

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

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## **CONSTRUCTION OF A DWELLING**

**41 MILL CREEK RD, STROUD, NSW, 2425**

**(LOT 5 DP1241629)**

PREPARED FOR GORDON MEANS

PP Reference: **J002846**

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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Gordon Means (the client) to prepare a Statement of Environmental Effects (SEE) for a dwelling at 41 Mill Creek Rd, Stroud, NSW, 2425 (Lot 5 DP1241629) (**'the site'**). The site is located in Stroud, within the Mid Coast Council Local Government Area (LGA).

The site is zoned RU5 – Village under the Great Lakes Local Environmental Plan 2014 (the LEP). Dwelling houses are permissible with consent in this zone. The site has an area of 3900m<sup>2</sup> and is currently vacant.

The proposed dwelling will be established within a shed/barn structure and will consist of the following:

- Kitchen;
- Bathroom;
- Living room; and
- A mezzanine accessible via stairs.

The proposed site plan and architectural plans for the proposed dwelling are included in this SEE as **APPENDIX 4**.

The development is considered suitable as:

- The proposal is permitted with consent in the RU5 – Village zone and is consistent with RU5 zone objectives.
- The proposal will result in positive economic and social impacts through the creation of short-term construction jobs and housing which will provide for the owner's family and the ongoing maintenance of this large rural property.
- The proposal complies with the specific design requirements for dwelling development.
- There are no significant issues or impacts arising from the proposal.

Perception Planning Pty Ltd did not arrange a pre-lodgement meeting with Council due to the minor nature of the proposal.

The proposal has been assessed against the relevant statutory planning framework to identify and address the key planning requirements and site constraints. Any potential environmental issues or impacts are suitably managed or mitigated to enable the proposal to be approved by Mid Coast Council.

## TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
DA	Development Application
DCP	Development Control 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 Table	Perception Planning	Ref: J002846 Dated:
2	AHIMS Search Results	AHIMS	Ref: J002846 Dated: 28.05.25
3	DBYD Search Results	BYDA	Ref: 38975871 Dated: 28.03.25
4	Architectural Plans	Sorensen Design & Planning	Ref: 2503682 Dated: 07.02.25
5	Civil Works Plans	DRB	Ref: 254548 Dated: 14.05.25
6	Onsite Wastewater Report	GSL Environmental	Ref: 165925 Dated: 14.05.25
7	Bushfire Certificate	Newcastle Bushfire Consulting	Rev: 1 Dated: 24.03.25
8	Limited Site Classification Investigation	DRB	Ref: 221560 Dated: 05.04.22
9	Certificate of Title & DP	LRS	Ref: 5/1241629 Dated: 28.01.22
10	BASIX Certificate	Sorensen Design & Planning	Ref: 1799079S Dated: 10.06.25

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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 Gordon Means (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in the proposed development. The SEE examines the site location and characteristics, 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 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

<b>Property Address</b>	41 Mill Creek Rd, Stroud, NSW, 2425
<b>Lot and DP</b>	Lot 5 DP1241629
<b>Current Use</b>	Vacant Land
<b>Zoning</b>	RU5 – Village
<b>Size</b>	3900 m <sup>2</sup>
<b>Site Constraints</b>	Height of Building – 8.5m Floor Space Ratio – 0.4:1 Minimum Lot Size – 1000m <sup>2</sup> Bushfire Prone Land – Vegetation Buffer
<b>Owner</b>	Owners consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	Nothing on the DP or 88B instrument prohibits the proposed development.

## 1.3 SITE DESCRIPTION

The site is located at 41 Mill Creek Rd, Stroud, NSW, 2425 (**‘the site’**) and has a total area of 3993m<sup>2</sup> (**FIGURE 1**). The site is located in Stroud, within the Mid coast Council Local Government Area (LGA).

The site comprises one of two property titles known as 41 Mill Creek Road, Stroud, NSW, 2425, legally identified as Lots 5 and 8 DP1241629. The subject site is known as Lot 5 DP 1241629. The site is bound by neighbouring lots to the East and South, unformed Dawson Street to the West, and an unformed and unnamed road to the North. Adjacent allotments to the East and South are also zoned RU5 Village and are of a similar size to the site.

Rural land, zoned RU1 Primary Production is located to the North and West of the site. The site is currently vacant. Vegetation on the site generally consists of natural grasses.





**Figure 1 – Satellite image of site (Nearmap, 2025)**



**Figure 2 – Locality and zoning map (Planning Portal Spatial Viewer, 2025)**

## 1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is not currently occupied by any buildings, the Midcoast Council DA Tracker identified no recent or historic approvals on the site at the time of writing.

## 2 DESCRIPTION OF THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain consent for the construction of a dwelling house. The proposed dwelling will have an area of 140m<sup>2</sup> with dimensions of 12m x 9m and 5.5m height. The proposed development will be consistent with the vernacular of the rural locality.

Detailed architectural plans are contained in **APPENDIX 4**.

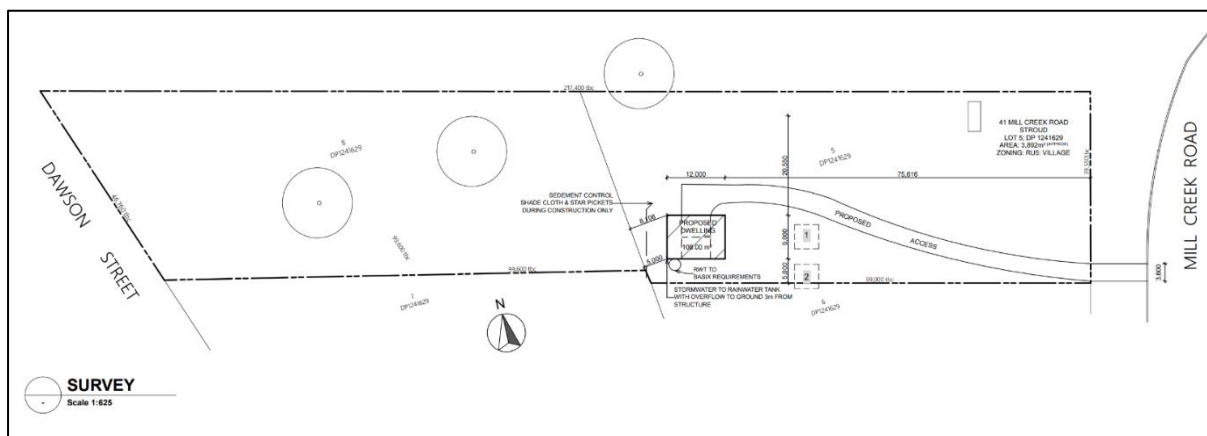


Figure 3 – Site Plan (Sorensen, 2025)

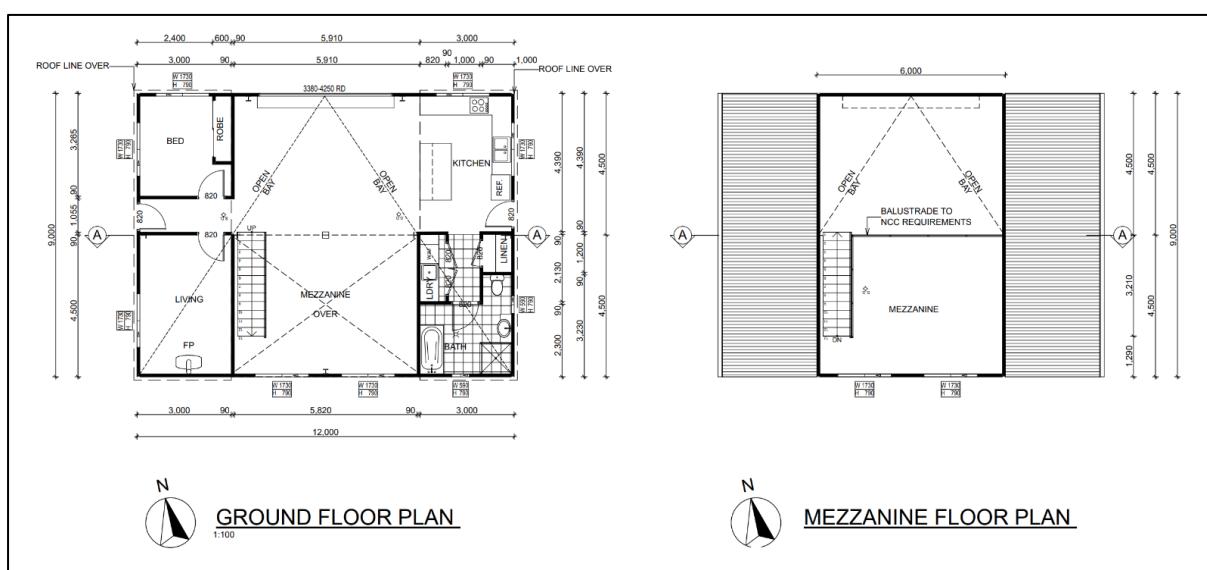


Figure 4 – Floor Plan (Sorensen, 2025)

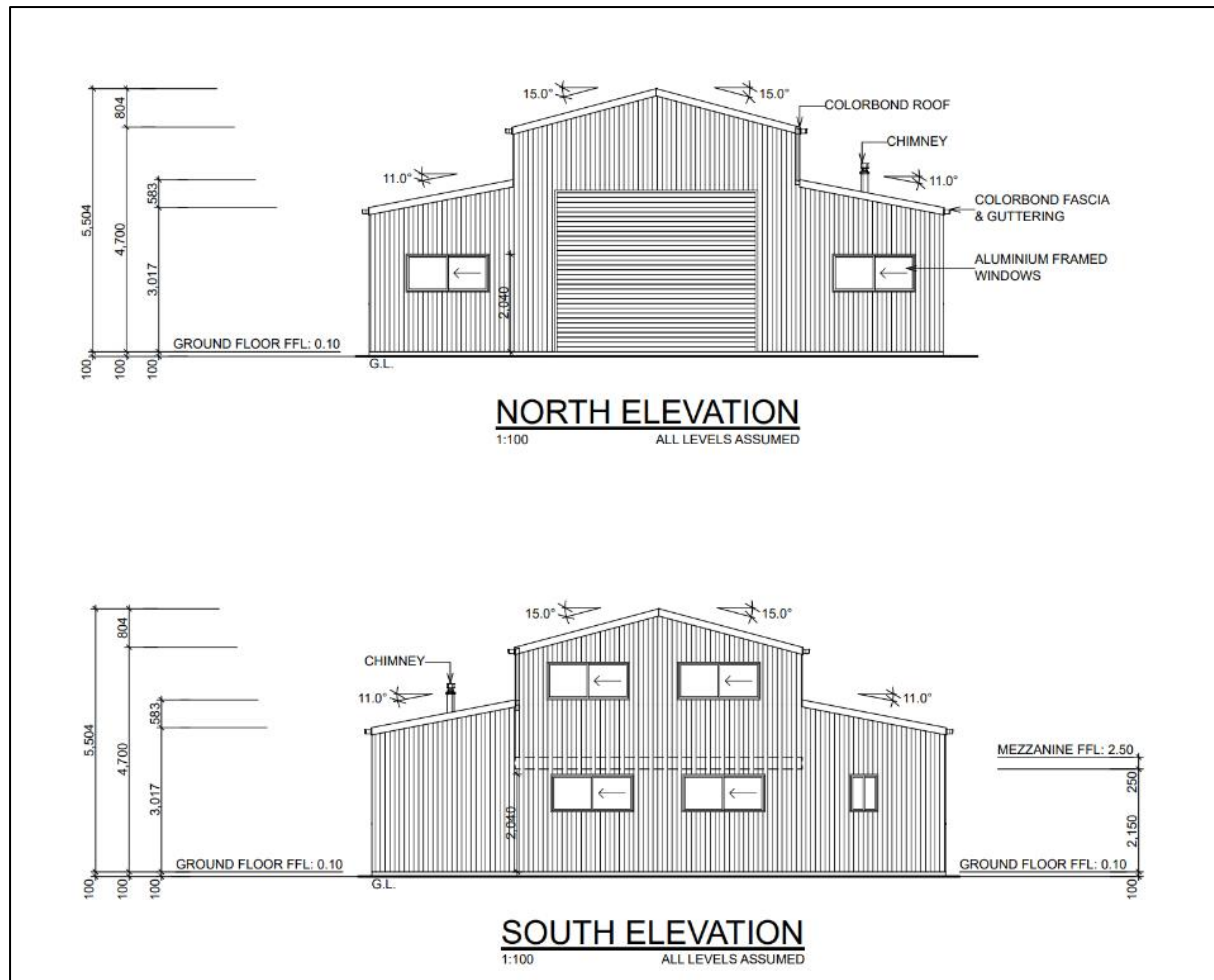


Figure 5 – North and South Elevations (Sorensen, 2025)

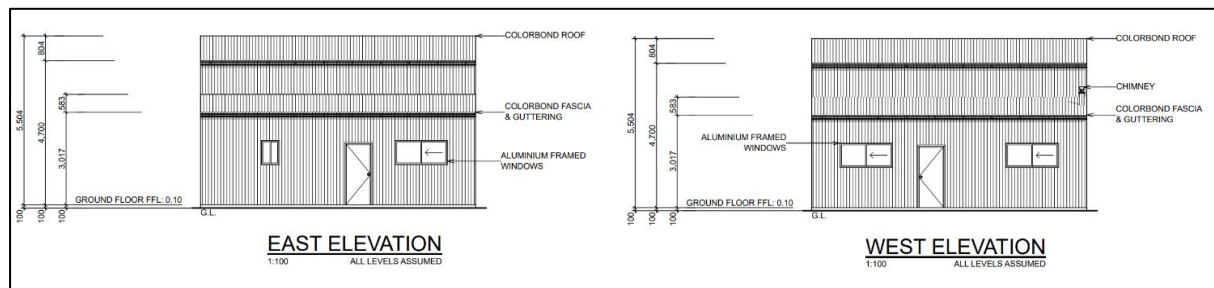


Figure 6 – East and West Elevations (Sorensen, 2025)

## 3 PLANNING CONTROLS

### 3.1 ACTS

The following Acts are considered relevant to the proposed development:

- *Biodiversity Conservation Act 2016*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *Environmental Planning and Assessment Act 1979*

#### 3.1.1 BIODIVERSITY CONSERVATION ACT 2016

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The proposed development does not involve vegetation removal; accordingly, the biodiversity threshold for tree removal is not triggered. Further consideration of the BC Act is not required.

#### 3.1.2 HUNTER WATER ACT 1991

The subject site is not located within a Drinking Water Catchment. To this effect, a referral to HW is not required under Section 51 of the HW Act.

#### 3.1.3 WATER MANAGEMENT ACT 2000

The subject site is not located within a Drinking Water Catchment. No physical works will take place on any body of water located on the site nor will the development have a lasting impact on any watercourses or waterbodies on site, accordingly it is not considered that referral to NRAR is required pursuant to the *Water Management Act 2000*.

#### 3.1.4 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.

##### **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with the Mid Coast Local Infrastructure Contributions Plan.



**Table 1 – Integrated development**

Integrated development	Proposed Development	
<b>Fisheries Management Act 1994</b>	<ul style="list-style-type: none"> <li>▪ s 144</li> <li>▪ s 201</li> <li>▪ s 205</li> <li>▪ s 219</li> </ul>	N/A
<b>Heritage Act 1977</b>	<ul style="list-style-type: none"> <li>▪ s 58</li> </ul>	N/A
<b>Coal Mine Subsidence Compensation Act 2017</b>	<ul style="list-style-type: none"> <li>▪ s 22</li> </ul>	N/A
<b>Mining Act 1992</b>	<ul style="list-style-type: none"> <li>▪ s 63, 64</li> </ul>	N/A
<b>National Parks &amp; Wildlife Act 1974 (as amended)</b>	<ul style="list-style-type: none"> <li>▪ s 90</li> </ul>	N/A
<b>Protection of the Environment Operations Act 1997</b>	<ul style="list-style-type: none"> <li>▪ ss 43(a), 47, 55</li> <li>▪ ss 43(b), 48, 55</li> <li>▪ ss 43(d), 55, 122</li> </ul>	N/A
<b>Roads Act 1993</b>	<ul style="list-style-type: none"> <li>▪ s 138</li> </ul>	The construction of a driveway will support the proposed dwelling. Approval for works within the road reserve will be sought under s138 prior to issue of a construction certificate.
<b>Rural Fires Act 1997</b>	<ul style="list-style-type: none"> <li>▪ s 100B</li> </ul>	No – The site is bushfire prone (vegetation buffer). However, the proposed development does not include subdivision or development identified as Special Fire Protection Purpose (SFPP). As such, a referral to the RFS under Section 100B is not required.
<b>Water Management Act 2000</b>	<ul style="list-style-type: none"> <li>▪ ss 89, 90, 91</li> </ul>	N/A

## 3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant to the proposed development:

- *SEPP (Biodiversity and Conservation) 2021*
- *SEPP (Sustainable Buildings) 2022*
- *SEPP (Resilience and Hazards) 2021*

### 3.2.1 SEPP (Biodiversity and Conservation) 2021

#### Chapter 4 – Koala Habitat Protection

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 identify the Mid Coast Local Government Area as land to which the policy applies and subject to the North Coast Koala Management Area.

The key threats within the North Coast Koala Management Area have been identified as:

- Habitat clearing and fragmentation;
- Vehicle strike and dog attack;
- Bushfire;
- Invasive plant species;
- Disease;
- Reduction in feed trees; and
- Sea level rise.

The Mid Coast Council has their Comprehensive Koala Plan of Management to support the viability of the free-living koala population. The proposed development does not include vegetation removal and as such there is no impact identified on koala habitat and the free-living population.

Further assessment of this Chapter is not warranted.

### 3.2.2 SEPP (Sustainable Buildings) 2022

The aim of this SEPP is to encourage sustainable residential development. A BASIX Certificate will need to support any DA for a dwelling to demonstrate that the proposal can achieve required water and energy saving targets compared to the standard model house. A BASIX Certificate for the proposed dwelling is provided as **APPENDIX 10**.

### 3.2.3 SEPP (Resilience and Hazards) 2021

#### Chapter 4 – Remediation of Land

This Chapter applies to the whole state. Under Section 4.6, a consent authority must not grant consent to the carrying out of any development unless they have considered whether the land is contaminated.

The site is currently zoned for residential purposes. Given that the allotment is being newly constructed and will be vacant at the time of development it is unlikely the site is considered contaminated. It is not expected or known that surrounding locality has the potential to be contaminated. To this extent, the future allotment is land considered suitable for the proposed development.

### 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 subject site is zoned RU5 – Village. The proposed development includes a Dwelling house, which is permissible with consent in the zone.

The Land Use Table of the LEP identifies the following objectives for the RU5 zone:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To provide for a range of land uses, services and facilities that are associated with a coastal village.
- To enable non-residential development that does not prejudice the established land use pattern within the village.

The development allows for a dwelling on the site, whilst protecting and enhancing the existing rural landscape character of the land. To this extent, the proposed development meets the objectives of the RU5 zone.

- **Clause 4.3 – Height of buildings**

The objectives of this clause are to ensure that the scale of proposed buildings is compatible with the existing environmental character and desired future urban character of the locality and to encourage residential development that is consistent with *AS 4299-1995, Adaptable housing*. The height of the building must not exceed the maximum height shown for the land the Height of Buildings Map (8.5m). The proposed dwelling has a maximum height of 5.5m and therefore meets the requirements of this clause.

- **Clause 4.4 – Floor space ratio**

The objectives of this clause are as follows:

- a) to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality,
- b) to encourage a diversity of development on land in business zones, which is unlikely to prejudice the supply of retail or business floor space in those zones,

- c) to permit a floor space ratio that will provide a transition in built form and land use intensity,
- d) to encourage residential development that is consistent with *AS 4299—1995, Adaptable housing*.

The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map (0.4:1). The development has a floor space ratio well below this (0.028:1) as the lot is of substantial size (3900m<sup>2</sup>), meeting the requirements of this clause.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (27 March 2025) did not identify the subject site as containing any Aboriginal sites or places as shown in **APPENDIX 2**. 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 7.2 – Earthworks**

The proposed development will incorporate earthworks, with minor cut and fill to provide a level surface for the slab/footings. Any soil/earth that is cut from the site will be reused on-site. 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. No fill material is proposed to be imported or exported from the subject site and accordingly, the development complies with the requirements of this clause. A Geotechnical Report has been prepared to support the proposed development and is provided at **APPENDIX 8**.

- **Clause 7.21 – Essential services**

Under this clause development consent cannot be granted unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required – water, electricity, sewage, stormwater and suitable vehicle access.

The subject site is serviced by reticulated water mains however the proposal includes onsite rainwater tanks as well. A wastewater report has been provided and demonstrates that the site is suitable for installation of the proposed onsite wastewater management system. The site has access to electricity supply that will need to be extended to service the development and drainage from impervious surfaces shall be directed the rainwater tanks with any overflow attenuated – see **APPENDIX 5**. The proposal can be adequately serviced.

### **3.4 DEVELOPMENT CONTROL PLAN (DCP)**

Consideration of compliance and/or consistency with the relevant provisions of the Great Lakes Region DCP 2014 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 the rural nature of the locality and is characteristic of other developments in both the local and wider community. The development is not expected to negatively impact on the visual amenity of the locality through the size of the lot and design of the dwelling. There are no anticipated adverse impacts on the built environment as a result of the proposed development.

#### **4.1.2 ACCESS, TRANSPORT AND TRAFFIC**

The existing access will be maintained from Mill Creek Road. No adverse traffic or transport impacts are associated with the proposed development.

#### **4.1.3 PUBLIC DOMAIN**

The proposed development will not have an impact on any public domain. The development contributions derived from this development will provide infrastructure and public domain improvements in accordance with the Great Lakes Development Contributions Framework.

#### **4.1.4 SERVICES**

Water, electricity, telephone and physical, legal and emergency service are available to the site. The proposed development will not unreasonably increase demand of these services. As aforementioned, an on-site sewage management system is proposed to be installed on site to manage wastewater. This is detailed further in **APPENDIX 6**.

#### **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**

No trees are proposed to be removed for this development. It is not anticipated that the proposed development will have a detrimental impact on the ecology on the site or the surrounding area.

#### **4.2.2 ARCHAEOLOGY**

A search of the Aboriginal Heritage Information Services (AHIMS) database (27 March 2025) did not identify the subject site as containing any Aboriginal sites or places as shown in **APPENDIX 2**. 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**

Given the relatively large size of the lot, stormwater can be suitably managed on the lots. Stormwater runoff from the dwelling will collect in water tanks on the site will overflow going to an attenuation area on site – see **APPENDIX 5**.

### **4.3 SOCIAL AND ECONOMIC**

The proposed development is not considered to produce any adverse social or economic impacts on the locality. To the contrary the proposal will provide short term economic benefits in the form of construction jobs, and it will provide social benefits in the form of new housing stock within a rural environment.

#### **4.3.1 SAFETY, SECURITY AND CRIME PREVENTION**

No safety, security for 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 is located within a rural-residential area and the dwelling is positioned clear of any vegetation. The site has access to all relevant services and the proposed development makes good use of the available 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. Where variations are proposed, suitable justification has been provided within the relevant Section to demonstrate consistency with the locality and land development on adjoining boundaries.

To this extent, the site is suitable for 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 neighbour notification letters to adjoining or adjacent properties.

## **7 PUBLIC INTEREST**

The proposed development reinforces the rural nature of the land and is in keeping with the character of surrounding developments. The proposed development is in the public interest.

## 8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed dwelling house 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 dwelling house is permissible on the site with consent,
- No adverse impact on the existing character or amenity of the rural area will result;
- The proposed dwelling house is consistent and in keeping with the characteristics of the existing rural area and does not burden the essential services supply;
- The proposed dwelling site is an existing vacant lot with no removal of vegetation required;
- The proposed dwelling site is found to be consistent with the provisions of the LEP and Development Control Plan.

It is considered that the proposal will have no significant impacts on surrounding properties and will not adversely affect their enjoyment or amenity. We look forward to Council's favourable determination of this matter.

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



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