



Statement of Environmental Effects

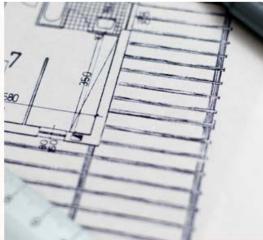
60 Evans St Wagga Wagga

Change of Use from Stables to Dwelling, Secondary Dwelling & Ancillary Tennis Court and Swimming Pool and Associated Alterations & Additions

19 May 2023







CAMILLA ROCKS

Town Planner

Document Set ID: 6031921 Version: 1, Version Date: 31/08/2023 This Statement of Environmental Effects has been prepared by Camilla Rocks, on behalf of the proponents for the development of 60 Evans Street, Wagga Wagga.

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1	Final uploaded to Planning Portal	10.10.22
2	Revised to address changes to design of poolhouse, inclusion	19.5.23
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1 Introduction

1.1 Overview of the Proposal

This Statement of Environmental Effects (SEE) has been prepared by Camilla Rocks on behalf of Rod Vidler (the proponent) to accompany a Development Application (DA) for the site located at 60 Evans Street (the subject site). The DA has been prepared under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) for submission to Wagga Wagga City Council (Council).

The proposed development seeks to change the use of the existing stables to a dwelling, with alterations and additions to suit, construction of a secondary dwelling and installation of a swimming pool, spa and tennis court.

The purpose of this SEE is to

- describe the site to which the DA relates;
- describe the surrounding locality, and adjoining and adjacent development;
- describe the proposed development;
- define the statutory planning framework within which the DA is to be assessed and determined;
- assess the proposed development against the relevant heads of consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

1.2 Site Analysis

The site is formally identified as 60 Evans Street, Wagga Wagga, comprising of Lot 11 DP 1261891. The lot is at the northern termination of Evans Street, in the locality of Central Wagga Wagga and within the boundaries of Wagga Wagga City Council, as identified in Figure 1 below. Access to the site is gained over a right of access across 58 Evans Street, immediately to the south of the subject lot. The site is an irregular shape, approximately 5858m² in size and relatively flat.

The site has historic use for horse training and stables. There is a concrete driveway into the site, leading to a long stables building constructed from Besser blocks, with metal roofing. The main building is approximately $1100m^2$. There are several yards constructed off the building as well as around the site. There is a round yard (circular undercover training yard) and several mature trees. The site has been in use for horse training and stables since the 1990s although it is believed the use began much earlier due to its proximity to the race course.



Figure 1 Current internal view of main building



Figure 2 Current internal view of building

To the south, the site addresses Evans Street, with stables to the north and south of the site. To the east, there is residential development and the Olympic Highway lies to the west. The subject site is zoned R5.



Figure 3 Entrance to the subject site



Figure 4 View towards the subject site from Evans Street

1.3 Supporting Documentation

- Site and Floor Plan, prepared by Designhub
- Statement of Environmental Effects, prepared by Camilla Rocks
- BASIX Certificates 1329920S and 1393490S

2 The Proposal

2.1 Proposed Development

This application seeks approval to change the use of the site from stables to dwelling, undertake alterations and additions to the stables building to fitout as a 6 bedroom dwelling, undertake alterations and additions to an existing outbuilding for a recreation room and secondary dwelling, construct a swimming pool and spa and install a tennis court.

Works are proposed to include:

- Construct internal walls within existing stables building to create rooms and garage as shown on plans
- Line and insulate walls and ceilings
- Make new openings in walls for windows and doors
- Construct new verandah along southern elevation
- Construct new swimming pool complex with lap pool, spa and swimming pool
- Alter existing outbuilding (round yard used for horse training) for use as a gym and activities room on ground floor and secondary dwelling on first floor, with shared amenities and kitchen on ground floor
- Construct tennis court with associated fencing and lighting
- Removal of 2 trees and shrubs.

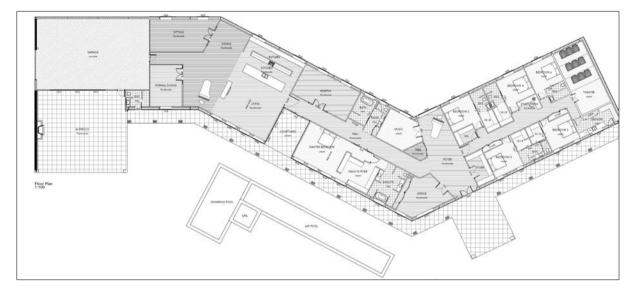


Figure 5 Proposed floor plan

We estimate the trees proposed to be removed are less than 8m in height therefore can be removed without requiring development consent.



Figure 6 Artist's impression of development



Figure 7 Artist impression of external appearance of proposed development

3 Assessment of the Development

This section provides our assessment of the proposed development against the relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The following plans are applicable to the proposed development:

- ❖ Wagga Wagga Local Environmental Plan (WLEP) 2010
- ❖ Wagga Wagga Development Control Plan (WDCP) 2010

however other legislation and policy is referenced here for clarity.

3.1 NSW Environmental Planning and Assessment Act, 1979

The NSW Environmental Planning and Assessment Act 1979 (EP&A Act) provides the legislative framework for the preparation of State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs), and Local Environmental Plans (LEPs). The latter includes the WLEP2010. An assessment against the relevant provisions of the WLEP 2010 is included within Section 4.1 below.

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment. Those Acts contain additional requirements with respect to assessments, consents and approvals under this Act.

3.2 NSW Local Government Act, 1993

Connection of new sewer and stormwater to mains infrastructure will require approval under Section 68 of this Act and a separate application will be submitted by the proponent.

3.3 Biodiversity Conservation Act 2016

The subject site is not identified as an area of outstanding biodiversity value on the biodiversity values map. No native vegetation is proposed to be removed. Given that no native vegetation is being removed and that there is no recorded endangered flora or fauna on the site of the proposed development, it is not anticipated that the proposed development will significantly affect threatened species or ecological communities or their habitats. Based on the above, we consider that the development will not trigger the Biodiversity Offset Scheme.

- 3.4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 The proposal is BASIX affected development and a current BASIX certificate is lodged with the application.
- 3.5 State Environmental Planning Policy Exempt and Complying Development The subject proposal does not fall under the provisions of this instrument as the change of landuse requires consent, under the provisions of the WLEP.
- 3.6 State Environmental Planning Policy (Resilience and Hazards) 2021 The information publicly available about former uses of the site indicates that the land was vacant until the 1990s and used for stables and horse training. This use is not likely to have involved the use of herbicides and pesticides.

The site is not listed as contaminated land on Intramaps. There is no evidence of dumping of any materials. Likewise, there is no physical evidence of contamination of the site.

No further assessment of potential land contaminating activities is considered warranted. It is considered that Council can be satisfied that the site is not likely to be contaminated and is suitable in its current state for the proposed use.

3.7 State Environmental Planning Policy (Housing) 2021

Development for the purpose of a secondary dwelling is development that is permitted with consent pursuant to Chapter 3, Part 1.

Development consent must not be granted for development to which this Part applies unless—

- (a) no dwellings, other than the principal dwelling and the secondary dwelling, will be located on the land, and
- (b) the total floor area of the principal dwelling and the secondary dwelling is no more than the maximum floor area permitted for a dwelling house on the land under another environmental planning instrument, and
- (c) the total floor area of the secondary dwelling is
 - i. no more than $60m^2$, or
 - ii. if a greater floor area is permitted for a secondary dwelling on the land under another environmental planning instrument—the greater floor area.

At the completion of this development, there will only be a principal dwelling and a secondary dwelling on the land. There are no FSR provisions for this site under another EPI and the total floor area of the secondary dwelling complies with the WWLEP provisions.

The development complies with the non-discretionary standards, with the land being over 450m² in size and no reduction in parking spaces.

The development does not meet the standards for complying development, being on R5 land, therefore development consent is required.

- 3.8 Wagga Wagga Local Environmental Plan 2010
- 3.8.1 Part 1 Preliminary

This section confirms that the subject site falls under the provisions of this plan and provides administrative information for the application of the WLEP.

3.8.2 Part 2 Permitted or Prohibited Development Under the provisions of the WWLEP2010, the subject site is zoned R5 Large Lot Residential.

Objectives of R5 zone:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To ensure that the clearing of native vegetation is avoided or minimised as far as is practicable.

The proposal is consistent with the objective to provide residential housing in a rural setting, noting that the precinct is a small pocket of R5 land next to the racecourse. The development would not hinder the proper and orderly development of urban areas in the future, given the existing site layout and uses in the vicinity. Development for a dwelling would not significantly increase demand for public services or facilities and the use is consistent with surrounding uses, which are predominantly residential.

The new land use would be defined as a *dwelling house*, meaning a building containing only one dwelling and a *secondary dwelling*, meaning a self-contained dwelling that—

- a) is established in conjunction with another dwelling (the *principal dwelling*), and
- b) is on the same lot of land as the principal dwelling, and
- c) is located within, or is attached to, or is separate from, the principal dwelling.

Dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Dwelling houses are a type of *residential accommodation* and permitted in the zone with consent.

3.8.3 Part 5 Miscellaneous Provisions

3.8.3.1 Clause 5.4 Controls relating to miscellaneous permissible uses

(9) **Secondary dwellings on land other than land in a rural zone** If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- a) 60 square metres,
- b) 33% of the total floor area of the principal dwelling.



Figure 8 Identification of proposed secondary dwelling on the site

Total floor area is not defined in the planning legislation. We interpret it to mean the entire area of the building, inclusive of the areas that are not included in gross floor area calculations, such as voids, circulation spaces etc. The principal dwelling on the site has a total floor area of approximately $1100m^2$. 33% of 1100 = 363 therefore the secondary dwelling is permitted to have a total floor area of up to $363m^2$.

The ground floor of the building is to host a gym in the existing round yard, which we will exclude from the total floor area calculations given it has external access and is not part of the secondary dwelling. The proposed addition will contain a recreation room, kitchen and bathroom, with a total floor area of 126.8m². The recreation room is intended for use as a supplementary space to the principal dwelling, to contain larger indoor sports equipment such as table tennis table, gaming station, foosball table etc and is not exclusive to the secondary dwelling. It also contains the kitchen therefore we will include it in the TFA calculations for the secondary dwelling. The first floor of the

building has a total floor area of 180.8m², inclusive of stairs and void. This gives a total floor area of 307.6m², which does not exceed 363m² therefore complies with the provision for size of secondary dwellings.

3.8.4 Part 7 Additional Local Provisions

The lot is above the 1:100 flood planning level therefore not subject to specific flood controls that would prevent the development as proposed.

The development as proposed maintains the primacy of the CBD as the main retail centre, given it is for the alteration of an existing stables to change use to a dwelling and not a retail land use.

As depicted on the WLEP Natural Resource - Biodiversity map, the subject site is not noted as a sensitive area therefore this clause does not apply to the proposal.

As depicted on the WLEP Natural Resource - Land map, the subject site is not noted as a sensitive area therefore this clause does not apply to the proposal.

As depicted on the WLEP Natural Resource - Water map, the subject site is noted as a sensitive area for groundwater however the proposed use as a dwelling is not prescribed therefore this clause does not apply to the proposal.

3.9 Wagga Wagga Development Control Plan 2010

The WDCP is addressed as follows:

WDCP 2010 Chapter	Relevance to this proposed development	
Part A General		
Section 1 General	Relevant sections of the chapter are noted	
Part B		
Section 2 Controls That Apply to All Development	Relevant sections of the chapter are discussed below	
Section 3 Heritage Conservation	This chapter is not relevant to this proposal	
Section 4 Environmental Hazards & Management	This chapter is not relevant to this proposal	
Section 5 Natural Resource & Landscape	This chapter is not relevant to this proposal	
Management		
Part C		
Section 6 Villages	This chapter is not relevant to this proposal	
Part D		
Section 7 Subdivision	This chapter is not relevant to this proposal	
Section 8 Rural Development	This chapter is not relevant to this proposal	
Section 9 Residential Development	Relevant sections of the chapter are discussed	
	below	
Section 10 Business Development	This chapter is not relevant to this proposal	
Section 11 Industrial Development	This chapter is not relevant to this proposal	
Section 12 Specific Uses and Developments	This chapter is not relevant to this proposal	
Part E		
Section 13 Bomen Urban Release Area	This chapter is not relevant to this proposal	
Section 14 Boorooma Urban Release Area	This chapter is not relevant to this proposal	
Section 15 Lloyd Urban Release Area	This chapter is not relevant to this proposal	
Section 16 Gobbagombalin Urban Release Area	This chapter is not relevant to this proposal	

3.9.1 Section 1 – General

The proposal is consistent with the Guiding Principles outlined in this section. Under the provisions, this application would be a Type A notified for 7 days, although it is noted that dwellings complying with LEP and DCP provisions will not be notified. Advertising is not required.

The proponent does not seek to vary any control to permit approval of this application.

3.9.2 Section 2 – Controls That Apply to All Development

Vehicle Access and Movements

The Objectives for this section are:

O1 Ensure the safety and efficiency of urban and rural roads.

O2 Limit new access points to arterial roads or ensure alternative access is utilised where practical.

The proposal is consistent with these objectives as the existing vehicle access from Evans Street is legal and practical, relying on a right of access across 58 Evans Street.

The proposal is consistent with all the controls relating to vehicle access. As the proposal is for a single dwelling, a Traffic Impact Study is not required.

Off Street Parking

The Objectives for this section are:

O1 Ensure adequate provision is made for safe and efficient movement of vehicles and pedestrians. O2 Ensure the provision of safe and efficient parking for all modes of transport to meet anticipated demands.

O3 Minimise disruptions to existing levels of service and safety as a result of insufficient parking being provided on site.

O4 Soften the impacts of larger car parking areas through the use of landscaping.

O5 Provide both shade and solar access to car park users by means of purpose designed tree planting.

The proposal is consistent with the objectives of this section because the design of the site allows for safe passage of vehicles and sufficient parking. At present, the stables utilise spaces on Evans Street for overflow parking of vehicles and horse trailers. Under this proposal to change the site to residential use, there will be no requirement to park vehicles on the street. 2 car parking spaces within garaging are proposed for the development, complying with the requirement to provide 1 space per dwelling. The remaining controls are not relevant to a single dwelling.

Landscaping

As a single dwelling, the provisions do not require the provision of a landscape plan. The site is currently devoid of significant vegetation and will be embellished with landscaping as part of the redevelopment.

Signage

The proposal is for residential development and no signage is required. All existing stable signage will be removed.

Safety and Security

The proposal is consistent with the objectives of this section:

- O1 Incorporate crime prevention strategies in new developments.
- O2 Encourage active, pedestrian oriented environments where developments are designed to integrate into the public domain.
- O3 Maximise opportunities for natural surveillance of public spaces and building or site entrances.

The entry will be clearly visible and identifiable from the street, giving the resident/occupier a sense of personal address and shelter. Security lighting will be fitted to illuminate the accesses and parking but will be at levels to comply with outdoor lighting regulations.

Erosion and Sediment Control

- O1 Protect the environment against soil erosion and loss of soil from construction sites.
- O2 Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.
- O3 Prevent flood damage of individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.
- O4 Promote the implementation of erosion and sediment control measures by persons undertaking construction and earthworks activities to prevent the loss of soil from the site.

Contractors working on the development will comply with all requirements for mitigation of soil loss from construction sites, with standard barriers around drains, cleaning of vehicles and sediment fencing during construction.

Development near high pressure-gas pipeline infrastructure

The site is more than 3000m from a high pressure gas pipeline so will not fall under the provisions of this section.

3.9.3 Section 9 Residential Development

The proposed development is consistent with the principles for residential development.

3.9.3.1 Clause 9.2.1 Site Layout

The proposed development is consistent with the objectives of this section. The existing building is oriented to allow optimum solar access to living areas. New windows and doors will be placed in the solid walls to allow light and cross ventilation, as detailed in the attached plans.

The proposed swimming pool and spa area is located between the dwelling and the proposed secondary dwelling so will be private for the residents and unlikely to cause adverse impacts on neighbours.

The proposed tennis court will be located in the south-western corner of the site with a 6m setback to the southern boundary. The court will be fenced and suitable lighting will be installed. It is likely that council will impose conditions on the hours of use of the tennis court and associated lighting to minimise impacts on neighbours, noting that the property to the south is a child care centre and not occupied outside operating hours.

3.9.3.2 Clause 9.2.2 Streetscape

C1 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.

The street address and front elevation will be improved by the redevelopment. The building is set back into the block and not clearly visible from the street.

3.9.3.3 Clause 9.3.1 Site Area Per Dwelling

There is no minimum lot size for a dwelling in the R5 zone.

3.9.3.4 Clause 9.3.2 Site Cover

There is no maximum site cover for R5 zoned land.

3.9.3.5 Clause 9.3.4 Solar Access

C1 Locate garages, laundries and bathrooms to provide insulation from western sun.

The main garage is situated at the western end of the building to insulate from the western sun.

C2 Locate living areas and private open space to ensure orientation to the north and north east where possible.

2 living areas are located on the northern side of the dwelling. The private open space is on the south side of the building due to the existing site layout. There are areas of private open space that have excellent solar access, due to the size of the lot.

C3 Building design and site layout is to ensure adequate sunlight access to the internal living spaces and private open space of the proposed development.

Site layout is already in place as this application is to alter the existing building, however new windows and doors are proposed to ensure adequate sunlight access to the internal living spaces.

3.9.3.6 Clause 9.3.5 Private Open Space

The large size of the lot ensures there is adequate private open space available to the residents.

3.9.3.7 Clause 9.3.6 Front Setbacks

Front setbacks will be maintained as existing as the proposal is for alterations to the existing building.

3.9.3.8 Clause 9.3.7 Side and Rear Setbacks

Side and rear setbacks of minimum 4.5 metres will be maintained as existing as the proposal is for alterations to the existing building.

3.9.3.9 Clause 9.4.1 Building Elements

C1 Use verandahs or pergolas to link internal and external living areas

A new verandah is proposed along the southern elevation, with a covered external living area on the western end of the building.

C2 Porches are to be integrated into the building design, and are to be used to create a sheltered and clearly visible entry.

A porte-cochere is proposed to create a sheltered and clearly visible entry to the dwelling.

C3 Locate ancillary components such as aerials, satellite dishes, air conditioning units and the like so they are not visible from the street.

Ancillary components will not be likely to be seen from the street however they will be located sensitively to protect the integrity of the design of the dwelling.

3.9.3.10 Clause 9.4.2 Materials and Finishes

C1 Select materials for their environmental performance, durability, detail and appearance to achieve quality appearance.

The existing building will be re-clad to improve the appearance. Insulation and wall linings will improve environmental performance.

C2 Avoid large unbroken expanses of any single material.

There will be no large expanses of any single material, as shown on the plans.

C3 Minimise use of highly reflective or glossy materials on building exteriors. There is no proposal to utilise highly reflective or glossy materials.

C4 Use contrasting materials in combination with design elements for features such as corner elements.

The existing Besser block building is proposed to be re-clad and embellished for a "Hampdens" aesthetic. Contrasting materials are proposed to achieve this aim, in particular, new cladding, timber and steel posts with stonework trim and gable features to break up the expanse of roofing.

3.9.3.11 Clause 9.4.3 Privacy

The lot is over 5000m², with mature trees on the northern boundary and a significant setback to the southern boundary. The proposed development will not reduce privacy to any existing dwelling in the vicinity.

3.9.3.12 Clause 9.4.4 Garages, Carports, Sheds and Driveways

O1 Minimise the visual dominance of garages and driveways in the streetscape.

O2 Where possible, locate garages so as to assist in protecting dwellings from early morning and late afternoon summer sun.

Control 1 is not relevant as the garages do not form part of the façade of the dwelling. The garage does not open to a laneway therefore Control 2 is also not relevant to this proposal.

The outbuilding (round yard) is to be retained under this proposal and converted to a gym therefore we do not consider that the remaining controls are relevant to the proposal. An *outbuilding* is not defined in the policy, however we interpret it to refer to non-habitable space in a separate building to the principal dwelling. The secondary dwelling complies with WLEP controls for total floor area therefore no further assessment is warranted.

3.10 Draft Environmental Planning Instruments

There are no draft EPIs that would be relevant to this proposal.

4 Assessment of Environmental Impacts

4.1 Transport, Access and Parking

The site is accessed from Evans Street via a right of access as illustrated in Figures 4 and 5.

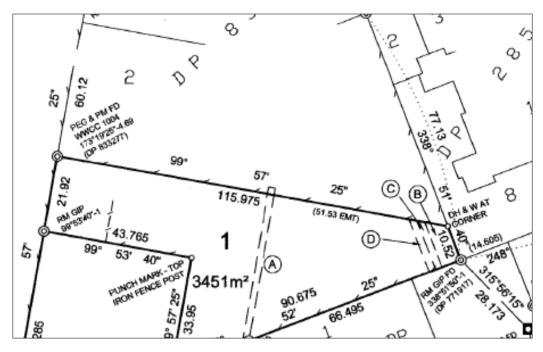


Figure 9 Extract from DP depicting access status

Sufficient parking is provided to cater for the expected needs of the occupants, in excess of DCP requirements.

- (A) EASEMENT TO DRAIN SEWAGE 2 WIDE VIDE DP 833277
- B RIGHT OF CARRIAGEWAY 6 WIDE VIDE DP 833277
- © EASEMENT FOR WATER SUPPLY 2 WIDE VIDE DP 833277
- D EASEMENT FOR ELECTRICITY SUPPLY 2 WIDE VIDE DP 833277
- E EASEMENT TO DRAIN SEWAGE 2 WIDE VIDE DP 826423



Figure 10 Access to site

4.2 Noise

The proposal is to convert existing stables to a dwelling. We expect that the noise generated from the site will be significantly reduced under this proposal because the horses will be removed from the site, traffic will be less and the site will become a family home.

There will be an expectation that the tennis court only be used within the standard residential noise restriction hours to prevent adverse impact on neighbour amenity.

4.3 Waste

General waste and recycling are collected by Wagga Wagga City Council contractors.

The proposal is expected to reduce the waste generated from the site as the use will change from commercial stables to a single dwelling.

Due to the age and structure of the buildings, the handling of asbestos is considered unlikely. It will be the responsibility of the building contractor, however, to remove and dispose of construction waste and any asbestos in accordance with Council policy and the Asbestos Code of Practice.

4.4 Services

All standard services are in place on the site, as a result of its previous use as stables. The services will be extended to the new work that is part of the application.

4.5 Fire Safety

The premises have been designed to comply with relevant fire safety standards and annual Fire Safety Statements and assessments will be undertaken, in accordance with Council policy. Details will be provided with the Construction Certificate application.

4.6 Odour

The change of use from stables to dwelling is expected to reduce odour in the vicinity as there will be no odour-producing activities undertaken on site.

4.7 Social Impact

It is not expected the re-development will have significant or greater adverse impacts on the amenity of any residents of the area than has been experienced in the past, given the site has been a commercial stables for the last 15-20 years.

4.8 Physical and Chemical Impacts

The proposal is not likely to impact on soil quality or land stability.

The activity is not likely to affect any waterbody, watercourse, wetland or natural drainage system.

The construction phase may involve the emission of dust, odours, noise or vibration in the proximity of urban areas however these will be short term and temporary and regulated under the conditions of consent. These impacts are not expected to occur following occupation.

4.9 Biological Impacts

The proposal does not require the clearing of vegetation. There is minimal vegetation on the site and it has not been identified as having environmental significance. Nor has any threatened species been identified on the site.

4.10 Environmental Hazards

The subject site is not identified as being bushfire prone or flood prone.

4.11 Heritage

The subject site is not identified as having heritage significance.

5 Conclusion

The proposal has been considered under the provisions of Section 4.15 of the EP&A Act and is considered acceptable and worthy of approval for the following reasons:

- ❖ The proposal is in keeping with surrounding development.
- ❖ The proposed development has been designed in accordance with the provisions of the WLEP 2010 and WDCP 2010.
- ❖ The proposal will have minimal adverse impact on surrounding amenity.
- The proposal is in the public interest. The proposal will provide an appropriate use of the site.

Having considered all the relevant considerations under Section 4.15 of the EP&A Act 1979, we conclude that the proposal represents a positive outcome that would result in no negative environmental impacts. The proposed development should therefore be recommended for approval.