

STATEMENT OF ENVIRONMENTAL EFFECTS

CONSTRUCTION OF TOURIST AND VISITOR ACCOMMODATION (1 CABIN)

**438 BINGLEBURRA ROAD, SUGARLOAF NSW 2420
LOT 102 DP1295450**



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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Melinda Mak & Paul Bradbury (the client) to prepare a Statement of Environmental Effects (SEE) for tourist and visitor accommodation (the development) at 438 Bingleburra Road, Sugarloaf NSW 2420 (Lot 102 DP1295450 and Lot 1 DP652520) (the site).

The site is located within Sugarloaf, in the Dungog local government area. The site is currently comprised of 2 lots, with no dwelling on the site. The works will primarily relate to land known as Lot 102 DP1295450.

Development consent is specifically sought for the erection of a tourist and visitor accommodation facility (one tourist cabin), with associated works.

The key reasons why the proposed development should be considered acceptable include:

- The proposal is permitted with consent in the land use zone and is consistent with relevant zone objectives.
- The proposal complies with the specific design requirements for tourist accommodation, where applicable.
- The proposal will result in no negative social and economic impacts.
- There are no significant issues or impacts arising from the proposal.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. These issues have been addressed throughout the SEE to ensure potential environmental issues have been suitably managed or mitigated where possible to allow the proposed development to be approved by the Consent Authority.

TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
FFL	Finished Floor Level
DA	Development Application
DCP	Development Control Plan
LEP	Local Environmental Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by	Reference
1	DCP Compliance Assessment	Perception Planning	Ref: J004725 Dated: 23/04/2025
2	Architectural Plans	Studio Find Architects	Ref: 0126 Dated: 26/11/2024
3	Footing Design Plan	Northrop	Ref: ST243251 Dated: 01/04/2025
4	Bushfire Assessment Report	Newcastle Bushfire Consulting	Ref: N/A Dated: 31/03/2025
5	Onsite Wastewater Study	GSL Environmental	Ref: 154024 Dated: 17/01/2025
6	Waste Management Plan	Perception Planning	Ref: J004725 Dated: 16/04/2025
7	Partial Detail Survey	Delfs Lascelles	Ref: 22752 Dated: 17/01/2025
8	AHIMS Search Results	NSW Environment and Heritage	Ref: J004275 Dated: 10/01/2025
9	Hunter Water Stamped Plans	Hunter Water Corporation	Ref: 155365 Dated: 14/04/2025
10	Estimated Development Cost Report	Perception Planning	Ref: J004725 Dated: 16/04/2025

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1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Melinda Mak & Paul Bradbury (the client) to prepare a Statement of Environmental Effects (SEE) for tourist and visitor accommodation (the development) at 438 Bingleburra Road, Sugarloaf NSW 2420 (Lot 102 DP1295450 and Lot 1 DP652520) (the site).

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

The site is located within Sugarloaf, of the Dungog LGA. The site is zoned RU1 Primary Production, under the Dungog Local Environmental Plan (LEP) 2014, and the proposal is permitted with consent of the Council.

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.

1.1 PURPOSE OF THE STATEMENT

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

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

The objectives of this SEE area as follows:

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

1.2 SITE DETAILS

Property Address	438 Bingleburra Road, Sugarloaf NSW 2420
Lot and DP	Lot 102 DP1295450 (development site)
Local Government Area	Dungog Shire Council
Current Use	No current structures on site.
Zoning	RU1 Primary Production
Size	91.2ha (per Detail Survey provided at APPENDIX 8)
Site Constraints	<ul style="list-style-type: none">• Bushfire Prone Land – Vegetation Category 1, 2 & Vegetation Buffer• Biodiversity Values – Mapped Land• Minimum Lot Size – 60ha• Drinking Water Catchment – Williams River Special Area• Riparian Lands and Watercourses – Mapped Land
Owner	Owner's consent has been provided on the Application Form for the DA.
DP and 88B Instrument	The site does not have any restrictions preventing the proposed development from occurring on the Title or 88B Instrument.

1.3 SITE DESCRIPTION

The site particulars are detailed in the table above with the site constraints reviewed against State legislation and the Dungog Local Environmental Plan (LEP) 2014. The site is located within Sugarloaf, of the Dungog LGA. The site consists of two lots, being Lot 1 DP652520 and Lot 102 DP1295450. For the purposes of this application, 'the site' will refer to Lot 102 DP1295450, as that is the lot in which the proposed development will reside. There are currently no built structures on the site.

The site is largely clear of vegetation, owing to previous and current agricultural uses. There are parts of the site that contain remnant vegetation, in particular around valleys. Many of these areas are mapped on the Biodiversity Values Map. Further, a watercourse on the north-eastern part of the site (which drains into Sugarloaf Creek), is mapped on the Riparian Lands and Watercourses Map. There are numerous unidentified watercourses on the site.

The surrounding area can generally be classified as rural, with agriculture or vacant lands representing dominant land uses. The surrounding landscape is varied, with rolling hills and valleys with dense vegetation, as shown overleaf at **FIGURE 1**.

The site is connected to electricity. The site does not have access to reticulated sewage or water.

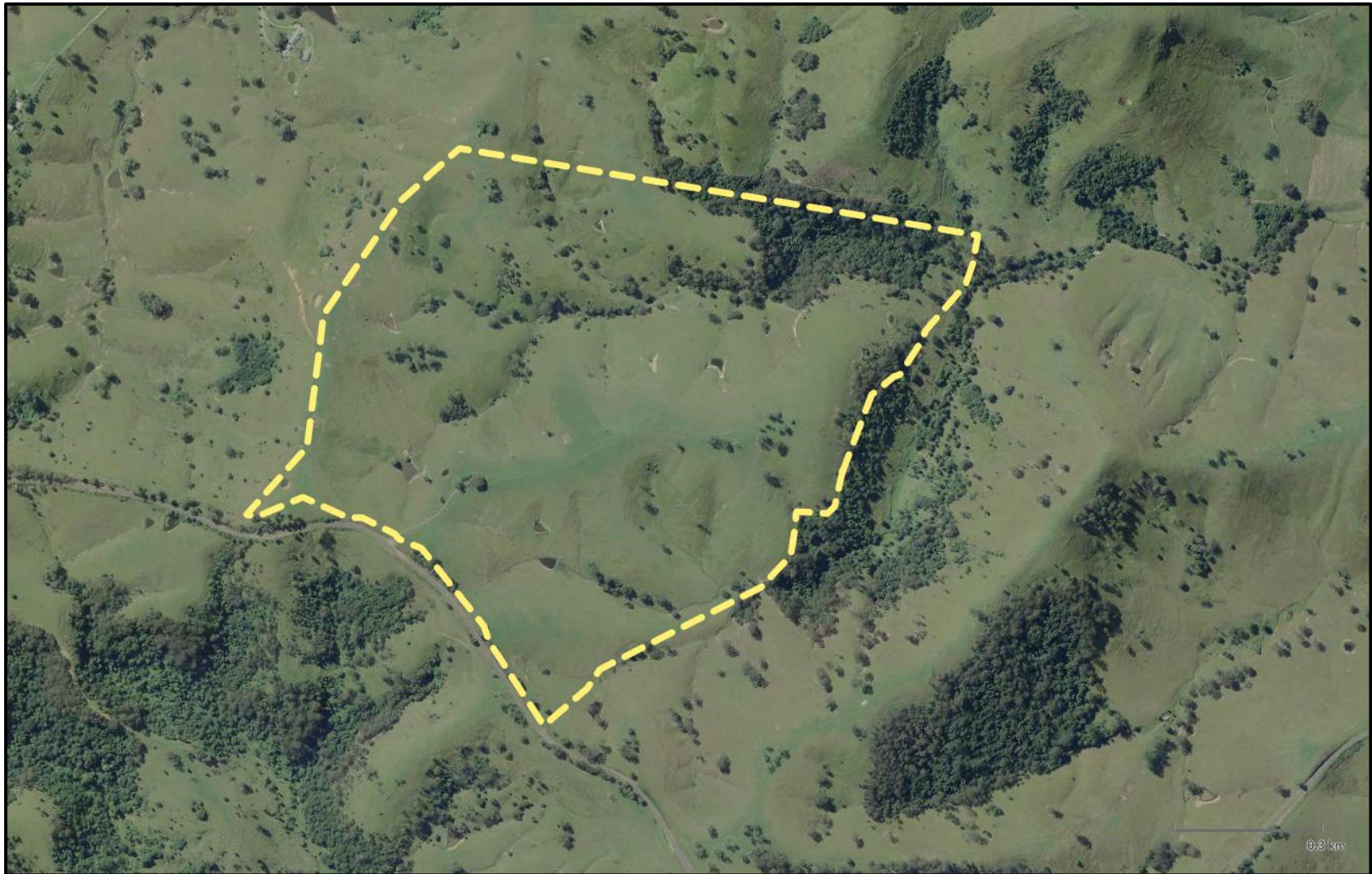


Figure 1: Locality Plan, site outlined in red (source: NSW Planning Portal Spatial Viewer, 2024)

1.4 CURRENT USE AND SITE HISTORY

A review of the Dungog online DA tracker identifies the following applications for the site, provided below in **TABLE 1**.

Table 1: Recent Approvals

DA Reference	Description of Development	Approval Date
2/2022	Shed	28/10/2022
79/2022	Two Lot Subdivision	11/11/2022
79/2022/2	Torrens Title Subdivision of Land	18/04/2023
79/2022/3	2 Lot Subdivision (s4.55 modification to approved lot layout including variation to minimum lot size)	Withdrawn
12/2024	Subdivision Certificate	02/09/2024

2.0 THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

Development consent is sought for the use of a prefabricated building as a standalone tourist and visitor accommodation (farm stay accommodation). Details are provided within the Architectural Plans at **APPENDIX 2**. The proposal has a GFA of 28m² and consists of a living area, bathroom and toilet, and an outdoor deck area. **FIGURE 2** provides an overview of the proposal. Note that as this a prefabricated structure, a separate Section 68 approval process will be carried out, and that this application relates to the use of the structure.

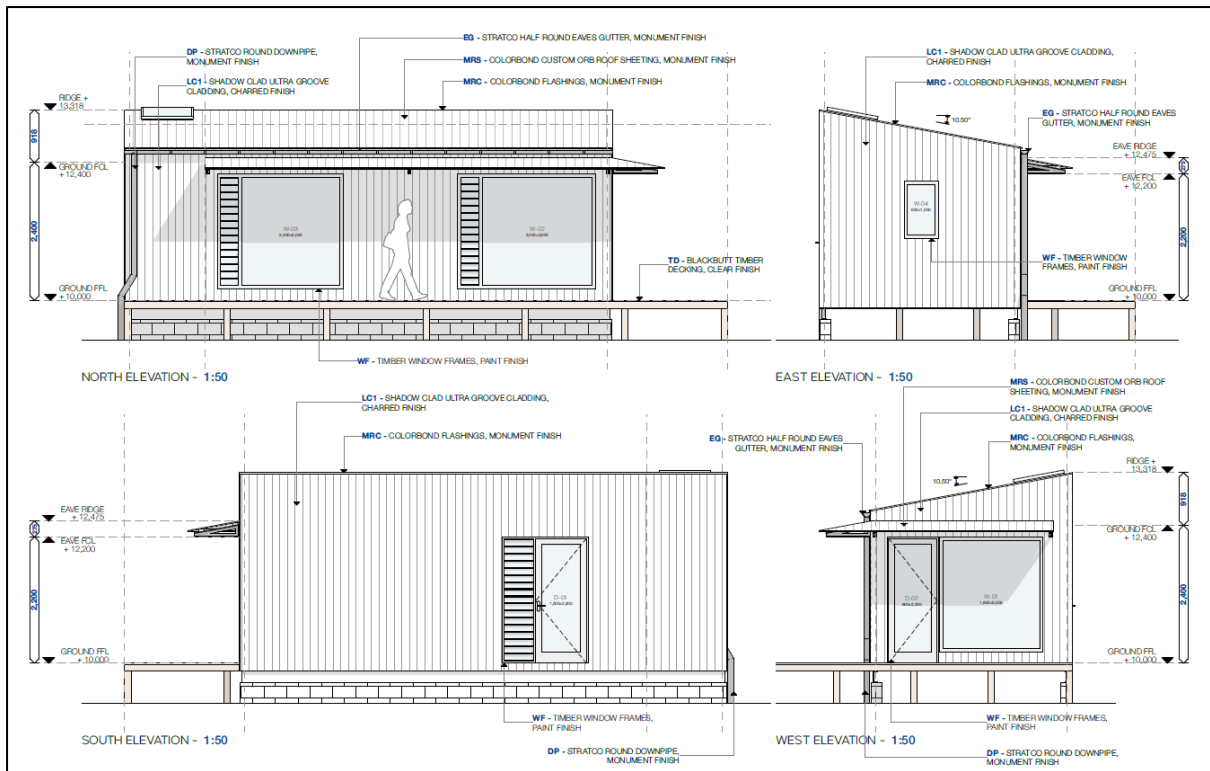


Figure 2: Elevations of proposed development (Source: Studio Find, 2024)

3.0 PLANNING FRAMEWORK

Section 4.15(1) of the EP&A Act outlines the matters for consideration when determining a Development Application. The following section will address the matters of consideration listed under Section (1)(a).

3.1 ACTS

All Acts have been reviewed, with the following considered relevant to the proposed development.

3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning & Assessment Act 1979* (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this Statement below.

- **Section 4.46 What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, for it to be carried out, requires development consent and one or more of the approvals listed within **TABLE 1** below. The proposed development is nominated as an integrated development at this stage.

Table 2: Integrated development

Integrated development	Section	Assessment
Fisheries Management Act 1994	s 144 s 201 s 205 s 219	N/A
Heritage Act 1977	s 58	N/A
Coal Mine Subsidence Compensation Act 2017	s 22	N/A
Mining Act 1992	s 63, 64	N/A
National Parks & Wildlife Act 1974	s 90	N/A – The AHIMS search conducted on 10 January 2025 (attached as APPENDIX 8) identified no Aboriginal sites or places within a 200m buffer of the site, thus referral to Heritage NSW, and /or issue of a permit is not required as part of the development.
Petroleum (Onshore) Act 1991	s 16	N/A

Protection of the Environment Operations Act 1997	ss 43(a), 47, 55 ss 43(b), 48, 55 ss 43(d), 55, 122	N/A
Roads Act 1993	s 138	N/A – no change to the existing driveway access is proposed.
Rural Fires Act 1997	s100B	Yes, the site is bushfire prone land and the proposal is for a tourist and visitor accommodation building. A Bushfire Assessment Report has been provided at APPENDIX 4 .
Water Management Act 2000	ss 89, 90, 91	N/A

3.1.2 HUNTER WATER ACT 1991

The subject site is not serviced by Hunter Water assets. Stamped plans from Hunter Water Corporation are provided at **APPENDIX 9**.

3.1.3 RURAL FIRES ACT 1997

As previously identified, the site is identified as Vegetation Categories 1, 2 and Vegetation Buffer for the purposes of bushfire prone land. As identified in **TABLE 1**, the proposed development requires referral to the NSW Rural Fire Service (NSW RFS) pursuant to s100B of the *Rural Fires Act 1997*.

The Bushfire Assessment Report at **APPENDIX 4** found that the proposed development is able to comply with *Planning for Bush Fire Protection 2019 (PBP 2019)* through acceptable solutions.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and are discussed in further detail below.

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*

3.2.1 RESILIENCE AND HAZARDS 2021

Chapter 4 – Remediation of Land

This Chapter applies to the whole of NSW to ensure land is fit for the intended purpose. The legalisation states a consent authority must not consent to the carrying out of development on land unless it has given consideration as to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development or alternatively determine that the land would be suitable once remediated.

The site is currently zoned for rural purposes. A review of the EPA Contaminated Sites Register has found that the site is not identified on this register.

3.2.2 TRANSPORT AND INFRASTRUCTURE 2021

Section 2.122 – Traffic Generating Development

In accordance with Section 2.122, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is not identified under Schedule 3 and therefore does not warrant referral to TfNSW. The increase of one tourist and visitor accommodation building is not considered to have a noticeable impact on Bingleburra Road.

3.2.3 SUSTAINABLE BUILDINGS 2022

It is noted that the proposed development is for a manufactured dwelling and is as such not considered a 'building' under the EP&A Act. Therefore, no BASIX Certificate is required. The relevant matters will be covered in a supporting Section 68 application.

3.3 LOCAL ENVIRONMENTAL PLAN

The Dungog Local Environmental Plan (LEP) 2014 is relevant to the site for the purposes of the proposed development and provides principal development standards to guide development within the Dungog LGA.

Permissibility

The site is zoned RU1 Primary Production under the provisions of LEP 2014. The proposed tourist and visitor accommodation building is permitted with consent in this zone. More specifically, the proposed development is characterised as 'farm stay accommodation, which is a child land use to 'tourist and visitor accommodation'. Farm stay accommodation is defined as

farm stay accommodation means a building or place—

(a) on a commercial farm, and

(b) ancillary to the farm, and

(c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

The proposed development is located on an existing commercial farm and is ancillary to this farm. Further, it will be used for temporary accommodation to paying guests of the farm. The farm stay accommodation will be self-contained and managed by the landowner. As such, the proposed development meets the specific land use requirements under 'serviced apartments'. Further it should be noted that 'farm stay accommodation' is not a prohibited land use under this zone.

Zone objectives

The land use table of LEP 2014 identifies the following objectives for the RU1 zone:

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

The first and second objectives are of limited relevance in this instance. Notwithstanding, the proposed development will not prevent future development on the site from achieving the first two objectives. The proposed development has a small footprint on the site, and there will be sufficient separation distances between current and future development on the site.

Regarding the third objective, the proposed development will not result in the fragmentation of land.

Regarding the fourth objective, the proposed development is not likely to introduce any land use conflicts as it is a substantial distance from conflicting activities on the site or surrounding area.

Regarding the fifth objective, the proposed development will provide appropriate tourist development to the general area, without comprising on the environmental and agricultural value of the land and surrounding area, due to the minor scale of the proposal.

Regarding the sixth objective, the proposed development complements the scenic values of the area and will not result in unsympathetic development on ridgelines.

- **Clause 5.10 – Heritage Conservation**

The site does not contain nor is it adjacent to any items of heritage significance, nor is it located within a heritage conservation area (HCA).

Further, an Aboriginal Heritage Information Management System (AHIMS) search on 10/01/2025 found no Aboriginal sites or places within a 200m radius of the subject lot (**APPENDIX 8**).

- **Clause 6.5 – Drinking Water Catchments**

As stated in Section 1.2 of this report, the site is identified as being within a drinking water catchment. The proposed development has been sited away from any waterways, and the proposed OSSM system (outlined in **APPENDIX 5**) will not impact water quality or flows.

- **Clause 6.6 – Riparian Lands and Watercourses**

As stated in Section 1.2 of this report, the site is located on the Riparian Lands and Watercourses map. This mapping is specifically located on the north-eastern portion of the lot. The proposed development is located on the south-western side of the lot, and as such will have minimal to no impacts on the riparian area, which drains to Sugarloaf Creek.

- **Clause 6.10 – Williams River Catchment**

As stated in Section 1.2 of this report, the site is located within the Williams River Catchment Area. It is noted that the proposed development is of a minor scale and is not likely to impact the Williams River Catchment Area relating to runoff.

- **Clause 6.12 – Protection of Rural Landscapes in Rural and Conservation Zones**

The objective of this clause is to protect the rural amenity and character of the land to which this clause applies by managing visual impact. The proposed development will not become silhouetted on a ridgeline as the proposal has not been sited on a prominent ridgeline of the site. The colours and materials chosen for the proposed development

3.4 DEVELOPMENT CONTROL PLAN (DCP)

The Port Stephens Development Control Plan (DCP) 2014 outlines the relevant design controls applicable to the site. Assessment of the development against the relevant parts of DCP 2014 is provided in the DCP Compliance Assessment at **APPENDIX 1**.

3.5 SECTION 7.11 – DEVELOPMENT CONTRIBUTIONS PLAN

Development contributions will be calculated and charged in accordance with the Port Stephens Council Section 7.11 Development Contributions Plan.

4.0 SITE CHARACTERISTICS & KEY DEVELOPMENT ISSUES

This Section will address the following matters of consideration as outline by Section 4.15 of the EP&A Act:

- (a) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (b) the suitability of the site for the development,*
- (c) any submissions made in accordance with this Act or the regulations,*

(d) *the public interest.*

4.1 LIKELY IMPACTS OF THE DEVELOPMENT

Overall, it is considered that the proposed development is unlikely to have any significant adverse impacts on the site or surrounding locality. The site conditions and constraints have been identified within this SEE and have been managed or mitigated where necessary. 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.

4.1.1 BUILT ENVIRONMENT

Stormwater

The proposed development will alter the stormwater characteristics somewhat of the existing site. However, overall impacts will be minor, and a rainwater tank for OSD will be an acceptable solution for the proposed development.

Visual Impacts

The proposed development will facilitate a change in the built environment; however, it will be minor. The development's small scale, and the site's larger scale, lessen the visual impacts of the proposed development. Further, as mentioned, the existing vegetation screening along Bingleburra Road will minimise potential visual impacts from public viewpoints. **FIGURES 3-5** provide an overview of the existing visual environment. Further, they demonstrate that overall impacts are minimal and are acceptable in the context of the surrounding visual catchment.



Figure 3: View along Bingleburra Road, looking north-west (source: Google Maps, 2025)



Figure 4: View along Bingleburra Road, closer to the site, demonstrating that the proposal will be over the hill and out of view (source: Google Maps, 2025)



Figure 5: An approximation of the public view of the development site to the north, demonstrating total vegetation screening (source: Google Maps, 2025)

Traffic and Transport

The traffic impacts associated with the proposed development are expected to be minor. The proposed development takes advantage of an existing access point, minimising disturbance of the public road network.

4.1.2 NATURAL ENVIRONMENT

Flora and Fauna

The development site is outside of any Biodiversity Values (BV) or Terrestrial Biodiversity (LEP 2014) mapping.

Bushfire

As previously discussed, the site contains bushfire prone land (Vegetation Category 1, 2 and Vegetation Buffer). The Bushfire Assessment Report that supports this application (**APPENDIX 4**) assessed the proposed development and found that it is capable of compliance with the relevant requirements in PBP 2019.

4.3 SOCIAL & ECONOMIC IMPACTS ON THE LOCALITY

As no physical changes are proposed, it is not considered that there are any adverse social or economic impacts on the locality in relation to the proposed development. The proposed development will continue to provide housing in a growth area and will continue to directly

address housing affordability, while also providing short term accommodation/tourist accommodation in the locality, improving the visitor economy.

4.4 CUMULATIVE IMPACTS

There are no tangible cumulative impacts arising from the proposal, given the small-scale nature of the proposal and its appropriateness within the context of the site and surrounding area.

4.5 SUITABILITY OF THE SITE

The proposal is permitted with consent in the RU1 zone and is consistent with the zone objectives and the intent of relevant requirements contained within LEP 2014 and DCP 2014. While there is a variation to the DCP, it is a minor variation in the context of the development and is acceptable on merit.

No changes to access and services are proposed, and the proposed development broadly reflects existing development in the area. As there are no anticipated negative impacts on the locality, the site is suitable for the proposed development.

4.6 CONSULTATION

Formal notification of development applications is a requirement of legislation. There are different requirements for different development types. Designated, state significant, integrated and advertised development types have specific notification and consultation requirements under the EP&A Act.

Any submission received as a result of notification will be considered. We welcome the opportunity to respond to any submissions to address any concerns expressed by the public.

4.7 THE PUBLIC INTEREST

The development site is clear of vegetation. The site has access to relevant services and the proposed development is compatible with existing and approved development and makes good use of the land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development. To this extent, the site is suitable for development. The proposed development is in the public interest.

5.0 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic, and environmental perspective. The proposed subdivision is the most suitable options 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 proposal is permitted with consent in the land use zone and is consistent with relevant zone objectives.

- The proposal complies with the specific design requirements for tourist accommodation, where applicable.
- The proposal will result in no negative social and economic impacts.
- There are no significant issues or impacts arising from the proposal.

An assessment of the proposal has been carried out within this SEE pursuant to Section 4.15 of the *Environmental Planning & Assessment Act 1979* and supports the proposal.



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