

STATEMENT OF ENVIRONMENTAL EFFECTS



SITE: Lot 3 DP 26033
32 Garfield Avenue
Goulburn

PROPOSED DEVELOPMENT: Construction of a secondary dwelling



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INTRODUCTION

This Statement of Environmental Effects is submitted to Goulburn Mulwaree Council in accordance with the Environmental Planning and Assessment Act 1979, in support of a development application for the construction of a secondary dwelling. This report is based on plans prepared by Straightline Studio Co. Drawing no. SS24.142.4, Issue C, dated 23.09.2024.

The proposed works include:

- Construction of a secondary dwelling consisting of one (1) bedroom, kitchen, dining and living room.

The subject site is located south of Garfield Avenue and is generally rectangular in shape. The allotment has a frontage of 15.24m, an average depth of 46.685m and total site area of 708.2m². The lot currently contains a single storey dwelling that is to be wholly retained as part of the proposed development. The subject site contains a "proposed easement" that traverses the rear of the lot as detailed on the survey .

All necessary services are available on the site. The site has a moderate fall to the street frontage, with drainage to be directed to the existing approved system in accordance with the concept drainage plan.

The neighbourhood generally consists of a mix of one and two storey dwellings as anticipated within an established residential area.

The following sections of this statement address the likely impact of the proposal.



LEGISLATIVE REQUIREMENTS

The following sections address the matters for consideration as listed in Part 4 Section 4.15 of the Environmental Planning & Assessment Act 1979. A comment is provided against each relevant matter.

(a)(i) Relevant environmental planning instruments

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 – Standards for Residential Development - BASIX

State Environmental Planning Policy (Sustainable Buildings) 2022 requires all residential development in New South Wales to achieve a minimum target for energy efficiency, water efficiency and thermal comfort. The proposed development has been assessed in accordance with the relevant provisions of the Sustainable Buildings SEPP. It is demonstrated on the BASIX Certificate submitted with this application that the proposal achieves the required rating for energy efficiency, water efficiency and thermal comfort.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless—*
- (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The subject site is within an existing area historically utilised for residential purposes. No previous land uses are known to have occurred on the site that would result in potential land contamination. No further assessment is considered necessary in this instance.



State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Development controls

Division 15 Railways

Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors

Clause 2.98 Development adjacent to rail corridors

- (1) *This section applies to development on land that is in or adjacent to a rail corridor, if the development—*
- (a) is likely to have an adverse effect on rail safety, or*
 - (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - (c) involves the use of a crane in air space above any rail corridor, or*
 - (d) is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

The subject site is not located within proximity to a railway corridor, and does not have a common boundary with a railway corridor. No further assessment is anticipated in this regard.

Division 17 Roads & Traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

Clause 2.119 Development with frontage to classified road

- (1) *The objectives of this section are—*
- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
 - (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*
- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*
- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
 - (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*



- (i) the design of the vehicular access to the land, or*
- (ii) the emission of smoke or dust from the development, or*
- (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The subject site is not located within proximity to a classified road, and does not have a frontage or common boundary with the classified roadway. No further assessment is anticipated in this regard.

State Environmental Planning Policy (Housing) 2021

PART 1 SECONDARY DWELLINGS

Division 1 Preliminary

49 Definition

In this Part—

development for the purposes of a secondary dwelling *includes the following—*

- (a) the erection of, or alterations or additions to—*
 - (i) a secondary dwelling, or*
 - (ii) an ancillary structure within the meaning of Schedule 2,*
- (b) alterations or additions to a principal dwelling for the purposes of a secondary dwelling.*

residential zone *means the following land use zones or an equivalent land use zone—*

- (a) Zone R1 General Residential,*
- (b) Zone R2 Low Density Residential,*
- (c) Zone R3 Medium Density Residential,*
- (d) Zone R4 High Density Residential,*
- (e) Zone R5 Large Lot Residential.*



Note.

The standard instrument defines secondary dwelling as follows:

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and*
- (b) is on the same lot of land (not being an individual lot in a strata plan or community title scheme) as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling.*

The proposed development relates to a secondary dwelling which will be established in conjunction with, however separated from, the existing principal dwelling on the same lot of land.

50 Application of Part

This Part applies to development for the purposes of a secondary dwelling on land in a residential zone if development for the purposes of a dwelling house is permissible on the land under another environmental planning instrument.

The subject site is within Zone R1 General Residential via Goulburn Mulwaree LEP 2009. The subject zone identifies dwelling houses as "permitted with consent" from Council therefore a secondary dwelling is deemed to be permitted with consent via a Development Application.

51 No Subdivision

Development consent must not be granted for the subdivision of a lot on which development has been carried out under this Part.

Subdivision does not form part of the proposed development.

Division 2 Secondary Dwellings permitted with Consent

52 Development may be carried out with consent

- (1) Development to which this Part applies may be carried out with consent.*

Development consent is sought from Council via the subject Development Application.



(2) Development consent must not be granted for development to which this Part applies unless—

(a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and

The development will result in one (1) principal dwelling and one (1) secondary dwelling only.

(b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and

The subject site is not identified on the floor space ratio map and therefore is compliant with this requirement.

(c) the total floor area of the secondary dwelling is—

(i) no more than 60m², or

(ii) if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.

Clause 5.4 (9) of Goulburn Mulwaree LEP 2009 allows secondary dwellings to have a total floor area:

“the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

(a) 60 square metres,

(b) 80% of the total floor area of the principal dwelling.”

The proposed development complies with the requirement identified as (b) as details on the accompanying architectural plans and outlined below.

53 Non-discretionary development standards—the Act, s 4.15

(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of a secondary dwelling that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.



- (2) *The following are non-discretionary development standards in relation to the carrying out of development to which this Part applies—*
- (a) *for a detached secondary dwelling—a minimum site area of 450m²,*

The site area of 708.2m² meets this requirement.

- (b) *the number of parking spaces provided on the site is the same as the number of parking spaces provided on the site immediately before the development is carried out.*

The proposed development will not result in any changes to the existing number of parking spaces on the subject site.

* * *

It is considered that the proposal meets the provisions of *State Environmental Planning Policy (Housing) 2021* with regard to secondary dwellings and is therefore permitted within the Zone.

Goulburn Mulwaree Local Environmental Plan 2009

The LEP is divided into several Parts and the relevant provisions that apply to the subject development are listed, together with a comment with respect to compliance.

Part 1 Preliminary

Clause 1.9A Suspension of covenants, agreements and instruments

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*
- (2) *This clause does not apply—*
- (a) *to a covenant imposed by the Council or that the Council requires to be imposed, or*



- (b) to any relevant instrument within the meaning of section 13.4 of the Crown Land Management Act 2016, or*
- (c) to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or*
- (d) to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or*
- (e) to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or*
- (f) to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995.*

- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.*
- (4) Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).*

The proposed drainage easement is identified on the DP plan "*to be created in favour of the Council*" and therefore Council has the authority to suspend, modify or vary the easement. It is requested that Council suspend the easement to allow the siting of the proposed secondary dwelling partially within the easement area. It is also noted that the neighbouring properties to the east of the subject site both contain structures within the location of the easement and that Council have set a precedence for suspending the easement by allowing this development to occur.

Part 2 Permitted and prohibited development

Clause 2.2 Zoning of land to which this plan applies

The subject site is zoned *R1 General Residential* pursuant to Clause 2.1 of Goulburn Mulwaree Local Environmental Plan (GMLEP) 2009.

The proposed development is defined in the policy as a "*secondary dwelling*" being "*a self-contained dwelling that –*

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling."*



Clause 2.3 Zone objectives and land use table

The objectives of the R1 General Residential Zone

- *To provide for the housing needs of the community*
- *To provide for a variety of housing types and densities*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *To maintain the economic strength of commercial centres by limiting the retailing of food and clothing.*

The proposed development can satisfy the objectives of the zone as it complements the existing residential setting. Residential amenity can be maintained by the proposed development as the site is within an existing residential area intended for this form of development.

The proposed development is compatible with the existing and future character of the locality. The development is designed to provide a high level of amenity for adjoining residents whilst considering the natural constraints of the site.

The siting of the secondary dwelling is in the most appropriate location, which minimises disturbance and follows a similar development density evident throughout the area.

The proposed secondary dwelling is considered to meet the objectives of the R1 Zone.

Part 4 Principal development standards

Clause 4.3 Height of Buildings

The subject site is not mapped on the Height of Buildings Maps.

Clause 4.4 Floor Space Ratio

The subject site is not identified on the FSR mapping.



Clause 4.6 Exceptions to development standards

The proposed development does not contravene the development standards of the LEP.

Part 5 Miscellaneous provisions

Clause 5.4 Controls relating to miscellaneous permissible uses

*(9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

- (a) 60 square metres,*
- (b) 80% of the total floor area of the principal dwelling*

The secondary dwelling provides a total floor area of 60m² complying with this control.

Clause 5.10 Heritage Conservation

Upon reference to Schedule 5 in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as having heritage significance or located within proximity of heritage items.

Clause 5.11 Bush fire hazard reduction

The subject site is not known to be identified as bushfire prone land on Council's maps.

Clause 2.21 Flood planning

The subject site is not known to be located within a flood planning area.



Part 7 Additional local provisions

Clause 7.1A Earthworks

Minor ground disturbance is required to provide a level platform to site the building footprint. The extent of earthworks is not considered excessive for the site as the dwelling incorporates equal amounts of cut and fill along with deepened edge beams to reduce site disturbance outside of the dwelling footprint. All earthworks can be suitably battered and/or retained to ensure structural adequacy and minimal impact on the adjoining properties.

* * *

Conclusion with regards to the LEP

The proposal is considered to satisfy the objectives of all the relevant development standards relating to secondary dwellings as contained within GMLEP 2009.

(a)(ii) Relevant draft environmental planning instruments

There are no known draft environmental planning instruments that would prevent the subject development from proceeding.

(a)(iii) Relevant development control plans

Goulburn Mulwaree Development Control Plan 2009

Part 2 Plan Objectives

The subject site is located within Goulburn however the subject site is not located within any of the mapped Goulburn Locality Precincts.



Part 3 General Development Controls

Part 3.1 – Indigenous Heritage and Archaeology

Lot not known to contain any items of Aboriginal Heritage significance.

Part 3.3 – General Heritage Item and Conservation Area Controls

Upon reference to Schedule 5 of the GMLEP in relation to local, State or Regional items of heritage significance including conservation areas, it was revealed that the subject property was not identified as a heritage item or located within a heritage conservation area.

3.5 – Landscaping

Vegetation removal will be minimised as much as practical for the proposed development in order to maintain the landscape character of the area.

3.6 – Vehicular access and parking

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
Dwelling house – 1 space per dwelling	No proposed change to existing parking.	Yes

3.7 – Crime prevention through environmental design

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
3.7.1 Lighting	Appropriate lighting within the design to ensure safe access and egress to the development. No entrapment areas created by the proposed development. Appropriate lighting proposed to define the development without light spill to neighbouring dwellings.	Yes
3.7.2 Fencing	Suitable boundary fences proposed in accordance with the Dividing Fences	Yes



	Act. No front fencing proposed as part of the development.	
3.7.3 Car parking	N/A – no proposed change to existing car parking on site	N/A
3.7.4 Entrapment spots & blind corners	No entrapment areas created by the proposed secondary dwelling.	Yes
3.7.5 Landscaping	Suitable landscaping to be provided to soften the development from the streetscape without reducing safety and security of the development.	Yes
3.7.8 Entrances	Proposed secondary dwelling is provided with a clearly visible entrance and the existing principal dwelling will continue to be clearly visible from the street scene.	Yes

3.8 – Flood affected lands

The subject site is not known to be located within a flood affected area or a flood planning area.

3.9 – Tree and vegetation preservation

The proposed development includes the removal of one (1) tree. Additional planting can be provided upon completion of the construction phase.

3.12 – Groundwater

Minimal impact on groundwater resources is anticipated from the proposal due to the extent of development and earthworks required to site the proposed single storey dwelling.

3.17 – Bushfire risk management

The subject site is not identified as bushfire prone land on Council's maps.



Part 4 Principal Development Controls – Urban

4.1 Residential Development

<i>Requirement</i>	<i>Provision</i>	<i>Compliance</i>
<u>4.1.1 Site Planning, bulk, scale and density</u> Ensure the site layout integrates with the surrounding environment through: <ul style="list-style-type: none"> - adequate pedestrian, cycle and vehicle links to street and open space networks; - buildings facing streets and public open spaces; - building, streetscape and landscape design relating to the site topography and the surrounding neighbourhood character. 	<p>The proposed development has given consideration to the existing pedestrian, cycle and vehicle links between the allotment and surrounding public areas. The proposed development is within walking and driving distance from public amenities and essential services.</p> <p>The proposed dwelling is orientated to the street frontage and provides clear definition between private and public spaces.</p> <p>The proposed development suitably addresses the streetscape through appropriate design that appropriate architectural styling and minimising earthworks on the allotment.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<u>4.1.2 Sheds and other ancillary structures</u>	N/A – no ancillary structures proposed as part of the subject application.	N/A
<u>4.1.3 Rain gardens</u>	Suitable area available forward of the proposed dwelling to provide a rain garden as demonstrated on the plans accompanying this DA. A condition of consent is anticipated to be included in any consent issued for the proposed development	For Council's consideration.



<p><u>4.1.4 Cut and Fill</u> Max. cut / fill – 600mm Any cut / fill >600mm to be assessed with regard to visual impact.</p> <p>All cut and fill to be setback from the boundaries to allow retaining walls to be located wholly within the property boundary.</p>	<p>Max. 125mm cut and fill proposed due to the level nature of the allotment.</p> <p>Suitable setback provided to allow for retaining walls and boundary fences to be sited in accordance with Council's requirements.</p>	<p>Yes</p> <p>Yes</p>
<p><u>4.1.5 Dwelling Design</u></p>	<p>The proposed development is for a single dwelling of architectural styling that differs from the established streetscape.</p>	<p>Yes</p>
<p><u>4.1.6 Number of storeys</u> Max. 2 storeys</p>	<p>Single storey design proposed.</p>	<p>Yes</p>
<p><u>4.1.7 Solar access</u> At least 50% of POS and living spaces of the proposed and adjoining developments to have 3hrs of sunlight between 9am and 3pm on 21 June.</p>	<p>North to the front corner of the subject site and single storey nature of the development minimises overshadowing. Due to the reasonable orientation of the allotment the proposed and adjoining development are able to received >3hrs solar access per day.</p>	<p>Yes</p>
<p><u>4.1.8 Privacy</u></p>	<p>Windows within the proposed development are provided with suitable separation and are offset to minimise privacy intrusion between developments.</p> <p>Bathroom windows are to be provided with obscured glazing as required by Council's controls.</p>	<p>Yes</p>
<p><u>4.1.9 Private Open Space</u> POS to be provided within northern orientation where possible with direct</p>	<p>POS is directly accessible from living areas of the proposed dwelling and provided with northern orientation.</p>	<p>Yes</p>



access from living areas of the dwelling. Min. 75m ² per dwelling with min 6m x 4m dimensions	Suitable outcome achieved for the orientation of the allotment and movement of sun throughout the day. >75m ² retained for existing principal dwelling and provided for proposed secondary dwelling with minimum dimensions within the rear yard of the development.	Yes
<u>4.1.10 Setbacks</u> Rear – 6m Side – 1m Front – 4.5 or consistent with the streetscape Garage – 1m behind the front setback Secondary street – 3.0m	Min. 10.1m Min. 1.5m No proposed change to existing front setback N/A N/A	Yes Yes Yes N/A N/A
<u>4.1.11 Views</u>	The proposed development has given consideration to the any views and vistas available through the allotment. Suitable setbacks and height provided to the development to allow for view sharing where necessary.	Yes
<u>4.1.12 Traffic safety and management</u> <u>Car parking and driveways</u>	No proposed change to existing hard standing parking and driveway	N/A
<u>4.1.13 Site facilities</u>	Suitable areas remain available for garbage bins, mailbox and clothes line	Yes
<u>4.1.14 Energy Efficient siting and layout</u>	Suitable design provided to allow for energy efficient dwelling design. BASIX certificate provided for the proposed development.	Yes
<u>4.1.15 External window shading and internal and external lighting</u>	The placement of windows within the proposed development has given consideration to the orientation of each façade to ensure that heat transfer is minimised as much as possible for the	Yes



	development. Shading devices in the form of eaves, porches and alfresco have been included within the design. Natural light is available within the dwelling to ensure lighting systems are used to supplement daylight.	
<u>4.1.16 Insulation</u>	Suitable insulation to be provided within the dwelling in accordance with the requirements of the BASIX certificate.	Yes
<u>4.1.17 Space heating and cooling</u>	Appropriate thermal comfort devices available to the proposed development.	Yes

Conclusion with respect to DCP requirements

The proposal is considered to satisfy the objectives of Council's controls relating to dwellings within the Goulburn Mulwaree DCP. It is therefore anticipated that following a merit assessment of the proposal, a favourable outcome will be reached.

(iii) Relevant planning agreement, or draft planning agreements

There are no known planning agreements that would prevent the proposed development from proceeding.

(b) Likely impacts of the development, including environmental impacts on both the natural and built environment of the locality

The following matters are understood to be relevant when considering on site impacts.



Siting and Design

The proposed secondary dwelling will be compatible in terms of height, bulk and scale with surrounding developments within the area.

The siting of the dwelling provides generous boundary setbacks, contributing to spatial separation and openness between dwellings. The articulated design will limit the impact on the adjacent properties in terms of bulk, privacy and overshadowing and will not dominate any perceived views enjoyed by others.

The front façade is appropriately articulated and contains a variety of roof forms and elements along with a central entry feature. In this way, the proposal provides a clear definition of the entry and provides varied shadow lines due to the different construction elements and finishes.

Sedimentation Control

Due to the topography of the site, excavation will be required for the construction of a level building platform, as shown on the development plans. All disturbed areas will be provided with sedimentation controls in accordance with Council's policy with compliance required as a condition of consent.

Waste Minimisation

All waste will be deposited within the waste receptacle in accordance with the waste management plan attached to this application.

Noise and Vibration

All work will be undertaken during hours specified within the development consent. No vibration damage is envisaged to occur during construction.

(c) The suitability of the site for the development

The subject site is within an established residential area within reasonable driving distance to local commercial, retail and transport facilities. The existing road network provides easy access to all locations.



The proposed secondary dwelling, the subject of the application, can be constructed with all services necessary and have been designed to suit site constraints and the character of the surrounding residential setting.

The proposed works are permissible with development consent under the provisions of Goulburn Mulwaree Local Environmental Plan 2009, and generally satisfies the objectives of the Goulburn Mulwaree Development Control Plan 2009 as discussed above.

(d) Any submissions made in accordance with this Act or the regulations

Council will consider any submissions received during the relevant notification period for this development application.

(e) Public interest

As the proposal can satisfy the objectives of all relevant planning instruments and development control plan, approval of the subject dwelling is considered to be in the public interest.



CONCLUSION

The proposed development has been considered in respect of the relevant Environmental Planning Instruments and is deemed to be satisfactory with respect to those requirements taking into consideration the overall merits of the design presented.

The residential use of the site is permissible with development consent under the provisions of Goulburn Mulwaree Local Environmental Plan 2009, and can satisfy the objectives of the relevant development control plan for the area.

It is considered that the construction of a secondary dwelling will complement and blend with the existing and likely future character of Goulburn. The proposal is not expected to have an adverse impact on the surrounding natural or built environment.

The appropriateness of the development has been evident within this statement and within the supporting documentation submitted to Council. The proposed secondary dwelling appropriately identifies and relates to the sites use as a residential development.

Having considered the requirements of all environmental planning instruments and DCP's the proposed landuse activity is considered acceptable and maintains the integrity of the existing locality. There are no potential adverse impacts from the development having considered the relevant heads of consideration under S4.15 of the E P and A Act 1979.

Given the relevant planning policies, codes and requirements of the EP & A Act 1979 have been duly satisfied the proposed development is on balance worthy of approval.

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10 October 2024