

STATEMENT OF ENVIRONMENTAL EFFECTS

**ANIMAL BOARDING AND TRAINING
ESTABLISHMENT (DOG BREEDING)**

241 FISHERS HILL, VACY NSW, 2324 (LOT 1/-/DP 794530)

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EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Silverstream Labradors (the client) to prepare a Statement of Environmental Effects (SoEE) for a proposed animal boarding and training establishment (including proposed new kennels and use of existing kennels on-site) for the purpose of dog (Labrador) breeding at 241 Fishers Hill Rd, Vacy, NSW 2321 (Lot: 1/ - / DP 794530), referred to as **'the site'** for the purpose of this SoEE.

The site has been utilised for Labrador breeding for a number of years by the landowner, with existing sheds, kennels and dog runs established on-site for this purpose. Many of these are temporary structures which are proposed to be replaced with permanent kennel buildings. A compliance order followed by a Notice of Intention was issued by Council in December 2021 and August 2022, following a number of complaints received relating to dog noise. In response, the landowner has engaged Perception Planning to assist in the preparation of this development application. The DA seeks to formalise the existing use for operation in perpetuity and proposes the construction of 5 new kennel blocks (containing a total 25 kennels) and a proposed whelping area/kitchen and toilet.

The proposal seeks consent for a maximum of 100 adult dogs, which would be housed within the new kennels that are proposed to be constructed on the site. An existing besa block kennel building will continue to be utilised. An existing Colourbond shed will also continue to be used for the storage of feed. The whelping area will be utilised for dogs when they are due to have litters and for caring of the pups.

The proposal seeks variations in relation to Council's DCP control relating to buffer zone to neighbouring dwellings. The location of the kennels within the site has been chosen to minimise the impact of the development on the site and the surrounding area through the utilisation of existing topographical features and siting the kennels with opening to the north-west such that acoustic amenity of the nearest adjoining residences is maintained.

The land use is permissible with consent in the zone and is located on a large site with significant distance and topographical buffers to adjoining neighbours. The assessment and conclusions within specialist reports relating to on-site sewage management, stormwater and acoustic all demonstrate that the site operations can be achieve compliance with the established legislation or other standard operational requirements. Any impacts generated by the development can be appropriately managed in accordance with the recommendations made within each specialist report.

The proposal is considered to be a suitable use of the site and within the public's best interest. This application details the proposed design, compliance and associated impacts.

TERMS & ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
ASS	Acid Sulphate Soils
DA	Development Application
DAF	Development Assessment Framework
DCP	Development Control Plan
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
LAA	Land Application Area
LEP	Local Environmental Plan
OSSM	On-site Sewage Management
SEPP	State Environmental Planning Policy
SoEE	Statement of Environmental Effects

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PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Appendix	Document	Prepared by
1	EP&A Regulation 2000 (Schedule 1) <i>(contained within SEE)</i>	Perception Planning
2	Proposed Plans	Sorensen Design and Planning
3	Noise Report	Rapt Acoustics
4	Wastewater Management	GSL Environmental
5	Stormwater Management Plan	DRB Consulting Engineers
6	AHIMs Search Results	NA
7	DBYD Search Results	NA
8	Deposited Plan	NA

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1.0 INTRODUCTION

Perception Planning Pty Ltd has been engaged by Silverstream Labradors (the client) to prepare a Statement of Environmental Effects (SoEE) for a proposed animal boarding and training establishment (including proposed new kennels and use of existing kennels on-site) for the purpose of dog (Labrador) breeding at 241 Fishers Hill Rd, Vacy, NSW 2324 (Lot: 16 DP250873), referred to as **‘the site’** for the purpose of this SoEE.

This SoEE has been prepared in coordination with the client to demonstrate the relevant matters associated with in the proposed development. The SoEE examines the existing development and site location, how the 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 SoEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SoEE 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.

1.1 PURPOSE OF THE STATEMENT

This SoEE has been prepared in accordance with best practice principles applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure’s (now DPIE) guide to the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) (s4.15). This SoEE has been prepared pursuant to the EP&A Act 1979 (s4.12 (9)) and accompanying regulation. The objectives of this SoEE 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;
- 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 AND ANALYSIS

The following information describes the site, location and context.

Table 1 – Site Characteristics

Site Characteristics	
Lot/DP and address	241 Fishers Hill Rd, Vacy, NSW 2321 (Lot: 1/-/ DP 794530)
Area	40.18 ha
Consent Authority	Dungog Shire Council
Current Use	Main and secondary dwelling house, various sheds and outbuildings, dog runs and fenced kennels, exercise yard and feed storage shed. The property also contains horse yards and stables.

Zoning	RU1 Primary Production
Site Constraints	Riparian Lands and Watercourses Map Biodiversity Values Land

The site is located at 241 Fishers Hill Rd, Vacy (**Figure 1**), which is situated within the Dungog Shire Local Government Area (LGA). The site particulars are summarised in the table above, with site constraints obtained from the NSW Spatial Viewer. Access to the site is direct from Fishers Hill Rd via a shared unsealed access. The site is bound by the Paterson River to the west and north-west.

The site adjoins two surrounding rural properties to the north, south and east, with two further properties located immediately across the Paterson River. The site comprises two existing dwelling houses with various sheds and outbuildings, dog runs and fenced kennels, exercise yard and feed storage shed located within approximately 10m - 60m to the south of the dwelling. The property also contains horse yards and stables. Three dams are located across the site, two of which are located within waterways that terminate at the Paterson River.

The site is relatively clear of vegetation, with some mature trees located across the site. The riparian area adjoining the Paterson River is intact. There is no reticulated water or sewer supply available to the site.

Figure 1 - Site Analysis Plan (Near Maps, 2022)



1.3 CURRENT USE AND SITE HISTORY

DA Approvals

No historic development approvals were identified when Dungog Council DA tracker was accessed on 2 September 2022.

This application is made in direct response to a compliance order and Notice of Intention received December 2021 and August 2022.

2.0 THE DEVELOPMENT

2.1 DESCRIPTION OF THE DEVELOPMENT

This application seeks consent for an Animal Boarding and Training Establishment. The operational details are presented **Table 2**:

Table 2 - Operational details of development

Element	Proposal
Number of dogs	One hundred (100) at a maximum
Kennels	25 proposed new kennels within 5 new kennel blocks as well as use of one existing besa block kennel. Use of existing outdoor (communal) run areas for day-time use.
Hours of operation	7am – 8pm daily for animal care purposes.
Hours that dogs will be kept housed in kennels	Between 8pm and 7am daily.
Hours that kennel doors will be kept closed	Between 8pm and 7am daily.
Animal waste management	Please refer to the Wastewater Report provided at APPENDIX 4 .
Traffic numbers	Maximum of 15 additional movements per week in addition to general vehicular movements generated by the residents of the property. This equates to approximately two additional vehicle movements per day. These movements are generally associated with staff only as there is limited public access to the site with dogs/puppies being delivered or collected from an agreed public area.
Staff numbers	One - two (in addition to the residents of the property)
Ancillary services	No ancillary services are offered from the site (i.e., boarding, training, grooming or otherwise).

Built works	<p>The use will be carried out within proposed and existing structures on-site.</p> <p>Built works include;</p> <ul style="list-style-type: none"> - Construction of 5 new kennel blocks containing 5 kennels each - Construction of a new whelping area, kitchen and toilet. - Formalised use of the existing fenced exercise yard
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Figure 2, below illustrates the development footprint, being proposed and existing kennel structures and exercise yard relative to the existing site layout as well as the adjoining properties. The closest residential dwelling is approximately 380m from the development area.

The proposed kitchen building will be utilised by staff for the preparation of feeds. There will be a WC and hand washing facilities available here for staff access as required.

The whelping area included in the kitchen building would be utilised for dogs when they are due to have litters and for the required period of time afterwards such that the pups are able to be cared for and supervised accordingly. The whelping area is not considered to be a permanent kennel and would only be used when required.

The site will continue to be operated in accordance with the requirements of the Prevention of Cruelty to Animals Act 1979 and any other laws and regulations, for example; the Local Government Act 1993, or the Companion Animals Act 1998. The design of the kennels is in accordance with the NSW Department of Primary Industries Animal Welfare Code of Practice Breeding dogs and cats 2021. The premises has been regularly inspected by the RSPCA as the regulatory authority for the implementation of the 2021 code revisions. These inspections have never identified any welfare issues. Silverstream Labradors is member of Dogs NSW. Any puppy or dog is registered prior to sale and microchipped in accordance with the Companion Animals Act 1998.

The owners of Silverstream Labradors have supplied the below testimonial and background;

"We have been breeding top quality Labrador Retrievers for 25 years and since our first litter in 1979 we have had all our dogs intended to be used for breeding hip and elbow scored to make sure we are breeding dogs that are least likely to produce progeny with future joint problems such as hip and elbow dysplasia Years later when DNA testing for various diseases became available we immediately tested our dogs to ensure we could also avoid breeding any dogs with those diseases.

We have continually produced very healthy dogs with temperaments second to none. Our dogs have been used as Guide dogs for the blind, Assistance Dogs (particularly for children with autism) and therapy dogs (eg for ex servicemen with PTSD). They have also appeared in various television commercials (such as Kleenex ones) as well as various publications.

We have exported to Hawaii, New Caledonia, Hong Kong and New Zealand. We have many very appreciative clients from every state in Australia who have returned for their second or third Labrador as often do their relatives and adult children.”

This application seeks to formalise the use of the property and gives careful consideration to potential impacts on adjoining residential receivers. The key impact associated with the proposed use is the noise of barking dogs. It is understood that Council has previously received noise complaints associated with the dogs kept on the premises.

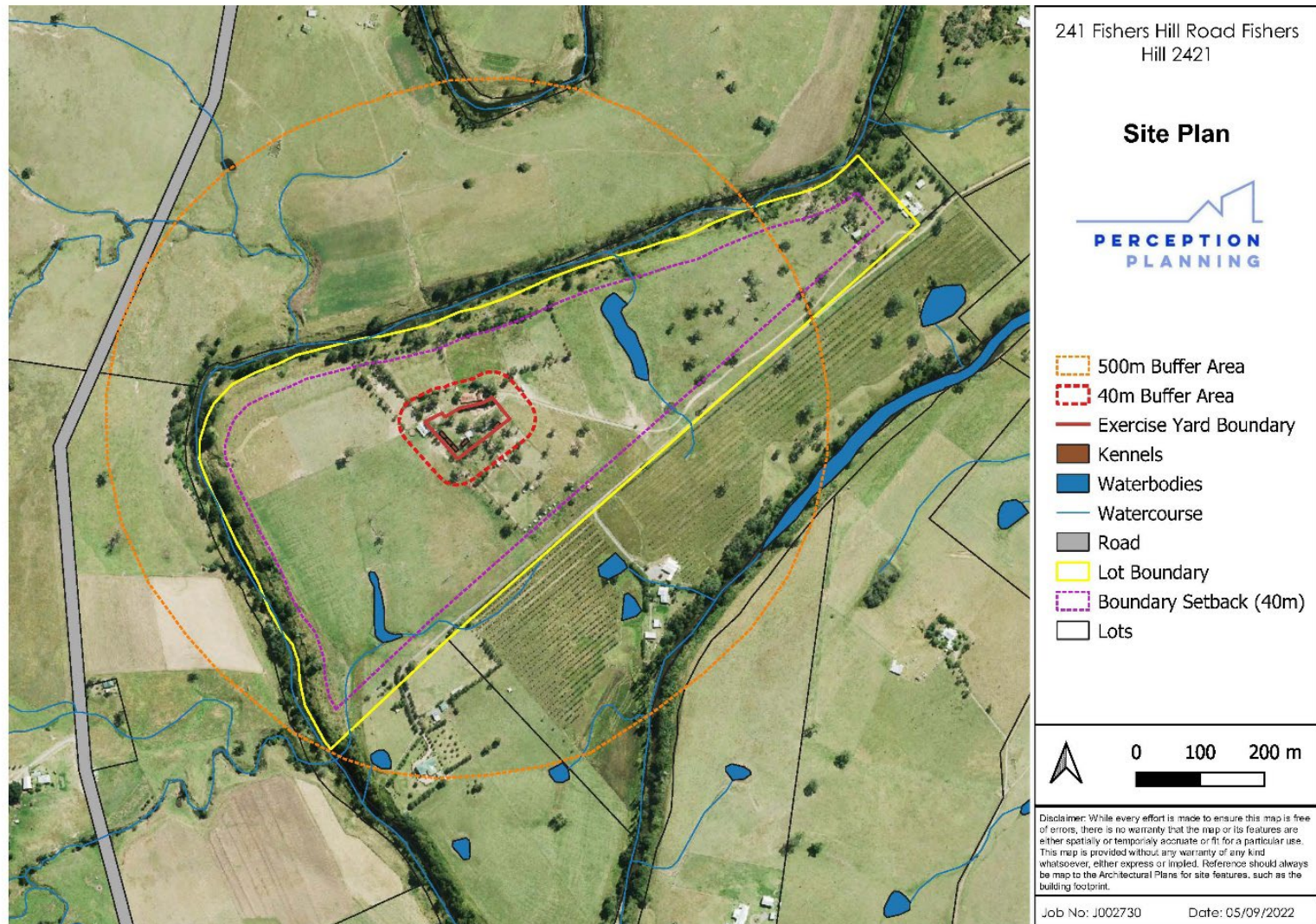
The kennel locations and positioning of the openings has been designed such that the small rise between the subject site and the nearest residences at 237 & 239 Fishers Hill Rd is utilised as a topographical buffer to the east and south. The travel of noise to the north and west has further been assessed in the Noise Report contained as **Appendix 3**.

The relevant policies and guidelines that have been considered during the preparation of this acoustic assessment include Australian Standard AS 1055.2, Acoustics – Description and Measurement of Environmental Noise, Noise Policy for Industry (NPfI), Environment Protection Authority (EPA), 2017, Dungog Development Control Plan Part C Chapter 12 The Keeping of Dogs For Commercial Purposes, Noise Guide for Local Government (NGLG), (EPA), 2013.

The noise modelling has been undertaken to simulate typical daily scenario. It was assumed 100 dogs were in the outdoor play area each barking 50% of the time as not all dogs would be barking simultaneously or continuously for 15 minutes. During the night it was assumed the dogs would be in their insulated kennels and barking at the same rate as previously described.

The results of the assessment indicate compliance with project noise trigger levels may be achieved in all assessed situations. This is based on the proposed construction methodology and management obligations. It is noted that the amenity impacts that may be currently experienced by neighbouring properties are associated with a higher number of dogs present on the site as well as informal housing that does not provide the insulation and sound attenuation qualities compared to that proposed by this application.

Figure 2 – Site Plan including development footprint and buffers



3.0 PLANNING CONTROLS

3.1 ACTS

The following Acts are considered relevant to the proposed development and are discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Hunter Water Act 1991*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*
- *Roads Act 1993*

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?

The proposed development is not defined as integrated development does not require concurrence from any external agency as identified in **Table 3** below.

Section 7.11 – Development Contributions

Development contributions may be calculated or charged in accordance with the Dungog Local Infrastructure Contributions Plan (CP). It is however noted that given the scale of development, primarily occurring for personal use, that contributions are not applicable.

3.1.2 Hunter Water Act 1991 (HW Act)

The subject site is not located within a Drinking Water Catchment, pursuant to the LEP Map DWC_005, and therefore does not require a referral to HW under Section 51 of the HW Act. Further, the site is not connected to Hunter Water infrastructure, thus no stamped plans have currently been provided.

3.1.3 Water Management Act 2000 (WM Act)

The subject site is not located within a Drinking Water Catchment pursuant to the LEP Map DWC_005. 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. This is demonstrated by Figure 2, which includes a 40m buffer around the development footprint.

3.1.4 Biodiversity Conservation Act 2016

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

The subject site contains areas mapped as biodiversity values land, this is associated with the riparian area of the Paterson River (refer to **Figure 3** below).

The proposed development does not require the removal of any significant vegetation (one ironbark only) and the development footprint is not identified on the Biodiversity Values Map. Further consideration under the BC Act is not required.

Figure 3 - Biodiversity Values Map (OEH Biodiversity mapping tool, 2022)



3.1.5 Roads Act 1993

No new vehicular access is required to the site from Fishers Hill Rd pursuant to *Section 138 of the Roads Act 1993*.

3.1.6 Rural Fires Act 1997

The subject site is not identified as bushfire prone land, therefore this application is not accompanied by a Bushfire Assessment Report.

Table 3 - 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 	N/A
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
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 	No – the site is not identified as bushfire prone, therefore does not incorporate development specified under this section. Referral to the RFS is not required as integrated development.
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	No – the site is located more than 40m from waterfront land.

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All State Environmental Planning Policies (SEPPs) have been considered. The following SEPPs are considered relevant to the proposed development and are discussed in further detail below.

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
 - *Chapter 4 – Remediation of Land*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
 - *Chapter 4 – Koala Habitat Protection*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
 - *Chapter 2 – Infrastructure*

3.2.1 State Environmental Planning Policy (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. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

A review of the Environment Protection Authority (EPA) contamination register confirms that no contamination, the subject of regulation by the EPA, is identified on the site. In addition, it is noted that the subject site has a history of rural residential use and there is no evidence that contaminating activities have historically occurred on site. As such, the land is unlikely to be subject to contamination and does not warrant further investigation. The subject site is suitable for the proposed development and the objectives of Chapter 4, SEPP (Resilience and Hazards) 2021 have been satisfied.

3.2.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

○ ***Chapter 4 – Koala Habitat Protection***

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline. Section 4.4 and Schedule 2 of the SEPP identify the Dungog Local Government Area as land to which the policy applies and subject to the Central Coast Koala Management Area.

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

- *Habitat clearing and fragmentation;*
- *Vehicle strike and dog attack;*
- *Bushfire;*
- *Invasive plant species;*
- *Disease;*

- *Reduction in feed trees; and*
- *Sea level rise.*

The proposed development does not require any 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.

3.2.3 State Environmental Planning Policy (Transport and Infrastructure) 2021

○ Chapter 2 – Infrastructure

The purpose of this SEPP is to facilitate the effective delivery of infrastructure across the state and to identify matters to be considered in the assessment of developments adjacent to particular types of infrastructure.

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 66C. The development is not classified as traffic generating development in accordance with Schedule 3.

Further assessment against the Infrastructure SEPP is not required.

3.3 DUNGOG LOCAL ENVIRONMENTAL PLAN 2014

• Clause 2.3 – Zone Objectives

The subject land is zoned RU1 Primary Production. Under the Dungog LEP2014, an 'Animal Boarding and Training Establishment' is defined as:

'animal boarding or training establishment' means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.'

An 'animal boarding and training establishment' is a permissible land use within the RU1 Zone. The objectives of the RU1 zone include:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

While the proposal does not involve primary production, the proposed dog breeding and boarding is compatible with the objectives of the zone. The development is not expected to

have any detrimental impacts on the maintenance of the natural resource, nor will it result in the fragmentation or alienation of resource lands as the subject site is not considered suitable for agriculture or primary production.

Surrounding land is also zoned RU1 and the development has been located to minimise off-site impacts and reduce land use conflict. The proposed development is screened from public areas and adjoining properties by existing vegetation to maintain the rural amenity and scenic landscape. The site is not located on elevated land or a ridgeline.

The proposed development will formalise an existing operation that has been occurring on-site for a number of years, enabling the proper consideration of impact in order to maintain the rural landscape character. From analysis of the specialist reports prepared, the activity can be suitably managed from a noise, waste and stormwater perspective. The proposal incorporates a compatible land use within the zone and is located such that impacts on the natural environment and surrounding properties can be avoided or minimised. No conflict of land use is envisaged to the amenity and character of the neighbouring properties, as demonstrated within the specialist reports. To this extent, the proposed development is consistent with the objectives and aims of the zone.

- **Clause 5.10 – Heritage Conservation**

The objective of this clause is to conserve the environmental heritage of the Dungog LGA, including heritage items and heritage conservation areas, associated fabric, settings, and views, to conserve archaeological sites, Aboriginal objects, and Aboriginal places of heritage significance.

A AHIMS search (5 September 2022) contained at **APPENDIX 6** was undertaken in respect of the subject site which determined that no Aboriginal sites or places are recorded in or near the subject site. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. Further, the site is not identified to be located within a heritage conservation area and does not contain a heritage item specified under Schedule 5. To this extent, no further assessment against the objectives of clause 5.10 is required.

- **Clause 5.21 – Flood Planning**

The site is not identified as flood affected.

- **Clause 6.1 - Acid Sulfate Soils**

The objective of Clause 6.1 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 (ASS).

The development does not incorporate any major excavation works, therefore an ASS Management Plan is not required to be prepared for the proposed development.

- **Clause 6.2 - Earthworks**

The objectives of this clause include:

- (a) 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,*
- (b) to allow earthworks of a minor nature without requiring a separate development consent.*

Minor earthworks are required to establish the septic management and slabs. The extent of the earthworks required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land and will be managed on-site in accordance with all standard requirements set by the Blue Book.

- **Clause 6.4 – Stormwater Management**

The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

A stormwater management plan is being prepared for the proposed development and will be provided as soon as possible.

- **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 subject site is not located within a drinking water catchment therefore no further assessment of this clause is required.

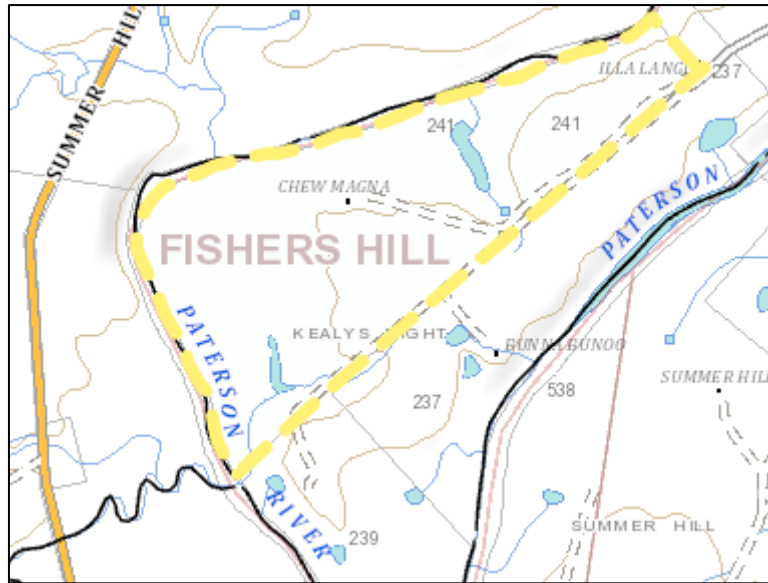
- **Clause 6.6 - Riparian land and watercourses**

The objective of this clause is to protect and maintain the following—

- (a) water quality within watercourses,*
- (b) the stability of the bed and banks of watercourses,*
- (c) aquatic and riparian habitats,*
- (d) ecological processes within watercourses and riparian areas.*

The site is identified as bound by an identified “Watercourse” on the Riparian Lands and Watercourses Map, as can be seen in the mapping image below.

Figure 4 - NSW Planning Portal; Site identified as bound by an identified ‘Waterway’



The use of the site as well as the construction of the kennel structures proposes no works that may impact the watercourse present on the site. The wastewater management for the use of the site as an animal boarding and training establishment has been considered within the requirements of the DAF. It has been found that no impact on the watercourse, its banks or bed or the passage of fish within the river is anticipated as a result of the proposed development.

- **Clause 6.8 – Essential Services**

This clause specifies that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

A Dial Before You Dig (DBYD) request was completed with the results provided at **APPENDIX 7**. The search identified that the Telecommunications (Telstra) and electricity (Ausgrid) services are available via above ground poles within the site. The search also identified that the site is not connected to reticulated water or sewer. In this regard, waste management is summarised as follows:

Dungog Shire Council's Development Assessment Framework (DAF) for on-site sewage management (OSSM) sets out required standards for investigation, acceptable solutions and minimum standards for sewage management. Wastewater Management Report has been prepared by GSL and is provided at **APPENDIX 4**, providing an assessment of the development against the DAF. The proposed OSSM arrangements include:

Whelping Kitchen

- The proposed WC attached to the side of the whelping kennel will need to disperse into the residence septic system. As per NSW Health recommendations, human and animal waste streams are not to interact and be treated separately.
- The wastewater nodes within the whelping kitchen are two sinks. A very conservative flowrate of 50L/day has been estimated.

Kennel Washdown Wastewater

- It is recommended that a 'dry' cleaning approach is used for cleaning the kennel areas, in line with industry standards. This would include disposal of faeces with mop down and pressure wash of each kennel to minimise unnecessary additional wastewater production. It is important that solids are removed from the waste stream before entering the septic tank. All wastewater must be directed through an appropriate collector or trap to keep these pollutants out of the proposed OSSM system including an S bend pipe to limit backed up odours. The 100L/kennel calculation assumes that each kennelled area will be washed down in approximately 30 minutes which is a conservative time figure.
- The proposal is to install a NSW Health Accredited Septic tank onsite. Allowing for a three-year sludge allowance and the capability to service the calculated daily flowrate of 550L/day, a septic tank with a minimum capacity of 3000L is to be installed. This will provide enough volume to treat the daily flowrate and provide enough volume for the sludge allowance.
- The proposal is to install absorption beds onsite of area 110m². The effluent is typically distributed along the length of the trench or bed through slotted or drilled 100 millimetre distribution pipes, and then filtered through the gravel and sand to the underlying soil. A clogging layer or biomat develops along the bottom and sides of the trench and acts as a further filter. This filtering process helps remove pathogens, toxins and other pollutants. Nutrients in the effluent are taken up by vegetation (normally grass) planted across the absorption trench area, incorporated in the biomat, and, in the case of phosphorus, adsorbed onto clay particles in the soil.

Drinking water is supplied via tanks on-site with water utilised for the dogs also pumped from the river if required under the general access licence utilising the pressure pump established for stock and general use

A stormwater strategy has been designed to manage stormwater created as result of the development and is provided at **APPENDIX 5**.

Formal access exists to the site from Fishers Hill Rd and will continue to service the site post development. To this extent, the development is adequately serviced and meets the requirements of Clause 6.8.

- **Clause 6.12 - Protection of rural landscapes in rural and environment protection zones**

The objective of this clause is to protect the rural amenity and character of the land to which this clause applies by managing visual impact.

This clause applies to land in Zone RU1 Primary Production, Zone RU5 Village, Zone E3 Environmental Management and Zone E4 Environmental Living.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- a) any buildings that form part of the development will blend into the landscape and not become silhouetted on a ridgeline, and
- b) the design, bulk and colours of any such buildings will be compatible with the surrounding landscape.

The location of the development footprint is below the prominent topography of the site and has a maximum height of 2.6m.

Building materials will be selected such that they are muted tones and consistent with the surrounding rural landscape.

3.4 DUNGOG COUNCIL DEVELOPMENT CONTROL PLAN

The following parts of the Dungog Development Control Plan (the DCP) are considered relevant to the proposed development. Planning comment on the applicable objectives and requirements are listed below under the relevant headings.

Part A

This Part relates to development application requirements. The proposed development application will be submitted to Council consistent with those requirements.

Part B

This Part relates to exempt and complying development. The proposed development does not meet the development standards for complying development under Clause 3. A2 (2) SEPP (Exempt and Complying Development Codes) 2008.

Part C

C.3 Building line Setbacks

The site is zoned RU1 and as such has a recommended 50m setback from Fishers Hill Rd and 30m from all boundaries in accordance with the DCP given the site is under 50ha in size.

The development will be setback from the front boundary by more than 50m, with the existing shed and proposed structures being well within the required side and rear boundary setbacks of 50m. this is illustrated in **Figure 2**.

C.5 Bushfire

The site is not identified as Bushfire prone land.

C.7 Buffer Zones

The proposed development is for an Animal Boarding or Breeding Establishment and as such the DCP requires appropriate buffer zones be provided between the existing neighboring dwellings and the proposed establishment.

The DCP identifies concerns for noise, smell, waste disposal and contamination. These concerns have been addressed throughout this SoEE and as such a number of supporting studies have been produced to ensure the proposed development does not detrimentally

impact on the site, these include the Wastewater Report, Stormwater Report and Noise Impact Report, each of which identify the site can suitably site the proposed development without detrimental impacts to the surrounding locality.

The proposal seeks variations in relation to Council's DCP control relating to buffer zone to neighbouring dwellings. The location of the kennels within the site has been chosen to minimise the impact of the development on the site and the surrounding area through the utilisation of existing topographical features and siting the kennels with opening to the north-west such that acoustic amenity of the nearest adjoining residences is maintained.

The kennel locations and positioning of the openings has been designed such that the small rise between the subject site and the nearest residences at 237 & 239 Fishers Hill Rd is utilised as a topographical buffer to the east and south. The travel of noise to the north and west has further been assessed in the Noise Report contained as **Appendix 3**.

C.11 The Keeping of Dogs for Commercial Purposes

The proposed development seeks to gain approval for the keeping of dogs on the site for commercial purposes. The 40.18ha site within RU1 zoned land is considered to be suitable for the proposed development. The proposed development will ensure that suitable care, safety and security is provided for all animals on the site.

Aesthetics – the proposed kennels and exercise run and run additions have been specifically design and located on the site to ensure that they are screened from view from neighboring properties and Fishers Hill Road. They have also been located to ensure limited vegetation removal from the site is required as a result. The proposed kennels will be constructed using the Kumfi Kennels insulated pet housing design. The proposed runs will be constructed of metal mesh type material. These materials are considered appropriate and suitable as they are hardwearing and similar types of material used in other RU1 uses of the land, the mesh runs will also reduce the visibility of the runs on the site. The kennels will be white in colour to ensure they stay cool particularly in the hotter summer months, keeping the dogs protected.

Containment – the dogs will be suitably contained within individual runs with access to a large exercise yard which will be secure and constructed of metal materials to ensure that dogs cannot escape.

Noise Control - The dogs onsite will be allowed into the run/yards during the day and locked up in the kennels of night to ensure potential noise impacts are reduced. The construction of the kennels and runs will be made from suitable metal materials. The pickup of dogs and any public access to the site will be restricted to appointment only.

Construction and layout of kennels and housing – The proposed kennels and runs will be suitably constructed to comply with the Prevention of Cruelty to Animals Act 1979 and the NSW

Department of Agriculture published Welfare Codes as per the DCP requirements with suitable housing, drainage, bedding, ventilation and hygiene.

Each dog will have a secure and safe area of approx. 12m² in the new kennel/run building for which will be the main housing facility of the dogs. Raised bedding will be provided, and this

will be cleaned regularly to ensure hygiene of bedding and dogs. Water and food bowls will be cleaned daily with fresh water being supplied at all times.

Faeces will be removed from all kennels/runs daily and kennels and yards will be cleaned daily. Suitable ventilation will also ensure smells are kept to the minimum.

Part D

The site is not bound by any Local Area Plan (LAP). The Vacy Local Area does not include the subject site.

3.5 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

This Statement has been prepared to support a development application, as described in Section 2, to Dungog Council in accordance with s.50 of the *Environmental Planning Assessment Regulations 2000* (EPA Regulations). Assessment against Schedule 1 of the Regulations is provided in **APPENDIX 1**.

3.6 PROPOSED 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.

4.0 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 IMPACTS

No built works are proposed as part of the development. It is considered that the proposed development is appropriate for the existing rural character of the neighbourhood and associated uses.

4.2 NATURAL IMPACTS

No removal of vegetation is required to facilitate the development. The assessment and conclusions within specialist reports relating to on-site sewage management, stormwater and acoustic all demonstrate that the site operations can be achieve compliance with the

established legislation or other standard operational requirements. To this extent, no negative impact on the natural environment is anticipated as part of the development.

4.3 SOCIAL AND ECONOMIC IMPACT ON THE LOCALITY

Social

Amenity impacts relate to the surrounding rural zoned land. 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).

As noted above, the assessment and conclusions within specialist reports relating to on-site sewage management, stormwater and acoustic impacts all demonstrate that the site operations can be achieve compliance with the established legislation or other standard operational requirements. As such, social impacts on any adjoining landowner will be negligible and can be appropriately managed in accordance with the recommendations made within each specialist report.

There are no anticipated adverse social impacts as a result of the proposed development, rather it is considered the proposal will contribute positively to the social elements of the locality the formalisation of existing use that has occurred on site for a long period of time. The proposed development is not out of character with the existing rural 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

Formalisation of the existing use will enable continued operation and in turn steady income for the landowner and operator. The formalization of the use of the site as a breeding kennel will continue to provide employment opportunities within the Vacy area, which results in a positive economic impact. There are no anticipated adverse economic impacts as a result of the proposed development.

5.0 SUITABILITY OF THE SITE AND PUBLIC INTEREST

The land use is permissible with consent in the zone and is located on a large site with appropriate buffers to adjoining neighbours. The assessment and conclusions within specialist reports relating to on-site sewage management, stormwater and acoustic all demonstrate that the site operations can be achieve compliance with the established legislation or other standard operational requirements. Any impacts generated by the development can be appropriately managed in accordance with the recommendations made within each specialist report.

The site will continue to be operated in accordance with the requirements of the Prevention of Cruelty to Animals Act 1979 and any other laws and regulations, for example; the Local

Government Act 1993, or the Companion Animals Act 1998. The design of the kennels is in accordance with the NSW Department of Primary Industries Animal Welfare Code of Practice Breeding dogs and cats 2021. The premises has been regularly inspected by the RSPCA as the regulatory authority for the implementation of the 2021 code revisions. These inspections have never identified any welfare issues. Silverstream Labradors is member of Dogs NSW. Any puppy or dog is registered prior to sale and microchipped in accordance with the Companion Animals Act 1998.

To this extent, the site is suitable for the proposed development and is in the public interest.

6.0 CONCLUSION

This SoEE has shown that the development is within the public's interest, socially, economically and environmentally. The proposed development is a compatible development option for the site and assists in formalizing a current land use which is compatible with the rural zone, whilst respecting the environment in which it is located. The proposed development seeks to integrate into immediate area, taking into consideration site constraints and adjoining neighbours. Any relevant matters have been addressed through this SoEE.

It is considered that the proposal will have no significant impacts 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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APPENDIX 1 – EP&A Regulation 2021 Compliance Table

A Development Application (DA) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) is required under Section 4.12 (1) to meet the provisions of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) as detailed under Part 3, Division 1. **TABLE 1** below provides consideration of compliance against the relevant Section.

Further to Part 3 of the EP&A Regulation, a DA must contain the following information (as per Department of Planning, Infrastructure and Environment (DPIE) requirements dated March 2022):

- a) the name and address of the applicant
- b) a description of the development to be carried out
- c) the address, and formal particulars of title, of the land on which the development is to be carried out
- d) an indication as to whether the land is, or is part of, critical habitat
- e) an indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is taken to be development that is not likely to have such an effect because it is biodiversity compliant development
- f) the estimated cost of the development
- g) evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by the Regulation
- h) a list of the documents accompanying the application
- i) a Statement of Environmental Effects, unless identified as designated development which requires an Environmental Impact Statement.
- j) a site plan of the land.
- k) drawings of the development.

The above listed information has been provided to the consent authority through the approved form on the NSW Planning Portal.

Table 4: Assessment against Part 3 Division 1 of the EP&A Regulation 2021

No	Requirement	Response
22 Application of Part		
This part applies to all development applications.		
23 Persons who may make development applications		
1	A development application may be made by—	The application is made with the owners' consent.
1(a)	the owner of the land to which the development application relates, or	
1(b)	another person, with the consent of the owner of the land.	

2	The consent of the owner of the land is not required for a development application made by a public authority or for public notification development if the applicant complies with subsections (3) and (4).	Not applicable. The owner is not a public authority.
3	The applicant must give notice of the application—	Notification has been provided to the owner and is confirmed by the signature on the owner's consent form.
3(a)	(a) to the owner of the land before the application is made, or	
3(b)	(b) by publishing, no later than 14 days after the application is made, a notice in a newspaper circulating in the area in which the development will be carried out.	Not applicable. The owner has been notified.
4	If the applicant gives notice under subsection (3)(b), the applicant must also, no later than 14 days after the application is made—	Not applicable. The applicant is not a public authority.
4(a)	if the applicant is a public authority—publish the notice on the public authority's website, or	
4(b)	for public notification development—arrange for the consent authority to publish the notice on the NSW planning portal.	
5	A development application relating to land owned by a Local Aboriginal Land Council may be made only with the consent of the New South Wales Aboriginal Land Council.	Not applicable. The land is not owned by a LALC.
6	A lessee of Crown land may make a development application relating to Crown land only with the consent of the Crown.	Not applicable. The development application does not pertain to crown land.
7	The consent of the Crown is not required under subsection (6) for a development application for—	Not applicable. The development application does not pertain to crown land. The development application is not for State significant development.
7(a)	public notification development, or	
7(b)	other State significant development if the development application is made by a public authority.	
8	In this section— public authority includes an irrigation corporation, within the meaning of the <i>Water Management Act 2000</i> , that the Minister administering that Act has, by written order, declared to have the status of a public authority	Noted.

	for the purposes of this section in relation to development of a kind specified in the order.	
24 Content development application		
1	A development application must—	The DA has been lodged via the NSW Planning Portal which is the approved form.
1(a)	be in the approved form, and	
1(b)	contain all the information and documents required by— (i) the approved form, and (ii) the Act or this Regulation, and	The DA contains the required mandatory documents required under Section 23 – 36 of the EP&A Regs 2021 and in accordance with Table 1 of the document titled 'Application Requirements' prepared by the NSW Government dated March 2022 (Approved by the Planning Secretary's delegate on 28 February 2022). A summary of supplied mandatory documents is provided in TABLE 5 below.
1(c)	be submitted on the NSW planning portal.	The DA has been submitted through the NSW Planning Portal.
2	The fees payable for a development application are specified in Schedule 4 and determined in accordance with Part 13, including additional fees for integrated development, development requiring concurrence and designated development.	Fees will be paid upon issue from the Consent Authority.
3	A development application is lodged— (a) on the day on which the fees payable for the development application under this Regulation are paid, or (b) if the applicant is notified under Part 13 that no fee is required—on the day the applicant submitted the application on the NSW planning portal.	Noted
4	The applicant must be notified through the NSW planning portal that the development application has been lodged.	Noted
5	If the council is not the consent authority, the consent authority must give the council a copy of—	The Council is the consent authority.
5(a)	the development application, and	

5(b)	for designated development—the environmental impact statement.	
25 Information about concurrence or approvals		
25	A development application must contain the following information—	Concurrence is not required.
25(a)	a list of the authorities — (i) from which concurrence must be obtained before the development may lawfully be carried out, and	
	(ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41	The proposed development is not classified as State significant development.
25(b)	a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.	The proposed development is not classified as Integrated Development under Section 4.46 of the EP&A Act.
26 Information about community housing, boarding houses, co-living housing		
26(1)	A development application for development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 2 must specify the name of the registered community housing provider who will be managing the boarding house.	Not applicable. The development is not for community housing or a boarding house.
26(2)	A development application for development for the purposes of boarding houses or co-living housing must be accompanied by a copy of the plan of management.	Not applicable. The development is not for co-living housing.
27 BASIX development		
27(1)	A development application for BASIX development must be accompanied by—	A BASIX Certificate is not required for the development.
1(a)	a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is lodged, and	
1(b)	the other matters required by the BASIX certificate.	
27(2)	If the development involves the alteration of a BASIX building that contains more than 1 dwelling, a separate BASIX certificate is required for each dwelling.	
28 Development applications relating to Biodiversity Conservation Act 2016		

28(1)	A development application for biodiversity compliant development must contain the reason the development is biodiversity compliant development.	The development does not include vegetation removal therefore no adverse impact has been identified on local biodiversity.
28(2)	A development application that is accompanied by a biodiversity development assessment report under the <i>Biodiversity Conservation Act 2016</i> must contain the biodiversity credits information.	Not applicable. The proposed development does not trigger a BDAR.
28(3)	A development application relating to land that is subject to a private land conservation agreement under the <i>Biodiversity Conservation Act 2016</i> must contain a description of the kind of agreement and the area to which it applies.	Not applicable. The development land is not subject to a private land conservation agreement.
28(4)	In this section— biodiversity compliant development means— (a) development to be carried out on biodiversity certified land under the Biodiversity Conservation Act 2016, or (b) development to which the biodiversity certification conferred by the Threatened Species Conservation Act 1995, Schedule 7, Part 7 applies, or (c) development for which development consent is required under a biodiversity certified EPI, within the meaning of the Threatened Species Conservation Act 1995, Schedule 7, Part 8.	Noted.
29 Residential apartment development		
29(1)	A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.	Not applicable. The development is not a residential apartment.
29(2)	The statement must— (a) verify that the qualified designer designed, or directed the design of, the development, and (b) explain how the development addresses— (i) the design quality principles, and (ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.	Not applicable. The development is not a residential apartment.

29(3)	If the development application is accompanied by a BASIX certificate for a building, the design quality principles do not need to be addressed to the extent to which they aim— (a) to reduce consumption of mains-supplied potable water or greenhouse gas emissions in the use of— (i) the building, or (ii) the land on which the building is located, or (b) to improve the thermal performance of the building.	Not applicable. The development is not a residential apartment.
29(4)	The additional fee payable for a development application for residential apartment development that is referred to the relevant design review panel for advice is specified in Schedule 4.	Not applicable. The development is not a residential apartment.
30 Mining or petroleum development		
30(1)	This section applies to a development application that relates to mining or petroleum development on land—	Not applicable. The proposed development is not for mining or petroleum development.
1(a)	shown on the <i>Strategic Agricultural Land Map</i> , or	
1(b)	subject to a site verification certificate.	
2	The development application must be accompanied by—	Not applicable. The proposed development is not for mining or petroleum development.
2(a)	for development on land shown on the <i>Strategic Agricultural Land Map</i> as critical industry cluster land—a current gateway certificate that applies to the development, or	
2(b)	for development on other land— (i) a current gateway certificate that applies to the development, or (ii) a site verification certificate that certifies that the land on which the development will be carried out is not biophysical strategic agricultural land.	
31 Other documents required for certain development applications		
1	A development application that relates to development for which consent under the <i>Wilderness Act 1987</i> is required must be accompanied by a copy of the consent.	Not applicable. The development application does not require consent under the <i>Wilderness Act 1987</i> .

2	A development application that relates to development for which a site compatibility certificate is required by a SEPP must be accompanied by the site compatibility certificate.	Not applicable. The proposed development does not require a site compatibility assessment.
3	A development application made under the Act, section 4.12(3) must be accompanied by the matters that would be required under the <i>Local Government Act 1993</i> , section 81 if approval were sought under that Act.	Not applicable. The proposed development is not a listed activity under Section 68 of the LG Act 1993.
4	A development application that relates to development on land in an Activation Precinct under <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> , Chapter 3 must be accompanied by a current Activation Precinct certificate.	Not applicable. The development is not within an Activation Precinct.
5	Subsection (4) does not apply to a development application made by a public authority, other than the Development Corporation within the meaning of <i>State Environmental Planning Policy (Precincts—Regional) 2021</i> , Chapter 3.	Not applicable. The development is not within an Activation Precinct.
32 Extract of development application for erection of building		
1	If a development application relates to the erection of a building, an extract of the application must be published on the NSW planning portal.	Noted
2(a)	The extract must— identify the applicant and the land to which the application relates, and	The applicant and land have been identified on the NSW Planning Portal Application and within the Statement of Environmental Effects.
2(b)	contain a plan of the building that indicates the proposed height and external configuration of the site, if relevant for the development.	Plans have been provided which include the proposed height and external configuration to allow the extract to be published on the NSW Planning Portal.
3	This section does not apply to the following—	The development is not designated development.
3(a)	designated development	
3(b)	nominated integrated development	The development is not classified as integrated development that requires approval under the Heritage Act

		1977, the Water Management Act 2000 or the Protection of the Environment Act 1997. The development is not nominated integrated development.
3(c)	threatened species development	The development does not impact upon threatened species which requires a species impact statement. The development is not threatened species development.
3(d)	Class 1 aquaculture development	The development is not for Class 1 aquaculture.
3(e)	State significant development	The development is not State significant development.
33 Concept development applications		
1	The information about the various stages of development, required by this Regulation to be included in a concept development application, may be deferred to a subsequent development application, with the approval of the consent authority.	Not applicable. The development is not a concept development as defined under the Act.
2	Section 29 applies in relation to a concept development application only if the application sets out detailed proposals for the development or part of the development.	Not applicable. The development is not a concept development as defined under the Act.
34 & 35 – Not applicable, as the development is not located in Sydney.		
36 Consent authority may request additional information from the applicant		
1	A consent authority that receives a development application may request additional information about the development from the applicant.	Noted
2	A consent authority may not request additional information in relation to building work or subdivision work if the information is required to accompany an application for a construction certificate or subdivision works certificate.	Noted
3	A consent authority's request must—	Noted

	<p>(a) be made through the NSW planning portal, and</p> <p>(b) specify a reasonable period within which the additional information must be given to the consent authority, and</p> <p>(c) specify the number of days in the assessment period that have elapsed, and</p> <p>(d) inform the applicant that the assessment period ceases to run, in accordance with Part 4, Division 4, during the period between—</p> <p>(i) the request, and</p> <p>(ii) the day on which the applicant provides the additional information or notifies, or is taken to have notified, the consent authority that the information will not be provided.</p>	
4	The applicant may, using the NSW planning portal, notify the consent authority that the applicant will not provide the additional information.	Noted
5	<p>The applicant is taken to have notified the consent authority that the applicant will not provide the additional information if the applicant has not provided the information by the end of—</p> <p>(a) the period specified under subsection (3)(b), or</p> <p>(b) a further period allowed by the consent authority.</p>	Noted
6	<p>In this section—</p> <p>additional information, in relation to a development application, means information the consent authority considers necessary to properly consider the development application.</p>	Noted

Table 5: Mandatory documentation supplied to inform the development application

Applications that require or involve:	Requirement	Yes / No / Not Applicable
Arrangements before consent can be granted under an environmental planning instrument	Documentary evidence that such arrangements have been made	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable Comment: This table forms part of the documentary evidence supporting the DA to enable granting of consent under the EP&A Act 1979 and EP&A Regulation 2021.
Building work to alter, expand or rebuild an existing building	A scaled plan of the existing building	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development is not the alteration, expansion or rebuild of an existing building.
Change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwellinghouse and other than a temporary structure)	A list of the Category 1 fire safety provisions that currently apply to the existing building	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The application is not for a change of use.
	A list of the Category 1 fire safety provisions that are to apply to the building following its change of use	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: As above.
Concurrence	A list of any authorities from which concurrence must be obtained before the development may lawfully be carried out or from which concurrence would have been required but for section 4.13(2A) or 4.41 of the Act	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: A list of authorities which concurrence should be obtained are listed with the Statement of Environmental Effects.
	A statement by the applicant that the relevant matters in the	<input type="checkbox"/> Yes

	Development referrals guide have been considered	<input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: Referral list has been generated in accordance with the development referrals guide.
Development involving mining for coal (within the meaning of section 380AA of the Mining Act 1992)	Documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned, or has the written consent of the holder of such an authority to make the development application	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development does not involve mining for coal.
Development referred to in State Environmental Planning Policy (Housing) 2021, clause 45(1)	Evidence or information demonstrating whether the development is likely to result in the loss of low-rental dwellings on the land to which the application relates during the relevant period, within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 3	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development does not impact the availability of affordable housing.
Development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 2	The name of the registered community housing provider who will be managing the boarding house	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development is not for a boarding house.
Development for a boarding house or co-living house	A plan of management	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development is not for co-living housing.
Entertainment venues, function centres, pubs, registered clubs or restaurants	A statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development is not for an entertainment venue.

Erection of a building	An A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable Comment: A site plan and details of the proposed dwelling is provided with this application.
Integrated development	A list of any approvals of the kind referred to in section 4.46(1) of the Act that must be obtained before the development may lawfully be carried out	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: Section 4 of the Statement of Environmental Effects lists any approvals required under s4.46 of the Act.
	A statement by the applicant that the relevant matters in the Development referrals guide have been considered	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable Comment: Referral list has been generated in accordance with the development referrals guide.
Land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats	A species impact statement	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development is not on land that is part of critical habitat nor is the development likely to significantly affect threatened species, populations or ecological communities, or their habitats.
Land that is in a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987	A copy of the consent of the Minister for Energy and Environment to the carrying out of the development	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The land is not identified as being a wilderness area.
Manor houses or multi-dwelling houses (terraces) to which State Environmental Planning	A statement, in the form approved by the Planning Secretary, by a qualified	<input type="checkbox"/> Yes <input type="checkbox"/> No

Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies	<p>designer or a person accredited as a building designer by the Building Designers Association of Australia that—</p> <ul style="list-style-type: none"> i. verifies that the designer or person designed, or directed the design of, the development ii. addresses how the design is consistent with the relevant design criteria set out in the Low Rise Housing Diversity Design Guide 	<p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comment: The development is not for a manor house or multi-dwelling housing.</p>
Subdivision	Preliminary engineering drawings of the work to be carried out	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comment: The development does not include subdivision. Preliminary engineering drawings are attached as an appendix to the Statement of Environmental Effects.</p>
Temporary structure	Documentation that specifies the live and dead loads the temporary structure is designed to meet	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comment: The development is not a temporary structure.</p>
	A list of any proposed fire safety measures to be provided in connection with the use of the temporary structure	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comment: As above.</p>
	In the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> Not Applicable</p> <p>Comment:</p>

	Volume One of the Building Code of Australia are to be complied with (if a performance solution, to meet the performance requirements, is to be used)	As above.
	Documentation describing any accredited building product or system sought to be relied on for the purposes of section 4.15(4) of the Act	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: As above.
	Copies of any compliance certificates to be relied on	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: As above.