development prohibitive. Finally, as established throughout this report, there are no perceivable negative impacts from the proposal.

4.4 Section 4.15(1)(d) – Public submissions

Section 4.15(1)(d) of the EP&A Act requires Council to consider “any submissions made in accordance with this Act or the regulations”.

The development was notified to adjoining and nearby landowners in accordance with the requirements of the Tamworth Regional Community Participation Plan 2019. Council did not receive any submissions objecting to the development.

4.5 Section 4.15(1)(e) – Public interest

Section 4.15(1)(e) of the EP&A Act requires Council to consider “the public interest”. The development satisfactorily addresses Council’s criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. The proposal is located in a urban growth area and will provide additional housing to the wider community consistent with the objectives and actions of the Regional Plan 2041 and Council’s LSPS 2021 and will provide additional housing to the wider community. Approval of the development would be in the public interest.

5 REFERRALS AND SUBMISSIONS

5.1 Agency referrals and concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 9.

Table 9: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act)			
DPE - Biodiversity, Conservation and Science	EP&A Regulation 2021, s38 (Amendment of development application)	<p>BCS reviewed the submitted BDAR and raised issue with the combination of three streamlined assessment modules used across the development site, instead of application of the full Biodiversity Assessment Method (BAM) 2020. The applicant was requested to provide further justification for the streamlined assessment. A response was provided, however BCS still raised issue with the ability to remain under the 1ha threshold for streamlined assessment. The applicant subsequently applied the full BAM to 152ha of the proposed development, and the Streamlined Assessment Module - Planted Native Vegetation for 1.28ha of planted native vegetation. BCS reviewed the updated BDAR and were satisfied.</p> <p>Furthermore, BCS consider that the planted vegetation could be reasonably assigned to Plant Community Type (PCT) 599 based on canopy structure, ground cover and site geography. A condition of consent requiring the retirement of ecosystem credits has been included in the recommended conditions of consent.</p>	The development has been assessed in respect of biodiversity impacts and is considered acceptable as demonstrated within this report.
Transport for NSW	EP&A Regulation 2021, s38 (Amendment of development application)	<p>TfNSW advised that the proposed roundabout on Duri Road, which is relied upon for providing access to the subject residential subdivision, is not supported. TfNSW preference is for roundabouts to be located in 60km speed environments where Duri Road has a current posted speed limit of 100km. TfNSW advised, the speed limit on Duri Road is unlikely to change in the short/long term due to the distance from the 60km/h speed limit fronting Bryan Martin Park Hillvue, and lack of roadside development that may support a change to travel conditions.</p> <p>Following multiple meetings between Council, TfNSW and the developer an addendum report to the Traffic Impact Assessment was submitted which provided further SIDRA analysis of traffic volumes and level of service associated with the T-Intersection and roundabout options. Furthermore, TfNSW advised the developer to submit a written request seeking in-principle support for a speed zone reduction.</p> <p>The addendum report investigated three intersection treatments for the access to Arcadia Estate from Duri Road following the referral response from TfNSW which included;</p> <ul style="list-style-type: none"> • Duri Road access as a T-Intersection; • Duri Road access as a single land roundabout; and • Duri Road access as a two lane roundabout. <p>The addendum report found that</p>	The development has been assessed in respect of traffic impacts and is considered acceptable. Conditions have been included in the recommended conditions of consent requiring construction of a roundabout on Duri Road.

		<ul style="list-style-type: none"> The T-Intersection could only support the development of 55% of Arcadia West only; Whilst the operation of the single lane roundabout at the intersection on Duri Road is satisfactory for the afternoon peak hour, the development of 100% of Arcadia West and Arcadia East has excessive queue lengths, saturation limitations and LOS restrictions for the morning peak hour for the intersection operating as a single lane roundabout; and For the operation of the intersection on Duri Road as a two lane roundabout, all movements at the intersection for the AM and PM peak hour operate at a Level of Service A and the intersection will operate satisfactorily for the development of up to 100% of the Arcadia West and Arcadia East subdivision. <p>In order for a two lane roundabout to be supported by TfNSW the speed limit must be reduced to at least 80km.</p> <p>Following review of the additional justification provided by the applicant, TfNSW provided in-principal support for a reduction of the 100 km/h speed zone on Duri Road to 80 km/h. The 80km/hr zone would be for a 3km stretch from the existing 60km/hr zone on Duri Road to 500 metres past Burgmanns Lane which will encompass the proposed roundabout intersection.</p>	
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Referral/Consultation Agencies

Transport for NSW (TfNSW)	SEPP (Transport and Infrastructure) 2021, s2.122 (Traffic-generating development)	Refer to above	Refer to above
Essential Energy (EE)	SEPP (Transport and Infrastructure) 2021, s2.48	No objections raised, subject to the inclusion of the recommended conditions and advisory notes in the condition of consent.	The development is acceptable subject to the imposition of conditions of consent.
TransGrid	SEPP (Transport and Infrastructure) 2021, s2.48	No objections raised, subject to the inclusion of the recommended conditions and advisory notes in the condition of consent.	The development is acceptable subject to the imposition of conditions of consent.
Tamworth Aboriginal Land Council	-	<p>The TLALC requested further detail in relation to the following;</p> <ul style="list-style-type: none"> How has the design and layout considered other opportunities to modify the layout to avoid impacting identified sites; Provide detail on how the recommendations within the ACHAR will be implemented; 	The development is acceptable subject to the imposition of conditions of consent.

		<ul style="list-style-type: none"> • Provide information regarding community awareness program for fulfilling recommendations in ACHAR; and • Concerns regarding the incremental and continuous destruction of Aboriginal cultural heritage across the Tamworth Regional LGA <p>The design includes a 100m corridor along Burkes Gully to protect and maintain as much natural terrain as possible. Civil works will be required in some of this corridor for detention basins and other infrastructure, however the majority will be left undisturbed.</p> <p>The ACHAR has documented the findings from site walkovers, subsequent test excavation and ongoing consultation with RAPs. As part of the AHIP process active consultation with RAPs must occur over determining the suitability of location for reburial of artefacts and interpretation of the area.</p> <p>The recommended mitigation measures during construction have been included in the condition in the consent to form part of the construction site management plan.</p> <p>Council will continue to work with the Local Aboriginal Land Council to consider the wider cumulative impacts arising from development of Tamworth.</p>	
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Integrated Development (S 4.46 of the EP&A Act)

DPE - Heritage NSW	National Parks and Wildlife Act 1974 s.90	<p>Heritage NSW reviewed the submitted ACHAR and requested additional information for the following;</p> <ul style="list-style-type: none"> • Consultation records have not been presented. • Results of the archaeological survey including survey coverage and a map of survey units have not been presented. • Archaeological test excavation has been recommended along Burkes Creek where there will be impacts by the proposed works in the ACHAR but test excavation results have not been presented. <p>An amended ACHAR was submitted by the applicant, however did not fully address all the requirements of the first request for additional information, namely around consultation with RAPs and archaeological test excavations. A further ACHAR was submitted which identified that Aboriginal objects including surface stone artefacts site will be impacts by the proposed development. The artifacts are proposed to be subject to surface salvage under an AHIP as mitigation against harm from the proposal. Fencing of portions of the boundary area has been proposed to ensure harm does not occur to Aboriginal objects located outside of the application area.</p> <p>Following review of the amended ACHAR, Heritage NSW issued GTA's.</p>	The development is acceptable subject to the imposition of general terms of approval.
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Department of Planning and Environment- Water	Water Management Act 2000 s91 controlled activity	No objections raised, subject to the inclusion of the GTA's	The development is considered acceptable subject to the imposition of general terms of approval.
Rural Fire Service	Rural Fires Act - S.100B	<p>NSW RFS reviewed the submitted bushfire assessment report and amended bushfire assessment report and requested additional information for the following;</p> <ul style="list-style-type: none"> • The consideration of the proposed managed grassland and stormwater detention basins along the northern portion of Burkes Gully as managed land has not been sufficiently justified. • Perimeter roads have not been proposed to the extent required by Planning for Bush Fire Protection. • Numerous Lots cannot achieve compliance with Planning for Bush Fire Protection due to the inability to provide the appropriate Asset Protection Zones on the Lot with an acceptable building envelope. • Detailed plan which shows the lots which will not comply with Planning for Bushfire Protection and will require a restriction to user preventing construction of a dwelling. • The adjoining lands to be identified as "grasslands" and not "managed lands". <p>An amended bushfire assessment report was submitted by the applicant, which showed an amended lot layout to ensure all lots located on the permitter of the subdivision had sufficient size to allow an Asset Protection Zone (APZ) to be located wholly within private property. The report also demonstrated all future dwelling will be able to comply with AS3959-2018 and achieve BAL-29 or less based on the APZs. Therefore, with the amendment to the lot layout, permitter roads are not required nor APZs to be located on adjoining lots in order to comply with Planning for Bushfire Protection 2019. Lots identified on the plan which will not comply with PBP until the adjoining land is developed will have restriction to users placed on the title prohibit the erecting of a dwelling until such time the adjoining land is considered managed.</p> <p>The NSW RFS issued GTA's on 17 October 2024.</p>	The development is considered acceptable pending the receipt of the general terms of approval.

5.2 Council officer referrals

The development application has been referred to various Council officers for technical review as outlined **Table 10**.

Table 10: Consideration of Council Referrals

Officer	Comments	Resolved
Development Engineer	The applicant provided additional information regarding access onto Duri Road, traffic numbers, road reserve widths	The development is acceptable subject to the

	<p>and stormwater calculations. Council's Development Engineering is satisfied.</p> <p>Therefore, no objection is raised, subject to the inclusion of the recommended conditions of consent.</p>	imposition of conditions of consent.
Environmental Planner	<p>The applicant provided additional information regarding the acoustic controls for Burgmanns Lane. Council's Environmental Planner is satisfied with the submitted Preliminary Site Investigation.</p> <p>Therefore, no objections were raised, subject to the inclusion of the recommended conditions of consent.</p>	The development is acceptable subject to the imposition of conditions of consent.
Contributions Planner	<p>The proposed development is subject to the provisions of the Arcadia S.7.11 Contributions 2018. The dedication of open space/parkland is satisfactory both in terms of location and size is consistent with the Arcadia S.7.11 Contributions 2018.</p> <p>No objections raised, subject to the inclusion of the recommended conditions of consent.</p>	The development is acceptable subject to the imposition of conditions of consent.
Parks and Horticulture	<p>All plantings to be in line with Tamworth Regional Council's Urban Street Tree Management Guide. Open Space to be developed in line with the Open Space Management Guide.</p> <p>No objections raised, subject to the inclusion of the recommended conditions of consent.</p>	The development is acceptable subject to the imposition of conditions of consent.

5.3 Community consultation

The development was publicly notified in accordance with the Tamworth Regional Council Community Participation Plan 2019 (CPP) and the provisions of Environmental Planning and Assessment Regulations 2021 (EP&A Regulation). The notification period was for 28 days between 10 February 2023 and 10 March 2023 to the properties highlighted in **Figure 8**. No submissions were received.

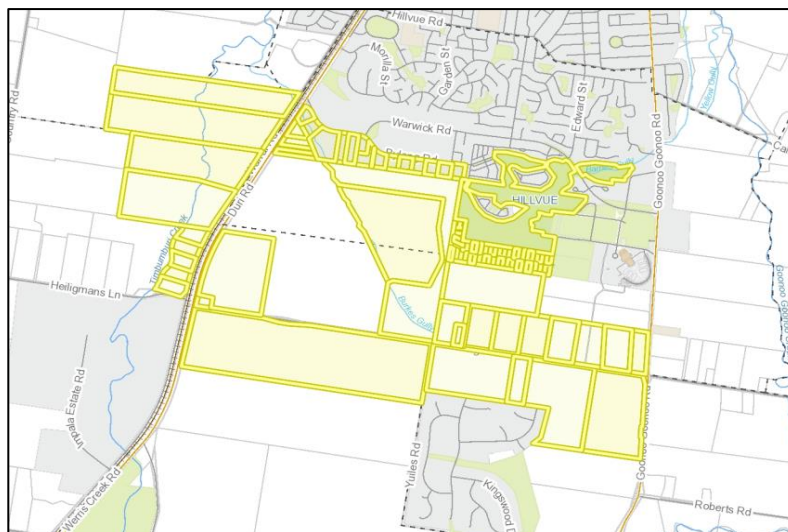


Figure 8 – Notification map.

The development application is nominated as Integrated Development and has been assessed under the relevant State Environmental Planning Policies, TRLEP 2010 and TRDCP 2010. This assessment found that the development generally satisfies the controls and requirements of these instruments and does not warrant refusal and can be managed by way of conditions of consent.

The other relevant matters for consideration under Section 4.15 of the Act have also been considered and the development is considered suitable for the site. The submissions from agencies have been considered and conditions recommended where appropriate, and no public submissions were received that related to this development.

There are no significant public interest concerns resulting from the development. The development is recommended for conditional approval. It is considered that the key issues as outlined in this report have been resolved satisfactorily through recommended draft conditions contained in **Attachment A**.

7 RECOMMENDATION

That the Development Application DA2023/0232 for subdivision of One Lot into 961-lot Torrens Title subdivision, associated infrastructure (roads, servicing, stormwater management, and detention basins), external intersection upgrade works, and ancillary works including minor removal of vegetation, earthworks, landscaping, estate signage, and two recreational (public park) areas at Duri Road, Tamworth, be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the recommended conditions of consent attached to this report at **Attachment A**.

8 ATTACHMENTS

The following attachments are provided:

- **Attachment A – Recommended Conditions of Consent**



Mitch Gillogly

Team Leader – Strategic Planning, Tamworth Regional Council

18 October 2024



San Lobsey

Manager – Development, Tamworth Regional Council

18 October 2024