



Statement of Environmental Effects

in accordance with the
Environmental Planning and Assessment Act 1979

Prepared by:

Bathurst Regional Council

Development:

**Residential Subdivision
Sunnybright Stage 2**

Location:

**Lot 118 DP:1253021
(Previously identified as Lot 5, DP 847225)
Limekilns Road Kelso**

Revision 1.4

PROJECT: Sunnybright Stage 2

ADDRESS: 197 Limekilns Road Kelso NSW 2795

COUNCIL: Bathurst Regional Council

CONSENT AUTHORITY: Bathurst Regional Council

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Date	Purpose of Issue	Review	Reviewed by	Authorised
05/06/2019	Draft issue for comment	Draft	AM	AM
08/05/2020	Draft issue for comment	Draft	AM	AM
20/05/2020	DA Lodgement	Final	AM	BD
1/12/2020	DA Lodgement	Final	AM	BD

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References

Bathurst Regional Development Control Plan 2014

Bathurst Regional Local Environment Plan 2014

Bathurst Regional Local Government Area Aboriginal Heritage Study 2017; by Extent Heritage Pty Ltd

Environmental Planning and Assessment Act 1979

Kelso Traffic Access Study, Traffic and Transport Assessment Report December 2014, Aurecon.

State Environmental Planning Policy (Infrastructure) 2007

1.0 Introduction

Background

- 1.1 The development application form and landowner authorities are included under a separate cover.
- 1.2 This Statement of Environmental Effects has been prepared by Bathurst Regional Council's Engineering Section to accompany a Development Application Stage 2 for the subdivision of 197 Limekilns Road Kelso NSW 2795, which includes Lot 118 DP: 1253021 (Previously identified as Lot 5 DP 847225).
- 1.3 The Application seeks consent to subdivide land zoned Multiple zones - R1 General Residential and RE1 Public Recreation into 135 allotments including 9 dual occupancy Lots, open space and public roads.
- 1.4 The subdivision of land into 135 lots is consistent with the objectives of the R1 General Residential zone which includes providing for the housing needs of the community within a medium density residential environment, and RE1 Public Recreation which includes land to be used for public open space or recreational purposes.

Scope and structure

- 1.5 Section 2 of this Report describes the physical characteristics of the site and its planning context.
- 1.6 Section 3 and 4 describes in detail the proposed development
- 1.7 Section 5 provides an examination of the relevant statutory and policy planning relating to the site and the extent to which the proposed development has regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.8 The plans of proposed subdivision are contained in Annexure 1 of the report. Various technical reports are also included in the Annexures.

2.0 The site and its contexts

This section identifies the subject site and describes its environmental planning context.

Property Description

- 2.1 The site is described as 197 Limekilns Road, between Limekilns Road and Marsden Lane, Kelso comprising a total land area of 35.23ha. Stage 1 comprised of 153 Lots 19.53ha while Stage 2 comprises of 135 Lots over 16ha.

Development Site

- 2.2 The **Development Site, Stage 2** is described as the land affected by the proposed community title subdivision.
- 2.3 The **Development Site** (the site) is located close to a variety of services. It is approximately 870m from Kelso High School and 1470m from a variety of shops, and 400m from a bus stop.
- 2.4 The development will adjoin Stage 1 Development (Approved Subdivision) on Limekilns Rd to 270 Marsden Lane (Approved subdivision).
- 2.5 The existing roads Limekilns and Marsden Lane will provide the site with road access and provide a corridor for the construction of water, sewer, and power services.

Site Analysis

Site Location and Description

- 2.6 The site is located 4.5km east of Bathurst CBD. An overall layout of the site is depicted in Annexure 1.
- 2.7 The topography; the site is on a mid-slope with a very gently inclined slope of 1 to 3%. The site slopes from north to south with a 708 – 722m ASL.

Existing Improvements

- 2.8 The site is largely unimproved and has a history of intensive plant agriculture (Orchard). Included on the site are five dams, fences, tree lines and other features common to commercial agricultural land.

There is a large storage facility, “No17 Reservoir”, on Lot 118 DP: 1253021 (Previously identified as Lot 3 DP833295) which is separate from the lot in the northwest section of the site; this was identified in Stage 1. This is fenced off, with no access from the infrastructure to allow access from the site.

- 2.9 Stage 2 site will adjoin Stage 1 development and borders the property at 270 Marsden Lane Kelso.

Land use Zone

- 2.10 Land affected by the title subdivision, is zoned R1 General Residential and RE1 Public Recreational, by Bathurst Regional Local Environmental Plan 2014 (BRLEP 2014).

2.11 *Dwelling houses are land uses that are permissible with consent within R1 General Residential zone.*

2.12 The area of land zoned R1 General Residential, is proposed to be used for the purpose of dwelling houses and roads.

2.13 The BRLEP 2014 has identified the site as URA Urban Release Area with the minimum LSZ size 550m², and LSD minimum Lot size 850m² Dual Occupancy.

Heritage

2.14 The site was previously investigated as part of the East Kelso Aboriginal Cultural Heritage Assessment undertaken by Extent Heritage in 2017. Extent Heritage has developed detailed Aboriginal heritage sensitivity mapping to assist Council in future planning and protection of Aboriginal cultural heritage and cultural values within the Bathurst LGA. The sensitivity map has identified the proposed area as both low sensitivity and negligible sensitivity;

- Low Sensitivity: no design and planning recommendations. These areas are essentially 'neutral' from a planning and protection perspective and are generally compatible with residential subdivision and development.
- Negligible Sensitivity: these areas could be the focus of future development, particularly high impact features of a subdivision like a town centre, medium or high density residential, industrial or commercial.

A desktop cultural heritage assessment was undertaken in conjunction with the LEP. An AHIMS search was conducted on the 4th July 2019 showing no results. It is concluded that there is a low risk of the site containing items of Aboriginal Heritage.

Vegetation

2.15 The subject site consists of introduced grassland, typical of a site that has previously been used for intensive agriculture. The site has a history as open agricultural land, which has been identified as a former orchard. The site is not currently being used for any intense agriculture.

Traffic and Transport

2.16 Under the Roads Act 1993, roads are classified under a legal framework which divides them into three administrative categories. The categories include freeways, primary arterial roads, secondary or sub-arterial roads, Collector and local access roads. The NSW State, Regional and Local Road administrative system of road classification generally aligns to the following model hierarchy:

- State Roads – Freeways and primary arterials
- Regional Roads – Secondary or sub-arterials
- Local Roads – Collector and local access roads

Local Roads consist of those roads not classified under the Roads Act. Local Roads are collector and local access roads which provide linkages to State and Regional Roads as well as within developed areas. Local Roads are the responsibility of the local governing authority Bathurst Regional Council.

2.17 Existing road network:

Boyd Street/Limekilns Road – Boyd Street/Limekilns Road is a Collector Road and is under the care and control of Bathurst Regional Council. This road connects Kelso and Wattle Flat (via Limekilns Road). This section of the road is a two lane, two-way section and carries approximately 5,000 vehicle movements daily north of the Great Western Highway. This road provides access to Kelso Shops and Kelso High School campus. (Kelso Traffic Access Study, 2014)

Marsden Lane – Marsden Lane is a Collector Road and is maintained by Bathurst Regional Council. This road connects Gilmour Street (MR54) and Limekilns Road/Boyd Street. Marsden Lane is a two lane, two-way road and carries approximately 7,000 vehicle movements daily east of Gilmour Street (MR54). Marsden Lane provides access to Trinity Heights Shops and Holy Family Primary School. (Kelso Traffic Access Study 2014)

Hereford Street – Hereford Street is a Collector Road and provides alternative access between Kelso and the Bathurst Town Centre. The road is a two-lane undivided road with kerb provided on the southern side and bicycle lanes marked in both directions. It is maintained by Bathurst Regional Council and a low-level bridge is located on this road where it crosses the Macquarie River and connects to George Street. Hereford Street carries approximately 12,000 vehicles per day west of Gilmour Street (MR54). (Annexure Kelso Traffic Access Study 2014)

2.18 Available transport services

Buses

The Kelso area is currently being serviced by three bus routes operated by Bathurst Buslines Bus Company. The bus route 525 provides transport for the community into Bathurst Central Business District (CBD) and to local schools via Limekilns Road, Kelso Shops and Ilumba Retirement Village taking approximately 20-30 minutes.

Taxis

Taxi service is operated from the Bathurst CBD; residents are required to contact the taxi operator to book a taxi from Kelso.

Community Transport

A community transport service is provided by Bathurst Community Transport Services. The service provides transport for those without alternative transport options. It's a door to door service available to individuals and groups to travel to destinations within Bathurst and other places, such as Sydney, Orange and Lithgow.

2.19 The following traffic generating developments that currently available to serve Kelso:

- Kelso Public School
- Kelso High Campus

- Trinity Heights Primary School
- Trinity Heights Shopping Centre at the corner of Marsden Lane and Gilmour Street (MR54)
- Kelso CenterPoint Shopping Centre on Boyd Road
- Shops along Great Western Highway

2.20 A Traffic and Transport Assessment Report was carried out by Aurecon in 2014, this was based on the following:

- Bathurst Urban Strategy (2007).
- BRC DCP 2013
- 2011 Census for Bathurst

Services and Utilities

2.21 Water, electricity, and telecommunications are available for connection to the site. Underground electricity and telephone services will be provided to all new allotments in the City of Bathurst. Refer to Annexure 1 for proposed services layout.

2.22 Sewer will be provided via a gravity connection to Bathurst Regional Councils sewer main infrastructure, from Limekilns Road to Bonnor Street. New South Wales Department of Commerce Standards were used to determine pipe capacity of the subdivision.

2.23 Reservoir No. 34 will have adequate capacity for this development. The rising and delivery mains to Reservoir No. 17 will be re-aligned so that it is located within the proposed road reserve.

3.0 The Development Proposal

This section of the report describes the project by way of text and plans.

Development Proposal

3.1 The application seeks approval for the subdivisional of the land into 135 Lots including 9 dual occupancy Lots for Stage 2. The Lots will be sold through Bathurst Regional Councils ballot process.

General Description of the Proposal

3.2 The average allotment size of the proposed lots is 763m² with lot sizes ranging from 550m² to 1180m².

3.3 The lots are designed to allow for the diversity of housing designs. Each residential lot is of sufficient size and site area for the construction of a dwelling house, with the provision for adequate setback, open space, and carpark, and to comply with Councils requirements.

The Lot Layout Plan is shown in Annexure 1 Plan of Subdivision

Infrastructure

- 3.4 The residential subdivision will include the construction of new roads and services as outlined in the drawings at Annexure 1.

Drainage

- 3.5 There is no drainage infrastructure on the site. The proposed development will incorporate a stormwater management system that meets the principles of Bathurst Regional Development Control Plan 2014 and BRC Engineering Design Guidelines.
- 3.6 The system will incorporate the following:
- A pit and pipe network to collect and convey stormwater generated on site to Boyd creek and Raglan Creek.
 - Design storms are the 20% AEP for interallotment drainage and 1% AEP for trunk drainage.
 - Water main burst scenario from rising and delivery mains for Reservoir No.17
- 3.7 A new major drainage line is proposed to be constructed for approximately 900m along proposed Road 1 to convey the development flows under Limekilns Road where it will be discharged into the open channel drainage reserve.

The proposed stormwater system is shown in Annexure 1.

Envisaged Development

Proposed Homes

- 3.8 For the following subdivision, it is proposed that a detached dwelling will be built on each lot. Single story designs are deemed the most practical to afford occupants larger private space in the yards as well as catering for the living needs of the occupants. The subdivision will appeal to young families and older residents wishing to stay in the Bathurst area.

Proposed Landscape

- 3.9 It is proposed that a contribution is made for street tree plantings for the subdivision. A vegetation management plan and landscape plan would be implemented to enhance the open spaces around the reservoir and green spaces within the development.

4.0 Assessment

This section provides an overview of the assessment issues.

Adjoining development

- 4.1 The proposal will have minimum impact on Stage 1 and adjoining properties to the west along McBrien Drive primarily because it will be compatible with the context of the area that has been previously established.
- 4.2 The land adjoining the subject site 270 Marsden Lane, to the east is currently used as low grazing land identified as Multiple Zones, R1 General Residential for future development and RE1 Public recreation.
- 4.3 Land to the north on Marsden Lane is identified as RU1 Primary Production.
- 4.4 Land to the south of the proposal along Limekilns Road is identified as Multiple Zones, R1 General Residential and RE1 Public Recreation for urban growth. The development would be compatible with the existing R1 General Residential urban growth in the area.
- 4.5 The subject proposal is therefore compatible with the relevant zone objectives.

Surrounding Development

The land uses located within the Kelso area are mainly residential, with rural land uses on the northern boundary. A review of the information published in the Bathurst Regional Council website, based on the 2011 census, indicates that the population of Kelso was approximately 7,667 in 2011, living in approximately 2,930 dwellings with an average house hold size of 2.6. The BRC population forecast for 2017, indicates that the population of Kelso will be 8,905, living in approximately 3,222 dwellings with an average household size of 2.54. That's an average annual growth rate of 2.4%. The forecast for year 2021 indicates that the population for Kelso will be about 9,501 living in approximately 3550 dwellings. These figures include both North and South Kelso.

- 4.6 The proposal envisages freestanding dwellings, built on each of the 135 proposed lots as per surrounding residential development.
- 4.7 The site is zoned for residential uses in the BRLEP 2014. As the land zoned for residential use within BRLEP MAP no. 4 Kelso is developed, the existing properties that are closer to shopping areas, public transport and the CBD will continue to be of value in the real estate sector.

Therefore, the proposed subdivision is compatible with the context of the area that has been previously established by Council.

- 4.8 Freestanding houses are the prominent dwelling form in Bathurst and more compatible than other permissible development types in this zone such as single and dual dwellings.
- 4.9 The objectives of the R1 Residential zone found in the BRLEP 2014 are as follows;
 - 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 provides 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.

Minimum Lot Size

4.10 Clause 4.1 if the BRLEP 2014 imposes a minimum lot size on the land of 550m².

With regard to the minimum lot size specified in the BRLEP 2014, the lot sizes of the proposed properties that share common boundaries with the existing Pine View subdivision are as large as possible, to minimise the number of properties which are adjacent to these existing lots, while also preventing the subdivision of these proposed lots into 2 smaller lots in the future. The average lot size of the proposed lots is 763m² and with the BRLEP 2014 minimum lot size conditions existing blocks >1000m² in the adjacent subdivision may be more sought after by purchasers.

Provisions for Services

- 4.11 The subject site can, and will be, provided with an adequate supply of water, electricity, and method for the proper disposal and management of sewerage.
- 4.12 The site will be serviced in respect to water and sewerage by Bathurst Regional Council. Water supply is available for the subdivision and the sewerage network is being extended downstream towards existing sewer main to service future development in this area.

Noise

- 4.13 The subject development is not restricted by any noise controls by Council or the State Environmental Planning Policy (Infrastructure) 2007. The development is outside of the 20db ANEC contour, outside of the 10 event for N60 contours and outside of the 5 event N70 contours as such will not be affected by the Bathurst Aerodrome. These noise levels have been adopted by the NSW Department of Planning through the BRC LEP 2014.

Road Network

- 4.14 Aurecon Australia was engaged by Bathurst Regional Council in 2014 to prepare a traffic access study for future development in Kelso area. The report was prepared as part of a traffic and transport assessment for the proposed development of Kelso to assess the required infrastructure upgrades to accommodate the traffic generated by the future development within Kelso District Area (KDA). It was proposed that over 30 year time frame 4,810 new dwellings would be constructed increasing the population by approximately 10,000 people at Kelso by 2035. The report is based on the 2012 existing annual average daily traffic volumes with in the study area and the predicted average daily traffic volumes for identified future development at Kelso up to the year 2035.

For this proposal a breakdown of the representative areas only, have been included below.

Estimation of traffic generation

The traffic generation estimation has been undertaken based on the Roads and Maritime *Guide to Traffic Generating Developments*. The following traffic generation rates have been applied to estimate the future peak hour and daily traffic volumes:

- Daily vehicle trips – 9 per dwelling
- Weekday peak hour trip – 0.85 per dwelling

Table 4.1 shows the estimated traffic generation from existing and proposed residential development within the study area. For this proposal (SEE) L8 is identified for this subdivision.

Land use development	Number of dwellings	Peak hour traffic generation (veh/h)	Daily traffic generation (veh/day)
L2	31	26	277
L3	644	547	5792
L4	150	127	1350
L8	165	140	1485
Total	990	840	8,904

Table 4.1 Proposed developments for 2017.

It is worth noting that only two of the subdivisions L2 and part of L3 have been released and developed since the Traffic Study. L4 is in the process of having a study carried out for future development.

Table 4.2 shows the following assumptions made in relation to arrival and departures patterns of the proposed residential developments located within the KDA.

Land use development	Peak period trips (veh/h)		Daily trip (veh/day)		Routes that would be used to/from proposed development
	internal	external	internal	external	
L2	3	23	28	249	Great Western highway (100%)
L3	55	492	579	5,213	Marsden lane (50%), Halfpenny Drive/ Laffing Waters Lane (50%)
L4	13	114	122	1,288	Limekilns Road (50%), Great Western Highway (50%)
L8	15	125	134	1,351	Limekilns Road (50%), Marsden Lane (50%)
Total	86	754	863	8,101	

Table 4.2 Internal and external trips (two-way) to the study area

Future Impacts and conditions

These impacts and conditions are based on the year 2035 scenario with an estimate of 4,810 new dwellings in the KDA, though as development in the area increases these impacts will need to be addressed.

Future car parking situation

The proposed Kelso development would increase on-street and off-street car parking demand in Kelso as well as Bathurst CBD. Since the number of retail outlets, office facilities and employment opportunities are limited in Kelso, it is expected that the Kelso residents would use the major retail and office facilities in Bathurst CBD. This would have the potential to increase parking demand in the Bathurst CBD.

Traffic and parking impacts

Traffic and transport management measures, as detailed in Section 5 of the Kelso Traffic Study, need to be developed to reduce private car trips between Kelso and Bathurst by promoting active and public transport to improve the performance along the Great Western Highway and minimise the parking impacts on Bathurst CBD.

Retail Development

A new retail development of potentially 7,000m² in size, community facilities, and a public school are proposed for the residents of the future KDA as per BRDCP Map 4. This will reduce the pressure on existing facilities when the new release area is in place. This would also have the potential to reduce the external trips outside the Kelso area. It is assumed that 10% of trips generated by the KDA would be internal trips to the study area. (Information based on Kelso Traffic Study).

Conclusion & Recommendations

Only recommendations and conclusions relevant to this subdivision are included in this SEE from the Kelso Traffic Access Study.

The following conclusions are drawn from the study, based on 2035 scenarios.

- KDA are expected to work within the BRC area. The majority of the workers of any new employment developments proposed within the KDA are expected to live in the BRC area.
- Based on the current mode of travel patterns, the majority of the residents of the future KDA are expected to travel using private cars. The usage of public transport and other forms of transport by the residents of the KDA is expected to be minimal.
- The pedestrian and cycleway network in the established part of Kelso are around Boyd Street, along Gilmour Street (MR54) and a number of short pedestrian access paths linking cul-de-sacs with adjacent roads or reserves. However, there are large parts of central and northern Kelso that do not have any pedestrian footpaths or shared paths. There is also no correlation between provision of pedestrian paths and bus route and stop locations, which means that it is difficult for residents to access the bus stops if they have mobility impairment or are pushing prams. Both these factors would contribute to residents' isolation and car dependence.
- Kelso area is currently being served by buses only. Bathurst is a major regional town in New South Wales. A total of nine (9) bus routes serve the Bathurst area,

and are operated by Bathurst Buslines. Three out of nine (9) services serve Kelso via Great Western Highway, Gilmour Street (MR54) and Limekilns Road/Boyd Street.

- The existing performance of the intersections located within the study area is good (LOS 'A' or 'B') except for the Great Western Highway and George Street intersection during the morning and afternoon peak periods and, the Great Western Highway and William Street during the afternoon peak period. The performance of these intersections is satisfactory (LOS 'C' or better). Please refer to the Kelso Study for further information.

Recommendations from the Report:

- *Provision of a T-intersection at the Marsden Lane/Road 1 intersection*

Completed during Stage 1: T-intersection Marsden Lane/ Sunnybright Road Kelso.

Proposed Stage 2: T-intersection at Marsden Lane/Lawrence Drive Kelso intersection, with provision for a roundabout to be constructed in the future, by dedicating part of the subject property to Council as Public Road Reserve

- *Provision of a T-intersection at the Limekilns Rd/Road 2 intersection*

Completed Stage 1: T-intersection Limekilns Road/Bolton Street Kelso.

Proposed Stage 2: T-intersection at Limekilns Road/Proposed Road 9 Kelso.

Roundabout intersection at Limekilns Road/Lawrence Drive.

The development civil works will include formalising Limekilns Road and Marsden Lane at its boundaries. This will improve the safety of these roads for road users and improves the streetscape of the area.

Bathurst Regional Development Control Plan 2014 Map No.4 – Kelso identified the intersections of Marsden Lane - Lawrence Drive, and Limekilns Road - Lawrence Drive as roundabout treatments in Section 94 Developer Contribution Plan. Councils Engineering Department will coordinate the construction of these roundabouts under that Plan. The Limekilns Road/Lawrence Drive roundabout is being constructed by others and is nearing completion. The proposed development is compatible with and will interface with the new roundabout.

Further recommendations are made for the future performance of intersection within the Bathurst area and the CBD. These recommendations are based on the 2035 scenario in the Kelso Traffic Access Study Report.

Environment Flora and Fauna

- 4.15 A Biodiversity Assessment Report is required to adequately consider impacts, if any, to protected flora, fauna and habitat, in accordance with the requirements of relevant environmental legislation, associated policies and any specific clauses under the BRLEP 2014.

OzArk Environmental and Heritage Management Pty Ltd (OzArk) was engaged by BRC to assess impacts of the proposal on native vegetation at the site and any identified or potential threatened species, populations and ecological communities and their habitat.

OzArk Environmental and Heritage Management Pty Ltd (OzArk) operates under NSW Scientific Research License 101908, and NSW Department of Primary Industries (DPI) Accreditation of a corporation as an animal research establishment Ref No. AW2017/012.

Field survey and reporting components were completed by Senior Ecologist Jesse Carpenter with quality control provided by Ecologist Angela Carpenter. Bathurst Regional Council received feedback from the Department of Planning regarding the report. Subsequently the report was revised by Ecologist Adam Stone and reviewed by Ecologist Dr. Emma Gray.

The ecological assessment was carried out in three stages:

1. Desktop searches

Desktop searches and review of ecological databases and information to identify threatened species, populations or ecological communities listed in the NSW *Biodiversity Conservation Act 2016*, *Fisheries Management Act 1994* or the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* that have the potential to occur in the study area.

2. Field Study

Field survey of the subject site to collate species lists for the purposes of identifying the vegetation communities present and target predicted threatened species and ecological communities. Where a threatened species or community or habitat feature is identified, document the nature and extent of the protected matter and describe its 'viable local population' or occurrence.

3. Written Biodiversity Assessment Report (BAR)

Preparation of a written Biodiversity Assessment Report (BAR) that describes the impacts of the proposed activity on native vegetation and threatened species, populations and ecological communities, and provides recommendations to avoid, minimise and mitigate these impacts, including entry into the Biodiversity Offset Scheme (BOS) if required.

Summary and conclusion:

The following summary of finds and conclusions provided by OzArk Environment & Heritage Management assist with the ongoing project planning;

- It was identified that the subject site does not contain any native plant community types. Vegetation is dominated by introduced grasses and forbs that are common in areas with a land use history of intensive agriculture. The proposal does not impact on any native vegetation and no clearing of native vegetation is required
- The subject site does not provide significant habitat for any BC Act or EPBC Act threatened flora and/or fauna or any EPBC Act listed migratory species. No threatened species were recorded on the subject site, despite dedicated searches.
- Some habitat features on the site, notably the dams and planted exotic trees, may provide marginal and temporary habitat for some species. However, if impact mitigation measures are implemented, there will be no significant impact from the proposal on any threatened species.
- There is no potential Koala habitat on the subject site.
- The proposal does not impact on or occur within any protected riparian area or key fish habitat or threatened fish habitat.
- Tributaries of the Macquarie River that occur within the study area (Raglan Creek) are identified by the Atlas of Groundwater Dependant Ecosystems (Bureau of Meteorology, 2017) as aquatic GDEs. However, none of these occur within the subject site. Activities associated with the proposal are not likely to affect any GDE.
- As no native vegetation is required to be cleared and no significant impact to threatened species will occur, it is not necessary to enter the Biodiversity Offset Scheme.

No additional surveys were recommended. Please refer to the Biodiversity Assessment Report by OzArk Environment & Heritage Management in Annexure 4 for results of impacts and findings.

Recommended mitigations

The following recommendations have been proposed to inform the design of the project and further survey of the study area.

Avoid impact

The proposal already avoids significant impacts by occurring within a site formerly used for intensive agriculture, where no native vegetation communities exist. The following impact avoidance methods are also recommended to be implemented:

- To avoid impacts associated with weed introduction and spread, wash down and inspect all machinery before entering and exiting the subject site. Machinery must be clean of all mud, soil and vegetation material.

Minimise impact

Proposed impact minimisation measures:

- The construction works and vehicle access to the construction site is to be constrained to the minimum area practical and will use as few entry/exit points as possible.
- Material stockpiles, equipment and machinery storage and laydown areas will be consolidated within a defined impact area to minimise the overall impact footprint.
- The impact footprint will be minimised by restricting access across the site to the defined development footprint, including avoiding unnecessary vehicle and personnel movements across unused land.
- Excavation of rock and soil and construction activities will occur only during daylight hours to limit impacts on nearby residents due to noise.

Mitigate and offset

The proposal does not involve the clearing of native vegetation and will not have any significant impact on threatened species or communities. The proponent is therefore not required to enter into the Biodiversity Offset Scheme (BOS).

However, impact on biodiversity from the proposal can never be zero. Therefore, measures, or environmental safeguards, should be implemented to mitigate these impacts. These measures are detailed in Table 10 of the Biodiversity Assessment Report by OzArk Environmental & Heritage Management.

Climate Impacts

- 4.16 The Biodiversity Assessment Report prepared by OzArk lists potential climate impacts of the modification of this site, including cooling effects from water bodies and vegetation cover.

While the change in landscape of the site will affect the temperature at the site in some way, it will have an insignificant local impact.

There will be short term removal of trees on site during construction, and the completed development will allow for street trees and ancillary landscaping appropriate for the residential zone. In addition, the vegetated open space through the development will provide some real or perceived cooling effect.

There will be no site-specific effects resulting from ongoing climate change.

Vegetation Management Plan

- 4.17 A Vegetation Management Plan (VMP) has been prepared by The Environmental Factors (TEF) for BRC, in regard to ecological advice, strategies and recommendations for the revegetation of the site as per the Landscape Plan for Stage 2 development.

The VMP identifies issues relating to vegetation removal and provides advice in replacing the existing trees and vegetation with more appropriate native species to support urban biodiversity and create a community green space for the residents of Sunnybright Estate and incorporate elements of natural filtration of runoff. Please refer to Annexure 5 VMP for full report.

The objective of the VMP is to provide ecological advice surrounding the planting and maintenance of vegetation in the new Sunnybright Estate Stage 2 development. This includes;

- Landscape Concept Plan
- Species selection
- Site management
- Plant arrangement
- Phase of works
- Monitoring, maintenance and reporting

The aim of Sunnybright Estate Stage 2 development open space is to have a well-designed, community oriented green space that residents can enjoy as a recreational area, while supporting urban biodiversity and providing a riparian corridor to meet water quality objectives in downstream Macquarie River. This will also augment the existing open space areas within Sunnybright Estate Stage 1.

Land Contamination

4.18 The site identified for Stage 2 subdivision, Lot 118 DP: 1253021 (Previously identified as Lot 5 DP 847225) at 197 Limekilns Road, Kelso NSW is listed on Schedule 1 in the Bathurst Regional Council Development Control Plan.

A due diligence assessment was undertaken for BRC prior to acquisition for residential development. A site history review, site walk over and inspection, sampling, soil analysis and preparation of report were undertaken.

The site was determined to be open agricultural land which contains a residential dwelling, farm dams and agricultural sheds. The analysis of soil samples taken by SESL indicated the results were below the adopted Health Investigation Levels and Health Screening Levels for residential land-use with the exception of the asbestos containing materials in the vicinity of some structures and the fill mound adjacent to the former processing shed and elevated OCP (dieldrin) (9.9mg/kg) and lead (310mg/kg) in sample location S7 identified in Stage 1.

SESL Australia concluded that these elevations were not uncommon for sites with similar history, and minor remediation of the affected areas will be required prior to development of the proposed residential and recreational area. This report includes Sunnybright Stage 1 and Stage 2 Subdivision.

Please refer to Due Diligence Report in Annexure 2.

Clearance Certificate, 197 Limekilns Road, Kelso (Envirowest Consulting Pty Ltd R8538cc), July 2017

A clearance certificate was issued to EODO Pty Ltd following removal of non-friable asbestos continuing irrigation pipes and tape stand. The removal work was under the supervision of Central Demolition and Asbestos Pty Ltd on 19, 20, 26, 27, 29, and 30 June 2017.

Clearance Certificate and Air Monitoring, 197 Limekilns Road, Kelso (Envirowest Consulting Pty Ltd R8538cc1 and R8538m), August 2017

A clearance certificate was issued to EODO Pty Ltd following removal of a fire pit with asbestos cement fragments from east of the former fruit store shed. The removal work was under the supervision of Central Demolition and Asbestos Pty Ltd in August 2017. Air monitoring was undertaken during the removal work. Ash potentially containing asbestos remains to the north and south of the former fruit store shed.

Detailed contamination investigation, 197 Limekilns Road, Kelso NSW (Envirowest Consulting Pty Ltd), September 2017

A detailed contamination investigation was undertaken of three areas previously identified by SESL Australia Pty Ltd as containing elevated levels of lead and dieldrin or asbestos. SESL Australia previously identified asbestos cement fragments within investigation areas 1 and 2 and lead and dieldrin impacted material within investigation area 3.

Test pits were constructed within investigation areas 1 and 2 to identify the presence of asbestos cement fragments. Two asbestos cement fragments were identified on the surface of investigation area 1 and were removed. No additional fragments of asbestos were identified within this area or within investigation area 2. It was recommended for investigation area 1 and 2 to be managed under an unexpected find protocol during the site works.

Soil samples were collected from investigation area 3 and test pits constructed to determine the lateral and vertical extent of impact material. The levels of lead and OCP's including dieldrin in the additional soil samples collected were below the adopted thresholds for residential land-use. One sample (S7) previously collected by SESL Australia contained levels of lead and dieldrin (OCP) above the adopted threshold for residential land-use. For reference, S7's location in current terms is to the rear of 10 Bolton Street.

Remediation and validation of lead and dieldrin (Hot Spots) impacted material was carried out during Sunnybright Stage 1 development.

This included;

- Excavation of the material
- Transportation to a suitably licensed facility
- Validation of the excavated areas
- Replacement with clean fill

As identified and located in the Due Diligence report and the above-mentioned clearance certificates, the condition of the site is suitable for residential use. An unexpected finds protocol will be implemented during the construction of the development.

Please refer to Remediation Action Plan section 9.5 (Preferred management options) in Annexure 3.

5.0 Statutory and Planning Policy

This section documents the range of planning controls applicable to the subject case pursuant to Section 4.15 (cf previous, s 79C) of the *Environmental Planning and Assessment Act 1979* and tabulates the effect of these instruments in the circumstances of the development proposal as described in Section 3 of the Report.

Statutory Consideration

5.1 Pursuant of the *Environmental Planning and Assessment Act 1979* (the Act), a number of statutes are potentially applicable to any single development proposal. This section reviews the range if instruments and notes their application in terms of the proposed development.

Section 94 Contributions

Section 7.11 (cf previous s 94) of the *Environmental Planning and Assessment Act 1979* provides that where development consent is being sought for a development which is likely to require the provision of new facilities or an increase in demand on existing public facilities or services, then Council provide a condition where a monetary contribution or dedication of land, or both, is required for the development of the facilities.

Bathurst Regional Council development contribution plans applicable to this subdivision:

- *Section 94 Developer Contribution Plan, Roadworks _New Residential Subdivisions* adopted 2015
- *Section 94 Contributions Plan, Raglan Creek Stormwater Drainage Management* adopted 2014

Land to which the Plan applies

This development contribution applies to certain land within the **Kelso** area.

Purpose

Contributions paid to Council will fund stormwater management and road infrastructure improvements within the vicinity of the development area and identified within the schedule of works within the Plan.

Application

This development contribution is applicable to the following types of developments as they will lead to increased usage of roads and management of drainage:

- Residential Subdivision;

The fundamental principles that are required to be considered in the application of Section 94 contributions include:

Reasonableness - in that there is a connection between the Kelso Development Area and the need for the new and/or additional facilities needed to be implemented to accommodate the additional impacts of the development.

This can include, in the instance of the Roads Contribution Plan, the need to provide additional traffic facilities, amplification of the existing road network or the provision of new roads, traffic management or pedestrian/cycling facilities for the increased traffic.

This may also include providing pipe drainage and emergency overflow paths in all urban areas and maintaining the quality of stormwater runoff.

Accountability – that the contributions made under the provisions of S94 are monitored to ensure that the Plan remains relevant and that the delivery of the identified facilities occurs in accordance with the plan

Bathurst Regional Local Environmental Plan 2014

5.2 The proposed development is defined as the “subdivision of land”. The following provisions of BRLEP 2014 are applicable to the proposed development.

Table 1: BRLEP2014 Assessment

	Planning Provision	Comment	✓
	Part 1 Preliminary		
1.2	Aims of plan		
	This plan aims to make local environment planning provisions for land in Bathurst Regional local government in accordance with the relevant standards environmental planning instrument under section 3.20 (cf previous s 33A) of the <i>Environmental Planning and Assessment Act 1979</i> . The particular aims of this Plan are as follows:	Noted	✓
	(a) to deliver growth and development in the city of Bathurst and rural localities,	The development is within the existing Bathurst local government zoned residential area.	✓
	(b) to promote development that is consistent with the principles of ecologically sustainable development and the management of climate change and water resources,	It has minimal impact on the existing character of the area which compromises a mix of old and new homes on small and large lots with single and double storey homes.	
	(c) to enhance and protect the region's unique Aboriginal and European cultural heritage as key social and economic assets,	No impacts, the proposal area identified as having Low to Negligible sensitivity by BRC IntraMaps.	
	(d) to identify, protect, enhance and manage areas of high biodiversity conservation value as a means to:		
	(i) preserve and improve the ecosystem services they provide, and	The semi-rural setting of the area remains largely unaffected because the development does not	
	(ii) protect the region's significant vegetation and scenic quality, and		

	Planning Provision	Comment	✓
	<p>(iii) respond to and plan for climate change by identifying and protecting habitat corridors and links through the local government area,</p> <p>(e) to facilitate rural housing choice through sustainable rural settlement growth that includes rural village living and strategic rural lifestyle living opportunities,</p> <p>(f) to provide greater housing choice within the city of Bathurst through sustainable urban settlement growth that includes greater opportunities for medium density housing and the minimisation of the city's environmental footprint,</p> <p>(g) to promote the well-being of the people of the region by encouraging living, vibrant and growing rural settlement areas, urban villages and suburbs that generate a sense of community and place,</p> <p>(h) to protect the region's key transport assets and to promote opportunities for sustainable transport, particularly public and active transport,</p> <p>(i) to provide a secure future for the region's recreation assets, in particular, the Mount Panorama and the Macquarie River precincts,</p> <p>(j) to minimise risk to the community in areas subject to environmental hazards, particularly flooding and bush fires and to minimise cumulative impacts on environmentally sensitive areas,</p> <p>(k) to encourage the dynamic and innovative development and growth of the region's primary resources,</p> <p>(l) to protect and enhance the region's landscapes, views, vistas and open spaces,</p> <p>(m) to create a land use framework for controlling development in the region that allows detailed provisions to be made in any development control plan made for that purpose.</p>	<p>encroach into the adjoining rural land and does not significantly reduce land distance views to agricultural land.</p> <p>It is noted that views from the rear yards of 18 homes in McBrien Dr, Tweed Place and Tom Close adjoins Stage 1. The western extremities of Stage 2 is approximately 290m from the rear of the above properties.</p> <p>Stormwater has been designed to mitigate impact on the water supply catchment.</p> <p>A Vegetation Management Plan (VPM) has been prepared by The Environmental Factors (TEF) for BRC in regard to ecological advice, strategies and recommendations for the revegetation of the site as per the Landscape Design for Stage 2 development.</p> <p>The VMP identifies issues relating to vegetation removal and provides advice in replacing the existing trees and vegetation with more appropriate native species to support urban biodiversity and create a community green space</p>	<p>✓</p> <p>✓</p>

	Planning Provision	Comment	✓
		for the residents of Sunnybright Estate. Please refer to Annexure 5 - VMP	
1.3	Land to which plan applies		
	This Plan applies to the land identified on the <u>Land Application Map</u> . LAP_001	This site is within the land application area.	✓
1.6	Consent Authority		
	The consent authority for the purposes of this Plan is (subject to the Act) the Council.	Noted	✓
1.7	Maps		
	LZN_011F HOB_011F LSZ_011F	The title subdivision is zoned R1 General Residential and RE1 Public Recreation. The maximum building height for the subject site is 9m. The title subdivision is within land that has a minimum lot size of 550m ² .	✓ ✓
1.9	Application of SEPPS		
	This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 3.28 (cf previous s 36) of the Act. The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies: <i>State Environmental Planning Policy No 1—Development Standards</i>	Various SEPPs apply to the subject proposal including: <ul style="list-style-type: none"> SEPP Infrastructure (2007) SEPP 55 – Remediation of Land 	✓ ✓
	Part 2 Permitted or Prohibited Development		
2.2	Zoning of Land which this policy applies		
	For the purpose of this plan, the land is within the zones shown on the Land Zoning Map. LZN_011F	The site is zoned R1 General Residential and RE1 Public Recreation. The development is for the title subdivision of land for the purpose of residential accommodation. This is permissible land use (with consent) under R1 general Residential zone.	✓
2.3	Zone Objectives and Land Use Table		
	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. This clause is subject to other provisions of this Plan.	Noted Noted	✓
	Land Use Table – Zone R1 General Residential		

	Planning Provision	Comment	✓
	Objectives of Zone		
	To provide for the housing needs of the community.	The subdivision will provide land options for the Bathurst Community allowing free standing traditional homes and dual occupancy on allotments suitable for families and older persons, with yards and who want to live in a new street	✓
	To provide for a variety of housing types and densities.	The subdivision will provide land options for the Bathurst Community allowing free standing traditional homes, and dual occupancy on allotments suitable for families and older persons, with yards and who want to live in a new street.	✓
	To enable other land uses that provide facilities or services to meet the day to day needs of residents	Noted	✓
	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.	Noted	✓
	Permitted without consent		
	Environmental protection works; Extensive agriculture; Home-based childcare; Home businesses; Home occupations; Roads	Noted	✓
	Permitted with Consent		
	Attached dwellings; Boarding houses; Child care Centre's; Community facilities; Dwelling houses; Food and drink premises; Garden Centre's; Group homes; Home industries; Hostels; Kiosks; Markets; Multi dwelling housing; Neighborhood shops; Places of public worship; Plant nurseries; Residential flat buildings; Respite day care Centre's; 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	Noted	✓
	Prohibited		
	Air transport facilities; Amusement Centre's; Boat building and repair facilities; Correctional Centre's; 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	Noted	✓

	Planning Provision	Comment	✓
	premises; Retail premises; Rural industries; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution Centre's; Waste or resource management facilities; Wholesale supplies.		
Part 3 Exempt and Complying Development			
3.3	Environmentally sensitive areas excluded		
	<p>Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.</p> <p>For the purposes of this clause: environmentally sensitive area for exempt or complying development means any of the following:</p> <p>Land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance.</p> <p>Land reserved or dedicated under the <u>Crown Lands Management Act 2016</u> for the preservation of flora, fauna, geological formations or for other environmental protection purposes, Land identified as being critical habitat under the <u>Biodiversity Conservation Act 2016</u> and Part 7A of the <u>Fisheries Management Act 1994</u>.</p>	<p>Not applicable</p> <p>The site is not identified as environmentally sensitive and is considered highly disturbed due to excessive agricultural usage since 1912.</p> <p>The identified land for this proposal is noted as Low to Negligible sensitivity according to BRC IntraMaps, an AHIMS was also carried out on the 4th July 2019 showing no records in or near the location. Annexure 6.</p> <p>Not applicable Refer to Fauna Impact Assessment by OzArk Environment & Heritage Management, September 2018.</p>	<p>✓ n/a</p> <p>✓</p> <p>n/a</p>
3.4.3	Road works		
	<p>Development Standards</p> <p>a) Road layouts are to generally be a traditional or modified grid pattern. Cul-de-sac roads should be limited in use and should generally serve not more than 15 dwellings.</p> <p>b) Road layouts are to be designed to ensure that maximum access to public open space areas is achieved. Where a subdivision incorporates public open space areas/corridors (including drainage lines which also have an access function), these areas/corridors are to immediately adjoin a public road to ensure maximum visibility and safety of the public open space area/corridor is achieved.</p> <p>c) Council will only accept residential allotments or other land uses adjoining public</p>	Noted	

	Planning Provision	Comment	✓
	<p>open space areas/corridors (including drainage lines which also have an access function) where it is satisfied that an appropriate standard of visibility and safety of those areas is achieved.</p> <p>d) Council will accept a road standard identified in table (c) of section 3.3.2 as local access (open space) for local roads adjoining open space areas/corridors, excluding local distributor or collector roads that adjoin open space areas/corridors.</p> <p>e) In respect of local access (open space) roads, a two-vehicle parallel parking bay shall be provided for every three dwellings. The construction of parking bays within the open space corridor shall be permitted.</p> <p>f) Road layouts are to integrate closely with surrounding existing and planned future residential subdivisions.</p>		
3.4.6	Subdivision of land in Kelso		
	<p>The standards below also apply to the subdivision of the land identified on DCP Map No. 4 – Kelso.</p> <p>Development Standards</p> <p>a) The roads coloured purple on the DCP Map are to be designed and constructed as collector roads (refer section 3.3.2). The location of the purple collector roads should be generally in accordance with that shown on the DCP Map. It will be the developer's responsibility for the construction of the collector roads.</p> <p>b) The intersections marked purple on the DCP Map are to be designed and constructed to cater for the collector and local road network in accordance with Council's Engineering Works and Civil Engineering Construction Guidelines. The location of the purple intersections should be generally in accordance with that shown on the DCP Map. It will be the developer's responsibility for the construction of these intersection works.</p> <p>c) The roads and intersections coloured orange on the DCP Map have been separately identified in a Section 94 Developer Contribution Plan. Council will coordinate the construction of these roads and intersections under that Plan.</p> <p>d) Council encourages residential allotments or other land uses to front the identified collector roads.</p>	<p>Noted</p> <p>No intersection identified</p> <p>No intersection identified</p> <p>Intersections of Marsden Lane - Lawrence Drive, and Limekilns Road - Lawrence Drive have been identified for roundabout treatments in Section 94 Developer Contribution Plan.</p>	✓

	Planning Provision	Comment	✓
	Part 4 Principal Development Standards		
4.1	Minimum subdivision lot size		
	<p>The objectives of this clause are as follows:</p> <p>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.</p> <p>To control the subdivision of land shown on the <u>Lot Size Map</u> for the purposes of a dwelling house.</p> <p>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.</p> <p>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 <u>Lot Size Map</u> in relation to that land.</p> <p>Despite sub-clause (3), a battle-axe lot resulting from the subdivision of the following land must not be less than: If the land is in Zone R1 General Residential - 750 square metre,</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>See Annexure 1 for Proposed Lot Areas</p> <p>Noted</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
	Part 5 Miscellaneous Provisions		
5.9	Preservation of Trees or Vegetation		
	<p>The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.</p> <p>This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.</p> <p>Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.</p> <p>A person must not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by: (a) development consent, or (b) a permit granted by the Council.</p> <p>The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent</p>	<p>Noted</p> <p>The proposed subdivision includes the removal of existing trees within the proposed footprint of the works as part of the civil construction of the sub-division.</p> <p>Removed trees will be mulched and reused where appropriate. All weeds to be taken to the local waste service centre.</p> <p>Refer to Annexure 5 for the Vegetation Management Plan.</p> <p>Noted</p> <p>Noted</p>	<p>✓</p> <p>✓</p>

Planning Provision	Comment	✓
for the carrying out of the activity for which a permit was sought.		✓
This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.	Noted	✓
This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.	Noted	✓
A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:		✓
(a) that is or forms part of a heritage item or that is within a heritage conservation area, or	Not identified	✓
(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the Council is satisfied that the proposed activity:	No items identified	✓
(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and	No items identified	✓
(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.	Not applicable	✓
Note. As a consequence of this sub-clause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.	Act repealed - please refer to the Local Lands Services Act 2013 and Biodiversity Conservation Act 2016	
This clause does not apply to or in respect of:		✓
(a) the clearing of native vegetation:		
(i) that is authorised by a development consent or property vegetation plan under the <u>Native Vegetation Act 2003</u> (repealed), or	Not applicable	
(ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or	Act repealed - please refer to the Local Lands Services Act 2013 and Biodiversity Conservation Act 2016	n/a
(b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the <u>Native Vegetation Act 2003</u> (repealed) that is authorised by a development consent under the provisions of the <u>Native Vegetation Conservation Act 1997</u>	Not applicable	n/a

	Planning Provision	Comment	✓
	<p>(repealed) as continued in force by that clause, or</p> <p>(c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the <u>Forestry Act 1916</u>, or</p> <p>(d) action required or authorised to be done by or under the <u>Electricity Supply Act 1995</u>, the <u>Roads Act 1993</u> or the <u>Surveying and Spatial Information Act 2002</u>, or</p> <p>(e) plants declared to be noxious weeds under the <u>Biosecurity Act 2015</u> (<u>Noxious Weeds Act 1993</u> repealed)</p> <p>Note. Permissibility may be a matter that is determined by or under any of these Acts.</p>	<p>Not applicable</p> <p>Noted</p> <p>Various weeds identified on the site. Please refer to the VMP or Flora and Fauna Assessment in regard to species and treatment.</p>	<p>n/a</p> <p>✓</p>
5.10	Heritage Conservation		
	<p><i>Objectives</i> The objectives of this clause are as follows:</p> <p>(a) to conserve the environmental heritage of Bathurst Regional local government area,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	Noted	✓
	<p><i>Requirement for consent</i> Development consent is required for any of the following:</p> <p>(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):</p> <p>(i) a heritage item,</p> <p>(ii) an Aboriginal object,</p> <p>(iii) a building, work, relic or tree within a heritage conservation area,</p> <p>(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,</p> <p>(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is</p>	<p>No Buildings or objects identified as a heritage item.</p> <p>Not applicable</p> <p>Not applicable</p>	<p>✓</p> <p>n/a</p> <p>n/a</p> <p>n/a</p>

	Planning Provision	Comment	✓
	likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land: (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance	Not applicable Not applicable Not applicable	n/a n/a n/a
	<i>When consent not required.</i> However, development consent under this clause is not required if: (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development: (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or (b) the development is in a cemetery or burial ground and the proposed development: (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or (d) the development is exempt development.	Not applicable. The subject proposal does not include a heritage item, is not in a heritage conservation zone, nor impacts a conservation item, nor an item of Aboriginal significance or heritage.	n/a

	Planning Provision	Comment	✓
	Effect of proposed development on heritage significance. The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).	Not applicable. No items identified for this proposal	n/a
	<i>Heritage assessment</i> The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.	Not applicable No items identified for this proposal.	n/a
	<i>Heritage conservation management plans</i> The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause. <i>Archaeological sites</i> The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <u>Heritage Act 1977</u> applies): (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.	Not applicable Not applicable	n/a n/a
	<i>Aboriginal places of heritage significance</i> The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:	The subject proposal does not include a heritage item, is not in a heritage conservation zone, nor impacts a conservation item, nor an	n/a

	Planning Provision	Comment	✓
	<p>(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and</p> <p>(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.</p>	item of Aboriginal significance or heritage.	
	<p><i>Demolition of nominated State heritage items</i></p> <p>The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:</p> <p>(a) notify the Heritage Council about the application, and</p> <p>(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.</p>	Not applicable	n/a
	<p><i>Conservation incentives</i></p> <p>The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	The subject proposal does not include a heritage item, is not in a heritage conservation zone, nor impacts a conservation item, nor an item of Aboriginal significance or heritage.	n/a

	Planning Provision	Comment	✓
5.11	Bush fire hazard reduction		
	Bush fire hazard reduction work authorised by the <i>Rural Fires Act 1997</i> may be carried out on any land without development consent.	Noted	✓
Part 7 Additional Services			
7.1	Flood Planning		
	<p>The objectives of this clause are as follows:</p> <ul style="list-style-type: none"> (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change, (c) to avoid significant adverse impacts on flood behavior and the environment. <p>(2) This clause applies to:</p> <ul style="list-style-type: none"> (a) land identified as "Flood Planning Area" on the Flood Planning Map, and (b) other land at or below the flood planning level. <p>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</p> <ul style="list-style-type: none"> (a) is compatible with the flood hazard of the land, and (b) will not significantly adversely affect flood behavior resulting in detrimental increases in the potential flood affectation of other development or properties, and (c) incorporates appropriate measures to manage risk to life from flood, and (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding. <p>(4) Development consent is not required by this clause if:</p> <ul style="list-style-type: none"> (a) the applicant has notified the consent authority in writing of the development, and (b) the consent authority has formed the opinion that the development is of a minor nature, and 	<p>Noted</p> <p>The subject land is not affected by any flood hazards or as a Flood Planning Area.</p>	<p>✓</p> <p>n/a</p>

	Planning Provision	Comment	✓
	<p>(c) the consent authority is satisfied that the development meets the requirements of subclause (3), and</p> <p>(d) the consent authority has advised the applicant in writing before the development is carried out that it is satisfied that development consent is not required because of the exception created by this subclause.</p> <p>(5) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.</p> <p>(6) In this clause: flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.</p>		
7.5 Essential Services			
	<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.</p>	<p>Noted</p> <p>The proposed development will have access to an adequate supply of water, electricity, as well as adequate means for the disposal and management of sewerage.</p>	✓
7.14 Drinking water catchments			
	<p>The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.</p> <p>This clause applies to land identified as "Drinking water catchment" on the Drinking Water Catchment Map.</p> <p>In deciding whether to grant a development application for development on land to which this clause applies, the consent authority must consider the following:</p> <p>(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:</p>	<p>Not applicable</p> <p>The site is not identified as a "Drinking water catchment"</p>	✓

	Planning Provision	Comment	✓
	<ul style="list-style-type: none"> (i) the distance between the development and any waterway that feeds into the drinking water storage, (ii) the on-site use, storage and disposal of any chemicals on the land, (iii) the treatment, storage and disposal of wastewater and solid waste generated or used by the development, (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:</p> <ul style="list-style-type: none"> (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact. 		

Applicable State Environmental Planning Policies

State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land requires a consent authority to consider land the subject of a development application is contaminated, and if it is, whether the land is suitable for its intended land use (with or without remediation).

Table 2: SEPP 55 Assessment

	Planning Provision	Comment	
1	Name of this policy		
	<i>This Policy is State Environmental Planning Policy No 55 – Remediation of Land</i>		✓
2	Object of this Policy		
	<p>The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>In particular, this Policy 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:</p>	Noted	✓

	<p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p>		
5	Land to which this policy applies		
	This policy applies to the whole State.	Noted	✓
7	Contamination and remediation to be considered in determining development application		
	<p>A consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p> <p>Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary</p>	<p>A due diligence contamination investigation undertaken by SESL Australia Pty Ltd and reported in May 2015 (Report number C4503.Q4409.B34749c) identified lead and dieldrin impacted soil in one location (Hot Spot). This was located and remediated within Stage 1. There is no known outstanding contamination on the site.</p> <p>Noted</p> <p>Noted Please refer to Annexure 3</p>	<p>✓</p> <p>✓</p> <p>✓</p>

	<p>investigation warrant such an investigation.</p> <p>The land concerned is:</p> <ul style="list-style-type: none"> (a) land that is within an investigation area, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land: <ul style="list-style-type: none"> (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). 	The land identified is located at 197 Limekilns Road, Kelso NSW (Stage 2 Lot 118 DP 1253021)	✓
8	Remediation work permissible		
	<ul style="list-style-type: none"> (1) A person may carry out a remediation work in accordance with this Policy, despite any provision to the contrary in an environmental planning instrument, except as provided by clause 19 (3). (2) A person must not carry out a category 1 remediation work except with the consent of the consent authority. (3) A person may carry out a category 2 remediation works without the consent of the consent authority. (4) A person who carries out a remediation work must ensure that clause 16 (if it applies) and clauses 17 and 18 are complied with in relation to the work. 	Noted	✓
14	Category 2 remediation work: work not needing consent		
	<p>For the purposes of this Policy, a category 2 remediation work is:</p> <ul style="list-style-type: none"> (a) a remediation work that is not a work of a kind described in clause 9 (a)–(f), 	Noted	✓

16	Prior notice of category 2 remediation work		
	<p>(1) A person who proposes to carry out a category 2 remediation work on any land must give notice of the proposed work to the council for the local government area in which the land is situated (or, if the land is within the unincorporated area, to the Western Lands Commissioner).</p> <p>(2) The notice must be given:</p> <p>(a) at least 30 days before the commencement of the work, except in the case of a work referred to in clause 14 (b), and</p> <p>(b) in the case of a work referred to in clause 14 (b)—no later than the day before the commencement of the work.</p> <p>(3) The notice must:</p> <p>(a) be in writing, and</p> <p>(b) provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given, and</p> <p>(c) briefly describe the remediation work, and</p> <p>(d) show why the person considers that the work is category 2 remediation work by reference to clauses 9, 14 and (if it applies) 15 (1), and</p> <p>(e) specify, by reference to its property description and street address (if any), the land on which the work is to be carried out, and</p> <p>(f) provide a map of the location of the land, and</p> <p>(g) provide estimates of the dates for the commencement and completion of the work.</p>	<p>Noted</p> <p>Type 2 remediation works were carried out prior within Stage 1 development. No hot spots or outstanding contamination identified for Stage 2 development footprint.</p> <p>Noted</p>	J
17	Guidelines and notices: all remediation works		
	<p>(1) All remediation work must, in addition to complying with any requirement under the Act or any other law, be carried out in accordance with:</p> <p>(a) the contaminated land planning guidelines, and</p> <p>(b) the guidelines (if any) in force under the <i>Contaminated Land Management Act 1997</i>, and</p> <p>(c) on the case of a category 1 remediation work—a plan of remediation, as approved by the consent authority, prepared in</p>	<p>The remediation goals will be based on land-use threshold</p> <ul style="list-style-type: none"> Propose a cost effective and workable remediation method Establish a validation procedure for the site Ensure remediation works comply with: <p><i>Guidelines for Consultants Reporting on Contaminated Sites</i> (OEH 2011)</p> <p><i>Guidelines for NSW Site Auditor Scheme</i> (DEC 2006)</p>	

	<p>accordance with the contaminated land planning guidelines.</p> <p>(2) A notice of completion of remediation work on any land must be given to the council for the local government area in which the land is situated (or, if the land is within the unincorporated area, to the Western Lands Commissioner).</p> <p>(3) The notice is to be given within 30 days after the completion of the work.</p> <p>(4) A copy of the notice must also be given within the same period to the consent authority, if consent was required for the remediation work and the consent authority is not one of the authorities referred to in subclause (2).</p>	<p><i>The Contaminated Land Management Act (1997)</i></p> <p><i>Remediation of Contaminated Land State Environmental Planning Policy (SEPP55)</i></p> <p><i>National Environment Protection (Assessment of Site Contamination) Measure 1999 NEPC (2013)</i></p> <p>Bathurst Regional Council contaminated land policy.</p>	
18	Notice of completion of remediation work		
	<p>The notice required by clause 17 (2) must:</p> <p>(a) be in writing prepared and signed by the person who carried out the work, and</p> <p>(b) provide the person's name, address and business telephone number, and</p> <p>(c) provide details of the person's qualifications to carry out the work, and</p> <p>(d) specify, by reference to its property description and street address (if any), the land on which the work was carried out, and</p> <p>(e) provide a map of the location of the land, and</p> <p>(f) state when the work was completed, and</p> <p>(g) specify the uses of the land, and the substances, that contaminated it in such a way as to present a risk of harm to human health or some other aspect of the environment, and</p> <p>(h) specify the uses of the land immediately before the work started, and</p> <p>(i) briefly describe the method of remediation used in the work, and</p> <p>(j) specify the guidelines that were complied with in the work, and</p> <p>(k) specify the standard of remediation achieved (in the light of the use proposed for the land), and</p> <p>(l) show in what manner the work (if a category 1 remediation work) complied with the conditions of the relevant development consent, and</p>	Noted	J

	<p>(m) state what action must be maintained in relation to the land after the completion of the remediation work if the standard of remediation achieved is to be maintained.</p> <p>Note. A site audit statement (within the meaning of Part 4 of the <i>Contaminated Land Management Act 1997</i>) may be given in partial compliance with this requirement.</p>		
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State Environmental Planning Policy (Infrastructure) 2007

Table 3: SEPP Infrastructure Assessment

Schedule 3 Traffic Generating Development to be Referred to the RTA		
Propose of development	Comment	
Subdivision of land	The proposed development is a subdivision of 135 lots.	✓
Size or capacity – site with access to any road	Comment	
200 or more lots where the subdivision includes the opening of a public road	Not Applicable. The proposal does not trigger a referral to RMS because it represents a subdivision into 135 lots on a local road.	n/a
Size or capacity- site with access to classified road or to a road that connects to a classified road (if access is within 90m of connection, measured along alignment of connecting road)	Comment	
50 or more allotments	Not Applicable. The proposal does not trigger a referral to the RMS because it represents a subdivision into 135 lots on a local road.	n/a

Clause 102 of the State Environment planning Policy (Infrastructure) 2007 calls up noise protection on classified roads where the daily traffic volume exceeds 40,000 vehicles per day. Limekilns Road and Marsden Lane are not considered classified road as they do not carry that volume of traffic per day.

Limekilns Road _ North of Marsden Lane daily traffic volume averages 5000 vehicles per day and Marsden Lane – East of Gilmore Street (MR54) daily traffic volume averages 7000, therefore noise controls are not required, (figures from Kelso Traffic Access Study 2014).

The current Bathurst Regional Development Control Plan (BRDCP 2014) is divided into 16 Chapters and applies to all land within the Bathurst Region. The envisaged residential aspect of the proposed development would follow after the subdivision is approved. This assessment indicates the subdivision will allow residential development in accordance with this DCP.

Table 4: BRDCP 2014 – Chapter 3 Subdivision of Land

		Comment	✓
	Part 3: Preliminary		
3.1.1	Preliminary		
	This section applies to all land in the Bathurst Regional Local Government Area for subdivision (LGA).	The proposal is for general residential subdivision allotments and open green spaces.	✓
	General Development Objectives		
3.1.2	Relevant Objectives		
	The consent authority must not grant consent to a development application for development subject to this chapter unless it is satisfied that the following is suitably mitigated: a) To ensure that all essential services are provided to new allotments. b) To achieve a standard of control that results in minimal impact on both onsite and off-site soil resources and surface water quality. c) To ensure safe and efficient road and footpath environments are provided for motorists, public transport, cyclists and pedestrians. d) To minimise disturbance to the natural environment and to minimise damage from natural hazards. e) To ensure that lots created are environmentally sustainable. f) To provide specific development standards for different types of subdivision.	Noted	✓
3.2	Minimum Lot Size –Subdivision of land		
3.2.1	Bathurst Regional Local Environmental Plan 2014		
	Clauses 4.1 Minimum Subdivision Lot Size of the LEP and the associated Lot Size Maps establish the minimum lot sizes for the purposes of a dwelling house on lands (but not necessarily all lands) within the following Zones: <ul style="list-style-type: none">• R1 - General Residential	Noted	✓
3.3	Subdivision Requirements		

		Comment	✓
3.3.1	Electricity and telephone services		
	Underground electricity and telephone services are to be provided to all new allotments in the City of Bathurst to the satisfaction of the relevant electricity authority and the appropriate telecommunications authority. Aboveground servicing can be provided for infill lots in established areas where services are already established aboveground.	Noted	✓
	Street lighting is to be provided or upgraded in accordance with Australian Standard 1158 to the satisfaction of the appropriate electricity authority (refer also to section 11 – Outdoor Lighting of this Plan which outlines standards for street lighting in respect of the protection of the Dark Night Sky).	Proposed P3 category for Collector Roads and P4 Category for Local Roads.	✓
	Relevant controls		
	Documentary evidence is to be provided to Council from the relevant authority that satisfactory arrangements have been made in respect of electricity and telephone services prior to the release of the subdivision certificate.	Noted	✓
3.3.2	Roads		
	Road work Hierarchy, classification Development Standards a) A road system shall comply with the road hierarchy and classification and standards set out in tables (a), (b) and (c) above of 3.3.2 of the DCP b) The design and construction of roads and drainage shall be in accordance with Council's <i>Guideline to Engineering Works</i> .	Noted	✓
3.3.3	Drainage		
	Relevant objectives		
	To ensure stormwater is appropriately managed to prevent environmental harm and to reduce the risk of damage to property and human life. To ensure stormwater is appropriately managed to minimise long term flooding impacts on and from developments.	Noted All storm water from the subdivision will be contained within the stormwater trunk drainage network, where it will eventually reach the Macquarie River via Raglan Creek. Raglan Creek, along the Macquarie Floodplain, is densely habituated by macrophytes. During frequent, low flow events, this length of the creek improves the water quality of the whole of the Raglan Creek catchment	✓

		Comment	✓
		<p>prior to it entering the Macquarie River.</p> <p>VMP also identifies stormwater recommendations and strategies.</p> <p>Please NOTE: As per the DPI Office of Water "Guidelines for Riparian Corridors on Waterfront Land, 2012" where a watercourse does not exhibit the feature of a defined channel with bed and banks, the Office of Water may determine that the watercourse is not waterfront land for the purpose of the WM Act.</p>	
	Relevant controls		
	a) The design and construction of all drainage works shall be in accordance with Council's Guideline to Engineering Works.	Noted	✓
	b) Council shall only grant consent to the subdivision of land where drainage facilities required by that subdivision are immediately available to the land.	Noted	✓
3.3.4	Reticulated water		
	Development Standards		
	<p>All allotments created in the urban areas of Bathurst shall have a separate and distinct connection to Council's reticulated water and sewerage systems.</p> <p>Council shall only grant consent to the subdivision of land in the urban areas of Bathurst and the urban villages of Eglinton, Raglan and Perthville where reticulated water and sewer services required by that subdivision are immediately available to the land.</p>	Noted	✓
3.3.6	Soil and Water Management		
	Development Standards		
	<p>For subdivisions with a disturbance area of greater than 2500m², development must comply with the requirements of the document: <i>Managing Urban Stormwater: Soils and Construction 2004</i>, produced by Landcom.</p> <p>Due consideration is to be given to potential impacts on off-site streams in terms of channel stability under modified flow regimes resulting from development.</p> <p>As a condition of consent for sites with a disturbance area of greater than 2500m²,</p>	<p>Noted</p> <p>Hydrological and Hydraulic assessment of the proposed subdivision will be undertaken in accordance with BRC Engineering Guidelines.</p> <p>As per Construction Contract, a Soil Water Management Plan (SWMP)</p>	<p>✓</p> <p>✓</p>

		Comment	✓
	<p>Council will require the submission of a soil and water management plan prior to the commencement of any subdivision or civil construction works on site. A Soil and Water Management Plan must be lodged with Council prior to the issue of any construction certificate.</p> <p>Following approval of the soil and water management plan, erosion and sediment control works must be installed prior to work commencing on the site. Such control measures are to be maintained during the construction period. All work is to be undertaken to the satisfaction of Council.</p> <p>Erosion and sediment control measures are to be maintained in accordance with the recommendations in Council's <i>Erosion and Sediment Control Guidelines for Building and Work Sites or Managing Urban Stormwater: Soils and Construction 2004</i> and remain in place while earthworks are being completed, and until such time that the site is revegetated.</p>	<p>would be submitted as part of the Construction Environmental Management Plan (CEMP) for all aspects of site disturbance, stormwater management, erosion and sediment control and site rehabilitation for the duration of the construction phase, from initial clearing to project completion as per the "Blue Book".</p> <p>The Contractor will be responsible for carrying out regular inspections and maintenance of the control features so as to ensure that policy objectives are met.</p> <p>Council will be regularly inspecting the Erosion & Sediment controls/ Soil & Water controls provided for sites where soil disturbance is taking place, all environmental inspections completed as scheduled (one per week and additional inspection after >5mm of rain in any one 24-hour period,(6.4 Blue Book)).</p> <p>These controls are to be maintained at all times. Failure to implement these controls may result in action being taken under the relevant legislation.</p> <ul style="list-style-type: none"> • <i>Environmental Planning & Assessment Act, 1979 (EP&A Act)</i> • <i>Protection of Environment Operations Act, 1997</i> • <i>The Local Government Act, 1993</i> 	<p>✓</p> <p>✓</p> <p>✓</p>
3.3.8	Landscaping		
	Relevant Objectives		
	To ensure subdivisions are designed in a way that maintains or enhances the landscape area of the surrounding area.	Noted	✓
	General Development Standards		
	<p>a) Council may only grant consent to the subdivision of land in the following circumstances, where it has considered a landscape plan in accordance with section 13 – Landscaping and Greening of this Plan:</p> <p>i) Subdivision of land which incorporates Agricultural Interfaces, Land Use Buffers, Major Road Buffers, Open Space, Vegetation Restriction and Environmental Protection</p>	<p>A Vegetation Management Plan (VPM) has been prepared by The Environmental Factors (TEF) for BRC in regard to ecological advice, strategies and recommendations for the revegetation of the site as per the Landscape Design for Stage 2 development.</p> <p>Please refer to Annexure 5 - VMP</p> <p>A concept landscape plan for the green space has been developed.</p>	✓

		Comment	✓
	<p>Areas as identified on any relevant DC map.</p> <p>ii) Subdivision of land which creates or adjoins an arterial or sub-arterial road for which direct access to private properties will not be granted. A landscape plan is required for the road reserve adjacent to the arterial or sub-arterial road.</p> <p>iii) Subdivision of land which may negatively impact upon the natural environment or protected or threatened flora and fauna species in the area.</p> <p>b) Council will not release the subdivision certificate until vegetation in accordance with the approved landscape plan is planted and fenced (if required) to the satisfaction of Council.</p>	<p>The subdivision will create a large open green space area for residential use as intended, and it will be used and maintained by the land owners and Council. This will improve the current status of the land as a vacant property that is currently not available to the public and is a step towards the construction of the open green space and drainage reserve from within the estate. The open space will be enhanced as the land is developed.</p> <p>Refer to Annexure 4 - Biodiversity Assessment Report and Annexure 5 – Vegetation Management Plan.</p>	
3.3.9	Land contamination		
	General development standards		
	<p>a) Where land to be subdivided is identified as being potentially contaminated from previous uses, the subdivider will be required to carry out an investigation in accordance with any relevant guidelines made under the <i>Contaminated Land Management Act 1997 (CLM Act)</i>.</p> <p>b) The investigation is to consider the previous land use history of the site and identify any land that may be contaminated. Soil testing may be required as part of the site investigations.</p> <p>c) If the land is identified as contaminated, Council shall not consent to the subdivision of land unless remediation works can be and are carried out, at full cost to the subdivider. Remediation is required to an acceptable level to allow the land to be used to the satisfaction of Council and the NSW Office of Environment and Heritage (OEH). Council will generally require the engagement of a site auditor accredited by the OEH to oversee the remediation works and certify that the site is suitable for the intended development.</p>	<p>The Due Diligence Assessment, shown in Annexure 6, revealed elevated (not excessive) levels of contaminants on the site.</p> <p>A Site Investigation by Envirowest Consulting has been carried out to define these areas in Stage 1.</p> <p>Stage 2 is considered low risk as no hot spots were identified during the Preliminary Site Investigation</p> <p>The report highlights the history and land uses of the site dating back to 1912.</p> <p>Noted</p>	<p>✓</p> <p>✓</p> <p>✓</p>

		Comment	✓
	Development Standards for specific lands		
	<p>The following development standards relate to land identified in Schedule 1 of this Plan. (Note: Schedule 1 should not be taken to imply that the land listed in that schedule is contaminated from previous land uses, only that investigations required by this section should be undertaken prior to Council considering approval of the land for residential purposes. Land in Schedule 1 includes lands at Mount Rankin and Kelso (east).</p> <p>a) An application for subdivision of land identified in Schedule 1 is to be accompanied by a Site Investigation Report from a suitably qualified professional providing soil testing results for the property based on the NSW OEH Guidelines.</p> <p>b) Where the report required by (a) above identifies land contamination on the property, the application for subdivision is to be accompanied by a Remediation Action Plan prepared by a suitably qualified professional, based on the NSW OEH guidelines.</p> <p>c) Where (b) applies, Council must not issue a subdivision certificate in relation to the subject land until it has received a Site Validation Report and Site Audit Statement which validates that the site can be used for the applicable land uses for the new zone.</p>	<p>Noted</p> <p>Proposed subdivision is identified in Schedule 1 of the BRC DCP.</p> <p>A due diligence contamination investigation undertaken by SESL Australia Pty Ltd and reported in May 2015 (report number C4503.Q4409.B34749c) identified lead and dieldrin impacted soil in one location. This was identified in Sunnybright Stage 1 and has since been remediated. There is no known outstanding contamination located within Stage 2 footprint. Any contamination identified during works will be dealt with via an unexpected finds protocol.</p> <p>Noted</p>	✓
	<p>Remediation Action Plan (RAP)</p> <p>The RAP is to:</p> <p>a) Set remediation goals that ensure the remediated site will be suitable for the proposed use and will pose no unacceptable risk to human health or the environment,</p> <p>b) Document in detail all procedures and plans to be implemented to reduce risks to acceptable levels for the proposed site use,</p> <p>c) Establish the environmental safeguards required to complete the remediation in an environmentally acceptable manner, and</p> <p>d) Identify and include proof of the necessary approvals and licences required by regulatory authorities</p>	<p>Any remediation works as a result of unexpected finds will be supervised by an Environmental Scientist and comply with EPA guidelines including Guidelines for Reporting on Contaminated Sites (OEH 2011) Remediation of Contaminated Land State Environmental Planning Policy (SEPP55).</p>	
	<p>Site Validation Report</p> <p>The site validation report details the validation results of the remedial action undertaken on the site. Validation is required to confirm that the remediated site</p>	<p>A site validation report would be submitted on completion of any required remediation.</p>	

		Comment	✓						
	<p>complies with the clean-up criteria set for the site as stated in the RAP. Confirmation that all NSW OEH and other regulatory authorities' license conditions and approvals have been met is to be included in the validation report, i.e. documentary evidence confirming that the off-site disposal is done in accordance with the RAP. Where targets have not been achieved, reasons must be stated, and additional site work proposed to achieve the objectives stated in the RAP.</p> <p>Site Audit Statement A site audit statement is an independent review of any or all stages of the site investigation process, conducted in accordance with the <i>Contaminated Land Management Act 1997</i> (CLM Act). A site audit statement may review a preliminary site investigation, a detailed site investigation, a remedial action plan, or a validation report. A site audit statement will lead to the provision of certification called a Site Audit Statement, stating for what use the land is suitable. Only site auditors accredited by OEH can issue a site audit statement.</p>	<p>Previous remediation works were validated through a sampling and analysis program, undertaken within Stage 1.</p> <p>No Hot Spots identified within Stage 2 proposed area.</p>							
3.4	Subdivision requirements: Zone R1 General Residential								
3.4.1	Objectives								
	<p>To ensure that sufficient site area is available to provide a reasonable standard of amenity and functionality for housing developments.</p> <p>To provide requirements for the subdivision of medium density housing.</p>	Noted	✓						
3.4.2	Allotment dimensions								
	<p>Development Standards The minimum standards in the table below, apply for the subdivision of residential land for the purposes of a dwelling house.</p> <table><tr><td><u>Location</u></td><td><u>Normal Lot</u></td><td><u>Battle-axe Lot</u></td></tr><tr><td>Kelso</td><td>16.5m</td><td>3-4m</td></tr></table>	<u>Location</u>	<u>Normal Lot</u>	<u>Battle-axe Lot</u>	Kelso	16.5m	3-4m	Noted	✓
<u>Location</u>	<u>Normal Lot</u>	<u>Battle-axe Lot</u>							
Kelso	16.5m	3-4m							
3.4.3	Road works								
	<p>Development Standards</p> <p>a) Road layouts are to generally be a traditional or modified grid pattern.</p>	<p>Noted</p> <p>Refer to Annexure 1 for proposed road geometry.</p>	✓						

		Comment	✓
	<p>Cul-de-sac roads should be limited in use and should generally serve not more than 15 dwellings.</p> <p>b) Road layouts are to be designed to ensure that maximum access to public open space areas is achieved. Where a subdivision incorporates public open space areas/corridors (including drainage lines which also have an access function), these areas/corridors are to immediately adjoin a public road to ensure maximum visibility and safety of the public open space area/corridor is achieved.</p> <p>c) Council will only accept residential allotments or other land uses adjoining public open space areas/corridors (including drainage lines which also have an access function) where it is satisfied that an appropriate standard of visibility and safety of those areas is achieved.</p> <p>d) Council will accept a road standard identified in table (c) of section 3.3.2 as local access (open space) for local roads adjoining open space areas/corridors, excluding local distributor or collector roads that adjoin open space areas/corridors.</p> <p>e) In respect of local access (open space) roads, a two-vehicle parallel parking bay shall be provided for every three dwellings. The construction of parking bays within the open space corridor shall be permitted.</p> <p>f) Road layouts are to integrate closely with surrounding existing and planned future residential subdivisions.</p>	<p>Roads 5, 8, 9, and 11 as per drawings adjoin open space areas allowing access from the road providing maximum visibility of the open space areas.</p> <p>Noted</p> <p>Noted</p> <p>The road geometry is design for integration with a future proposed residential development and the strategic road layout as shown in DCP Map No.4 - Kelso</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>
	Relevant controls		
	All new public roads must comply with Council's design specifications including kerb and guttering, pedestrian paths and street lighting.	Noted	✓
3.4.6	Subdivision of land in Kelso		
	The standards below also apply to the subdivision of the land identified on DCP Map No. 4 – Kelso. Development Standards	Noted	✓

		Comment	✓
	<p>a) The roads coloured purple on the DCP Map are to be designed and constructed as collector roads (refer section 3.3.2). The location of the purple collector roads should be generally in accordance with that shown on the DCP Map. It will be the developer's responsibility for the construction of the collector roads.</p> <p>c) The intersections marked purple on the DCP Map are to be designed and constructed to cater for the collector and local road network in accordance with Council's Engineering Works and Civil Engineering Construction Guidelines. The location of the purple intersections should be generally in accordance with that shown on the DCP Map. It will be the developer's responsibility for the construction of these intersection works.</p> <p>d) The roads and intersections coloured orange on the DCP Map have been separately identified in a Section 94 Developer Contribution Plan. Council will coordinate the construction of these roads and intersections under that Plan.</p> <p>d) Council encourages residential allotments or other land uses to front the identified collector roads.</p>	<p>No internal roads proposed for this subdivision have been identified as collector roads on the DCP Map No.4 - Kelso</p> <p>No internal intersections marked purple have been identified on the DCP Map No.4 - Kelso for this proposed subdivision</p> <p>Noted. Section 94 Two new single lane roundabout/ intersection identified for the stage 2 subdivision. 1. intersection Marsden Lane /Lawrence Drive and at the north eastern extent of the subdivision. 2. intersection Limekilns Road/ Lawrence Drive at the south eastern end of the subdivision.</p>	<p>✓</p> <p>✓</p> <p>✓</p>
3.8	Development Control Plan Maps		
	Development Standards		
	<p>a) Notwithstanding any other provision of this Plan, Council may only consent to an application to subdivide land to which this Plan applies where the proposed subdivision is consistent with the provisions of the relevant DCP Map for that locality, where applicable.</p> <p>b) Where shown on any relevant DCP map, Council may grant consent to the subdivision of land where proposed roads and allotment boundaries are generally, in accordance with those shown on the DCP Map.</p>	<p>Noted</p> <p>Noted</p>	<p>✓</p> <p>✓</p>
	Chapter 16 Earthworks		
16.1	Preliminary		
16.1.1	Land to which this section applies		

		Comment	✓
	This section applies to all land within the Bathurst Regional Local Government Area (LGA).	Noted	✓
16.2	Changing the level of the land during subdivision		
16.2.1	Objectives		
	a) To ensure adequate information is submitted with a Development Application (DA) to determine the impact of future development by means of changes in levels of land. b) To ensure that inappropriate filling or cutting of land is reduced.	Noted	✓
16.2.2	Development standards		
	The developer is to ensure that there is no more than 1 metre change in level (either by filling or cutting) within a 45° angle to the boundary.	Noted	✓

6.0 Conclusion

Project Justification

- 6.1 The proposal by Bathurst Regional Council to subdivide Lot 118 DP: 1253021 (Previously identified as Lot 5 DP 847225) Stage 2 into 135 lots including 9 dual occupancy lots, and open green spaces reflects Councils planning intention for the site as expressed in the BRLEP2014.
- 6.2 The proposed development is designed to have no adverse impact on the site or surrounding environment and will remediate the site as part of the development.
- 6.3 The proposal will allow the development of stand-alone homes on a range of lot sizes, designed as an integrated development.
- 6.4 The proposal provides for a unique urban precinct close to the shops, bus stop, and a school. This will be attractive to families looking to either downsize or to buy their first home.
- 6.5 The development will contribute to the mix of dwelling types and opportunities within the Bathurst region which is mostly restricted to homes on larger lots.
- 6.6 The proposed development is considered to be consistent with the zone objectives and controls detailed in the *Bathurst Region Local Environmental Plan 2014* and the *Bathurst Region Development Control Plan 2014*. Therefore, its approval would be in the public interest within the meaning of Section 4.15 (cf previous s 79C) of the Act.

7.0 Annexures

Annexure 1.

Plan of Subdivision

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Annexure 2.

Due Diligence Assessment Contamination for Stage 2 for Lot 118 DP 1253021 (Previously identified as Lot 5, DP 847225), Limekilns Road, Kelso NSW

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Annexure 3.

Remediation Action Plan, Ref: R8593rap

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Annexure 4.

Biodiversity Assessment Report

Prepared by OzArk Environment and Heritage Pty Ltd

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Annexure 5.

Vegetation Management Plan

prepared by The Environmental Factors

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Annexure 6.

Green Space Landscape Plan

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Annexure 7.

Aboriginal Heritage Information Management System (AHIMS)

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