

STATEMENT OF ENVIRONMENTAL EFFECTS

USE OF EXISTING SHED STRUCTURES

**Lot 5 Black Rock Road, Martins Creek
NSW, 2420**

(LOT: 5, DP: 752445)

Cooper Ashton Building and Development Planner PO Box 107 Clarence Town, NSW, 2321		Phone: 0456 804 867 Email: cooper@perceptionplanning.com.au		
PP Reference		J003439		
Prepared for (client)		Anna and Nalani Malskaitis		
Document Versions and Control				
Statement of Environmental Effects, 5 Black Rock Road, Martins Creek				
Version	Date	PP ref	Author	Reviewed by
1	30/06/22	SEE – 5 Black Rock Road, Martins Creek	CA	MB
Disclaimer: <p>This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Perception Planning and the client. The scope of services by defined in consultation with the client by time and budgetary constraints imposed by the client, and the availability of reports and other data of the site. Changes to information, legislation and schedule are made on an ongoing basis and readers should obtain up to date information.</p> <p>Perception Planning accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not identified to be suitable for a site-specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.</p>				

EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Anna and Nalani Malskaitis (**the clients**) to prepare a Statement of Environmental Effects (SEE) for the use of two existing sheds ancillary to the use of the land at Lot 5 Black Rock Road, Martin's Creek, 2420, legally defined as Lot 5 in Deposited Plan 752445 (**'the site'**). The site is located in Martins Creek, within the Dungog Shire Council Local Government Area (LGA) and is accessed via Black Rock Road.

The shed is permissible with consent within the RU1: Primary Production Zone under the Dungog Local Environmental Plan 2014 (the LEP).

The site measures approximately 18.17 ha in size. The proposed shed is necessary for the storage of the owner's personal vehicles and equipment, much of which is critical to the upkeep of the property.

The location of the shed was chosen to minimise visual impacts and is the most logical positioning given the shape and topography of the site.

The development provides a well-coordinated and sustainable development while retaining and protecting the rural character of the surrounding area as required by the LEP. This Development Application (DA) is consistent with the planning framework envisaged by Dungog Council.

The structures included by this SEE are the subject of a development compliance investigation for alleged unauthorised development. This SEE and the associated Development Application is aimed to regularise this development as sheds in an effort to retain the existing buildings on site. Where possible, it is intended to maintain as much of the existing buildings on site as possible, while not being suitable for habitation in accordance with council and Building Code of Australia requirements.

The continued use of the existing development on the site is the most suitable use of the site, given its limited capacity for any other use. The minimum lot size does not allow for the construction nor use of a dwelling house on the site, which has resulted in the associated application for regularisation for storage use ancillary to the land and occasional / transient use for recreational purposes.

The undulating terrain and small usable (non-biodiversity classified) land for primary production purposes leaves very few feasible uses to the owner of the lot. The lot was created in March of 1876, at which time there was no planning framework under which the use of land was restricted. With the application of planning rules to a 150-year-old lot, the realistic uses of the site are very limited.

A pre-lodgement meeting was not held with Dungog Council due to the small-scale nature of the proposal. Nonetheless, this SEE addresses all relevant statutory matters contained within the applicable LEP and DCP to assist Dungog Council in completing a detailed assessment of the proposed development.

TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

LIST OF FIGURES

Figure 1 – Locality Map (Perception Planning 2022)	10
Figure 2 - Site Plan (Perception Planning 2022)	10
Figure 3 – Biodiversity Values Map (Planning Portal, Spatial Viewer 2022)	13
Figure 4 - NSW AHIMS Search (Aboriginal Heritage Information Services 2022)	17

PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	DCP Compliance Table	Perception Planning
2	Certificate of Title	NSW Land Registry
3	Shed Plans	Ranbuild / TBD
4	BYDA Search Results	Perception Planning
5	Deposited Plan	NSW Land Registry
6	AHIMs Search Results	Office of Environment and Heritage
7	Site Waste Minimisation Plan	Perception Planning
8	Site Plan	Perception Planning

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
TERMS AND ABBREVIATIONS.....	4
LIST OF FIGURES	4
PLANS AND SUPPORTING DOCUMENTATION.....	5
TABLE OF CONTENTS	6
1 BACKGROUND.....	8
1.1 PURPOSE	8
1.2 SITE DETAILS	9
1.3 SITE DESCRIPTION.....	9
1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS	11
2 DESCRIPTION OF THE DEVELOPMENT.....	11
2.1 PROPOSED DEVELOPMENT	11
3 PLANNING CONTROLS.....	12
3.1 ACTS.....	12
3.1.1 BIODIVERSITY CONSERVATION ACT 2016	13
3.1.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979	14
3.1.3 HUNTER WATER ACT 1991	14
3.1.4 WATER MANAGEMENT ACT 2000	14
3.1.5 RURAL FIRES ACT 1997	14
3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)	14
3.2.1 SEPP (Biodiversity and Conservation) 2021 – Chapter 4 – Koala Habitat Protection 2021	15
3.2.2 SEPP (Resilience and Hazards) 2021 – Chapter 4 – Remediation of Land	15
3.2.3 SEPP (Transport and Infrastructure) 2021 – Chapter 2 – Infrastructure.....	15
3.3 LOCAL ENVIRONMENTAL PLAN	16
3.4 DEVELOPMENT CONTROL PLAN	18
3.5 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000	18
3.6 PROPOSED ENVIRONMENTAL PLANNING INSTRUMENTS	18
4 LIKELY IMPACTS OF THE DEVELOPMENT	18
4.1 BUILT ENVIRONMENT	18
4.1.1 CONTEXT, SETTING AND VISUAL IMPACT	18
4.1.2 ACCESS, TRANSPORT AND TRAFFIC.....	19
4.1.3 PUBLIC DOMAIN.....	19

4.1.4	SERVICES.....	19
4.2	NATURAL ENVIRONMENT	19
4.2.1	ECOLOGICAL	19
4.2.2	LANDSCAPING.....	20
4.2.3	ARCHAEOLOGY.....	20
4.2.4	STORMWATER.....	20
4.3	SOCIAL AND ECONOMIC	20
4.3.1	SAFETY, SECURITY AND CRIME PREVENTION	20
5	SUITABILITY OF THE SITE	21
6	ANY SUBMISSIONS AND CONSULTATION	21
7	PUBLIC INTEREST	21
8	CONCLUSION	21

1 BACKGROUND

1.1 PURPOSE

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 Anna and Nalani Malskaitis (**‘the clients’**) 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	Lot 5 Black Rock Road, Martins Creek, 2420
Lot and DP	LOT: 5 DP: 752445
Current Use	No approved uses on site; Shed Dwellings
Zoning	RU1: Primary Production
Size	18.19 ha
Site Constraints	<ul style="list-style-type: none">• Minimum lot size – 60 ha• Bushfire Prone Land – Category 1• Biodiversity Values (Towards the north / northwest of site)
Owner	Owner's consent has been provided on the Application Form for the DA
DP and 88B Instrument	There are conditions on the existing title or 88B instrument which do not prohibit the proposed development. The certificate of title and DP are provided as Appendices 2 and 5 .

1.3 SITE DESCRIPTION

The site is located at Lot 5 Black Rock Road, Martins Creek, 2420, NSW (**'the site'**) and has a total area of 18.17 ha (**FIGURE 1**). The site is located within Martins Creek, in the Dungog Local Government Area (LGA).

The site is bordered by neighbouring R5 residential development on large lots to the south and southwest, with rural RU1 land to the west, north, and east. The site is on the border of a crop of R5 zoned land with lots as small as 1.3 hectares. Access is via Black Rock Road.

The site contains two sheds; one towards the middle of the property which has an associated pool and outdoor area, as well as a smaller shed towards the north of the site, with an associated garden area.

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is currently occupied by two sheds. The Dungog Council Development Application Tracker website identified no recent or historic approvals. The development included by this SEE is subject to a compliance investigation by council, which the associated DA intends to rectify.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The objective of this application is to obtain consent for the use of the two existing sheds (and associated development) at the subject site. The development designs are shown in **Figures 2 and 3** and provided as **APPENDIX 3**. The proposed development will allow the owners to erect a required shed for the storage of the owner's valuable personal vehicles and equipment, much of which is critical to the upkeep of the property.

"Sheds" are defined by Dungog DCP 2004 as structures which are:

Buildings/sheds that are used for the storage of possessions of the owners/occupiers of the land and are considered under the LEP as structures which are ancillary to an existing land use.

Outbuildings/sheds are not commercial in nature and are typically used by the land owners/occupiers for:

- The storage of equipment used to maintain the property,
- Hobbies, and
- Parking of non-commercial vehicles.

For the purposes of this development, the proposed development is considered a shed as it will store tools and machinery necessary to maintain the property and will also store the owner's personal belongings and allow for transient recreational use of the site. The location of the shed has been chosen to minimise the visual impact upon neighbouring properties.

The proposed development will see the continued use of the existing steel sheds on the site, approximately 40m to the east of the existing dwelling. The sheds are of steel construction, sitting concrete slabs. The northern and southern sheds have floorspaces of 85m² and 144 m² respectively. The northern shed has dimensions of 11.92m long, 7.13m span, and a height of 3.656 m. The Southern shed has dimensions of 16m long, 9m span, and a height of 4.6 m (approximate). The southern shed has an associated pool and outdoor area.

The Dungog DCP, Part C.4 Erection of Farm Buildings and Outbuildings/Sheds contains development standards applicable to the proposed development. Section 4.6 prescribes the size limitations based on both the land use zone and the area of the subject site.

As the location of the proposed shed is zoned RU1 and the site has an area of 18.19 ha, the DCP contains prescribed sizing for farm buildings as a maximum of 150m². The shed floor areas of 85m² and 144m² comply with this control.

The total enclosed floor areas of 85m² and 144m² are intended to provide safe and secure storage for personal vehicles as well as farm machinery and attachments utilised for the management of the land. The size of the shed has been proposed to enable the owners to securely store their belongings and equipment, reducing the possibility for crime and theft in the area.

This shed locations, attached in the site plan (**APPENDIX 8**), was chosen as the most appropriate position. Existing established screening plants along the Northern boundary will minimise the visual impact of the shed from neighbouring properties.

The sheds are clad in dark, muted colours which complement the natural surrounds to further minimise the visual impact and maintain consistency with other sheds in the immediate locality, whilst complementing the natural landscape and surrounds.

The proposed shed is consistent with the intent and objectives of the DCP in that it will not have any adverse impact on the visual qualities of the landscape. The rural location and site layout result in a development that will not visually dominate the landscape, when viewed from either the surrounding properties or from Black Rock Road.

No detrimental effects to the environment or visually are expected to result from the proposed development given its suitability to the site. The development is enabled through the Dungog LEP.

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

- *Biodiversity Conservation Act 2016*
- *Environmental Planning and Assessment Act*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *Rural Fires Act 1997*

3.1.1 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 Biodiversity Values (BV) Map forms part of the Biodiversity Offsets Scheme Threshold which is one of the triggers for determining whether the Biodiversity Offset Scheme (BOS) applies to a clearing or development proposal. The map is prepared by the Department of Planning, Industry and Environment (the Department) under Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

The site contains some land to the north and north-west of the property identified on the biodiversity values map, however no removal of affected vegetation was undertaken nor is proposed by this application. Therefore, no further assessment of the BC Act is required. See **Figure 5** below.



Figure 3 – Biodiversity Values Map (Planning Portal, Spatial Viewer 2023)

3.1.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and 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 DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SEE below.

Section 4.46 – What is integrated development?

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 approvals. The development is not classified as integrated development.

Section 7.11 – Development Contribution Plans

Development contributions will be calculated and charged in accordance with the Dungog Local Infrastructure Contributions Plan.

3.1.3 HUNTER WATER ACT 1991

The subject site is located within the Williams River Drinking Water Catchment Area. Stamped plans and the notice of formal requirements in accordance with Section 49 of the HW Act are provided as **APPENDIX 7** to this application.

3.1.4 WATER MANAGEMENT ACT 2000

No physical works will take place within 40m of any significant body of water, nor will the development have a lasting impact on any watercourses or waterbodies on site.

A transient, 1st order stream is located to the east of the southern shed.

3.1.5 RURAL FIRES ACT 1997

While the subject site is identified as bushfire-prone land, the development is not described as development that requires referral to Rural Fire Authority.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

- *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 (Biodiversity and Conservation) 2021 – Chapter 4 – 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 4.4 and Schedule 2 of the SEPP identify the Dungog 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.

The development does not include vegetation removal and as such there is no impact identified on koala habitat and the free-living population.

Further assessment of this Chapter is not warranted.

3.2.2 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 and developed for rural purposes. It is not expected or known that surrounding locality has the potential to be contaminated. To this extent, the future allotment is land considered suitable for the proposed development.

3.2.3 SEPP (Transport and Infrastructure) 2021 – Chapter 2 – Infrastructure

The purpose of the Infrastructure SEPP is to facility the effective delivery of infrastructure across the state and identifying 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 2m 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.

3.3 LOCAL ENVIRONMENTAL PLAN

Pursuant to the Dungog Local Environmental Plan 2014 (DLEP) Land Application Map (LAP_001) the subject site is land to which the environmental plan applies. Accordingly, the DLEP is the appropriate EPI to assess the development proposal.

The following Clauses of the DLEP 2014 apply to the proposed development:

- **Clause 2.3 – Zone Objectives and Land Use Table**

The subject site is zoned RU1 Primary Production. The development consists of the use of two sheds. All of the proposed works are permissible with consent in the RU1 zone, as they are ancillary to the maintenance of the land, and to the agricultural hobby-farming undertaken on the land.

The Land Use Table of the LEP identifies the following objectives for the RU1 Primary Production zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

The development proposes the continued use of two shed buildings ancillary to the maintenance of the site and the hobby farming undertaken within its bounds, whilst protecting and enhancing the existing amenity and character of the area. The sheds will be used to store the owner's equipment and possessions in a secure means and allow for transient recreational use of the site.

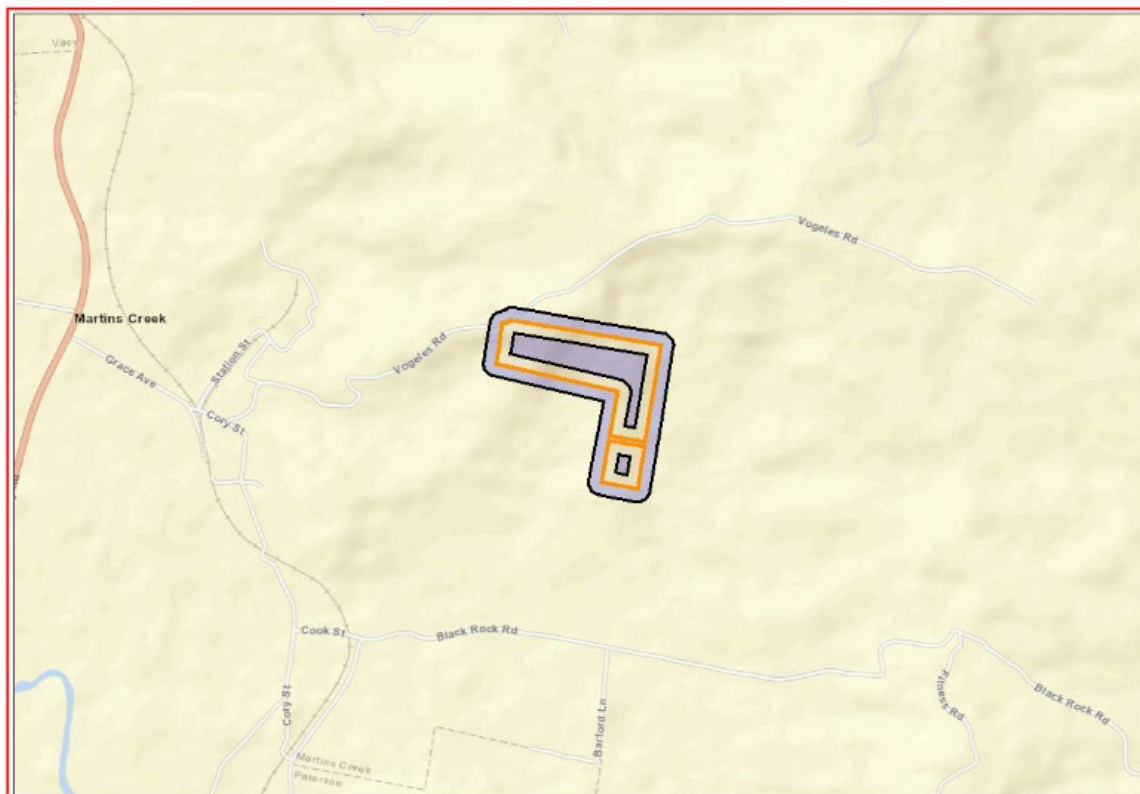
It is considered that the construction of the new shed will not result in any cumulative land use conflicts yet allows for improved functionality and liveability of the property. The

proposed development is not considered to significantly impact upon the rural amenity and scenic landscape values of the area.

To this extent, the proposed development meets the objectives of the R5 zone.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (30 June 2023) did not identify the subject site as containing any Aboriginal sites or places as shown in **APPENDIX 6**. The site is also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance.



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

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

Figure 4 - NSW AHIMS Search (Aboriginal Heritage Information Services 2023)

No Aboriginal objects were uncovered during the construction of either shed. In this regard, no further assessment against the requirements of Clause 5.10 is required.

- **Clause 6.2 – Earthworks**

Earthworks for the proposed development will be minimal in nature. Earthworks will be for the levelling of the site for the footings/slab for the new shed. No detrimental effects are anticipated to result from the proposed minor works.

3.4 DEVELOPMENT CONTROL PLAN

Consideration of compliance and/or consistency with the relevant provisions of the Dungog DCP 2014 is provided in the Table of Compliance provided at **APPENDIX 1**. The Table of Compliance identifies that the development is generally compliant with the relevant provisions of the DCP or overarching objectives where variations are proposed

3.5 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

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

3.6 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 subject site; that should be considered as part of this development application.

4 LIKELY IMPACTS OF THE DEVELOPMENT

The likely impacts of the proposed development and constraints affecting the subject site have been explored throughout this SEE. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

4.1 BUILT ENVIRONMENT

4.1.1 CONTEXT, SETTING AND VISUAL IMPACT

The development reinforces the nature of the locality and is characteristic of other developments in both the local and wider community. The proposal addresses the context of the area and has minimal visual impact on the surrounding landscape.

The development does not negatively impact on the visual amenity of the locality through the appropriate siting and design. The structures are effectively screened from their surrounds through a combination of winding hills and a thick concentration of trees.

The area of the sheds is justified by the intended use by the owner as an area for storage of equipment for maintenance of the land, to allow transient recreational use of the land by them and their children, and to facilitate the hobby farm use across the land (Beekeeping and goats).

The sheds are clad in muted, dark colours which complement the natural surrounds to further minimise the visual impact and is consistent with other sheds in the immediate locality whilst complementing the natural landscape and surrounds.

The development demonstrates consistency with the surrounding locality through compliance with environmental planning regulations and site features informing the development design. It has also shown to be consistent with the rural surroundings through its consistency with the existing residential/rural development of the area.

There are no anticipated adverse impacts on the built environment as a result of the proposed development.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Current access from Black Rock Road has been in existence for many years. No change to access is proposed within this development.

No additional traffic is expected to be generated from the site as a result of the development

4.1.3 PUBLIC DOMAIN

The development does not have an impact on any public domain. The proposed shed construction is consistent with the locality, and it can be accommodated on the site without any adverse visual impacts.

4.1.4 SERVICES

Physical, legal and emergency service access are currently available to the existing property. The site is not connected to reticulated (town) water supply and nor is it connected to a reticulated sewer service. No increase in services are expected from the proposed development.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

No major vegetation has been removed as part of the development. No detrimental impacts are expected to any flora and fauna on the site as a result of the development.

4.2.2 LANDSCAPING

No additional landscaping is proposed. Existing vegetation in the form of existing mature trees is expected to help screen the proposed shed erection from neighbours.

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (30 June 2023) did not identify the subject site as containing any Aboriginal sites or places as shown in **APPENDIX 6**.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.

4.2.4 STORMWATER

The additional stormwater generated by the proposal will be directed to the ample infiltration area afforded; the site is considered large enough to manage this additional stormwater and no detrimental impacts upon neighboring properties will result.

4.3 SOCIAL AND ECONOMIC

There are no anticipated adverse social or economic impacts as a result of the proposed development, rather it is considered the proposal will contribute positively to the social elements of the locality through a retention of local activity. The proposed shed will provide a safe and adequate storage space for essential landscaping and maintenance equipment which will have positive emotional / social benefits for the owner.

The proposed development is not considered out of character with the existing context, will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness.

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety or security for crime prevention measures are required as a result of the proposed development. The proposed shed will improve security of the site by providing safe and secure storage of valuable vehicles, equipment, and other belongings, reducing the risk of crime or theft. By having a shed of adequate size, the property owner will also be able to keep his vehicles and equipment in good working condition, improving safety and minimizing the risk in their operation. The proposed development will not create any safety, security or crime concerns on or around the site.

5 SUITABILITY OF THE SITE

The site is located within an existing rural area. This development is permissible under the LEP and has addressed any relevant concerns through this SEE. The continued use of the existing development on the site is the most suitable use of the site, given its limited capacity for any other use. The minimum lot size does not allow for the construction nor use of a dwelling house on the site, which has resulted in the associated application for regularisation for storage use ancillary to the land and occasional / transient use for recreational purposes.

The undulating terrain and small usable (non-biodiversity classified) land for primary production purposes leaves very few feasible uses to the owner of the lot. The lot was created in March of 1876, at which time there was no planning framework under which the use of land was restricted. With the application of planning rules to a 150-year-old lot, the realistic uses of the site are very limited.

To this extent, the site is suitable for development.

6 ANY SUBMISSIONS AND CONSULTATION

As part of the DA consideration process it is envisaged Council may place the proposal on public exhibition and send neighbor notification letters to adjoining or adjacent properties.

7 PUBLIC INTEREST

The development will facilitate the erection of a necessary shed/outbuilding to facilitate the R5 large lot residential zoning of the property, providing a safe and adequate storage space for vehicles and equipment to service the needs of the owner and their family, with no adverse impacts as a result. The proposed development reinforces the rural nature of the land and is in keeping with the character of surrounding developments. The proposed development is in the public interest.

8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed development is a suitable option for the site. Any relevant matters have been addressed through this SEE.

The key reasons why the proposed development is appropriate are as follows;

- The use of the sheds is permissible on the site with consent;
- Negligible adverse impact on the existing character or visual amenity of the area will result; and
- The shed structures are consistent with the layout of the existing area and locality, without burdening the essential services supply.

It is evident throughout the SEE that the development is consistent with the LEP and DCP requirements and recommendations. Where variations are proposed, suitable justification has been provided within the relevant Section to demonstrate consistency with the locality and land development on adjoining boundaries.

It is considered that the proposal will not have any significant impacts on the surrounding properties and will not adversely affect their enjoyment or amenity. We look forward to Council's determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.



Perception Planning Pty Ltd.
PO Box 107,
Clarence Town, NSW, 2321
Phone: 0411 551 433
Email: admin@perceptionplanning.com.au