

DOCUMENT TITLE

Statement of Environmental Effects - 2 Lot Subdivision - Lot 1 DP 1251595, 339 Brolgan Road
Parkes

CLIENT

Ebos Group and Pet Care Distributors

PROJECT

2 Lot Subdivision
Lot 1 DP 1251595
339 Brolgan Road
Parkes NSW 2870



Department of Planning
and Environment

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POSTAL ADDRESS
205A Clarinda Street
PARKES NSW 2870

EMAIL
info@currajong.com.au

WEB
www.currajong.com.au

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Principal Author	Michael Carter, Director, Currajong
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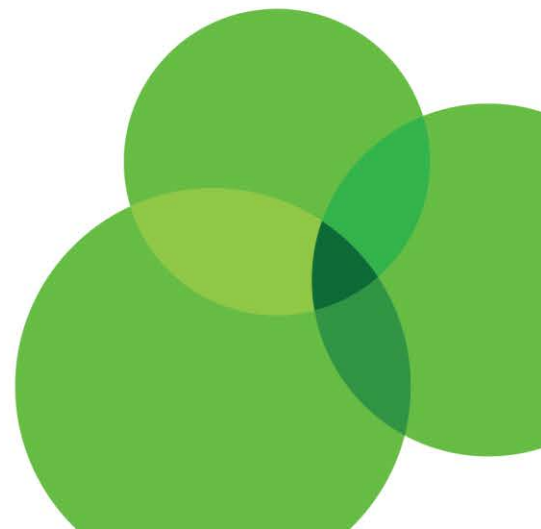


TABLE OF CONTENTS

1. INTRODUCTION.....	6
1.1. Project Scope	6
1.2. Project Overview.....	6
1.3. Approvals Required.....	6
1.4. Application Details.....	7
1.5. Format of this Report.....	7
2. DEVELOPMENT SITE DESCRIPTION.....	8
2.1. Site Description.....	8
2.2. Surrounding Land-use.....	8
2.3. Land Zoning.....	9
3. DESCRIPTION OF THE PROPOSAL.....	10
3.1. Objectives of the Proposal.....	10
3.2. The Proposal.....	10
4. PLANNING AND LEGISLATIVE CONTEXT.....	12
4.1. Commonwealth Legislation	12
4.1.1. Environment Protection and Biodiversity Conservation Act 1999	12
4.2. New South Wales Legislation.....	12
4.2.1. Environmental Planning and Assessment Act 1979	12
4.2.2. Local Government Act 1993.....	13
4.2.3. Heritage Act 1977	13
4.2.4. National Parks and Wildlife Act 1974.....	13
4.2.5. Biodiversity Conservation Act 2016	13
4.2.6. Roads Act 2016	14
4.2.7. Protection of the Environment Operations Act 1997	14
4.2.8. Contaminated Land Management Act 1997	14
4.2.9. Rural Fires Act 1997	14
4.3. State Environmental Planning Policies (SEPP).....	14
4.3.1. SEPP Assessment.....	15
4.4. Local Environmental and Development Control Plans.....	17
5. ASSESSMENT OF ENVIRONMENTAL ISSUES.....	18
5.1. Visual Impacts and Amenity.....	18
5.1.1. Assessment of existing condition.....	18
5.1.2. Assessment of potential impact.....	18
5.1.3. Management and mitigation	18
5.2. Building Code Compliance.....	18
5.2.1. Existing conditions assessment.....	18
5.2.2. Assessment of potential impact.....	18
5.2.3. Management and mitigation	18



5.3.	Access and Traffic.....	18
5.3.1.	Existing conditions assessment.....	18
5.3.2.	Assessment of potential impact.....	18
5.3.3.	Management and mitigation	19
5.4.	Site Design.....	19
5.4.1.	Assessment of existing condition.....	19
5.4.2.	Assessment of potential impact.....	19
5.4.3.	Management and mitigation	19
5.5.	Soils and Water Quality	20
5.5.1.	Assessment of existing condition.....	20
5.5.2.	Assessment of potential impact.....	20
5.5.3.	Management and mitigation	20
5.6.	Air Quality.....	20
5.6.1.	Existing conditions assessment.....	20
5.6.2.	Assessment of potential impact.....	20
5.6.3.	Management and mitigation	21
5.7.	Noise and Vibration.....	21
5.7.1.	Existing conditions assessment.....	21
5.7.2.	Assessment of potential impact.....	21
5.7.3.	Management and mitigation	21
5.8.	Biodiversity	21
5.8.1.	Introduction	21
5.8.2.	Assessment of existing condition.....	21
5.8.3.	Assessment of potential impact.....	21
5.8.4.	Management and mitigation	22
5.9.	Heritage.....	22
5.9.1.	Existing conditions assessment.....	22
5.9.2.	Assessment of potential impact.....	22
5.9.3.	Management and mitigation	22
5.10.	Hazards.....	22
5.10.1.	Assessment of existing condition.....	22
5.10.2.	Assessment of potential impact.....	22
5.10.3.	Management and mitigation	23
5.11.	Services and Utilities.....	23
5.11.1.	Assessment of existing condition.....	23
5.11.2.	Assessment of Impacts.....	23
5.11.3.	Mitigation and Management	23
6.	EVALUATION AND JUSTIFICATION FOR THE PROPOSAL.....	24
6.1.	Introduction	24
6.2.	Objectives of the EP&A Act 1979.....	24



6.3.	Ecological Sustainable Development.....	24
6.4.	Safety, Security and Crime Prevention	25
6.5.	Cumulative Impacts.....	25
6.6.	Suitability of the Site for the Development	25
6.7.	Public Interest.....	25
7.	CONCLUSION	26

SCHEDULE OF FIGURES

Figure 1 – 339 Brolgan Road Parkes Locality Map.....	9
Figure 2 – Zoning Map.....	9
Figure 3 – Proposed Subdivision Layout Plan	11

SCHEDULE OF TABLES

Table 1 – Application Details	7
Table 2 – Report Format.....	7
Table 3 – SEPP Overview	14
Table 4 – Regional Precincts SEPP Development Standards Assessment.....	16
Table 5 – BC Significance Assessment	21



1. Introduction

1.1. Project Scope

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of the Ebos Group (the Applicant) and Pet Care Distributors, the owner of Lot 1 DP 1251595, 339 Brolgan Road, Parkes.

The SEE has been prepared to support the lodgement of a Development Application (DA) on the NSW Planning Portal for determination by the NSW Department of Planning and Environment (DPE) for their granting of consent for the proposed subdivision of Lot 1 DP 1251595 into two (2) allotments.

An Activation Precinct Certificate (APC) has already been issued for the proposal by the Regional Growth NSW Development Corporation (RGDC) and it is now intended to obtain Development Consent to allow the subdivision to proceed.

1.2. Project Overview

Lot 1 DP 1251595, 339 Brolgan Road, Parkes contains the existing Pet Care Kitchen and a recently approved solar farm for powering of the Pet Care Kitchen (behind the metre) and other businesses in front of the metre.

The subject land is located within the REZ – Regional Enterprise Zone of the Parkes Special Activation Precinct (Parkes SAP) which is an NSW Government initiative aimed at stimulating economic growth and prosperity in regional NSW through the development of precincts that bring together industry, research institutions and government inputs to create world-class economic zones.

The Parkes SAP sits at the junction of Australia's two rail spines - the Inland Railway and the Trans Australian Railway. From the Parkes SAP products can reach 80% of Australia's population overnight or start their journey to overseas markets via Sydney, Melbourne, Brisbane and Freemantle seaports and airports.

Pet Care Distributors wishes to subdivide Lot 1 DP 1251595 into two (2) new allotments. The key elements of the proposal are as follows:

- Subdivision into two (2) new Torrens Title lots.
- Proposed Lot 10 to have an area of approximately 21.09 hectares to accommodate the existing Pet Care Kitchen, existing driveway and access to Brolgan Road, existing on-site wastewater management system, existing on-site stormwater detention pond, existing electricity supply mains and natural gas pipeline connections and telecommunications. Part of the new Pet Care Distributors PV Solar Farm (behind the meter assets) will also be accommodated within proposed Lot 10.
- Proposed Lot 11 to have an area of approximately 12.77 hectares to accommodate an existing secondary access to Brolgan Road, existing farm dam, landscaping directly south of Brolgan Road and the balance of the proposed new solar farm (in front of the meter assets). It is proposed the existing access will be upgraded to a rural access standard and an easement will be created along the western boundary for the drainage of surface water from proposed Lot 10 to the Brolgan Road drainage system.

The Arndell Surveying Subdivision Layout Plan (and other documents) are attached separately to this request for an APC and show the extent of proposed works.

1.3. Approvals Required

The proposal requires development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) and a DA is to be lodged with NSW DPE via the NSW Planning Portal, along with a Statement of Environmental Effects (this report) and various plans in support of the proposed development.

The proposal is local development, as it does not trigger any of the provisions listed below:

- The proposal is not 'designated development' pursuant to Part 1 of Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021) and an Environmental Impact Statement is not required.
- The proposal is not classified as State or Regionally Significant Development under State Environment Planning Policy (Planning Systems) 2021 or State Environment Planning Policy (Precincts - Regional) 2021.



- The proposal does not trigger 'integrated development' because it does not require any other approval listed under Section 4.46 of the EP&A Act 1979.
- The proposal does not trigger the Biodiversity Offset Scheme as no significant clearing of native vegetation is proposed.

1.4. Application Details

The key details of the application are presented in Table 1 as follows.

Table 1 – Application Details

Applicant	Ebos Group
Landowner	Pet Care Distributors
Proposed Site	Lot 1 DP 1251595, 339 Brolgan Road, Parkes
Proposal	2 Lot Subdivision
Zoning	REZ - Regional Enterprise Zone
Consent Authority	NSW Department of Planning and Environment

1.5. Format of this Report

The information presented in this SEE covers all aspects of the proposal as specified under the EP&A Regulation 2021. The SEE has been prepared as a single document of several sections as shown in Table 2 below:

Table 2 – Report Format

Section 1	Introduces the proposal and the main project drivers
Section 2	Describes the main features of the site and surrounds
Section 3	Provides a description of the proposal
Section 4	Reviews the proposal against the relevant legislative requirements
Section 5	Assesses the potential environmental impacts of the proposal and documents the proposed mitigation and management strategies proposed to minimise impacts
Section 6	Reviews the proposal against the environmental, economic and social considerations
Section 7	Provides the conclusion for the SEE



2. DEVELOPMENT SITE DESCRIPTION

2.1. Site Description

The subject land is described as Lot 1 DP 1251595, 339 Brolgan Road, Parkes.

The site has been historically used for broad-acre farming and more recently works associated with the construction and operation of a Pet Care Kitchen owned by Pet Care Distributors.

The site sits within the context of a mixed rural and industrial area that is rapidly changing into the Parkes SAP, with new roads, bridgeworks, drainage work and other infrastructure being constructed and new industrial / inter modal activities surrounding the Pet Care Kitchen site.

Key features of the site and its existing environs are as follows:

- The site has an area of approximately 33.86 hectares, taking into account recent land acquisition for road widening of the Brolgan Road.
- The site is majorly cleared of native vegetation. Several isolated paddock trees are located on various parts of the site, with no mid-storey vegetation and ground cover comprising predominantly introduced grasses, crops and weeds.
- The existing Pet Care Kitchen comprises a large format factory building, grain silo storage areas, food grade oil storages, hardstands, driveways and parking areas, unloading and loading areas, on-site wastewater management system, stormwater management system and landscaping.
- Access to the Pet Care Kitchen is gained from Brolgan Road via an existing driveway adjoining the eastern boundary of the site.
- The site is not known to be impacted by any significant environmental constraints or hazards such as significant flooding or bushfire. Minor overland drainage occurs along the northern boundary of the site adjoining the Brolgan Road, which has been mapped in the Parkes SAP Delivery Plan, as well as the recently updated Flood Study for the Parkes SAP.
- The site is not visible from Parkes and there are few existing residences in the area which are well setback and screened from the Pet Care Kitchen site by existing vegetation, topography and built structures.
- Reticulated water supply, electricity, gas and telecommunications have already been connected to the site.
- An APC has been issued on 11 April 2023 for a PV Solar Farm on Lot 1 DP 1251595.
- An APC has been issued on 31 July 2023 for a two (2) lot subdivision of Lot 1 DP 1251595.

2.2. Surrounding Land-use

The site sits between the junction of Australia's two rail spines - the Inland Railway and the Trans-Australian Railway. The site is located west of the Newell Highway Bypass and Parkes township.

The site and immediate surrounds comprise a mix of industrial and freight logistics companies as well as vacant land currently being used for broad acre farming. There are no dwellings in close proximity to the site.

Subject to further assessment in this SEE, it is suggested that the site is suitable for the proposed subdivision having regard to the use of land within the immediate and wider locality.

Figure 1 shows the location of the subject site in relation to surround land-use.

Figure 1 – 339 Brolgan Road Parkes Locality Map



Source: Mecone Mosaic

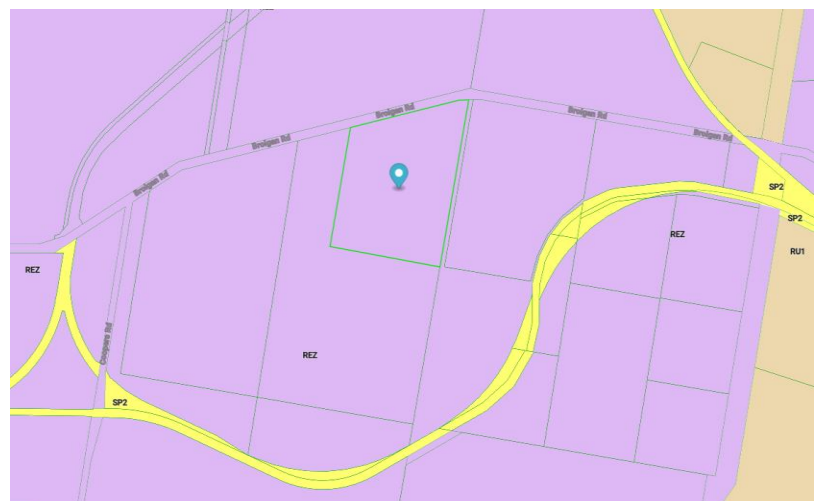
2.3. Land Zoning

The site is zoned REZ under State Environmental Planning Policy (Precincts - Regional 2021). Figure 2 includes a map that shows the zoning framework for the site and surrounding areas. The subdivision is permissible in the REZ zone with the consent of NSW DPE. Special provisions are included in the Regional Precincts SEPP 2021 which have applicability to the proposed development, and these are assessed in a further section of this SEE.

Figure 2 – Zoning Map



Zone	
REZ	Regional Enterprise Zone
SP2	Infrastructure



3. DESCRIPTION OF THE PROPOSAL

3.1. Objectives of the Proposal

The objectives for the proposal are to:

- Provide for a subdivision of the property that is consistent with the Regional Precincts SEPP 2021, Parkes SAP Masterplan and Delivery Plan and other policies that apply to the Pet Care Distributors site.
- Facilitate management of electricity produced from the Pet Care Distributors PV Solar Farm in front of and behind the electricity meter.
- Minimise to the greatest extent possible, impacts to the local environment and community.

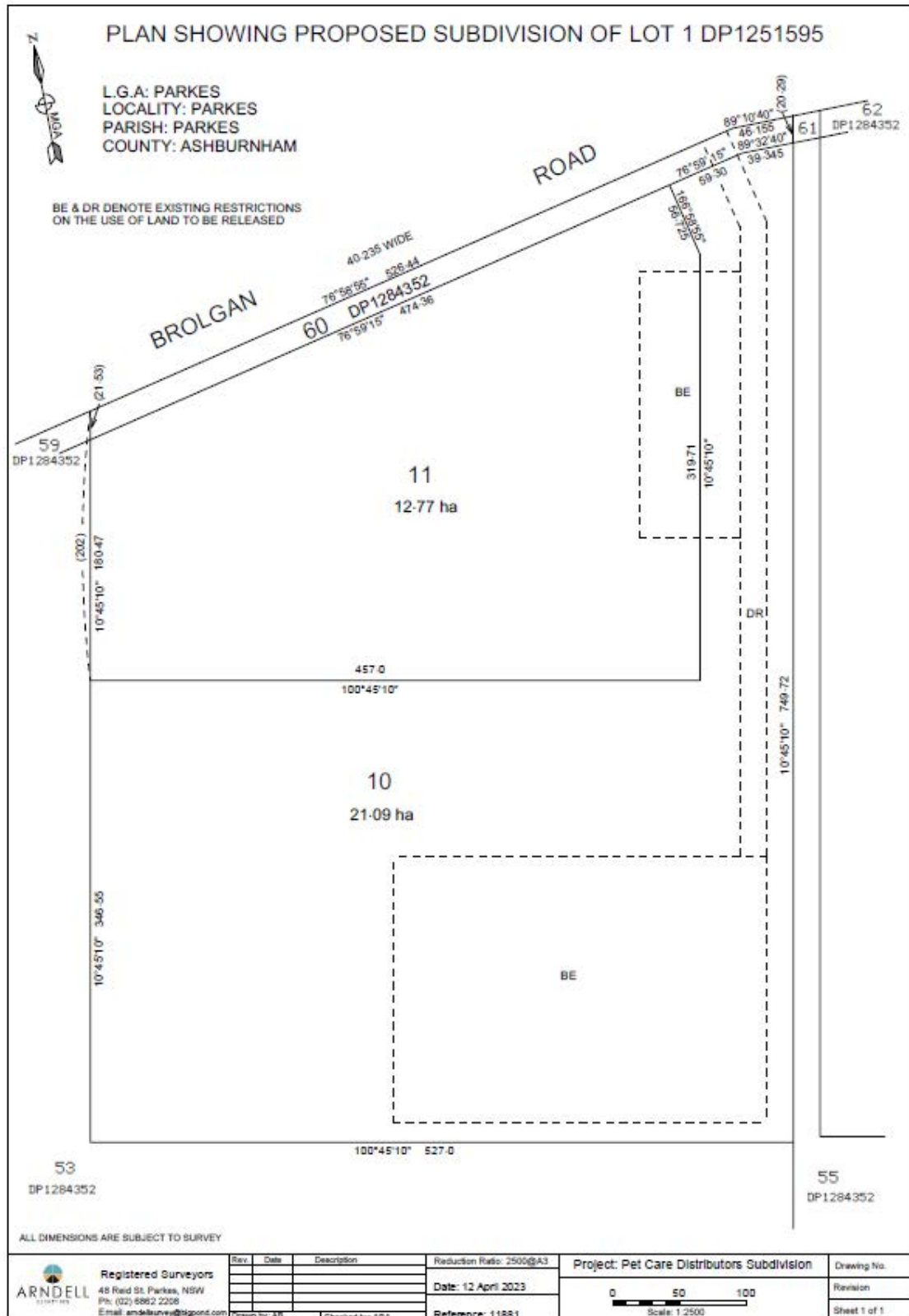
3.2. The Proposal

A description of the proposed subdivision is as follows:

- Proposed Lot 10 to have an area of approximately 21.09 hectares to accommodate the existing Pet Care Kitchen, existing driveway and access to Brolgan Road, existing on-site wastewater management system, existing on-site stormwater detention pond, existing electricity supply mains and natural gas pipeline connections and telecommunications. Part of the new Pet Care Distributors PV Solar Farm (behind the meter assets) will also be accommodated within proposed Lot 10.
- Proposed Lot 11 to have an area of approximately 12.77 hectares to accommodate an existing secondary access to Brolgan Road, existing farm dam, landscaping directly south of Brolgan Road and the balance of the proposed new solar farm (in front of the meter assets). It is proposed the existing access will be upgraded to a rural access standard and an easement will be created along the western boundary for the drainage of surface water from proposed Lot 10 to the Brolgan Road drainage system.
- Staging of the subdivision is not proposed.

The Arndell Surveying Subdivision Layout Plan is shown in Figure 3.

Figure 3 – Proposed Subdivision Layout Plan



4. PLANNING AND LEGISLATIVE CONTEXT

The following section of the report describes the applicable local planning policies, State and Federal legislation and guidelines. The applicable documents are summarised in this section, followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.1. Commonwealth Legislation

Section 4.1 describes the applicable Federal legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.1.1. Environment Protection and Biodiversity Conservation Act 1999

Under the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999), referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The EPBC Act 1999 identifies the following as matters of national environmental significance for which Ministerial approval is required:

- World heritage properties.
- Wetlands of international significance.
- Listed threatened species and communities.
- Listed migratory species protected under international agreements.
- National Heritage Places.
- Protection of the environment from nuclear actions.
- Commonwealth Marine environments.

Assessment of the proposal's impact on MNES confirms there is unlikely to be a significant impact on relevant MNES or on Commonwealth land. Accordingly, the proposal would not warrant referral under the EPBC Act 1999.

4.2. New South Wales Legislation

Section 4.2 describes the applicable state legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.2.1. Environmental Planning and Assessment Act 1979

The EP&A Act 1979 forms the legal and policy platform for development assessment and approvals process in NSW. The objectives of the EP&A Act 1979 are:

- a. to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- c. to promote the orderly and economic use and development of land,
- d. to promote the delivery and maintenance of affordable housing,
- e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- g. to promote good design and amenity of the built environment,
- h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,



- i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- j. to provide increased opportunity for community participation in environmental planning and assessment.

The EP&A Act 1979 makes provision for the preparation of State Environmental Planning Policies (SEPPs) to apply to certain parcels of land and / or types of development. In the case of the subject land, the Regional Precincts SEPP 2021 is the prevailing environmental planning instrument applying to development on Lot 1 DP 1251595.

As demonstrated in later sections of this SEE, the proposal is assessed to be consistent with all relevant environmental planning instruments, including the Regional Precincts SEPP 2021.

In accordance with the Regional Precincts SEPP 2021, consent is being sought for the proposed subdivision from NSW DPE.

4.2.2. Local Government Act 1993

Section 68 of the Local Government Act 1993 (LG Act 1993) specifies that approval is required for a number of activities carried out on operational land, including:

- Structures or places of public entertainment.
- Water supply, sewerage and stormwater drainage work.
- Management of trade waste in the sewerage system.
- Swing or hoist goods over a public road.

No LG Act 1993 approvals from Parkes Shire Council are required for the proposed subdivision.

4.2.3. Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the National Parks and Wildlife Act 1974.

The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977. The site is also not listed in the Regional Precincts SEPP 2021 as an item of local heritage significance and the land is not located within any Heritage Conservation Areas.

Heritage issues are assessed under Section 5 of this SEE. In general, no heritage issues / impacts have been assessed to apply, and no separate approvals are required relating to heritage matters.

4.2.4. National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NPW Act 1974) is administered by the Office of Environment and Heritage and provides the basis for the legal protection of flora and fauna in NSW.

Unless a licence is obtained under the NPW Act 1974 (or the Threatened Species Conservation Act 1995), it is an offence to harm any animal that is protected or is a threatened species, population or ecological community. It is also an offence to pick any plant that is protected or is a threatened species, population or ecological community. In addition, a person must not, by act or omission, damage any critical habitat.

The NPW Act 1974 also provides the basis for the legal protection and management of Aboriginal sites within NSW. Sections 86, 90 and 91 of the NPW Act 1974 provide statutory protection for any physical / material evidence of Aboriginal occupation of NSW and places of cultural significance to the Aboriginal community.

The site comprises 'disturbed land', as defined under The NPW Regulation 2019 and an Aboriginal due diligence assessment is not required. Heritage issues are assessed under Section 5 of this SEE. In general, no heritage issues / impacts have been assessed to apply, and no separate approvals are required relating to heritage matters.

4.2.5. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act 2016) provides the framework for the management of flora and fauna on lands within NSW. Under this Act the principles of ecologically sustainable development are used to achieve the conservation and protection of biodiversity values. Clause 7.2 of the BC Act 2016 identifies the following circumstances where a development is likely to significantly affect threatened species:

- It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- The development exceeds the biodiversity offsets scheme threshold if the biodiversity offset scheme applies to the impacts of the development on biodiversity values, or
- It is carried out in a declared area of outstanding biodiversity value.

Review of the Regional Precincts SEPP 2021 identifies several paddock trees that are mapped as environmentally sensitive. Some of these trees are proposed to be removed to make way for proposed solar fields.

A biodiversity assessment has been documented in Section 5 of this SEE to determine whether the proposed subdivision of Lot 1 DP 1251595, 339 Brolgan Road, Parkes will trigger the requirement for the preparation of a Biodiversity Assessment Report (BAR) or Biodiversity Development Assessment Report (BDAR) by an accredited assessor. The assessment has taken into account the findings of a Biodiversity Assessment Report (BAR) prepared by The Environmental Factor in 2018 to appraise the ecological values and constraints relating to the site. The assessment work concludes no significant impacts on threatened flora or fauna species and no requirement for participation within the Biodiversity Offset Scheme (BOS) under the BC Act 2016 and Regulation 2017.

4.2.6. Roads Act 2016

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority. Parkes Shire Council is the relevant authority for Brolgan Road. Works will be required to upgrade the existing access to proposed Lot 11 to Brolgan Road and a permit under Section 138 of the Roads Act 1993 will be required from Parkes Shire Council prior to the commencement of any works.

4.2.7. Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) regulates air, noise, land and water pollution. The proposal would not operate under an Environment Protection Licence (EPL) and Parkes Shire Council is the Appropriate Regulatory Authority (ARA) for general pollution control matters on the site.

4.2.8. Contaminated Land Management Act 1997

Parkes Shire Council is required to notify the EPA if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997* are available on the EPA website. There is no evidence of potential contamination based on observations made at site inspection or known historical uses of the land (residential). EPA notification is not required to be obtained for site.

4.2.9. Rural Fires Act 1997

The Rural Fires Act 1997 (RF Act 1997) requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 146 of the EP&A Act. According to the mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being bushfire prone.

4.3. State Environmental Planning Policies (SEPP)

A high-level assessment of the applicability of each SEPP to the proposed development is included in Table 3, with further assessment work completed in Section 4.3.1 as necessary.

Table 3 – SEPP Overview

Name of SEPP	Applicability	Further Assessment Warranted
SEPP (Biodiversity and Conservation) 2021	Potential	Yes, see Section 4.3.1
SEPP (BASIX) 2004	N/A	No
SEPP (Exempt & Complying Development Codes) 2008	N/A	No
SEPP (Housing) 2021	N/A	No
SEPP (Industry and Employment) 2021	N/A	No
SEPP 65 (Design Quality of Residential Apart. Development)	N/A	No



SEPP (Planning Systems) 2021	Applicable	Yes, see Section 4.3.1
SEPP (Primary Production) 2021	N/A	No
SEPP (Precincts - Central River City) 2021	N/A	No
SEPP (Precincts - Eastern Harbour City) 2021	N/A	No
SEPP (Precincts - Western Parkland City) 2021	N/A	No
SEPP (Precincts - Regional) 2021	Applicable	Yes, see Section 4.3.1
SEPP (Resilience and Hazards) 2021	Applicable	Yes, see Section 4.3.1
SEPP (Resources and Energy) 2021	N/A	No
SEPP (Transport and Infrastructure) 2021	Applicable	Yes, see Section 4.3.1

4.3.1. SEPP Assessment

SEPP (Planning Systems) 2021

The Planning Systems SEPP identifies significant development and infrastructure and confer functions on Regional Planning Panels to determine development applications. The proposal is not classified as State Significant Development or Regional Development and will be assessed and determined by NSW DPE as Parkes SAP development.

SEPP (Precincts – Regional) 2021

The subject site is zoned REZ Regional Enterprise Zone under State Environmental Planning Policy (Precincts-Regional) 2021.

The objectives of the REZ zone are:

- To encourage regional enterprise and innovation in industry, environmental management and performance and in urban and industrial design.
- To effectively manage land uses of varying intensities or environmental sensitivities, and to minimise the risk of conflict associated with incompatible land uses.
- To provide opportunities for regional economic development and employment.
- To attract industries that would contribute to and benefit from being close to major freight transport networks.
- To protect and enhance the local character of the precinct and contribute to the surrounding environment and its amenity.
- To encourage the development of industry leading renewable energy generation and resource and waste management.

A range of industrial and commercial land-use activities are permitted in the REZ Regional Enterprise Zone, including subdivision of land. An APC has been issued on 31 July 2023 for a two (2) lot subdivision on Lot 1 DP 1251595.

A number of development standards apply under the Regional Precincts SEPP 2021, which are assessed in Table 4.

The DPE Planning Secretary is the consent authority for development on land in the Regional Enterprise Zone. It is intended to obtain Development Consent to allow the subdivision to proceed further.



Table 4 – Regional Precincts SEPP Development Standards Assessment

Section	Standard Name	Standard Objectives	Evaluation of Proposal Against Standard
10A	Preservation of trees	Including site coverage, setbacks, access, environmentally sensitive land and available infrastructure	A biodiversity assessment and landscape plan have been prepared for the site which aim to enhance the native vegetation corridor along Brogan Road
11	Parkes LEP 2012 provisions	Clauses 2.6(1), 2.7 and 2.8 and 5.10 of the PLEP 2012 apply, which requires development consent for subdivisions, demolition and temporary use of land	It is intended to obtain Development Consent for the proposed subdivision from NSW DPE
11A	Transport and Infrastructure SEPP 2021 provisions	Sections 2.52, 2.109, 2.111, 2.126 and 2.159 apply, which requires consultation with Essential Energy, TfNSW and rail authorities for certain development	It is expected that any relevant requirements, infrastructure upgrades and / or contributions will be highlighted as part of the DA process. The proposal does not detrimentally impact on electricity transmission lines and / or distribution networks, roads, pipelines or railways
12	Existing Development Applications	DAs commenced prior to the Parkes SAP to be determined under PLEP 2012	There are no undetermined DAs on the site

SEPP (Resilience and Hazards) 2021

This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out. EPA notification is not required to be undertaken and the site is suitable for its intended industrial and solar farm uses. There are no known site history issues that are likely to give rise to concerns relating to potential site contamination.

SEPP (Transport and Infrastructure) 2021

There are provisions contained within this SEPP which are triggers for the referral of the DA to certain authorities prior to the granting of consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follow:

Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Infrastructure SEPP requires prior written notice to the electricity supply authority when a DA involves development that comprises of involves:

- The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.
- Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- Development involving or requiring the placement of power lines underground.

The proposed subdivision is unlikely to trigger referral to the electrical supply authority, as the nearest overhead pole location is further than 5 metres from any construction work associated with the proposal.

Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Infrastructure SEPP requires prior written notice to Transport for NSW when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP. The nature and scale of the proposed development does not trigger referral of the application to TfNSW.



SEPP (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands and koalas are included in the SEPP.

A biodiversity assessment has been documented in Section 5 of this SEE to determine whether the proposed subdivision of Lot 1 DP 1251595 will trigger the requirement for the preparation of a BAR or BDAR by an accredited assessor. The assessment has taken into account the findings of a BAR prepared by The Environmental Factor in 2018 to appraise the ecological values and constraints relating to the site. The assessment work concludes no significant impacts on threatened flora or fauna species and no requirement for participation within the Biodiversity Offset Scheme (BOS) under the BC Act 2016 and Regulation 2017.

4.4. Local Environmental and Development Control Plans

The Parkes Local Environmental Plan 2012 (PLEP 2012) does not apply to land zoned REZ – Regional Enterprise Zone located in the Parkes SAP. The Parkes Shire Council Development Control Plan 2021 also does not apply to the site.



5. ASSESSMENT OF ENVIRONMENTAL ISSUES

The main environmental issues that have been raised and investigated as part of the design process for the proposed development have been documented in this section. Each issue is investigated by way of introducing the key issue(s), documenting existing conditions, assessing impacts and proposing management and mitigation measures.

5.1. Visual Impacts and Amenity

5.1.1. Assessment of existing condition

The subject land contains an existing Pet Care Kitchen that is well setback from the Brolgan Road. A solar farm is also approved for development on the site.

5.1.2. Assessment of potential impact

The proposed subdivision is required to support the development of a PV Solar Farm to provide renewable electricity supply to power some of the main operations at the Pet Care Kitchen. Any electricity generated that is surplus to the needs of Pet Care Distributors will be directed into the central grid for use as 'green power'.

The proposed subdivision will result in minimal visual changes to the surrounding urban landscape. The site is not heritage listed and is not part of a heritage streetscape or conservation area. The proposed development is expected to fit within the context and setting of the immediate area. Visual and acoustic privacy issues are not expected to result.

5.1.3. Management and mitigation

No additional mitigation measures are proposed, other than implementation of the subdivision drawings prepared by Arndell Surveying.

5.2. Building Code Compliance

5.2.1. Existing conditions assessment

The subject land contains an existing Pet Care Kitchen that is well setback from the Brolgan Road and property boundaries. A solar farm is also approved for development on the site.

5.2.2. Assessment of potential impact

The proposed subdivision boundaries do not impact on the setbacks of existing or proposed buildings and structures and no non-compliance issues under the BCA have been identified.

5.2.3. Management and mitigation

No additional mitigation measures are proposed, other than implementation of the subdivision drawings prepared by Arndell Surveying.

5.3. Access and Traffic

5.3.1. Existing conditions assessment

The subject land is currently accessed from Brolgan Road, which forms part of the local road network owned and maintained by Parkes Shire Council. The subject land contains a Pet Care Kitchen and driveway towards the north-eastern corner of the site linking to Brolgan Road. A second access has been constructed and provides vehicle access towards the north-western corner of the site. The site is not located in close proximity to any large-scale traffic generating developments or railways.

5.3.2. Assessment of potential impact

A description of the proposed access arrangements to the development is as follows:

- Practical and legal access to the Pet Care Kitchen on proposed Lot 10 is to continue to be provided from the existing north-eastern access linking to Brolgan Road.
- Proposed Lot 11 is to gain access from the existing north-eastern access linking to Brolgan Road. This access is intended to be upgraded to standards acceptable to Parkes Shire Council.

- On-site car parking is to continue to be provided from the existing car park at the Pet Care Kitchen, which is adequate for staff, visitors and contractors.

Assessment of the implications of the proposal has been undertaken against the general functioning of the local road network and intersections in the area. The general assessment findings are as follows:

- The proposed development is not traffic generating development as defined under the Transport and Infrastructure SEPP and is not development that has implications for main roads or railways.
- Brolgan Road is currently being upgraded. The access crossing to proposed Lot 10 is already constructed to an appropriate urban standard and has safe sight distance. The access crossing to Proposed Lot 11 is to be upgraded to Council standards and has safe sight distance.
- Traffic and transport impacts are assessed to be minimal, based on existing local road conditions and the limited additional traffic generation proposed. A traffic management plan is not required for the proposal.

5.3.3. Management and mitigation

It is proposed to apply for a Section 138 Road Permit from Parkes Shire Council prior to construction works commencing on the site. No other specific transport or traffic mitigation measures have been identified as being necessary.

5.4. Site Design

5.4.1. Assessment of existing condition

A subdivision layout plan has been prepared by Arndell Surveying and is included in the DA documentation. The Arndell Surveying Subdivision Layout Plan is shown in Figure 3 of this SEE.

5.4.2. Assessment of potential impact

A description of the proposed subdivision is as follows:

- Proposed Lot 10 to have an area of approximately 21.09 hectares to accommodate the existing Pet Care Kitchen, existing driveway and access to Brolgan Road, existing on-site wastewater management system, existing on-site stormwater detention pond, existing electricity supply mains and natural gas pipeline connections and telecommunications. Part of the new Pet Care Distributors PV Solar Farm (behind the meter assets) will also be accommodated within proposed Lot 10.
- Proposed Lot 11 to have an area of approximately 12.77 hectares to accommodate an existing secondary access to Brolgan Road, existing farm dam, landscaping directly south of Brolgan Road and the balance of the proposed new solar farm (in front of the meter assets). It is proposed the existing access will be upgraded to a rural access standard and an easement will be created along the western boundary for the drainage of surface water from proposed Lot 10 to the Brolgan Road drainage system.
- Staging of the subdivision is not proposed.

The design of the subdivision is deemed to be acceptable having regard to site and access conditions. The site is not affected by flooding of rivers, creeks or other watercourses. Analysis of the subdivision proposal against the extent of overland flows of stormwater are detailed in the Parkes SAP Delivery Plan and Flood Study as follows:

- The access handle to Proposed Lot 10 is expected to experience minor inundation during the 1% AEP storm event, but not to an extent that poses a significant risk to occupants of the site and not to an extent which would significantly impede safe access from the land to the public road system in a flood event.
- Proposed Lot 11 is expected to experience minor inundation from overland drainage in a 1% AEP storm event. The development of the land for solar fields are not expected to cause impacts on downslope properties.

5.4.3. Management and mitigation

No additional mitigation measures are proposed.

5.5. Soils and Water Quality

5.5.1. Assessment of existing condition

The subject land is not mapped as containing vulnerable groundwater. The site is not affected by flooding of rivers, creeks or other watercourses. The extent of overland flows during large stormwater events are detailed in the Parkes SAP Delivery Plan. The subject land is expected to experience minor inundation during the 1% AEP event. The subject land does not contain any exposed areas that are shown to be causing soil erosion or related impacts on the land.

5.5.2. Assessment of potential impact

Soil Quality

The proposed development has been carefully designed to ensure that any changes to existing landform is kept to a minimum. There would be minimal earthworks required to implement the proposed subdivision. An assessment of likely impact in terms of soil quality is included as follows:

- Site inspection did not reveal any existing natural surface water drainage lines or significant environmental features in proximity to the proposed location of site earthworks.
- The existing topography of the land is gentle. Site earthworks are capable of being undertaken without the need for cut or filled areas to be retained and without creating soil stability issues for the site or nearby land.
- The footprint of required earthworks is to be kept to minimal levels and generally as the access to proposed Lot 11. There are no impacts likely to occur in terms of the future use of redevelopment of the land.
- Imported fill will not be required.
- Due to the minor nature of the proposed earthworks, the likelihood of the development impacting the amenity of adjoining property owners is assessed to be low. The relationship of the proposed subdivision to adjoining properties will not be altered significantly by proposed earthworks, roadworks, utility installations and the like.
- The likelihood of earthworks disturbing relics is low. Appropriate searches of the AHIMS database has not identified any recorded items within a 50m buffer of the subject land.
- The site is sufficiently distanced from existing waterways, drinking water catchments or environmentally sensitive areas.

Water Quality

The proposal is unlikely to impact adversely on water quality. An on-site wastewater management system is already operational on the site.

5.5.3. Management and mitigation

The proposed management measures to reduce impacts on water resources are as follows:

- No groundwater will be taken.
- Stormwater runoff entering the site will be managed by perimeter sediment fencing in a manner that minimises soil erosion and the contamination of that water from discharge points to the Brolgan Road drainage system.
- All reasonable and practicable measures will be implemented to control / manage sediment fence lines in such a manner that prevents soil erosion along drainage paths and at the entrance and exit.
- An Erosion and Sediment Control Plan would be implemented at the site in accordance with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004).

5.6. Air Quality

5.6.1. Existing conditions assessment

There are no air quality impacts created by existing site conditions.

5.6.2. Assessment of potential impact

Due to the nature and scale of the proposed development, an air quality assessment by a qualified professional is not considered to be necessary or warranted. Dust pollution is not expected to be an issue with the proposed development as



all trafficable surfaces are to be constructed to bitumen sealed standards. The nature and scale of the proposed development is such that air pollution from excessive motor vehicle impurities is not identified to be a key issue.

5.6.3. Management and mitigation

No additional mitigation measures are proposed.

5.7. Noise and Vibration

5.7.1. Existing conditions assessment

The site is located within an established industrial precinct and there are no dwellings or other sensitive land-uses in close proximity to the development site.

5.7.2. Assessment of potential impact

An assessment of the potential impacts of the proposed development on noise and vibration has been undertaken, including an assessment of the likely impacts associated with the continued residential use of the land. No adverse impacts are expected to result.

5.7.3. Management and mitigation

The proposed noise management measures to be employed at the site during construction phase are as follows:

- Limit construction activities to daylight hours.
- Enclose fixed engines, pumps and compressors where practicable.
- Use of electrical motors in mechanical systems where practical.
- Maintain equipment in accordance with the original equipment manufacturer's specifications.
- Shut down equipment when not in use.

5.8. Biodiversity

5.8.1. Introduction

The site has previously been cleared to allow broadacre farming.

5.8.2. Assessment of existing condition

The existing grain handling facility sits within a context of a rural land-use west of Bogan Gate. The site of the grain handling facility is devoid of native vegetation and comprises either constructed works or vacant land that is periodically sprayed and sown to pasture grasses, as a means of managing weeds and slowing overland flows over the site.

5.8.3. Assessment of potential impact

The proposed solar farm and subdivision proposes removal of several paddock trees. Nearby pockets of native vegetation found on adjoining lands are not proposed to be cleared or altered as a consequence of the proposed development. A significance assessment under Section 1.7 of the EP&A Act 1979 which takes into consideration Part 7 of the BC Act 2016 determining whether the proposal is likely to significantly affect threatened species and / triggers the Biodiversity Offsets Scheme (BOS) is provided in Table 5 – BC Significance Assessment:

Table 5 – BC Significance Assessment

Test	Assessment
(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The site is located west of Parkes in the Lachlan River catchment. The area immediately in and around the site is generally devoid of native vegetation, except for pockets of box eucalypts adjoining the site along roads and TSR corridors. No threatened species were observed during site inspection
(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	The proposal involves minor clearing of native vegetation. No significant impacts on threatened species or ecological communities are assessed. Contribution to the Biodiversity Offset Scheme (BOS) is not required



(c) it is carried out in a declared area of outstanding biodiversity value

The site is not a declared area of outstanding biodiversity value

The potential impacts on the condition, ecological value and significance of the fauna and flora on the land are considered to be low and will not change as a result of the proposed subdivision.

5.8.4. Management and mitigation

No management or mitigation measures are required as a consequence of the proposed development.

5.9. Heritage

5.9.1. Existing conditions assessment

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 50m of the subject land. The search result found that:

- There are 0 Aboriginal sites recorded in or near the subject land.
- There are 0 Aboriginal places that have been declared in or near the above location.

The site largely comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation).

The subject land is not listed as a heritage item under the Regional Precincts SEPP 2021 or State Heritage Register.

5.9.2. Assessment of potential impact

A visual inspection of the site reveals a highly disturbed / modified residential environment. Section 80B of the NPW Regulation define disturbed land as follows:

'Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.'

Due to the highly disturbed nature of the site, it is unlikely that any items of Aboriginal heritage will be discovered during construction works associated with the subdivision. The proposal is considered a "low impact activity" and is exempt from the Due Diligence process as per Section 80B (1) of the NPW Regulation. Consequently, an Aboriginal Archaeological Due Diligence Assessment is not required.

Assessment of historic and built heritage is open for assessment, based on the matters for consideration under Section 4.15 of the EP&A Act 1979. This assessment reveals no impacts on heritage items or relics over 50 years old. Consequently, a Heritage Impact Assessment is not required.

5.9.3. Management and mitigation

No specific mitigation strategies are proposed, other than general awareness of the legislative protection of Aboriginal objects under the NPW Act in the unlikely event that artefacts are discovered.

5.10. Hazards

5.10.1. Assessment of existing condition

The land is not identified to be flood affected by a river, creek or other watercourse and is not mapped as a Bushfire Prone Area. There are no historic uses of the land that are known to have been carried out at the site which might give rise to potential concerns of contamination.

5.10.2. Assessment of potential impact

Flooding

The site is not affected by flooding of rivers, creeks or other watercourses. The extent of overland flows during large stormwater events are detailed in the Parkes SAP Delivery Plan and Flood Study. The subject land is expected to



experience minor inundation during the 1% AEP event. Analysis of the subdivision proposal against the extent of overland flows of stormwater are detailed in the Parkes SAP Delivery Plan is as follows:

- The access handle to Proposed Lot 10 is expected to experience minor inundation during the 1% AEP storm event, but not to an extent that poses a significant risk to occupants of the site and not to an extent which would significantly impede safe access from the land to the public road system in a flood event.
- Proposed Lot 11 is expected to experience minor inundation from overland drainage in a 1% AEP storm event. The development of the land for solar fields are not expected to cause impacts on downslope properties.

Contamination

A site inspection of the site has not identified any obvious signs of activities, current or past, which might give rise to potential concerns of contamination. Further investigations are considered unnecessary in the circumstances and the land is considered suitable for the proposed development.

Bushfire

The land is located within an urban area. Bushfire has not been identified as a risk for the subject land.

5.10.3. Management and mitigation

No additional mitigation measures are proposed in order to deal with contamination or bushfire.

5.11. Services and Utilities

5.11.1. Assessment of existing condition

The land has existing connection to reticulated water and grid electricity.

5.11.2. Assessment of Impacts

A Servicing Plan has been prepared by Arndell Surveying which is included in the DA documentation.

5.11.3. Mitigation and Management

The following mitigation measures are proposed:

- New connections (where required) to services and utilities to be completed in accordance with the requirements and specifications of the relevant service providers.
- No physical works to commence without a Subdivision Works Certificate and any other relevant permits / approvals and / or licenses from relevant servicing authorities.
- Stormwater works to be installed and maintained in accordance with any requirements.
- No physical works to commence without first completing a Dial Before You Dig (DBYD) search.

6. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

6.1. Introduction

This section presents the evaluation and justification of the proposal in light of the objects of the EP&A Act. It also assesses the proposal against the principles of Ecologically Sustainable Development (ESD) and other key policy guidelines in order to provide further guidance as to the acceptability of the proposal, as presented in the SEE. An assessment of the consequences of not proceeding with the proposal and site suitability is also undertaken in this section.

6.2. Objectives of the EP&A Act 1979

Development Consent is being sought under Section 4.16 of the EP&A Act 1979 and must therefore satisfy the objectives of the EP&A Act. The objectives of the Act are listed below:

- a. to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- b. to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- c. to promote the orderly and economic use and development of land,
- d. to promote the delivery and maintenance of affordable housing,
- e. to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- f. to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- g. to promote good design and amenity of the built environment,
- h. to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- i. to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- j. to provide increased opportunity for community participation in environmental planning and assessment.

The proposal is considered to be consistent with the above objectives. An objective of the EP&A Act 1979 is for the encouragement of ecologically sustainable development (ESD), which is assessed in the next section.

6.3. Ecological Sustainable Development

ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in multiple pieces of Federal and State legislation. Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as:

'Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.'

The proposal has endeavoured to address long established ESD principles, as follows:

- **The precautionary principle** - No serious environmental threats have been identified. No delays to the final design investigations or assessment process are recommended to allow for additional information / studies / surveys to take place under different climatic or seasonal conditions.
- **Inter-generational (social) equity** - Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. The proposal has considered such aspects and the SEE assessment concludes that environmental impacts will be minimal. By adopting the recommendations in this SEE for the construction and operational phases, the operation of intergeneration equity can be maintained.

- **Conservation of biological and ecological integrity** - Given the highly disturbed / modified nature of the site, no significant issues have been identified. Procedures will be implemented during construction and operation of the premises to minimise potential risks on the environment.
- **Improved valuation, pricing and incentive mechanisms** - The small volumes of waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

6.4. Safety, Security and Crime Prevention

The design of the development is acceptable having regard to the location of the land and the characteristics of the existing natural and built features of the surrounding environment. The subdivision design is generally consistent with the principles of Crime Prevention Through Environmental Design.

6.5. Cumulative Impacts

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal is not expected to generate significant impacts in terms of water and air quality, noise and amenity, safety, loss of views, traffic or parking. Overall, the proposal makes a neutral / positive contribution to the environment. The proposal is considered compatible with the site and its surrounds and does not contribute to having a significant cumulative impact.

6.6. Suitability of the Site for the Development

The suitability of the site for the proposed subdivision has been examined in detail. With regards to other considerations including serviceability, context and setting, potential environmental impact, and land-use / zoning permissibility, the subject land is assessed to be suitable for the proposed development.

6.7. Public Interest

The Pet Care Distributors site is zoned REZ and forms part of the Parkes SAP. The proposed subdivision has been issued with an APC and it is now appropriate to obtain development consent from DPE to allow further progression of the subdivision. There are no specific policy statements from either Federal or State Government that are relevant to the proposal, nor any planning studies or strategies that need to be taken into account. There are no covenants, easements or agreements that affect the proposal in the long term. The proposal is assessed to pose no significant detrimental impacts on the public interest.

7. CONCLUSION

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd on behalf of the Ebos Group and Pet Care Distributors for the proposed subdivision of Lot 1 DP 1251595 into two (2) new Torrens Title lots.

The proposed development represents a small-scale subdivision to facilitate the management of electricity produced from the Pet Care Distributors PV Solar Farm in front of and behind the electricity meter.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021. The assessment concludes the proposal is permissible in the REZ Regional Enterprise Zone and consistent with State Environmental Planning Policy (Precincts – Regional) 2021.

Appropriate planning and survey work has been performed to properly inform an impact assessment relating to the proposal to enable the NSW Department of Planning and Environment to make an informed decision on the proposal.

It is the findings of this Statement of Environmental Effects that the proposed development should be supported.



