

## GENERAL MANAGER'S REPORT TO COUNCIL

(continued)

<b>SECTION:</b>	<b>Planning – Division Decision</b>
<b>ITEM NUMBER:</b>	<b>Item 6</b>
<b>SUBJECT:</b>	<b>Development Application 27/2012 – R F Wright &amp; Associates</b>
<b>File Reference:</b>	DA 27/2012
<b>Reason:</b>	To consider development application for a 42 lot subdivision.
<b>Objective:</b>	To determine development application
<b>Budget Implication:</b>	Nil
<b>Operational Plan:</b>	Principle Activity 5.1

### Information:

An application has been received for a 42 lot subdivision by RW Wright & Associates Pty Ltd on behalf of T & S Bower for 114 Barleyfields Road Uralla being Lot 100 DP 1177852. The subdivision consists of 40 lots low density residential (ranging in size from 0.51 ha to 1.52 ha), 1 lot utility services (water reservoir – 0.16 ha) and 1 residue of approximately 52 ha. A copy of the proposed layout is in Attachment A.

The zoning of the land is RU1 - Rural Primary Production, R2 – Low Density Residential and E4 – Environmental Living. The land in R2 is being subject to the 40 lot subdivision whilst RU1 will have the utility lot and the residue. The land zoned E4 will mainly be in the residue, but will just flow into Lots 30 – 34.

A copy of the Statement of Environmental Effects is in Attachment B. This includes the Aboriginal Archaeological report and flora and fauna assessment.

The application was notified as per the provisions under Chapter 13 - Notification of the Uralla Development Control Plan 2011. There were three submissions received. These are in Attachment C.

The application was referred to the Development Determination Advisory Unit who carried out a site inspection. They met on Thursday 11 October 2012. Their recommendation was:

- a) The subdivision be approved subject to NSW Rural Fire Service approval and appropriate conditioning.
- b) The issue of traffic flow along Barleyfields Road be referred to the Traffic Committee to consider the issues of :
  - Closing Barleyfields Road to prevent traffic entering onto the New England Highway in the 100kms speed zone.
  - Reducing the traffic flow entering Barleyfields Road to encourage more traffic flow into Uralla.

A full copy of the development assessment report is in Attachment D. This outlines the full assessment.

The only issue that has not been resolved at the time of writing this report is the receipt of the NSW Rural Fire Service final response. Verbal enquiry with the assessing officer is that the subdivision will be approved with conditions. This being the case, Council can approve the subdivision subject to the NSW Rural Fire Service integrated development conditions being included as part of the development approval.

## GENERAL MANAGER'S REPORT TO COUNCIL

(continued)

**Prepared By:** Libby Cumming, Manager of Planning  
**Prepared For:** General Manager

### Recommendation:

That Council:

- a) Approve Development Application 27/2012 for a 42 lot subdivision on land known as 114 Barleyfields Road, Uralla being Lot 100 DP 1177852 subject to:
  1. The conditions attached to the development assessment report.
  2. The inclusion of the requested integrated development conditions from the NSW Rural Fire Service.
- b) Reconsider the application if the NSW Rural Fire Service does not give integrated approval as per the provisions of the *Environmental Planning & Assessment Act 1979*.

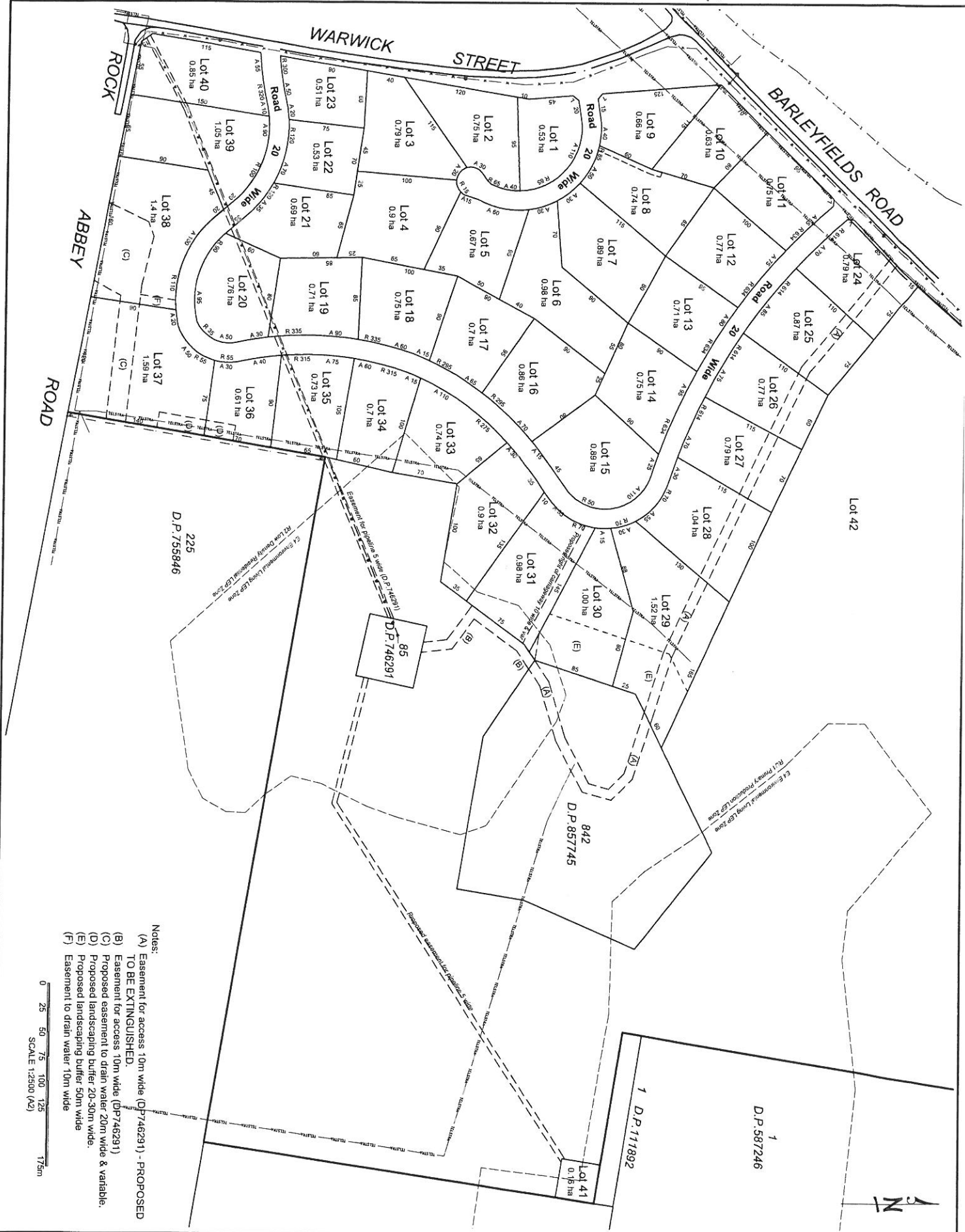
### Attachments to the Item 6 Report

#### INDEX OF ATTACHMENTS

The Following Documents are Included as Attachments to the Preceding Report:

Attachment Name	Pages
A: Proposed Layout of Subdivision	1
B: Statement of Environmental Effects	85
C: Submissions	11
D: Development Assessment Report – dated 15 October 2012	13





- Notes:
- (A) Easement for access 10m wide (DP746291) - PROPOSED TO BE EXTINGUISHED.
  - (B) Easement for access 10m wide (DP746291)
  - (C) Proposed easement to drain water 20m wide & variable.
  - (D) Proposed landscaping buffer 20-30m wide.
  - (E) Proposed to drain water 50m wide
  - (F) Easement to drain water 10m wide

0 25 50 75 100 125 175m  
SCALE 1:2500 (A2)

**NOTES**

- SPOT HEIGHTS DENOTED BY 'X' WITH LIMITED HEIGHTS SHOWN. CONTOUR INTERVAL 0.5M. SPAN 1.0M. R.L. 1021.119 & 85M 313 R.L. 1021.865 SOURCE: LPI 22/01/15
- DIMENSIONS UNDERLINED BY DIRECT TOTAL STATION AND RTK GNSS (09/11/15)
- SOME FENCE, BOUNDING AND SERVICE POSITIONS WERE OBTAINED USING PHOTOGRAMMETRIC MEASUREMENTS.
- ADAMANT HAS GRID OF AUSTRALIA ZONE 56 & COORDINATE SYSTEM LOCAL. AERIAL IMAGE © SIX VIEWER LPI 2010
- ONLY VISIBL SERVICES HAVE BEEN LOCATED IN THIS DRAWING
- THIS DRAWING IS A PRELIMINARY DRAWING AND DOES NOT REPRESENT A FINAL DESIGN. THE DESIGNER ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY THE USE OF THIS DRAWING.
- THE DESIGNER HAS CONDUCTED VISUAL CHECKS OF THE SITE AND HAS VERIFIED THE LOCATION OF THE SERVICES AND STORMWATER DETAILS AS SHOWN ON THIS DRAWING. THE DESIGNER HAS NOT CONDUCTED ANY OTHER INVESTIGATION AND IS NOT RESPONSIBLE FOR ANY SERVICES NOT SHOWN ACCORDING TO SOME INDICATIVE.
- ZONE BOUNDARY POSITIONS AS INDICATED HAVE BEEN SOURCED FROM URBANA LOCAL COUNCIL (2009, 2011, 2012, 2013, 2014, 2015)
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- © CROFT SURVEYING & MAPPING 2012.

<p><b>PROJECT:</b> Proposed Subdivision of Lot 41 in DP 857745 being 114 Barleyfields Road URBANA NSW 2358</p>	
<p><b>CLIENT:</b> Mr &amp; Mrs T &amp; S Bower Stanley Vale URBANA NSW 2358</p>	
<p><b>R.F. Wright &amp; Associates</b> Consulting Civil and Structural Engineers 100 Barrow Street Armidale NSW 2350 P: 02 6732 1077 M: 0414 782 867 E: office@croftsrfw.com.au</p>	
<p>Date: 26th April 2012</p>	<p>Drawing: 12640-DA-B</p>
<p>Surveyor: Michael Croft</p>	<p>Sheet: 1 of 1</p>

## STATEMENT OF ENVIRONMENTAL EFFECTS

**SUMMER HILL ESTATE**

**42 LOT R2 LOW DENSITY RESIDENTIAL SUBDIVISION**

**OFF BARLEYFIELDS ROAD, URALLA NSW**

**114 BARLEYFIELDS ROAD**

**LOT 841 IN D.P. 857745**

**PARISH OF URALLA**

**COUNTY OF SANDON**

**NEW SOUTH WALES**

**JUNE 2012**

**RFW**

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## **CONTENTS**

### **1 INTRODUCTION**

- 1.1 Statement of Application
- 1.2 Purpose of this Statement of Environmental Effects
- 1.3 Brief Description of the Proposal
- 1.4 Location of the Site
- 1.5 Staging

### **2 HISTORY OF THE SITE**

- 2.1 Investigation of Possible Contamination

### **3 PROVISIONS FOR RELEVANT PLANNING INSTRUMENTS**

- 3.1 Uralla Shire Council

### **4 THE IMPACT OF THE DEVELOPMENT ON THE ENVIRONMENT**

- 4.1 Location
- 4.2 Development of Natural Skyline
- 4.3 Protection of Views
- 4.4 Aboriginal or Archaeological Interest
- 4.5 Existing Vegetation and Fauna
- 4.6 Slope Analysis
- 4.7 Aspect Analysis

### **5 THE SOCIAL AND ECONOMIC EFFECT OF THE DEVELOPMENT ON THE LOCALITY**

- 5.1 Economic Impact
- 5.2 Social Impact
- 5.3 Age Profile
- 5.4 Schooling
- 5.5 Pre-school Children
- 5.6 Retailing
- 5.7 Leisure and Recreation

## **6 CHARACTERISTICS OF THE DEVELOPMENT**

- 6.1 Number, Shape and Size of Allotments
- 6.2 Likely Styles of Residential Development
- 6.3 Energy Efficient Housing

## **7 HAZARDS, DRAINAGE AND SOIL**

- 7.1 General Review of Hazards
- 7.2 Natural Drainage
- 7.3 Soils
- 7.4 Spring Activity
- 7.5 Existing Dams

## **8 RELATIONSHIP OF THE DEVELOPMENT TO ADJOINING AND PROXIMATE LAND**

- 8.1 Relationship
- 8.2 Existing Easement for Access
- 8.3 Landscaping Buffers
- 8.4 Existing Easement for Pipeline

## **9 ROADS AND TRAFFIC**

- 9.1 Access
- 9.2 Traffic Generation
- 9.3 Public Transport
- 9.4 Road Hierarchy
- 9.5 Road Names
- 9.6 Road Drainage

## **10 UTILITY SERVICES**

- 10.1 Water Supply
- 10.2 Telecommunications
- 10.3 Sewer
- 10.4 Garbage & Recycling Collection
- 10.5 Interallotment Stormwater Drainage
- 10.6 Electricity

## **APPENDICES**

- Appendix 1 - Plan Lot 81, DP 857745, Parish of Uralla
- Appendix 2 - Archaeological Report
- Appendix 3 - Vegetation Assessment & Management Recommendations
- Appendix 4 - Page from Armidale Dumaresq DCP 2007
- Appendix 5 - Water Supply Plan
- Appendix 6 - Sewer Plan
- Appendix 7 - Stormwater Drainage Plan

## **INTRODUCTION**

### **1.1 Statement of Application**

This statement accompanies an application by R F Wright & Associates to subdivide land being part of lot 841 in DP 857745, Parish of Uralla, County of Sandon being known as 114 Barleyfields Road, Uralla. Refer to Appendix I. This application is lodged under the provision of section 77(1) and 77 (3) of the Environmental Planning and Assessment Act.

### **1.2 Purpose of this Statement of Environmental Effects**

The development proposed does not constitute designated development and does not require an environmental impact statement to accompany the application. This document is the statement of environmental effects as required by Uralla Shire Council and is part of the documentation required under S77 (3)(c) of the Act to accompany the development application.

Lastly there is the residual undeveloped portion of the original lot which will remain in toto.

### **1.3 Brief Description of the Proposal**

The application seeks consent of Council to subdivide the site into forty (40) low density residential allotments ranging in size from 5100 square metres to 15200 square metres.

In addition to the forty (40) residential allotments, it may prove necessary, subject to detailed engineering investigation and design, to create one(1) allotment for utility purposes (water reservoir). This lot is also shown on the submitted layout drawings.

### **1.4 Location of the Site**

The subject site is 1.5km east of the Uralla central business district. It is bounded on its northern boundary by Barleyfields Road, on its western boundary by Warwick Street and on its southern boundary by Rock Abbey Road.

### **1.5 Staging**

Development approval is sought for the whole of the proposal. The land subdivision may proceed in stages depending on demand.

## **HISTORY OF THE SITE**

### **2.1 Investigation of Possible Contamination**

The site has been used for grazing. Enquiries made to the present and previous owners indicate that no intensive chemical treatments have been used on the land for agricultural or other purposes and no stock dipping has been carried out on the land for either sheep or cattle. Consequently, from investigations of the history, there appears to be no reason to suspect any contamination of the site.



## **PROVISION OF THE RELEVANT PLANNING INSTRUMENTS**

### **3.1 Uralla Shire Council**

The site is currently zoned R2 Low Density Residential. The proposed use of the site is consistent with the general aims and objectives of the Uralla Local Environmental Plan gazetted on 23<sup>rd</sup> March 2012 and with the specific aims and objectives of the low density residential zone.

The land is subject to Uralla Shire Council Development Control Plan 2011. The requirements of the D.C.P. have been taken into account in this proposal.

## **THE IMPACT OF THE DEVELOPMENT ON THE ENVIRONMENT**

### **4.1 Location**

The subject site is located on elevated, gently sloping land east of the Uralla CBD.

### **4.2 Development of Natural Skyline**

Low density residential development of the site will obviously change the present rural character. However, the large allotment sizes which allow for generous gardens and tree cultivation facilitating the development of a natural, forested area. It is proposed to retain the existing stands of native trees on the site during creation and servicing of the development wherever possible.

### **4.3 Protection of Views**

The site has views to the north west and south. The natural surface slopes on average about 6.5% and this slope will assist in ensuring retention of views to each lot.

### **4.4 Aboriginal or Archaeological Interest**

The site is not archaeologically sensitive. A study by Suzanne R Hudson Consulting reported that no sites of significance were found and that the area is able to be developed from an archaeological perspective. The study recommended that members of the local aboriginal community and an archaeologist be consulted if any aboriginal sites are found during the development of the land. A copy of the report is attached at Appendix 2.

### **4.5 Existing Vegetation and Fauna**

The existing vegetation on site consists of native trees and pastures. It is proposed to retain all trees and shrubs as part of the subdivision development wherever possible. A flora and fauna study is at Appendix 3. This study undertaken in 2010 for Uralla Shire Council identified two remnant stands of vegetation on lot 841. The areas upon which these stands of vegetation exist were subsequently rezoned E4 as per the reports' flora protection recommendations. The part of lot 841 covered by the proposed development is not within the E4 zoning except for the very upper limits of lots 30 – 34. For these lots it would be proposed to identify the E4 zoned area on the title plan with appropriate user restriction clauses.

No threatened species of fauna were reported on site in the attached study.

#### **4.6 Slope Analysis**

Most of the site consists of slight slopes of about 6.5%. Building development is possible on all parts of the site subject to the set back distances from the boundaries required by D.C.P. 2011.

#### **4.7 Aspect Analysis**

The aspect of the site is from the north west and west and also to the south depending on the lot under consideration. The allotment sizes allow all future residential development to enjoy these aspects with rural and/or urban views.

## **THE SOCIAL AND ECONOMIC EFFECT OF THE DEVELOPMENT ON THE LOCALITY**

### **5.1. Economic Impact**

The main initial economic effect of the development will be to the local building and construction industry through the development of forty(40) low density residential blocks and the subsequent residential building activities. Clearly this will have a multiplier effect in the form of expenditure on furniture, household equipment and garden equipment/plantings. Residents of the area who are in the workforce are likely to be employed in the central business district, easily accessible about 1.5 km away or in Armidale.

### **5.2 Social Impact**

The location of the site and aspect of the lots would suggest a middle to up-market population. Three of the lots are theoretically of sufficient size with sufficient usable land and access to allow application by future owners for further subdivision into two lots each with an area of not less than 0.5Ha. However, this is considered unlikely to occur.

### **5.3 Age Profile**

The age profile of likely residents is difficult to predict. However some indication of the likely age distribution can be obtained by looking at the relative size of the various age groups in the area as a whole. Census information indicates the following age distribution:

Persons – 0 to 14 years	19.5% total population
Persons – 15 to 64 years	66.0% total population
Persons – 65 years +	14.5% total population

### **5.4 Schooling**

Census figures suggest that approximately 20% of the residents could be of school age. If it is assumed that there will be a density of 3.5 persons per dwelling (ie. 140 people in total), it is likely that there would be about 30 school age children. Some of the residents would have relocated from other sections of the town and some would be new to Uralla. The impact on schools in the neighbourhood is expected to be manageable.

### **5.5 Pre-school Children**

Advice received regarding pre-school age children in Uralla indicates that there is currently an ability to accommodate additional demand and this may be absorbed prior to completion of the development. Both centres have capacity to grow with demand.

## **5.6 Retailing**

One of the principal needs of all residents is for access to retail facilities. In this respect the development is well placed. The site is only about 1.5 km from the central business district of Uralla with its many shops and services.

## **5.7 Leisure and Recreation**

A major need of all people is the opportunity for leisure time activities and recreation. The development is well placed with its proximity to the CBD, clubs and playing fields to allow the adult population to participate in the wide range of such opportunities presently available in Uralla. In short, there is no need to provide on-site opportunities for this group. For children, the size of the lots will allow 'private' play space.

## CHARACTERISTICS OF THE DEVELOPMENT

### 6.1 Number, Shape and Size of Allotments

The development consists of forty(40) low density residential allotments ranging in area from 5100 square metres to 15200 square metres. There is also one(1) allotment of 1600 square metres for utility services (water supply). Table 6.1 below sets out the statistics on allotment size.

Allotment	Size (m <sup>2</sup> )
1	5300
2	7500
3	7900
4	9000
5	6700
6	9800
7	8900
8	7400
9	6600
10	6300
11	7500
12	7700
13	7100
14	7500
15	8900
16	8600
17	7000
18	7500
19	7100
20	7600
21	6900
22	5300
23	5100
24	7900
25	8700
26	7700
27	7900
28	10400
29	15200
30	10000
31	9800
32	9000
33	7400
34	7000
35	7300
36	6100
37	15900
38	14000

Allotment	Size (m <sup>2</sup> )
39	10500
40	8500

## 6.2 Likely Styles of Residential Development

It is expected that the large allotment size, coupled with the attractive setting and layout will attract buildings intended for the higher end of the residential market.

## 6.3 Energy Efficient Housing

The large allotments will allow easy construction of energy efficient housing in line with best practice.



## **HAZARDS, DRAINAGE AND SOIL**

### **7.1 General Review of Hazards**

The site is not subject to any unusual hazards by virtue of its location or topography. Surrounding land is largely cleared and bushfire risk is low. The nature of the proposed development is such that this risk will not be significantly increased. The elevated nature of the site and the fact that it is at the head of catchments means that flood hazard is non-existent and drainage works can deal with any increase in runoff occasioned by the low density residential development.

### **7.2 Natural Drainage**

There are no defined watercourses on the site and all site drainage is therefore by overland flow. There is a gentle east west crest centre of the development resulting in about 35% of the total area (north of the crest) draining naturally towards Barleyfields Road and about 65% of the total area (south of the crest) draining naturally towards Warwick Street and Rock Abbey Road.

Preliminary hydrological calculations were completed to compare existing peak discharges for a range of rainfall events to post development peak discharges. It was found that the increase in impermeable area within the catchment (roads, roofs etc.) was sufficient enough to warrant a small retention basin on that part of the developed catchment draining to Rock Abbey Road. This basin could be located within the wide drainage area which naturally exists on lot 38. An easement is proposed over this area. The easement extends over part of lot 37 also to capture the intermittent water course entering that lot from the east.

### **7.3 Soils**

The sub strata of the site consists generally of granite derived sandy clays and clayey sands. The construction of buildings and services on the land will need to take into account the friable nature of this soil and this could be adequately addressed at the building approval stage.

It is anticipated that building sites will produce AS 2870 site classifications ranging from 'S' to 'M', although building sites near the mature trees which will be retained, would be more appropriately classified as 'P'.

It is intended to undertake a detailed soil erosion and sediment control study and develop an appropriate management plan for the subdivision civil works contract prior to applying for a construction certificate.

#### **7.4 Spring Activity**

There are no obvious signs of spring activity on the site.

#### **7.5 Existing Dams**

There are a number of existing dams on the site which will be useful as sediment and erosion control structures during the civil works contract. However, prior to release of the title plan, it is intended to fill the dams under supervision, by dewatering and removal of the bed of the storage and compaction of select fill. The location of the dams and an appropriate report on their reinstatement will be referenced on the titles of the subject lots.

## **RELATIONSHIP OF THE DEVELOPMENT TO ADJOINING AND PROXIMATE LAND**

### **8.1 Relationship**

The land is bounded by Barleyfields Road on its north-western boundary, Warwick Street on its western boundary, Rock Abbey Road on its southern boundary, land zoned RU1 and some land zoned E4 on its north eastern boundary. The proposed internal roads intersect with Barleyfields Road and Warwick Street. Both of these existing roads are sealed with carriageways which will be capable of carrying the traffic generated by the development and the proposed intersections with the adjoining roads are located with safe intersection sight distance to allow safe traffic movements to and from the development.

### **8.2 Existing Easement for Access**

There is an existing 10 metre wide easement for access on the site benefiting lot 842 DP857745 and lot 85 DP746291. It is proposed to extinguish part of this easement and replace it with a 10 metre wide right of carriageway over proposed lot 31. The owner of lot 842 has been consulted and agrees with this arrangement. The owner of lot 85 is Uralla Shire Council and agreement in principle has been provided by staff.

### **8.3 Landscaping Buffers**

Landscaping buffers will be provided following agreements reached with neighbours with respect to lot 842 DP857745 and lot 225 DP755846. These landscaping buffers are shown on the attached plans at Appendices 5 – 7.

### **8.4 Existing Easement for Pipeline**

There is an existing 5 metre wide easement for pipeline traversing the site and benefiting lot 85 DP746291 being the site of the town reservoir immediately east of the subdivision site. The lot layout adopted for the subdivision recognises the route of the easement and ensures there are ample building sites on each of the proposed lots through which the easement extends for residential building purposes. It is proposed that the easement for pipeline remain.

## **ROADS AND TRAFFIC**

### **9.1 Access**

All lots access the proposed internal roads except for lot 10 which has access to Barleyfields Road. It is proposed that the internal roads enjoy the normal urban regulatory speed limit of 50kph.

Access for lot 10 onto Barleyfields Road is quite satisfactory with adequate intersection sight distance at the present regulatory speed of 100kph. There are residential lots across the other side of Barleyfields Road also with direct access to that road. Notwithstanding, we recommend Council consider extending the present 50kph regulatory zone on Barleyfields Road to a satisfactory location past the proposed subdivision. At present, the Barleyfields Road 50kph zone commences approximately 200 metres on the town side of the intersection with Warwick Street. If this recommendation is acceptable to Council, the 50kph limit would be relocated a further 600 metres further from town than its present location and would thus capture all of the lots subject to this application as well as the residential lots on the opposite side of Barleyfields Road including the DA approved main entry road to that development's main 'village green' area across the creek.

If Council would prefer access for lot 9 not to be off Barleyfields Road, a battleaxe handle solution would be possible off the smaller of the two internal roads. However, this is not our preferred option.

The 50kph limit on Warwick Street is presently located about 50metres north of the Rock Abbey Road intersection. We recommend that this limit location be extended to the intersection of Warwick Street and Barleyfields Road. If Council agrees with this recommendation the whole of the subdivision would then enjoy a 50kph speed limit for each of the internal roads as well as the existing adjacent roads.

The proposal then would provide for –

- One (1) lot accessing Barleyfields Road
- Eight (8) lots accessing the smaller of the proposed internal roads and
- Thirty one (31) lots accessing the larger of the proposed internal roads.

### **9.2 Traffic Generation**

The proposal will generate about 200 traffic movements per day when the subdivision is fully developed.

Traffic using the intersection of Warwick Street and the smaller internal road is estimated at 45 traffic movements per day.

Traffic from and to the larger of the two proposed roads have two intersections for access. Assuming a 50/50 split, traffic using each of these intersections is estimated at 75 traffic movements per day.

A detailed traffic analysis has not been undertaken as part of this study. However, based on observations of the existing low traffic volumes at peak hour along Barleyfields Road and Warwick Street and the low traffic volumes proposed to be generated by the development, it is recommended that the three proposed intersections be constructed as normal urban intersections.

### **9.3 Public Transport**

Edwards Bus Company currently have the school bus run which services this area. They have suggested they would access the development by extending their existing route from a point further south in Warwick Street. They suggest the school bus would extend its route north along Warwick Street and complete an anti-clockwise loop through the development entering the longer internal road at its Warwick Street intersection. Three(3) bus stops are proposed, each to be delineated by an all weather seat within shelter and school bus signage.

No general public bus transport is available in the area.

### **9.4 Road Hierarchy**

Council's DCP 2011 requires the new roads to be bitumen sealed with mountable kerb and gutter either side of the carriageway.

With regard to carriageway width, it was decided after consultation with Council's engineering staff to adopt the carriageway width design recommendations in the current Armidale Dumaresq DCP 2007. A copy of the relevant page of that document is at Appendix 4.

The proposal is to provide a 20 metre wide road reserve with central bitumen sealed carriageway measuring seven and one half (7.5) metres between nominal faces of mountable kerb and gutter. That is an overall carriageway sealed width of 6.57 metres and width of 7.80 metres overall to the back of the mountable kerbs.

This width of carriageway allows two vehicles to pass each other while passing a parked car. It is also wide enough to allow the school bus to pick up and set down from the carriageway without additional widening. The grass verges either side of the kerb and gutter measure 6.1 metres each to the boundary, providing ample space for pedestrians, cyclists and utilities.

The mountable kerb and gutter allows subsequent consideration and approval of individual property accesses by Council at optional locations without the need to cut into existing kerb and gutter to provide a layback.

## 9.5 Road Names

A separate application will be lodged by our client nominating preferred names for the two proposed roads with supporting arguments for their adoption by Council.

## 9.6 Road Drainage

A preliminary road drainage design has been completed and is shown at Appendix 7. We recommend adoption of grated kerb inlet pits on grade with fibre reinforced pipes within the carriageway. Detention storages will be adopted within the site where found to be necessary by a detailed hydrological and hydraulic stormwater drainage design to be prepared prior to applying for a construction certificate. It is envisaged that a retention basin may be necessary on the catchment south of the centrally located east-west crest and this would be located on lot 38.

## **UTILITY SERVICES**

### **10.1 Water Supply**

A preliminary design has been completed which allows each new allotment to be serviced. It is proposed that a Ø100 class 12 UPVC water main would be constructed off the existing mains in the existing footpaths in Warwick Street and Barleyfields Road. The preliminary design provides for looped mains improving pressure and lowering maintenance costs. The mains will be capable of providing at least 0.1 litres/second demand at a minimum head of 12 metres.

Preliminary enquiries indicate that the pressure available at the street hydrants immediately below the existing reservoir above the site may be insufficient without boosting to satisfy fire fighting requirements.

A detailed design will be undertaken of the water supply prior to application for a construction certificate. The fire fighting pressure in the higher areas of the development could be boosted if necessary by construction of either a pressure boosting system or an elevated tank. There is a suitable location for such a tank if it was necessary within our client's property and this is shown on the preliminary water supply plan attached as Appendix 5.

### **10.2 Telecommunication Services**

Telstra is able to service this development in shared trench arrangement with Essential Energy. NBN is also able to service the development. Detailed designs will be undertaken prior to application for a construction certificate.

### **10.3 Sewer**

It is possible to service every lot in the subdivision by gravity sewer. There is an east-west ridge through the site which effectively splits the sewer catchment. A preliminary design developed for the site is at Appendix 6.

Sixteen (16) lots south of the crest comprising lots 3, 4, 18-23 and 33-40 drain naturally to the south west. It is proposed to provide a gravity sewer to these lots draining to an existing sewer line approximately 350 metres west of the Warwick Street/Rock Abbey Road intersection. The route of this sewer outside of the site of the development is a road reserve.

Twenty four (24) lots north of the crest comprising lots 1 & 2, 5 – 17 and 24 – 32 drain naturally to the north west. It is proposed to provide a gravity sewer to these lots draining to an existing line across Barleyfields Road opposite lot 9. This line drains to an existing sewer pumping station near the railway viaduct. It is proposed to complete a detailed sewer drainage design prior to seeking a construction certificate. This detailed design will address the probable need to upgrade and/or augment the pumping station capacity.



#### 10.4 Garbage & Recycling Collection

All lots will be able to be serviced by the garbage and recycling collection trucks. The seventeen (17) metre diameter turning circle on the smaller of the two proposed roads is sufficient to turn a rigid truck such as is used for these collections.

#### 10.5 Interallotment Stormwater Drainage

The majority of the available building area on thirty five (35) of the lots can be drained to the proposed street drainage system. For the remaining five (5) lots (lots 12 – 16), it is proposed to provide an interallotment drainage system. A detailed design of this system will be undertaken prior to applying for a construction certificate.

#### 10.6 Electricity

Essential Energy are able to supply electricity to the subdivision. A detailed electrical design has not been undertaken but will be prior to applying for a construction certificate. Power may be overhead or underground depending on a return on investment analysis of the two options.



**Ronald F Wright**  
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**Chartered Professional Engineer**  
**NPER N°. 199240**

20 June 2012





# ARCHAEOLOGICAL REPORT FOR BOWER & RITCHIE URALLA



FRONTISPIECE - END TRANSECT 1 FACING SOUTH TO URALLA

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JANUARY 2011

Appendix 2

ARCHAEOLOGICAL REPORT FOR BOWER & RITCHIE LAND

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<b>Project:</b> Survey part Stanley Vale for subdivision	<b>Brief Number:</b>
<b>Author:</b> Suzanne R Hudson	<b>Date:</b> January 18 2011
<b>Distribution:</b> Uralla Shire Council (USB) Tim Bower & Craig Ritchie (Hard Copies) Suzanne R Hudson Consulting	<b>No. of copies</b> 1 2 1

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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>4</b>
<b>SECTION 1 - INTRODUCTION</b>	<b>5</b>
1.1 Background	5
1.2 The Brief	5
1.2.1 Geology	5
1.2.2 Vegetation	6
1.2.3 Soils	6
1.3 Report Objectives and Structure	6
1.4 Limitations to the survey	6
1.5 Liaison with Local Community	7
1.6.1 DECC Registered Sites	7
<b>SECTION 2 – ABORIGINAL PEOPLE OF AUSTRALIA</b>	<b>8</b>
2.1 Arrival of People to Australia	8
2.2 People of the Cowra Area	9
2.3 Predictive Model for Sites in the Area	10
2.3.1 Stone Artefacts	10
2.3.2 Scarred Trees	10
2.3.3 Ceremonial/Sacred Sites	10
<b>SECTION 3 – RESULTS OF THE SURVEY</b>	<b>11</b>
3.1 Results	11
3.2 The Sites	11
<b>SECTION 4 – SIGNIFICANCE ASSESSMENT OF THE STUDY AREA</b>	<b>13</b>
4.1 Local Significance	13
4.2 Aboriginal Significance	13
4.3 Historic Significance	14
4.4 Scientific Significance	14
4.5 Public/Social Significance	14
4.6 Aesthetic Significance	14
4.7 Managing Significant Aboriginal Places	14
4.8 Recommendations	16
<b>BIBLIOGRAPHY</b>	<b>17</b>
<b>APPENDIX – SITE OFFICERS REPORT</b>	<b>19</b>

## EXECUTIVE SUMMARY

On 5<sup>th</sup> January 2011, I was contacted by Elizabeth Cumming, Planning Manager with Uralla Shire Council by email and phone to undertake an archaeological study on the proposed rural subdivision development on the properties in Uralla owned by Bower and Ritchie.

The area, which is located off the route of the old New England Highway, north of Uralla, includes the proposed rezoning portions and this area falls within the archaeologically sensitive area of Salisbury Stone Axe Quarry. This quarry site is situated approximately 9 km southeast of the site. Salisbury Axe quarry is the major manufacturing place of stone axes and cutting tools in the southern part of the *Anaiwan* language group area.

One possible Aboriginal site was located towards the bottom end of Transect 2. No excavation was carried out to determine if this is in fact a pre-European living site. It is suggested that this area be fenced, dead trees removed and exotic species sprayed and removed to preserve the site.

It is recommended that the study area is able to be rezoned for development from an archaeological perspective as no sites of significance were found during the survey. However, if any Aboriginal sites are found after rezoning has taken place, it is essential that all works cease until the area has been inspected by members of the local Aboriginal community and an archaeologist.



## SECTION 1 INTRODUCTION

### 1.1 Background

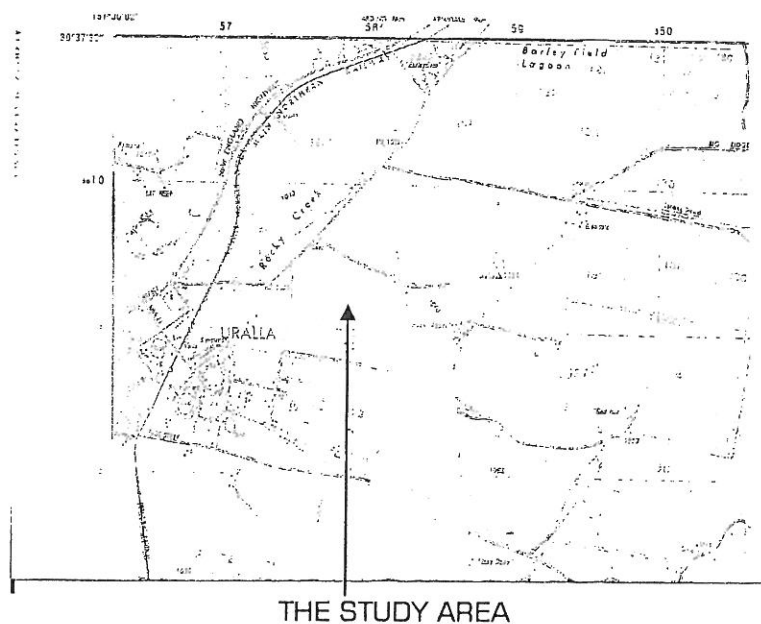
On 5<sup>th</sup> January 2011, I was contacted by Elizabeth Cumming, Planning Manager with Uralla Shire Council by email and phone to undertake an archaeological study on the proposed rural subdivision development on the properties in Uralla owned by Bower and Ritchie.

Bower – DP 857745 Lot 841  
Ritchie – DP 755846 Lot 225

### 1.2 The Brief

The area, which is located off the route of the old New England Highway, north of Uralla, includes the proposed rezoning portions and this area falls within the archaeologically sensitive area of Salisbury Stone Axe Quarry. This quarry site is situated approximately 9 km southeast of the site. Salisbury Axe quarry is the major manufacturing place of stone axes and cutting tools in the southern part of the *Anaiwan* language group area (Hudson 1996).

This report covers the location of the proposed rezoning and the archaeological investigation of the whole site.



### 1.3 Report Objectives and Structure

The report is to outline and deliver the following:

1. Work cooperatively with the stakeholders involved with the project and to help improve communication, awareness and understanding of Aboriginal issues.
2. Inspect, report and consult in a timely and efficient manner.
3. Use local information, maps and photos and other images to identify, substantiate and report on the location of artefactual material in the immediate vicinity of the landfill site, which may require inspection during disturbance of the land surface by fencing, housing and other ground-breaking equipment.
4. Record, using accepted methods of reporting, the significance of sites in the site. This was accomplished by using a hand-held Global Positioning System and a digital camera to record such sites.
5. Advise the Principal of the location of areas of high heritage significance along the site.
6. Advising the Principal on options that do not impact on any Aboriginal heritage.
7. Ascertain the significance of any sites found in liaison with traditional owners of the local Aboriginal community.
8. Observe Aboriginal customary protocols in regards to inspecting works for their heritage.

#### **1.4 Predictive Model For Indigenous Sites In The Uralla Area**

During 2003 Hudson undertook a study of pre-European land use by Aboriginal people – the *Anaiwan* group of the Uralla area was undertaken. This study involved the movement of Aboriginal people across the environment using stone tools to mark the routes they used to forage, hunt, camp and manufacture both stone and wooden tools.

Places of human habitation, tool procurement sites, scarred and marked trees and places of significance to the inhabitants were used to 'map' the area to give an idea of how these people lived in the local environment.

This focuses on the Country of the *Anaiwan* people, who lived in the area before European arrival. The area forms part of the New England Ranges encompassing eastern and western river systems. Walker (1977:11) describes the region as being dominated by undulating uplands, extending as a tableland belt of varying width, with gently

rolling country with shallow valleys terminating in the eastern escarpment east of Walcha.

#### 1.4.1 GEOLOGY

The geology of the area consists of granites and associated volcanics (greywacke, rhyolite, basalt, and diorite). Harrington (1977:31) describes the region as being a difficult communication area as the Peel Fault at Tamworth provides a barrier to easy travel into the area from the south and the escarpment and gorges from the east.

#### 1.4.2 CLIMATE

Climate is the basic element of ecology that affects the study area. Hobbs & Jackson (1977:77) state that the climatic features of the New England area are the result of the effects of distance from the coast and eastern scarp, relief, altitude and latitude which create greater temperature ranges (maximum and minimum), rainfall amounts, and wind patterns.

Some previous researchers (McBryde 1974, Belshaw 1977) state that Aboriginal populations on the Tablelands moved to warmer climates (eastern coastal and western slopes) during the cold winter months, but local research has indicated that there is adequate plant food available during the winter months – for example rusty fig trees (*Ficus rubignosa*) are in fruit during winter. Experience from living in the study area indicates that cold is relative and if you are accustomed to living in a cold climate, the body adjusts to it.

#### 1.4.3 VEGETATION

Vegetation of the Uralla area falls into three categories:

1. Open woodlands or parkland (as described by the early settlers)
2. Marsh and/or swamplands
3. Grasslands, devoid of tree cover

The survey area can be described as all three categories that of open woodlands or parkland, marshy areas (which could be associated with over average local rainfall) and grasslands. Grasses are predominately native species however introduced species are now covering much of the area, especially since the application of superphosphate fertiliser in the 1960's. Trees are predominately native species with some introduced species that have been planted (Apple and Hawthorn).

Sutton (1989:7-8) writes that Aboriginal people of the area used the trees to trap macropods using nets strung between the trees, used the swamps to catch crayfish and dig for yams, roots and hunt water birds and grasslands were maintained by burning to attract large

game into the area for hunting. The survey area is located within 2 km of Barleyfields Lagoon and this area contains stone tools and archaeological deposits associated with using the ephemeral water source for foraging.

### 1.5 Areas of Indigenous Occupation

Not all areas were occupied by Indigenous people around the survey area and there is a distinct pattern between pre-European living areas, post-contact areas and non-Indigenous use areas of the area. This pattern is consistent over the survey area indicating a preferred area for habitation around permanent or semi-permanent water but this can only be substantiated by a more in depth study and excavation to determine uniformity.

### 1.6 Limitations to the Survey

This report has been prepared using evidence collected from a range of sources: libraries, special collections, and primary sources. However, this form of investigation is time consuming. The focus has been concentrated on collections relating to agricultural, forestry and oral history from both Aboriginal Elders and the local community.

Other limitations include:

1. Local rainfall had made the ground wet and the grasses were covering approximately 98-100% of the soil, so it was impossible to see the surface of the land. Only areas that had been recently churned by animal or vehicle impact and bare ground could be searched for artefactual material.
2. All of the survey area had been used for agricultural pursuits so any artefacts that may have been present on the topsoil were no longer visible. Four transects were carried out on foot across the land and the transects were based on following fence lines that marked each paddock but due to grass cover, no Aboriginal artefactual material could be located.
3. No excavation was undertaken during the survey. It should be noted that the result of any archaeological surface survey can only be representative of the *visual* rather than the *existing* archaeological record.

### 1.7 LEGISLATION

#### Federal Legislation

Two pieces of relevant legislation are the Australian Heritage Commission Act 1975-1990 and the Aboriginal and Torres Strait Islander Heritage Protection act 1986.

Classes of items registered under the Australian Heritage Commission Act 1975-1990 which might be placed on the Register of

the National Estate include those of the historic environment (including buildings and structures, modified landscapes and archaeological sites); the natural environment; and items from the Aboriginal environment (archaeological, modified and unmodified places and natural features). Section 30 provisions protect items on the Register from unnecessary destruction by actions of Federal Government Departments, agencies and instrumentalities. State Governments and private developers are not constrained by the provisions of this Act unless Federal funding is involved.

The purpose of the Aboriginal and Torres Strait Islander Heritage Protection Act 1986 is to preserve and protect areas and objects of particular significance to Aboriginal Australians from injury or desecration. Protection of a threatened place under Sections 9 and 10 can include prevention of development if places are in danger of injury or desecration. This Act also protects Aboriginal skeletal remains under Section 12 and heavy penalties may be levied in the case of contravention of provisions of a declaration under Section 22. Although a Federal Act, it can invoke action if the State is unwilling or unable to provide protection for sites or objects.

#### State Legislation

The major legislation that affects Aboriginal heritage, places and objects are:

- National Parks and Wildlife Act 1974
  - Section 84 – this section is for the protection of Aboriginal places, that is any place that is or was of special cultural significance with respect to Aboriginal culture
  - Section 90 – this section is for the protection of Aboriginal objects which are defined under the Act as any deposit, object or material evidence if the area the before or concurrent with (or both) the occupation of that area of persons of non-Aboriginal extraction and includes Aboriginal remains (burials). This states that it is offence to knowingly damage or destroy an Aboriginal object.
  - Section 91 – this section is for the notification of sites of Aboriginal objects and is relevant to bush regeneration activities and that person must notify the Department of Environment and Climate Change (DECC) within a reasonable time after becoming aware of it.

All Aboriginal sites in New South Wales are protected under the National Parks and Wildlife Act (1974) as amended. It is an offence



against Section 90 of that Act, for any person to knowingly destroy, deface, or damage any object of Aboriginal place without first obtaining prior written consent of the Director of NPWS. Excavation or disturbance of the ground, for the purpose of finding a object, is also prohibited without a permit issued by the Director. This study involved documenting those objects and sites (if any) that are visible on the landscape and no artefacts will be removed during the study. The NSW National Parks and Wildlife Act 1974 does not specifically protect non-tangible Aboriginal Places (such as former landscapes with nostalgic significance). Instead, it focuses on the perception of material evidence of Aboriginal occupation if the lands are significant in terms of traditions, observances, customs, beliefs or history of the Aboriginal people of the area.

- Environmental Planning and Assessment (EP&A) Act 1979
  - Part 3 – this deals with State Government planning instruments (Local Environment Plans, Regional Environment Plans and Environmental Planning Policies) which deal with allowable uses and potential limitations on land use.
  - Part 4 – this deals with the impacts that must be considered by authorities before a development application can be approved and Aboriginal places or objects may be affected by development proposals.
  - Part 5 – This relates to the decision making process of the NSW State Government that determine the approval of an activity and it is the Government's responsibility to call for an Environmental Impact Statement which would include assessment of Aboriginal objects and places.

Under the Environmental Planning and Assessment Act (1979) as amended, all local governments' must include provisions for heritage protection in Local Environmental Plans (LEP). For a designated development or for activities, which are likely to adversely affect the environment, an Environmental Impact Statement (EIS) must be prepared which includes an assessment of the heritage significance of the area.

## 1.8 MANAGING SIGNIFICANT ABORIGINAL PLACES

The Burra Charter has not always been found appropriate for places of significance to Aboriginal people. For this reason the "Guidelines for the Protection, Management and Use of Aboriginal and Torres Strait Islander Cultural Heritage Places" has been drafted. It includes five points:

A. Aboriginal and Torres Strait Islander Involvement

1. Aboriginal or Torres Strait Islander people have the right to be involved in decisions affecting their cultural heritage and in the on-going management of their cultural heritage. Their management must be continuous and at the level, they consider appropriate.
2. Aboriginal or Torres Strait Islander people who have rights to speak for the place, and/or have interests in the place should be identified and involved in decisions affecting that place. This will include wide and inclusive consultation, at the beginning of and throughout the process.
3. Decisions, which have an effect at the local level, need to have full local level involvement. Regional planning should accommodate local level input. Local level planning should be integrated with regional planning.

B. All Interests Should be considered

1. The concerns of all interest groups must be taken into account. Some places have cultural values for both Indigenous people and other groups in the community. All relevant groups should be consulted to allow agreement to be reached on the future of the place.

C. Cultural Significance

1. Cultural heritage place management must look after the cultural significance of a place. The "cultural significance" of a place describes the value or importance the place has to a community and includes the 'social, aesthetic, historic and research or scientific value of the place for present, past and future generations'. The term 'social value' includes spiritual values.

D. Process and Actions

1. Decisions about cultural heritage places should be made because of a conscious and logical planning process. This process, guided by and maintaining the cultural significance of the place, takes into account all the management issues affecting the place and identifies the objectives for the management of the place.
2. Actions affecting the place need to be considered only after the cultural significance of the place has been established, and the relevant Indigenous community or owners have agreed upon a statement of objectives.
3. Physical intervention or other management actions should be taken to support cultural significance and should be the minimum required to achieve this aim. Actions which conserve cultural significance have top priority.

E. Making and Keeping Records

1. Records of places, records of decisions made about them and records of actions taken at heritage places should be made, kept, stored and accessed in a way, which is appropriate to the place and meets the wishes of the community. Ownership of, storage and use of, and access to information should be openly agreed at the outset of a project with the people who own, provide or have rights to the information. Availability of information supports the cultural significance of the place.



## SECTION 2

### ARRIVAL OF PEOPLE TO THE AREA

#### 2.1 Why Conduct A Survey For Indigenous Sites?

It is important to develop an understanding of the nature, distribution, condition and significance of pre-contact Indigenous sites in the survey area. In addition to developing management recommendations for Indigenous sites, the Department of Climate Change and Water (DECCW) is also interested in gaining an understanding about Indigenous cultural significance associated with the area and to avoid damage to these places when development occurs. Management recommendations for recorded sites can be assessed to develop management strategies for the heritage value associated with other sites that may be located in the area.

Movement of Indigenous People in the landscape include tribes or totemic groups who are a unit, which include a number of families and kinship units who can speak a mutually understandable language but have a degree of independence between themselves as well as access to shared resources (Godwin 1990). The Indigenous group who occupied the country, of which survey area is a part, were the *Anaiwan* people. Tindale (1974:115) gives a definition of the Australian Indigenous tribes, which have five markers:

1. They inhabit and claim a definite area of country
2. Use a dialect or language peculiar to themselves
3. Possess a distinctive name
4. Have customs and laws differing from those of their neighbours, and
5. Possess beliefs and ceremonies differing from those held or performed by others.

Long distance movement was undertaken mainly for ceremonial and social gatherings and in Indigenous society, rituals associated with men's or women's business, initiations, funerals and corroborees were held from time to time, sometimes taking several months in duration (Beck, Somerville, Duley & Kippen 2003:37). Use of wet lands by Indigenous people was dependant upon water being present for drinking water and food hunting, gathering and fishing opportunities, which in turn provided breeding grounds for birds and animals.

#### 2.1.1 The importance of "Country" to Aboriginal people

The Australian Government's cultural portal (Australian Indigenous cultural heritage - internet 2008:1) on Aboriginal cultures are complex and diverse. The Indigenous cultures of Australia are the

oldest living cultural history in the world - they go back at least 50,000 years and some argue closer to 65,000 years. One of the reasons Aboriginal cultures have survived for so long is their ability to adapt and change over time. It was this affinity with their surroundings that goes a long way to explaining how Aboriginal people survived for so many millennia. Cultural heritage is seen as 'the total ways of living built up by a group of human beings, which is passed from one generation to the next', given to them by reason of their birth.

In Australia, Indigenous communities keep their cultural heritage alive by passing their knowledge, arts, rituals and performances from one generation to another, speaking and teaching languages, protecting cultural materials, sacred and significant sites and objects.

Land is fundamental to the wellbeing of Aboriginal people. The land is not just soil or rocks or minerals, but a whole environment that sustains and is sustained by people and culture. For Indigenous Australians, the land is the core of all spirituality and this relationship and the spirit of 'country' is central to the issues that are important to Indigenous people today (Hudson 2003).

All of Australia's Aboriginals were semi-nomadic hunters and gatherers, with each clan having its own territory from which they 'made their living'. These territories or 'traditional lands' were defined by geographic boundaries such as rivers, lakes and mountains. They understood and cared for their different environments, and adapted to them.

Indigenous knowledge of the land is linked to their exceptional tracking skills based on their hunter and gather life. This includes the ability to track down animals, to identify and locate edible plants and to find sources of water and fish.

## **2.2 The Arrival Of People To Australia**

Australia became an island continent when it separated from Gondwanaland some 80 million years ago. The first Australian's must have arrived by sea and almost certainly came from Pleistocene (Ice Age) Southeast Asia, via the islands between the land masses. The dating of sites accelerated with the oldest site dated 20,000 years ago in 1962, and then 30,000 in 1969 and in 1973 it had stretched to 40,000 years ago. Today, the oldest site recorded in Australia comes from Malakunanja shelter in Arnhem Land with a date of 53,000 years (Mulvaney & Kamminga 1999:139).

Non-Indigenous recording of Indigenous history left much to be desired as far as recording their lifestyle and hunting techniques. McBryde (1978:247-261) includes in her work the writings of Mrs. McPherson

who once lived at Keera Station, Bingara. Although much of her recollections are based more on her Eurocentric background, she does give an insight into the skills that Indigenous people had for hunting. She writes:

*"Not that they are without relish for beef and mutton, especially when taken or killed by themselves, but still they retain a partiality for their native delicacies for the flesh of kangaroo, opossum, emu, native turkey and wild duck. The kangaroo they generally catch in nets, into which the animal is hunted, by the aid of mongrel curs, which swarm at every bush encampment. These nets ... are generally made of the fibres of the corryjong (sic) tree. The netting needle they use is a piece of hard, smooth wood, and the string is wound around it. They work without a mesh, yet the regularity of the loops is quite astonishing".*

### **2.3 Indigenous People In The Study Area**

The last 25 years have seen spectacular changes in our knowledge of the area Aboriginal past. White (1976:71) states that changes in dating methods have come about because of regionally oriented research programs and the most durable methods of dating the past, come flakes of stone and stone tools types as they change over time.

By distinguishing certain features of stone tools that are common to all sites, dating can be achieved within a rough estimate. The heavy core and flake scrapers (50,000-10,000 years ago) of the "Australian Core Tool and Scraper Tradition" have been associated with making wooden tools such as boomerangs, spears, clubs and throwing sticks. Tools of the newer industries (10,000-5,000 years ago) are relatively small in size and are defined by shape as points, adzes and backed (blunted) blades and are known as the "Small Tool and Scraper Tradition". These smaller tools are found in conjunction with chisels and axes. The oldest examples of these stone tools come from the New England region (Binns & McBryde 1969, 1972, McBryde 1974 and McCarthy 1979). There was a further change in technology (1,000-400 years ago) with a loss of some items from the range (backed blades and finely retouched [resharpened] blades) were replaced with simple flakes, bipolar pieces and ground edge axes and a greater use of shell, bone and glass for toolmaking (White 1976:76).

### 2.3.1 ANAIWAN COUNTRY

Hoddinott (1977:52-55) classifies the language as *Nganyaywana*. He states that this language is now extinct but was formerly spoken in an area from Moonbi in the south to Guyra in the north. The language is unique to the area and has little or no relationship to other Australian Aboriginal languages. From some of the words that have been recorded by researchers, the language has roots that relate to neighbouring areas populated by *Daingutti* people but that the language diverged many thousands of years ago. Hudson 1996:39, Godwin 1990:381 state that the *Anaiwan* group living in the Tablelands had ancestors in common with the eastern *Daingutti* people, but at some stage they broke with the *Daingutti* and all other neighbouring groups so totally that their language diverged. At some later time they re-established a close social interrelationship with their western neighbours, the *Gamaroi* (Kamilaroi) sharing aspects of social organisation and during this contact, the language changed to reflect aspects of the *Gamaroi* dialect.

The earliest date for settlement of the New England area comes from a rock shelter excavated by Isabel McBryde at Graman near Inverell. This site has a radiocarbon date of 5450 ± 100 bp. Other sites recorded by McBryde include an art site at Bendemeer with a date of 3000 bp (Connah, Davidson & Rowland 1977:128).

Compared to the surrounding tribal groups:

*Gamilaroi* - 75,400 sq km - one of the largest in the state  
*Daingatti* - 9,100 sq km  
*Anaiwan* - 8,300 sq km  
*Weraerai* - 4,100 sq km  
*Bundjalung* - 2,300 sq km  
*Banbai* - 2,300 sq km  
*Ngarabal* - 1,000 sq km

Average size in the Tablelands - 5,420 sq km, which relates to climatic and environmental restraints and isolation/altitude for sustainable living areas.

### 2.3.2 EUROPEAN ARRIVAL

The New England area was investigated in 1818 when Surveyor-General John Oxley explored the area. Alan Cunningham passed through the area in 1825, Charles Sturt in 1828 and Thomas Mitchell in 1831. The first of the settlers who arrived in the Uralla area of New England was Henry Dangar in 1833, whilst working for The Australian Agricultural Company to develop the wool and coal industries (Hudson 2004:4).

In 1832, Hamilton Sempill settled on the Apsley River and named his holding "Wolka" (now Walcha) and Edward Cory settled east of Uralla in 1833 on Salisbury Waters calling his run "Gostwyck". In 1835 Henry Dangar bought him out, when word of the New England's productivity for wool growing had spread, and the area was then settled by Henry Dumaresq in 1834, William Dumaresq in 1835 and other settlers who selected land across the New England. These settlers included McDougall, Campbell, Macintyre, Clerk, King, the Everett brothers, Duval, Innes and others who are remembered by present-day places such as Mt Duval, "Clerkness", Macintyre River, Glen Innes, Land of the Beardies (from Duval and Everett), Beady Street and River (Hudson 2004:4).

In 1845 Commissioner George Macdonald reported that numbers of Aboriginal people in the New England numbered about 600 men, women and children but stated that because of their "*wandering, disunited and unsettled habits, it is impossible to estimate their numbers with any truth*". He also reported that there was a decrease in numbers since 1840 due to disease; their means of subsistence had diminished to a considerable extent because of the arrival of 500,000 sheep onto the Tablelands which had reduced the numbers of macropods – their staple food.

The Aboriginal people were seen as unwanted nuisances standing in the way of European development and economic progress (Macdonald 1845).

In 1851, Commissioner Massie reported that

*"... a reserve for use by Aborigines of 350 acres had been put aside, which contained good cultivation ground, good water and every essential requisite for the permanent location of the Aborigines, should they feel disposed to forget their migratory habits"* (Massie 1851).

Campbell (1978:6) states that in 1842 there was a cessation of the violence between Aborigines and settlers in the New England. He states that this was due to the change in white population numbers due to the termination of transportation and the assignment system of convicts working for the bushman-managers of the pastoral runs. The usual bushman-manager was being replaced by the wealthier educated squatter, and the census figures confirm this, with a total white population of 2,231 and about 1/3 were convicts and by 1851, this group had dropped to 1/6 of the population.



Walker (1963:141) states that in 1839 Commissioner Macdonald set up his camp on an extensive open plain, well watered and sheltered and situated contiguously to the squatters on Salisbury Court (Uralla), Gostwyck (Uralla), Saumarez (Armidale) and Tilbuster (Armidale). Macdonald named his campsite "Armidale" after his English estate.

Armidale had always been the largest settlement in the Tablelands, which received the first post office in 1843, court of petty session in 1846 and chief constable in 1847 and was the first town to be incorporated as a municipality in 1863 (Walker 1963:141).

Gardner (1852:78) describes country unfit for sheep farming. These places are referred to as the hilly country where box trees are found growing on the slopes and tops of hills. The riverine flats were chosen by settlers to build their homes and sheds. Hudson *et al* (2003:23) states that the remains of buildings from the first European settlement of the area may reflect British layout and style. Housing began with pitching a tent, followed by wattle and daub, pisé, and simple slab, bark and shingle dwellings or log cabins. With the arrival of sheets of iron and glass, more elaborate structures using brick or stone were constructed. Fittings and fixtures give indications of sophistication of plumbing (baths, indoor toilets, laundries [chip heaters, coppers], early hand operated washing machines, light fittings [carbide gas, generators, 32v electricity]).

### 2.3.3 CHINESE ARRIVAL

After people of European extraction had settled the area, the white population jealously guarded the area from other ethnic groups. The Armidale Express of 29th August 1857 reported on the mass migration of Chinese people (called Chinamen) during the gold rush period. Claiming that between 40,000 and 50,000 Chinese people were present in Victoria alone and reported again (16th September 1857) that about 60 Chinese people had arrived at the Rocky River goldfields from Victoria. The reporter stated:

*"Squatters may not be able to do without pig-tailed cooks and shepherds, or storekeepers without the custom of a legion of Celestials, without dwelling upon the vices they introduce to the colony – leprosy. I would protest against their race, having low mental and bodily powers and half-savage habits, utterly unfit for assimilating with a nation of such a boasted degree of civilization as our own".*

Smailes and Molyneux (1963:206) report on the state of settlement by 1900 having been broken up from the early pastoral runs by the Robertson Land Act of 1861. This Act brought about a confused pattern of free selection, rapid sales, land dummying and quick turnover of land blocks allowed a new crop of larger holdings owned by wealthier men than the average selector.

Land once deemed to be unfit for pastoral use was now taken up by selectors and areas within town boundaries that had once been designated Aboriginal reserve had been reclaimed for urban development and the incumbent Indigenous inhabitants were again relocated onto less usable or remote areas.

### SECTION 3

#### ARCHAEOLOGICAL SURVEY OF THE TRANSECTS

Field work began on Tuesday January 18th 2011 and transects were walked on foot. Random checking along tracks meandering through the site was carried out to determine pre-European land use in the area.

TRANSECT	GPS NUMBER	EASTING	NORTHING	HEIGHT (M)
1	001	56 J 358175	6609455	1080
	002	56 J 358159	6609383	1066
	003	56 J 358148	6609371	1068
	004	56 J 358239	6609271	1067
	005	56 J 358323	6609251	1064
	006	56 J 358331	6609373	1075
	007	56 J 358269	6609187	1058
2	008	56 J 357924	6609185	1046
	009	56 J 357987	6609369	1053
3	010	56 J 357759	6609531	1040
	011	56 J 357638	6609544	1029
	012	56 J 357573	6609621	1025
	013	56 J 357634	6609596	1028
4	014	56 J 357987	6609371	1054
	015	56 J 357712	6609754	1027

TABLE 1. LIST OF GPS READINGS

#### TRANSECT 1

GPS 1. 56 J 358175/6609455

North Eastern boundary. No artefacts were found in this area.

GPS 2. 56 J 358159/6609383

Adjacent to water tank along track. 1 possible scarred tree in stringy bark made with a steel axe. This site is within the conservation area and will not be part of the development.



PHOTOGRAPH 1. POSSIBLE SCARRED TREE



GPS 3. 56 J 358148/6609371

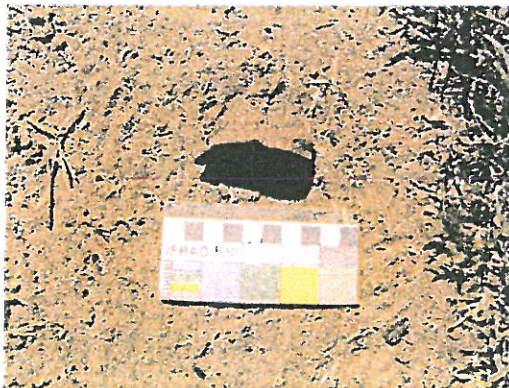
Exclusion area around water tank. Erosion bank examined for stone tools.



PHOTOGRAPH 2. EROSION BANK AROUND WATER TANK

GPS 4. 56 J 358239/6609271

Track running north east from water tank. Isolated quartzite flake found on track. This artefact will not be affected by the development as it is in the exclusion zone.



PHOTOGRAPH 3. ISOLATED FLAKED STONE TOOL

GPS 5. 56 J 358323/6609251

Eastern boundary corner showing dense tree growth in exclusion area, no artefacts in this area.



PHOTOGRAPH 4. EASTERN BOUNDARY SHOWING DENSE TREE GROWTH

GPS 6. 358331/6609373

North eastern track along boundary fence. No artefacts in this area.



PHOTOGRAPH 5. NORTHERN EASTERN AREA ABOVE WATER TANK (facing west)

GPS 7. 358269/6609187

South eastern boundary fence. No artefacts found in this area.



PHOTOGRAPH 6. BOX THICKET ALONG RIDGE LINE

### TRANSECT 2

GPS 8. 56 J 357924/6609185 and GPS 9. 56 J 357986/6609369  
Start Transect 2. Facing south towards Uralla.



PHOTOGRAPH 7. START TRANSECT 2 AT 3-WAY GATE.



TRANSECT 3.

GPS 10. 56 J 357759/6609531 & GPS 13. 357633/6609596

Granite outcrops located south western area. No artefactual material or cultural remains.



PHOTOGRAPHS 8 & 9. GRANITE OUTCROPS

GPS 11. 56 J 357635/6609544

Possible habitation site located in granite outcrops. No excavation was undertaken in this area but it is suggested that this maybe a Potential Archaeological Deposit (PAD).



PHOTOGRAPHS 10 & 11 POSSIBLE  
HABITATION SITE IN GRANITE OUTCROPS

GPS 12. 56 J 357573/6609621

South western boundary fence. No artefacts found in this area.



PHOTOGRAPH 12. NORTH WESTERN BOUNDARY FENCE  
RUNNING BESIDE OLD NEW ENGLAND HIGHWAY

TRANSECT 4

GPS 14. 56 J 357987/6609371

No artefactual material found in this transect.



PHOTOGRAPH 13. START OF TRANSECT 4.

GPS 15. 56 J 357712/6609754

End transects 2 and 4. No artefacts found in this area.



END TRANSECTS 2 & 4 (facing south).



## SECTION 4

### DISCUSSION

#### 4.1 Predictive Model for Indigenous Sites in the Area

Indigenous sites that may be found in the New England could include:

- Habitation or living sites (camp sites)
- Scarred or carved trees (bark removed for tools/utensils or ceremonial markings)
- Artefact scatters associated with living sites or hunting places
- Manufacturing places (quarries, grinding grooves)
- Sacred/ceremonial places including burial sites
- Dreamtime, story telling and oral history places
- Men's/women's sites
- Burial sites

#### 4.2 Stone artefacts

Stone artefacts (called lithics) are found almost everywhere because stone is a very durable material. This is the most common type of pre-European site in areas where there are no habitable rockshelters or caves. These scatters signify different human activities and are often found in conjunction with organic refuse and hearths.

Most sites located on or adjacent to the coast were habitation sites that contained stone and sometimes bone material in middens. Scatters consisted of flakes (silcrete, chert and quartzite) spear points, blades and grindstones.

Hearths are the remains of fireplaces where Indigenous people cooked their meals. These can be located on the surface of the ground and may contain charcoal remains, sometimes recognisable as a black stained area or more commonly by hearth stones that have been manufactured out of termite antbeds, rolled into balls, heated in the coals and used to cook food.

#### 4.3 Scarred trees

Why do we look for scarred trees? The main reason is to ensure their future wellbeing and this can only be achieved if they can be identified, protected and managed. This can only be achieved by recognition so that they are left unharmed by on-ground works or other form of human land use, such as logging, firewood removal or taking steps against natural or incidental processes such as bushfire, stock damage, vandalism, timber rotting or tree collapse (Long nd:7). The

presence or lack thereof of scarred trees at sites is an indicator of the degree of use of Indigenous people made of the resource.

#### **4.4 Ceremonial/sacred sites**

These sites can only be assessed by Aboriginal people from the area, as these sites can be intangible, natural formations or places of spiritual significance. These sites are generally found along ridgelines in close proximity to major streamlines (the need for close drinking water for participants).

#### **4.5 The Transects**

##### **4.5.1 Transect 1 – Aboriginal sites**

Two Aboriginal sites were found in this transect but both are located in the exclusion area adjacent to the water tower. This area will not be disturbed as it is within Uralla Shire Council's conservation area.

##### **4.5.2 Transect 2 – PAD**

One possible Aboriginal site was located towards the bottom end of this transect. No excavation was carried out to determine if this is in fact a pre-European living site. It is suggested that this area be fenced, dead trees removed and exotic species sprayed and removed to preserve the site.

##### **4.5.3 Transect 3.**

No Aboriginal sites were located in this transect

##### **4.5.4 Transect 4.**

No Aboriginal sites were located in this transect.

#### **4.6 SIGNIFICANCE ASSESSMENT OF THE STUDY AREA**

Archaeology is primarily concerned with the interpretation of human history and cultural evolution through the study of material remains, discarded because of past human activities. The record is both fragile and non-renewable and any major disturbance of the environment such as landscape-altering development, poses a threat to this valuable cultural resource. The major cause of destruction of much of the archaeological record is development since European settlement and the impact of natural erosional processes, thus what is left is even more valuable.

The assessment of the significance of these sites, both potential and realised is fundamental to cultural heritage management planning

(Moratto & Kelly 1978:1-30). Significance can be assigned to particular sites and places and cultural heritage significance may be greater than the sum of its individual sites and places (Kerr 1990:3).

#### 4.6.1 INDIGENOUS SIGNIFICANCE

This area is of great cultural significance to the local Indigenous community. The area is located geographically near Barleyfields Lagoon and is recorded in the Indigenous oral history of the local people. Indigenous significance of relics and sites can *only* be assessed by the Indigenous community. It is the responsibility of the archaeologist to ensure that the Elders, or in their absence, elected representatives of the community are advised of the survey results and are consulted as to their knowledge and opinions of the significance of the area. This area holds special significance to the community, as there are cultural affinities significant to the Indigenous community.

For most Indigenous groups, contact sites (e.g. missions and camp sites and walking tracks) have strong social significance. Some of these sites/places may be recognisable due to landscape modification or material remains whereas others may consist of natural physical features.

#### 4.6.2 HISTORIC SIGNIFICANCE

A site or place has historical significance if it is associated with either significant persons or events. Kerr (1990:10) notes that these may include incidents relating to exploration, settlement foundation, Indigenous/European contact, disaster, religious, literary fame, technological innovation and notable discovery. Historical significance may also include the ability of a site/place to be representative of cultural patterns from a particular historical period (Moratto & Kelly 1978:4). There is no specific historic significance to the site.

#### 4.6.3 SCIENTIFIC SIGNIFICANCE

The scientific significance of sites/places represents their ability to furnish data on and insight into either past cultural activities or past environmental conditions. Archaeological sites provide unique information on human activities, particularly everyday lifestyles, which are often not recorded in documentary sources. The scientific significance of sites/places should be assessed according to specific research questions and research potential (Bowdler 1984:1). The focus of both research potential and representativeness can change over time as research interests vary and methods and technique criteria are re-evaluated. At the present time, there is no discernable scientific significance to the study area.

#### **4.6.4 PUBLIC/SOCIAL SIGNIFICANCE**

Cultural heritage sites/places can have important educational significance by providing opportunities for people to visually examine and better appreciate the nature of these sites for themselves. Such opportunities not only have important or profound social consequences in terms of maintaining a community's identity, substance and sense of place but also can have significant economic consequences in terms of cultural tourism and competition with alternative land use activities. Although seen as mutually exclusive pursuits, cultural heritage preservation and economic/social development can work together. Best results occur when heritage issues are considered and accommodated for in the planning stages of the development. There is no public/social significance associated with the site.

#### **4.6.5 AESTHETIC SIGNIFICANCE**

Kerr (1990:10) states that aesthetic significance relates to the scale, form, materials, texture, colour, space and relationship of the components of the place. The relationship of the place with its setting is equally important. The only aesthetic significance on the study area relates to the view of Uralla to the south.

#### **4.7 RECOMMENDATIONS**

It is recommended that the study area is able to be rezoned for development from an archaeological perspective as no sites of significance were found during the survey. However, if any Aboriginal sites are found after rezoning has taken place, it is essential that all works cease until the area has been inspected by members of the local Aboriginal community and an archaeologist.



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Personal Communication

Uralla Aboriginal Community:

Garry Campbell (Chair, Moych Aboriginal Corporation)

Bev Campbell – community member

Les Townsend (Chair, Uralla Anaiwan Corporation)

Tim Bower – property owner

# APPENDIX

(Site Officers Report)

CAROLINE HUDSON

Balala Station  
49 Balala Rd  
BALALA NSW 2358

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19 January 2011

Suzanne R Hudson Consulting  
15 Judith Street  
ARMIDALE NSW 2350

Dear Ms Hudson,

**RE: ARCHAEOLOGICAL SURVEY BARLEYFIELDS RD, URALLA**

On 18/01/11 we undertook a survey on the land mentioned above. We found one stone tool and a stringybark tree that could possibly have a shield removed from the bark using a steel axe. These were located near the water tank on the property and will not be harmed by the development.

Another place that may be an Aboriginal site was located in the paddock that runs down to the old New England highway. It is made up of granite rocks that may have been used as a living site, as it is well protected from the weather.

As these were the only cultural heritage things located during the survey, it is considered that the development can go ahead. If any Aboriginal sites are found at a later time, all work must stop and the site officer and archaeologist must be contacted.

Yours faithfully,



CAROLINE HUDSON  
Site Officer



eco  
logical  
AUSTRALIA

**Lot 81 of DP857745**

## **Vegetation Assessment & Management Recommendations**

Prepared for  
**Uralla Shire Council**

29 July 2010







# Lot 81 of DP 857745

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## VEGETATION ASSESSMENT & MANAGEMENT RECOMMENDATIONS

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PREPARED FOR      Uralla Shire Council

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PROJECT NO        10ARMECO-0009

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DATE                July 10

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This document has been prepared by Eco Logical Australia Pty Ltd.

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# Contents

1	Introduction .....	4
1.1	Description of Project .....	4
1.2	Study Area .....	4
1.3	Report Objectives .....	4
1.4	Legislative Requirements .....	6
1.4.1	Environment Protection and Biodiversity Conservation Act 1999 .....	6
1.4.2	Environmental Planning and Assessment Act 1979 .....	6
1.4.3	Threatened Species Conservation Act 1995 .....	7
1.4.4	Uralla Local Environmental Plan 1988 .....	7
2	Methods .....	9
2.1	Data Audit .....	9
2.2	Field Survey .....	9
3	Results .....	10
3.1	Vegetation Communities .....	10
3.2	Flora .....	13
3.3	Fauna .....	13
4	Conclusion .....	24
5	Recommendations .....	25
	References .....	27
	Appendix A – Species recorded in study area .....	28

## List of Figures

Figure 1: Location of the study area.....	5
Figure 2: Layered Stringybark Woodland Community within the smaller vegetation stand.....	11
Figure 3: Vegetation communities within study area.....	12

## List of Tables

Table 1: Threatened flora and fauna species recorded within a 10km radius of the study area. ....	14
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# 1 Introduction

## 1.1 DESCRIPTION OF PROJECT

Uralla Shire Council has engaged Eco Logical Australia to conduct a vegetation assessment upon two stands of remnant vegetation within Lot 841 of DP 857745, Uralla. The vegetation assessment was aimed at determining the vegetation community present within the property, its conservation status, and any management issues that the vegetation community is undergoing. The vegetation assessment also aimed to determine which zoning the remnant stands can be classified to under the Uralla Shire Council Local Environmental Plan (LEP).

## 1.2 STUDY AREA

The two stands of remnant vegetation are located within Lot 841 of DP 857745 (Figure 1), which is located approximately 2.5 km east of Uralla and the New England Highway within the Uralla Local Government Area (LGA) (Figure 1).

The two stands of remnant vegetation contain a mixture of native and exotic vegetation that is contiguous with other remnant vegetation within the surrounding area. Much of this remnant vegetation is situated along the top of a small ridgeline, which has not been cleared.

## 1.3 REPORT OBJECTIVES

The aims of this report were to:

- Report on the ecological values present within the study area; and
- Provide recommendations for the management of the vegetation within the study area.

### 1.4.3 Threatened Species Conservation Act 1995

The *Threatened Species Conservation Act 1995* (TSC Act), as amended, aims to protect and encourage the recovery of threatened species, populations and communities listed under the Act. The interactions between the TSC Act and the EP&A Act requires consideration of whether a development (Part 4), or an activity (Part 5), is likely to significantly affect threatened species, populations, ecological communities or their habitat.

The schedules of this Act list species, populations and communities as endangered or vulnerable. New species, populations and communities are continually being added to the schedules of the TSC Act. All developments, land use changes or activities need to be assessed to determine if they will have a significant impact on species, populations or communities listed on these schedules.

No TSC listed ecological communities, populations or species occur within the two vegetation stands. Based upon the likelihood of occurrence (Table 1 in Section 2), and habitat characteristics within two stands of vegetation, there is potential for several fauna species listed under the TSC Act to occur within the two vegetation stands, including the: Regent Honeyeater, Swift Parrot, *Circus assimilis* (Spotted Harrier), *Hieraaetus morphnoides* (Little Eagle), *Daphoenositta chrysoptera* (Varied Sittella), *Petroica boodang* (Scarlet Robin), *Phascolarctos cinereus* (Koala), Large-eared Pied Bat, Greater Long-eared Bat, and Grey-headed Flying-fox.

### 1.4.4 Uralla Local Environmental Plan 1988

The Uralla Shire Council LEP is the controlling local government plan within the Uralla LGA. The land on which this study is focused is zoned as 1(b) Agricultural Protection. The general aims, objectives, policies and strategies of the Uralla LEP are to:

- provide for the orderly and balanced allocations of rural land resources in Uralla Shire;
- maintain the best agricultural land in commercial production and prevent its fragmentation into small and uneconomic lots;
- encourage the efficient use of all agricultural land and maintain the integrity of all agricultural activities;
- permit rural subdivision in areas which support the use of existing services in an economic and efficient manner whilst preserving and encouraging growth of rural residential areas with good access and high residential amenity;
- provide a range of holdings to meet the changing needs and demands of rural dwellers;
- protect areas worthy of conservation for their natural, scenic, scientific, archaeological, cultural or historic significance;
- protect regional and local water catchment areas and ground water reserves;
- protect the Shire's resource base in timber, mineral and extractive minerals;
- prevent subdivision in areas liable to hazard, whether bush fire, geologic, soil erosion, flooding or other hazards;
- maintain planning constraints consistent with the relevant legislative requirements; and
- take account of the physical nature of the local environment so that development is in harmony with the local environment (Uralla Shire Council 1988).

The current zoning of the subject land, 1(b) Agricultural Protection, has the following objectives: to ensure that land which is of relatively better agricultural production potential is maintained in agricultural use and in parcels arranged in a manner which maximises potential agricultural use;



- to maintain the agricultural viability of the best agricultural land within the diagonally hatched portion of the zone by prohibiting further subdivision and development except by amalgamation;
- to maintain the agricultural base of the zone on land with good agricultural production potential by permitting subdivision on land other than land referred to in the paragraph above, only for the purposes of amalgamation, or for the creation of allotments for the purposes of agricultural uses which have a proven agricultural viability; and
- to ensure that the impact of development in areas of high soil erosion is minimised (Uralla Shire Council 1988).

## 2 Methods

### 2.1 DATA AUDIT

The following information and databases were reviewed prior to site surveys:

- Atlas of NSW Wildlife (DECCW 2010a);
- EPBC Protected Matters Search Tool (DEWHA 2010a); and
- Northern Rivers CMA Vegetation Mapping (ELA 2005).
- Border Rivers – Gwydir CMA Vegetation Mapping (ELA 2007)

A search of the online EPBC Protected Matters Search Tool (DEWHA 2010a), and Atlas of NSW Wildlife (DECCW 2010a) was performed on 25/06/10. The search of the EPBC Protected Matters Search Tool used a radius of 10 km around coordinates -30.63823 151.5229 (Datum GDA94). The search of the Atlas of NSW Wildlife covered the area from latitude -30.57917 to -30.67917, and longitude 151.47826 to 151.57826 (Datum GDA94).

Flora and fauna species from both searches were combined to produce a list of threatened species that may possibly occur within the study area.

Table 1 in Section 2 (below) identifies the threatened species returned by the database searches together with an assessment of the likelihood of occurrence for each species. Each species' likely occurrence was determined by reviewing records in the area, considering the habitat available and using expert knowledge of the species ecology. Five terms for the likelihood of occurrence of species are used in this report, as defined below:

- "yes" = the species was or has been observed on the site.
- "likely" = a medium to high probability that a species uses the site.
- "potential" = suitable habitat for a species occurs on the site, but there is insufficient information to categorise the species as likely, or unlikely to occur.
- "unlikely" = a very low to low probability that a species uses the site.
- "no" = habitat on site and in the vicinity is unsuitable for the species.

### 2.2 FIELD SURVEY

The study area was surveyed by an Eco Logical Australia botanist, Dr Lachlan Copeland, on the 30<sup>th</sup> of June 2010. Temperatures were cool to mild during the field survey, ranging from -2.8°C to 11.6°C; (temperature records from the nearest weather station, Armidale, NSW; BoM 2010).

The survey was undertaken to determine the species that occur within the nominated areas of remnant vegetation and any recommendations for conservation in these areas. The survey consisted of a series of meandering traverses on foot through both stands of remnant vegetation, as well as targeted searches for any rare or threatened plant species and/or communities. Flora observed within the study area are listed in Appendix A.

## 3 Results

### 3.1 VEGETATION COMMUNITIES

Field survey identified that a single vegetation community was present within the two stands of remnant vegetation, Layered Stringybark Woodland.

This vegetation community occurs within both of the remnant vegetation stands, as shown in Figure 3.

The canopy of the two stands was dominated by native species, including *Eucalyptus caliginosa* (New England Stringybark) and *Eucalyptus laevopinea* (Silver-top Stringybark), with other native species occurring less frequently, including *Eucalyptus melliodora* (Yellow Box), *Eucalyptus blakelyi* (Blakelys Red Gum), *Eucalyptus viminalis* (Manna Gum), *Angophora floribunda* (Rough-barked Apple), *Eucalyptus dalrympleana* subsp. *heptantha* (Mountain Gum) and *Allocasuarina littoralis* (Black She-oak). Mistletoes (*Amyema pendulum*) were common on most of these native trees throughout both stands of vegetation. There were numerous planted exotic trees present within the survey area, with some being particularly tall conifers (*Pinus* sp.).

The understory within the smaller vegetation stand was dominated by *Bursaria spinosa* subsp. *spinosa* (Blackthorn), with approximately 95% of the area being covered by this species. A few shrubs of *Cassinia laevis* (Cough Bush) and the introduced *Rubus anglocandicans* (Blackberry) were also present.

The understory of the larger vegetation stand was also dominated by Blackthorn, but had a slightly higher diversity. Other native shrubs included Fern-leaf Wattle (*Acacia filicifolia*), Hickory Wattle (*Acacia implexa*) and Sticky Daisy Bush (*Olearia viscidula*), with Blackberry again being common throughout.

The ground layer of the smaller vegetation stand was highly disturbed and has been kept very low due to a very high level of grazing by both sheep and cattle. Grasses were relatively uncommon except for closely grazed individuals of *Microlaena stipoides* (Meadow Grass), *Bothriochloa macra* (Red Grass) and *Cynodon dactylon* (Couch). Various herbs were scattered across the ground with the most abundant of these being *Urtica* sp. (Stinging Nettle). A lack of fertile material prevented this common plant being fully identified as either the introduced species (*Urtica urens*) or the native (*Urtica incisa*). Other herbs present were mostly introduced weeds such as *Marrubium vulgare* (Horehound), *Cirsium vulgare* (Black Thistle) and *Hypochaeris radicata* (Cat's-ear).

The ground layer of the larger vegetation stand was also heavily grazed, but had several grass and herb species such as *Austrostipa rudis* (Speargrass), *Poa sieberiana* (Snow Grass), Red Grass, Meadow Grass, *Eragrostis leptostachya* (Lovegrass), *Pteridium esculentum* (Bracken Fern) and *Einadia hastata* (Saloop or Berry Saltbush).

The woodland community across both blocks is best described as a Layered Stringybark Woodland and this vegetation type does not meet the criteria of any threatened ecological communities. Although some indicator species of two threatened ecological communities were present (Yellow Box, Manna Gum, Blakelys Red Gum and Mountain Gum) the abundance of these tree species was always far outweighed by one or both of the stringybark species and the dense shrub layer also excluded any of the vegetation from being included with the EEC generally referred to as Box-Gum Woodland.



Figure 2: Layered Stringybark Woodland Community within the smaller vegetation stand



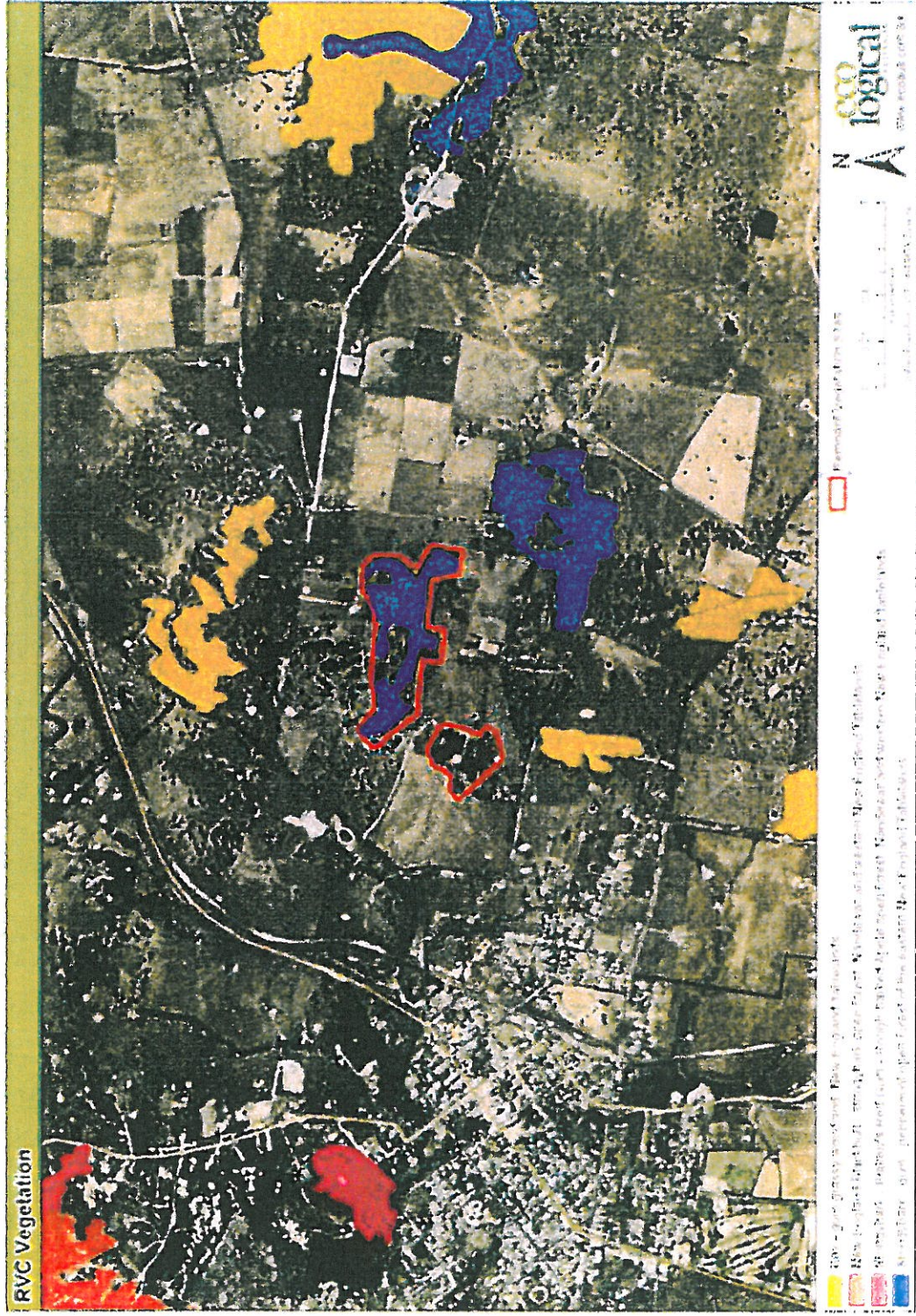


Figure 3: Vegetation communities within study area

### 3.2 FLORA

A total of 28 flora species were recorded within the study areas (Appendix A), including 23 native species and 5 exotic species. No flora species of conservation significance were detected despite the general habitat (high-altitude basalt hills) being suitable for a number of rare taxa.

Threatened flora species such as *Dichanthium setosum* and *Diuris pedunculata* may well have been present in the past but are now highly unlikely given the long history of heavy grazing and the very weedy, disturbed nature of the site.

Seven threatened flora species have been recorded within a 10 km radius of the study area that are listed under either the *TSC Act* or *EPBC Act* (Table 1). Of these flora species recorded within the general area, no species are deemed to potentially occur within the study area after consideration of available habitat. None of these flora species were recorded during the field survey. The likelihood of these species occurring on site is presented in Table 1.

### 3.3 FAUNA

There were no threatened fauna species observed within the two vegetation stands surveyed. Thirty-three threatened or migratory fauna species listed under either the *TSC Act* or *EPBC Act* have been recorded within a 10 km radius of the study area (Table 1).

Fourteen threatened or migratory fauna species, including the: Regent Honeyeater, Swift Parrot, Spotted Harrier, Little Eagle, Varied Sittella, Scarlet Robin, Rainbow Bee-eater, Black-faced Monarch, Satin Flycatcher, Cattle Egret, Koala, Large-eared Pied Bat, Greater Long-eared Bat, and Grey-headed Flying-fox, have been identified as potentially occurring within the study area. Habitat potential only for foraging or movement purposes exists within the study area.



Table 1: Threatened flora and fauna species recorded within a 10km radius of the study area.

Scientific Name	Common Name	Conservation Significance		Habitat Associations	Likelihood of Occurrence
		TSC Act	EPBC Act		
<i>Bothriochloa biflora</i>	Lobed Blue-grass	-	V	Lobed Blue-grass is known from the Darling Downs district in Queensland, south along the western slopes of the Great Dividing Range to North Star, Warialda, Bingara and Merriwa in NSW. Lobed Blue-grass grows in cleared eucalypt forests and relict grassland, often preferring heavier-textured soils such as brown or black clay soils (DEWHA 2010b).	Unlikely
<i>Callistemon pungens</i>		-	V	Grows in or near rocky watercourses, usually in sandy creek beds on granite or sometimes on basalt; from near Inverell to the eastern escarpment at New England N.P (DEWHA 2010b).	Unlikely
<i>Diuris pedunculata</i>	Small Snake Orchid	E1	E	Grows in moist grassy areas in sclerophyll forest; chiefly from Port Jackson to Tenterfield. It was originally found scattered from Tenterfield south to the Hawkesbury River, but is now mainly found on the New England Tablelands, around Armidale, Uralla, Guyra and Ebor. The Small Snake Orchid grows on grassy slopes or flats. Often on peaty soils in moist areas. Also on shale and trap soils, on fine granite, and among boulders (DECCW 2010b).	Unlikely
<i>Eucalyptus mckieana</i>	McKie's Stringybark	V	V	<i>Eucalyptus mckieana</i> is found in grassy open forest or woodland on poor sandy loams, most commonly on gently sloping or flat sites. The species is distinguished by the ascending disc of the fruits, the clearly stalked buds and fruits, and the concolorous leaves. Confined to the drier western side of the New England Tablelands of NSW, from Torrington to Bendemeer (DECCW 2010b).	Unlikely

## 5 Recommendations

Recommendations for the two stands of vegetation within Lot 841 of DP 857745 have been split into two categories, management and protection. The management recommendations for the two stands of vegetation are aimed at enhancing the vegetation community, and promoting natural regeneration. Recommended management measures include:

- Fencing off the two remnant vegetation areas, to control stock grazing, trampling, and compaction;
- Encouraging natural regeneration through:
  - Removal of grazing activities within the two stands of vegetation;
  - Management of exotic species, including primary weed control, and follow-up suppression of exotic weeds;
  - Exotic species biomass removed from within the two vegetation stands should be disposed of offsite, within an appropriately licensed facility able to receive green waste;
  - Retaining all fallen timber and other potential habitat features;
  - Retaining all mature canopy trees with a diameter at breast height (dbh) of greater than 200mm; and
  - Deliberate soil disturbance of soil compaction areas from livestock to encourage the release of soil-stored seed banks and creating niches for regeneration.
- A Vegetation Management Plan (VMP) or similar management plan should be established for the two stands of vegetation, that will incorporate specific methods that should be used to encourage natural regeneration, whilst controlling exotic species and enhancing the natural characteristics of the site. A VMP could be registered and attached by way of covenant to the subject areas. A VMP should be established, outlining:
  - Aims and objectives for protection and enhancement of the vegetation stands;
  - Details of any site preparations required (i.e. fencing, buffer areas, soil works, etc);
  - Methods and program for regeneration activities;
  - Maintenance program (ongoing maintenance works required to manage vegetation and suppress exotic species);
  - Monitoring and reviewing regeneration activities; and
  - Potential time frame and costs associated with the regeneration activities (this can be undertaken for potential funding opportunities that may arise).

Protection recommendations for the two vegetation stands are aimed at formalising protection of the vegetation through incorporation into environmental planning instruments, through the Uralla LEP. There are two options to be considered for the protection of these two areas of remnant vegetation. One involves the keeping of the current zoning, with the implementation of certain management strategies, as outlined above, or the second requires the re-zoning of the areas to Environmental Protection areas, either under E2 or E3 of the LEP.

The current zoning of the two vegetation stands falls within 1(b) Agricultural Protection. One objective of this zone, as stated within the LEP is to:

‘ protect, enhance and conserve trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation’ (Uralla Shire Council 1988).

With this objective in place the only measures needed to protect and enhance these areas of remnant vegetation would involve the management recommendations outlined above.

The two stands of vegetation could potentially be re-zoned as Environmental Protection Zones under the Uralla LEP. The Environmental Protection zones, as outlined within the Uralla LEP, specifically relate to land where the primary focus is the conservation and/or management of environmental values. There are two tiers to choose from for the re-zoning of these areas to Environmental Protection zones:

- E2 Environmental Conservation, this zone is for areas with high ecological, scientific, cultural or aesthetic values outside national parks and nature reserves. The zone provides the highest level of protection, management and restoration for such lands whilst allowing uses compatible with those values (Uralla Shire Council 1988).
- E3 Environmental Management, this zone is for land where there are special ecological, scientific, cultural or aesthetic attributes or environmental hazards/processes that require careful consideration/management and for uses compatible with these values (Uralla Shire Council 1988).

Both of these tiers appear very similar, but they both contain subtle differences. The E2 Environmental Protection zone focuses on the conservation of highly significant values that occur within these zones, providing the highest level of protection. The E3 Environmental Protection zone states that it only manages special attributes and/or hazards within these zones, thus not focusing on conservation (Uralla Shire Council 1998).

Should this option be considered it is recommended that the two vegetation stands outlined within this report be zoned as E3 Environmental Management for aesthetic reasons, given the location on the edge of town and the intact native canopy that resides within the two vegetation stands. The zoning should incorporate a buffer area surrounding the vegetation stands to counter any edge effects that may result from the surrounding land uses and potentially serve as an Asset Protection Zone (APZ) if required for future Large Lot Residential areas. This buffer should be at a minimum 25m, and incorporate native ground cover and understorey species that could be managed if required as an APZ.



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## Appendix A – Species recorded in study area

### Flora

Species Name	Common Name
<i>Acacia filicifolia</i>	Fern-leaf Wattle
<i>Acacia implexa</i>	Hickory Wattle
<i>Allocasuarina littoralis</i>	Black She-oak
<i>Amyema pendulum</i>	Mistletoe
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Austrostipa rudis</i>	Speargrass
<i>Bothriochloa macra</i>	Red Grass
<i>Bursaria spinosa</i> subsp. <i>spinosa</i>	Blackthorn
<i>Cassinia laevis</i>	Cough Bush
<i>Cirsium vulgare</i>	Black Thistle
<i>Cynodon dactylon</i>	Couch
<i>Einadia hastata</i>	Saloop
<i>Eragrostis leptostachya</i>	Lovegrass
<i>Eucalyptus blakelyi</i>	Blakelys Red Gum
<i>Eucalyptus caliginosa</i>	New England Stringybark
<i>Eucalyptus dalrympleana</i> subsp. <i>heptantha</i>	Mountain Gum
<i>Eucalyptus laevopinea</i>	Silver-top Stringybark
<i>Eucalyptus melliodora</i>	Yellow Box
<i>Eucalyptus viminalis</i>	Manna Gum
<i>Hypochaeris radicata</i> *	Cat's-ear



Species Name	Common Name
<i>Marrubium vulgare</i> *	Horehound
<i>Microlaena stipoides</i>	Meadow Grass
<i>Olearia viscidula</i>	Sticky Daisy Bush
<i>Pinus</i> sp.*	Tall conifers species
<i>Poa sieberiana</i>	Snow Grass
<i>Pteridium esculentum</i>	Bracken Fern
<i>Rubus anglocandicans</i> *	Blackberry
<i>Urtica</i> sp.*	Stinging Nettle

\* Denotes introduced species





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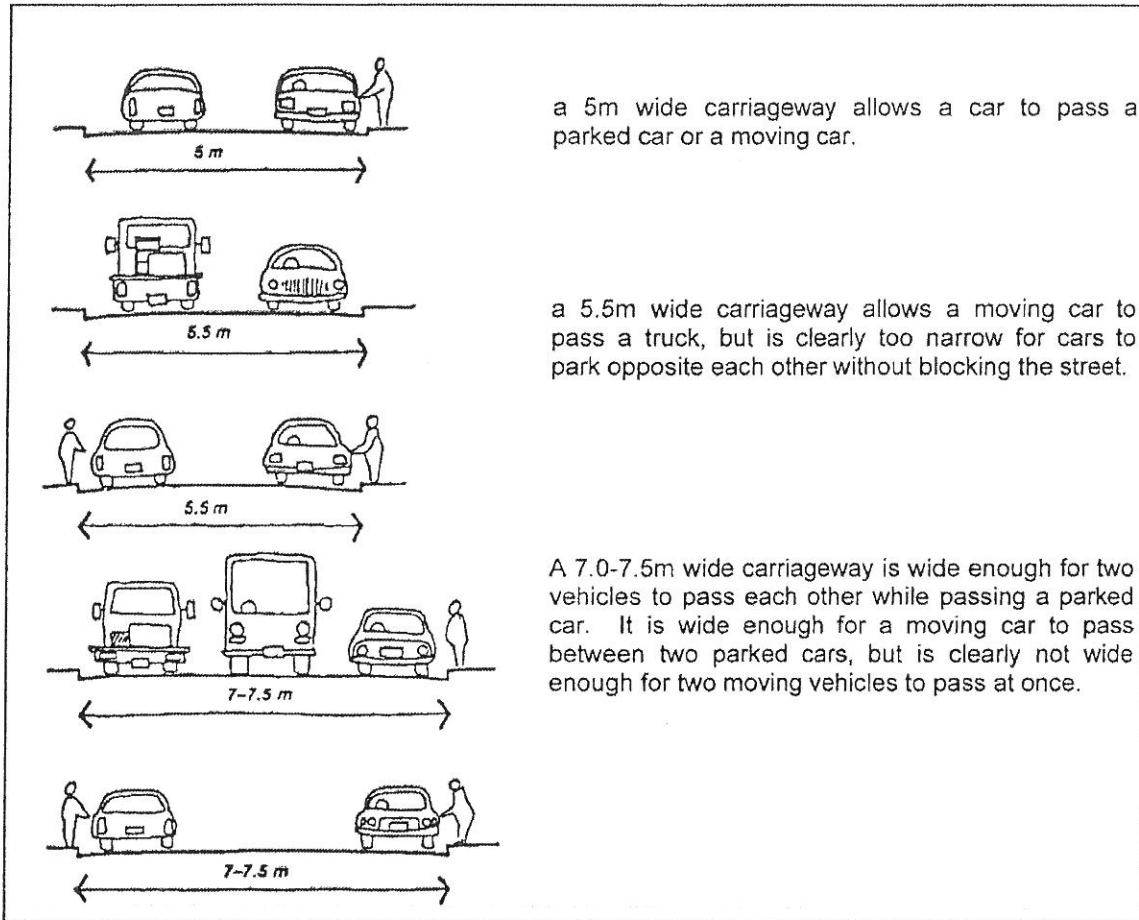
108 Stirling Street  
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T 08 9227 1070  
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**PART 8 - SUBDIVISION DESIGN (cont)**

**8.2 Physical Infrastructure - Techniques (cont)**

**Figure 1: Carriageway Width Alternatives**



**Table 3: Minimum Stopping Distances**

<b>Street Type</b>	<b>Target Speed</b>	<b>Stopping Distance (Y in metres)</b>
Access Place	15	5
Minor Access Street	30	20
Access Street	40	30
Local Collector	50	40
Minor and Major Distributor	60	55

Note: Assumes longitudinal gradient is less than 8%. Refer to AUSTRROADS *Guide to Traffic Engineering Practice Part 5: Intersections at Grade* for additional information.



**NOTES**

\* SPOT HEIGHTS DENOTED BY 'X' WITH LIMITED HEIGHTS SHOWN CONTINUOUSLY (DISPLAYED AT 10% INTERVAL) TO INDICATE TRENCHES, ETC. TO BE TAKEN INTO ACCOUNT. SPOT HEIGHTS UNDETERMINED BY DIRECT MEASUREMENT ARE INDICATED BY 'H' WITH HORIZONTAL TO THE STATION AND BEING (D.P. 857745).

\* SOME TRENCH, BUILDING AND SERVICE INTERFERENCES (WATER, SEWER, TELECOMMUNICATIONS) HAVE BEEN DETERMINED USING PHOTOGRAMMETRIC MEASUREMENTS.

\* AIRMATH MAP GRID OF AUSTRALIA (ZONE 58 & 59) IS USED FOR THIS SURVEY. THE UTM COORDINATE SYSTEM LOCAL, UTMAL, UTMAL 58 & 59, IS USED FOR THIS SURVEY. LOCAL UTMAL 58 & 59, IS USED FOR THIS SURVEY.

\* ON VISIBLE SERVICES HAVE BEEN LOCATED IN THIS SURVEY. A 100M BUFFER ZONE AROUND ALL SERVICES HAS BEEN IDENTIFIED. YOU SHOULD CONTACT THE SERVICE PROVIDER TO OBTAIN THE LOCATION OF SERVICES. THE LOCATION OF SERVICES SHOULD BE VERIFIED (POH, LING, LOCAL) PRIOR TO ANY CONSTRUCTION IN THE VICINITY OF SERVICES.

\* SEWER MAIN AND STORMWATER DRAINS AS PHYSICALLY MEASURED ARE INDICATED BY 'S' AND 'SW' RESPECTIVELY. THE LOCATION OF SERVICES SHOULD BE VERIFIED (POH, LING, LOCAL) PRIOR TO ANY CONSTRUCTION IN THE VICINITY OF SERVICES.

\* 70% BOUNDARY POSITIONS AS INDICATED HAVE BEEN SOURCED FROM URALLA LOCAL GOVERNMENT (LOCAL GOVERNMENT) RECORDS.

\* THIS SURVEY HAS BEEN CONDUCTED FOR THE PURPOSE OF PROVIDING A PRELIMINARY DESIGN FOR THE PROPOSED SUBDIVISION. THE REPRODUCTION OF THIS SURVEY SHOULD BE LIMITED TO THE ORIGINAL INTENT OF THE SURVEY. ANY REPRODUCTION OF THIS SURVEY FOR OTHER PURPOSES IS AT THE USER'S RISK AND WITHOUT LIABILITY TO THE SURVEYOR.

\* THIS SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE SURVEYOR. ANY REPRODUCTION OF THIS SURVEY FOR OTHER PURPOSES IS AT THE USER'S RISK AND WITHOUT LIABILITY TO THE SURVEYOR.

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**PROJECT:**  
Proposed Subdivision of Lot 841 in D.P. 857745 being 114 Baileyfields Road URALLA NSW 2358

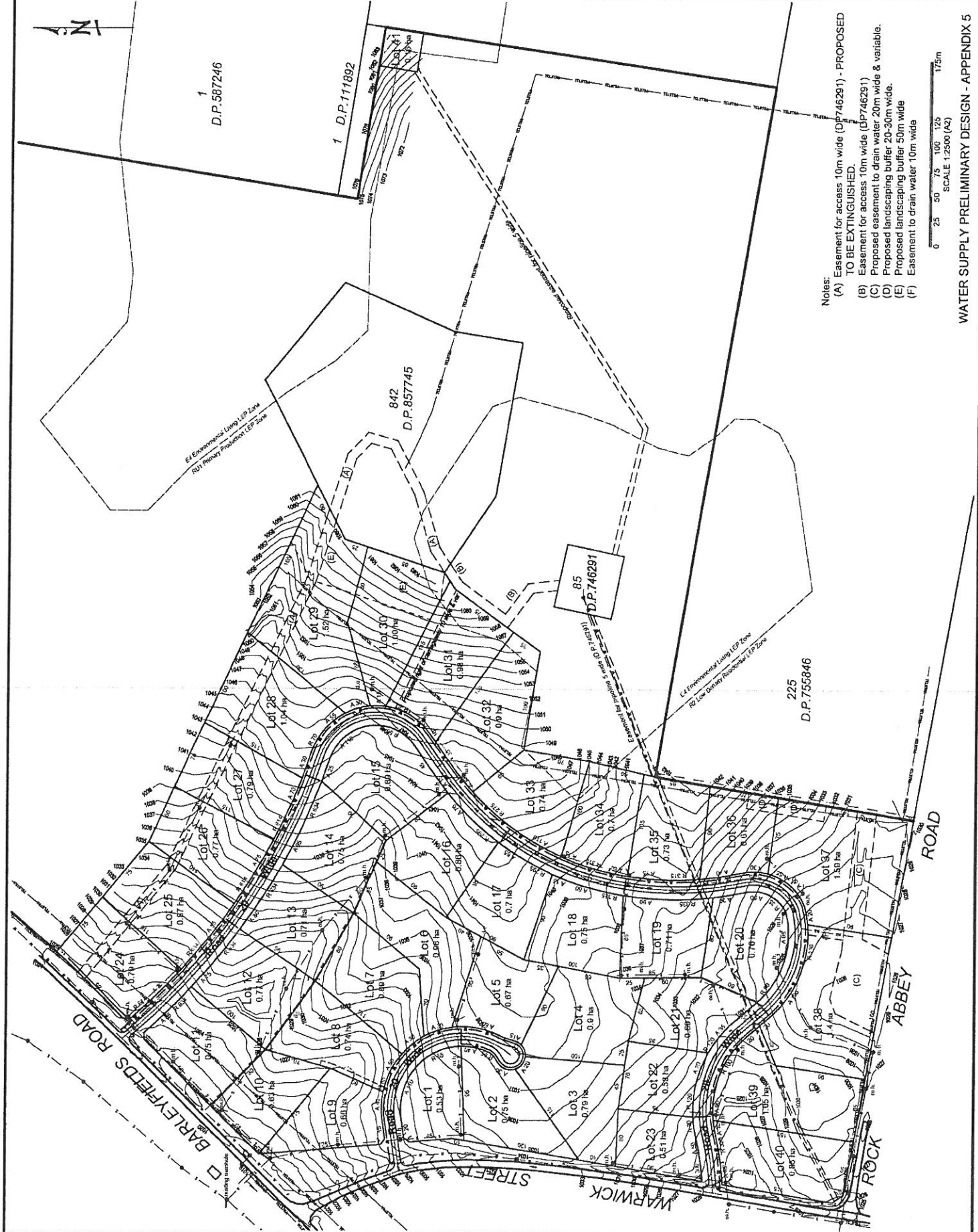
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e: office@rfsurveying.com




**Date:** 28th April 2012  
**Drawing:** 12600-DA-B

**Surveyor:** Michael Croft  
**Sheet:** 1 of 1  
**Scale:** 1:2,000 at A2



- Notes:**
- (A) Easement for access 10m wide (D.P. 746291) - PROPOSED TO BE EXTINGUISHED.
  - (B) Easement for access 10m wide (D.P. 746291)
  - (C) Proposed easement to drain water 20m wide & variable.
  - (D) Proposed landscaping buffer 20-30m wide.
  - (E) Proposed landscaping buffer 50m wide
  - (F) Easement to drain water 10m wide











**NOTES:**

- \* SPOT HEIGHTS DENOTED BY 'X' WITH LIMITED HEIGHTS SHOWN. CONTIGUOUS UNLIMITED SPOTS ARE NOT TO BE USED. SPOTS SHALL BE PLACED AT 10% INTERVALS (1:100) IN A 3x3 M GRID (OR EQUIVALENT) PLACED TO COVER THE ENTIRE SITE. SPOTS SHALL BE PLACED AT 10% INTERVALS (1:100) IN A 3x3 M GRID (OR EQUIVALENT) PLACED TO COVER THE ENTIRE SITE.
- \* SOME TRENCH, INLET AND SERVICE POSITIONS HAVE BEEN DETERMINED USING PHOTOGRAMMETRIC MEASUREMENTS.
- \* A DRAINAGE MAP OF AUSTRALIA (ZONE 56 & 57) HAS BEEN USED TO DETERMINE THE COORDINATE SYSTEM LOCAL, NATIONAL MAPS & SIX DEGREE UTM 2010.
- \* ONLY VISIBLE SERVICES HAVE BEEN LOCATED IN THIS SURVEY. SERVICES NOT SHOWN ARE THE RESPONSIBILITY OF THE CLIENT. YOU SHOULD CHECK WITH THE LOCAL COUNCIL FOR ANY SERVICES NOT SHOWN. YOU SHOULD CHECK WITH THE LOCAL COUNCIL FOR ANY SERVICES NOT SHOWN.
- \* SEWER MAINS AND STORMWATER DETAILS AS PHYSICALLY MEASURED ARE INDICATED BY DASHED LINES. ALL SERVICES ARE TO BE SHOWN AS INDICATED IN THE VERTICAL LEVELS SHOWN ACCORDINGLY (BOME INDICATIVE).
- \* ZONE BOUNDARY POSITIONS AS INDICATED HAVE BEEN DERIVED FROM URALLA LOCAL COUNCIL RECORDS. YOU SHOULD CHECK WITH THE LOCAL COUNCIL FOR ANY SERVICES NOT SHOWN.
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- \* THIS SURVEY AND ANY INFORMATION ONLY INDICATIVE ONLY AND SUBJECT TO ERROR. DATE SURVEY: 2012

**PROJECT:**  
Proposed Subdivision of Lot 841 in D.P. 857745 being 114 Barleyfields Road URALLA NSW 2358

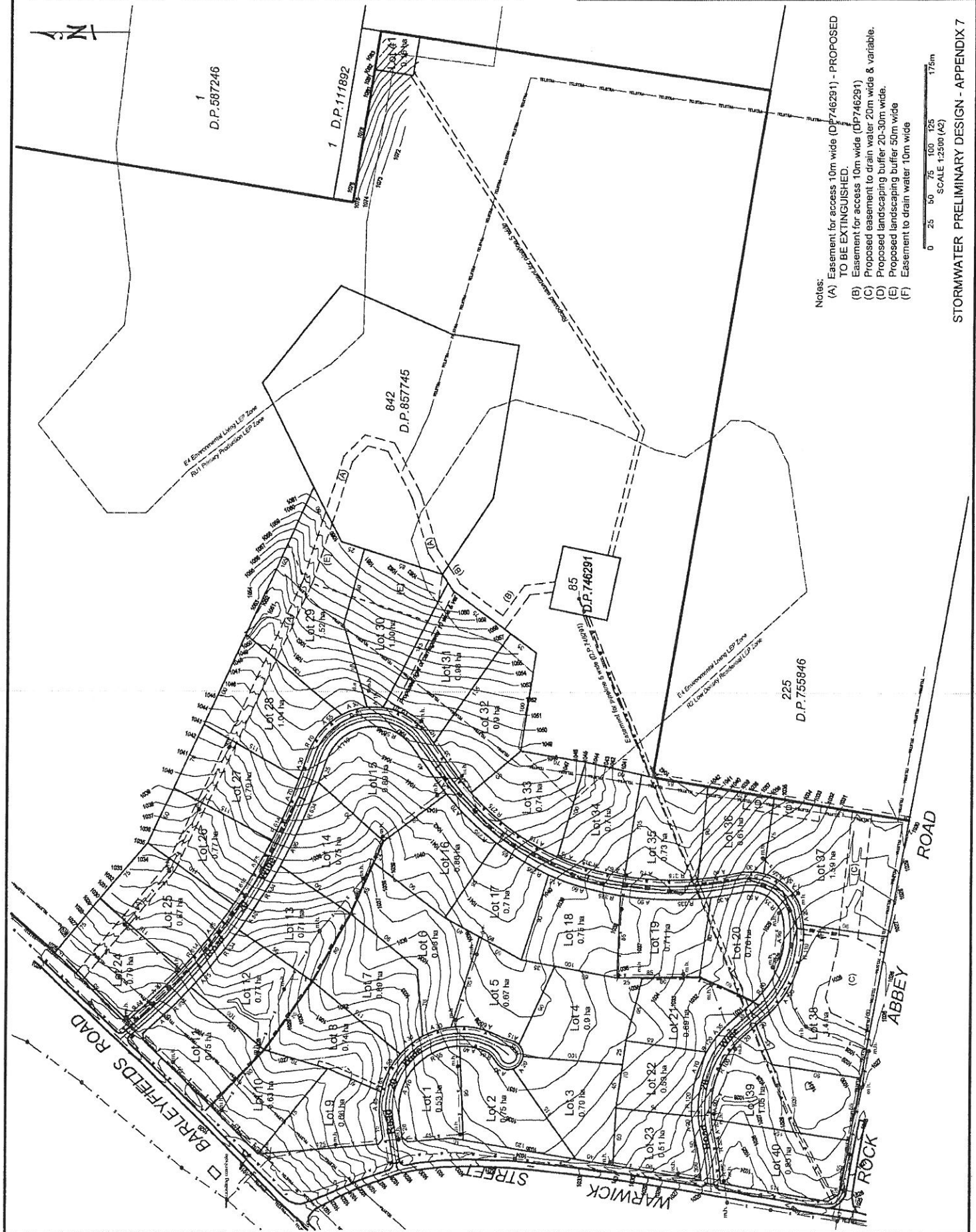
**CLIENT:**  
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**Drawing:** 12840-DA-B  
**Date:** 28th April 2012  
**Surveyor:** Michael Croft  
Sheet 1 of 1  
1:2500 at A2



- Notes:**
- (A) Easement for access 10m wide (D.P.746291) - PROPOSED TO BE EXTINGUISHED.
  - (B) Easement for access 10m wide (D.P.746291)
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  - (D) Proposed landscaping buffer 20-30m wide.
  - (E) Proposed landscaping buffer 50m wide
  - (F) Easement to drain water 10m wide
- 0 25 50 75 100 125 150 175m  
SCALE 1:2500 (A2)

**STORMWATER PRELIMINARY DESIGN - APPENDIX 7**





USC Received

17 JUL 2012

**Craig & Shona Ritchie**

**"The Grange"**

**41 Rock Abbey Rd**

**Uralla 2358**

---

12 July 2012

**The General Manager**

**Uralla Shire Council**

**32 Salisbury Street**

**URALLA NSW 2358**

Attention: Libby Cumming, Manager of Planning

Dear Sir/Madam

**C & S RITCHIE**

**SUBMISSION CONCERNING DEVELOPMENT APPLICATION DA – 27 – 2012**

**PROPERTY: 114 Barleyfields Road , Uralla , NSW**

We are the registered proprietors and beneficial owners of 41 Rocky Abbey Road, Uralla (the "Ritchie property").

The Ritchie property adjoins 114 Barleyfields Road Uralla ("the 114 Barleyfields property") which is contained in Development Application DA-27-2012 lodged by RF Wright & Associates (in the letter from Council dated 29 June 2012 referred to as RF White & Associates). Development Application DA-27-2012 ("the Barleyfields DA") seeks approval for the subdivision of the 114 Barleyfields property into 42 lots for residential use. N.B. As this number includes lot 41 for a water supply and lot 42 which is the remainder of the original property which does not fall into the new zoning category , we will refer to the area of concern to be 40 residential lots.

We object to the approval of the Barleyfields DA, and we make this submission in accordance with the Environmental Planning and Assessment Act 1979 – section 79C. For convenience, section 79C provides as follows:

1. *“Matters for consideration – general*

*“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development, the subject of the development application.*

*(b) The likely impacts of that development, including environmental impacts on both natural and built environments, and social and economic impacts in the locality.”*

**OBJECTION**

1. The subdivision of the 114 Barleyfields property into 40 residential allotments is a substantial and significant change of previous use for the locality. The Ritchie property comprises 22 hectares and, as you are aware, we have lodged a Development Application with Council to subdivide the Ritchie property into two (2) allotments of 12 and 10 hectares respectively. Most importantly it should be noted that we have instructed the surveyor who will be subdividing our property to include a fenced 30 meter easement / landscaping buffer on the western side of the dividing fence between our two lots and for the full length of the boundary fence. In contrast, the Barleyfields DA proposes the creation of forty (40) allotments for residential use with areas ranging from 0.51 hectares to 1.59 hectares with an inadequate easement/landscaping buffer.

2. Whilst we accept that the Barleyfields DA may be within the Council zoning for the 114 Barleyfields property, and to that extent we do not object to the Development Application, there is a major impact by the proposed Lots 35, 36 and 37 on the Ritchie property.

3. The existing residence on the Ritchie property was constructed in 1908. It is situated about four (4) meters from the boundary of the proposed allotments 35, 36 and 37 in the 114 Barleyfields DA. If a residence is constructed on any one of Lots 35, 36 or 37 within 30 meters of the boundary then that new residence would seriously impact on the previously long established neighbourhood amenity and enjoyment of the Ritchie property. It is unclear whether the proposed easement/landscaping buffer in the 114 Barleyfields DA will afford reasonable protection and in any event the proposed easement/landscaping buffer does not extend far enough along the common boundary. We have serious concerns about the lack of consideration shown to us as neighbours and the negative impact, both socially and financial, that the 114 Barleyfields DA would cause us.

4. It is noted that an attempt has been made to provide for a “Proposed landscaping buffer 20 – 30 m wide” along part of the common boundary as shown on the proposed plan for the 114 Barleyfields DA. This proposal is not acceptable. If our problem is to be solved by the creation of a “landscaping buffer” then it should consist of the following:

- ❖ An easement along the whole of the common boundary between the proposed Lots 35, 36 and 37 and the Ritchie land, and to a depth into Lots 35, 36 and 37 of 30 meters.
- ❖ A positive requirement that the registered proprietors of the relevant Lots in the 114 Barleyfields property fence off and plant native (and/or exotic) plant species for screening purposes, and maintain those plantings with planting to commence as soon as possible to create a screen prior to the sale of lots in the 114 Barleyfields DA.
- ❖ A positive requirement that the registered proprietors of the relevant Lots in the 114 Barleyfields property control noxious weeds or noxious plants in the easement.
- ❖ A positive requirement that no structures of any kind are permitted on the easement. In other words, it is to consist of a landscaping buffer.
- ❖ That the easement may only be amended or released by the registered proprietor for the time being and from time to time of the Ritchie property.

## **BACKGROUND**

It may assist if I provide some background to our situation.

We bought our property in 2005 as a rural lifestyle block which had the advantages of being within 2km of the post office yet with the nearest neighbour over 400m away from our home. However, our home which was built in 1908, is only 4 m from the boundary with the proposed 114 Barleyfields development. The first discussions with Council regarding a zoning change started in 2008 and at that time and on many occasions since we have made it clear to the developer that we would like to have a "reasonable" fenced buffer zone built into the plan which we were prepared, if necessary, to purchase so that we can maintain our current privacy and lifestyle.

## **OUR CONCERNS**

The boundary of our property is only 4m from our home. One can see from the scale drawing (Attach 1) the importance in physical terms. The front of the proposed adjoining lots will face the new proposed road which means the back yards of those lots will back right onto our fence ( 4m from the house). The buffer that is shown on the draft plan ( attach 2), whilst it may preclude building in that area (although this is not confirmed), will NOT be fenced meaning there is no reason we will not have non-permanent structures such as dog kennels , garden sheds , rubbish bins , etc against our boundary. On the basis that we thought we had been clear regarding our request for a "reasonable" buffer we have just spent a considerable amount building an outdoor living area on that side of our home which, if the current proposal is accepted, will be seriously compromised.

We fully understand that the developer is trying to maximize the number of lots he can produce. However it would seem totally unreasonable that the plan cannot be adjusted to accommodate our

request and still have the same number of lots. For example lots 15,16,17,18,19 and 20( Attach 2) are all at least 2000m larger than the minimum size whereas Lot 36 ( right beside our home) is just over the minimum. It would seem that, if the road in that area was moved slightly to the west, the lots would all still easily meet the required area and a "reasonable" fenced buffer could be created. The attached plan scaled from the main plan (Attach 1) shows that even without making any adjustment to the road lots 35 and 37 can easily accommodate a 30m buffer and by moving the road slightly to the west and moving the boundary between lots 36 and 37 to the south all three lots can easily accommodate a fenced buffer. Clearly there can be no argument regarding the reduction in the size of lots 15 - 20 as lots 1 ,22,and 23 which are 5.3ha , 5.3ha and 5.1ha respectively show that the developer is already planning for some smaller lots. Also , there would appear to be no geographical constraint in the area of lots 15 – 20.

It would also seem from the plan ( attach 2) that the developer is prepared to provide a 50m landscaping buffer on the Yuloth's boundary ( e ) when their house is a significantly greater distance from their boundary than our residence. This appears to be a clear discrepancy between the consideration given to the Yuloths and that given to us (who are just 4m from the boundary). I understand that the Yuloths made a submission at the time when the rezoning was proposed requiring the 50m buffer; unfortunately we did not think we needed to as we had made our request clear on many occasions and perhaps naively, thought they would be factored into the plan. Regardless, it would seem that a precedent has been set.

## **OUR PROPOSAL**

It is clear from discussions with the property owner of the 114 Barleyfields property that both parties have concerns about control or lack thereof of what is allowed and what may take place on the boundary. This is why we propose a compromise incorporating the 30m easement which is fully fenced and planted with trees as set out above. An easement that is fully fenced means that landholders on both sides are protected from visual and noise pollution. If our home was further away from the boundary then we would provide the fenced buffer ourselves, but unfortunately our residence is situated where it is, has been for over 100 years and we can't move it.

Regarding the financial impact of creating the easement, we consider that a relatively small adjustment in design will still accommodate ALL 40 lots and that a landscaped easement with screening trees and shrubs will actually increase the desirability and value of lots 35, 36 and 37.

## **IN CLOSING**

We moved here prior to the re-zoning with the attraction of not having neighbours.

We are resigned to the fact that we are about to have a significant number of neighbours and the noise and issues that brings.

The easement /buffer zone is a compromise on our part and we feel without it we may be forced to sell and move. We do not want to move however if our privacy and lifestyle is compromised significantly we may have to.

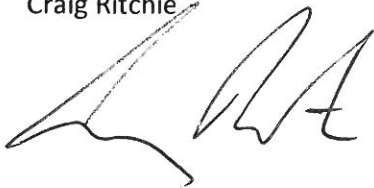
Because we assumed that we had an understanding with the developer we have probably over capitalised our home. With no buffer we feel that the value of our home will be significantly reduced and we will possibly have to take a loss in order to find a buyer.

Surely this constitutes an adverse "*...environmental impacts on both natural and built environments , and social and economic impacts in the locality.*"

We don't think we are asking anything unreasonable and we ask the council to make our request a requirement on the development application. The application is to create 40 lots whereas the easement represents just over 2% of that area.

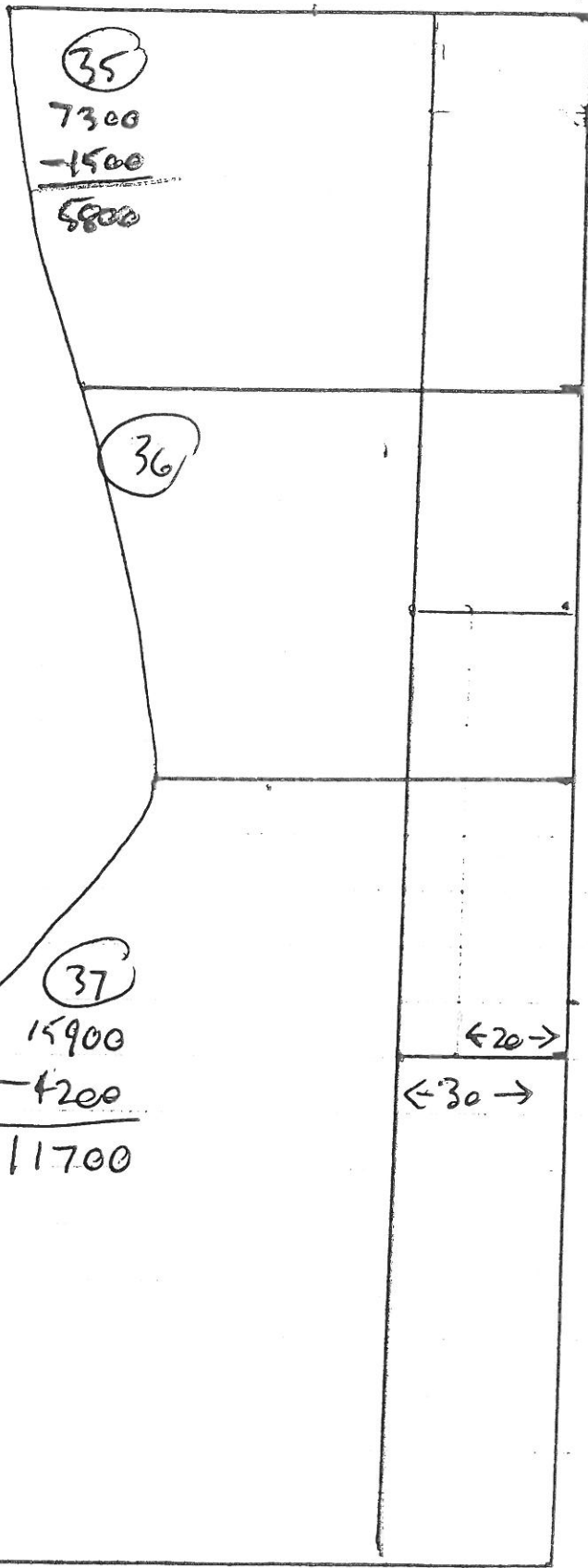
We thank you for your consideration

Craig Ritchie

A handwritten signature in black ink, appearing to read 'CR' followed by a stylized flourish.

For CC and SM Ritchie

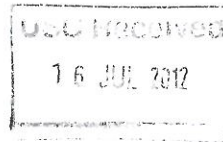




Rock ABBEY RD



CRN/1638/CP/Letter/1



09 July 2012

Elizabeth Cumming  
Manager of Planning  
Uralla Shire Council  
PO Box 106  
Uralla NSW 2358

**John Holland Rail Pty Ltd**  
ABN 61 009 252 653

Level 1, 20 Smith Street  
Parramatta NSW 2150  
Australia

PO Box 215  
Parramatta NSW 2124  
Australia

Telephone: 02 9685 5100  
Facsimile: 02 9685 5190  
crncorres@jhg.com.au  
www.johnholland.com.au

Dear Elizabeth,

**COUNTRY REGIONAL NETWORK  
DEVELOPMENT APPLICATION NO. DA-27-2012; 42 LOT RESIDENTIAL SUBDIVISION; 114  
BARLEYFIELDS ROAD; URALLA NSW 2358**

We refer to your letter dated 29 June 2012 regarding the above development application.

The New South Wales Government's, Country Rail Infrastructure Authority (**CRIA**) is the land owner of the Country Regional Network (**CRN**) railway lines across NSW. As of 15 January 2012, John Holland Rail Pty Ltd (**JHR**) has been appointed by CRIA to manage the CRN. As such JHR is responsible for reviewing developments adjoining the rail corridor to ensure any potential impacts of or on future rail operations are considered.

It is requested that Council consider State Environmental Planning Policy (SEPP) (Infrastructure) 2007 (the Infrastructure SEPP) and *Development Near Rail Corridors and Busy Roads – Interim Guideline (2008)* in its assessment of the application. A copy of the guidelines can be found at the following link:

[http://www.planning.nsw.gov.au/planningsystem/pdf/guide\\_infra\\_devtrailroadcorridors\\_interim.pdf](http://www.planning.nsw.gov.au/planningsystem/pdf/guide_infra_devtrailroadcorridors_interim.pdf)

Particularly it is requested that Council consider noise and vibration and level crossings, as follows.

**Noise and Vibration**

The Infrastructure SEPP requires consideration of rail noise or vibration on non-rail development. Clause 87 of the Infrastructure SEPP provides guidelines for achieving development for residential use, requiring that the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the property is not adversely affected by noise and vibration.

JHR requests that Council ensure the property will not be adversely affected by noise and vibration. It is noted that the property is not in close proximity to the rail corridor.

**Level crossings**

JHR requests that Council ensures that a traffic report supporting the application considers potential impacts to the level crossing together with requirements for upgrades. To assist Council with the assessment of impacts to level crossings an ALCAM assessment should be completed for each level crossing impacted. Once the assessment has been completed JHR will refer the assessment to the Level Crossing Strategy Council (**LCSC**) for review. A copy of the guidelines can be found at the following locations:

[www.transport.nsw.gov.au/content/management-level-crossings-nsw](http://www.transport.nsw.gov.au/content/management-level-crossings-nsw)  
[www.transport.nsw.gov.au/sites/.../ALCAM In Detail-NSW](http://www.transport.nsw.gov.au/sites/.../ALCAM%20In%20Detail-NSW)

Should you have any further enquiries with regard to this matter please do not hesitate to contact Sandy Brownlie, JHR Property Manager either via email [sandy.brownlie@jhg.com.au](mailto:sandy.brownlie@jhg.com.au) or telephone (02) 9685 5146 / 0413 080 851.

Yours faithfully

**JOHN HOLLAND RAIL PTY LTD**

A handwritten signature in blue ink, appearing to read 'C Payne', is written over the printed name and title.

Chris Payne

**Chief Financial Officer**





17<sup>th</sup> July 2012

General Manager  
Uralla Shire Council  
32 Salisbury Street  
URALLA NSW 2358  
Cc:Elizabeth Cumming

URALLA SHIRE COUNCIL	
F/N	DA-27-2012
R/N	U/12/4233
A/P	LC

Dear Sir

**RE: Application DA-27-2012**

Thank you for your letter dated 29<sup>th</sup> June 2012 and the opportunity to comment on the proposed development.

The Department has no objections to the proposed development.

However, please note that the proposed access off Warwick Street (road adjoining Lot 1 & 9) will traverse Crown land in the form of Crown Reserve 22252 for Travelling Stock notified 23<sup>rd</sup> February 1895 and placed under the control of the Livestock Heath & Pest Authority (its then equivalent) on 19<sup>th</sup> September 1930.

This section of Crown land is also a shared Council and Crown Public road 60m wide.

Note that through the 60m wide road is located a Council controlled road (Warwick Street) to the width of the present constructed bitumen road. The land between the bitumen road and the proposed development is a Crown Reserve/ Crown road as described above.

The Crown land of concern is shaded red in the attached diagram.

It will be necessary for the Livestock Heath & Pest Authority to consent in writing to the relinquishment of control of this parcel of land.

It will also be necessary for the Survey Plan to identify this parcel of land as a Public Road under the control of Uralla Shire Council.

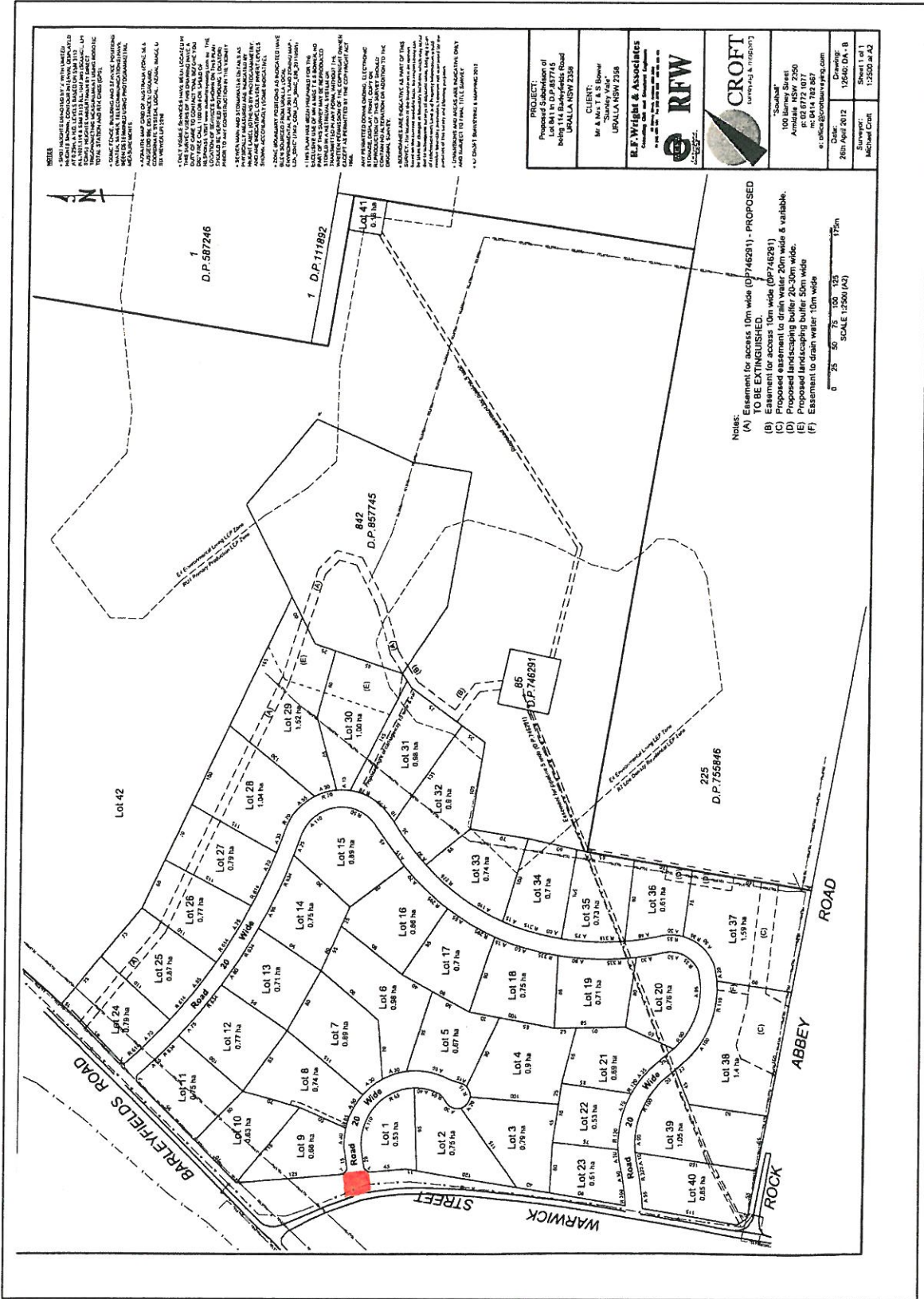
R F White & Associates will need to pay the Department compensation for the acquisition of this land, and they are advised to make an application to acquire this land at an early date.

Please contact Rodney O'Brien, Group Leader at Armidale on 67703101. Alternatively I can be contacted on 6883 3326.

Yours sincerely

David Baber  
Acting Area Manager, North West  
Crown Lands Division





**NOTES:**

1. ONLY VISIBLE SERVICES HAVE BEEN LOCATED IN THIS PLAN. THE LOCATION OF ALL SERVICES SHOULD BE VERIFIED BY THE APPLICANT PRIOR TO CONSTRUCTION IN THE VICINITY OF THE PROPOSED DEVELOPMENT. THE APPLICANT IS ADVISED THAT THE LOCATION OF SERVICES MAY VARY FROM THE INFORMATION PROVIDED IN THIS PLAN. THE APPLICANT IS ADVISED THAT THE LOCATION OF SERVICES MAY VARY FROM THE INFORMATION PROVIDED IN THIS PLAN.

2. THE PLAN HAS BEEN PREPARED FOR THE PURPOSE OF PROVIDING INFORMATION TO THE APPLICANT AND DOES NOT CONSTITUTE A CONTRACT. THE APPLICANT IS ADVISED THAT THE LOCATION OF SERVICES MAY VARY FROM THE INFORMATION PROVIDED IN THIS PLAN. THE APPLICANT IS ADVISED THAT THE LOCATION OF SERVICES MAY VARY FROM THE INFORMATION PROVIDED IN THIS PLAN.

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**PROJECT:**  
Proposed Submission of  
Plans for the Development of  
lots 1 to 42 Breffields Road  
URULLA NSW 2388

**CLIENT:**  
Mr & Mrs T & S Bowyer  
"Stanley Vale"  
URULLA NSW 2388

**R.F. Wright & Associates**  
Creating the Land Development Experience  
100-110 Sturt Street, Urulla NSW 2388  
Ph: 08 14 782 867  
e: office@rfrwa.com.au

**CROFT**  
SURVEYING & ENGINEERING  
100 Barney Street  
Armidale NSW 2350  
Ph: 06 41 782 867  
e: office@croftsurveying.com.au

Date: 26th April 2012  
Drawing: 12546-DA-B  
Sheet 1 of 1  
Surveyor: Michael Croft  
12500-AR-A3

- Notes:**
- (A) Easement for access 10m wide (D/P 746291) - PROPOSED TO BE EXTINGUISHED.
  - (B) Easement for access 10m wide (D/P 746291)
  - (C) Proposed easement to drain water 20m wide & variable.
  - (D) Proposed easement to drain water 50-30m wide.
  - (E) Proposed drainage buffer 50m wide.
  - (F) Easement to drain water 10m wide.
- 0 25 50 75 100 125 150m  
SCALE 1:2500 (A3)

## Development Assessment Report

**DA Number:** 27/2012 **Council:** Uralla  
**Location:** 114 Barleyfields Road, Uralla  
**Development Description:** 42 Lot Subdivision  
**Title Details:** Lot 100 DP 1177852

### Proposal Overview

The proposed development is for a 42 lot subdivision being; 40 lots low density residential (ranging in size from 0.51 ha to 1.52 ha), 1 lot utility services (water reservoir – 0.16 ha) and 1 residue of approximately 52 ha.

### Property Details/History

	Checked	Comments
<b>File History</b>	Yes	
<b>Title Plan</b>	Yes	Currently part of a boundary adjustment under DA 22/2012. Plan of subdivision waiting for registration from the Land Titles Office.
<b>Check Ownership</b>	Yes	

**Is there any other issue that requires notation?** No

### Application Type

**Is this application an Integrated Development Application?** Yes  
**Is this application a Designated Development Application?** No  
**Is this application for State Significant Development?** No  
**Is this application submitted by/on behalf of a Public Authority?** No  
**Is this application a staged Development?** No  
**Is this application a section 96 amendment?** No

### Concurrence/Referral

*Section 79b – EP & A Act*

**Does this application require concurrence referral?** No  
**Does this application require courtesy comment?** No  
**Is there any other issue that requires notation?**  
**Has this application been referred to the Development Assessment Unit?** Yes  
**Date of Referral:** 11 October 2012  
**Outcome:** After site inspection recommended approval subject to conditioning and approval from NSW RFS.  
**Does this application require referral for decision by Council?** Yes

## Local Environmental Plan

*Section 79c(1)(a)(i) – EP & A Act*

**This land is zoned:** RU1 - Rural Primary Production, R2 – Low Density Residential and E4 – Environmental Living. The land in R2 is being subject to the 40 lot subdivision whilst RU1 will have the utility lot and the residue. The land zoned E4 will mainly be in the residue, but will just flow into Lots 30 – 34.

### List the relevant clause/clauses applicable under the LEP

Clause	Compliance	Comment
4.1	Yes	Minimum subdivision lot size
4.1A	Yes	Minimum subdivision lot size for certain split zone lots
5.3	Yes	Development near zone boundaries  This clause allows for flexibility between zone boundaries, and the minimum lot size provisions have been extended 15 metres north east (past the existing easement for access to Lot 842 DP 85772 and Lot 85 DP 746291) to allow for a better design to take into account the natural topography.

**Is there a draft LEP or draft LEP amendment which may affect this proposal?** No

**Is there any other issue/feature that requires notation?** Yes

**Comment:** This subdivision came about after the rezoning of part of the land to RE2 in the Uralla LEP 2012 being gazetted on 23 March 2012.

**Do 'existing use' provisions apply to this development?** No

## Development Control Plan

*Section 79c(1)(a)(iii) – EP & A Act*

**Does the Uralla DCP 2011 applies to this land/proposal?** Yes

### List the relevant clause/clauses under the applicable DCP

Chapter	Compliance	Comment
2. Subdivision	Yes	<ul style="list-style-type: none"> <li>• Complies with aims &amp; objectives for RE2 zoning.</li> <li>• All acceptable solutions have been applied to this subdivision.</li> <li>• NSW Rural Fire service publication <i>Planning for Bushfire Protection 2006</i> has been taken into consideration.</li> <li>• There are no alternative solutions required for this subdivision.</li> </ul>
3. Residential Development	Yes	<ul style="list-style-type: none"> <li>• The subdivision design has taken into account the provisions in this chapter.</li> </ul>
6. Access and Parking	Yes	<ul style="list-style-type: none"> <li>• Access and traffic generation have been complied with.</li> <li>• Council's design specifications have been taken into account.</li> </ul>

14. Notification Procedures	Yes	<ul style="list-style-type: none"> <li>• Notification was carried out as per the provisions of this chapter.</li> <li>• There were 3 submissions that were referred to the Development Determination Advisory Unit for consideration.</li> </ul>
15. Kerbing and Guttering	Yes	<ul style="list-style-type: none"> <li>• All acceptable solutions have been applied to this subdivision.</li> <li>• There are no alternative solutions required for this subdivision.</li> </ul>

Is there a draft DCP which may affect this proposal? No

Is there any other issue that requires notation? No

### Regional Environmental Plan

There is no REP applicable to this area.

### State Environmental Planning Policy

Is this proposal affected by a SEPP? No

### Planning Agreement *Section 93F (10) – EP & A Act*

Is there a Planning Agreement in force under section 93F of the EP&A Act? No

Has a Planning Agreement been offered under this development? No

### Planning Strategies/Local Policy *Section 79c(1)(b) – EP & A Act*

Is there a Planning Strategy or Local Policy that requires notation? No

Has the applicant submitted any supporting planning assessments? Yes

**Comment:** A Vegetation Assessment & Management Recommendations & Archaeological Report has been appended to the Statement of Environmental Effects.

Is there any other issue/feature that requires notation? No

### Subdivision

Is this application for subdivision? Yes

How many new lots are being created? 41

**Comment:** 40 Low Density Lots, 1 Utility Lot (water reservoir) & 1 residue

### Environmental Impacts *Section 79c(1)(b) – EP & A Act*

Does this proposal have any potential impact on?

	Impact	Comment
Social	Yes	The size of this residential subdivision will result in a growth on the services within the Uralla township and community. This growth will affect social infrastructure such as schools, medical, emergency services and sporting clubs. The size of the potential growth will be a beneficial not a detrimental effect.



<b>Economical</b>	Yes	The size of this residential subdivision will include the added potential benefit of extra patronage to the Uralla commercial and industrial community.
<b>Siting &amp; Configuration</b>	Yes	The siting of the subdivision is on the outskirts of Uralla. The configuration of the design has taken into account where possible all favourable aspects in relation to the size of the allotments and the natural topography.
<b>Setbacks</b>	No	The size of the lots have will allow setbacks for dwellings and associated structures as per the provisions set out in the Uralla DCP 2011.
<b>Privacy</b>	Yes	There are two dwelling who are close to the boundaries of this subdivision. The subdivision design has catered for this by having building exclusion areas and soft landscaping to provide a barrier/buffer between any future dwellings and the existing dwellings.
<b>Overshadowing</b>	No	There will be no overshadowing from any future dwellings or associated infrastructure due to the size of the allotments.
<b>Solar Access</b>	Yes	The subdivision design and the size of the lots will allow for good solar access within the design of any future dwellings.
<b>Visual</b>	Yes	The elevated height of the subdivision will result in new dwellings being able to be seen across Uralla. No dwellings will be located on the skyline and the native vegetation stand on the E4 zone land will be protected and will allow soften those dwellings located on the highest elevations.
<b>Significant Views</b>	No	No significant views will be lost.
<b>Amenity</b>	Yes	The siting of the subdivision is on the outskirts of Uralla. The configuration of the design has taken into account where possible all favourable aspects in relation to the size of the allotments and the natural topography, hence creating a favourable amenity for this development.
<b>Water</b>	Yes	Reticulated water will be made available to the subdivision. Proposed Lot 41 will be a utility lot designed especially for a water reservoir.
<b>Air</b>	No	There will be no effect on the air.
<b>Noise</b>	Yes	There will be an increase in noise in the area. This noise will be residential in nature and not industrial.
<b>Land Degradation</b>	Yes	Land degradation has been taken into account. A soil and erosion control plan will be required for all construction works, with drainage measures being put in place to prevent and land degradation in the future.
<b>Tree Loss</b>	No	There will be no tree loss.
<b>Flora</b>	No	A flora and fauna assessment shows that this development will not have any effects on any sensitive or threatened species or communities.
<b>Fauna</b>	No	A flora and fauna assessment shows that this development will not have any effects on any sensitive or threatened species or communities.



## Environmental Impacts – Threatened Species

Section 79c(1)(b) – EP & A Act

- Has a Threatened Species Impact Assessment been prepared? Yes
- Are there any species/communities listed under the TSC Act? No
- Does the proposed development require approval under the EPBC Act? No

## Environmental Impacts – Heritage

Section 79c(1)(b) – EP & A Act

Does this proposal have any potential impact on?

Heritage	Impact	Comment
European	No	
Aboriginal	No	There were no sites of significance were found within the land zoned R2.

- Is this land classified as containing an item of environmental heritage? No
- Is there an impact on and adjoining or in close vicinity to an item of environmental heritage? No
- Is this proposal in a heritage conservation Zone? No
- Is this proposal in an adjoining or in close vicinity to a conservation zone? No
- Has a Heritage Impact Statement been prepared for this proposal? No
- Has an Archaeological Survey been prepared for this proposal? Yes
- Comment:
- Is there any other issue/feature/impact that requires notation? No

## Flooding

Section 79c(1)(b) – EP & A Act

- Is this property flood affected? No

## Bush Fire Prone Land

Section 79c(1)(b) – EP & A Act

- Is this property bush fire prone as per the Bush Fire Prone Map? Yes
- Category: Category1 & Buffer
- Comment: As at the date of this assessment, the formal NSW RFS has not returned to Council. Verbal discussions with the RFS assessing officer reveals that there will be no issues. Therefore the application was put to the DDAU who determined the application could go to Council for determination subject to any RFS conditions being added prior to approval being issued.
- Has a Bush Fire Management Plan been Prepared? No

## Contaminated Land

Section 79c(1)(b) – EP & A Act

- Has this land been identified as being contaminated land by Council? No
- Is this land in the close vicinity or adjoining a known contaminated site? No

## Infrastructure

**Has an engineering assessment been completed?**

Yes

**Does this proposal have any potential impact on:**

	Impact	Comment
<b>Sewer</b>	Yes	Reticulated Council service will be supplied to the subdivision. This will be subject to final engineering design and approval. Easements will be provided where necessary.
<b>Water</b>	Yes	Reticulated Council service will be supplied to the subdivision. This will be subject to final engineering design and approval. Easements will be provided where necessary.
<b>Drainage</b>	Yes	This will be subject to final engineering design and approval, and will take into account the natural topography. Easements will be provided where necessary.
<b>Access</b>	Yes	This will be subject to final engineering design and approval. All Council engineering specifications will be taken into account in the final design process. The access handle into lot 10 will required to be bitumen sealed and a maintenance agreement created as part of a section 88b instrument.
<b>Kerb &amp; Gutter</b>	Yes	This will be subject to final engineering design and approval.
<b>Upgrade Existing Road</b>	No	Not Applicable
<b>Road Network</b>	Yes	There will be an increased traffic generation created from the subdivision. None of the new allotments will be allowed to have an individual access to Rock Abbey and Barleyfields Roads, nor Warwick Street.
<b>Existing Easements</b>	Yes	The existing easement to Lot 842 DP 857745 and to the existing water reservoir will be extinguished and new access arrangements created. The existing easement for water pipes from the existing water reservoir will remain.
<b>Electricity</b>	Yes	This will be constructed to the requirements of the energy provider.
<b>Telecommunications</b>	Yes	This will be constructed to the requirements of the telecommunications provider.
<b>Pedestrian Access</b>	No	Not Applicable
<b>Loading &amp; Unloading</b>	No	Not Applicable
<b>Parking</b>	No	Not Applicable
<b>Energy Conservation</b>	No	Not Applicable

**Does the development require any new easements?**

Yes

**Comment:** Easements will need to be created for; water, sewer and drainage provisions; access to the utility lot (water reservoir) and existing reservoir; access to Lot 842 DP 857745; buffer areas for Lot 842 DP and Lot 225 DP 755846.

**Has an Erosion and Soil Control Plan been submitted?**

No

Was there any outstanding issues requiring attention? No

### Construction Assessment

Is a construction assessment required? No

### Section 68 Assessment

*Section 68 – LGA Act*

Is a section 68 assessment required? No

### Developer Contributions

*Section 94 – EP & A Act*

Does this proposal require any Developer Contribution? Yes

Is the contribution for a subdivision? Yes

Is the contribution for a special purpose relating only to this proposal? Yes

Comment: The developer will be asked to dedicate to Council the utility lot (water reservoir).

Is there any other issue that requires notation? No

### Signage

Has this application included signage? No

### Notification

*Section 79c(1)(d) – EP & A Act*

Is this application an advertised development application? Yes

Was this application advertised as per the provisions of? DCP

Was this application notified as per the provisions of Council's Notification Policy? Yes

Were there any written submissions received? Yes

If Yes, what was the number of submissions received? 3

<b>Submission Maker</b>	<b>Department of Primary industries – Catchments and Lands</b>
<b>Issues:</b> <ul style="list-style-type: none"><li>No objections to development.</li><li>The proposed access of Warwick Street will cross a travelling stock route. Approval needs to be gained to gain the consent of the Livestock Health &amp; Pest Authority to relinquish control of this land to Council.</li></ul>	
<b>Comment:</b> Permission has been gained from the Livestock Health & Pest Authority to dedicate this part of the travelling stock route to Council hence making it public road.	
<b>Submission Maker</b>	<b>John Holland Rail Pty Ltd</b>
<b>Issues:</b> <ul style="list-style-type: none"><li>Requested that Council consider State Environmental Planning Policy (Infrastructure) 2007 in its assessment in relation to noise and vibration, and level crossings.</li></ul>	
<b>Comment:</b> The Infrastructure SEPP provisions have been considered in relation to the raised issues. It is not believed that noise or vibration will be an issue as the land is not in close vicinity to a level crossing. Verbal enquiry as to which level crossing/s may be affected by the development with John Holland Rail Pty Ltd has revealed that there are none, and that the advice about the level crossings is a standard wording as in the one about noise and vibration. Therefore it was not considered necessary to undertake any studies on impacts on level crossings.	

## Recommendation

This development application be approved subject to the following conditions, including any necessary engineering or construction conditions that result from the conclusion of the engineering and construction assessment.

### ***PRESCRIBED CONDITIONS (under Environmental Planning and Assessment Regulation 2000)***

*Nil*

### ***GENERAL CONDITIONS***

1. The development must take place in accordance with the approved plans (bearing the Council approval stamp) and documents submitted with the application, and subject to the conditions below to ensure the development is consistent with Council's consent.
2. All Engineering works to be designed by a competent person, endorsed by a Certified Practising Engineer, and carried out in accordance with Council's Engineering Code, unless otherwise indicated in this consent, to ensure that these works are of a sustainable and safe standard.
3. A Construction Certificate shall be submitted to and approved by the relevant Certifying Authority prior to construction commencing.
4. The utility lot containing the proposed water reservoir being proposed Lot 41 is to be dedicated to Council.
5. An easement be created for access to Lot 42. This is to allow for the construction and future maintenance of the water reservoir.
6. No individual lot is to take access off Barleyfields Road, Rocky Abbey Road or Warwick Street. This is to be ensured by way of provision within a Section 88b Instrument under the *Conveyancing Act 1919*.
7. A joint access location is to be provided for Lots 8, 9 and 10 with the access handle to Lot 10 being bitumen sealed. Maintenance provisions for the access and associated handle are to be provided for within a Section 88b Instrument under the *Conveyancing Act 1919*.
8. The land within the E4 zoning, within the residue lot being proposed Lot 42 is to be fenced off to control stock grazing, trampling and compaction.
9. A Section 88b Instrument under the *Conveyancing Act 1919* is to be prepared to ensure that all Lots;
  - a) Have management of weed control including follow-up weed suppression;
  - b) Retain all fallen timber and other potential habitat features
  - c) Retain all mature canopy trees with a diameter at breast height (dbh) of greater than 200mm.
10. Ensure that the positive covenant numbered 3 in the Section 88b instrument prepared for the boundary adjustment between Lot 225 DP 755846 and Lot 841 DP 857745 be taken up for Lots 36 and 35 except for number (b) as this does not comply with the recommendations set out in the Flora and fauna assessment carried out over both lots.
11. Lot 29 and Lot 30 are to have a buffer of a minimum of 50 metres that has soft plantings against the boundary of Lot 842 DP 857745.
12. All plantings in the buffer areas are to be maintained for a twelve month period.
13. The method and type of fencing material used for boundary fencing is to be approved by Council prior to installation. Council will not allow paling or colourbond fencing as boundary fencing.

## **CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

14. Prior to the issue of a Construction Certificate, the applicants shall have prepared, by a suitably qualified person, detailed engineering drawings, submitted for Council's approval, generally in accordance with Council's DCP 2011, for the construction of the all internal roads and intersections of Warwick Street/new internal road a in accordance with the following requirements:
  - a) Pavement design for all new internal roads shall be based on a design traffic load of  $3 \times 10^5$  ESA's with subgrade testing on 10 day soaked CBR's.
  - b) The internal access roads to the development shall be constructed with a minimum 2 coat hot bitumen sealed pavement width of 6 metres with kerb and gutter, including all necessary underground drainage.
  - d) All Cul De Sac bulbs shall be constructed at the end of the proposed new internal roads with a minimum radius of 15 metres to face of kerb to accommodate the turning movement of a semi rigid truck.
  - e) At the new internal roads intersection with Warwick Street, the applicants shall design and construct a typical T intersection at both locations.

All the above works are to be designed and completed generally in accordance with Council's DCP 2011, and professional practical standards, before the issue of a Subdivision Certificate.

15. Prior to the issue of a Construction Certificate the applicants shall have prepared an Erosion and Sediment Control Plan and Soil and Water Management Plan, in accordance with the requirements of the Department of Housing's *Managing Urban Stormwater - Soils and Construction* is to be submitted with the application for a Construction Certificate for the development for approval by the relevant Certifying Authority. The soil and water management plan must include sediment basin calculations and the approved plan implemented in conjunction with the project.
16. Prior to the issue of a Construction Certificate the applicants shall have prepared a plan demonstrating the protection of the development by provision of underground drainage pipelines (within easements or roadways) to cater for a stormwater flood frequency of 20% Annual Exceedence Probability (AEP) and fail-safe aboveground floodways to cater as a minimum for a flooding frequency of 1% AEP, to connect to the existing drainage gully adjacent to the site. Details to be provided to the relevant Certifying Authority for approval before the issue of a Construction Certificate for the development. Completed works are to be inspected and approved by the relevant Certifying Authority or works secured for an amount approved by Council's Development Engineer or nominee, before the issue of a Subdivision / Occupation Certificate.
17. Prior to the issue of a Construction Certificate the applicants shall have prepared an Inter-allotment drainage design for all lots which do not drain naturally to a public road, to protect those lots and adjoining property. All inter-allotment drainage is to be contained within a suitably located easement (minimum width 2m). Details to be provided to Council's Director of Engineering Services or nominee for approval before the issue of a Construction Certificate for the development. Completed works are to be inspected and approved by the Council's Director of Engineering Services or nominee or works secured for an amount approved by Council's Development Engineer or nominee, before the issue of a Subdivision Certificate.

Title Plan submissions are to confirm easement details before the issue of a Subdivision Certificate for the development.

Stormwater systems must cater, as a minimum, for a stormwater flooding event of 20% Annual Exceedence Probability (AEP) for pipes, and 1% AEP for aboveground flow paths.
18. Prior to the issue of a Construction Certificate the applicants shall have prepared a design for the extension of sewer reticulation mains from the existing infrastructure downstream of the site to serve each of the proposed allotments within the development. Detailed Engineering drawings prepared by a suitably qualified person must be submitted for the approval of Council's Director of Engineering Services or nominee before the issue of a Construction Certificate for the development. Completed works are to be inspected, tested and approved by the Council's Director of Engineering Services or nominee or works secured for an amount approved by Council's Director of Engineering Services or nominee, before the issue of a Subdivision Certificate.



<b>Submission Maker</b>	<b>C &amp; S Ritchie</b>
<b>Issues:</b>	
<ul style="list-style-type: none"> <li>• Concerned about the close proximity of other dwellings in relation to their existing dwelling.</li> <li>• Have requested planted buffer areas and building exclusion zones.</li> </ul>	
<b>Comment:</b>	
<p>The submission maker and the applicant have compromised together with eht submission maker purchasing an extra 4 metres (dwelling now 8 metres from boundary) and creating a section 88b instrument with the following positive covenant:</p> <p><i>The registered proprietor of the land burdened (Bower – Lot 100) by this covenant shall maintain a landscape buffer area 30 metres wide and to that effect shall:</i></p> <ul style="list-style-type: none"> <li>(a) <i>Plant and maintain trees and shrubs within the landscape buffer area to screen any improvements within Lot 100.</i></li> <li>(b) <i>Remove all diseased, dying and dead trees within the landscape buffer area and replace them;</i></li> <li>(c) <i>Use the landscape buffer area only for the purpose of planting and maintaining such trees and shrubs including trimming and cutting as necessary;</i></li> <li>(d) <i>Not erect any structures or improvements within the landscape buffer area which are inconsistent with the planting and maintenance of the trees and shrubs;</i></li> <li>(e) <i>Erect and maintain a fence on the western boundary of the landscape buffer area.</i></li> </ul> <p>The boundary adjustment subdivision has been lodged with the Land Titles Office, but is still to be have title issued.</p>	

**Is there any other issue/feature that requires notation?** No

### Section 88b Instrument

**Does Council require a Section 88b instrument to be prepared?** Yes

**Comment:** Council will require a section 88b instrument to be prepared to take into account and easements for water, sewer, drainage, access, buffer planting, building exclusion zones, vegetation maintenance as per the recommendations of the flora and fauna assessment, and NSW RFS conditions.

### Public Interest

*Section 79c(1)(e) – EP & A Act*

**Does this proposal have any construction or safety issues?** No

**Is there any public health issues?** No

**Are there any other public interest issues?** No

### Site Suitability

*Section 79c(1)(c) – EP & A Act*

**Is this a suitable site for this proposal** No

**Comment:** Council determined this site suitable for this type of development under the New England Development Strategy 2010 when it determined the proposed rezoning.

### Assessing Officer General Comment

**Comment:** This development should be classified as being a positive development for Uralla. It will encourage further growth as there are very few lots of this size available for residential development. The applicant has yet to determine the exact staging details, and an amended staged consent will be issued when this has been determined. The residue lot will have only one dwelling entitlement.

19. Prior to the issue of a Construction Certificate the applicants shall have prepared a design for the extension of water supply mains to serve the proposed development. Detailed engineering drawings, prepared by a suitably qualified person, must be submitted for the approval of Council's Director of Engineering Services or nominee before the issue of a Construction Certificate for the development. Completed works are to be tested and approved by the Council's Development Engineer or nominee or works secured for an amount approved by Council's Director of Engineering Services or nominee, before the issue of a Subdivision Certificate. Works are to be inspected and tested upon completion before the issue of a Subdivision Certificate.

The internal water mains within the estate are to form a looped system with no dead ends. Water supply design is to for sustainable cost effective operation by Council in the future. Fire flows required are 11L/sec at a pressure of not less than 275 kPa (28m). These flows are to be supplied in addition to peak instantaneous demands for a typical residential water demand.

### ***CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE***

20. Prior to the issue of a Subdivision Certificate the applicants shall have made arrangements and paid for the provision of new street lighting to be provided to all new footways and streets, and thus maintain visibility and safety for pedestrians. The developer is to liaise with Essential Energy with regard to street light location. Completed works are to be inspected and approved by the Council's Director of Engineering Services or nominee before the issue of a Subdivision Certificate/release of any bond for incomplete works.
21. Developer's suggestions for the name of the new road, together with the reasons for the name proposed, should be submitted at least 3 months before issue of the Subdivision Certificate for the development, for Council's consideration. Council favors names with historical, zoological, botanical or geographic association with the locality.
22. Prior to the issue of a Subdivision Certificate the applicants shall lodge with Council a monetary security for civil works, to cover the cost of carrying out rectification work in public areas in connection with the proposal should any defect arise within 12 months of completion of the works. Security shall be in the form of cash or bank guarantee for an amount determined by Council. Application for a 90% refund of the security may be made on documented completion of the works, with full refund of the remaining 10% upon satisfactory completion of the 12 months' defects liability period.
23. Prior to the issue of a Subdivision Certificate the applicants shall provide one set of print film copies of "work as executed" plans to Council for works carried out on Council property or benefiting Council. Each plan is to have a scale adjacent to the title block showing the scale used on that plan. The location of any fill introduced, by both plan limit and depth, together with relevant classifications shall be shown on the "work as executed" plans to be submitted to Council.
24. Prior to the issue of a Subdivision Certificate, the applicants shall provide written advice from telecommunications and electricity providers, confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to each of the proposed allotments within the development.
25. At the time of the issue of a Subdivision Certificate, the applicants shall have prepared documentation for presentation to the Land Titles Office for the dedication to Council of all drainage easements, in order to protect the area from inadvertent filling or destruction that could change the flow characteristics of the flow regime.
26. At the time of submission of the application for a Subdivision Certificate, the applicant shall submit to Council three (3) copies of the Title Plan. The applicant/developer is to ensure that a checklist clearly showing that all conditions of consent have been met is provided with the application.
27. Approval is to be gained from the NSW Livestock Health & Pest Authority to cross the section of Crown Reserve 22252 being part of a Travelling Stock Route, and this section of crown reserve is to be dedicated as public road on the plan of subdivision.
28. Provision is to be made for a bus shelter within the development. The type and location is to be approved by Council prior to installation.

## **CONDITIONS TO BE COMPLETED PRIOR TO ISSUE OF CONSTRUCTION COMMENCING**

29. Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with cl 103 and 104 of the Environmental Planning and Assessment Regulation 2000.
30. Before construction commences on the site and throughout the construction phase of the development, erosion control measures are to be installed to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:
  - divert contaminated run-off away from disturbed areas,
  - erect silt fencing along the downhill side of the property boundary,
  - prevent tracking of sediment by vehicles onto roads by limiting access to the site and, where necessary, installing a temporary driveway and
  - stockpile all topsoil, excavated material and construction debris on the site, erecting silt fencing around the pile where appropriate.

Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.
31. No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Director of Engineering Services. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
32. Under-road conduits are to be provided to cater for electricity, telecommunications, gas supply or other underground utility services. Utility crossings of public roads are to be under-road bored and Council's Director of Engineering Services advised of the intention to commence work at least 48 hours in advance. The developer and its agents are responsible for ascertaining the location of existing underground services before commencing work. Any damage to existing services or to the road construction is to be made good at the expense of the developer.

## **CONDITIONS TO BE COMPLETED DURING CONSTRUCTION**

33. Action being taken by the developer and contractors to ensure that public safety is maintained on roadways under construction at all times, by the provision of effective barriers to distinguish between adjacent public roadways and the roadways under construction.
34. Effective dust control measures to be maintained during construction to maintain public safety/amenity and construction activities are to be restricted solely to the subject site.

*ADVISING: Failure to take effective action may render the developer liable to prosecution under the NSW Protection of the Environment Operations Act.*
35. Materials must not be burned on-site. All waste generated on site must be disposed of at Council's Waste Disposal Depot or Waste Transfer Station, to protect the amenity of the area and avoid the potential of air pollution.
36. Any fill which is placed on the site shall be free of any contaminants and placed in accordance with the requirements of AS 3798-1990 *Guidelines on Earthworks for Commercial and Residential Developments*. The developer's structural engineering consultant shall:
  - identify the source of the fill and certify that it is free from contamination; and
  - classify the area within any building envelope on any such filled lot in accordance with the requirements of "Residential Slabs and Footings" AS 2870.1.

## Conclusion

I confirm that I am familiar with the relevant heads of consideration under the Environmental Planning & Assessment Act and Local Government Act (if applicable) and have considered them in the assessment of this application.

I certify that I have no pecuniary or non-pecuniary interest in this application.

Additional Notes Attached:

No

Signed: .....



Date: 15 October 2012