

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSED ANIMAL BOARDING OR  
TRAINING ESTABLISHMENT & USE OF  
AN EXISTING BUILDING AS ANCILLARY  
ACCOMMODATION**

**452 ANAMBAH ROAD, ANAMBAH, NSW,  
2320 (LOT: 48 DP: 755228)**

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## **EXECUTIVE SUMMARY**

Perception Planning Pty Ltd has been engaged by Jeff Sharp (the client) to prepare a Statement of Environmental Effects (SEE) for an animal boarding or training establishment and ancillary accommodation (the proposal) at 452 Anambah Road, Anambah, NSW, 2320 (the site).

The site is an existing rural property located within the Maitland Local Government Area. Animal boarding or training establishments are permissible with consent in the RU2 – Rural Landscape zone.

Approval is sought to operate a horse breeding and training business and onsite accommodation is required for the operator of the business as horses in the breeding program require 24 hour care. The site has an area of approximately 19.02 hectares.

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 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 the ability of the operator to run a business on the site that is consistent with the rural character of the land and locality.
- 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:

<b>Attachment</b>	<b>Document</b>	<b>Prepared by</b>
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	Ecodimensions
5	Bushfire Report	Perception Planning
6	BASIX Certificate	Ecodimensions
7	Hunter Water Stamped Plans	Hunter Water
8	AHIMS Search Results	NSW Department of Environment and Heritage
9	Site Waste Minimisation Plan	Perception Planning

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## 1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Jeff Sharp (the client) to prepare a Statement of Environmental Effects (SEE) for an animal boarding or training establishment and ancillary accommodation (the proposal) at 452 Anambah Road, Anambah (the site).

This SEE has been prepared in coordination with the client and other sub-consultants to demonstrate the relevant matters associated with the proposed development. The SEE examines the existing site location and conditions, how the proposal relates to the location and the environment, and the planning merits of the proposal with respect to the relevant legislation, policies and related requirements.

The site is located in Anambah within the Maitland Local Government Area (LGA). The site is zoned RU2 Rural Landscape under the Maitland Local Environmental Plan 2011 (MLEP), and the proposal is permissible with the consent of Council.

This 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.

### 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 accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure and Environment (now DPIE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15).

The objectives of this SEE area 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 (EPIs);
- 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

<b>Property Address</b>	452 Anambah Road, Anambah, NSW 2320
<b>Lot and DP</b>	Lot 48 DP755228
<b>Current Use</b>	Rural
<b>Zoning</b>	RU2 Rural Landscape
<b>Size</b>	19.02 hectares
<b>Site Constraints</b>	Minimum lot size – 40 hectares Acid Sulfate Soils – Class 5 Bushfire Prone Land – Vegetation Category 1
<b>Owner</b>	Owner's consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	Nothing on the certificate of title prohibits the proposed development. The certificate of title is contained in <b>Attachment 3</b> .

## 1.3 SITE DESCRIPTION

The site is legally described as Lot 48 in DP755228 and is commonly known as 452 Anambah Road, Anambah, NSW, 2320. The site is located on the eastern side of Anambah Road. It has an irregular shape and an area of approximately 19.02 hectares.

The site has been developed with two buildings, a water tank, small dam and onsite wastewater management system (currently the subject of a separate application to Council).

The two buildings comprise a large shed, half of which is an open work area, and the other half has been adapted into accommodation. The second building is a smaller shed proposed to be used as an office and laboratory/tack room.

The topography of the site slopes gently from west to east. The majority of the site is covered in trees that have been parkland cleared except for a relatively large, cleared area that runs east to south-west through the site.

The site is located within an established rural area in Anambah and is surrounded by rural properties on all sides.

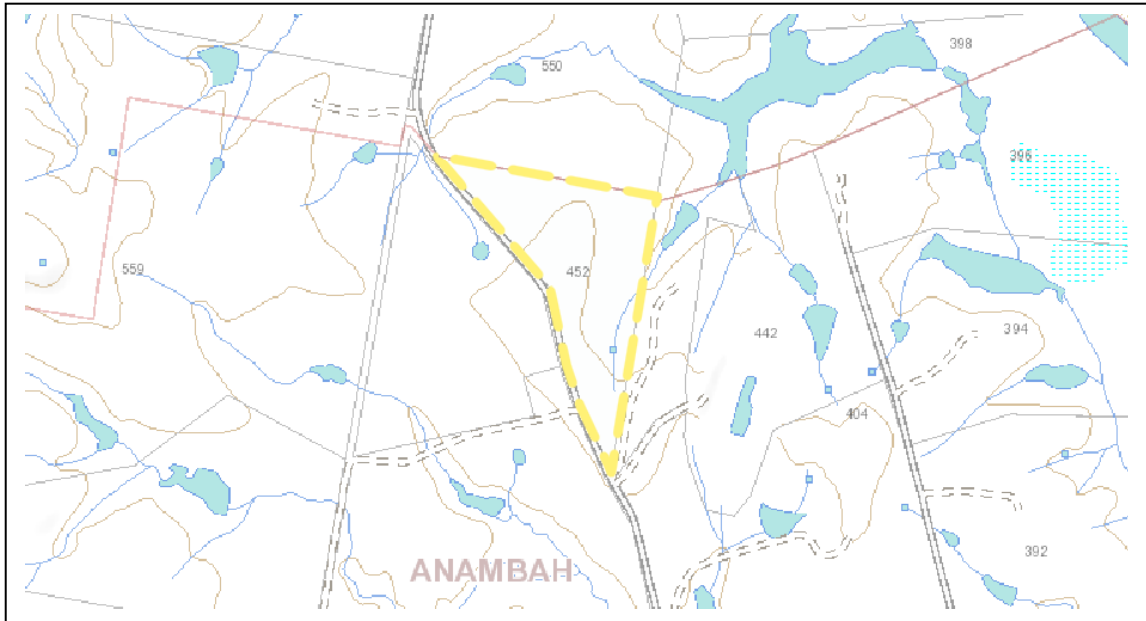


Figure 1: Aerial imagery (NSW Spatial Viewer, 2021)

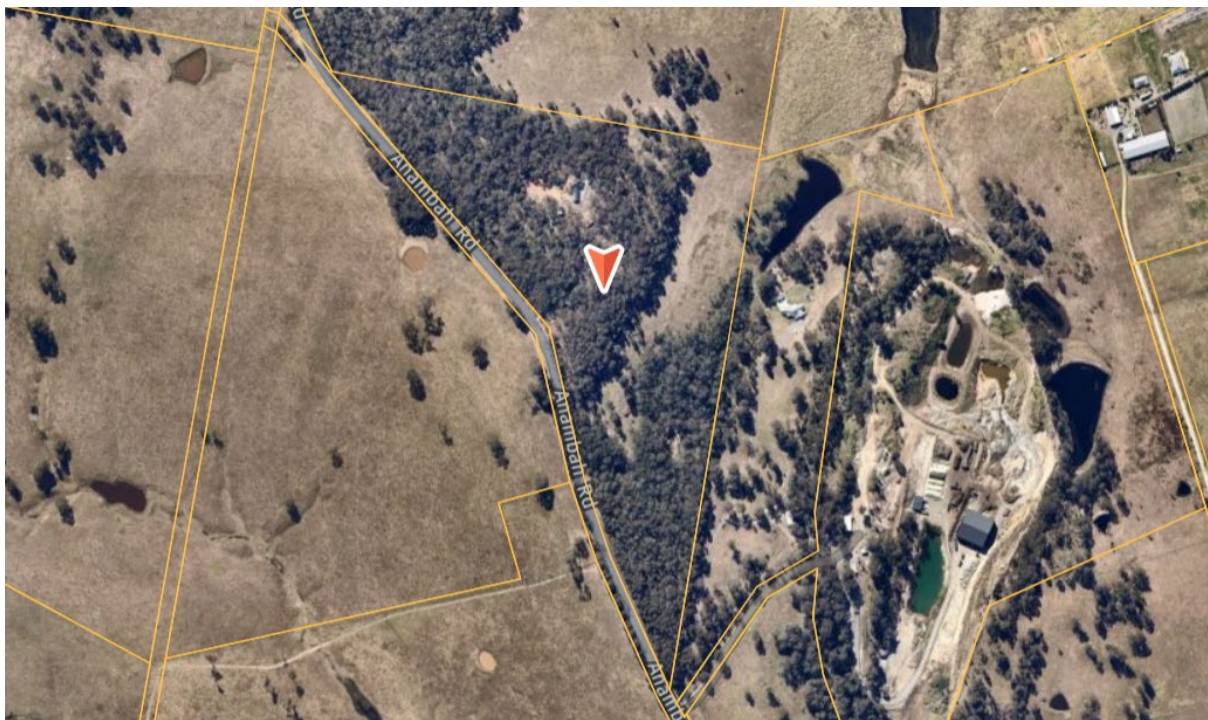


Figure 2: Aerial imagery (Nearmaps, 2021)

## 1.4 BACKGROUND

A review was conducted of the Maitland Council Development Application Tracker on 15 November 2021 for any lodged and/or determined development consents, with no results being obtained.

## 2.0 THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

Development consent is sought for an animal boarding or training establishment and use of an existing building as ancillary accommodation (the proposal) at 452 Anambah Road, Anambah, NSW, 2319 (the site).

Specifically, the proposal includes:

- Operation of a horse breeding and training business on the site.
- Maximum of 20-25 horses to be kept on site when running at full capacity.
- Use of an existing building as a site office, tack room and laboratory.
- Use of approximately half of the existing machinery workshop for the purposes of ancillary accommodation for the operator of the horse business.
- Construction of stables.
- Construction of a horse arena.
- No tree removal is required to accommodate the development.
- All buildings are constructed in the same colours and materials to provide a co-ordinated development (dark charcoal zincalume). The colours and materials are recessive and consistent with the landscape character of the area.

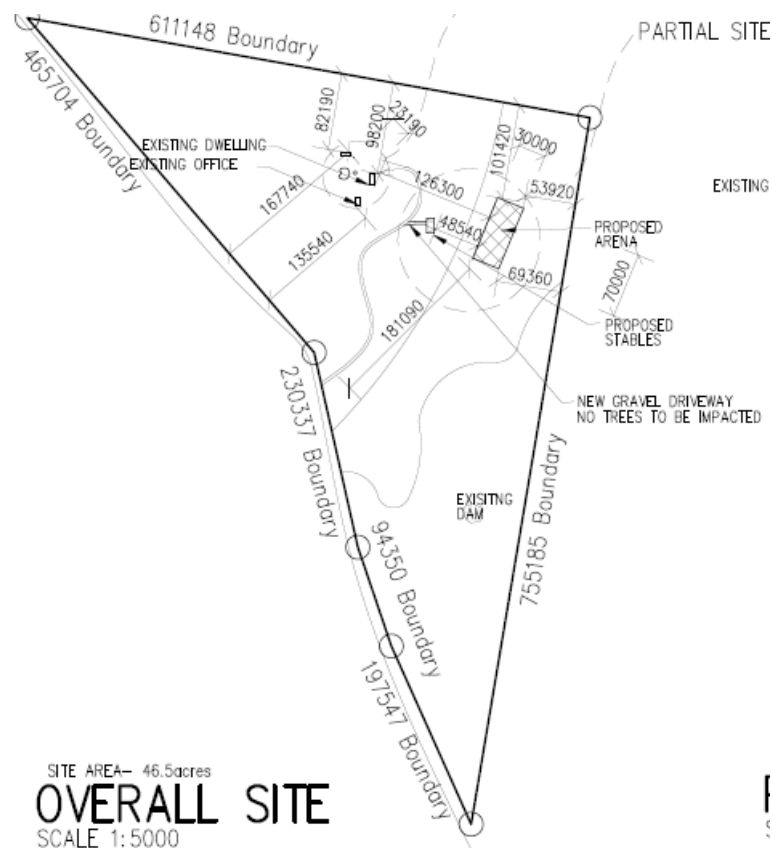


Figure 3: Proposed Site Plan (Ecodimensions, 2021)

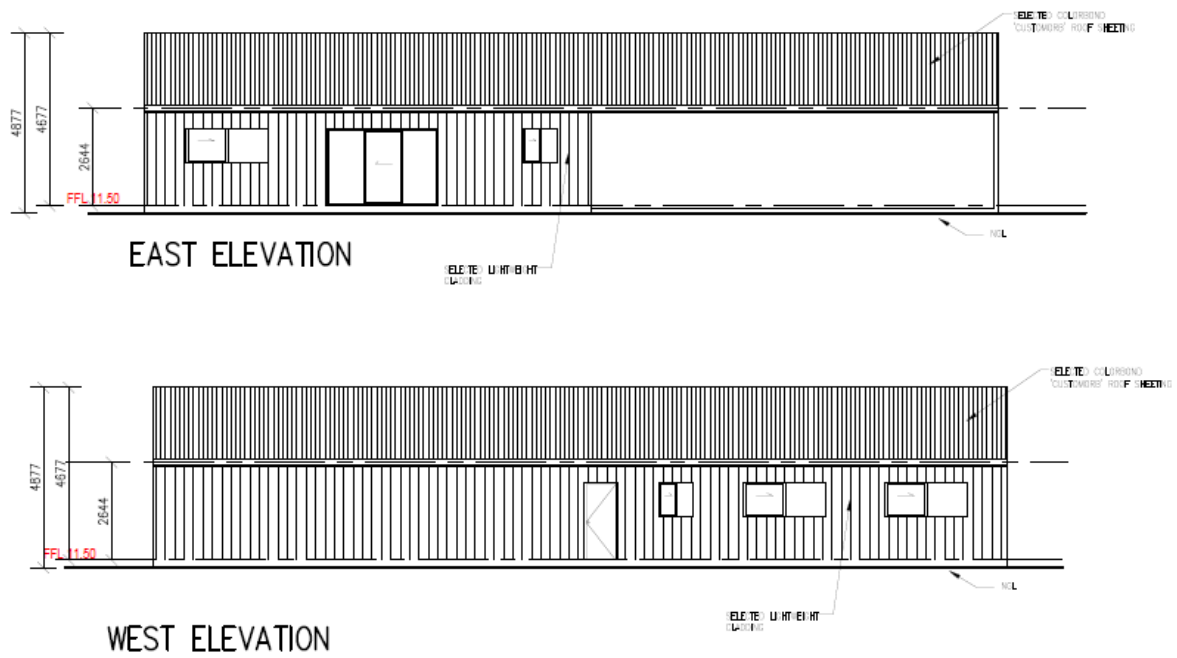


Figure 4: Existing Machinery Shed (Ecodimensions, 2021)

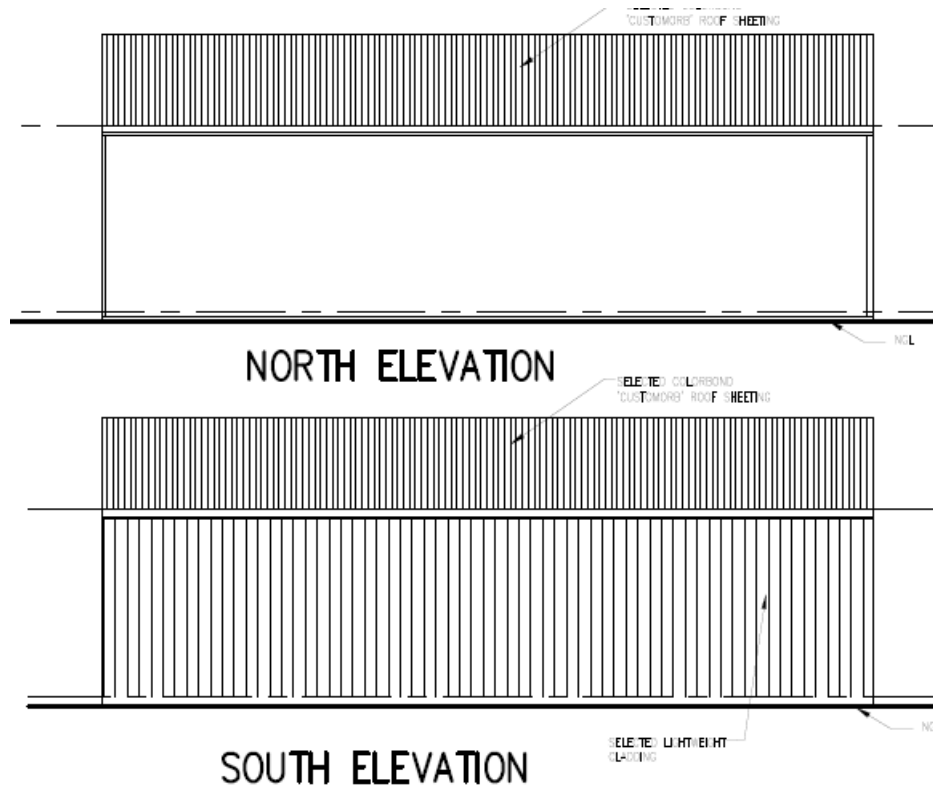


Figure 5: Proposed Stables (Ecodimensions, 2021)

### **3.0 PLANNING FRAMEWORK**

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*
- *Rural Fires Act 1997*
- *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 **not** deemed to be integrated development (refer to **Table 1** below).

**Table 1:** Integrated development

<b>Integrated development</b>	<b>Section</b>	<b>Assessment</b>
<i>Fisheries Management Act 1994</i>	s 144 s 201 s 205 s 219	N/A
<i>Heritage Act 1977</i>	s 58	N/A – The site is not identified as being a heritage item or located within a heritage conservation area.  An AHIMs search conducted on 3 November 2021 ( <b>ATTACHMENT 8</b> ) did not identify any Aboriginal sites or places within a 200m 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 &amp; 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	N/A – the site is identified as bushfire prone land but does not trigger s100B of the <i>Rural Fires Act 1997</i> .
<i>Water Management Act 2000 &amp; Water Management Amendment (Controlled Activities) Regulation 2008</i>	ss 89, 90, 91	N/A

### **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 7** of this application.

### **3.1.3 WATER MANAGEMENT ACT 2000**

The subject site is not located within a Drinking Water Catchment pursuant to the LEP 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 and the site is not identified on the Biodiversity Values Map. Further consideration under the BC Act is not required.

## **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 (Infrastructure) 2007*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Koala Habitat Protection) 2021*

### **3.2.1 SEPP (BASIX) 2004**

This SEPP seeks to encourage sustainable residential development and it applies to the development as the proposal includes accommodation. The BASIX Certificate, contained in **ATTACHMENT 6**, provides a set of commitments, and achieves the required water and energy efficiency targets of the SEPP.

### **3.2.2 SEPP (INFRASTRUCTURE) 2007**

The purpose of this SEPP 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 66C. 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 45 (1) (b) (iii). The development is not classified as traffic generating development in accordance with Schedule 3.

Further assessment against the Infrastructure SEPP is not required.

### **3.2.3 SEPP NO.55 – REMEDIATION OF LAND**

SEPP No.55 provides a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP No.55 legislates that a consent authority must not consent to the carrying out of development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The site has historically been used for rural purposes (most likely grazing) and is therefore unlikely to include any contamination. Further assessment against SEPP 55 is not required and the land is considered suitable for the proposed development.

### **3.2.4 SEPP (KOALA HABITAT PROTECTION) 2021**

This Policy 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 the 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.

Given the land use zone is identified as RU2, under Clause 6 of the 2021 Koala Habitat SEPP, the provisions of the 2020 Koala Habitat SEPP apply to the development. Pursuant with Section 7 of the 2020 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 proposal does not involve the clearing or removal of any vegetation further assessment against the SEPP is not required.

## **3.3 MAITLAND LOCAL ENVIRONMENTAL PLAN**

Pursuant to the Maitland Local Environmental Plan 2011 (MLEP) Land Application Map (LAP\_006) 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

The site is zoned RU2 Rural Landscape under the provisions of the MLEP. The proposed development is defined as an animal boarding or training establishment which means:

***animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.***

The proposal involves the breeding and training of horses for commercial purposes. Animal boarding or training establishments are permissible with the consent of Council in the RU2 Rural Landscape zone.

The proposal includes on-site accommodation for the operator of the business. This aspect is ancillary to the primary use of the site for horse breeding and training.

Planning Circular No. PS 13-001 issued by the NSW Government on 21 February 2013 explains the ancillary use doctrine as follows:

***The integral relationship between the various components means it is appropriate to characterise the entire development as being for the dominant purpose.***

It provides the following relevant considerations:

- Is the component going to serve the dominant purpose of the development or is it independent?

**Comment:** The dominant development on the site is the breeding and training of horses. It is imperative to the business that the manager is on site 24 hours a day to care for and monitor the horses that under the breeding program. Onsite breeding activities include artificial insemination and embryo transfers and horses undergoing this treatment need close monitoring. Horses are also fed by the business operator and do not rely on grazing. On this basis the ancillary accommodation provides for the ongoing management of the business and serves the dominant purpose of the development.

- What is the amount of land to be used for a certain component, relative to the amount of land proposed to be used for other purposes? If the amount of land is relatively small, it is more likely to be ancillary.

**Comment:** The proposed accommodation is very small in relation to the size of the site which is used for the animal business. The accommodation occupies approximately half of an existing machinery shed on the property. The accommodation is a small modest area with a size of 85m<sup>2</sup>. This represents 0.04% of the area of the site.

- Evidence of a purpose that is inconsistent with the dominant purpose is likely to undermine a claim that a component is ancillary.

**Comment:** There is no inconsistency between the ancillary accommodation and the dominant purpose of the development for horse breeding and training. The purpose of the accommodation is to support the operation of the animal business by providing the ability for the manager to be on site 24 hours a day. Horses within the breeding program need constant care and attention which will be provided by the onsite manager.

- If the component goes beyond what is reasonably required in the circumstances for the development to implement the dominant purpose, it is likely to be an independent use (regardless of whether it has ancillary qualities).

**Comment:** The ancillary accommodation does not go beyond what is reasonably required to operate the business. The accommodation is needed to cater for the manager so that they can efficiently and effectively carry out the tasks necessary for the business including close monitoring of animals in the breeding program and feeding. The accommodation is a small, ancillary component that is integral to the operation of the animal business on the site.

- Related components of a development are likely to have an ancillary relationship, although this is not necessarily determinative of such a relationship.

**Comment:** The proposed ancillary accommodation is to accommodate the manager of the animal business operating on the site. On this basis the components are interrelated, and the accommodation is ancillary to the dominant development on the site.

- Physical proximity of the component to the rest of the development is likely to be evidence of an ancillary relationship.

**Comment:** There is a close physical connection between the primary and ancillary uses. The manager's accommodation is provided within the machinery shed on the site which is located central to the business activities – i.e., in close proximity to the office/laboratory, stables and horse arena.

#### 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 proposed horse breeding and training business will maintain the rural landscape character of the land. The proposal is compatible with a wide range of agricultural land uses and will not result in any adverse impacts on neighbours or the locality. All buildings are finished in a recessive dark charcoal colour which is consistent with the rural landscape of the area. The proposal is consistent with the zoning objectives.

Further assessment against the relevant requirements of the PSLEP is provided in **Table 2** below.

**Table 2:** MLEP Compliance Assessment

Clause	Control	Comment	Compliance
4.3	Height of buildings	The site is not subject to a maximum building height under the MLEP. The architectural plans demonstrate that the maximum height of the proposed stables is 4m.	Yes
4.4	Floor space ratio	The site is not subject to a maximum floor space ratio under the MLEP.	N/A
5.10	Heritage conservation	The subject site is not identified as a heritage item under the MLEP. AHIMS search conducted on 3 November 2021 did not identify any Aboriginal sites or places within a 200m buffer of the site. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact will be made with the appropriate person.	N/A
7.1	Acid sulfate soils (ASS)	The site is identified as Class 5 ASS under the MLEP. The proposal does not include any works greater than 1m below natural ground surface, or that shall lower the water table. Accordingly, there is no requirement for an ASS management plan.	Yes
7.2	Earthworks	The proposal includes minor earthworks associated with establishment of building foundations for the stables and more extensive excavation (cut of approximately 2 metres) to provide a level area for the horse arena. All excavated soil shall be reused and levelled on site and the exterior of the arena shall be battered inwards. The horse arena will not result in any drainage impacts to neighbours as the arena is comprised of soil and is therefore pervious. Erosion and sediment control measures shall be in place during construction.	Yes
7.6	Essential services	The site is provided with reticulated electricity and telecommunications. Water is provided via an existing rainwater tank and approval is currently being sought for the existing onsite	Yes

		sewer management system. The site is therefore adequately serviced.	
7.8	Drinking water catchments	The site is not located within a Drinking Water Catchment Area.	N/A

### **3.4 MAITLAND 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 **ATTACHMENT 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 **ATTACHMENT 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, which is consistent with development surrounding the site and within the broader locality. The proposal complies with the relevant requirements of the planning framework including the relevant provisions of the DCP. The design of the proposal responds appropriately to the context and setting of the site.

#### **Visual Impact**

The proposal has been designed in sympathy with its rural setting. The buildings are simple pitched roof structures being a machinery shed, small office building and stables. All buildings and structures are finished in dark charcoal to recede and blend with the surrounding landscape. The buildings are generally surrounded by trees and are not discernible in the landscape. The visual impact of the proposal is relatively minor and consistent with its rural setting.

#### **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 for agricultural activities. Access is well provided from the adjoining road network and the site includes generous areas for the parking of any vehicles. 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. Notwithstanding this the proposal to provide onsite accommodation for the operator of the business will ensure that there is always a presence on site to monitor any intrusions.

#### **4.1.2 NATURAL ENVIRONMENT**

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

##### **Ecology**

No trees or 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.

##### **Noise and vibration**

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

##### **Stormwater management**

Onsite detention and reuse of water runoff is provided through the rainwater tank. Stormwater from the proposal can be catered for in accordance with Council's requirements.

The edge of the arena shall be battered inwards to prevent any overflow or runoff to outside the arena or to adjoining properties. In addition, the arena is constructed in sand and therefore any stormwater will infiltrate.

#### **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 a business to operate on the site that is consistent with the rural character of the area.

#### **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 both the zoning objectives and the relevant requirements of the MLEP and the MDCP. A review of the site has identified the following constraints:

- Acid sulfate soils (Class 5)
- Bushfire prone land

In regard to acid sulfate soils the proposed works have been found to be acceptable against clause 7.1 of the MLEP. The onsite accommodation complies with the requirements of

Planning for Bushfire Protection 2019 as the building is comprised of sheet metal wall and roof cladding and is in a cleared area of the site, well setback from any vegetation. On this basis a satisfactory APZ is provided.

Therefore, these issues have been addressed and there are no other constraints that would render the site unsuitable for the proposal.

The nature of the proposed development as a horse breeding and training business is consistent with the rural zoning and the built form is also consistent with the rural character of the site and surrounds, with no adverse impacts as a result.

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 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 allowing a suitable business to operate on the site that will provide a service to others and will contribute to the local economy; 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 provisions.

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 this supports the proposal. It is recommended that Council approve the application.



## ATTACHMENT 1 – EP&A Regulation 2000 – Schedule 1

A development application under Schedule 1 (2) – Forms of the Environmental Planning and Assessment Regulation 2000 is to be accompanied by the following information.

No	Requirement	Response
Information to be included in development application		
1(a)	Name and address of the Applicant	This is provided on the Council DA Form and within the SEE.
1(b)	A description of the development to be carried out	
1(c)	The address, and formal particulars of title, of the land on which the development is to be carried out	
1(d)	An indication as to whether the land is, or is part of, critical habitat	The site is not identified as a critical habitat. The proposed development will not have a significant impact on any threatened species, populations or ecological communities, or their habitats,
1(e)	An indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is to be taken to be development that is not likely to have such an effect because it is a biodiversity compliant development.	
1(ea)	For biodiversity compliant development, an indication of the reason why the development is biodiversity compliant development.	
1(f)	A list of authorities from which concurrence must be obtained before the development may be lawfully carried out or from which concurrence would have been required, but for section 4.13 (2A) or 4.41	The development is not classified as integrated development.
1(f1)	In the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation rules under the Biodiversity Conservation Act 2016.	The proposal does not involve the removal of any significant vegetation and is not identified on the Biodiversity Values Map. Accordingly, the application does not require a BDAR.

1(f2)	If the land is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016, a description of the kind of agreement and the area to which it applies.	
1(g)	A list of any approvals of the kind referred to in section 4.46(1) of the Act that must be obtained before the development may be lawfully carried out.	The development is not identified as integrated development.
1(g1)	In the case of State significant development, a list of any authorisations that must be provided under section 4.4 of the Act in relation to the development.	The development is not identified as State significant.
1(h)	The estimated cost of the development.	The estimated cost of the development is identified on the Council DA Form.
1(h1)	In the case of State Significant development, the capital investment value of the development.	The development is not defined as State significant.
1(i)	Evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by this Regulation.	The owners' consent is provided on the Council DA Form.
1(j)	A list of the documents accompanying the application.	A list of documents accompanying this application is provided within this Statement of Environmental Effects.
<b>Documents to accompany development application</b>		
2 (a)	A site plan of the land	A site plan is provided within this Statement of Environmental Effects.
2(b)	A sketch of the development	Development plans for the development is provided within this Statement of Environmental Effects.
2(c)	A statement of environmental effects (in the case of development other than designated development or State significant development)	This table is an attachment to the SEE.
2(d)	In the case of development that involves the erection of a building, an A4 plan of the building	Development plans for the development are provided within

	that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation)	this Statement of Environmental Effects.
2(e)	An environmental impact statement (in the case of designated development or State significant development)	The development is not defined as designated or state significant.
2(f)	A species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats, but not if the development application is for State significant development)	Nothing on the site suggests that an Ecological Assessment should be prepared for this DA.
2(g)	If the development involves any subdivision work, preliminary engineering drawings of the work to be carried out	The proposal does not include subdivision.
2(h)	If an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made.	The site can be adequately serviced.
2(i)	If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure):  (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and  (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use	The proposed development is not a change of use.
2(j)	If the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building	The proposed development is not an alteration, expansion or rebuild of an existing building.
2(k)	If the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987, a copy of the consent	The proposed development is not located within a wilderness area.

	of the Minister for the Environment to the carrying out of the development	
2(k1)	In the case of development comprising mining for coal (within the meaning of section 380AA of the Mining Act 1992)—documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned or has the written consent of the holder of such an authority to make the development application.	The development does not compromise mining for coal.
2(l)	In the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application.	A BASIX certificate accompanies this application.
2(m)	In the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other documents as any BASIX certificate for the development requires to accompany the application	
2(n)	<p>If the development involves the erection of a temporary structure, the following documents:</p> <p>(i) documentation that specifies the live and dead loads the temporary structure is designed to meet,</p> <p>(ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure,</p> <p>(iii) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if an alternative solution, to meet the performance requirements, is to be used),</p> <p>(iv) documentation describing any accredited building product or system sought to be relied</p>	The development does not involve the erection of any temporary structures.

	<p>on for the purposes of section 4.15 (4) of the Act,</p> <p>(v) copies of any compliance certificates to be relied on</p>	
2(o)	<p>In the case of a development involving the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant—a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies</p>	<p>This development will not involve a building as an entertainment venue or a function centre, pub, registered club or restaurant.</p>

The following attachments are provided under separate cover:

- ATTACHMENT 2 – DCP Compliance Assessment
- ATTACHMENT 3 – Certificate of Title
- ATTACHMENT 4 – Architectural Plans
- ATTACHMENT 5 – Bushfire Report
- ATTACHMENT 6 – BASIX Certificate
- ATTACHMENT 7 – Hunter Water Stamped Plans
- ATTACHMENT 8 – AHIMS Search Results
- ATTACHMENT 9 – Site Waste Minimisation Plan



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