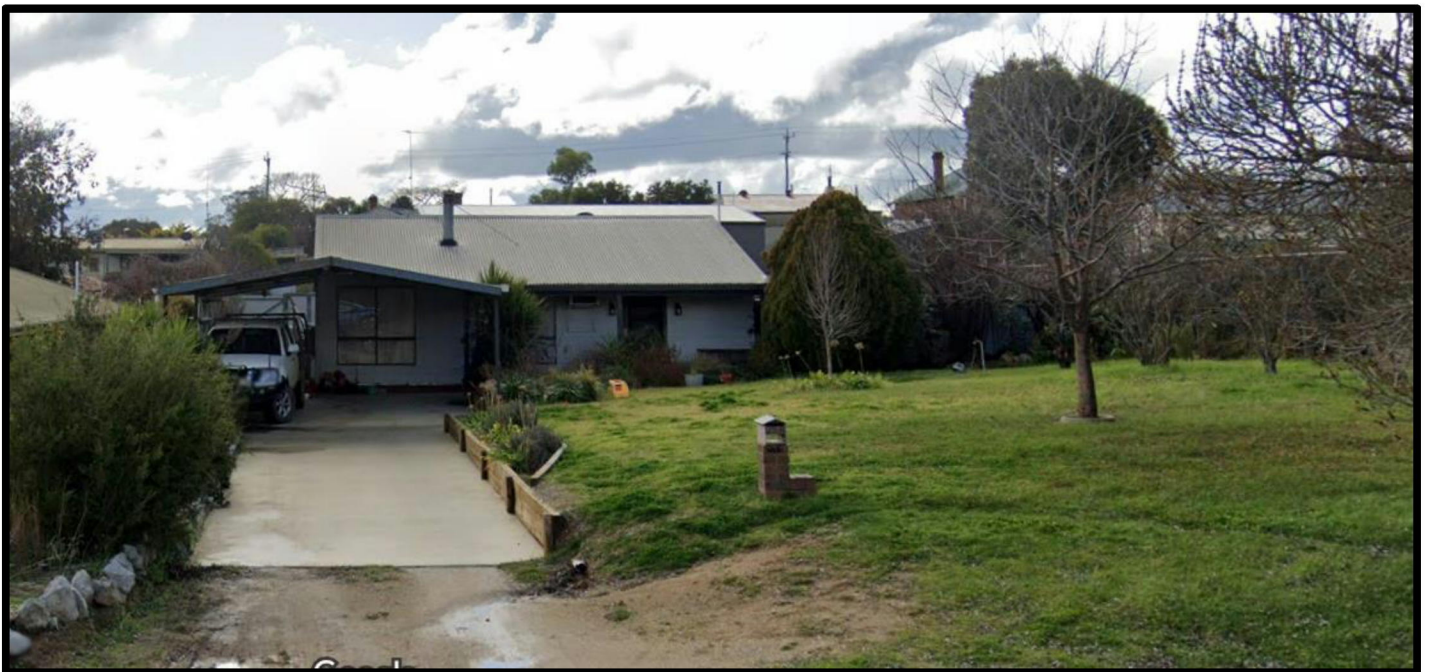


Statement of Environment Effects



Change of Use and Home Industry
Metal Artwork and Garden Sculptures
Lot 8 Section 16 DP7758737
203 Neill Street, Harden



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Disclaimer

This Statement of Environmental Effects has been prepared for the sole purpose of supporting a development application for the operation of a home industry at 203 Neill Street, Harden and is reliant upon the information supplied by the applicant. The information has been prepared using electronic resources publicly available provided by the NSW Government. The use of any information contained herein without the expressed written consent of the Author is unauthorised.

Introduction and Background

This Statement of Environmental Effect (SEE) provides an assessment of information to support the Development Application (DA) for the use of a shed at 203 Neill Street, Harden for the purposes of a home industry producing metal artwork and garden sculpture.

The Proposal

The proposal is categorised as a home industry as it is proposed to be undertaken by the home occupier creating metal artworks and garden sculptures for sale off site at market events. No retailing will be offered at the site. The business will not involve any other employed persons at this stage. The fabrication of metal artworks and sculptures can be considered to be a light artistic industrial activity.

The goods produced are metal artworks and sculptures using a Computer Numerical Control (CNC) plasma cutting machine. The machine uses a water table to prevent the generation of fumes and dust. A water table machine ensures that dust, noise, arc flashes and heat distortion are minimised. In such machines a chamber of water is situated below the burning bars and suppresses fumes, emissions, arc flashes and noise. Water is changed every six months to protect the machine and ensure the integrity of the end product. When the water requires changing the small metal particles removed as a result of cutting are strained from the water and the water used on site to water gardens.

The process of fabricating the goods offered for sale also involves some minor welding and occasional tapping of metal to ensure a tight fit for safety, stability and integrity. All fabrication is to be undertaken in the existing 12m x 8m shed on site. The shed is currently categorised as a “storage shed” (DA2021/0217 approved 19/11/2021) this application seeks to change the use of the shed to a workshop and use as a home industry. Activities will take place inside the shed with the roller doors closed and between 8:00am and 8:00pm on weekday and 10:00am to 4:00pm on weekend days. These are maximum operating hours and not typical of regular hours, which are much shorter.

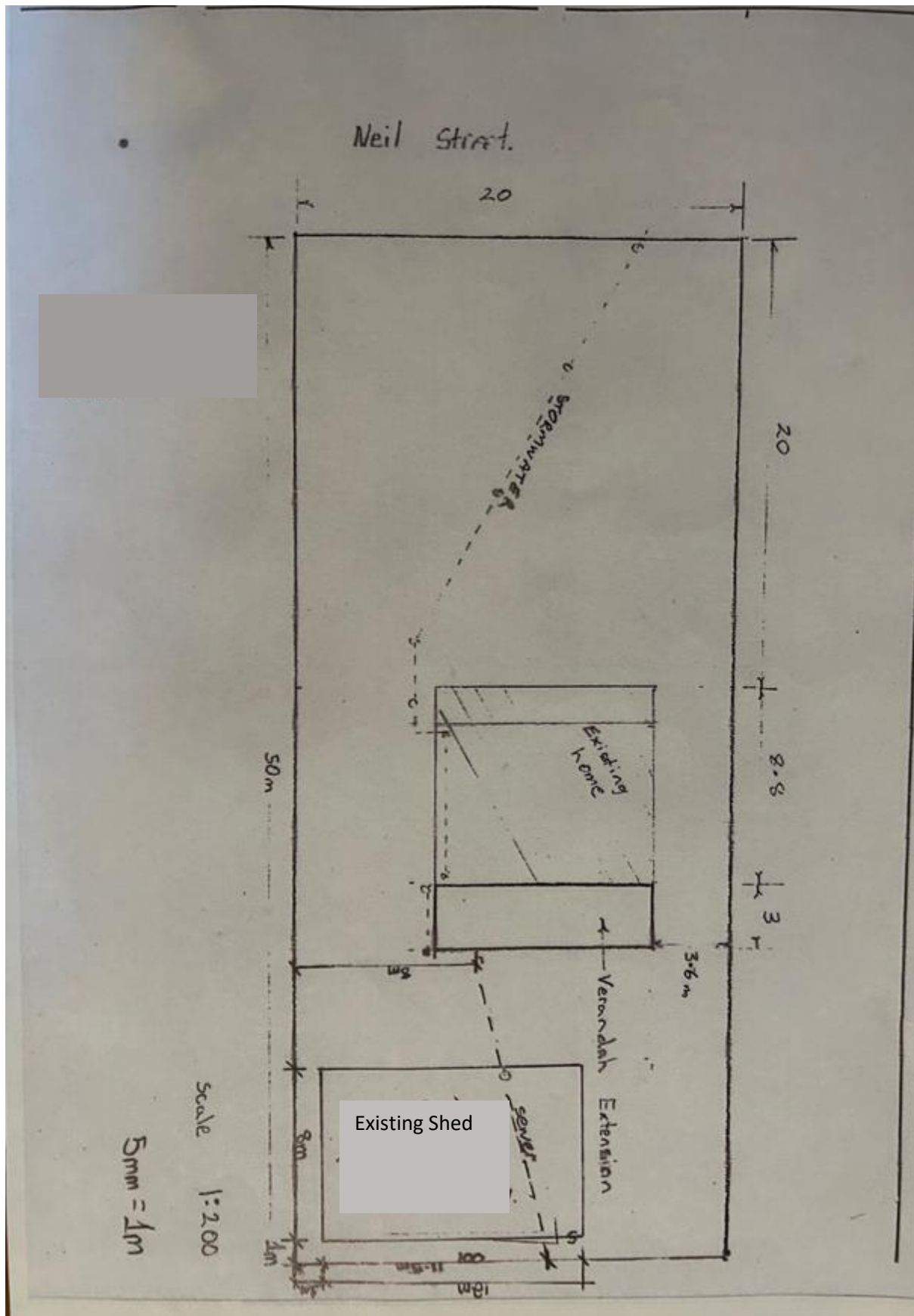


Figure 1 –site plan

The Site

The site is known as 203 Neill Street, Harden being Lot 8 Section 16 DP7758737 and is situated on the northern side of Neill Street, some 1000m from Harden CBD. The site is rectangle in shape with reticulated water and sewer services available. A dwelling and shed currently exist on site.

The site is situated in the R1 – General Residential zone. Land in the surrounding vicinity contains contemporary single dwellings of low scale. The area overall is low density with dwellings situated on allotment typically 1,000m² or larger, the streets are serviced by rear lanes typical of villages of the era.

The site is predominantly flat with a slight slope north to the rear lane. The site has direct frontage to Neill Street via a formed driveway. Neill Street is a tar sealed street in reasonable condition; however no kerb and gutter exists in front of the site. A bitumen sealed lane at the rear forms the northern boundary of the site and separates the site from other residential land.



Figure 2 – site in context of surrounding environs (source: Six Maps)

Evaluation

Council, as the consent authority, requires consideration of Section 4.15 of the *Environmental Planning and Assessment Act, 1979* relevant to the development application. Within Section 4.15 the items for consideration are:

- (a) (i) any environmental planning instrument, and

The following State Environmental Planning Policies (SEPPs) are applicable to the development:

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of this SEPP applies to the whole of the State and relates specifically to signage and advertising. Of note is the provision that this part of the SEPP applies to all signage and advertising except:

- (a) business identification signs,
- (b) building identification signs,
- (c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,
- (d) signage on vehicles.

No signage is proposed as part of this application. As the proponent will only sell fabricated goods via market events, it is not necessary for any signage to be erected at this premises.

State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 prescribes that a consent authority must not consent to the carrying out of any development on land, unless it has considered whether the land is contaminated. The site has a history of residential development with no known contaminating or potentially contaminating activities having previously occurred on site. The operation of a dry mechanic workshop on the site will not give rise to contamination and is, in itself, not a contaminating activity. Should customer requirements evolve such that additional non dry repairs are to be undertaken additional consent will be sought from Council.

Hilltops Local Environmental Plan 2022 (HLEP) is the applicable environmental planning instrument for this proposal. The aims of this plan, as relevant to this proposal, are:

- (c) to build and sustain healthy, diverse and empowered communities that actively participate in planning and managing their future, including by providing for the following: (v) the planning of development to manage emissions; and (vi) planning decisions that recognise the basic needs and expectations of diverse community members*

The proposed actively seeks to manage emissions by ensuring that fabrication activities are undertaken in an enclosed space with machinery and equipment appropriate to the task that meets relevant safety standards. The proposal allows for the proponent to actively pursue a creative hobby and share the results with members of the local and broader community.

The proposal is not inconsistent with the remaining aims of the Hilltops Local Environmental Plan 2022.

The proposal does not seek the suspension of any covenants, agreements or instruments as prescribed by clause 1.9A.

The site is zoned R1 General Residential under HLEP. The objectives of this zone applicable to this proposal are:

- *To provide and protect a high quality residential amenity that adds value to the existing character and amenity of the town, neighbourhood and street;*

The proposal is not inconsistent with any of the objectives of the R1 General Residential Zone. The proposal actively seeks to protect the amenity of the neighbourhood and street by ensuring that all material, tools and equipment associated with the home industry are contained within the shed. The fabrication activities associated with the home industry are to be undertaken in the shed with the doors closed during times and in a manner that will not disrupt neighbourhood amenity. The average decibel of the working machine is below 85dB inside the shed with the activity not being audible outside of the shed when the doors are closed.

The proposal can be characterised as a home industry undertaking the fabrication of metal artworks and garden sculptures. A home industry means *a means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—*

- (a) the employment of more than 2 persons other than the residents,*
- (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,*
- (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,*
- (d) the exhibition of signage, other than a business identification sign,*
- (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,*

Such activities are permissible in the R1 General Residential Zone with development consent.

Clause 2.4 is not applicable to this proposal as it does not involve any matter prescribed by this clause.

Clause 2.5 is not applicable as the application is not seeking any additional permitted uses aside from those permitted within the zone.

Clause 2.6 – 2.9 are not applicable as the matters prescribed therein do not relate to this proposal.

The proposal does not include any matter contained with Parts 3 and 4 of HLEP. Similarly, the matters contained within Clauses 5.1-5.3 and 5.5-5.9 are not relevant to this proposal.

Clause 5.4 allows a home industry to occupy a maximum of 120 square metres. The operation will be within the existing 96m².

Clause 5.10 is not relative as there are no heritage items on site nor nearby.

Clause 5.11 is not applicable as the site is not within an area mapped as being bushfire prone.

Clauses 5.12 – 5.25 are not applicable as the matters contained therein are not relevant to this proposal.

Clauses 6.1 which relates to earthworks is not applicable as the activity will be undertaken within an existing shed.

Clause 6.2 relates to the provision of essential services. The site is connected to electricity, reticulated water and reticulated sewer, none of which will require augmentation or alteration as a result of this activity. A liquid trade waste agreement is not required as there is no additional discharge to sewer with the water from the water table being strained before being used on site to water gardens. Furthermore, the site has an existing access with good sight distance in each direction suitable to the prevailing speed limit of 50kph.

Clauses 6.3 – 6.4 are not applicable to this proposal as none of the matters containing therein are relative to the site or the proposal.

Clause 6.5 relates to sites with vulnerable groundwater, this site is mapped as such. Nonetheless there will be no impact on vulnerable groundwater or groundwater dependent ecosystems as there is minimal discharge onsite. At most there will be one change of water every six months, with the water being strained before being used on site to water gardens.

6.6 - 6.11 are not applicable to this proposal as none of the matters containing therein are relative to the site or the proposal. development.

- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

The site or the development is not subject to any notified proposed instruments.

- (iii) any development control plan, and

Young Development Control Plan 2011 does not apply to the site.

- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

No planning agreement has been entered into, nor is any planning agreement proposed as part of this development.

- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

The provisions Part 4, Division 1 of the *Environmental Planning and Assessment Regulation 2021* are not applicable to this development as there is no demolition, additions that require fire upgrades, nor temporary structures.

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

Context and Setting

The proposal is situated in a residential area with the activity being undertaken in an existing shed at the rear of the property. The proposal is essentially a hobby where the fabrication of metal artworks and garden sculptures are an artistic outlet for the proponent. Nonetheless as a complaint has been received and Council has deemed that the existing shed is a “storage shed”, this application is made to use the shed as a workshop and for the purposes of a home industry as described herein. The proposed activity is to be undertaken in the shed with doors closed during times that will not give rise to sleep disturbance or noise nuisance.

Access Traffic and Transport

The site has frontage to Neill Street via a vehicle crossover. The activity is undertaken by a sole operator, being the resident of the dwelling situated upon the allotment. All material used for the fabrication of items is brought to site via the owner’s vehicle. Similarly, all manufactured items for sale are transported off site by the owner in their own vehicle.

There is adequate sight distance to allow vehicles to enter and exit the site safely with the prevailing speed limit being 50kph. There is no additional traffic volume to be generated by the activity.

Public Domain

The public domain is not relied upon for the operation of the site, nor for the proposal itself. Similarly, the proposal is unlikely to have an impact on the public domain, in that it will not be highly visible from the public domain nor does it rely upon the public domain for its operation or function.

Other Land Resources

The proposal does not involve giving over any productive farm land to the development nor will it sterilise any other land resources. The site is situated in a residential use zone on land that has been used for residential development for many years.

Soil

The site is not subject to salinity or at high risk of erosion. The proposal will not impact on soil structure, permeability, cropping ability nor erosion of productive farming land. No earthworks are required for the development.

Air and Microclimate

The proposed development will not give rise to any air or microclimatic adverse conditions. The proposal is to use a CNC plasma cutter with a water table and welder which give rise to noise no greater than 85 dB adjacent the machinery, such is not audible outside the shed when the doors are closed. The proposal will not give rise to any emissions, particulates or fumes outside of the shed due to the nature of the fabrication and the equipment used for same. The proposal does not involve the construction of any additional buildings, nor activity that is likely to negatively impact the microclimate of the area.

Flora and Fauna

The site is not known to contain any habitat for faunal species. Furthermore, no vegetation is to be removed from the site or surrounds to facilitate this development.

Noise and Vibration

The development itself will not result in any noise or vibration over the noise levels generally associated with residential uses. The maximum noise of the equipment used is no greater than 86dB(A) one metre from the equipment with no intrusive noise being generated at the closest dwelling and no audible outside of the closed shed at other nearby dwellings. Appendix A contains noise modelling using Inverse Square Law to demonstrate these findings.

Natural and Technical Hazards

There are no known risks to people, property or the environment as a result of this proposal.

Safety, security and crime prevention

The proposal will not increase safety, security or crime on the site or area overall.

Cumulative Impact

There are no perceived cumulative impacts associated with this development.

- (c) the suitability of the site for the development,

The site, being in a residential zone and proposed to be used for a home industry to fabricate metal artworks and garden sculptures in an existing shed on site. The use is a permissible use and the site is suitable for the proposal. There is no site, nor area, constraints that would prohibit the proposed being constructed on the site.

- (d) any submissions made in accordance with this Act or the regulations,

In accordance with the provisions of Council's Community Participation Plan the proposal will be required to be notified. Any submissions made in response to this notification will be considered by the applicant should Council consider it appropriate to do so.

- (e) the public interest

There are no public interest matters that would preclude this proposal from receiving development consent.

Conclusion

This Statement of Environmental effects has examined the pertinent matters as outlined in the legislation and has demonstrated that the proposal is suitable for the site. The proposed development is consistent with the aims and objectives of the Hilltops Local Environmental Plan 2022 as well as the relevant State Environmental Planning Policies. The proposed development is suitable for the site and does not contravene the public interest. There is no matter that precludes the operation of a home industry fabricating metal artworks and garden sculptures by the owner operator from being conducted on this site.