

STATEMENT OF ENVIRONMENTAL EFFECTS

PRIVATE ROAD AND WATERCOURSE CROSSING

**LOTS 16 & 17 DP238401
BUNDABAH ROAD, PINDIMAR**

PREPARED FOR RAPHAEL ZIV

PP Reference: **J004238**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Raphael Ziv (the client) to prepare a Statement of Environmental Effects (SEE) for a private road (inclusive of watercourse crossing), Lots: 16 & 17 DP: 238401 Bundabah Road, NSW, 2324 (**the site**).

The characteristics of the development include:

- a. A proposed concrete watercourse crossing measuring 35m x 3m = 105m²
- b. Sediment Fences SD 6-8 to the North Western and South Eastern sides of the watercourse crossing
- c. 3 x 900mm x 900mm box culverts
Note: Given there is potential for a shortage of 900mm x 900mm box culverts, the development may opt to utilise culverts with different length dimensions to make up the total 2.7m.
- d. The proposed culverts are to be installed within Channel 3 only as shown on the detail plan (Dwg No. 005) in **APPENDIX 2**. Channels 1 and 2 contain recently installed 600mm Reinforced Concrete Pipes (RCPs) with headwalls.

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

- The proposed watercourse crossing is permissible under the RU2 zoning.
- No adverse impact on the existing character or amenity of the area will result.
- The property does not currently have sufficient vehicle access along the access handle from Bundabah Road, this development would enable transport to the property to allow for future development of the site.

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management
System BDAR	Biodiversity Development Assessment Report
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act
1979 EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
PSI	Preliminary Site Investigation
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by	Reference
1	DCP Compliance Table	Perception Planning	J004238
2	Site Plan & Detail Plans	Calco Surveyors	Job No. 3721 Dwg No's. 002 & 005
3	Survey Plan	Calco Surveyors	3721E
4	Deposited Plans & Title Searches	Land Registry Services	DP238401
5	Waterway Assessment Ecological Letter	Ecological Consultants Australia Pty Ltd Kingfisher Urban Ecology and Wetlands	January 2023
6	AHIMs Search Results	Perception Planning	30 Jan 2024
7	DBYD Search Results	Perception Planning	Job No. 35984441
8	Owner's Consent		

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

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

The objectives of this SEE are as follows:

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

1.2 SITE DETAILS

Property Address	Bundabah Road, Pindimar (No property address)
Lot and DP	LOTS 16 & 17 DP 238401
Current Use	Vacant land
Zoning	RU2: Rural Landscape
Size	Lot 16: 27 acres (10.93ha) Lot 17: 27 acres (10.93ha)
Site Constraints	Minimum Lot size: 400 000m ² Floor Space Ratio: 0.4:1 Bushfire prone land – vegetation category 1 Class 5 Acid Sulfate soils Height of Buildings Map: 8.5m Local Government: Mid-Coast Council
Owner	Owners consent has been provided on the Application Form for the DA.
DP and 88B Instrument	There are no restrictions on the title that would prohibit the proposed development. The certificate of title and DP are contained in APPENDIX 4 .

1.3 SITE DESCRIPTION

The site is located at Lot 16 and 17, DP 238401 (**‘the site’**) on Bundabah Road, Pindimar (**FIGURE 1**). The site does not currently have a formal street address associated with it. The site is located to the north east of the village of Bundabah within the Mid-Coast Council Local Government Area (LGA) and has a total area of 21.85ha.

The site is currently vacant, predominately filled with dense bushland and large trees. The access handle is clear of vegetation, as well as the northern boundary adjacent to the handle. A dry creek crossing is present on the access handle, which can impede access to the site.

A watercourse crossing is needed to safely access the site, and as a provision for future development on the site.

The site is situated to the East of Bundabah Road, within approx. 1.5km of North arm Cove. This is a rural area with adjacent properties consisting of either vacant lots, dwellings, farm buildings and ancillary structures.

Proposed access to the proposed watercourse crossing will be via Bundabah Road.

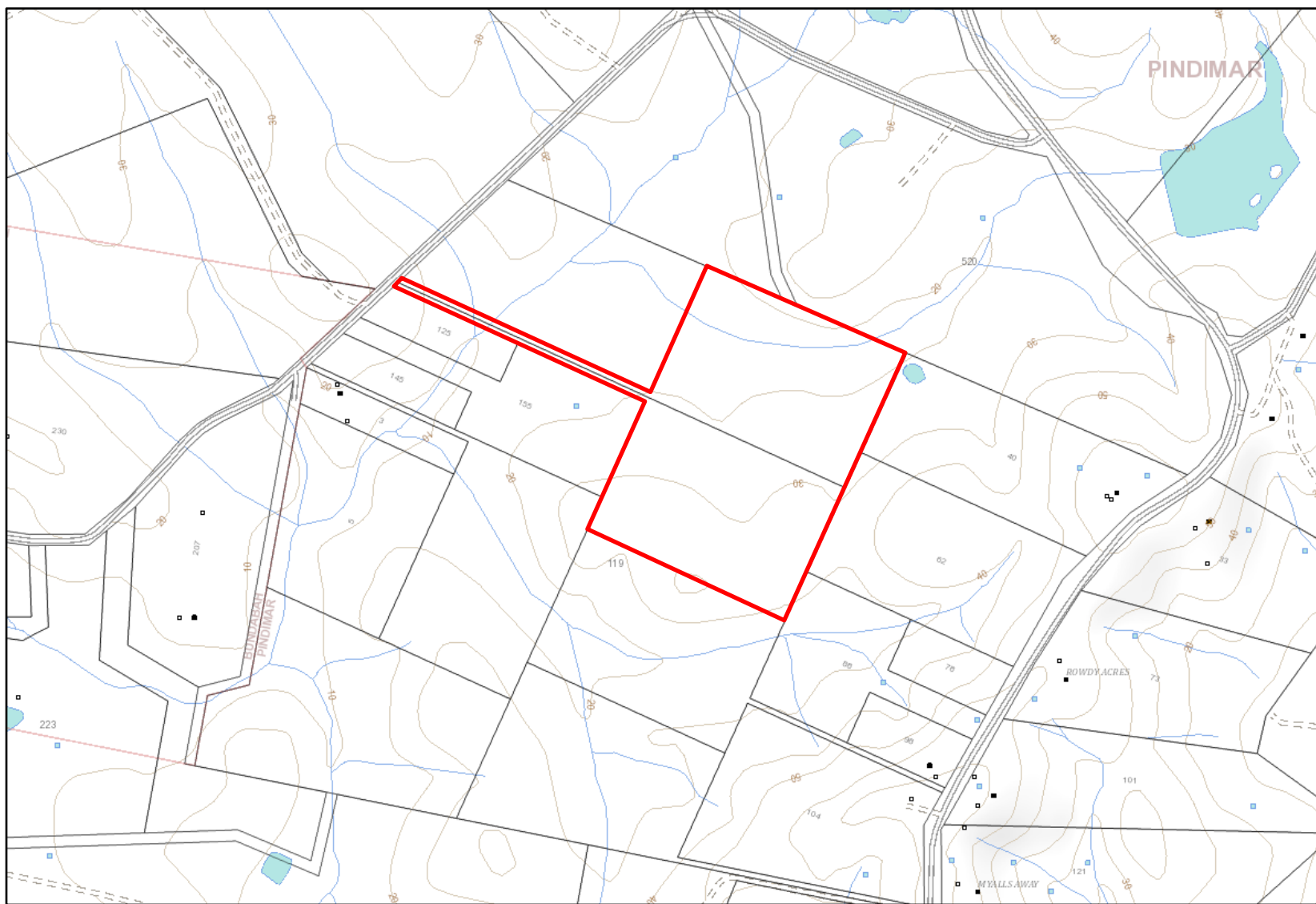


Figure 1: Locality Plan (NSW Planning Portal Spatial Viewer, 2024)



Figure 2: Satellite imagery of site (Nearmap, 2024)

1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is currently vacant, filled with large trees and other vegetation. Mid-Coast Council Development Application Tracker website does not identify any recent or historic approvals. No known compliance matters exist over the site which would pose issues for the proposed development.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain development consent for a watercourse crossing over a dry creek. The crossing will provide vehicular access direct from Bundabah Road. The characteristics of the development include:

- a. A proposed concrete watercourse crossing measuring 35m x 3m = 105m²
- b. Sediment Fences SD 6-8 to the North Western and South Eastern sides of the watercourse crossing
- c. 3 x 900mm x 900mm box culverts
Note: Given there is potential for a shortage of 900mm x 900mm box culverts, the development may opt to utilise culverts with different length dimensions to make up the total 2.7m.
- d. The proposed culverts are to be installed within Channel 3 only as shown on the detail plan (Dwg No. 005) in **APPENDIX 2**. Channels 1 and 2 contain recently installed 600mm Reinforced Concrete Pipes (RCPs) with headwalls.

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

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 of the approvals listed within **Table 1** below.

Table 1 - Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	N/A
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	N/A
Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	N/A
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A
Roads Act 1993	s 138	N/A
Rural Fires Act 1997	s 100B	No – Whilst the subject site is identified as bushfire prone, vegetation category 1, the proposed involves a non-habitable concrete structure which is not being built within 10m of a habitable building.
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 89, 90, 91 	Yes – Given development will occur within 40m of the mapped watercourse, referral to the Natural Resource Access Regulator as integrated development is required as part of this application.

3.1.3 Hunter Water Act 1991 (HW Act)

The subject site is not located in a Drinking Water Catchment area. Consequently, a referral to HW is not required.

The private road and crossing will have minimal effect of water flow and quality.

3.1.4 Water Management Act 2000

Watercourse crossings are a controlled activity under the *Water Management Act 2000* (WM Act). The NSW Office of Water administers the WM Act and is required to assess the impact of any proposed controlled activity to ensure that no more than minimal harm will be done to waterfront land as a consequence of carrying out the controlled activity.

Waterfront land includes the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary. The proposed watercourse crossing is located over an identified waterway (although unnamed); therefore, a controlled activity approval is required from the Natural Resource Access Regulator in accordance with Section 90 of the WM Act.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

3.2.1 SEPP (Resilience and Hazards) 2021

This Chapter provides a State-wide planning approach to the remediation of contaminated land. Under Section 4.6 a consent authority must not consent to the carrying out of development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

Based on the results of the Site history review, site inspection and analytical results, the Site is considered to present a low to negligible risk of contamination.

3.2.2 SEPP (Biodiversity and Conservation) 2021

Chapter 3 – Koala Habitat Protection 2020

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 identifies the Mid-Coast Local Government Area as land to which the policy applies.

The development does not involve the removal of trees to facilitate the proposed works. As the site is not identified as containing biodiversity values and there is no proposed native tree removal, no adverse effects on the koala population are anticipated as a result of the proposed development.

3.2.3 SEPP (Transport and Infrastructure) 2021

Chapter 2 – Infrastructure

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

Division 12A, Subdivision 2 Development adjacent to pipeline corridors

Section 2.76 – Determination of development applications

The proposed development is not in the vicinity of a 'licensed' pipeline corridor as defined under Section 2.76 (2). Accordingly, the proposed development does not trigger referral to any pipeline operator pursuant to Section 2.76.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

The following parts of the Great lakes (LEP) 2014 apply to the proposed development:

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

The site is zoned RU2: Rural Landscape under the Great Lakes LEP 2014.

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

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.*
- *To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

The development of roads is permissible in RU2 zoning. The following definition is provided within the *Great Lakes LEP 2014*.

- **Road** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

The following definition is provided within the *Roads Act 1993*:

- **Private Road** includes any road that is not a public road.

In assessing this development against the objectives of the RU2 zone, the proposed private watercourse crossing will ensure safe vehicle access can be afforded to the site. This will increase the potential for future development of the land for a range of compatible land uses such as extensive agriculture and tourist and visitor accommodation.

The proposed watercourse crossing does not alter the rural landscape character of the land or adversely impact the value of the land, rather it will only provide safe vehicle access to the lot.

The private road will provide an essential resource to the primary production land while blending into the scenery.

- **Clause 4.1 – Minimum Lot Size**

The objective of this clause applicable to the proposed development is to ensure that lot sizes are able to accommodate development that is suitable for its purpose and that it is consistent with the relevant development controls. The size of any lot resulting from the subdivision of land to which this clause applies is not to be less than the minimum size shown on the lot size map in relation to that land.

The minimum lot size in relation to the subject site is 40ha, no subdivision of land is requested through this DA.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (30 January 2024) 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.

Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. In this regard, no further assessment against the requirements of clause 5.10 is required.

- **Clause 7.7 – Riparian lands and watercourses**

The objectives of the riparian land and watercourses is to protect and maintain the following;

- a. water quality within watercourses*
- b. the stability of the bed and banks of watercourses,*
- c. aquatic and riparian habitats*
- d. ecological processes within watercourses and riparian areas.*

The crossing will be built over waterway described as a 'wet soak' (due to the minimal amount of water flow) on the subject site. As stated in the *Waterway Assessment Ecological Letter* included as **APPENDIX 5**, "*the waterway acts more commonly as a wet soak due to the very minimal flow of water which is reflective of the small gradient*

across the area. A larger number of water flow paths are evident on site and are dependent on rainfall events and flow sizes.”

The crossing has been engineered to protect the water quality of the watercourse by using concrete which will avoid issues such as steel breaking down or other material such as paint or coating polluting the watercourse. Fill consisting of local material will be used to retain the culverts proposed to be installed beneath the crossing. After construction, the cultivation of Lomandra species in riparian zones is encouraged to promote growth in these zones.

The watercourse crossing has been engineered so that it will have the minimum impact on the bed or banks of the watercourse.

The proposal includes the installation of 3 x 900mm x 900mm concrete culverts to allow the river to freely flow through while causing minimal impact on the riparian habitats, or ecological processes with the watercourse or riparian areas.

- **Clause 7.2 – Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The application proposes earthworks on the site to establish the crossing and associated pipes. However, earthworks are minor in nature and are not anticipated to result in any negative impacts on the subject or adjoining land, or any public place. These works will involve the removal of rock currently located on site and filling around the proposed pipes with local material.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Great Lakes DCP 2013 is provided in the Table of Compliance provided at **APPENDIX 1**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

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 proposed development will reinforce accessibility of the subject site and establish consistency with the nature and characteristics of the locality. The application includes relevant plans providing detail of the proposed development, and a Waterway Assessment Ecological Letter addresses the potential impacts of the development on the watercourse on site. The proposed crossing provides a logical connection to the road network and safe vehicular access to the site. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Access will be attained from Bundabah Road. No adverse traffic or transport impacts are associated with the proposed development given its consistency with the existing rural landscape.

4.1.3 PUBLIC DOMAIN

The development will not have an impact on any public domain. The development contributions derived from this development in providing infrastructure and public domain improvements in accordance with Council's Infrastructure Contribution Plan.

4.1.4 SERVICES

The subject site is serviced with electricity and telecommunication infrastructure (see **APPENDIX 7**) which is available for extension into the site for future development. Given the nature of the proposed development however, the services available to the site are inconsequential to the assessment of the Development Application.

4.1.5 NOISE AND VIBRATION

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

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

As aforementioned, an ecological assessment was prepared for the submission of this Development Application, see **APPENDIX 5**.

The ecology report summarises that the site should be subject to a minimal change in topography and erosion is not expected to occur upon completion of the waterway crossing.

Local material is to be used to used as fill surrounding the pipe.

After construction, the cultivation of *Lomandra* species in riparian zones is encouraged to promote growth in these zones.

The proposed development is not anticipated to impact on the ecology of the area.

4.2.2 LANDSCAPING

A detailed landscaping is not included in this DA given the nature of the proposed development. However, as detailed above, the cultivation of Lomandra (most commonly known as mat rushes) is recommended to promote the presence of riparian vegetation.

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (30th January 2024) 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.

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

4.2.3 STORMWATER

The proposed development includes the provision of 3 box culverts which will allow stormwater to flow beneath the crossing without pooling. No adverse impacts on stormwater flows are anticipated to result from the proposed development.

4.3 SOCIAL AND ECONOMIC

Social

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day to day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities).

The proposed development provides vehicle access to the site which will minimize fragmentation, allowing for more consistent site access. The proposal will allow for improved functionality of the site and the potential for future development.

The proposed development is not out of character with the existing Rural landscape context, will not involve an increased risk to public safety and will not threaten the existing Rural amenity and scenic landscape values, rather will contribute to the increase of these aspects in the locality.

Economic

Although minor in scale, the construction of the proposed development will provide employment opportunities in the locality and support the local building and development industries.

There are no anticipated adverse economic impacts as a result of the proposed development.

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety, security or crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site.

5 SUITABILITY OF THE SITE

The subject site requires a crossing to provide direct access from Bundabah Road to the property. No hardstand watercourse crossing is currently situated on the subject site. Furthermore, and as outlined above, the proposed crossing will have minimal impacts on the natural and built environments. Therefore, the site is considered suitable for the proposed 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 proposal represents the interest of the owner and the wider community to have access to the property so the land which is zoned Rural Landscape can be used to its full potential. The proposal is not anticipated to have any significant adverse impacts to surrounding properties or the amenity of the locality.

8 CONCLUSION

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

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

- The proposed watercourse crossing is permissible under the RU2 zoning.
- No adverse impact on the existing character or amenity of the area will result.
- The property currently does not have complete vehicle access to their property from Bundabah Road. This development would enable transport to the property so that it can be used to its full potential.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter.

If we can provide any further information or clarity, please don't hesitate to contact us.



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