



Birthplace of Our Nation

20 September 2021

Our Ref: IN21/1B900B72

«Name»

«Address_1»

«Address_2»

Dear «Dear»,

**Re: Neighbour Notification of Development Application No. 2021.118
Change of Use of Existing Shed to a Transport Depot
Lot 14, DP 255005, 22 Aldershot Road, Tenterfield.**

Tenterfield Shire Council has received a Development Application for a '*Change of Use of Existing Shed to a Transport Depot*' at the abovementioned property.

As your property is in the vicinity of the proposed development, Council is providing neighbour notification. Should you wish to provide a submission which includes an objection to the proposal, the grounds of objection must be given in writing prior to close of business on Tuesday, 5 October 2021.

The proposal is available to be inspected on Council's website at www.tenterfield.nsw.gov.au.

Please find attached a summary of the proposed development.

Should you require any further information please do not hesitate to contact Council's Planning & Development Services Department on (02) 6736 6002.

Yours sincerely,

Tamai Davidson

**Manager Planning &
Development Services**

Encl.

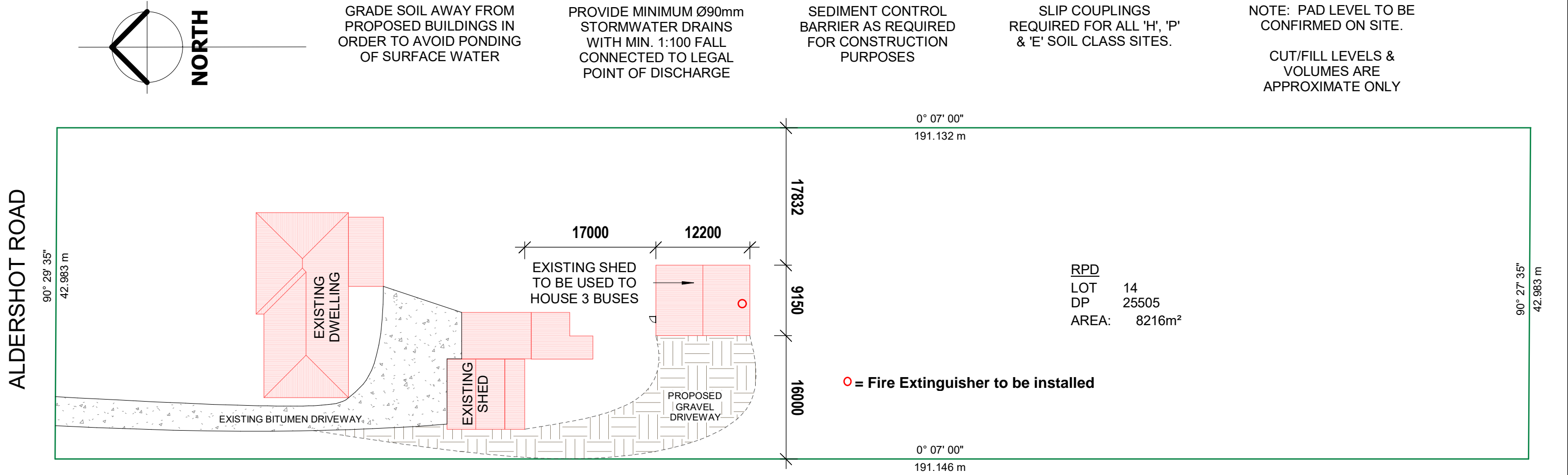
All correspondence should be addressed to:

Chief Executive Tenterfield Shire Council

247 Rouse Street (PO Box 214) TENTERFIELD NSW 2372

Telephone: (02) 6736 6000 email: council@tenterfield.nsw.gov.au website: www.tenterfield.nsw.gov.au

ABN: 85 010 810 083



2
300 1 : 500

Site Plan - Proposed

NOTE:
TILE LAYOUT IS INDICATIVE ONLY.
TILE SET OUT TO BE AGREED ON SITE
PRIOR TO COMMENCEMENT OF TILING.



CONSTRUCTION NOTES

ALL WORK TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA REQUIREMENTS (NCC) AND AUSTRALIAN STANDARDS AND THEIR MOST CURRENT AMENDMENTS.
ALL LOCAL COUNCIL REQUIREMENTS ARE TO BE MET IN RELATION TO THE CLASS AND TYPE OF CONSTRUCTION.

BEFORE COMMENCING CONSTRUCTION ALL DIMENSIONS, EXISTING LEVELS, FINISHED LEVELS AND ALL SITE SERVICES ARE TO BE VERIFIED BY THE BUILDER.
NOTIFY THE BUILDING DESIGNER OF ANY VARIATION BETWEEN THE DOCUMENTATION AND SITE CONDITIONS.

WRITTEN DIMENSIONS ARE TO TAKE PRECEDENCE OVER SCALING FROM THE DRAWINGS. NOTIFY THE BUILDING DESIGNER OF ANY VARIATIONS OR DISCREPANCIES IN THE DIMENSIONING OF THE PLANS.

MANHOLE TO BE POSITIONED TO SUIT TRUSS LAYOUT. POSITION TRUSSES SO AS TO PROVIDE A CLEAR 600mm x 600mm OPENING. MANHOLE POSITION AS INDICATED ON PLAN.

TERMITE PROTECTION TO COMPLY WITH AS 3660 AND AS 3660.1 & NCC 2019 VOLUME 2 PART 3.1.3.

WATERPROOFING OF WET AREAS TO COMPLY WITH AS 3740 - 2010 & NCC 2019 VOLUME 2 PART 3.8.1.

DAMP PROOFING OF GROUND SLAB/ FLOORS TO COMPLY WITH AS 2870 & NCC 2019 VOLUME 2 PART 3.2.2.6 & 3.2.2.7.

ALL BATHROOMS, LAUNDRIES, ENSUITES AND WC'S NOT NATURALLY VENTILATED ARE TO BE MECHANICALLY VENTILATED TO COMPLY WITH 1668.2 AND AS/NZS 3666.1 & NCC 2019 PART 3.8.5.

WINDOW FRAME AND GLAZING TO BE INSTALLED IN ACCORDANCE WITH AS1288, NCC 2019 VOLUME 2 PART 3.6 AND MANUFACTURERS REQUIREMENTS.

POOL FENCING TO COMPLY WITH AS 1926.1 & 2.

SMOKE ALARMS TO COMPLY WITH AS 3786 & NCC 2019 VOLUME 2 PART 3.7.2.

STAIRS, HANDRAILS AND BALUSTRADES TO COMPLY WITH Part 3.9.1, 3.9.2 NCC 2019 AND AS1170 INCLUDING AS1288.

BALUSTRADES TO HAVE A MINIMUM HEIGHT OF 1000mm ABOVE FINISHED SURFACE LEVEL.

GENERAL NOTES:
ALL DIMENSIONS AND LEVELS SHALL BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF THE WORKS.


DIMENSIONS SHOWN ARE TO FACE OF EXTERNAL FRAME ONLY. **DO NOT SCALE.** ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO BUILDING DESIGNER.

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE SOIL REPORT.

6mm VILLABOARD TO WET AREA WALLS.

ROOF TRUSSES SHALL BE ENGINEER DESIGNED, FIXED & BRACED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATION.

Site Notes
The location of all existing services to the site and any survey information is to be confirmed on site prior to the commencement of any construction works including earthworks




EFFICIENT BUILDING DESIGN SERVICES

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~ OSSM Design
~ Section J Reports

Post : PO Box 25 TENTERFIELD NSW 2372

✉ contact@efficientbuildingdesign.com
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QBCC LICENCE NO. 15071893



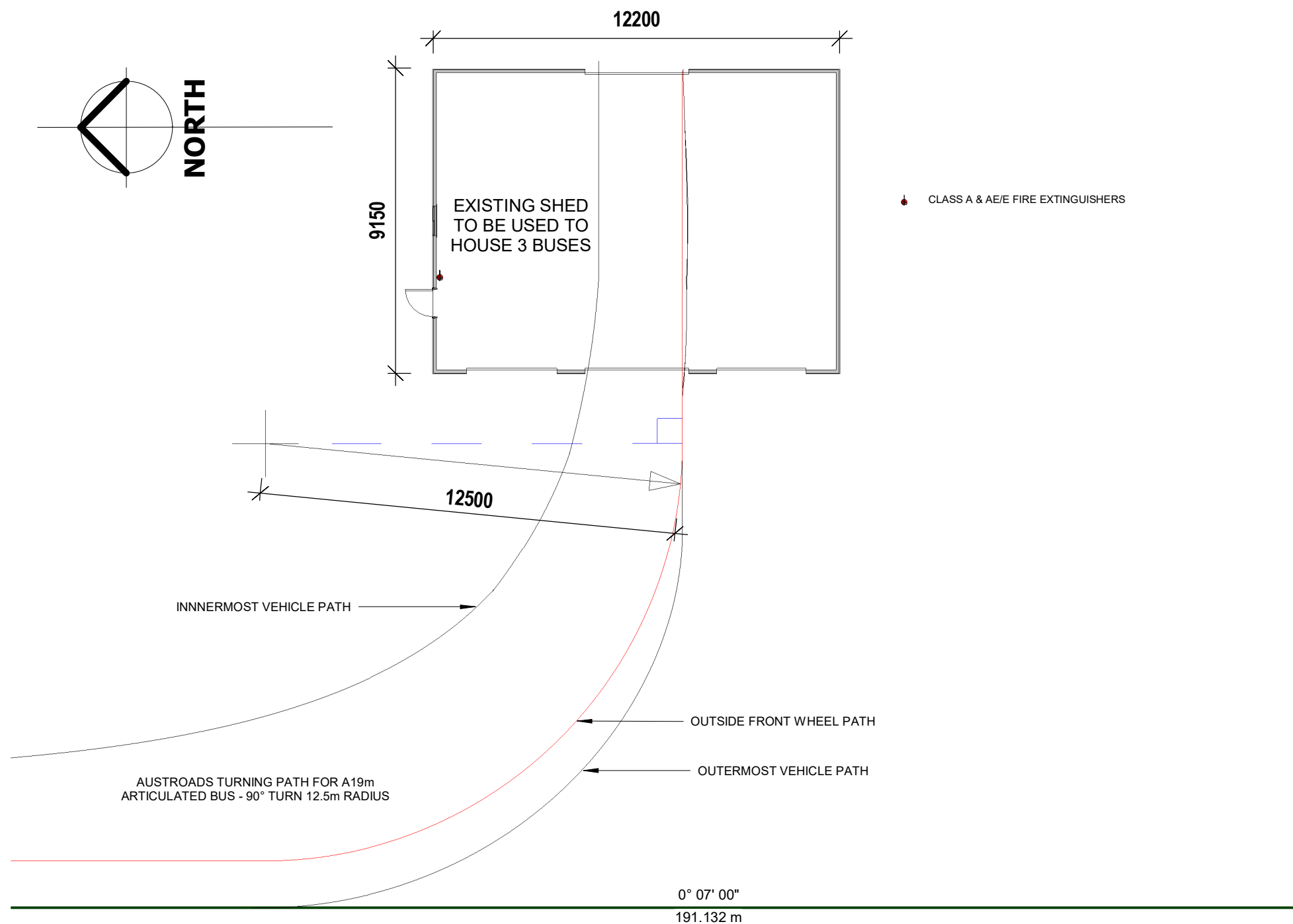
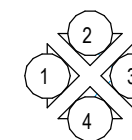
1	Preliminary Design	01/09/2021	CG	
Revision	Description	Date	Issued by	

Proposed Bus Depot
22 Aldershot Road
TENTERFIELD NSW 2372

D & J McCasker

SITE PLAN

project number	21-132	revision	1	sheet	001
date	01/09/2021				
drawn by	CG				
checked by	CG	Scale			1 : 500



1
200
B Floor Plan
1 : 150



~ Building Design - Residential & Commercial
~ General Drafting ~ BASIX Certificates
~ OSSM Design ~ NatHERS Assessments
~ Section J Reports
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1	Preliminary Design	01/09/2021	CG	
Revision	Description	Date	Issued by	

Proposed Bus Depot
22 Aldershot Road
TENTERFIELD NSW 2372

D & J McCasker

FLOOR PLAN

project number	21-132	revision	1	sheet	100
date	01/09/2021				
drawn by	CG				
checked by	CG	Scale		As indicated	

STATEMENT OF ENVIRONMENTAL EFFECTS

**Lot 14 DP 255005
22 Aldershot Road
TENTERFIELD NSW 2372**

**Change of Use of Existing Shed Ancillary
to a Dwelling House to Transport Depot**

**SEPTEMBER 2021
REF: McCASKER**

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot
Lot 14 DP 255005 No. 22 Aldershot Road, TENTERFIELD NSW 2372



RuralPlan Consultants

(Trading as RuralCert Pty Ltd)

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Statement of Environmental Effects			
Rev No	Date	Revision details	Author
0	01/09/2021	Draft	Riarna Sheridan
1	06/09/2021	Final	Riarna Sheridan
PROJECT		Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot	
CLIENT		Donald and Julie McCasker	
OUR REFERENCE		McCASKER	

LIMITATIONS & COPYRIGHT

This Statement was prepared by RuralPlan Consultants (trading as RuralCert Pty Ltd) in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and associated Regulations. It is certified that to the best of our knowledge the information contained within this report is neither false nor misleading.

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Existing and proposed site details and operational activities are based on those provided by the Client / Applicant(s) and / or Owner(s) and approved for inclusion within this report. Opinions and judgements expressed herein, which are based on the report writer's understanding and interpretation of current regulatory standards, should not be construed as legal opinions.

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1. INTRODUCTION

1.1. Overview

This Statement of Environmental Effects (SoEE) has been prepared on behalf of Donald and Julie McCasker by RuralPlan Consultants as part of a Development Application (DA) to Tenterfield Shire Council.

The application seeks consent for the change of use of a shed that is currently ancillary to an existing dwelling house to a transport depot upon the land known as Lot 14 DP 255005 No. 22 Aldershot Road, TENTERFIELD NSW 2372.

The transport depot is proposed to be used to house three (3) buses to enable the landowners to operate a local school bus run within the Glen Innes Local Government Area and private tours within the Tenterfield Local Government Area. It is important to advise that the owners are in the process of obtaining relevant approvals to also construct a transport depot within the village of Emmaville (located within the Glen Innes Severn LGA). Once the new transport depot is constructed at Emmaville (anticipated to be within the next 12-18 months), the buses will be located between both depots.

Please refer to the Architectural Plans submitted with the application and Chapter 3 of this report for further information.

The proposed development has been designed to be compatible with development in the surrounding locality with considerations made to ensure the provisions of the Tenterfield Local Environmental Plan 2013 (TLEP 2013) and the Tenterfield Shire Council Development Control Plan 2014 (TSCDCP 2014) are met.

The proposed use is permissible with consent in the 'RU5 – Village' zone and is generally compliant with the objectives of the planning controls and design requirements.

The DA and statement addresses the matters referred to in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the matters required to be considered by the consent authority.

The purpose of this SoEE is to:

- *Describe the existing environment to which the DA relates and the character of the surrounding area;*
- *Describe the proposed development;*

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot
Lot 14 DP 255005 No. 22 Aldershot Road, TENTERFIELD NSW 2372



- *Outline the statutory planning framework within which the DA is assessed and determined; and*
- *Assess the proposed development in considering the relevant heads of consideration (Section 4.15(1) of the EP&A Act).*

1.2. Table 1 – Applicant, Owner and Site Details

DEVELOPMENT APPLICATION DETAILS	
Applicant	RuralPlan Consultants Contact: Riarna Sheridan Address: PO Box 5, GLEN INNES NSW 2370 Phone: 0460 440 252 Email: admin@ruralcert.com.au
Owners Details	Donald and Julie McCasker
Property Address	Lot 14 DP 255005 22 Aldershot Road TENTERFIELD NSW 2372
Local Government Area	Tenterfield Shire Council
Zone	RU5 - Village
Existing Structures	Dwelling, detached sheds, carport, rainwater tanks, portable shade structures for vegetable gardens.

2. SITE DETAILS

2.1. Location and Context

The site is regular in shape and located upon Aldershot Road, approximately 2.2km north-east of the Tenterfield Town Centre. Accordingly, primary access to the site is gained from Aldershot Road, via East Street or Bellevue Road, respectively.

An existing brick veneer dwelling and ancillary metal clad sheds, carport, poly rainwater tanks and portable shade structures used to house vegetable gardens are located upon the land.

The site is generally oriented on a north - south axis and presents with a moderate slope, falling from the rear to the front. In addition to the existing buildings, the site has been improved with landscaping comprising grasscover and decorative trees and shrubs / gardens.

The land is a generous 8216 square meters in size and bounded by other residential land also zoned RU5 Village to the east, south and west, with Aldershot Road adjoining the site to the north and rural-residential land zoned RU1 – Primary Production adjoining the opposite side of Aldershot Road and meandering further north.

Existing development within the locality comprises rural-residential development of varying densities, presenting as a mix of heights and traditional style designs with hip / gable and / or parapet / skillion roofing. Materiality is predominantly brick veneer with tile or sheet metal roofing.

A photographic aerial view of the site showing all existing development located upon it, follows overpage.

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Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot
Lot 14 DP 255005 No. 22 Aldershot Road, TENTERFIELD NSW 2372



Figure 1: Aerial View, showing subject site outlined in red (Source: Google Earth Pro)

2.2. Site Opportunity and Constraints

The key opportunities and constraints of the site include:

- Opportunity to develop the allotment, consistent with the intentions of the TLEP 2013 and TSCDCP 2014.
- No building works (apart from installation of gravel driveway extension) or tree removal proposed. Development therefore not significantly altering the landscape setting or ecological values of the site and context.
- The site is not identified as:
 - Flood prone;
 - Contaminated; or
 - A Heritage Item.
- The site is identified as:
 - Bushfire prone.

Bushfire Prone Land Comments:

As the subject shed is over 6m from the existing dwelling, no bushfire assessment or construction measures are required to be provided / installed in accordance with the provisions of the NSW RFS Planning for Bushfire Protection 2019 document and AS3959-2018.

2.3. Site Conditions

Site Configuration

The subject allotment is regular in shape with a 42.983m frontage and site access from Aldershot Road as detailed on the accompanying site plan. The site is generally oriented on an north - south axis. Total site area is 8216m².

Topography

Site slope overall is moderate, falling from the rear to the front. The part of the site where the existing shed proposed to be used as a transport depot is located upon is already established / flat, with a minor slope falling away from it only.

Aboriginal Archaeology and European Heritage

In regard to Aboriginal archaeology, an AHIMS search was undertaken in September 2021 (**Appendix A**). The search revealed no items of aboriginal heritage to be located upon the site or within 200m of the subject site.

A desktop search of Tenterfield LEP Heritage Mapping and the NSW Heritage Inventory, also undertaken in September 2021, revealed that the site is not classified as containing items of heritage, nor is located within a Heritage Conservation Area.

Bushfire

The site is identified as bushfire prone land according to Tenterfield Shire Council Bushfire Prone Land Mapping. As the subject shed is over 6m from the existing dwelling, no bushfire assessment or construction measures are required to be provided / installed in accordance with the provisions of the NSW RFS Planning for Bushfire Protection 2019 document and AS3959-2018.

Flooding

The site is not identified as flood prone land according to Tenterfield LEP Flood mapping.

Utility Services

The shed subject of this application enjoys connection to mains power with stormwater connected to existing rainwater tanks with overflow managed on site. No new connections proposed at time of application.

Surrounding Development

The site is bounded by other residential land also zoned RU5 Village to the east, south and west, with Aldershot Road adjoining the site to the north and rural-residential land zoned RU1 – Primary Production adjoining the opposite side of Aldershot Road and meandering

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot
Lot 14 DP 255005 No. 22 Aldershot Road, TENTERFIELD NSW 2372



further north. Existing development within the locality comprises rural-residential development of varying densities, presenting as a mix of heights and traditional style designs with hip / gable and / or parapet / skillion roofing. Materiality is predominantly brick veneer with tile or sheet metal roofing.

3. PROPOSED DEVELOPMENT

3.1. Summary

The application seeks consent for the change of use of a shed that is currently ancillary to an existing dwelling house to a transport depot upon the land known as Lot 14 DP 255005 No. 22 Aldershot Road, TENTERFIELD NSW 2372.

The shed subject of this application was previously approved by Tenterfield Shire Council in 2017 as DA 2017-068.

The transport depot is proposed to be used to house three (3) buses to enable the landowners to operate a local school bus run within the Glen Innes Local Government Area and private tours within the Tenterfield Local Government Area. It is important to advise that the owners are in the process of obtaining relevant approvals to also construct a transport depot within the village of Emmaville (located within the Glen Innes Severn LGA). Once the new transport depot is constructed at Emmaville (anticipated to be within the next 12-18 months), the buses will be located between both depots.

A summary of the development is provided in **Table 2** below:

3.1.1. Table 2 – Summary of Proposed Development

Summary of Proposed Development	
Development Calculations	<p>Lot Area: 8216m²</p> <p>Area:</p> <ul style="list-style-type: none"> ➤ Existing Dwelling: 300m² approx. ➤ Existing Detached Sheds and Carport: 200m² approx. ➤ Existing Shed Proposed to be used as Transport Depot: 111.63m² ➤ Existing Hardstand Areas / Bitumen Sealed Driveway:

STATEMENT OF ENVIRONMENTAL EFFECTS

Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot
Lot 14 DP 255005 No. 22 Aldershot Road, TENTERFIELD NSW 2372



Summary of Proposed Development	
	<p>250m² approx.</p> <ul style="list-style-type: none"> ➤ Proposed driveway extension – N/A permeable crushed granite / gravel <p>TOTAL: 861.63m²</p>
Overall Height	<p>Height:</p> <ul style="list-style-type: none"> ➤ To remain as existing – approx. 4m from existing ground level.
Installations	<ul style="list-style-type: none"> ➤ Fire Extinguisher (to comply with new BCA Class 7b building fire safety requirements). ➤ Gravel driveway extension leading from existing internal bitumen sealed driveway to existing shed to be used as transport depot.
Parking	<p>The existing shed will be used to house three (3) buses associated with the school bus run. Only one (1) bus will be used for the school run with the other two (2) retained as spares in-case of emergency / break-down.</p>
Hours of Operation	<p>BUS #1 – SCHOOL RUN: Days of Operation: School Days Only (Monday – Friday):</p> <p>Morning: Depart approx. 6:00am</p>

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Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot
Lot 14 DP 255005 No. 22 Aldershot Road, TENTERFIELD NSW 2372



Summary of Proposed Development	
	<p>Afternoon: Return approx. 5:00pm</p> <p>BUS #2 – PRIVATE TOURS Days of Operation: By appointment only – Mon – Sun</p> <p>Morning: Depart approx. 10:00am</p> <p>Afternoon: Return approx. 3:00pm</p> <p>BUS #3 – SPARE BUS This bus only used in the event of Bus #1 and / or Bus #2 being unavailable due to being out of service.</p>
Number of Staff	The landowners (Donald and Julie McCasker) will be operating the business and buses only.
Noise Control	Due to the minimal amount of movements from site each day (with no movements during the weekends), noise from the bus is considered acceptable. In addition, following the construction of the additional transport depot at Emmaville, bus movements will be even less.

3.2. Setbacks

Setbacks of the shed are proposed to remain as existing. The gravel driveway extension is proposed to adjoin the western boundary of the site which is located over 15m from the closest neighbouring dwelling.

3.3. Earthworks

No earthworks proposed. Gravel driveway extension will be constructed without excavating the land.

3.4. Stormwater and Drainage

Stormwater drainage to remain as existing (connected to existing rainwater tanks with overflow managed on-site).

3.5. Proposed Utilities and Services

The shed enjoys connection to mains power electricity only. No other connections proposed as part of this development.

4. STATUTORY REQUIREMENTS

This section deals with the proposal's consistency with the various statutory and non-statutory provisions. It also addresses the relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).

4.1. Commonwealth Legislation

4.1.1. Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC) 1999, in conjunction with the Commonwealth Environmental Protection and Biodiversity Conservation Regulations 2000, provide the basis for national environmental protection and conservation.

The EPBC Act specifically aims to:

- *Provide for the protection of the environment, especially matters of national environmental significance.*
- *Conserve Australian biodiversity.*
- *Provide a streamlined national environmental assessment and approvals process.*
- *Enhance the protection and management of important natural and cultural places.*
- *Control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife.*
- *Promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources.*
- *Recognise the role of Indigenous people in the conservation and ecologically sustainable use of Australia's biodiversity.*
- *Promote the use of Indigenous peoples' knowledge of biodiversity with the involvement of, and in cooperation with, the owners of the knowledge.*

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Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot
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The EPBC requires Commonwealth approval for development which significantly impacts upon matters relating to National environmental significance. The nine matters of national environmental significance protected under the EPBC Act include:

- *World heritage properties.*
- *National heritage places.*
- *Wetlands of international importance.*
- *Listed threatened species and ecological communities.*
- Migratory species.
- Commonwealth marine areas.
- The Great Barrier Reef Marine Parks.
- Nuclear actions (including uranium mines).
- Water resources, in relation to coal seam gas development and large coal mining development.

EPBC ACT ASSESSMENT

The subject site is not situated on or near an area of environmental significance, nor does it contain any of the aforementioned national environmental significance items. As such, further assessment is not deemed required.

4.2. State Legislation

4.2.1. Environmental Planning and Assessment Act 1979 (EP&A Act)

Development in New South Wales is carried out in accordance with the planning provisions stipulated within the EP&A Act. Section 4.15 (1) – ‘Evaluation’ provides a framework of conditions which a development application must satisfy to be successful.

The proposed development has been evaluated with regard to the matters for consideration of section 4.15(1) of the EP&A Act with the results outlined in **Section 6 of this report – EP&A Act Section 4.15(1) Evaluation.**

4.2.2. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) replaced the Threatened Species Conservation Act 1995 (TSC Act) in 2017. The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. In summary the BC Act provides:

- A new framework for managing native vegetation clearing
- An enhanced and strategic approach to private land conservation and threatened species conservation
- An expanded biodiversity offsetting scheme

The table below assesses the proposed development against the Biodiversity Conservation Act criteria.

Biodiversity Conservation Act Assessment

BIODIVERSITY CONSERVATION ACT TRIGGER QUESTIONS	ANSWER AND COMMENTARY
<p>Is the proposed development categorized as <i>Local Development</i> (i.e. Part 4 Development Applications under the <i>NSW Environmental Planning and Assessment Act 1979</i> (EP&A Act)?</p> <p>IF ‘YES’ THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</p>	<p>YES.</p> <p>The Act and BAM Assessment will apply subject to if the development answers ‘YES’ to any of the below questions.</p>

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BIODIVERSITY CONSERVATION ACT TRIGGER QUESTIONS	ANSWER AND COMMENTARY										
<p>Has Sensitive Biodiversity Values been mapped within your project area (as mapped by the State Government)?</p> <p>IF 'YES' THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</p>	<p>NO</p>										
<p>Has your project been identified within a strategic plan and likely to fall within an area subject to Strategic Biodiversity Certification?</p> <p>IF 'YES' THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</p>	<p>NO</p> <p>A search of Tenterfield Shire Council's strategic planning documents revealed the project is not identified within a plan subject to strategic biodiversity certification.</p>										
<p>Does the development propose clearing of native vegetation (not including 'Category 1' under the Local Land Services Act 2013) in excess of the *area clearing thresholds?</p> <p><i>* Area Clearing Threshold</i></p> <p>Determined by minimum lot size (MLS) applicable to the relevant land as shown in the Lot Size Maps under the relevant Local Environmental Plan (LEP)</p> <p><u>OR</u></p> <p>Determined by actual lot size where there is no MLS provided for the relevant land under the LEP</p> <table border="1"> <thead> <tr> <th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr> </thead> <tbody> <tr> <td>Less than 1 ha</td><td>0.25 ha or more</td></tr> <tr> <td>1 ha to less than 40 ha</td><td>0.5 ha or more</td></tr> <tr> <td>40 ha to less than 1000 ha</td><td>1 ha or more</td></tr> <tr> <td>1000 ha or more</td><td>2 ha or more</td></tr> </tbody> </table> <p>Source: Environment.nsw.gov.au website</p> <p>IF 'YES' THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</p>	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more	<p>Subject Site Minimum Lot Size (TLEP 2013): N/A</p> <p>NO</p> <p>There is no minimum lot size assigned to the land in accordance with TLEP 2013 which means the area clearing threshold is determined by the actual lot size.</p> <p>That said, the development does not propose to undertake or clear any vegetation.</p>
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										

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BIODIVERSITY CONSERVATION ACT TRIGGER QUESTIONS	ANSWER AND COMMENTARY
<p>Will the proposed development impact on threatened species, populations or communities that are likely to be 'significant' as determined through the <i>Biodiversity Conservation Act</i> 'five-part test'?</p> <p>IF 'YES' THE BIODIVERSITY CONSERVATION ACT AND BAM ASSESSMENT APPLIES</p>	<p>NO.</p> <p>The proposed development site is not known to contain threatened species, populations or communities that are likely to be 'significant' under the <i>Biodiversity Conservation Act</i> 'five-part test'.</p>

BIODIVERSITY CONSERVATION ACT ASSESSMENT CONCLUSION

As per the above assessment the Biodiversity Conservation Act 2016 **does not apply**. The proposed development will not have an adverse impact on any threatened or migratory flora and fauna species, endangered populations, threatened ecological communities, or their habitats.

4.3. Environmental Planning Instruments (EPIs)

Development in NSW is carried out under the Environmental Planning & Assessment Act 1979 (EP&A Act). Environmental planning instruments, including State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs), are legal documents enacted under Part 3 of the EP&A Act that regulate land use and development. Environmental planning instruments determine the permissibility of the proposed development and the environmental assessment pathway for the proposed development. The environmental planning instruments relevant to the proposed development are discussed below.

4.3.1. State Environmental Planning Policies (SEPP)

A review was conducted of State Environmental Planning Policies (SEPP) considered applicable to the development: -

- State Environmental Planning Policy No. 55 – Remediation of Land

Consideration of the development against the above SEPP follows overleaf.

4.3.1.1. State Environmental Planning Policy 55 – Remediation of Land

The objective of the Policy is to provide for a uniform planning approach to the remediation of contaminated land in NSW.

Clause 7(1) of the Policy requires the consent authority to consider whether:

1. The land is contaminated, and
2. 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
3. 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.

Proposed Development Compliance with SEPP 55 Remediation of Land

The subject site is located entirely within a RU5 - Village zone. A search of the New South Wales Environment Protection Authority (EPA) Contaminated Land Records revealed that no notices have been issued for the site under the Contaminated Land Management Act 1997, nor have any licences been issued under the POEO Act for the site. In addition, the property report retrieved for the site from the NSW Planning Portal revealed the subject allotment is not known to be a contaminated site.

As such, a contaminated land assessment is not deemed required.

4.4. Integrated Development

Consideration was afforded to other legislation, including legislation concerning whether the proposal is integrated development. Integrated development is development that, in order for it to be carried out, requires development consent and one or more of the following approvals:

- *Coal Mine Subsidence Compensation Act 2017*
- *Fisheries Management Act 1994*
- *Heritage Act 1977*
- *Mine Subsidence Compensation Act 1961*
- *National Parks and Wildlife 1974*
- *Petroleum Act 1991*
- *Protection of the Environment Operations Act 1997*
- *Roads Act 1993*
- *Rural Fires Act 1997*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016 No 63*

4.4.1. Coal Mine Subsidence Compensation Act 2017

The site is not identified as being within a Mine Subsidence District on the maps published by NSW Subsidence Advisory and therefore does not require authorisation from the Mine Subsidence Board.

4.4.2. Fisheries Management Act 1994

No authorisation required.

4.4.3. Heritage Act 1977

No authorisation required.

4.4.4. Mining Act 1992

No authorisation required.

4.4.5. National Parks and Wildlife Act 1974

No authorisation required.

4.4.6. Protection of the Environment Operations Act 1997

An Environment Protection Licence (EPL) is not required for the development.

4.4.7. Roads Act 1993

The Roads Act 1993 details objectives for public and classified roads. The development enjoys existing access via Aldershot Road. As no new driveway access is proposed and the development is not classified as traffic generating development under SEPP Infrastructure 2007, application under S138 of the Roads Act is not required to be lodged in conjunction with this application.

4.4.8. Rural Fires Act 1997

No authorisation required.

4.4.9. Water Management Act 2000

The Water Management Act 2000 aims to provide for the sustainable and integrated management of the water sources of the State for the benefit of both present and future generations. Under the Water Management Act, Activity Approvals are required for certain development. In this instance, a controlled activity approval is not considered to be required as the proposed development is not located on waterfront land.

5. LOCAL ENVIRONMENTAL PLANNING INSTRUMENTS

5.1. Tenterfield Local Environmental Plan 2013

The relevant planning instrument is the Tenterfield Local Environmental Plan 2013 (TLEP 2013).

5.1.1. Land Use Zoning

The site is currently zoned **RU5 - Village** in accordance with TLEP 2013 land use zone mapping.

5.1.2. Objectives of zone – RU5 Village

The zone aims:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To enable development of a scale that is compatible with the general residential character of village areas and that will not prejudice the viability of established shopping and commercial centres.*

The development is considered to be consistent with the zone objectives as it seeks to change the use of a shed to a transport depot used solely to operate a small school bus run, which is permissible with consent within the RU5 zone. The proposal provides for a range of land uses associated with a rural village and will not adversely impact the general residential character of the existing locality.

5.1.3. Permitted with Consent

The Tenterfield LEP 2013 permits the following land uses with Council's consent within the RU5 Village Zone:

*Centre-based child care facilities; Community facilities; Dwelling houses; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Schools; Tank-based aquaculture; **Any other development not specified in item 2 or 4***

5.1.4. Prohibited

The Tenterfield LEP 2013 prohibits the following land uses within the RU5 Village zone:

Agriculture; Air transport facilities; Airstrips; Cellar door premises; Correctional centres; Crematoria; Eco-tourist facilities; Farm buildings; Farm stay accommodation; Forestry; Heavy

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industrial storage establishments; Heavy industries; Pond-based aquaculture; Resource recovery facilities; Roadside stalls; Rural workers' dwellings; Waste disposal facilities; Wharf or boating facilities

The proposed change of use development is defined as a *Transport Depot*, which is permissible with consent in this zone as *Any other development not specified in item 2 or 4*.

The TLEP 2013 defines a **Transport Depot** as:

Transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

5.1.5. LEP Considerations

The following considerations have been made in accordance with the Guyra LEP 2012 provisions:

TLEP 2013 PART 4: PRINCIPLE DEVELOPMENT STANDARDS	COMMENTARY
Clause 4.1 Minimum Subdivision Lot Size	Not applicable to this development.
Clause 4.1AA Minimum subdivision lot size for community title schemes	Not applicable to this development.
Clause 4.2 Rural Subdivision	Not applicable to this development.
Clause 4.2A Minimum subdivision lot size for strata plan schemes in Zone RU1	Not applicable to this development.
Clause 4.2B Exceptions to minimum lot sizes for certain rural subdivisions	Not applicable to this development.
Clause 4.2C Subdivision for residential accommodation in Zone RU1	Not applicable to this development.
Clause 4.2D Erection of rural workers' dwellings in Zone RU1	Not applicable to this development.
Clause 4.2E Erection of dual occupancies and dwelling houses on land in Zone RU1	Not applicable to this development.

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TLEP 2013 PART 4: PRINCIPLE DEVELOPMENT STANDARDS	COMMENTARY
Clause 4.2F Exceptions to minimum subdivision lot sizes for certain rural subdivisions	Not applicable to this development.
Clause 4.3 Height of buildings	Not adopted.
Clause 4.4 Floor space ratio	Not adopted.
Clause 4.5 Calculation of floor space ratio and site area	Not adopted.
Clause 4.6 Exceptions to development standards	Not applicable to this development.

TLEP 2013 PART 5: MISCELLANEOUS PROVISIONS	COMMENTARY
Clause 5.1 Relevant acquisition authority	Not applicable to this development.
Clause 5.2 Classification and reclassification of public land	Not applicable to this development.
Clause 5.3 Development near zone boundaries	Not applicable to this development.
Clause 5.4 Controls relating to miscellaneous permissible uses	Not applicable to this development.

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TLEP 2013 PART 5: MISCELLANEOUS PROVISIONS	COMMENTARY
Clause 5.5 (Repealed)	Repealed.
Clause 5.6 Architectural roof features	Not adopted.
Clause 5.7 Development below mean high water mark	Not adopted.
Clause 5.8 Conversion of fire alarms	Not applicable to this development.
Clauses 5.9, 5.9AA (Repealed)	Repealed.
Clause 5.10 Heritage Conservation	Not applicable to this development.
Clause 5.11 Bush fire hazard reduction	Not applicable to this development.
Clause 5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable to this development.
Clause 5.13 Eco-tourist facilities	Not applicable to this development.
Clause 5.14 Siding Spring Observatory— maintaining dark sky	Not adopted.

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TLEP 2013 PART 5: MISCELLANEOUS PROVISIONS	COMMENTARY
Clause 5.15 Defence communications facility	Not adopted.
Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Not applicable to this development.
Clause 5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not applicable to this development.
Clause 5.18 Intensive livestock agriculture	Not applicable to this development.
Clause 5.19 Pond-based, tank-based and oyster aquaculture	Not applicable to this development.

TLEP 2013 PART 6: ADDITIONAL LOCAL PROVISIONS <u>CLAUSE 6.1 - EARTHWORKS</u>	COMMENTARY
Clause 6.1 Earthworks	Not applicable to this development. No earthworks proposed.
<i>(a) The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development.</i>	N/A

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TLEP 2013 PART 6: ADDITIONAL LOCAL PROVISIONS <u>CLAUSE 6.1 - EARTHWORKS</u>	COMMENTARY
<i>(b) The effect of the development on the likely future use or redevelopment of the land,</i>	N/A
<i>(c) The quality of the fill or the soil to be excavated, or both,</i>	N/A
<i>(d) The effect of the development on existing and likely amenity of adjoining properties.</i>	N/A
<i>(e) The source of any fill material and the destination of any excavated material.</i>	N/A
<i>(f) The likelihood of disturbing relics.</i>	N/A
<i>(g) The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i>	N/A
<i>(h) Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i>	N/A

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TLEP 2013 PART 6: ADDITIONAL LOCAL PROVISIONS	COMMENTARY
Clause 6.2 Flood planning	Not applicable to this development.
Clause 6.3 Sensitive land	Not applicable to this development – land not mapped on the TLEP 2012 ‘Sensitive Land Map’.
Clause 6.4 Essential Services	<p>The shed subject of this application enjoys access to the following services:</p> <p>(a) The supply of electricity: Connection to mains power exists to the shed subject of this application. No further connections proposed as part of development.</p> <p>(b) Stormwater drainage or on-site conservation: All drainage from the subject shed is directed to existing rainwater tanks with overflow managed on site. No changes to stormwater disposal proposed.</p> <p>(c) Suitable vehicle access: Occupants are afforded existing stable road access to the property from Aldershot Road. The shed subject of this application is proposed to be connected to a new internal gravel driveway that provides adequate room to enable the proposed transport depot buses to enter and exit the site in a forward direction without causing disturbance to neighbouring properties.</p>
Clause 6.5 Location of sex services premises	Not applicable to this development.

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TLEP 2013 PART 6: ADDITIONAL LOCAL PROVISIONS	COMMENTARY
Clause 6.6 Development within a designated buffer area	Not applicable to this development.

TLEP 2013 Assessment Conclusion

Overall, it is considered that the proposed development generally complies with the requirements of the Tenterfield LEP 2013.

6. DEVELOPMENT CONTROL PLAN

6.1. Tenterfield Shire Council Development Control Plan 2014 (TSCDCP 2014)

The Tenterfield Shire Council DCP 2014 provides detailed direction about aspects of development that must be considered prior to submitting a Development Application for land located within the Tenterfield Shire Local Government Area.

The TSCDPC 2014 does not provide any controls specifically relating to the subject change of use development. Notwithstanding, as demonstrated upon the submitted site plan and throughout this report, the location of the existing shed proposed to be used as a transport depot and minimal bus movements proposed from the site each day ensures the new use will not detrimentally impact the immediate or surrounding locality in regard to views, privacy, noise or air quality.

7. EP&A ACT SECTION 4.15(1) EVALUATION

The proposed development is evaluated with regard to the matters for consideration of section 4.15(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:

7.1. The Provisions of any Environmental Planning Instrument – 4.15 (1)(a)(i)

Consideration has been given to relevant Environmental Planning Instruments (EPI). The proposed development is not inconsistent with any EPI.

7.2. The Provisions of any Draft Environmental Planning Instrument – 4.15(1)(a)(ii)

No Draft Environmental Planning Instruments available for consideration at time of application.

7.3. The Provisions of any Development Control Plan – 4.15(1)(a)(iii)

Consideration has been given to the provisions of the relevant Development Control Plan.

7.4. The Provisions of any Planning Agreement – 4.15(1)(a) (iiia)

None applicable to this application.

7.5. The Provisions of the Regulations – 4.15(1)(a)(iv)

None applicable to this application.

7.6. The Provisions of any Coastal Zone Management Plan – 4.15(1)(a)(v)

Not applicable to this application.

7.7. Likely Impacts of the Development – 4.15(1)(b)

Likely Impacts	Assessment
Context and Setting	The proposal is appropriately located within the site and with respect to adjoining allotments.
Access, Transport and Traffic	Any additional traffic generated by the proposed development will not create any adverse impact on the surrounding road network.
Public Domain	The proposal will not result in any adverse impacts to the public domain.

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Likely Impacts	Assessment
Utilities	No new connections proposed as part of development.
Heritage	Not applicable.
Other Land Resources	The proposed development will not alienate other uses on neighbouring sites.
Water Quality	Stormwater disposal to remain as existing (to rainwater tanks with overflow managed on-site).
Soils	The site of the proposed development is not identified as contaminated, nor is located within an Acid Sulphate Soils zone.
Air and Microclimate	The proposal is expected to have a negligible impact on air quality and microclimate.
Ecological	There are negligible ecological impacts anticipated.
Waste	Waste generated will be handled in accordance with the Waste Management Plan included as Appendix B .
Energy	Not applicable to this development.
Noise and Vibration	The transport depot will be operated with minimal bus movements from the site each day to ensure no adverse impact occurs to adjoining properties or the locality in regard to noise and vibration. In addition, bus vehicle movements / noise will further reduce one the landowners complete the construction of their additional transport depot at Emmaville (expected to be within approximately 12-18 months).

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Likely Impacts	Assessment
Natural Hazards	The site is identified as bushfire prone land according to Tenterfield Shire Council Bushfire Prone Land Mapping. As the subject shed is over 6m from the existing dwelling, no bushfire assessment or construction measures are required to be provided / installed in accordance with the provisions of the NSW RFS Planning for Bushfire Protection 2019 document and AS3959-2018.
Technological Hazards	None exist in respect to this type of development.
Safety, Security and Crime Prevention	The development is designed and located to ensure safety and security will be maintained.
Social Impact in Locality	The proposal does not introduce a type of development or scale of development that would result in an adverse impact.
Economic Impact in Locality	No adverse economic impact is expected, nor is the proposal envisaged to impact the future economic viability of the locality.
Site Design and Internal Design	Compatible in relation to the existing built form and context of surrounding rural locality.
Construction	To Council and BCA requirements.
Cumulative Impacts	None are likely to result from this scale of development.

Suitability of the Site for Development – 4.15(1)(c)

The subject site is considered suitable for the proposed development in this location. The SoEE has demonstrated in detail that the site is suitable for the proposed development. In summary, suitability is achieved given:

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- The proposed development is permissible and will be consistent with the relevant zone objectives.
- The development will respect the desired future character of the immediate and surrounding locality.
- There are no prohibitive constraints posed by the site or those adjacent.

Submissions – 4.15(d)

It is requested that should the assessing officer choose to notify the application in accordance with Council's Community Participation Plan, any submissions received as a result of said notification be forwarded to the applicant for consideration.

Public Interest – 4.15(e)

It is considered that the proposal will have no detrimental effect on the public interest, subject to appropriate conditions being proposed.

Ecologically Sustainable Development

The principles of ecologically sustainable development (ESD) have been considered in preparing this SoEE. Schedule 2 of the Environmental Planning and Assessment Regulation 2000 notes that ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. The principles of ESD have been considered in the preparation of this SoEE and development design. The proposed development is considered to be able to comply with the ESD objectives for the site.

8. CONCLUSION

The application for development seeks assessment and consent under the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. The development is a permissible use of the land under the *Tenterfield Local Environmental Plan 2013* and displays compliance with the objectives and controls of the *Tenterfield Shire Council Development Control Plan 2014*. It is therefore requested that Council favourably consider the proposed development, subject to conditions of consent.

APPENDIX A

Aboriginal Heritage Information Management System (AHIMS) Search

RuralPlan Consultants

PO Box 5

GLEN INNES New South Wales 2370

Attention: James Sheridan

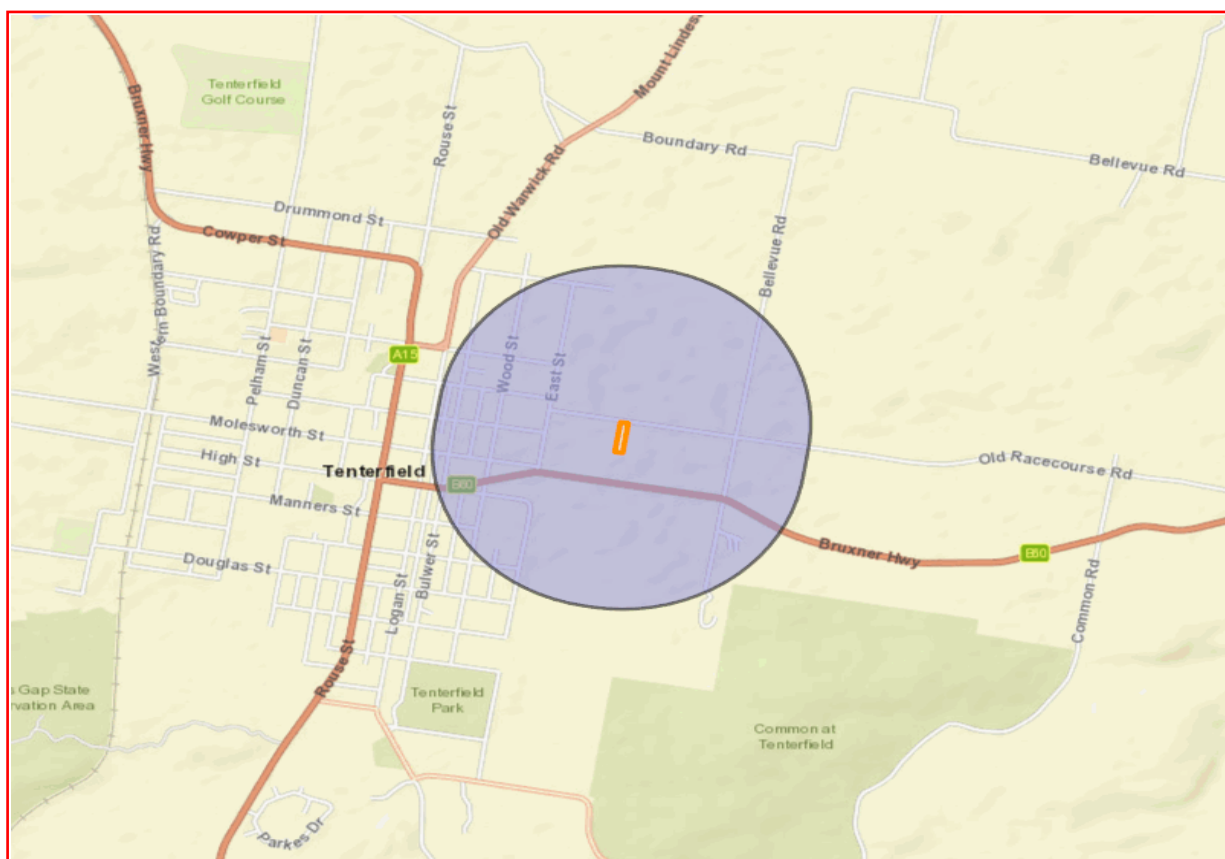
Email: admin@ruralcert.com.au

Date: 02 September 2021

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 14, DP:DP255005, Section : - with a Buffer of 1000 meters, conducted by James Sheridan on 02 September 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

APPENDIX B

Waste Management Plan

WASTE MANAGEMENT PLAN

**Lot 14 DP 255005
22 Aldershot Road
TENTERFIELD NSW 2372**

**Change of Use of Existing Shed Ancillary
to a Dwelling House to Transport Depot
(Daily School Bus Run Only)**

**SEPTEMBER 2021
REF: McCASKER**

Site Details and Project Outline

Site Address

Flat/ Street No: Street Name:

Suburb or Town:

Lot: Section: DP/SP No:

Applicants Details

Applicants Name:

Applicants Postal Address:

Phone: Fax: Email:

Details of Site

Provide a description of buildings and other structures currently on the site:

Dwelling, detached sheds, carport, rainwater tanks, portable shade structures for vegetable gardens.

Provide a brief description of the proposal:

Change of Use of Existing Shed Ancillary to a Dwelling House to Transport Depot.

Site Preparation / Demolition Stage

Type of Materials on Site	Estimated Weight	Reuse and Recycle on-site and off-site Specify proposed reuse or on-site recycling methods	Destination/Disposal Specify Contractor and Landfill site
Excavation Material	N/A	N/A	N/A
Garden Organics	N/A	N/A	N/A
Bricks	N/A	N/A	N/A
Concrete	N/A	N/A	N/A
Timber	N/A	N/A	N/A
Plasterboard	N/A	N/A	N/A
Metals	N/A	N/A	N/A
Hazardous Material and Lead based Paints (Refer to Section (i))	N/A	N/A	N/A

- (i) The NSW Environmental Protection Authority document, "Environmental Guidelines: Assessment, Classification & Management of Liquid and Non-Liquid Wastes" available at www.environment.nsw.gov.au/epa/ provides classification for landfills which can and cannot accept asbestos waste and also reproduces the minimum requirements for the handling and transport of asbestos.

Construction Stage

Type of Materials on Site	Reuse and Recycle on-site and off-site Specify proposed reuse or on-site recycling methods	Destination/Disposal Specify Contractor and Landfill site
Excavation Material	N/A	N/A
Garden Organics	N/A	N/A
Bricks	N/A	N/A
Concrete	N/A	N/A
Timber	N/A	N/A
Plasterboard	N/A	N/A
Metals	N/A	N/A
Hazardous Material and Lead based Paints (Refer to Sections (i) and (ii) below)	N/A	N/A

- (i) The NSW Environmental Protection Authority document, "Environmental Guidelines: Assessment, Classification & Management of Liquid and Non-Liquid Wastes" available at www.environment.nsw.gov.au/epa/ provides classification for landfills which can and cannot accept asbestos waste and also reproduces the minimum requirements for the handling and transport of asbestos.

Use of Premises

Type of Waste to be Generated Please specify for example: glass, paper, food waste, off cuts, etc.	Proposed Storage and Treatment Facilities For example: domestic waste bins, waste storage and recycling area, garbage Chutes, on-site composting, compaction equipment.	Destination Recycling, Disposal.
Minimal waste associated with operation of a school bus only (such as general rubbish left on bus by students)	Council waste and recycle bins.	Utilise Council waste pick-up services.
Buses will be washed and serviced off site.		

On-going Management:

Describe how you intend to ensure on-going management of waste on site:

The owners of the transport depot will continue be solely responsible for waste disposal in perpetuity.