

REFERRAL OF PROPOSED ACTION

BYRNES SUBDIVISION

CNR BARAKULA DRIVE AND BROWNS LANE MOORE CREEK NSW 2340

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Attachments

1. Plan of Proposed Subdivision (1243A0101)
2. Locality Plan (1243M0102)
3. Plan – Constraints Mapping (1243M0103)
4. Plan – Indicative Staging (1243M0106)
5. Plan – Building Envelopes (1243M0105)
6. 1232A0101.dxf
7. Flora & Fauna Assessment (April 2007)
by Harper Somers O'Sullivan Pty Ltd

Threatened Species Assessment Addendum Report (August 2011)
by RPS Australia East Pty Ltd
8. Tamworth Regional Council Consent to DA 70/2012
9. Archaeological Survey (March 2007) by Patrick Gaynor

Referral of proposed action

Project title: Byrnes Subdivision

1 Summary of proposed action

1.1 Short description

Proposed Subdivision of Lots 172 and 180 DP753851 Barakula Drive, Moore Creek NSW 2340

1.2 Latitude and longitude

Boundary co-ordinates of the proposed subdivision

Point	Latitude	Longitude
1	-31.047643	-150.933324
2	-31.042865	-150.934230
3	-31.043288	-150.937378
4	-31.043386	-150.937359
5	-31.044305	-150.943575
6	-31.048945	-150.942677

1.3 Locality and property description

The site is located in a peri-urban area, approximately 5km north of Tamworth CBD.

1.4 Size of the development footprint or work area (hectares)

48 hectares

1.5 Street address of the site

Cnr Browns Lane & Barakula Drive, Moore Creek NSW 2340

1.6 Lot description

Lots 172 and 180 DP753851

1.7 Local Government Area and Council contact

Tamworth Regional Council Ref: DA70/2012

1.8 Time frame

It is proposed to commence the development in calendar year 2016, with the project likely to take up to 5 years to complete.

1.9 Alternatives to proposed action

No

1.10 Alternative time frames etc

No

1.11 State assessment

No

1.12 Component of larger action

No

1.13 Related actions / proposals

No

- | | | |
|------|--------------------------------|----|
| 1.14 | Australian Government funding | No |
| 1.15 | Great Barrier Reef Marine Park | No |

2 Detailed description of proposed action

2.1 Description of proposed action

It is intended to carry out a rural residential subdivision of the site to create;

- Thirty Two Lots ranging in area from 4,000 square metres to 20.48 hectares
- New Roads and Widening of Barakula Drive
- Drainage Reserve to accommodate a Detention Basin,

as outlined on the Plan of Proposed Subdivision enclosed as Attachment 1.

The features of this proposed subdivision include:

- Variety of Lot Areas
- Suitable House Site on each lot
- Elevated House Sites with spectacular views to the south, west and north
- Clearly defined existing drainage depressions
- Lot and Road Layout responsive to the environmental constraints and features of the site

It is intended that this rural residential subdivision be developed in logical Stages responsive to servicing, construction and market considerations. An indicative Staging Plan is enclosed as Attachment 4.

2.4 Context, planning framework and state/local government requirements

The land is affected by two zonings in the Tamworth Regional Local Environmental Plan 2010, namely:

R2 Low Density Residential

E3 Environmental Management

The R2 zone occurs at the western end of the site, while the E3 zone occurs at the eastern end of the site. The zone boundary position is shown on the Plan of the Proposed Subdivision enclosed as Attachment 1.

The objectives of the R2 Low Density Residential Zone are as follows:

- i) To provide for the housing needs of the community within a low density residential environment.
- ii) To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed subdivision is consistent with these objectives.

The objectives of the E3 Environmental Management Zone are as follows:

- i) To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- ii) To provide for a limited range of development that does not have an adverse effect on those values.

The proposed subdivision is consistent with these objectives.

The land is affected by three minimum lot sizes in the LEP, namely:

W 4000 m²

Y 1 ha.

AD 100 ha.

The extents of these lot size areas are delineated on the Plan of Proposed Subdivision enclosed as Attachment 1.

Lot 15 in the proposed subdivision is partly within the R2 Low Density Residential Zone and partly within the E3 Environmental Management. It is also partly within the Y / 1 ha. and AD / 100 ha. minimum lot sizes. This arrangement is allowable in accordance with Clause 4.1B of the LEP.

The Tamworth Regional Development Control Plan (Amendment No. 1) has relevance to this development proposal as follows:

a) Issues such as:

- o Utilities and Services
- o Access, Transport and Traffic
- o Staging of Development
- o Open Space
- o Past Land Use
- o Soil Erosion and Sediment Control

which have been addressed.

b) Community Consultation

The subdivision proposal qualifies as Advertised Local Development and has been advertised by:

1. Notice in local newspaper
2. Written notice to all adjoining landowners.

2.6 Public consultation (including with Indigenous stakeholders)

A detailed Archaeological Survey of the site has been carried out by Mr Patrick Gaynor, in company with Mr Ivan Johnson the Chairman of the Tamworth Local Aboriginal Land Council, and a copy of the final Report is enclosed as Attachment 9. No aboriginal artefacts have been found on the site during the survey. The Report recommended that:

- i) The proposed development be allowed to proceed as planned.
- ii) If any aboriginal artefacts are uncovered at the topsoil stripping stage of the development, the Tamworth Local Aboriginal Land Council and the National Parks and Wildlife Service should be informed.

3 Description of environment & likely impacts

3.1 Matters of national environmental significance

A Critically Endangered Ecological Community (CEEC) exists on the site: White Box – Yellow Box – Blakely's Red Gum – Grassy Woodland and Derived Native Grassland.

3.1 (d) List of threatened species and ecological communities

A Flora and Fauna Assessment of the site was made by Harper Somers O'Sullivan in 2007 and a full copy of the Report is enclosed as a part of Attachment 7. This assessment has now been updated by RPS (same company with different name) in its Threatened Species Assessment Addendum Report, which document is enclosed as a part of Attachment 7. This Report concludes that this CEEC will not be significantly impacted by the proposal.

3.3 Other important features of the environment

3.3 (a) Flora and Fauna (see Attachment 7)

3.3 (e) Remnant native vegetation (see Attachment 7)

3.3 (g) Current state of the environment (see Attachment 7)

3.3 (i) Indigenous heritage values (see Attachment 9)

3.3 (k) Tenure of the action area (eg freehold, leasehold) Freehold

3.3 (l) Existing land / uses of area Residential / Grazing

3.3 (m) Any proposed land / uses of area Residential and Environmental Protection as per site zonings.

4 Environmental outcomes

and

5 Measures to avoid or reduce impacts

Building envelopes

The capability of the land to support this proposed rural residential development has been investigated and assessed as a part of the Development Application preparation process, supported by the following specialist studies:

- Archaeological Survey
- Bushfire Threat Assessment
- Flora and Fauna Assessment
- Preliminary Geotechnical Assessment
- Visual Impact Assessment
- Past Land Use Study

While a number of constraints have been identified, these have been seamlessly incorporated into the design of the lot and road layout so that the influence of the constraints is no longer obvious. For your assistance with the clarification and understanding of the influence of these constraints, the Building Envelopes Plan has been prepared and is enclosed as Attachment 5.

6 Conclusion on the likelihood of significant impacts

6.1 Do you THINK your proposed action is a controlled action?

Yes.

6.3 Proposed action IS a controlled action

Matters likely to be impacted

Listed threatened species and communities (sections 18 and 18A)

7 Environmental record of the responsible party

		Yes	No
7.1	<p>Does the party taking the action have a satisfactory record of responsible environmental management?</p> <p>The potential developers of the site have no experience with development and will rely on professional guidance to conduct the development responsibility.</p>	✓	
7.2	<p>Has either (a) the party proposing to take the action, or (b) if a permit has been applied for in relation to the action, the person making the application – ever been subject to any proceedings under a Commonwealth, State or Territory law for the protection of the environment or the conservation and sustainable use of natural resources?</p>		✓
7.3	<p>If the party taking the action is a corporation, will the action be taken in accordance with the corporation's environmental policy and planning framework?</p>		✓
7.4	<p>Has the party taking the action previously referred an action under the EPBC Act, or been responsible for undertaking an action referred under the EPBC Act?</p>		✓

8 Information sources and attachments

- 8.1 References**
- Flora and Fauna Assessment for Lots 172 and 180 DP753851, Tamworth (*April 2007*) RPS Harper Somers O'Sullivan Pty Ltd
- Threatened Species Assessment Addendum Report – Browns Lane, Tamworth (*August 2011*) RPS Australia East Pty Ltd
- An Archaeological Survey of Lots 172 and 180 known as the Byrnes Project adjacent to Browns Lane near Tamworth in North-Western NSW (*March 2007*) Patrick Gaynor

	✓ attached	Title of attachment(s)
8.3 Attachments		
Maps or aerial photographs showing the project locality (section 1)	✓ ✓ ✓ ✓ ✓	1. 1243A0101 (Plan of Proposed Subdivision) 2. Locality Plan 3. 1243M0103 (Plan - Constraints Mapping) 4. 1243M0106 (Plan - Indicative Staging) 5. 1243M0105 (Plan - Building Envelopes)
GIS file delineating the boundary of the referral area (section 1)	✓	6. 1243A0101.dxf
Figures, maps or aerial photographs showing the location of the project in respect to any matters of national environmental significance or important features of the environments (section 3)	✓ ✓	7. Flora and Fauna Assessment for Lots 172 and 180 DP753851, Tamworth (<i>April 2007</i>) by RPS Harper Somers O'Sullivan Pty Ltd Threatened Species Assessment Addendum Report – Browns Lane, Tamworth (<i>August 2011</i>) by RPS Australia East Pty Ltd

Copies of any state or local government approvals and consent conditions (section 2.5)	✓	8. Tamworth Regional Council Consent to DA 70/2012
Copies of any completed assessments to meet state or local government approvals and outcomes of public consultations, if available (section 2.6)	✓	7. As Above By RPS Harper Somers O'Sullivan Pty Ltd and RPS Australia East Pty Ltd
Copies of any flora and fauna investigations and surveys (section 3)	✓	7. As Above By RPS Harper Somers O'Sullivan Pty Ltd and RPS Australia East Pty Ltd
Technical reports relevant to the assessment of impacts on protected matters that support the arguments and conclusions in the referral (section 3 and 4)	✓	7. As Above By RPS Harper Somers O'Sullivan Pty Ltd and RPS Australia East Pty Ltd
Report(s) on any public consultations undertaken, including with Indigenous stakeholders (section 3)	✓	9. An Archaeological Survey of Lots 172 and 180 known as the Byrnes Project adjacent to Browns Lane near Tamworth in North-Western NSW (March 2007) by Patrick Gaynor

9 Contacts, signatures and declarations

Project Title:

9.1 Persons proposing to take action

1. Name and Title: Owen and Nerida Byrnes
5. Postal Address: 39 Flagstaff Road, Tamworth NSW 2340
6. Telephone: (02) 6761 8259
7. Email: neridabyrnes@gmail.com

I qualify for exemption
from fees under section
520(4C)(e)(v) of the
EPBC Act because I am:

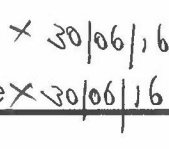
An individual.

Declaration: I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

I agree to be the proponent for this action.

I declare that I am not taking the action on behalf of or for the benefit of any other person or entity.

Signature  Date 

9.2 Person preparing the referral information (if different from 8.1)

Name: Andrew Peter Swane

Title: Director – Planning Consultant

Organisation: Brown & Krippner Pty Ltd

ACN / ABN (if applicable): ABN 23 982 603 952

Postal Address: PO Box 260, Tamworth NSW 2340

Telephone: (02) 6766 5155

Email: admin@brownandkrippner.com.au

Declaration: I declare that to the best of my knowledge the information I have given on, or attached to this form is complete, current and correct.

I understand that giving false or misleading information is a serious offence.

Signature



Date

29.6.16
