

STATEMENT OF ENVIRONMENTAL EFFECTS

**CHANGE OF USE (PLACE OF PUBLIC
WORSHIP TO CENTRE-BASED
CHILDCARE)**

**63 DOWLING STREET, DUNGOG NSW 2420 (LOT
19 AND 20 DP667755)**

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Dungog Community Preschool (the client) to prepare a Statement of Environmental Effects (SEE) for a change of use (place of public worship to centre-based childcare) and associated minor works and carparking 63 Dowling Street, Dungog NSW 2420 legally identified as Lot: 19 DP667756 and Lot: 20 DP667755 (**'the site'**).

The site is located within the Dungog Local Government Area (LGA) and is zoned R1 – General Residential under the Dungog Local Environmental Plan 2014 (the LEP). The development is permissible with consent within the R1 Zone.

The proposed development will consist of the following elements:

1. Use of existing buildings on-site for centre-based childcare
2. Building Code of Australia Compliance Works, including:
 - Installation of fire safety alarms and exit signage.
 - Accessible bathroom and shower.
 - Replacement of existing roller door with toughened glass door.
 - Replacement of existing kitchen door with 850mm door.
 - Installation of threshold ramp.
3. Construction of two accessible car parking spaces.
4. Provision of twelve (12) car parking spaces on compressed gravel, accessible from Chapman Street.
5. Reconfiguration of existing toilet and wash basins.
6. Erection of shade sails and structures.

The development will be implemented over two stages, as follows:

- Stage 1 (blue) – approx. completion 12 months (2025)
 - Construction of accessible carparking spaces
 - Front entry door replacement (roller door to glass door)
 - Installation of threshold ramp
 - Installation of fire safety alarms and exit signage
 - Construction of accessible bathroom and shower
 - Replacement of kitchen door with 850mm door.
- Stage 2 (orange): approx. completion 5 years (2029)
 - Construction of remaining carpark and parking spaces.
 - Bathroom reconfiguration and wash basin replacement.
 - Construction / erection of all external shade structures.

The centre will support the placement of up to 35 children and four (4) staff.

The proposed development is intended to take advantage of its location within an existing residential area, with public transport readily available to the site, with bus stops located within walking distance. The proximity of the site to the town centre of Dungog, adjacent Public School and Childcare Centre on Chapman Street, and nearby employment areas makes it advantageously positioned for the convenience of residents and employees of the

locality. The proposed development seeks to support the existing Dungog Community Pre-School, serving as an additional premises for the care of children.

It is considered that the proposed pre-school:

- Generally, conforms with planning and design guidelines specified by the Dungog LEP 2014 and Dungog Development Control Plan;
- Is consistent with the Childcare Planning Guidelines 2021;
- Will facilitate the provision of accessible, quality childcare in a location that is convenient for residents and workers in the area; and
- Will not have any significant adverse impacts on the environmental or scenic qualities of the area.

This SoEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

We encourage Council to contact us should they have any questions or if any of these matters require clarification.

TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
BDAR	Biodiversity Development Assessment Report
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
PSI	Preliminary Site Investigation
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:

Attachment	Document	Prepared by	Reference
1.	DCP Compliance Table and SEPP Review	Perception Planning	J003913 Rev: 2 18/07/2024
2.	Certificate of Title	NSW Land Registry	DP667755 & DP667756 9/7/2024
3.	Deposited Plan	NSW Land Registry	DP667755 & DP667756 19/01/1998 & 20/01/1998
4.	AHIMS Search Results	AHIMS	14/07/2023
5.	BYDA Search Results	BYDA	14/07/2023
6.	Development Plans <ul style="list-style-type: none"> - Site Plan - Staging Plan - Unencumbered Area Plan - Landscape Plan - Existing Hall Floor Plan - Proposed Hall Floor Plan - Proposed Sandpits and Sunshade Area - Door Ramp Detail 	Sorensen Design	2003007 07/08/2024
7.	Statement of Heritage Impact	Contemporary Heritage	Issue: 2 18/07/2024
8.	BCA Design Assessment Report	Perception Planning	J004216 Version: 2 17/07/2024
9.	Owners Consent	Owner	10 July 2024
10.	Stamped Hunter Water Corporation Plans	HWC	126247 Dated: 12 July 2024

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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 Dungog Community Preschool (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with the proposed development. The SEE examines the existing development and site location, 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 examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. 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 Environment’s guide to the *Environmental Planning and Assessment Act* (EP&A Act) 2021 (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

Property Address	63 Dowling Street, Dungog NSW 2420
Lot and DP	Lot: 19 DP667756 and Lot: 20 DP667755
Current Use	Place of Public Worship (St Andrews Presbyterian Church and Hall)
Zoning	R1 – General Residential
Size	3945.6m ²
Site Constraints	Heritage Mapped – Local Significance Drinking Water Catchment – Williams River Catchment
Owner	Owner's consent has been provided on the Application Form for the DA.
DP	The Certificates of Title and Deposited Plans are attached as ATTACHMENT 2 & 3 .

1.3 SITE DESCRIPTION

The site is located at 63 Dowling Street, Dungog NSW 2420 legally identified as Lot: 19 DP667756 and Lot: 20 DP667755. The site is within an existing general residential zone in Dungog, within the Dungog Shire Council Local Government Area (LGA).

The site is adjacent to the existing Dungog Community Preschool to the East with general residential development located to the North and South of the site. Land zoned E1 – Local Centre is located to the West of the site. The site is bound by Dowling Street to the West and Chapman Street to the South. The locality consists of residential and local shop premises that forms a diverse local environment. The streetscape is varied with heritage features identified particularly along the Eastern end of Chapman Street.

The subject site contains the St Andrews Presbyterian Church located centrally on site. The topography of the site is generally flat with some mature vegetation located on site to the Western side of the Church. The property is already connected to essential services as outlined in the BYDA results contained in **ATTACHMENT 5**, and the proposed development does not necessitate any extension to these services given its minor nature and intended occupancy.

Figure 1: Aerial image of site (ePlanning Spatial Viewer, 2024)



1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The Dungog Shire Council Development Application Tracker website identifies several approved applications associated with 63 Dowling Street, Dungog. **Table 1** displays the previous approvals relating to the site and associated use on-site.

Table 1: Historic development approvals (Dungog Council DA Tracker, 2024)

Application Number	Lodgement Date	Determination Date	Description	Development Type	Applicant
DA/202/2021	08/10/2021	16/02/2022	Temporary Residential Occupation of Place of Public Worship	Development Application	N/A
OC202/2021	18/10/2022	18/10/2022	Temporary Residential Occupation of Place of Public Worship	Occupation Certificate	N/A
DA202/2021/2	23/06/2022	09/08/2022	Change of use, time limited two (2) years – Place of public worship to Dwelling house (caretakers' residence) - Modification change to location and configuration of shower unit with additions of a privacy screen.	Modification Application	N/A
DA 225/2023	18/12/2023	12/04/2024	Proposed internal fencing (ancillary to existing place of public worship	Development Application	Perception Planning

No known compliance matters exist over the site which would pose issues for the proposed development.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The proposed development seeks consent for a change of use (place of public worship to centre-based childcare) and associated minor works and carparking. The proposed development will consist of the following elements, as shown in the development plans provided as **ATTACHMENT 6**:

1. Use of existing buildings on-site for centre-based childcare
2. Building Code of Australia Compliance Works, including:
 - Installation of fire safety alarms and exit signage.
 - Accessible bathroom and shower.
 - Replacement of existing roller door with toughened glass door.
 - Replacement of existing kitchen door with 850mm door.
 - Installation of threshold ramp.
3. Construction of two accessible car parking spaces.
4. Provision of twelve (12) car parking spaces on compressed gravel, accessible from Chapman Street.
5. Reconfiguration of existing toilet and wash basins.
6. Erection of shade sails and structures.

The development will be implemented over two stages, as follows:

- Stage 1 (blue) – approx. completion 12 months (2025)
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 - Installation of threshold ramp
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 - Replacement of kitchen door with 850mm door.
- Stage 2 (orange): approx. completion 5 years (2029)
 - Construction of remaining carpark and parking spaces.
 - Bathroom reconfiguration and wash basin replacement.
 - Construction / erection of all external shade structures.

The centre will support the placement of up to 35 children and four (4) staff. Hours of operation proposed include 8:30am – 4pm. No business identification signage is proposed.

The population of the Dungog LGA is growing, with its proximity to Newcastle and Maitland making it a desirable location to raise a family. Centre based childcare is a rapidly growing industry and is well supported by current Government initiatives. The site is currently occupied by an existing place of public worship (St Andrews Presbyterian Church and Hall) and adjoins the Dungog Public School, and Dungog Community Pre-school. The re-use of the existing structures on-site will support the existing pre-school use and effectively create an education and childcare hub within Dungog, which will service the wider community. The

proposal addresses the context of the area with particular respect to the Dungog Residential Precinct Heritage Conservation Area and has minimal visual impact on the surrounding build environment, given minimal external additions are proposed (noting no change to the fabric of the existing buildings).

DCP and LEP compliance ensures that the proposed development does not adversely affect neighbouring lots or the overall area.

3 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development:

- *Environmental Planning and Assessment Act*
- *Rural Fires Act 1997*
- *Biodiversity Conservation Act 2016*
- *Roads Act 1993*
- *Water Management Act 2000*

3.1.1 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 SoEE below.

- **Section 4.46 – What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, for it to be carried out, requires development consent and one or more of the approvals listed within **Table 2** below. The proposed development is not classified as integrated development.

Table 2: Integrated development

Integrated development	Proposed Development	
Fisheries Management Act 1994	<ul style="list-style-type: none"> ▪ s 144 ▪ s 201 ▪ s 205 ▪ s 219 	N/A
Heritage Act 1977	<ul style="list-style-type: none"> ▪ s 58 	No – The site is not identified as a State Heritage Item.

Coal Mine Subsidence Compensation Act 2017	<ul style="list-style-type: none"> ▪ s 22 	N/A – The site is not located within a Mine Subsidence Area.
Mining Act 1992	<ul style="list-style-type: none"> ▪ s 63, 64 	N/A
National Parks & Wildlife Act 1974 (as amended)	<ul style="list-style-type: none"> ▪ s 90 	N/A – An AHIMS search, contained in ATTACHMENT 4 was conducted on 14 December 2023. The search did not identify any Aboriginal sites or places within a 200m buffer of the site. Given the disturbed nature of the locality is unlikely that the development would uncover any Aboriginal artifacts or relics. If an item is unearthed, all works are to cease, and the appropriate authority notified.
Protection of the Environment Operations Act 1997	<ul style="list-style-type: none"> ▪ ss 43(a), 47, 55 ▪ ss 43(b), 48, 55 ▪ ss 43(d), 55, 122 	N/A
Roads Act 1993	<ul style="list-style-type: none"> ▪ s 138 	N/A
Rural Fires Act 1997	<ul style="list-style-type: none"> ▪ s 100B 	N/A – The site is not bushfire prone.
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	N/A – Not within 40m of the mapped watercourse applicable under this Act.

• **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with the Dungog Shire Council City Wide Infrastructure Contributions Plan.

3.1.2 RURAL FIRES ACT 1997

The subject site is not identified as bushfire prone.

3.1.3 BIODIVERSITY CONSERVATION ACT 2016

The purpose of this 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.

Applicants are to supply evidence relating to the triggers for the Biodiversity Offsets Scheme (BOS) Threshold and the test of significance when submitting a development application to the consent authority.

The subject site does not contain any areas of vegetation as well as riparian areas identified on the Biodiversity Values Map as land with high biodiversity value and sensitive to impacts from development and clearing. No vegetation removal is required or proposed. To this extent, an ecologist report has not been commissioned.

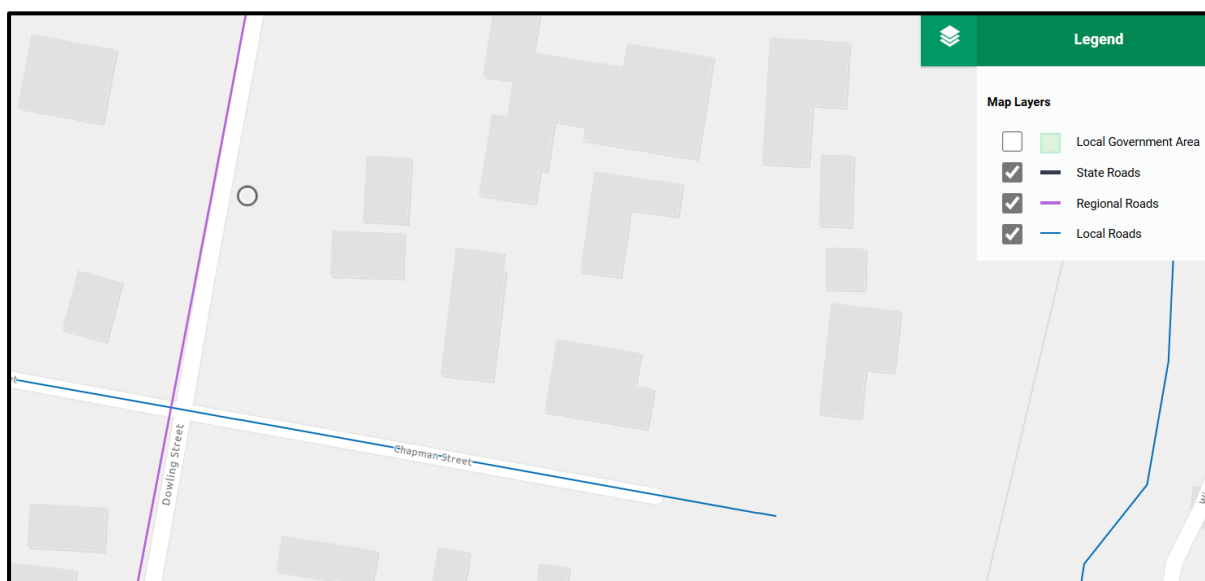
3.1.4 HUNTER WATER ACT 1991 (HW ACT)

The subject site is located within the Williams River Drinking Water Catchment. The proposed development is minor in nature and is not anticipated to adversely impact the Drinking Water Catchment. To this effect, a referral to HW is not required under Section 51 of the HW Act. Furthermore, the proposed development does not require any further connection or adjustment to the existing Hunter Water Services at the site. Build Plan stamping has been provided as **ATTACHMENT 10**.

3.1.5 ROADS ACT 1993

Dowling Street is identified as a Regional Road, under the maintenance of Transport for NSW. Chapman Street is identified as a local government road (**FIGURE 2**). Given primary access is currently from Chapman Street, which will be maintained as part of the proposal, and no significant increase in vehicular movements as part of the proposed use, in comparison to the existing use will occur, referral to Transport for NSW is not required under Section 138 of the Roads Act 1993. All vehicles are currently able to move onto and off the site in a forward direction. As such the development is not anticipated to compromise road safety. Furthermore, there are sufficient sightlines available to allow safe egress from each stage in a low trafficked environment.

Figure 2: TfNSW Road Classification Identification (TfNSW Online Mapping, 2024)



3.1.6 WATER MANAGEMENT ACT 2000

No physical works will take place within 40m of any body of water, nor will the development have a lasting impact on any watercourses or waterbodies on site. No further assessment of the Water Management Act is required.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

The following SEPPs are considered relevant the proposed development:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *Chapter 2 – Vegetation in non-rural areas*
 - *Chapter 4 – Koala Habitat Protection 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - *Chapter 2 – Coastal Management*
 - *Chapter 4 – Remediation of Land*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *Chapter 2 – Infrastructure*
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*

3.2.1 SEPP (BIODIVERSITY AND CONSERVATION) 2021

CHAPTER 2 – VEGETATION IN NON-RURAL AREAS

The aim of this Chapter is to protect the biodiversity values of trees and other vegetation in non-rural areas. Pursuant to Section 2.3, land zoned R1 General Residential is land to which this Chapter applies.

The proposed development does not require the removal of vegetation. As detailed under the assessment of the *Biodiversity Conservation Act 2016* the proposed development is not considered to substantially impact upon biodiversity or ecological values of the site or the locality. To this extent, no impact is identified on existing vegetation.

CHAPTER 4 – KOALA HABITAT PROTECTION 2021

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 Dungog Local Government Area as land to which the policy applies.

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 (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 however has been utilised as the St Andrews Presbyterian Church. It is not expected or known that the surrounding locality has the potential to be contaminated. To this extent, the site is considered suitable for the proposed development. To this extent, the future allotment is land considered suitable for the proposed development.

3.2.3 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

The purpose of this Chapter is to facilitate the effective delivery of infrastructure across the state and identifying matters to be considered in the assessment of developments adjacent to types of development.

Division 12, Subdivision 2 – Development adjacent to pipeline corridors

The proposed development is not in the vicinity of a pipeline corridor and therefore does not trigger referral to any pipeline operator pursuant to Clause 2.76. The proposed development is greater than 5m from any overhead powerline, thus referral to the electricity supply authority is not triggered under Clause 2.48.

Division 17 Roads and Traffic, Subdivision 2 Development in or adjacent to road corridors and road reservations.

The proposed development is not classified as traffic generating development in accordance with Schedule 3. Thus, the provisions of Clause 2.121 are not applicable to the

development. Accordingly, a traffic impact assessment is not required and referral to Transport for NSW is not triggered.

Further assessment against the Infrastructure SEPP is not required.

3.2.4 (EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES) 2017

CHAPTER 3 – EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Part 3.3 of this Chapter sets out the specific development controls relating to early education and childcare facilities.

This policy aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

The SEPP states that:

*‘23 Centre-based child care facility—matters for consideration by consent authorities
Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development.’*

Refer to **ATTACHMENT 1** for a complete review of this SEPP, Section 2.0 Design Quality Principles of the Childcare Planning Guideline and the National Quality Framework Assessment Checklist.

3.3 LOCAL ENVIRONMENTAL PLAN (LEP)

The following parts of the Dungog LEP 2014 apply to the proposed development:

- **Clause 2.3 – Zone Objectives and Land Use Table**

The site is zoned R1: General Residential under the Dungog LEP 2014. The Land Use Table of the LEP identifies the following objectives for the R1 zone:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow a mix of community, service and employment activities that are compatible in scale and impact with a residential environment.*

The proposed development will maintain the character of the residential setting in the Dungog town centre whilst providing essential pre-school services in the area. This development is enabled by the Dungog LEP and achieves the objective of providing a range of uses where infrastructure is adequate to support. The proposed development will provide additional pre-school services to meet the needs of the growing residential area, within a precinct already established for educational and care facilities. Minor works are required to support the proposed use, which have been designed and will be operated to avoid impacts on the residential amenity of the surrounding area. Accordingly, the proposed development is consistent with the aims and objectives of the applicable R1 zoning of the subject land.

Permissibility:

R1 Land Use Table
<u>Permitted without Consent</u> Home occupations; Markets; Roads; Roadside stalls
<u>Permitted with Consent</u> Attached dwellings; Boarding houses; Centre-based child care facilities ; Community facilities; Dwelling houses; Funeral homes; Group homes; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Any other development not specified in item 2 or 4
<u>Prohibited</u> Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Business premises; Charter and tourism boating facilities; Correctional centres; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Farm stay accommodation; Food and drink

premises; Forestry; Freight transport facilities; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Landscaping material supplies; Marinas; Mooring pens; Moorings; Office premises; Open cut mining; Passenger transport facilities; Plant nurseries; Port facilities; Public administration buildings; Registered clubs; Research stations; Resource recovery facilities; Restricted premises; Rural industries; Rural supplies; Rural workers' dwellings; Service stations; Sex services premises; Shops; Specialised retail premises; Storage premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse or distribution centres; Waste disposal facilities

As can be seen above, a centre-based childcare facility is permitted with consent, defined as follows:

centre-based child care facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

(i) long day care,

(ii) occasional child care,

(iii) out-of-school-hours care (including vacation care),

*(iv) **preschool care**, or*

(b) an approved family day care venue (within the meaning of the Children (Education and Care Services) National Law (NSW)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the Children (Education and Care Services) National Law (NSW)) is provided.

The proposed development is consistent with the character and objectives of the area and therefore, is considered appropriate within its surrounding context.

- **Clause 5.10 – Heritage conservation**

A search of the Aboriginal Heritage Information Services (AHIMS) database (14 December 2023) identified the subject site (with a buffer area of 200m) as not containing any Aboriginal sites as shown in **ATTACHMENT 4**. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.

The site is identified as a heritage item under Schedule 5, Part 1 of the DLEP 2014. The site is the location of the St Andrews Presbyterian Church. A Statement of Heritage Impact has been provided as **ATTACHMENT 7** to confirm the appropriateness of the proposed development, including the following recommendations, which are accepted:

- *It is recommended that the proposed entry door is of a simple contemporary design that is sympathetic to the building original fabric.*
- *It is recommended that a landscape design be prepared to mitigate the impact of the proposed carpark.*
- *The masonry boundary fencing to Chapman Street is subordinate to that of Dowling Street and so minor alteration to facilitate a suitable carparking area is reasonable. It is recommended that openings should be kept to a minimum or the existing vehicle entry utilised if possible.*
- *It is recommended that a side setback to the east of the carpark is provided as a buffer to the adjacent heritage item for the provision of further landscaping.*
- *The existing timber fence should be retained.*

In this regard, the proposed development is consistent with the requirements of clause 5.10.

- **Clause 5.21 – Flood Planning**

The objective of this clause is to minimise the flood risk to life and property associated with the use of land. The site is not identified as flood prone land. Further assessment of this Clause is not required.

- **Clause 6.1 – Acid Sulfate Soils**

The objective of this clause is to ensure that development does not disturb, expose, or drain acid sulfate soils and cause environmental damage. The site is not identified as containing acid sulfate soils. Further assessment of this Clause is not required, additionally an ASS management plan has not been prepared.

- **Clause 6.2 – Earthworks**

The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

The proposed development does not require significant earthworks and any works completed are not anticipated to result in any negative impact of the subject or adjoining land. Any material that is proposed to be imported or exported from the subject site will consist of Virgin Excavated Natural Materials (VENM), Excavated Natural Materials (ENM) or other certified material. Accordingly, the development complies with the requirements of this clause.

- **Clause 6.5 – Drinking Water Catchments**

The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water

storages. The proposed development is minor in nature and is not anticipated to contribute to adverse environmental outcomes on site. Appropriate erosion and sediment control measures will be implemented on site to reduce any potential impact on the drinking water catchment.

- **Clause 6.8 – Essential Services**

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that appropriate services that are essential for the development are available or that adequate arrangements have been made to make them available when required. The proposed development is minor in nature and no extension of essential services is required. The site is connected to relevant essential services as per the Before You Dig Australia search provided at **ATTACHMENT 5**.

- **Clause 6.10 – Williams River Catchment**

The objective of this clause is to protect and improve the environmental quality of the Williams River Catchment. The site is located within the Williams River Catchment. The proposed development is minor in nature with appropriate erosion and sediment control measures in place to reduce potential impact on the Williams River Catchment.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

3.4.1 DUNGOG DCP

Consideration of compliance and/or consistency with the relevant provisions of the Dungog DCP is provided in the Table of Compliance provided at **ATTACHMENT 2**. The Table of Compliance identifies that the proposed development demonstrates complete compliance with the relevant provisions of the DCP.

3.5 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Section 4.15(1)(a)(ii) requires the consent authority to consider:

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).

At the time of lodgement of this development application there were no draft environmental planning instruments that are relevant to the proposed development or subject site; that should be considered as part of this development application.

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 nature of the locality and is characteristic of other developments in both the local and wider community. The proposal addresses the context of the area, with specific attention to the Dungog Residential Heritage Conservation Area and Local Heritage Item and has minimal visual impact on the surrounding landscape and built environment given no change to the external fabric of the buildings are proposed except for replacement doors to improve the usability and appearance. The shade structures are minor in nature and have been designed at a scale appropriate to the existing development on site, with the footprint of the structures being lesser than the existing building, and primarily located to the side or rear of the existing buildings on-site, within closer proximity to the Public School, to give the appearance of a single unified development. Additional landscaping can occur throughout the site to soften the proposed built structures and to assist with integration of the formalised use of the parking area, with the existing heritage structures on-site. This is shown within the development plans submitted with the application.

The proposed development is consistent with existing land uses and developments in the area and will not affect current or future land uses or development. Through considered design in accordance with Council guidelines and professional advice, the proposed development minimises any environmental impacts and preserves the visual amenity of the area. No detrimental effects to the environment or visually are expected to result from the proposed development given its suitability to the site.

There are no anticipated adverse impacts on the built environment as a result of the proposed development.

4.1.2 ACCESS, TRANSPORT AND TRAFFIC

Access to the site will remain via Chapman Street to the South via the existing constructed driveway, which will continue as part of the proposed development. The proposed development will not result in a significant increase to the traffic accessing the site.

4.1.3 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The visual streetscape will be altered slightly; however, heritage assessment has been provided to justify the development aligns with the heritage features of the site (**ATTACHMENT 7**).

4.1.4 SERVICES

The subject site is serviced by reticulated water, sewer, stormwater, and electricity services. All services are available to the site and will continue to service the proposed development.

4.1.5 NOISE AND VIBRATION

As the site is located adjoining existing educational and care facilities, and the number of children proposed to occupy the site at any one time as part of this application is low, no incompatible or adverse noise impacts have been identified as unacceptable in this location. Adverse vibrational impacts are not anticipated.

Construction and demolition 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

The physical works that will result from the proposed development will involve minor earthworks to support the parking. No vegetation removal is required or proposed.

4.2.2 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (14 December 2023) identified the site has no known Aboriginal sites within a 200m buffer as shown in **ATTACHMENT 4**. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.

The site is identified as a heritage item under Schedule 5, Part 1 of the DLEP 2014. The site is the location of the St Andrews Presbyterian Church. A Statement of Heritage Impact has been provided as **ATTACHMENT 8** to confirm the appropriateness of the proposed development.

4.2.3 STORMWATER

Stormwater management and direction will remain consistent with the current site.

4.3 SOCIAL AND ECONOMIC

Social

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day to day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities).

The proposed development is intended to take advantage of its location within an existing residential area, with public transport readily available to the site, with bus stops located within walking distance. The proximity of the site to the town centre of Dungog, adjacent Public School and Childcare Centre on Chapman Street, and nearby employment areas makes it advantageously positioned for the convenience of residents and employees of the locality. The proposed development seeks to support the existing Dungog Community Pre-School, serving as an additional premises for the care of children.

The proposed development:

- Will provide additional pre-school facilities of higher quality in the Dungog area and will facilitate demand for additional pre-school services to service the needs of the community, consistent with the general objectives of the zone;
- Will not disadvantage or benefit any particular social group;
- Will not create areas of insecurity or risk for occupants;
- Will support the opportunity to increase housing stock within the wider area; and
- Provides enhanced social and built infrastructure to positively benefit the new and existing population within the locality and adjoining areas.

There are no anticipated adverse social impacts because of the proposed development, rather it is considered the proposal will contribute positively to the social elements of the locality through an increase in residents. The proposed development is not out of character with the existing urban context, will not involve an increased risk to public safety and will not threaten the existing sense of community, identity or cohesiveness, rather will contribute to the increase of these aspects in the locality.

Economic

The proposed development will provide additional pre-school facilities of higher quality in the Dungog area and will facilitate demand for additional pre-school services to service the needs of the community, resulting in positive economic outcomes for the region.

The proposed development will provide employment opportunities in the locality and support the local building and development industries. This will have direct monetary input to the local economy, and the increased number of residents in the locality will provide ongoing economic input through daily living activities.

The increase in pre-school services will also directly influence and enhance business and employment opportunities in and around the area through the attraction of families to the area.

There are no anticipated adverse economic impacts as a result of the proposed development.

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety, security, or 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.

4.4 SUITABILITY OF THE SITE

The proposed development will provide an opportunity for suitable development of the subject site and accordingly, is considered to be within the public's best interest.

4.5 ANY SUBMISSIONS AND CONSULTATION

As part of the DA consideration process it is envisaged Council may place the proposal on public exhibition and send neighbor notification letters to adjoining or adjacent properties.

4.6 PUBLIC INTEREST

The proposal represents the provision of additional pre-school facilities of higher quality in the locality to service the needs of the community. This is consistent with the zone objectives and surrounding land uses and is not anticipated to have any adverse impacts on surrounding properties or the amenity of the locality.

The proposed development remains consistent with the residential nature of the land and is in keeping with the character of surrounding land uses, existing development, and the Dungog Residential Heritage Conservation Area. The proposed development is in the public interest.

5 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed development will enable the continued use of the site as a Pre-School with minimal environmental impacts. Any relevant matters have been addressed through this SEE. The key reasons why the proposed development is appropriate are as follows;

- The proposed development is permissible on the site with consent and will provide quality essential pre-school services in the area.
- The proposed development is not considered to have a significant impact on the existing character or amenity of the area and will minimise any environmental impacts on the land.

It is considered that the proposal will have no significant impact on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.



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