

**ANTHONY
DAINTITH**
TOWN PLANNING

STATEMENT OF ENVIRONMENTAL EFFECTS



CLIENT:	AT & L
PROPOSAL:	Subdivision (Windradyne Stage 1100) – 205 lots
ADDRESS:	Governors Parade, Windradyne
DATE:	22 May 2020

DESCRIPTION: Subdivision – 205 lots

CLIENT: AT & L

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Version	Date	Description	By
1.0	23 August 2018	Draft	AD
2.0	20 September 2018	Approved	AD
3.0	5 October 2018	Revised	AD
4.0	15 October 2018	Revised	AD
5.0	13 March 2019	Revised	AD
6.0	4 May 2019	Revised	AD
7.0	14 May 2019	Revised	AD
8.0	23 May 2019	Revised	AD
9.0	22 May 2020	Revised	AD

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Anthony Daintith (Principal)
Date: 22 May 2020

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1. BACKGROUND

1.1 Introduction

AT & L has engaged Anthony Daintith Town Planning (ADTP) to prepare a Statement of Environmental Effects (SOEE) to support a Development Application to Bathurst Regional Council, for a proposed 205 lot subdivision of Lot 1126 DP 1215618, Governors Parade, Windradyne.

The purpose of this document is to:

- Describe the existing environment;
- Outline the proposed development;
- Consider relevant statutory matters; and
- Make conclusions and recommendations for Councils consideration.

The development application consists of the following components:

- Completed DA form;
- Statement of Environmental Effects;
- Traffic Report;
- Flora and Fauna Assessment; and
- Subdivision Plans.

1.2 Applicant and Owner

The applicant is Bathurst Regional Council.

The registered owner of the subject land is Bathurst Regional Council. The owner has provided their written consent to the lodgement of the Development Application.

2. SUBJECT LAND

2.1 Location and Title

The site is located on Lot 1126 DP 1215618, located within the Bathurst Regional Council LGA and the total site area is approximately 40.65 Ha. Existing access to the site is via Richardson Street to the south and Governors Parade to the north.

2.2 General Site Description

Topography

The site generally slopes down from south-east (approximate RL 708.5) to the north and Sawpit Creek (approximate RL 685.5). with a change in elevation from 703 to 690 m AHD on sloping terrain with easterly, northerly and westerly aspects

Geology

Based on the 1:250,000 Geological Maps prepared by Geoscience Australia, the proposed development site is underlain by:

- Bathurst Granite (Coarse grained and porphyritic biotite granite).

NSW Geology Plus (2018) maps the whole site as I-type granites, dating from the Carboniferous. The soils in Bathurst (ba, Residual) are non-calcic brown soils on the hills with yellow solodic soils on the lower slopes and in drainage lines. Sands of mottled yellow solodic soils also occur (OEH 2018).

Land Capability

The site is listed as having a land capability class 5, which is non-arable land suitable for grazing but not cultivation (LLS 2018). The site is not mapped as bushfire-prone land (RFS 2018).

Vegetation

The majority of the property lacks a tree or shrub layer. It currently exists with mostly groundcover and is undeveloped.

Waterways

There are three drainage lines that transect the property, one along the eastern boundary of the property and one that runs south-north on the western side. Both converge with Sawpit Creek, a tributary of the Macquarie

River, that flows south-north along the western boundary outside the subject land. There is a farm dam south of the development footprint.

Buildings

The site is vacant of buildings.

2.3 Surrounding Land Use

Land surrounding the development site consists of agriculture to the west, urban residential to the north and east, and large lot residential to the south. Remnant vegetation in proximity to the development site remains scattered along Sawpit Creek and along drainage lines and within the urban residential area to the east

The existing site is bound by:

- Mitchell Highway to the south;
- Sawpit Creek to the west; and
- Existing residential properties to the east and north.

Photos 1 to 4 provide a visual representation of the site.

Figure 1: Locality Map

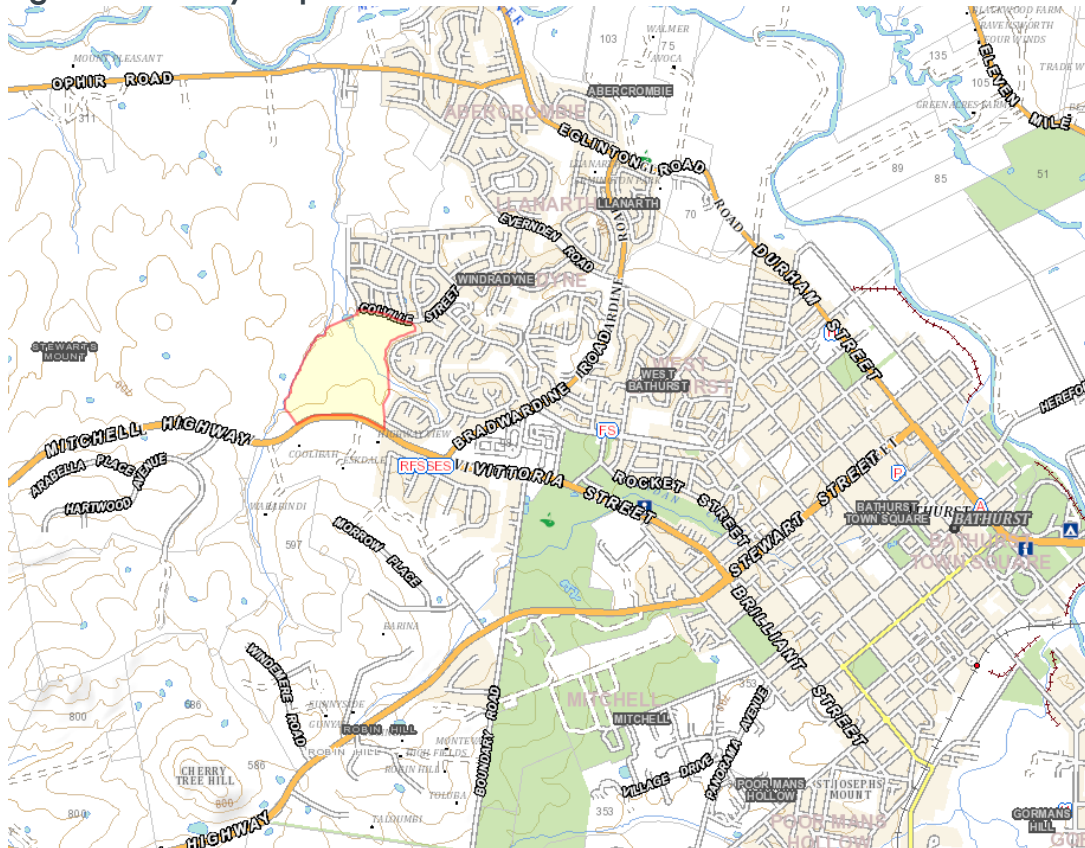


Figure 2: Aerial Photo



Photo 1: Subject land looking north from the southern boundary



Photo 2: Subject land looking east



Photo 3: Subject land looking west from the eastern portion



Photo 4: End of Governors Parade (to be extended)



3. PROPOSAL

The proposed subdivision consists of 205 allotments (and 1 residue lot with a number of new proposed internal roads and the extension of Governors Parade & Richardson Street providing access to the residential lots.

The proposed allotment sizes satisfy the requirements specified in the Councils Local Environmental Plan and Development Control Plan.

The proposed sizes of the allotment range from 551.7m² to 1134.4m² and are larger than the minimum lot size requirement of 550m².

Each lot will be fully serviced (reticulated water & sewer, gas, electricity and telecommunications).

Subject to market conditions, the subdivision will be constructed in two stages.

Refer to the subdivision plan for greater details.

Figure 3: Proposed Subdivision Layout



4. TOWN PLANNING CONSIDERATIONS

Pursuant to Section 4.15 (formerly Section 79C) of the *Environmental Planning and Assessment Act 1979*, the following matters must be taken into consideration when assessing a development application:

4.15 Evaluation

(cf previous s 79C)

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 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*
 - (iiia) *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 the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*

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.*

(a)(i) The provisions of any environmental planning instrument

LOCAL ENVIRONMENTAL PLANS

BATHURST REGIONAL LOCAL ENVIRONMENTAL PLAN 2014

Applicable LEP Clauses

Zone R1 General Residential

1 Objectives of zone

- 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.
- To provide housing choice and affordability by enabling opportunities for medium density forms of housing in locations and at densities that complement the surrounding residential environment.
- To protect and conserve the historic significance and scenic quality of the urban villages of Eglinton, Raglan and Perthville.
- To enable commercial development that is compatible with the amenity of the area and does not prejudice the status and viability of the Bathurst central business district as the retail, commercial and administrative centre of Bathurst.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home businesses; Home occupations; Roads

3 Permitted with consent

Attached dwellings; Boarding houses; Child care centres; Community facilities; Dwelling houses; Food and drink premises; Garden centres; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighbourhood shops; Places of public worship; Plant nurseries; Residential flat buildings; Respite day care centres; Roadside stalls; Semi-detached dwellings; Seniors housing; Shop top housing; Waste or resource transfer stations; Any other development not specified in item 2 or 4

4 Prohibited

Air transport facilities; Amusement centres; Boat building and repair facilities; Correctional centres; Crematoria; Depots; Electricity generating works; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Intensive livestock agriculture; Open cut mining; Restricted premises; Retail premises; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Wholesale supplies

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To protect and conserve the historical and scenic quality of Bathurst's open space areas.
- To provide a network of open space that encourages walking and cycling.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Intensive plant agriculture; Roads

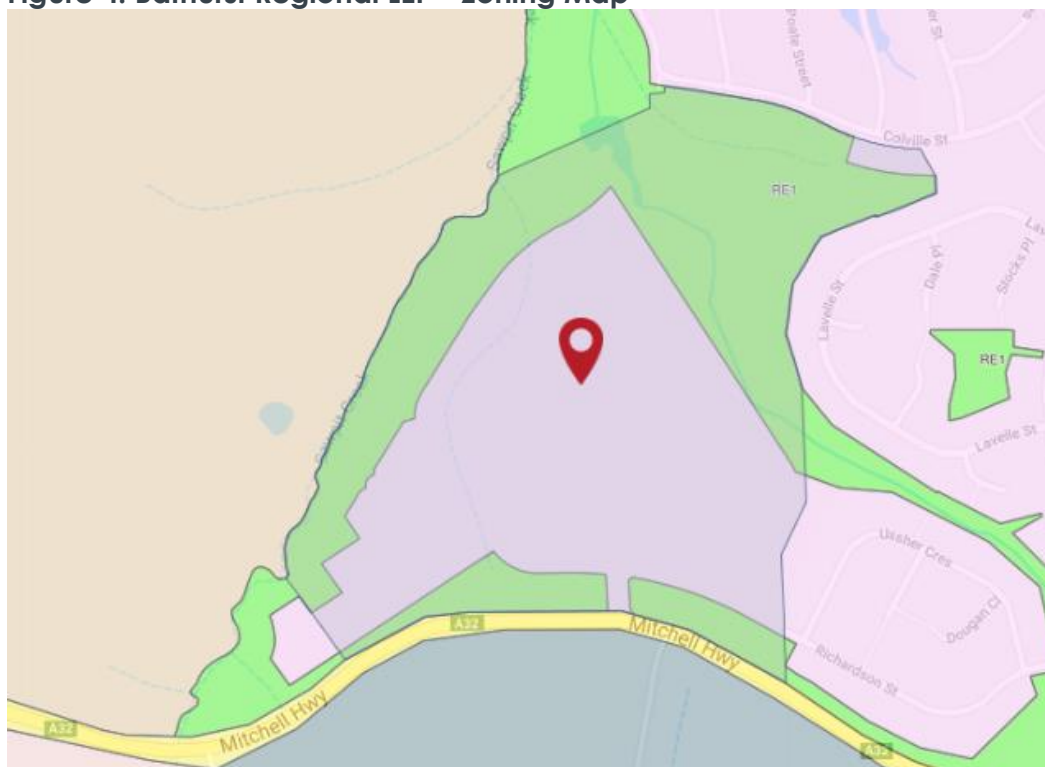
3 Permitted with consent

Boat launching ramps; Camping grounds; Car parks; Caravan parks; Cemeteries; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Extractive industries; Flood mitigation works; Food and drink premises; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Markets; Open cut mining; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roadside stalls; Sewerage systems; Signage; Waste or resource transfer stations; Water recreation structures; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Figure 4: Bathurst Regional LEP - Zoning Map



Comment

The subject land is zoned R1 General Residential & RE1 Public Recreation under the provisions of the *Bathurst Regional Local Environment Plan 2014*. All of the lots are within the R1 General Residential zone.

The proposed subdivision is permissible subject to the consent of Council via the lodgement of a Development Application.

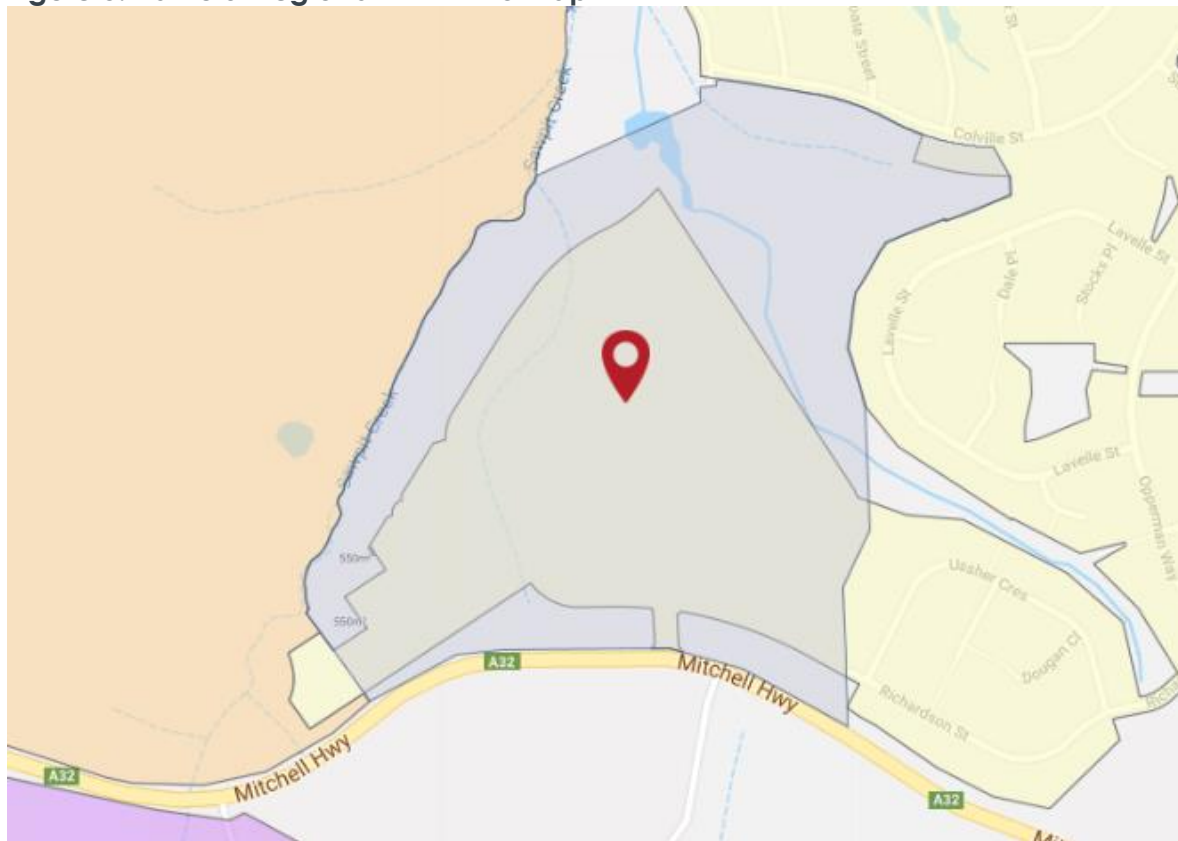
As detailed throughout this report, the proposed subdivision can generally be shown to be consistent with the relevant objectives of the zone.

4.1 Minimum subdivision lot size

- (1) The objectives of this clause are as follows:
- (a) to protect and enhance the production capacity of rural lands, by maintaining farm sizes and the status of productive lands,
 - (b) to ensure residential lots are of a suitable shape and size to provide a building envelope, private open space and suitable building setbacks for acoustic and visual privacy,
 - (c) to control the subdivision of land shown on the Lot Size Map for the purposes of a dwelling house,
 - (d) to ensure that lot sizes are consistent with the desired settlement density and intensities for different localities and reinforce the predominant subdivision pattern of the area,
 - (e) to ensure a secure water supply is available to land in Zone RU4 Primary Production Small Lots to enable the cultivation of land by irrigation.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (3A) Despite subclause (3), development consent must not be granted to the subdivision of land in Zone RU4 Primary Production Small Lots unless the consent authority is satisfied that a suitable and secure water supply is, or will be, available for irrigation to each resulting lot to enable the cultivation of the land.
- (3B) Despite subclause (3), the size of any lot resulting from the subdivision of land identified as "Area 1" on the Lot Size Map must not be less than 4,000 square metres if:
- (a) reticulated water and sewerage will be connected to each resulting lot immediately following the subdivision, and
 - (b) the land is not within the 50dBA Noise Contour shown on the Mount Panorama Environs Map.

- (3C) *Despite subclause (3), the size of any lot resulting from the subdivision of an existing holding identified as "Area 1" on the Lot Size Map must not be less than 4,000 square metres if:*
- (a) *reticulated water and sewerage will not be connected to each resulting lot immediately following the subdivision, and*
 - (b) *not more than 1 lot is created for every 1.5 hectares of the existing holding.*
- (3D) *A lot created under subclause (3C) may not be further subdivided.*
- (3E) *Despite subclause (3), the size of any lot resulting from the subdivision of land identified as "Area 2" on the Lot Size Map must not be less than 6,000 square metres if reticulated water and sewerage will be connected to each resulting lot immediately following the subdivision.*
- (3F) *Despite subclause (3), a battle-axe lot resulting from the subdivision of the following land must not be less than:*
- (a) *if the land is in Zone R1 General Residential—750 square metres, or*
 - (b) *if the land is in Zone R1 General Residential and in the village of Eglinton, Perthville or Raglan—900 square metres, or*
 - (c) *if the land is in Zone R2 Low Density Residential—750 square metres.*
- (3G) *For the purpose of calculating the size of a battle-axe lot under subclause (3F), the area of the access handle is excluded.*
- (3H) *In this clause existing holding means the area of a lot as it was on 2 September 1988.*
- (4) *This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.*

Figure 5: Bathurst Regional LEP - MLS Map



Comments

The MLS under the LEP for the site is 550m². All lots comply.

STATE ENVIRONMENTAL PLANNING POLICYS

STATE ENVIRONMENTAL PLANNING POLICY NO 55—REMEDiation OF LAND

Council must consider Clause 7 of the SEPP when determining a Development Application:

7 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless:
- (a) it has considered whether the land is contaminated, and
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Comment

The potential for contamination appears minimal. In terms of potential soil contamination, the subject land has been evaluated for:

- Evidence of previous mining activity;
- Evidence of existing and previous dip sites and other associated infrastructure;
- Evidence of orcharding or any other horticultural activities; and
- Vegetative and other features which could indicate possible soil contamination.

Accordingly, it is recommended that a detailed investigation is not necessary or warranted in this instance.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

104 Traffic-generating development

(1) *This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

- (a) *new premises of the relevant size or capacity, or*
- (b) *an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) *In this clause, relevant size or capacity means:*

- (a) *in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

(3) *Before determining a development application for development to which this clause applies, the consent authority must:*

- (a) *give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) *take into consideration:*
 - (i) *any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) *the accessibility of the site concerned, including:*

- (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
- (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

Schedule 3 Traffic generating development to be referred to the RMS

Column 1	Column 2	Column 3
Purpose of development Note. The development may be the erection of new premises or the enlargement or extension of existing premises	Size or capacity—site with access to any road	Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)
Apartment or residential flat building	300 or more dwellings	75 or more dwellings
Area used exclusively for parking or any other development having ancillary parking accommodation	200 or more motor vehicles	50 or more motor vehicles
Commercial premises	10,000m ² in area	2,500m ² in area
Commercial premises and industry	15,000 m ² in area	4,000m ² in area
Drive-in theatres	200 or more motor vehicles	50 or more motor vehicles
Drive-in take away food outlets	200 or more motor vehicles	Any size or capacity
Educational establishments	50 or more students	
Freight intermodal facilities and freight terminals	Any size or capacity	
Heliports, airports or aerodromes	Any size or capacity	
Hospital	200 or more beds	100 or more beds
Industry	20,000m ² in area	5,000m ² in area
Landfill, recycling facilities, waste transfer station	Any size or capacity	
Motor showrooms	200 or more motor vehicles	50 or more motor vehicles
Parking	200 or more motor vehicles	50 or more motor vehicles
Places of assembly or places of public worship	200 or more motor vehicles	50 or more motor vehicles

Premises licensed under the <i>Liquor Act 1982</i> or the <i>Registered Clubs Act 1976</i>	200 or more motor vehicles	50 or more motor vehicles
Refreshment rooms	200 or more motor vehicles	300m ²
Roadside stalls, where only primary products produced on the property on which the building or place is situated are exposed or offered for sale	200 or more motor vehicles	Any size or capacity
Service stations (including service stations which have retail outlets)	200 or more motor vehicles	Any size or capacity
Shops	2,000m ²	500m ²
Shops and commercial premises	4,000m ²	1,000m ²
Subdivision of land	200 or more allotments where the subdivision includes the opening of a public road	50 or more allotments
Tourist facilities, recreation facilities, showgrounds or sportsgrounds	200 or more motor vehicles	50 or more motor vehicles
Transport terminals, bulk stores, container depots or liquid fuel depots	8,000m ²	
Any other purpose	200 or more motor vehicles	

Comment

Schedule 3 of the SEPP (Infrastructure) lists those traffic generating developments that require referral to the Roads and Maritime Services (RMS). As the subdivision is greater than 200 lots (205) the development application must be referred to the RMS. A traffic assessment has been prepared and forms part of this application.

(a)(ii) Any draft environmental planning instrument

Nil

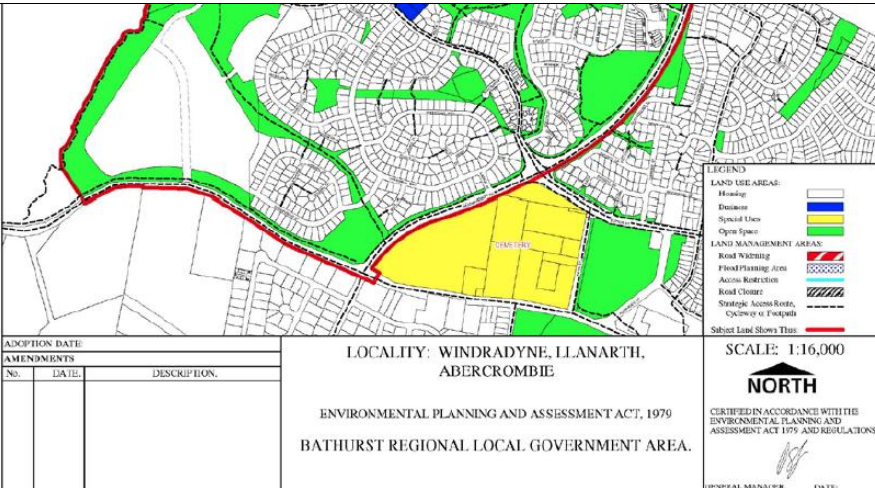
(a)(iii) Any development control plan

BATHURST DEVELOPMENT CONTROL PLAN 2014

Table 1: DCP Analysis

Clause	Heading	Comment
3.1	Preliminary	
3.2	Minimum lot size	550m ² is the MLS for the subject land – complies.
3.3	Subdivision Requirements: All zones	
3.3.1	Electricity and telephone services	Underground electricity and telephone services will be provided to the subdivision to the satisfaction of Essential Energy and Telstra. Appropriate street lighting will be provided in accordance with Council and Essential Energy requirements. Documentary evidence will be provided prior to issue of the Subdivision Certificate that appropriate arrangements have been made with respect to the above.
3.3.2	Road	There will be a number of new roads required to be constructed for the subdivision. The Roads have been designed to meet the specifications stated in the DCP and Councils Engineering Department has been consulted with respect to the overall design and the design and construction of the roads and drainage will be in accordance with Councils Engineering Works and Civil Engineering Construction Guidelines.
3.3.3	Drainage	Detailed civil plans to be provided at Construction Certificate stage for the subdivision.
3.3.4	Reticulated water and sewer	Each lot will be connected to reticulated water and sewer to Council requirements. Detailed engineering plans will be provided with the Construction Certificate application for the subdivision works.
3.3.5	Rural Water Supply	Not applicable
3.3.6	Soil and Water Management	The subdivision will comply with the requirements of the document: <i>Managing Urban Stormwater: Soils and Construction 2004</i> , produced by Landcom.
3.3.7	Natural environment	Four mature Eucalyptus trees are to be removed as part of the subdivision works however in accordance with NGH Environmental Biodiversity Assessment Section 5.1, the proposed subdivision is already previously cleared and cultivated exotic dominated grassland. Therefore, impacts to threatened flora and fauna would be considered low. It is noted that the dams will be dewatered in accordance with the Civil report and relevant guidelines where applicable. It is noted that the minimal works occurring within Sawpit Creek and do not involve earthworks. Drainage works occurring within the dam located in the Sawpit Creek tributary involve works to pre-disturbed areas and should not have an adverse impact to be confirmed during detailed design and assessment by relevant consultants. There are no environmental sensitive land features on the site (e.g. rocky outcrops, steep slopes, ridge or hill tops). There will be some minor works to Sawpit Creek rock check dams to improve scouring in the creek

		No land shaping will be undertaken prior to approval of the subdivision.
3.3.8	Landscaping	Landscaping for the subdivision will be undertaken in consultation with Bathurst Regional Council and will be complimentary to the existing plantings in the adjoining residential estates.
3.3.9	Land contamination	Refer to SEPP 55 comments.
3.3.10	Access via Crown Roads	Not applicable.
3.4	Subdivision Requirements: Zone R1 – General Residential and R2 – Low Density Residential	
3.4.1	Objectives	It is considered that the proposed subdivision is consistent with the zone objectives. Each lot is larger than the MLS.
3.4.2	Allotment Dimensions	The subdivision meets the frontage standards for the proposed lots.
3.4.3	Road works	The road layouts are consistent with the DCP map and integrate with the subdivision pattern to the west and the approved subdivision under construction. Councils Engineering Department have been consulted with the road design for the subdivision.
3.4.4	Subdivision of dual occupancy, multi dwelling houses, residential flat buildings and shop top housing	Not applicable to this proposal.
3.4.5	Subdivision of land in the village of Eglinton	Not applicable
3.4.6	Subdivision of the land in Kelso	The subdivision is consistent with the road locations as per DCP Map 4.
3.8	Development Control Plan Maps	The subject land is covered by Map 5 – Windradyne, Llanarth and Abercrombie under the Bathurst Development Control Plan 2014.

		 <p>Map 5 identifies the subject land as a mix of "housing" and "open space".</p> <p>The proposal complies with the provisions of the Map in that the proposal follows the road network and open space provision.</p> <p>It is noted that there has been a number of meetings with Council staff to ensure compliance with the DCP.</p>
9.2	Land Resources	No issues with respect to steep slopes, soil salinity, and removal of native vegetation, permanent inundation and rock outcrops have been identified on the site.
9.3	Riparian Land and Waterways	<p>There are three drainage lines that transect the property, one along the eastern boundary of the property and one that runs south-north on the western side. Both converge with Sawpit Creek, a tributary of the Macquarie River, that flows south-north along the western boundary outside the subject land. There is a farm dam south of the development footprint.</p> <p>There will be disturbance to the ground as a result of construction of the subdivision. However, it is considered the development will not negatively impact upon groundwater as these works will be relatively superficial and in accordance with Councils future direction for the area.</p> <p>The watercourses have been maintained with the design of the subdivision. There will be road crossings over these watercourses with the extension of Governors Parade which will trigger integrated development with DPI Water and DPI Fisheries.</p>
9.4	Biodiversity	<p>A Flora and Fauna Assessment has been prepared by ngh environmental with respect to the proposed subdivision. The report also assessed the BOS Thresholds under the Biodiversity Conservation Act 2016 and reported:</p> <p>The proposal does not trigger or exceed the BOS threshold. Therefore, no further assessment is required. The report also provides mitigation measures to assist with minimising the impacts during vegetation removal and maintenance works for the protection of flora and fauna.</p>

9.5	Groundwater	It is considered that the proposed subdivision of the site will not have an adverse impact on groundwater.
9.6	Flooding	The land is not flood liable.
9.7	Bushfire Prone Land	Not applicable.
9.8	Flora and Fauna Surveys	<p>A Flora and Fauna Assessment has been prepared by nigh environmental with respect to the proposed subdivision. The report also assessed the BOS Thresholds under the Biodiversity Conservation Act 2016 and reported:</p> <p>The proposal does not trigger or exceed the BOS threshold. Therefore, no further assessment is required. The report also provides mitigation measures to assist with minimising the impacts during vegetation removal and maintenance works for the protection of flora and fauna.</p>
9.9	Sustainable Building Design and Energy Efficiency	No new building work is proposed.

(a)(iiia) Any Planning Agreements

There are no known planning agreements affecting the property.

(a)(iv) Any matters prescribed by the regulations:

Government Coastal Policy

Not applicable to Bathurst LGA.

Building Demolition

Not applicable.

Upgrading of Buildings

Not applicable.

Fire Safety

Not applicable.

Temporary Structures

Not applicable to this proposal.

Deferred Commencement Consent

Not applicable to this proposal.

Modification or Surrender of Development Consent or Existing Use

Not applicable.

Ancillary Development

Not applicable to this proposal.

BASIX

Not applicable to this proposal.

(b) The likely impacts of the development:

CONTEXT AND SETTING

There is residential land uses to the north and east. Open grazing land is located to the west. The nearby land used for agricultural purposes is zoned for future residential use.

The proposal is considered compatible with the surrounding area and will have minimal impact in regards to:

- Impacts on adjacent properties and land uses; and
- Interruptions of important views and vistas.

The proposal is within the context of the locality and Council's current planning provisions.

ACCESS AND TRANSPORT

A Traffic Impact Assessment has been prepared by Bitzios Consulting that covers both the Windradyne Estate (both stages) and the proposed Seaman Development on the southern side of the Mitchell Highway. The following extracts have been taken out of the Assessment:

2. EXISTING CONDITIONS

2.1 EXISTING SITE

The existing site comprises rural land zoned R1 General Residential and RE1 Public Recreation under the Bathurst Regional Local Environmental Plan 2014 and is used for the grazing of livestock.

2.2 ROAD NETWORK

2.2.1 Mitchell Highway

The Mitchell Highway is a two-way, two-lane state road running east-west between Bathurst and Orange. It is a rural highway with unsealed shoulders, a signposted 80km/h speed limit approximately 350 metres west of the Bradwardine Road roundabout and a signposted 60km/h speed limit east of this point.

2.2.2 Bradwardine Road

Bradwardine Road is a two-way, two-lane local road running north-south between Eglington Road and south of the Mitchell Highway. It is a collector road with kerbside parking, and signposted 60km/h and 50km/h speed limits north and south of the Mitchell Highway roundabout respectively. Trucks 12 tonnes and over (buses excepted) are not permitted to use Bradwardine Road between the Mitchell Highway and Larkin Street, as indicated by signposting.

2.2.3 Suttor Street

Suttor Street is a two-way, two-lane local road running east-west between Mitre Street and Colville Street. It has kerbside parking, and signposted 50km/h and 60km/h speed limits north and south of the Bradwardine Road roundabout respectively.

2.2.4 Larkin Street, Richardson Street and Governors Parade

Larkin Street, Richardson Street and Governors Parade are all two-way, two-lane local roads within the existing residential areas on the north-western side of the Mitchell Highway/Bradwardine Road roundabout. These have kerbside parking, access driveways to all properties and a default 50km/h urban speed limit.

Photo 5: Looking east toward Richardson Street



Photo 6: Looking south from Governors Parade toward proposed subdivision



4. CONCLUSIONS

The key findings from this Traffic Impact Assessment for the proposed Windradyne Estate Subdivision, Bathurst, are summarised as follows:

- the proposed development is projected to generate a significant number of trips, with 178 AM and 195 PM peak hour trips;
- the vast majority of trips are likely to occur to and from Bathurst Town Centre and surrounding key attractors. Furthermore, it is most likely that private vehicle trips will be preferred by residents as a desirable transport mode to and from the proposed development, given:
 - the site's distant proximity to local facilities;
 - very limited local bus services; and
 - lack of local cycling infrastructure connecting with the wider network;
- the additional local walking/cycling routes proposed under the Bathurst Regional Development Control Plan 2014 Map No. 5 may increase cycling trips in the future;
- given tube counts were used for the SIDRA intersection analysis, only an approximation of intersection impacts can be determined;
- the SIDRA analysis of the Mitchell Highway/Bradwardine Road, Bradwardine Road/Larkin Street and Bradwardine Road/Suttor Street intersections concludes that they all perform well within acceptable Level of Service and Degree of Saturation in both the AM and PM peaks in all scenarios;
- the proposed development is expected to generate over 130 trips in both the AM and PM peaks onto Richardson Street, Opperman Way, Larkin Street, and Suttor Street east of Bradwardine Road. However, the impact on these local roads will be negligible given Richardson Street and Opperman Way are both internal roads and traffic will not travel on a significant portion of the local road network. These roads will still operate within the environmental capacity for their function within the road hierarchy;
- in comparison, only up to 50 trips in both the AM and PM peaks will be generated onto Colville Street, a very short section of Governors Parade, and Suttor Street west of Bradwardine Road, considering that Suttor Street already functions as a collector road given it is the primary access route in and out of Windradyne and experiences very little congestion; and
- Richardson Street and Governors Street can adequately cater for development traffic without direct access to the Mitchell Highway. Also, as Suttor Street provides the shortest route from the proposed development to Bathurst Town Centre, local trips are taken off the Mitchell Highway, maintaining safety and efficiency.

PUBLIC DOMAIN

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

UTILITIES & SERVICES

This development will incorporate full servicing for the proposed lots.

Water Supply

From information obtained from BRC there is existing potable water mains owned by BRC within Richardson Street to the east and in Governors Parade to the north of the site. These are proposed to be extended into the proposed street network. Internal reticulation network design will be completed during detailed design in conjunction with BRC.

Final approval will need to be sought from BRC prior to connecting into any system, to confirm adequate capacity and sizing.

Preliminary designs have been prepared and are provided with the development application.

Sewerage

From information obtained from BRC there is an existing sewer main to the west of the site, adjacent Sawpit Creek, draining towards the north.

Final approval will need to be sought from BRC prior to connecting into this main.

Preliminary designs have been prepared and are provided with the development application.

Communications

From Dial Before You Dig (DBYD) information, there are Telstra telecommunications cables located within Richardson Street to the east of the site.

Confirmation will need to be sought from Telstra as owners of these telecommunications cables within the area for all connections into their network.

Gas

From Dial Before You Dig (DBYD) information, there is a 32mm diameter 210 kPa gas main located within Richardson Street to the east of the site and a 110mm diameter 210 kPa gas main located within Governors Parade to the north of the site.

A lead-in main will need to be designed and constructed to service the development.

Approval will need to be sought by Jemena as owners of these gas mains within the area for all connections into their network.

Electrical

From Dial Before You Dig (DBYD) information there is overhead cables running north to south and low voltage underground cables in Richardson Street to the east and in Governors Parade to the north of the site.

The overhead cables across the site will require relocation.

Approval will need to be sought by Essential Energy as owners of these electrical cables within the area for all connections into their network and relocations.

This section demonstrates that services including sewer, water, power, telecommunications and gas can be made available to the site.

HERITAGE

There are no listed heritage items on the subject land.

NGH was commissioned by AT & L, on behalf of Bathurst Regional Council, to undertake a Due Diligence assessment for Aboriginal heritage sites for a proposed subdivision.

The report recommendations are as follows:

8 RECOMMENDATIONS

The following recommendations are based on a number of considerations including:

- Background research into the area;
- Landscape assessment;
- Field inspection;
- Consideration of the proposed works, and
- Legislative context for the development proposal.

Based on an assessment of the subject site, the location and previous level of disturbance, the proposed work can *proceed with caution*, provided the following recommendations are followed.

1. All works must be within to the assessed subject site and any activity proposed outside of the current assessment area should also be subject to an Aboriginal heritage assessment.
2. If any items suspected of being Aboriginal in origin are discovered during the work, all work in the immediate vicinity must stop and DPIE notified. The find will need to be assessed and if found to be an Aboriginal object an AHIP may be required.
3. In the unlikely event that human remains are identified during development works, all work must cease in the immediate vicinity and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, DPIE must be notified by ringing the Enviroline 131 555.

AT & L is reminded that it is an offence under the *NSW National Parks and Wildlife Act 1974* to disturb, damage or destroy and Aboriginal object without a valid Aboriginal Heritage Impact Permit.

FLORA AND FAUNA

A Flora and Fauna Assessment has been prepared by ngh environmental with respect to the proposed subdivision. The report also assessed the BOS Thresholds under the *Biodiversity Conservation Act 2016* and reported:

The proposal does not trigger or exceed the BOS threshold. Therefore, no further assessment is required.

Chapter 6 of the ngh report proposed the following safeguards to assist with minimising the impacts on biodiversity during vegetation removal and maintenance works.

Section 94 Infrastructure will be included as part of the proposed development in accordance with Section 6.5.1 of the Civil Report as detailed by AT&L and drawing DA003.

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7.5.1 S94 Stormwater Diversion Channels

As part of the development's S94 contribution, 4 stormwater diversion channels C2 – C5 with low flow pipes are required to be constructed to capture runoff from the upstream catchments with the Governor's Parade crossing sized to cater for the 1% AEP stormwater flow. This is in accordance with Bathurst Council's Section 94 Contribution Plan, Stormwater Catchment Plan and comments.

However, in order to maintain the natural characteristics of the drainage corridors and to minimise impacts to the existing environment the following works are proposed for the S94 channels:

- C2 be constructed as per S94 specification;
- C3 be piped underground through the development site, with the upstream catchment collected via a headwall at the existing dam located adjacent the Mitchell Highway;
- C4 not be constructed as the existing topography forms a naturalised channel, it is proposed that the this area be rejuvenated through landscape means; and
- C5 current location is proposed through environmentally sensitive areas, it is proposed in-lieu of this channel the existing dam is upgraded with a larger low-flow pipe and spillway to accommodate larger storms.



Figure 8: S94 Contribution Plan Excerpt (Courtesy of Bathurst Regional Council)

WATER SENSITIVE URBAN DESIGN

Water Sensitive Urban Design (WSUD) encompasses all aspects of urban water cycle management, including water supply, wastewater and stormwater management. WSUD is intended to minimise the impacts of development upon the water cycle and to achieve more sustainable forms of urban development.

Prior to discharging into receiving waterways, stormwater runoff will be treated via propriety Gross Pollutant Traps (GPT's) to minimise the impact on the receiving waterways. WSUD will also be incorporated into the proposed street networks specifically within the proposed road 3 will incorporate a centreline swale, to assist in minimising the development impacts on the surrounding area.

On-Lot works are the subject of individual requirements and not the subject of this DA.

6 MITIGATION MEASURES

These safeguards are a tool to assist with minimising the impacts on biodiversity during vegetation removal and maintenance works (Table 6-1).

Table 6-1 Safeguards for Protection of Flora and Fauna.

Impact	Environmental safeguards	Responsibility	Timing
Introduction and spread of priority weeds	<ul style="list-style-type: none"> Declared priority weeds should be managed according to the requirements stipulated by the Biosecurity Act, and recommendations made by the local control authority (MLLS) and the Noxious and Environmental Weed Handbook (DPI, 2015), which contains details as to the management of specific noxious weeds. Regular targeted control of priority weeds should take place for at least 24 months following rehabilitation of disturbed areas. All weed material containing seed heads, weeds that contain toxins, and weeds that are able to reproduce vegetatively should be disposed of at an appropriate waste management facility or otherwise properly treated to prevent weed growth. All herbicides should be used in accordance with the requirements on the label. Any person undertaking pesticide (including herbicide) application should be trained to do so and have the proper certificate of completion/competency or statement of attainment issued by a registered training organisation. 	Contractor Resident	Construction Operation Construction Construction Construction
Disturbance to fallen timber, dead wood and bush rock	<ul style="list-style-type: none"> Any fallen timber, dead wood and bush rock encountered in the impact area should be relocated to other areas within the study site. 	Contractor	Construction
Unexpected threatened species finds	<ul style="list-style-type: none"> The site induction should include measures to make employees aware of potential threatened flora and fauna during works and understand the procedures if threatened fauna are detected, this will be recorded as a part of the induction procedure and toolbox talks: <ul style="list-style-type: none"> Stop work, Alert an Ecologist for assessment and possible re-location during works. 	Contractor	Constructio

Impact	Environmental safeguards	Responsibility	Timing
Decreases to water quality of receiving waters	<p>A construction and operation Soil and Water Management Plan and construction Erosion and Sediment Control Plan would be prepared, implemented and monitored during the construction and operation of the proposal, in accordance with Landcom (2004), to minimise soil (and water) impacts. These plans would include provisions such as:</p> <ul style="list-style-type: none"> • At the commencement of the works, and progressively during construction, install the required erosion control and sediment capture measures. • Regularly inspect erosion and sediment controls, particularly following rainfall. • Maintain a register of inspection and maintenance of erosion control and sediment capture measures. • Ensure there are appropriate erosion and sediment control measures in place to prevent erosion and sedimentation occurring within the stormwater channel during concentrated flows. • Ensure that machinery arrives on site in a clean, washed condition, free of fluid leaks. • Ensure that machinery leaves the site in a clean condition to avoid tracking of sediment onto public roads. • In all excavation activities, separate subsoils and topsoils and ensure that they are replaced in their natural configuration to assist revegetation. • During excavation activities, monitor for increases in salinity, reduce water inputs and remediate the site with salt tolerant vegetation. • Stockpile topsoil appropriately to minimise weed infestation, maintain soil organic matter, and maintain soil structure and microbial activity. • Manage works in consideration of heavy rainfall events. 	Contractor	Construction Operation

Impact	Environmental safeguards	Responsibility	Timing
	<ul style="list-style-type: none"> • Areas of disturbed soil would be rehabilitated promptly and progressively during construction. • Ensure all water stormwater captured o-site is treated before release to receiving waters. • Maintain erosion control structures at discharge points to ensure no decrease in water quality in Sawpit Creek and the Macquarie River. 		

ENERGY

A BASIX certificate is not required for the proposed subdivision; however the layout of the subdivision has considered solar access. The design of the subdivision ensures that each allotment has the potential to maximise solar access, thereby minimising energy needs.

NATURAL HAZARDS

It is considered that the land is not affected by bushfire, flooding, subsidence or any other known hazard.

Accordingly, the land is considered suitable for the construction of future dwellings.

POTENTIAL CONTAMINATION

See comments under SEPP 55 – Remediation of Land.

SAFETY, SECURITY & CRIME PREVENTION

Future development of open spaces is to be designed in conjunction with Council and guided by the principles of Crime Prevention Through Environmental Design (CPTED).

Street lighting will be provided throughout the subdivision in accordance with Australian Standards.

SOCIAL & ECONOMIC IMPACTS IN THE LOCALITY

The likely social and economic impacts of the subdivision are negligible. There will be positive benefits by:

- Economic and employment flow-ons to the real estate, surveying and construction industry with the commencement of development

and the ongoing support of service businesses such as shops will be required by the occupiers of the future dwellings; and

- An increased need for community services, such as schools, bus services, bushfire services and road maintenance.
- The provision of public reserves (as shown on the subdivision plans).

CONSTRUCTION/NOISE

The proposed subdivision will be subject to a Construction Certificate prior to any civil construction works commencing.

However, construction works are not anticipated to have an adverse impact on the locality. Works would occur during daytime hours, thus not impacting on the local amenity. The site would have temporary containment fencing erected and signage to warn and exclude the public from entering the site during the construction phase.

Erosion and sedimentation control measures would be implemented during construction to minimise any erosion risk at the site. All measures will be established prior to the commencement of staged engineering works and maintained for an agreed period after completion of all subsequent stages.

Construction activities would be tailored to minimise the impact on site, with all disturbed areas rehabilitated as soon as practical. All construction machinery would be fitted with appropriate muffling devices to limit noise generation during construction. The construction period would be for a limited period, and thus any impacts would be limited to that time frame.

All construction work will be undertaken in accordance with conditions of consent and stamped plans.

CUMULATIVE IMPACTS

The development is proposed next to an established residential area, within a residential zone. The land has been zoned for residential uses for a considerable period of time, with the expectation that the land would be developed similarly to what has been proposed. This is reflected in the LEP zoning and DCP mapping.

It is considered there will be no negative cumulative impacts as a result of the proposed subdivision.

(c) Suitability of the site for the development

Does the proposal fit in the locality?

- There are no constraints posed by surrounding subdivision to render the proposal prohibitive;
- The proposal is complimentary to the surrounding land use pattern and zoning;
- It is considered that the proposal will not create any unmanageable access or transport concerns in the locality;
- No impact on public spaces will eventuate as a result of the proposal proceeding;
- Extension to all services will be required to enable connection to each allotment. It is understood that these services are readily available to the property;
- There are no issues in relation to air quality and microclimate; and
- There are no identified surrounding hazardous land uses or activities.

Are the site attributes conducive to development?

It is considered that the site is conducive to the subdivision based on the following:

- The site is not affected by any known natural hazards;
- There are no heritage considerations;
- There is no known soil characteristics that would render the proposal prohibitive; and
- There are no known flora and fauna considerations that will have an impact on the proposal.

(d) Any submissions

The application may be notified to adjoining neighbours for comment.

(e) The public interest

The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts. It is believed that by the imposition of appropriate conditions of consent and the safeguards discussed in this report, potential impacts would be modest.

5. CONCLUSION

This report includes an analysis of the existing environment, details of the proposed subdivision and consideration of applicable statutory requirements.

Based upon the investigations of the proposal it can be concluded that:

- The impacts upon or by surrounding development will not be altered significantly as a result of the subdivision proceeding;
- The topography of the site can accommodate the proposal;
- There will be additional traffic generated – this can however be accommodated by the existing road network;
- Upgrading to utilities and services will be required to enable connection to each allotment. It is understood that these services are readily available to the property; and
- The proposal is generally consistent with the objectives and provisions of Councils relevant planning documents.

The proposal is considered to be acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and potential impacts are expected to be minor.

Accordingly, it is recommended that the Development Application be approved subject to appropriate standard conditions.