



STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed: New building for Use as Take Away Food and Drink Premises

Address: Lot 1 DP 2944 No 1-3 Elm Street, Colo Vale

E *Planning*

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COUNCIL APPROVALS | BUILDING REGULATIONS

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Document History

Project Number: 20318

| Version | Date | Description | Author | Reviewed |
|---------|------------|-------------|--------|----------|
| 1 | 22/04/2021 | Draft V1 | TH | BC |
| 2 | 6/05/2021 | Final | BC | BC |
| 3 | | | | |

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A number of issues within this report may be recognised to be interpretive. Where issues of this type are encountered, interpretations are made that are considered consistent with standard industry practice and those interpretations viewed by the author EPlanning.

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Regards

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1.0 TOWN PLANNING REPORT INTRODUCTION

1.1 Executive Introduction

The purpose of this Statement of Environmental Effects is to accompany a Development Application to Wingecarribee Shire Council for a proposal consisting “New building for Use as take away food and drink premises”, at Lot 1 DP 2944 No 1-3 Elm Street, Colo Vale.

It is of note that Wingecarribee Shire Council had determined as Approved DA 16/1258, a similar design circa 19th September 2015, as noted below.

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION Pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979

| | |
|---------------------------------|--|
| APPLICATION NO: | 16/1258 |
| APPLICANT: | HIGHLANDS TECHNICAL SERVICES |
| OWNER: | R KANAAN |
| PROPERTY DESCRIPTION: | Lot 1 Sec 17 DP 2944 |
| PROPERTY ADDRESS: | 1-3 ELM STREET COLO VALE NSW 2575 |
| PROPOSED DEVELOPMENT: | Additions to Commercial Premise comprising two new shops |
| DETERMINATION: | Determined by granting of CONSENT. |
| CONSENT TO OPERATE FROM: | 19 September 2017 |
| CONSENT TO LAPSE ON: | 19 September 2022 |

This report is a town planning assessment that is to be submitted in concurrence with a deemed Local Development submission to the consent authority of Wingecarribee Shire Council. In accordance with Clause 1 of Schedule 1 of the Environmental Planning & Assessment Regulation 2000 (EPAARegs2000), to provide the following information:

- The environmental impacts of the development;
- How the environmental impacts of the development have been identified; and,
- The steps to be taken to protect the environment or to lessen the expected harm to the environment.

To address the above statutory requirements, this report considers the description of the site, surrounding development and the wider locality, description of the proposed development, assessment of the proposed development in accordance with all statutory controls and Wingecarribee Development Control Plan (Northern Villages Development Control Plan) and a broader environmental assessment of the proposal, having regard to the matters for consideration contained within Section 4.15 of the Environmental Planning and Assessment Act 1979 (The EPA Act 1979).

EPlanning have reviewed this development proposal and subsequently prepared this Town Planning report / Statement of Environmental Effects on behalf of FIMA Consulting Pty Ltd. This report describes the physical characteristics of the proposal, subject site and surrounds in its Town Planning context, while having regards to matters as of relevance to the subject application pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979).

1.2 The Legislative Framework

The general statutory framework on a state & local level are the Planning Instruments of;

- *Wingecarribee Local Environmental Plan 2010 (WLEP2010)*
- *Wingecarribee Development Control Plan 2010 (Northern Villages Development Control Plan)*

This town planning report and subsequent consultant's reports have placed emphasis on these planning instruments / guidelines during the strategic and statutory assessment of the proposal. Other Legislative Instruments have been noted and subsequently assessed throughout this report and other consultant's reports. As noted, one the key planning instruments applying to the land is acknowledged as the Wingecarribee Local Environmental Plan 2010 (WLEP2010), in this respect the relevant clauses of the planning instrument as applying to the land are discussed further below.

The description of the proposal pursuant to the "Definition" schedule of the Wingecarribee Local Environmental Plan 2010 (WLEP2010), would best be defined as "new building for Use as take away food and drink premises", pursuant to the *Permitted Uses* table of that Zone.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Pursuant to Wingecarribee Local Environmental Plan 2010 (WLEP2010), the subject site is zoned B1 Neighbourhood Centre and is considered to satisfy the statutory framework for the proposed use of the particular land and considered to be in the Public interest.

The Objectives of B1 Neighbourhood Centre Zone are:-

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To generally conserve and enhance the unique sense of place of business centre precincts in villages and towns by ensuring that new development integrates with the distinct village scale, character, cultural heritage and landscape setting of those places.*
- *To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas*

It has been concluded that proposal post re-developed could satisfy one (1) or more of the objectives for the zone, particularly to enable other land uses that provide facilities or services to meet the day to day needs of residents.

1.3 Town Planning context

This assessment and subsequent report concludes that the proposed "new building for Use as take away food and drink premises", is consistent with the State Governments and Wingecarribee Council's strategic planning objectives for the local Government Area inclusive of the site/zone for ensuring that the provision of refreshment premises to meet the varying needs of residents in the locality and local government area (LGA).

The development application is supported by a Statement of Environmental Effects that:

- includes a satisfactory neighbourhood and site description, including the identification of the key features of the neighbourhood and site,
- shows how the siting and design response derives from and responds to the key features identified in the neighbourhood and site description, and
- demonstrates that the residential development proposal respects the existing or preferred neighbourhood character and satisfies objectives of the zone in the Wingecarribee LEP2010.

The proposed redevelopment consisting of the “new building for Use as take away food and drink premises”, at Lot 1 DP 2944 No 1-3 Elm Street, Colo Vale is defined as “*Development*” for the purposes of Clause 4 Definitions of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979).

Pursuant to Clause 4.2 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979), the Clause stipulates that the development must not be carried out on the subject site until consent has been obtained. The application does not trigger any of the ‘Integrated Development’ provisions of Division 4.8 of the Environmental Planning & Assessment Act 1979 and so no third party approvals are required.

1.4 Executive Summary

The purpose of this statement of environmental effects is to seek a favourable determination from Council for a proposal consisting of a “new building for Use as take away food and drink premises”, at Lot 1 DP 2944 No 1-3 Elm Street, Colo Vale. The proposal will meet State and Local Government planning strategic objectives for the provision of a varying range of mixed use types to meet the needs of future populations within the Local Government area.

The minute environmental impact of the proposal maintains the desired future character of the streetscape / area of and will preserve the existing aesthetics of the streetscape. The desired future character is determined through the strategic planning predominantly contained within the Wingecarribee Local Environmental Plan 200 (WLEP2010) The context during this process is crucial to support change and determine appropriate building types and planning controls.

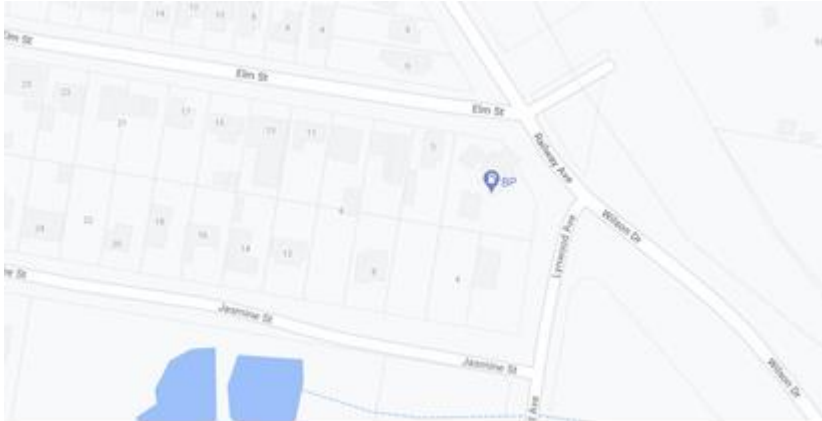
The proposal has been adequately assessed against S4.15 Evaluation of the Environmental Planning and Assessment Act 1979 and found to satisfy the principles of the legislation. Therefore, on balance the proposed redevelopment as proposed is economically sound, ecologically sustainable and in the public interest and should be supported by Council and determined as approved.



Plate: Existing Service Station and Food Premises

2.0 THE SUBJECT SITE DESCRIPTION & SURROUNDS

2.1 The Colo Vale Suburb



Colo Vale is a Northern Village of the Southern Highlands in Wingecarribee Shire.

Colo Vale is approximately 100 km south west on the Hume Highway from Sydney.

The surrounding area is part of the Parish of Colo which includes the villages of Aylmerton, Willow Vale, Alpine and Yerrinbool.

Context – Elm Street, Colo Vale



Plate - No 1 – 3 Elm Street, Colo Vale

2.2 Site dimensions and topography

The subject site is located on a sweeping corner allotment of land, on an irregular shaped allotment that consists of improvements of a service station, Garage/shed and take away food premises.

The site is located on the southern side of Elm Street, western side of Railway Avenue and northern side north/western side of Lynwood Avenue. The site is moderately sloping to the Lynwood Avenue and is located directly across from the northern railway line.

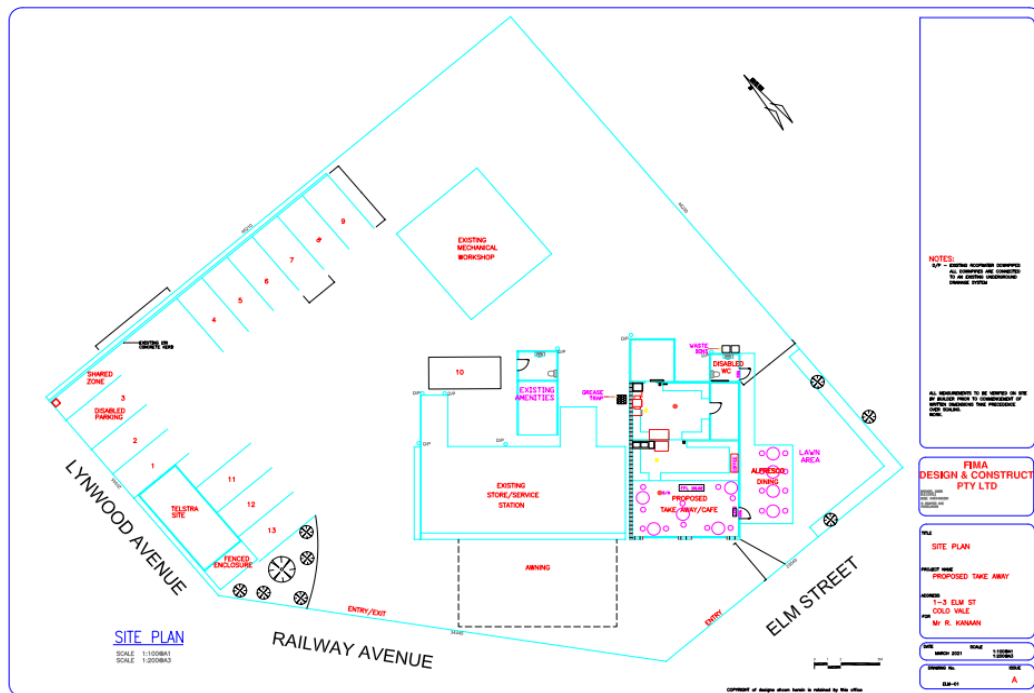


Plate: Site Plan

2.3 Site and surrounds context / streetscape character

The subject site is within a B1 Neighbourhood Centre Zone area that has undergone minor change over recent years and is predominantly characterised by the subject site Use as Service Station only.

An assessment of the streetscape character and site analysis had been the first step in the design process and had been used to ensure that the development is the best possible solution for the site and the immediate locality. The development as proposed will not be out of character with the existing, and future streetscape.

Streetscape refers to the way a street appears and assists to provide local amenity and identity. The presentation of buildings in a street is the most critical element and determines the character of not only the street, but also the locality. In this instance, the context and streetscape will not unduly be affected due to the minor works proposed.

Quality streetscapes are those in which the buildings and associated spaces form attractive streets and neighbourhoods. New buildings need to be sensitive and in context with the landscape setting and the environmental conditions of the locality, with the proposed new development achieving these outcomes.

This submission establishes the fundamental role of the site analysis and statement of environmental effects in the overall design process to ensure the proposal is designed and sited to reflect the desired streetscape, taking into consideration the site conditions and overall environmental constraints and attributes of the site and locality as well as the Development Standards constraints of the relative applicable Planning instruments

2.4 Site Analysis

The site analysis is the foundation of good design and is used as an initial source of information upon which to base the design and configuration of development taking account of all environmental constraints and opportunities, as they relate to the unique features of the site and nearby land.

Objectives:

- *Identify the constraints and opportunities for the development of the site.*
- *Provide an understanding of how the development relates to the site.*
- *Identify the capability and suitability of the site for development.*

A Site Analysis Plan is provided in support of the development application. The scope of the site analysis has addressed:

i) contours, slope and north point;

Response: These matters have been identified and addressed on the supporting documents, with the site generally orientated north to south.

ii) existing landscaping and vegetation;

Response: The subject site has minimal vegetation. This will not be affected.

iii) existing buildings and structures;

Response: The subject site does have existing structures, such a Service Station, Garage and food premises building.

iv) location of windows and other openings on adjoining buildings;

Response: Details of this nature are discussed below, with the submission capable of satisfying Councils development controls.

v) roads, access points, parking, and traffic management devices and the like;

Response: These matters have been identified and addressed. Vehicle entry/exit exists and is considered satisfactory and unchanged from that existing for the Service Station.

vi) linkages; open space networks, pedestrian/cycle paths and the like;

Response: There are definable pedestrian / open space networks in the suburb.

vii) hydraulic features, drainage lines, water features, drainage constraints, and the like;

Response: These matters have been identified. There are no constraints or restrictions that are detrimental to the proposal.

viii) natural hazards (e.g. flooding, bushfire);

Response: There are no natural hazards that would detrimentally affect the proposal.

ix) *solar orientation, overshadowing prevailing winds;*

Response: These matters have been identified in more detail with the submission.

x) *views and vistas to, from and within the site;*

Response: The subject site is orientated across the landscape settings.

xi) *a streetscape analysis;*

Response: A streetscape analysis has been provided with the submission. It is anticipated that the analysis will identify the compatibility of the proposal within the existing streetscape.

xii) *special environmental features such as threatened species habitat, endangered ecological communities and wetlands;*

Response: The subject site has no such species.

xiii) *items and relics of indigenous and non-indigenous heritage;*

Response: The subject site is void of any heritage items, however is located within a Heritage precinct. This is discussed further below.

2.5 Planning Opportunities / Constraints

The site analysis review and assessment considered the opportunities and constraints onsite, as well as the amenity and relationships to the adjoining residents and land uses.

Below is a summary of the opportunity and constraints. Planning opportunities associated with the site are:-

- The subject site is appropriately zoned for a take away food and drink premises;
- Economic certainty with construction of the development;
- The site is not affected by any Natural hazards;
- Opportunity to satisfy local Food and Drink premises in demand on otherwise underutilised site;

Planning constraints associated with the site are:

- Nil.

In summary, the planning opportunities of the proposal far out way the constraints making the proposal an ideal development in principle.

3.0 THE PROPOSED DEVELOPMENT

3.1 General Introduction

The purpose of this Statement of Environmental Effects is to accompany a Development Application to Wingecarribee Shire Council for a proposal consisting “new building for Use as take away food and drink premises”, at Lot 1 DP 2944 No 1-3 Elm Street, Colo Vale.

EPlanning have reviewed this development proposal and subsequently prepared this Town Planning report / Statement of Environmental Effects on behalf of FIMA Consulting Pty Ltd.

This report describes the physical characteristics of the proposal, subject site and surrounds in its Town Planning context, while having regards to matters as of relevance to the subject application pursuant to Section 4.15 of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979).

3.2 Development Overview

The proposed development is illustrated in detail on the plans and supporting documents prepared by FIMA Consulting Pty Ltd accompanying the development application. Refer to architectural documentation for development overview.

- Staff Numbers: 1 -2 as required
- Hours of operation: 10am – 12pm Monday to Friday

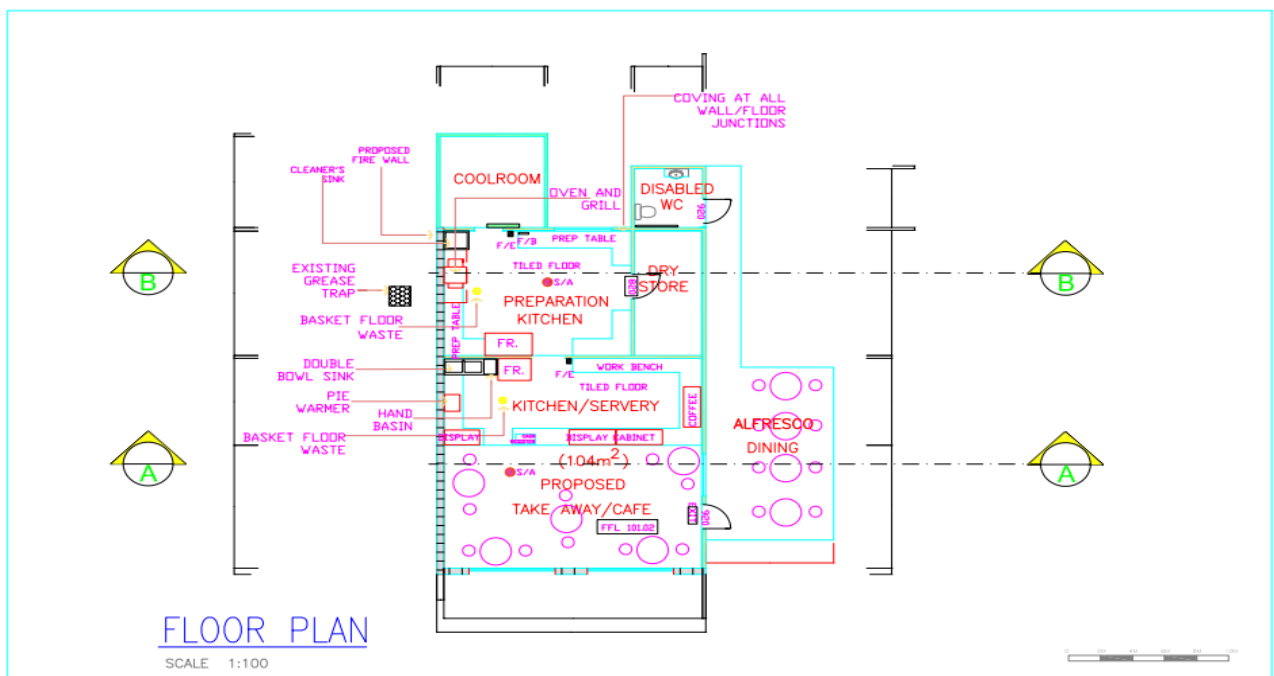


Plate: Proposed Floor Plan

4.0 STATEMENT of ENVIRONMENTAL EFFECTS

4.1 Section 4.15 Evaluation - Environmental Planning & Assessment Act, 1979

Section 4.15 Evaluation - Matters for Consideration, of the Environmental Planning and Assessment Act 1979, provide for those matters that may be taken into consideration as applicable.

(1) Matters for Consideration – general

In determining a development application consideration of the following matters are to be taken into consideration as are of relevance to the development the subject of the development application:

- a) *the provision of:*
 - i any environmental planning instrument; and*
 - 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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - iii any development control plan;*
 - 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*
 - iv the regulations (to the extent that they prescribe matters for the purposes of this paragraph);*
 - v (repealed)*

that apply to the land to which the development application relates

- 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,*
- c) the suitability of the site for the development;*
- d) any submissions made in accordance with the Act or the regulations; and*
- e) the public interest.*

This Statement of Environmental Effects has been structured pursuant to Section 4.15 Evaluation - Matters for Consideration, of the Environmental Planning and Assessment Act, 1979, that is of relevance to the proposal.

4.2 79C(1)(a)(i) any Environmental Planning Instruments

4.2.1 State Environmental Planning Policy 55 (SEPP55)

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the development. Clause 7 requires a consent authority to consider whether the land is contaminated, and if so, if that contamination can be remediated to allow for the proposed future use of the land.

The Environmental Protection Authorities intervention in relation to contaminated land is triggered when land contamination poses a significant risk of harm to public health or the environment. Generally, sites not posing a significant risk of harm will be dealt with by Council under the provisions of the Environmental Planning and Assessment Act 1979, in accordance with Managing Land contamination - Planning Guidelines and State Environmental Planning Policy 55 (SEPP 55).

Clause 7(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 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 located in a Business zone with limited redevelopment with contamination of the site very unlikely, and therefore no further assessment required.

4.2.2 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 assists the NSW Government, local councils and the communities they support by simplifying the process for providing infrastructure.

The proposal is deemed Local development and therefore no referral required to any Government Agencies, and therefore Council's staff can assess the traffic implications in relation to the proposal.

4.2.3 Wingecarribee Local Environmental Plan 2010 (WLEP2010)

The description of the proposal pursuant to the "Definition" schedule of the Wingecarribee Local Environmental Plan 2010 (WLEP2010), would best be defined as "new building for Use as take away food and drink premises", pursuant to the *Permitted Uses* table of that Zone.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Pursuant to Wingecarribee Local Environmental Plan 2010 (WLEP2010), the subject site is zoned B1 Neighbourhood Centre and is considered to satisfy the statutory framework for the proposed use of the particular land and considered to be in the Public interest.

The Objectives of B1 Neighbourhood Centre Zone are:-

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To generally conserve and enhance the unique sense of place of business centre precincts in villages and towns by ensuring that new development integrates with the distinct village scale, character, cultural heritage and landscape setting of those places.*
- *To ensure that new development has regard to the character and amenity of adjacent and nearby residential areas*

It has been concluded that proposal post re-developed could satisfy one (1) or more of the objectives for the zone, particularly to enable other land uses that provide facilities or services to meet the day to day needs of residents.

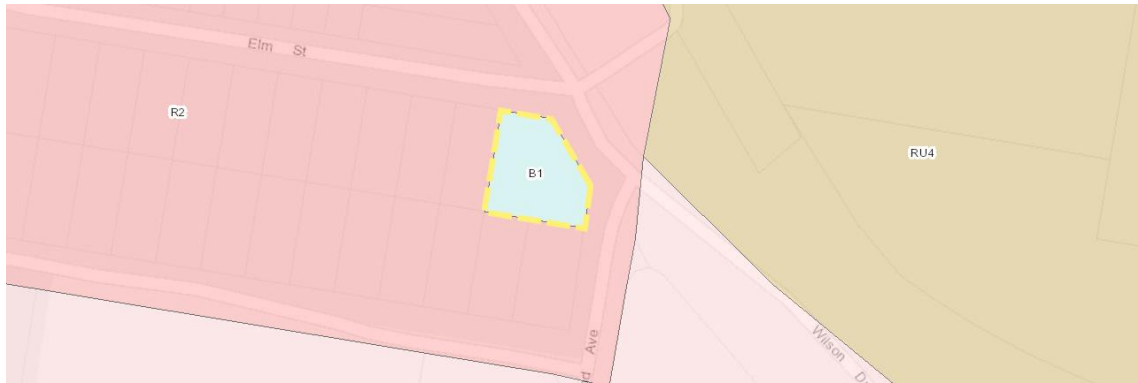


Plate – Land Zoning

Clause - 4.3 Height of buildings

- (1) The objectives of this clause are as follows—
 - (a) to identify maximum heights of buildings,
 - (b) to ensure that the heights of buildings are compatible with the character of the existing development within the surrounding area.

The building has a height of less than 5.0 metres, and satisfies this part of the WLEP2010.

4.3 Section 79C (1)(a)(ii) any draft Environmental Planning Instrument

There appears to be no draft Environmental Planning Instruments affecting the land.

4.4 Section 79C (1)(a)(iii) – any development control plan

The key local development controls have been highlighted and discussed while all other relevant matters for consideration have been summarised and commented upon as detailed in the following sections of this statement. While the DCP is a relevant consideration when making a determination of this proposal, Council is reminded that the proclamation of the Environmental Planning and Assessment Amendment Act 2012 on 1 March 2013 confirmed the status and weight that should be placed on development control plans when making a determination of a development application.

The amendments to the Environmental Planning and Assessment Act 1979 clarified the purpose, status and content of development control plans (DCPs), and how they are to be taken into account during the development assessment process. The Amendment Act makes it clear that the principal purpose of a DCP is to provide guidance to a consent authority on land to which the DCP applies.

The Amendment Act reinforces that the provisions contained in a DCP are not statutory requirements and are for guidance purposes only. Furthermore, it should be noted that the weight a consent authority gives to a DCP in assessing a development application will depend on a number of factors, including whether the DCP provides a sensible planning outcome.

The Amendment Act confirms that Council can confidently apply development control plans flexibly and if a development application does not comply with provisions in a DCP, a consent authority must be flexible in the way it applies the controls and also allow for reasonable alternative solutions to achieve the objectives of those standards. The following table summarises the most relevant (not all) development controls and compliance with such controls.

Northern Villages Development Control Plan

This Development Control Plan applies to all land in the Northern Villages edged red on the Figures below. The village areas include land zoned R2 Low Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre and B2 Local Centre.

PART B BUSINESS ZONED LAND

B2.2 Height of Buildings

All new business development must comply with the relevant Height of Buildings Map which forms part of the WLEP 2010. Applicants are also directed to clause 4.3 of the WLEP2010.

Response: Noted, the building is single storey and satisfies the LEP.

Section 4 On-site Car Parking

B4.1 Introduction - All new commercial development must make adequate provision for the off-street parking of cars associated with it, either by providing on-site parking, or by making a contribution towards the provision of public car parks. Where on-site parking is provided, the development must ensure that vehicular access to and from the site is safe and does not impede traffic flow.

Response: Car parking is provided onsite or within the street.

4.5 *Section 79C (1)(a)(iia) Any Planning Agreement*

Given the proposal at hand, it is considered that planning agreements are not required.

4.6 *Section 79C (1)(a)(iv) The regulation*

Clause 92, 93, 94 and 94A of the Environmental Planning and Assessment Regulation 2000 prescribes certain matters that must be considered by Council in determination of a development application.

4.7 *Section 79C (1)(a)(iv) The provisions of any Coastal Zone Management Plan*

The proposal is considered to have no direct result on the Coastal Zone.

4.8 *Section 79C (1)(b) - Likely impacts of the development*

The proposed development will not have a detrimental economic impact on the locality considering the residential nature of the surrounding and proposed land use. The re-development of the site will add to the vitality of the Service Station and will result in an economic and rational use of the land and will have a beneficial economic impact.

4.9 *Section 79C (1)(c) Suitability of the Site for Development*

The site is considered suitable for the redevelopment consisting of the new building for Use as take away food and drink premises", at Lot 1 DP 2944 No 1-3 Elm Street, Colo Vale.

The proposed development is therefore considered suitable for this site; will have no impact on any adjoining activities; and will have no adverse impacts on the natural scenic qualities of the area; no material loss of views from any public place and has no significant impact on vegetation.

4.10 *Section 79C (1)(d) Any submissions made*

It is anticipated that the proposal will be advertised in accordance with Council's notification policy. We do not anticipate any submission being received when advertised however should a submission be received, this will be assessed by the council in consultation to the applicant.

4.11 *Section 79C (1)(e) The Public Interest*

The proposal is not considered to present any detrimental environmental impacts or amenity impacts onsite or to adjoining neighbours. The wider neighbourhood and community would be benefited with the proposal at hand. The proposal will make a positive economic and social contribution by extending the range of urban land uses sought by Council's planning controls.

5.0 PLANNING REPORT CONCLUSION

The purpose of this Statement of Environmental Effects is to accompany a Development Application to Wingecarribee Shire Council for a proposal consisting “new building for Use as take away food and drink premises”, at Lot 1 DP 2944 No 1-3 Elm Street, Colo Vale.

This report is a town planning assessment that is to be submitted in concurrence with a deemed Local Development submission to the consent authority of Wingecarribee Shire Council. In accordance with Clause 1 of Schedule 1 of the Environmental Planning & Assessment Regulation 2000 (EPAARegs2000), to provide the following information:

- The environmental impacts of the development;
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- The steps to be taken to protect the environment or to lessen the expected harm to the environment.

To address the above statutory requirements, this report considered the description of the site, surrounding development and the wider locality, description of the proposed development, assessment of the proposed development in accordance with all statutory controls and Wingecarribee Development Control Plan (Northern Villages Development Control Plan) and a broader environmental assessment of the proposal, having regard to the matters for consideration contained within Section 4.15 of the Environmental Planning and Assessment Act 1979 (The EPA Act 1979).

The siting, design and external appearance of the development is considered to be appropriate and relate sympathetically to the site and to the desired future scale and character of development in the surrounding locality.

On balance, the development is ecologically sustainable and in the public interest. Therefore, given the above assessment the proposal should be recommended and determined as approved by Council.

- **END** -