

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED SWIMMING POOL & PERGOLA

**200 ANAMBAH ROAD ANAMBAH, NSW, 2320
(LOT: 721 DP: 1191240)**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Jann and Maurizio Zappacosta (the client) to prepare a Statement of Environmental Effects (SEE) for the construction of a swimming pool and pergola (the proposal) at 200 Anambah Road, Anambah, NSW, 2320 (the site).

The site is an existing rural residential property used as a function centre and located within the Maitland Local Government Area. The site is zoned RU2 – Rural Landscape under the Maitland Local Environmental Plan 2011 (the LEP). The site is considered a state heritage item and as such the development is permissible through the LEP under 5.10 Heritage conservation, section (10) Conservation incentives as the proposed development will be encouraging management of the existing heritage buildings and site and will not detrimentally impact on the site or the surrounding area.

“Anambah House with its house, billiard room, stables and gardens form a complete and intact example of a prosperous late 19th century graziers homestead. It is an important relic of the great agricultural heritage of the lower Hunter, now passing into history with the onset of the resources boom. The house is also significant as a major example of the work of J.W.Pender an important architect of the Hunter region”.

The proposed swimming pool and pergola are located on the western and southern side of the existing dwelling.

The key reasons why the proposal should be considered acceptable include:

- The proposal is permitted with consent in the RU2 Rural Landscape zone and is consistent with RU2 zone objectives.
- The proposal will not result in visual impacts any greater than the existing site.
- The proposal is consistent with the specific design requirements of the Maitland DCP.
- The proposal will result in positive social and economic impacts through the creation of short-term construction jobs and improved housing for the community in a low-density residential environment.
- There are no significant issues or impacts arising from the proposal.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. Any potential environmental issues or impacts are suitably managed or mitigated to enable the proposal to be approved by Maitland Council.

TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
BAL	Bushfire Attack Level
BPL	Bushfire Prone Land
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
FFL	Finished Floor Level
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Attachment	Document	Prepared by
1	EP&A Regulation 2000 – Schedule 1	Perception Planning
2	DCP Compliance Assessment	Perception Planning
3	Certificate of title	NSW Lands Registry
4	Architectural Plans	
5	BASIX Certificate	Perception Planning
6	Hunter Water Stamped Plans	Hunter Water
7	AHIMS Results	NSW Department of Environment and Heritage
8	Site Waste Minimisation and Management Plan	Perception Planning
9	Statement of Heritage Impact	EJE Heritage
10	Before You Dig Australia (BYDA) Results	BYDA
11	Architectural Plans	CSG Engineers
12	Inset Map	Perception Planning

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1.0 BACKGROUND

1.1 PURPOSE OF THE STATEMENT

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in coordination with Jann and Maurizio Zappacosta. (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in the proposed development. The SEE examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation and other requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure’s (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

1.2 SITE DETAILS

Property Address	200 Anambah Road, Anambah, NSW, 2320
Lot and DP	Lot 721 DP1191240
Current Use	Function Centre
Zoning	RU2 Rural Landscape
Size	23.641 hectares
Site Constraints	Acid Sulfate Soils – Class 5 Bushfire Prone Land – Vegetation Buffer/Category 3 Flood Planning – Flood Planning Area Heritage - Anambah House Significance: State Minimum lot size – 40ha Riparian Lands and Watercourses – Watercourse Biodiversity Values Map
Owner	Owner’s consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Nothing on the certificate of title prohibits the proposed development. The certificate of title is contained in Appendix 3 .

1.3 SITE DESCRIPTION

The site is legally described as Lot 721 DP1191240 and commonly known as 200 Anambah Road, Anambah, NSW, 2320 and has a total area of approximately 23.641ha. The site has an irregular shape, and is located on the northern side of Anambah Road. Vehicle access is provided via Anambah Road to the southwest.

The site is a State Heritage listed and contains an existing dwelling, a barn and ancillary buildings such as sheds and out houses. The site is bound by RU2 land to the north, south and west and the Hunter River to the east. The site has reticulated (town) water and onsite septic systems. The topography of the site rises gently from each side towards a central ridge where the land is relatively flat, the buildings and proposed development are situated on this ridge.



Figure 1: Aerial imagery (NSW Spatial Planner, 2023)

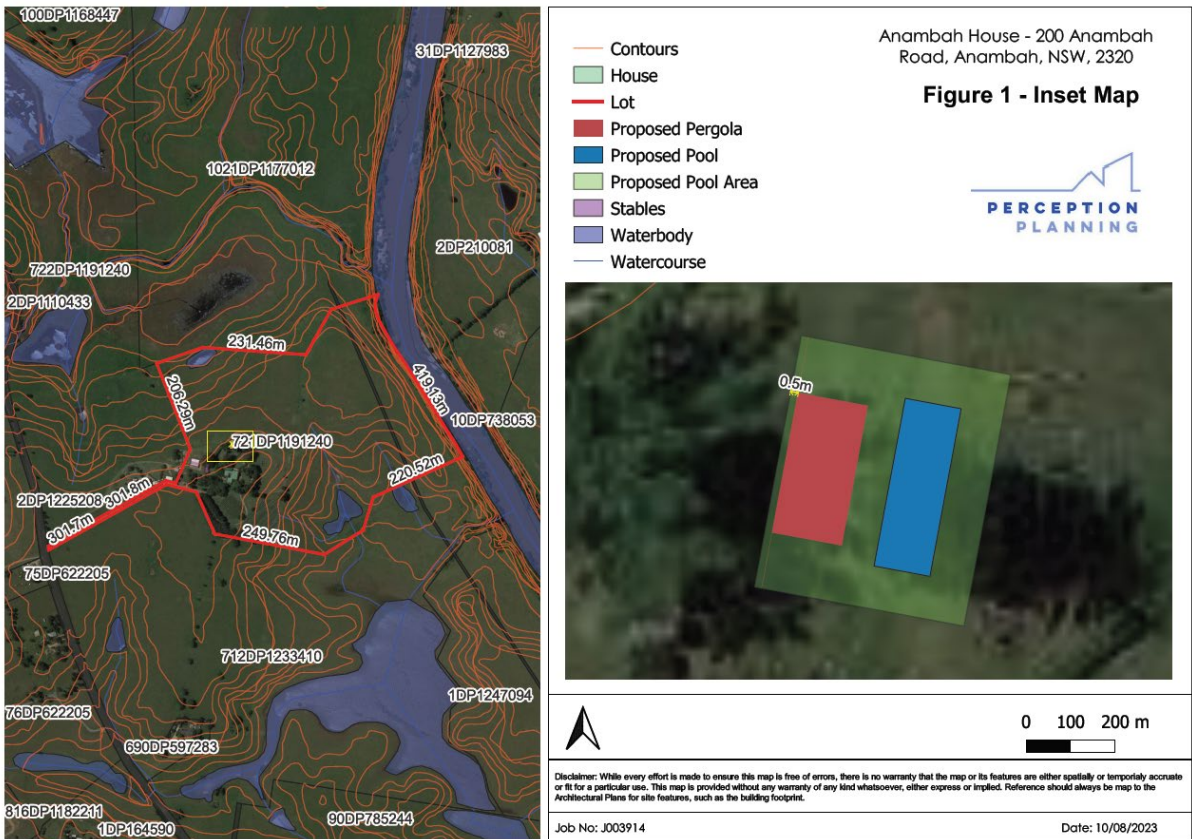


Figure 2: Inset Map, Perception Planning

2.0 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

Development consent is sought for a pool and pergola (the proposal) at 200 Anambah Road, Anambah, NSW, 2320 (the site).

Specifically, the proposal includes:

- 18m x 15m paved pool area
- 10m x 5m pergola
- 12m x 4m pool

Figure 2 below shows the proposed site plan. Detailed architectural plans are contained in APPENDIX 4.

3.0 PLANNING CONTROLS

Section 4.15 (1) of the EP&A Act outlines the matters for consideration when determining a Development Application. The Consent Authority must take into consideration:

1 (a) the provisions of:

- (i) any environmental planning instrument (EPI), and*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

The following section will address the matters of consideration listed under Clause (1)(a).

3.1 ACTS

The following Acts are considered relevant to the proposed development and are discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning & Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this Statement below.

Integrated development

Section 4.46 of the EP&A Act provides that integrated development is development (not being State significant development or complying development) that, in order for it to be carried out,

requires development consent and one or more other approval. An assessment has been made against s.4.46 and in this instance the application is deemed to be integrated development (refer to **Table 1** below).

Table 1: Integrated development

Integrated development	Section	Assessment
<i>Fisheries Management Act 1994</i>	s 144 s 201 s 205 s 219	N/A
<i>Heritage Act 1977</i>	s 58	The site is identified as a heritage item. A Statement of Heritage Impact has been attached (APPENDIX 9) An AHIMs search conducted on 3 July 2023 (APPENDIX 7) did not identify any Aboriginal sites or places within a 50m buffer of the site. Should any Aboriginal objects be uncovered during the development process, all works will cease immediately, and the relevant authority will be notified.
<i>Coal Mine Subsidence Compensation Act 2017</i>	s 22	N/A – Not within a mine subsidence district
<i>Mining Act 1992</i>	s 63, 64	N/A
<i>National Parks & Wildlife Act 1974</i>	s 90	N/A
<i>Petroleum (Onshore) Act 1991</i>	s 16	N/A
<i>Protection of the Environment Operations Act 1997</i>	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	N/A
<i>Roads Act 1993</i>	s 138	N/A
<i>Rural Fires Act 1997</i>	s100B	No - The site is considered bushfire prone – vegetation buffer and vegetation category 3. The proposed development is not considered to create additional risk to human welfare in the event of bushfire. The proposed pergola is located over 6m from habitable buildings.
<i>Water Management Act 2000 & Water Management Amendment (Controlled Activities) Regulation 2008</i>	ss 89, 90, 91	No – The site has an adjoining watercourse at the rear of the site. The proposed development is not located in an area that is anticipated to affect the ongoing hydrological process of the watercourse.

3.1.2 HUNTER WATER ACT 1991

The subject site is not located within a Drinking Water Catchment Area. To this effect, a referral to Hunter Water (HW) is not required under Section 51 of the HW Act. Stamped plans and the notice of formal requirements in accordance with Section 49 of the HW Act are contained in **ATTACHMENT 5** of this application.

3.1.3 WATER MANAGEMENT ACT 2000

The subject site is not located within a Drinking Water Catchment pursuant to the MLEP Map DWC_004D. No physical works will take place within 40m of any body of water, nor will the development have a lasting impact on any watercourses or waterbodies on site.

3.1.4 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The proposed development does not require the removal of any significant vegetation. The site has a small section of land identified as having biodiverse value at the eastern edge of the site (Figure). The proposed development is however, not anticipated to affect the biodiverse value area. Further consideration under the BC Act is not required.

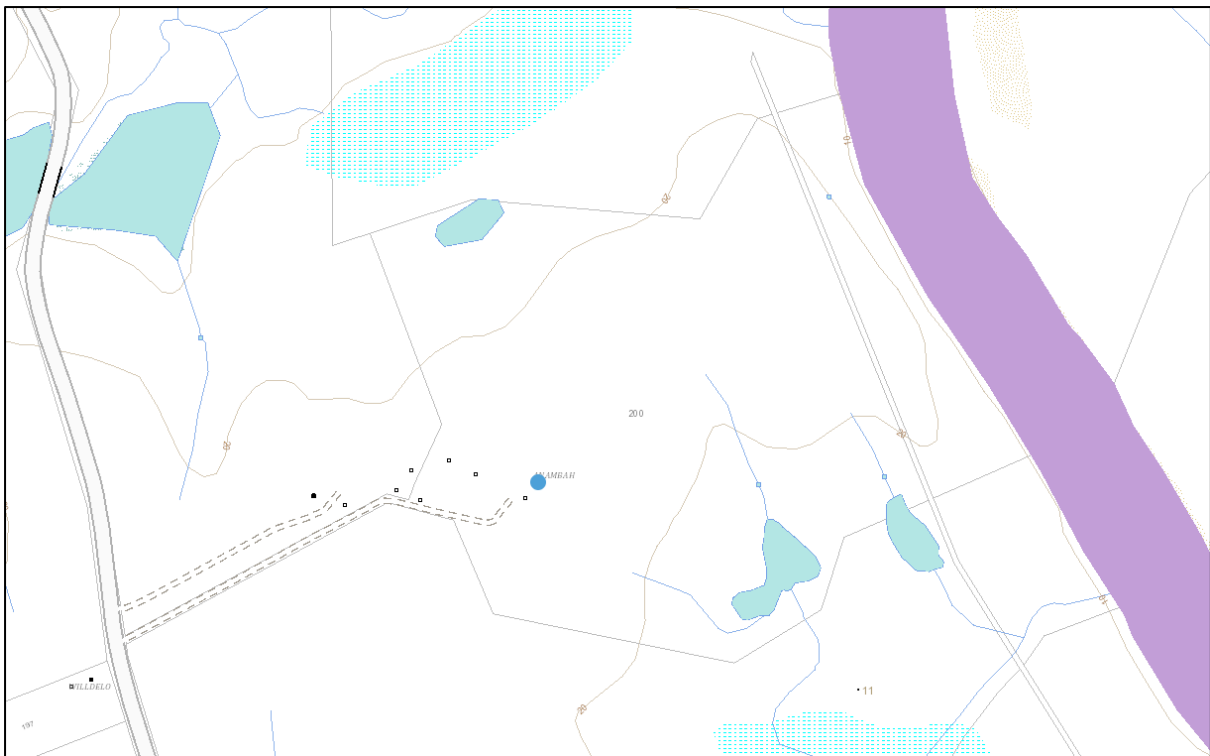


Figure 3 - Biodiversity Conservation (Biodiversity Values Map, 2023)

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and are discussed in further detail below.

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

3.2.1 SEPP (BASIX) 2004

This SEPP seeks to encourage sustainable residential development and it applies to the proposed development of swimming pool and pergola. The BASIX Certificate, contained in **ATTACHMENT 6**, provides a set of commitments, and achieves the required water and energy efficiency targets of the SEPP. The certificate demonstrates that the proposal can achieve the required water and energy saving targets compared to the standard model swimming pool.

3.2.2 SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 4 – Koala Habitat Protection 2021

This chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 6 and Schedule 1 of the SEPP identify Maitland Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area.

The key threats within the Central Coast Koala Management Area have been identified as:

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

Pursuant with Section 7 of the 2021 Koala Habitat SEPP, if the land is greater than 1 ha in area, an assessment must be conducted to determine whether the land in which the development is to occur contains potential koala habitat and core koala habitat. However, as the site is substantially devoid of vegetation and the proposal does not involve the clearing or removal of any vegetation further assessment against the chapter is not required.

3.2.3 SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land

This Chapter applies to the whole state. Under Section 4.6, a consent authority must not grant consent to the carrying out of any development unless they have considered whether the land is contaminated.

The site is currently zoned for rural landscape purposes. It is not expected or known that the site or immediate area has the potential to be contaminated, therefore, the land is considered suitable for the proposed development.

3.2.4 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 – Infrastructure

The purpose of this Chapter is to facilitate the effective delivery of infrastructure across the state and to identify matters to be considered in the assessment of developments adjacent to particular types of infrastructure.

The proposed development is not in the vicinity of a pipeline corridor and therefore does not trigger referral to any pipeline operator pursuant to Clause 2.76. The site is connected to overhead power and the proposed development is greater than 5m from the overhead powerline and therefore does not trigger referral to the electricity supply authority pursuant to Clause 2.48 (1) (b) (iii). The proposed development does not include any works in or adjacent to a classified road, and the development is not classified as traffic generating development in accordance with Schedule 3.

Further assessment against SEPP is not required.

3.3 LOCAL ENVIRONMENTAL PLAN

Pursuant to the Maitland Local Environmental Plan 2011 (MLEP) the subject site is land to which the local environmental plan applies. Accordingly, the MLEP is the appropriate EPI to assess the development proposal.

Permissibility

Under the Land Use Table- Zone RU2 of the Maitland LEP, a swimming pool and pergola may be permissible with development consent. Considering the existing dwelling, the proposed swimming pool and pergola are ancillary to the existing dwelling on site.

The proposed development is defined as below:

Swimming Pool means an excavation, structure or vessel—

(a) that is capable of being filled with water to a depth of 300 millimetres or more,
and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity.

The following Clauses of the LEP 2011 apply to the proposed development

Zone objectives

The Land Use Table of the LEP identifies the following objectives for the RU2 Rural Landscape zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for a range of non-agricultural uses where infrastructure is adequate to support the uses and conflict between different land uses is minimised.*

The proposal will provide compatible ancillary development in a rural setting that does not result in any adverse impacts on the environment or scenic locations. The development improves the ancillary structures on site whilst protecting and enhancing the existing amenity and character of the area. The development will maintain and enhance the residential amenity and character of the area. There shall be no unreasonable increase in the demand for public services or facilities as a result of the proposal and the proposal is compatible with its rural setting. The proposal is consistent with the objectives for development in the RU2 zones.

Further assessment against the relevant requirements of the MLEP is provided below.

Clause 4.3 – Height of Buildings

The site is not subject to a maximum building height under the MLEP.

Clause 4.4 – Floor Space Ratio

The site is not subject to a maximum floor space ratio under the MLEP.

Clause 5.10 – Heritage Conservation

The subject site is identified as a state heritage item under the MLEP. The proposed ancillary development is not anticipated to affect Anambah House. A Statement of Heritage Impact was prepared to support this application (**Appendix 9**).

AHIMS search conducted on 3 July 2023 identified 16 Aboriginal sites or places within a 1000m buffer of the site. These sites are located southeast of the lot and there are no Aboriginal sites or places identified within a 50m buffer of the site. It is not anticipated that the development should impact these sites, and should Aboriginal objects be uncovered during works, all works will cease in that location and contact will be made with the appropriate person.

Clause 5.11 - Bushfire Hazard Reduction

The site is identified as bushfire prone – vegetation buffer and vegetation category 3. The proposed development will not negatively affect the existing hazard reduction methods

imposed for the dwelling. The proposed ancillary development is not considered to create additional risk to human welfare in the event of bushfire.

Clause 5.21 – Flood Planning

The site is identified to be flood prone. The proposed ancillary structures are located in an area of the site that is not identified to be flood prone – approximately 60m from the existing dwelling.

Clause 7.1 - Acid Sulfate Soils

The site is identified as Class 5 ASS under the MLEP. The proposal will require works below 1m of the natural ground surface level. The proposed depth of the swimming pool will be a maximum of 1.8m however is not anticipated to affect or lower the water table. An ASS management plan has not been prepared for this application due to the minor impact of the proposed works.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

The Maitland Development Control Plan (MDCP) outlines the relevant design controls applicable to the site. Assessment of the development against the relevant parts of the MDCP is contained in **APPENDIX 2**.

3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN

Development contributions may be calculated and charged in accordance with the Maitland Council Contributions Plan 2020 (CP).

3.6 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

This Statement has been prepared to support a development application, as described in Section 2, to Maitland Council in accordance with s.50 of the *Environmental Planning Assessment Regulations 2000* (EPA Regulations). Assessment against Schedule 1 of the Regulations is provided in **APPENDIX 1**.

3.7 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS

Section 4.15(1)(a)(ii) requires the consent authority to consider:

Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).

At the time of lodgement of this development application there were no draft environmental planning instruments that are relevant to the proposed development or the subject site that require consideration as part of this development application.

4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES

This Section will address the following matters of consideration as outline by Section 4.15 of the EP&A Act:

- (a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (b) the suitability of the site for the development,*
- (c) any submissions made in accordance with this Act or the regulations,*
- (d) the public interest.*

4.1 LIKELY IMPACTS OF THE DEVELOPMENT

Overall, it is considered that the proposed development is unlikely to have any significant adverse impacts on the site or surrounding locality. The site conditions and constraints have been identified within this SEE and have been managed or mitigated where necessary.

4.1.1 BUILT ENVIRONMENT

The following matters are relevant to an assessment of any impacts on the built environment:

Context & Setting

The features of the site have informed the design of the proposal. The proposed additions connect to the existing dwelling which is already located on the ridgeline. The development has been sited to maximise northern orientation for living areas. The design of the proposal responds appropriately to the context and setting of the site.

Visual Impact

The development will not result in visual impacts any greater than is already the case. The visual impact of the proposal is negligible when considering the location of the existing developments. The development is single storey and will be in natural muted tones to blend with the surrounding landscape.

Access, Transport & Traffic

The increase in traffic that will arise from the proposal will not significantly impact the surrounding road network and will be consistent with that anticipated by the zoning of site. The development provides appropriate off-street parking, thereby eliminating impacts on the adjoining road network. Access is well provided from the adjoining road network. Overall, the proposal will not result in any significant impacts to access, traffic or transport in the area.

Public Domain

The development will not result in any detrimental impacts on the public domain. Development contributions that will be payable will support the delivery of infrastructure and public domain improvements in accordance with Council's Development Contributions Plan.

Services

The site is adequately serviced, and the proposal will not result in any undue pressure or impacts.

Safety, security and crime prevention

No safety, security or crime prevention measures are required. The proposed dwelling will provide opportunities for passive surveillance from the site to adjoining public areas.

4.1.2 NATURAL ENVIRONMENT

The following matters are relevant to an assessment of any impacts on the natural environment:

Ecology

No significant vegetation will be required to be removed in order to facilitate the development. In addition, erosion and sedimentation controls will be installed and maintained during the construction phase. There will be no significant impacts upon the natural environment as a result of the proposal.

Landscaping

This landscaping will assist to soften the view of the development when viewed from the west.

Noise and vibration

Construction noise will be as per normal construction times and processes and will cease once construction is completed.

Stormwater management

Stormwater shall be directed into the infrastructure that already services the site. Onsite detention and reuse of water runoff will be provided through the rainwater tank, which will be dimensioned as per BASIX requirements. Stormwater from the proposal can be catered for in accordance with Council's requirements.

4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY

The proposed development is not considered to produce any adverse social or economic impacts on the locality. Rather the proposed development provides positive economic and social impacts by facilitating construction activity and providing new and diverse density of residential accommodation within a low-density residential environment to meet the needs of the local community.

4.4 CUMULATIVE IMPACTS

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature of the proposal and its appropriateness within the context of the site and surrounding area.

4.5 SUITABILITY OF THE SITE

The proposal is permitted with consent in the RU2 zone and is consistent with the zoning objectives and the relevant requirements of the MLEP and the MDCP. A review of the site has identified the following constraints:

- Acid sulphate soils (Class 5)

In regard to ASS the proposed works have been found to be acceptable against clause 7.1 of the MLEP. Therefore, this issue has been addressed and there are no other constraints that would render the site unsuitable for the proposal.

The site is appropriately zoned and the proposal will not result in any adverse impacts on neighbours or the locality.

The site is therefore considered suitable for the proposed development.

4.6 CONSULTATION

In the event that this application is formally notified, any submissions received by Council will be considered. We welcome the opportunity to respond to any submissions to address any concerns expressed by the public.

4.7 THE PUBLIC INTEREST

The public interest is best served by the orderly and economic use and development of land for purposes permissible by the relevant planning regime, and in accordance with the prevailing planning controls.

The proposed development is in the public interest as:

- it is permitted in the RU2 zone and is consistent with the RU2 zone objectives;
- it is consistent with the relevant planning requirements;
- it will provide benefits for the community in the form of improved housing, in a low-density residential form; and
- will not result in any adverse impacts on neighbours or the locality, and it is consistent with character of development in the area.

5.0 CONCLUSION

In conclusion, the proposal is permissible under the MLEP and is consistent with the objectives for development in the RU2 Rural Landscape zone.

The proposal has been assessed against the MDCP and is consistent with the relevant requirements.

The proposal will result in positive social and economic benefits, with no adverse impacts anticipated on the residential amenity of surrounding properties, the locality or the natural environment.

An assessment of the proposal has been carried out within this SEE pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979* and supports the proposal. It is recommended that Council approve the application.



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