

June 2024



Statement of Environmental Effects

216 Tinja Lane, Eurunderree

Farm Building

REFERENCE	23-1296
TITLE	Farm Building
SITE ADDRESS	216 Tinja Lane, Eurunderee
LOT/SECTION/DP	Lot 3 DP549564

VERSION	COMMENT	DATE
1.0	Draft for Client Review	19 June 2024
2.0	Final for Lodgement	27 June 2024

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1 INTRODUCTION

O'Ryan Geospatial Pty Ltd (O'Ryan) has been engaged by the landowner to prepare a Statement of Environmental Effects (SEE) to describe and assess the permissibility of a proposed Farm Building against relevant legislative, environmental, and planning requirements. The SEE accompanies the development application (DA) seeking consent for the proposed development.

The subject land is legally described as:

- Lot 3 DP549564 (216 Tinja Lane, Eurunderee).

This DA seeks consent to construct a Farm Building on land zoned as RU4 Primary Production Small Lots pursuant to the provisions of *Mid-Western Regional Local Environmental Plan 2012 (LEP)*, to be used for the storage of agricultural machinery and produce.

Works associated with the proposed development include earthworks and the provision of services for the purposes of establishment of the Farm Building.

There is existing vehicular access from Tinja Lane.

The SEE is structured into two parts:

- Part A – provides an overview of the subject site and proposed development.
- Part B – evaluates the proposed development against the environmental planning framework.

2 SITE DETAILS

2.1 OVERVIEW AND CONTEXT

- The subject land is legally described as Lot 3 DP549564, 216 Tinja Lane, Eurunderee.

The location of the subject site is shown below in Figure 1.

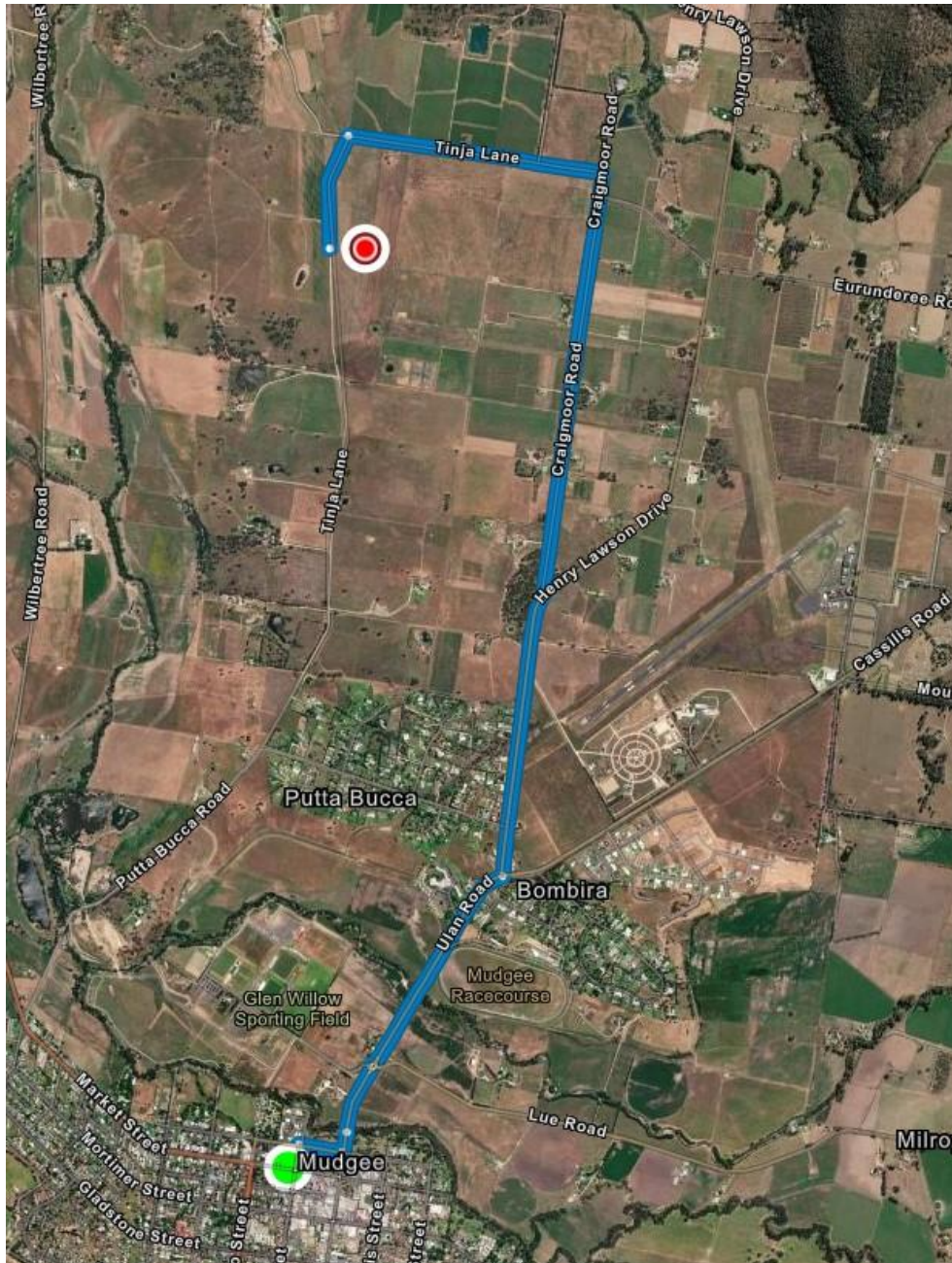


Figure 1: Site Location (Google Maps 2022)

STATEMENT OF ENVIRONMENTAL EFFECTS

216 Tinja Lane, Eurunderee: Farm Building



The subject site is a vacant rural property with existing formed legal access to Tinja Lane.

The land appears to have been historically cleared and utilised for agricultural purposes.

The property contains a total area of 38.14 ha, as shown on the current Deposited Plan (DP549564).

The land includes a sparse amount of native vegetation to the north-east of the site.

Two (2) farm dams are located towards the south-east and north-east of the site.

The site is located adjacent to existing rural land uses, used primarily for intensive plant agriculture (viticulture), extensive agriculture and rural lifestyle purposes.

Figure 2 comprises an aerial photograph of the property. Site and contextual photography are illustrated at Plates 1 and 2.

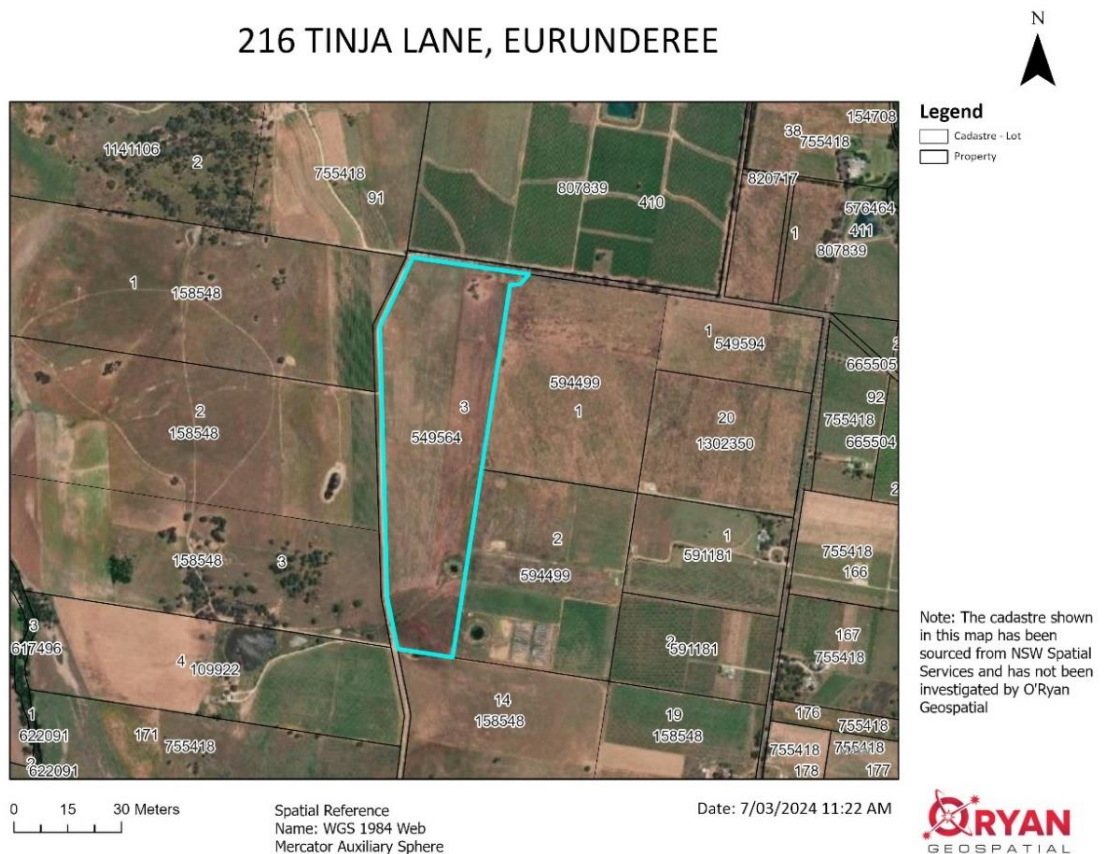


Figure 2: Site Aerial Imagery

STATEMENT OF ENVIRONMENTAL EFFECTS

216 Tinja Lane, Eurunderee: Farm Building



Plate 1: View into the Site from the north



Plate 2: View into the Site from the northwest

2.2 TERRAIN DESCRIPTION

The subject site is comprised of relatively flat terrain sloping to the east.

A Strahler Stream Order 1 "hydro-line" is located to the south of the site.

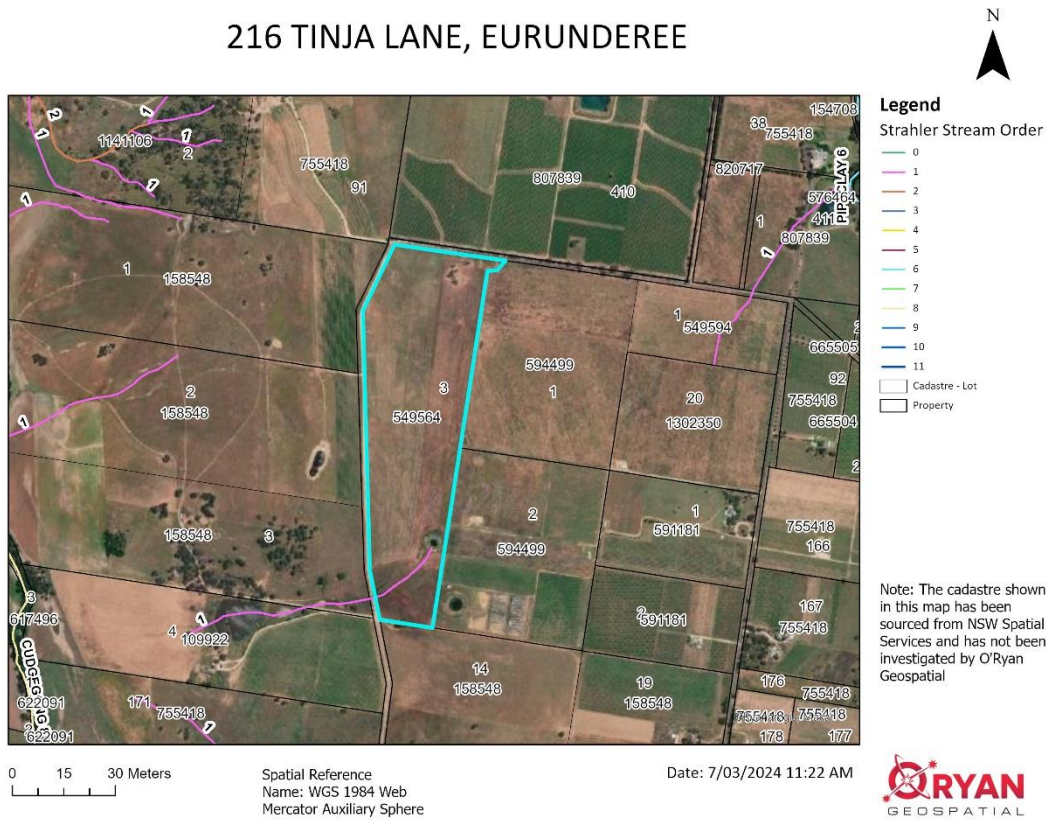


Figure 3: Strahler Stream Order

2.3 BIODIVERSITY FEATURES

The land includes a sparse amount of native vegetation to the north-east of the site.

The site does not contain any vegetation that has been identified on the Department of Planning and Environment (DPE) Biodiversity Values Map (BV Map) nor does the site contain any vegetation identified as being of "moderate" or "high" terrestrial biodiversity on the LEP biodiversity sensitivity map.

216 TINJA LANE, EURUNDEREE

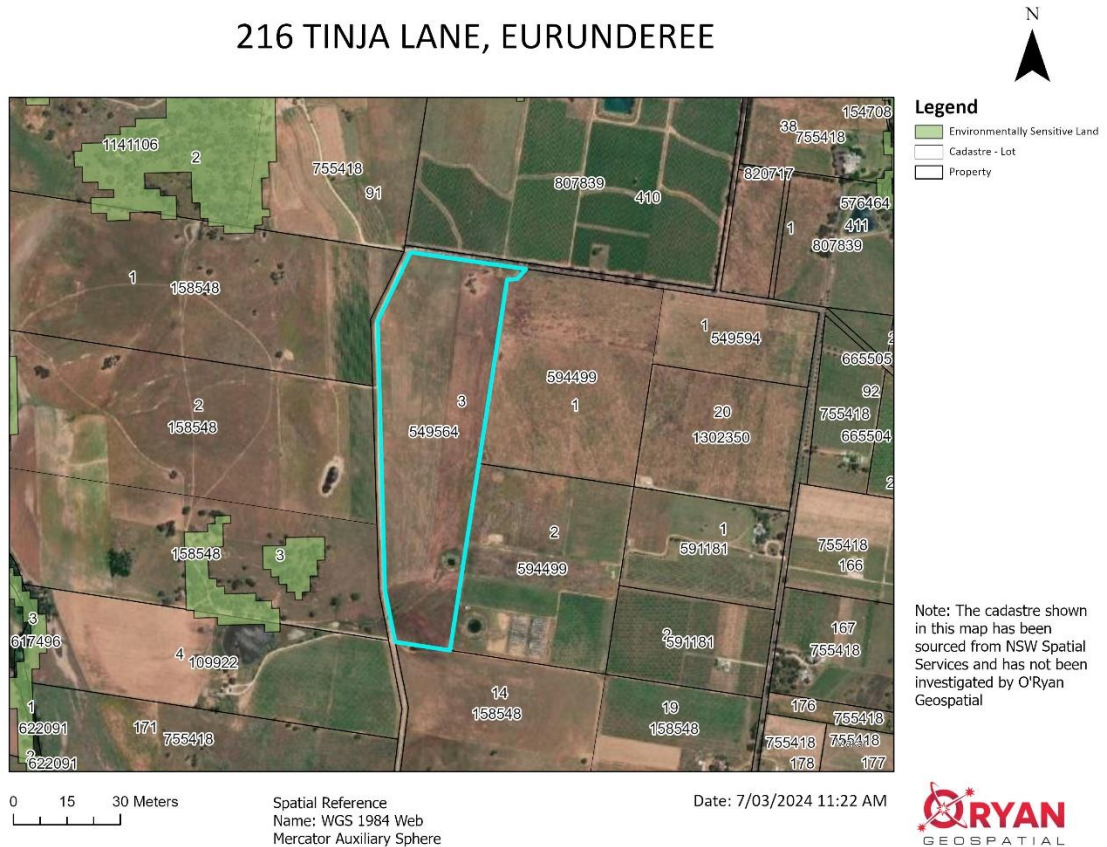


Figure 4: Mapped Locality Biodiversity Features

2.4 EUROPEAN HERITAGE AND ABORIGINAL CULTURAL HERITAGE FEATURES

The subject site does not contain any local or state heritage items listed under LEP Schedule 5 or the State Heritage Register. Furthermore, the subject site neither adjoins nor is adjacent to any local or state heritage items listed under LEP Schedule 5 or the State Heritage Register.

An AHIMS search conducted in October 2023 indicates that no known Aboriginal sites or places are located within 200m of the subject site. See Appendix A.

2.5 BUSHFIRE PRONE LAND

The subject site is not identified as bushfire prone land on the maps issued by the NSW Rural Fire Service (NSW RFS) and the risk of bushfire to the subject site is considered low.

2.6 FLOOD AFFECTED LAND

The subject site is not identified as flood-affected land on Council's LEP maps. See Figure 5.

216 TINJA LANE, EURUNDEREE



- Legend**
- Flood Planning Area
 - Cadastral - Lot
 - Property

Note: The cadastral shown in this map has been sourced from NSW Spatial Services and has not been investigated by O'Ryan Geospatial

0 15 30 Meters

Spatial Reference
Name: WGS 1984 Web
Mercator Auxiliary Sphere

Date: 7/03/2024 11:22 AM



Figure 5: Flood Planning Area Relative to the Subject Site

3 PROPOSED DEVELOPMENT

The development application seeks consent for:

1. Fabricated Semi Enclosed Farm Building– Reg-A Cat 2.0 12.0 Wide x 24.0m long x 4.2m Eave height.

Works associated with the proposed development include earthworks for the purposes of establishment of the Farm Building and associated services.

An existing driveway provides access to the site from Tinja Lane.

The development does not require the removal of native vegetation.

Vehicular access is from Tinja Lane.

3.1 PROPOSED LOCATION

The proposed Farm Building location is provided in Appendix B and an excerpt is shown below in Figure 6.

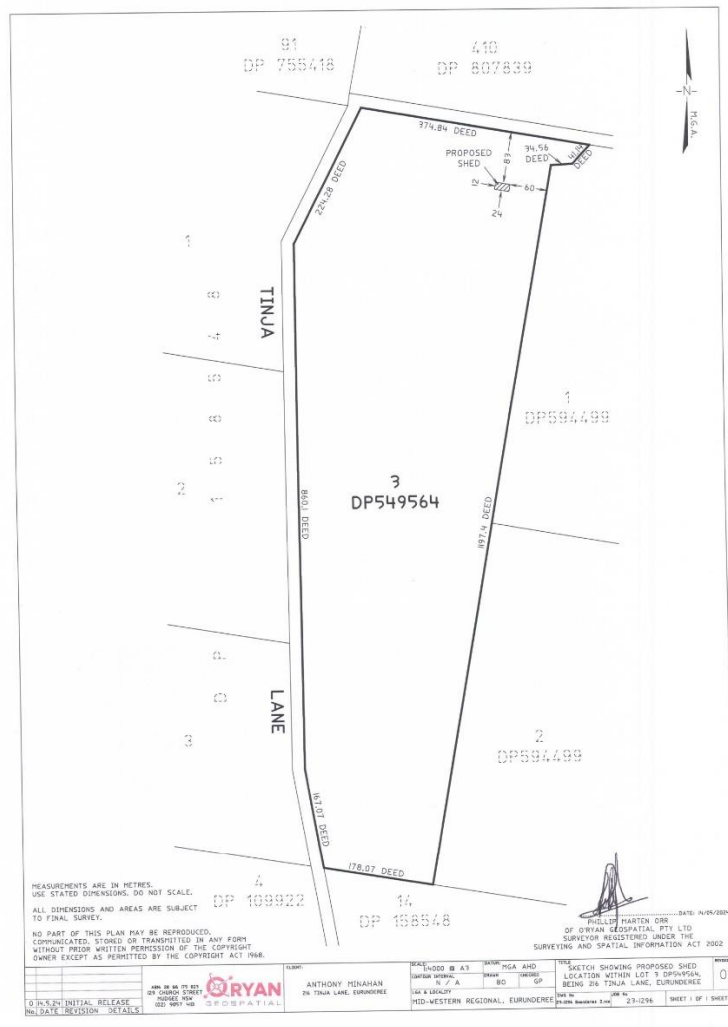


Figure 6: Plan of Proposed Shed Location

3.2 FARM BUILDING CHARACTERISTICS

Table 1 provides the Farm Building characteristics. Certified structural plans are provided in Appendix C. Plan excerpts are provided in Figure 7.

Characteristic	Comment
Number of bays	4 bays
Floor Area	288 m ² (12 m x 24 m)
Height	4.2 m eave height with a 10 degree pitch
Colour Schedule	Zincalume
Construction	The Farm Building will be constructed on a concrete slab foundation and supported with a metal frame
Stormwater	Stormwater will be collected by 2 x 25 000L tanks installed on the west side of the building. Overflow will be dissipated into the dam located in the northeast corner of the lot.

Table 1: Farm Building Characteristics

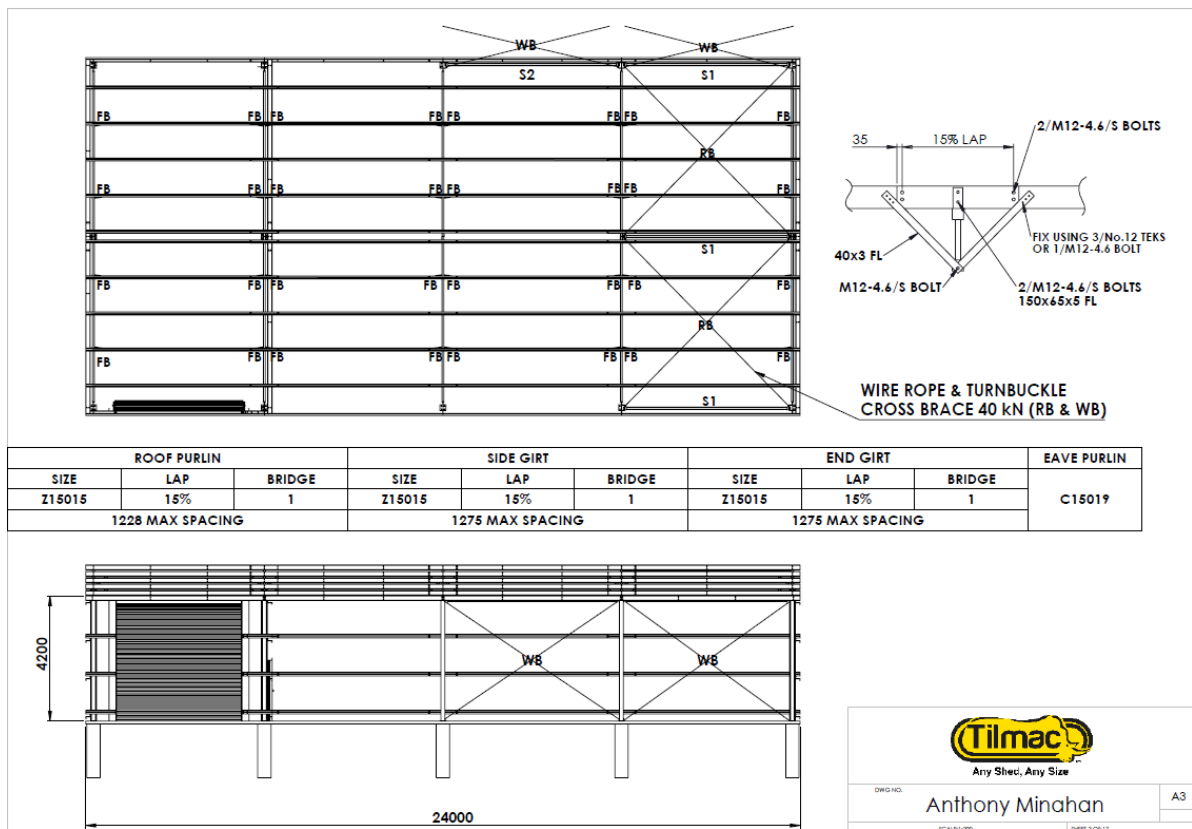


Figure 7: Proposed Farm Building Elevations

3.3 SERVICING

The subject site is comprised of a vacant large lot in a rural location. Suitable services are required for effective agricultural use of the proposed Farm Building. An overview of the proposed servicing arrangements is provided in Table 2.

Service	Proposed Arrangements
Legal Access	<ul style="list-style-type: none"> The subject site has access from Tinja Lane.
Potable Water Supply	<ul style="list-style-type: none"> Potable water will be diverted to rainwater tanks via building roof collection.
Effluent Disposal	<ul style="list-style-type: none"> The proposed Farm Building does not contain on-site waste disposal facilities.
Domestic Waste Disposal	<ul style="list-style-type: none"> The property is outside the Mudgee domestic kerbside collection service. The landowner will be responsible for private waste disposal.
Stormwater	<ul style="list-style-type: none"> Stormwater will be collected by 2 x 25 000L tanks installed on the west side of the building. Overflow will be directed to the dam located in the northeastern corner of the lot.
Electricity	<ul style="list-style-type: none"> An electricity supply is available to the east of the property. Suitable arrangements will be made to provide electrical supply to the Farm Building.
Telecommunications	<ul style="list-style-type: none"> The subject site is located outside the NBN fixed line rollout area. NBN connection will not be required for this development.

Table 2: Proposed Servicing Arrangements

STATEMENT OF ENVIRONMENTAL EFFECTS

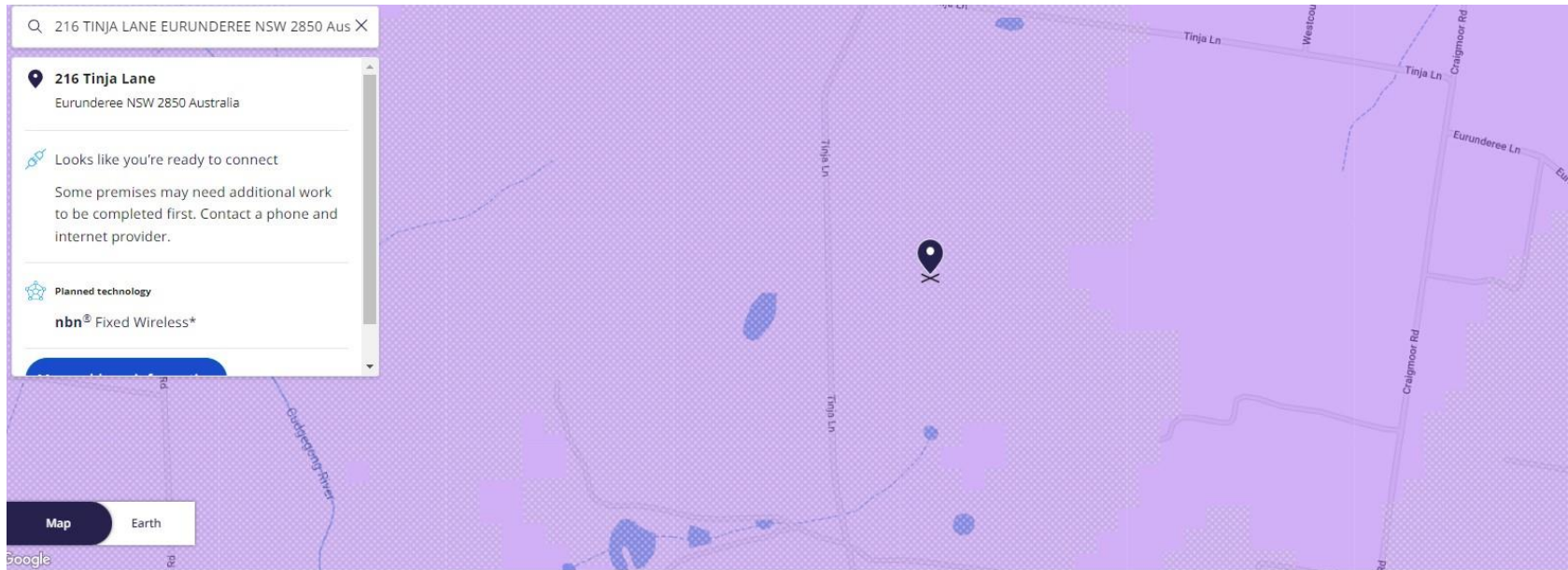
216 Tinja Lane, Eurunderee: Farm Building



Figure 8 Electricity Supply Excerpt

STATEMENT OF ENVIRONMENTAL EFFECTS

216 Tinja Lane, Eurunderee: Farm Building



Important information: While most premises in the purple "Service available area" can connect to services over the **nbn**® network, some premises may require additional work to be completed first. On rare occasions, some premises cannot be connected. Check your address above and contact a provider to find out if the **nbn** network is available at your home or business.

This site is protected by reCAPTCHA and the Google Privacy Policy and Google Terms of Service apply.

Map options

<input checked="" type="checkbox"/> Rollout status	<input type="checkbox"/> Service available area ⓘ	<input type="checkbox"/> Build commenced area ⓘ	<input type="checkbox"/> Other fibre provider area ⓘ
<input checked="" type="checkbox"/> Show service type	<input type="checkbox"/> Fixed line ⓘ	<input type="checkbox"/> Fixed wireless ⓘ	<input type="checkbox"/> Satellite ⓘ

Figure 9: NBN Detail

4 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The NSW Planning system operates under the statutory requirements outlined by the Environmental Planning and Assessment Act 1979 (EP&A Act). This section of the report evaluates the proposed development against the relevant statutory obligations.

4.1 PART 1.7 – BIODIVERSITY CONSERVATION ACT 2016 & FISHERIES MANAGEMENT ACT 1994

Part 1.7 of the EP&A Act requires the application of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* (FM Act). Part 7, Division 1, Section 7.2 of the BC Act requires consideration of whether the development or activity is “likely to significantly affect threatened species”, viz:

*“(1) For the purposes of this Part, development or an activity is **likely to significantly affect threatened species** if—*

- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) it is carried out in a declared area of outstanding biodiversity value”.*

The subject site is not within an area identified as being of high biodiversity value on the BV map or in a declared area of outstanding biodiversity value. The proposed development does require any clearing of vegetation.

4.2 PART 4.46 INTEGRATED DEVELOPMENT

Part 4 Division 4.8 Section 4.46 of the EP&A Act describes what is considered to be “integrated development”. Table 3 below outlines the criteria that define an integrated development.

Act	Provision	Approval Description	Triggered?
<i>Coal Mine Subsidence Compensation Act 2017</i>	s22	Works within a mine subsidence district	No
<i>Fisheries Management Act 1994</i>	s144	Permit for aquaculture	No
	s201	Permit to dredging	No
	S205	Permit to damage or destroy marine vegetation on public land	No

STATEMENT OF ENVIRONMENTAL EFFECTS

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	s219	Permit for structures within waterways	No
<i>Heritage Act 1977</i>	s58	Approval for works involving a state heritage item	No
<i>Mining Act 1992</i>	ss63, 64	Grant of mining lease	No
<i>National Parks and Wildlife Act 1974</i>	s90	Aboriginal Heritage impact permit	No
<i>Petroleum (Onshore) Act 1991</i>	s16	Production lease	No
<i>Protection of the Environment Operations Act 1997</i>	ss43(a), 43(b), 47, 48 and 55	Environmental protection license (EPL) for scheduled developments	No
	ss 3(d), 55 and 122	Environmental Protection License (EPL) for non-scheduled activities	No
<i>Roads Act 1993</i>	s138	Consent for works within a road reserve	No
<i>Rural Fires Act 1997</i>	s100B	Bushfire protection approval	No
<i>Water Management Act 2000</i>	ss89, 90, 91	Water management or activity approval (part 3 of chapter 3)	No

Table 3: Integrated Development Checklist

5 EP&A ACT PART 4.15 (1) (A) – LEGISLATIVE MATTERS

In determining a development application, the consent authority considers the relevant legislative matters under Section 4.15 of the EP& A Act. This section considers the key legislative and planning issues per section 4.15(1)(a) of the Act. The clause specifies consideration of the following areas:

- “(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 Planning 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, and*
- (iii)a) 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”.*

5.1 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)

A discussion of the applicability of State Environmental Planning Policies (SEPPs) to the proposed development is outlined below in Table 4.

STATE ENVIRONMENTAL PLANNING POLICY (SEPP) EVALUATION	
SEPP	Evaluation and Comment
SEPP (Biodiversity and Conservation) 2021	- Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	- Not applicable
SEPP (Exempt and Complying Development Codes) 2008	- Not applicable
SEPP (Housing) 2021	- Not applicable.
SEPP (Industry and Employment) 2021	- Not applicable.

SEPP No 65 Design Quality of Residential Apartment	- Not applicable.
SEPP (Planning Systems) 2021	- Not applicable.
SEPP (Precincts—Regional) 2021	- Not applicable.
SEPP (Primary Production) 2021	- Not applicable.
SEPP (Resilience and Hazards) 2021	<ul style="list-style-type: none"> - The SEPP requires the planning authority to consider the potential of land contamination at the site under assessment. - Current and historical land uses (grazing) of the property are considered unlikely to have resulted in land contamination.
SEPP (Resources and Energy) 2021	- Not applicable.
SEPP (Transport and Infrastructure) 2021	<ul style="list-style-type: none"> - Not listed under Schedule 3 – Traffic Generating developments - No access is proposed via a classified road.

Table 4: Evaluation Against State Environmental Planning Policies

5.2 LOCAL ENVIRONMENTAL PLAN (LEP)

The relevant provisions of the LEP are referenced below.

5.2.1 Zoning and Permissibility

The zoning of the subject land pursuant to the LEP is RU4 Primary Production Small Lots. Land zoning is illustrated in Figure 10. The Land Use Table of the LEP provides that Farm Buildings are permitted, but only with development consent.

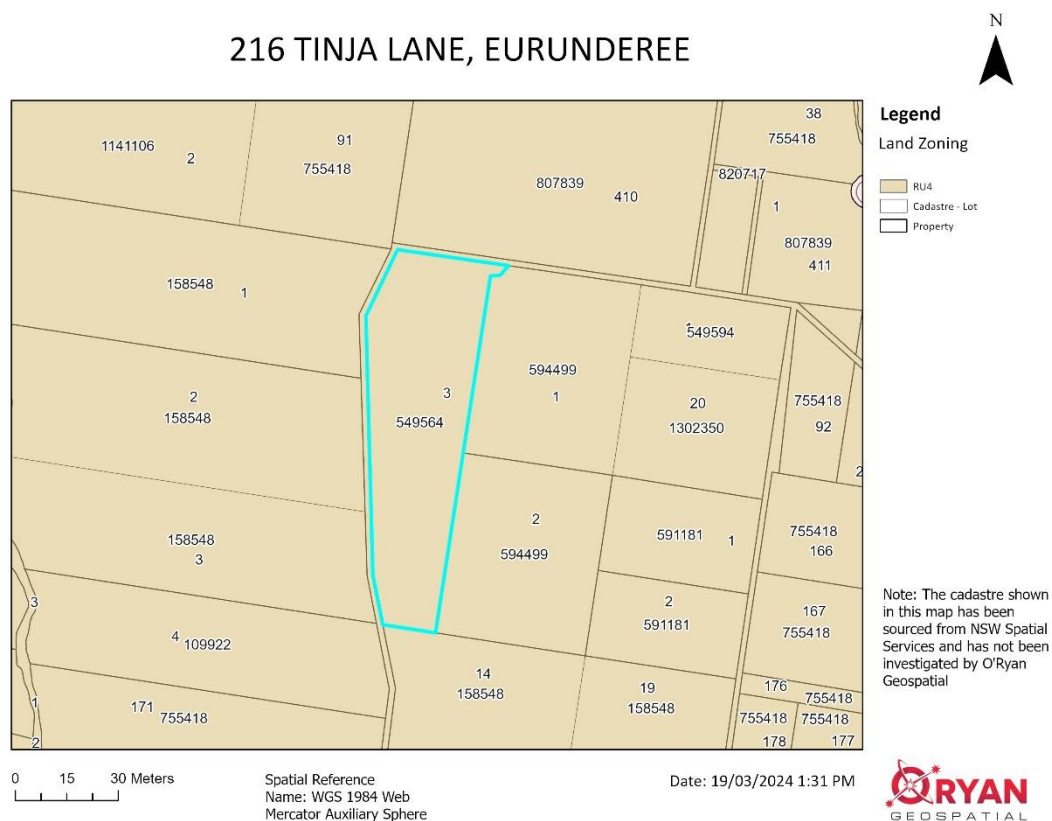


Figure 10: LEP Land Use Zoning (Mid-Western Regional Local Environmental Plan 2012)

5.2.2 Zone Objectives

The objectives of the RU4 Primary Production Small Lots zone are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure that land is available for intensive plant agriculture.*
- *To encourage diversity and promote employment opportunities related to primary industry enterprises, particularly those that require smaller holdings or are more intensive in nature.*

Comment:

The proposed Farm Building will provide support for sustainable primary industry and agricultural land uses. The land is currently being used for grazing purposes and the landowner intends to develop it further for the purposes of intensive plant agriculture.

No land use conflict is anticipated with surrounding land uses.

Land will remain available for intensive plant agriculture.

5.2.3 Aboriginal Archaeology and European Heritage Conservation

The proposed development will have no impact on Aboriginal Cultural Heritage matters or European heritage.

5.2.4 Flood Planning

The subject site is not located within the Flood Planning Area identified in the LEP.

5.2.5 Salinity

The subject site is not identified as being affected by high salinity and the proposed development is otherwise unlikely to influence salinity processes.

5.2.6 Earthworks

Minor earthworks are associated with the proposed development of the site. Soil erosion and sedimentation procedures will be employed as necessary and relevant.

5.2.7 Essential Services

LEP clause 6.9 requires that services that are essential for the proposed development are available or that adequate arrangements have been made to make them available. Essential services include:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or onsite conservation,
- (e) suitable road access.

Section 3 of this report describes the proposed arrangements for the provision of services to the development. All essential services can be made available to the site.

5.3 PROPOSED INSTRUMENTS

No proposed instruments have been identified or considered in the preparation of this report.

5.4 DEVELOPMENT CONTROL PLAN (DCP)

Table 5 – DCP Evaluation		
Provision	Compliance? Yes/No	Evaluation and Comment
Development in Rural Areas		
Primary Production Small Lots	N/A	This is not an application for a dwelling
Dwellings on rural lots within the former Rylstone LGA	N/A	This is not an application for a dwelling within the former Rylstone LGA
Services	N/A	This is not an application for a dwelling
Dwellings adjacent to Village Zones	N/A	This is not an application for a dwelling
Building Setbacks	Yes	The proposed development has a street setback of approximately 83 metres and side/rear setback of 60 metres
Outbuildings and Farm Buildings	Yes	The proposed development is located over 1km from neighbouring development and its proposed design complements the amenity of rural land uses in the locality
	No	With a lot size greater than 5 ha and less than 40 ha, the proposed Farm Building area of 288m ² does not comply with the maximum allowable standard of 200m ² standard. See below re proposed request for variation to this DCP provision

As established in Table 5, the proposed extent of the Farm Building area exceeds the 200m² maximum allowable size standard prescribed by the DCP, being 44 percent larger than the designated standard. It is considered that the designated standard is unreasonable and unnecessary in the circumstances and request that Council consider a variation to the DCP on the following grounds:

STATEMENT OF ENVIRONMENTAL EFFECTS

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- The proposed size of the Farm Building is critical in adequately supporting the storage of agricultural machinery and produce associated with intended intensive plant agriculture at the site;
- The isolated nature of the proposed Farm Building relative to adjoining and adjacent development in the locality; there is no anticipated visual or privacy impact to surrounding development;
- The proposed size of the Farm Building compared to the prescribed DCP requirement will not significantly increase traffic generation or acoustic impacts emanating from the site;
- The proposed development is consistent with the objectives of the RU4 Primary Production Small Lots zone and Council's Comprehensive Land Use Strategy, supporting sustainable agricultural operations.

5.5 SECTION 7.4 - PLANNING AGREEMENTS

No draft or existing voluntary planning agreements have been made or are proposed.

5.6 MATTERS PRESCRIBED UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT REGULATION 2021

Clause 61 outlines additional matters that the consent authority must consider. No relevant matters have been identified.

6 EP&A ACT 1979 SECTION 4.15 (1)(B) – IMPACTS

Section 4.15(1)(b) of the EP&A Act requires consideration of the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

6.1 ENVIRONMENTAL IMPACTS

6.1.1 Ecological Considerations

There is no vegetation clearing associated with the proposed development.

There is no evidence that threatened flora or fauna species are present at the site.

Limited ecological impacts are associated with the proposed development of the land.

6.1.2 Soil and Water

Minor earthworks associated with the proposed development of the site are limited to leveling of the ground surface and the provision of relevant utility services.

Soil erosion and sedimentation procedures will be employed as necessary and relevant.

The proposed development will have minimal impact on soil and water.

6.1.3 Air Quality and Noise

Minor earthworks associated with the proposed development of the site are limited to leveling of the ground surface and the provision of relevant utility services.

No significant air quality or noise impacts will occur as a result of the proposed development of the land.

6.1.4 Access, Transport and Traffic

The subject site is located within an established rural area, serviced by a Council maintained local road, Tinja Lane.

The development of the property is not anticipated to give rise to any adverse impacts associated with traffic movement or safety. Tinja Lane is a sealed local road with sufficient capacity to accommodate the increase in traffic generation associated with the proposed development of the site.

6.2 SOCIAL AND ECONOMIC IMPACTS

6.2.1 Context and Setting

The subject site is located within an established rural area, utilised primarily for agriculture and for rural lifestyle purposes.

The proposed Farm Building supports the objectives of the RU4 Primary Production Small Lots zone and is consistent with the context of the surrounding area.

6.2.2 Privacy, Views and Solar Access

The proposed development will have no impact on neighbouring properties' privacy or views. Solar access is not required.

6.2.3 European Heritage

The subject site does not contain any local or state heritage items listed under LEP Schedule 5 or the State Heritage Register.

The proposed development will have no impact on European Heritage.

6.2.4 Aboriginal Cultural Heritage

Minor earthworks are associated with the proposed development of the land.

An AHIMS report (see Appendix A) establishes that there are no known Aboriginal sites or places of heritage significance located within the subject site or a 200m radius of the site boundaries.

The proposed development will have no impact on Aboriginal Cultural Heritage.

6.3 CUMULATIVE IMPACTS

Cumulative impacts result when individual impacts of a development interact or accumulate to result in environmental degradation. The following typical scenarios have been considered:

- Temporal crowding involves a series of impacts occurring closely together in time such that the initial impact has not yet dispersed before the next impact occurs;
- Spatial crowding occurs when impacts occur closely together in space such that the impacts overlap; and
- Compounding effects occur when a range of impacts interact and result in a combined impact greater than the sum of the separate effects.

The proposed development will have an insignificant cumulative impact.

7 EP&A ACT SECTION 4.15(1)(C) & (E) - SITE SUITABILITY AND PUBLIC INTEREST

7.1 IS THE PROPOSAL SUITABLE FOR THE LOCALITY?

The proposed development of the land will support agricultural land use consistent with Council's strategic land use direction for the site.

The proposed development is suitable for the locality.

7.2 IS THE SITE APPROPRIATE FOR THE PROPOSED DEVELOPMENT?

The proposed Farm Building will contribute to the agricultural needs of primary industry.

The proposed development will encourage and promote diversity and employment opportunities in relation to primary industry enterprises.

The proposed development will not unreasonably increase the demand for public services or public facilities in the locality.

No land use conflict is anticipated with surrounding land uses.

The proposed development satisfies the relevant objectives of the RU4 Primary Production Small Lots zone.

Given the minor nature of works associated with the proposed development of the land, no significant environmental impact is anticipated.

The site is appropriate for the proposed development.

7.3 IS THE PROPOSAL IN THE PUBLIC INTEREST?

The proposal is in the public interest, providing a means of supporting and sustaining primary industry.

There are no significant adverse environmental or likely future social or economic impacts associated with the farm building.

The proposal is in the public interest.

8 CONCLUSION

The proposed development has been assessed against the requirements of Section 4.15 of the EP&A Act. This report has established that:

- The proposed development of the land is permissible with Council consent;
- The proposed development is consistent with Council's strategic land use direction for the site;
- The proposed development is consistent with the relevant objectives of the RU4 Primary Production Small Lots zone;
- The proposed development is consistent with the relevant requirements of Council's LEP and DCP;
- The proposed development provides a means of supporting and sustaining primary industry;
- The proposed development has no significant adverse environmental, social or economic impacts; and
- The proposed development is in the public interest.

The development application has merit and is considered worthy of Council's approval.