

STATEMENT OF ENVIRONMENTAL EFFECTS

- **PROPOSED SUBDIVISION (ONE INTO SIX LOTS) COMPRISING SIX RESIDENTIAL LOTS (INCLUDING ONE EXISTING DWELLING AND FIVE BUILDING ENVELOPES)**
- **FORMALISATION OF DAIRY CONVERSION CREATED DETACHED STUDIO**

**AT 83 FOTHERINGAY ROAD, CLARENCE
TOWN NSW, (LOT 21, DP 775681)**

Peta Harris Senior Environmental Planner PO Box 107 Clarence Town, NSW, 2321		Phone: 0418 108 229 Email: peta@perceptionplanning.com.au		
PP Reference		J001629		
Prepared for (client)		Digby Rayward		
Document Versions and Control				
Statement of Environmental Effects, 83 Fotheringay Road Clarence Town				
Version	Date	PP ref	Author	Reviewed by
1	15/12/21	SEE – 83 Fotheringay Road, Clarence Town_01	PH	MB
2	20/12/21	SEE – 83 Fotheringay Road, Clarence Town_02	PH/MB	Client
3	11/03/22	SEE – 83 Fotheringay Road, Clarence Town_03	Client	PH
4	16/9/2022	SEE – 83 Fotheringay Road, Clarence Town_04	PH	FINAL
Disclaimer: <p>This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Perception Planning and the client. The scope of services by defined in consultation with the client by time and budgetary constraints imposed by the client, and the availability of reports and other data of the site. Changes to information, legislation and schedule are made on an ongoing basis and readers should obtain up to date information.</p> <p>Perception Planning accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not identified to be suitable for a site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.</p>				

EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Digby Rayward (the client) to prepare a Statement of Environmental Effects (SEE) for a proposed Torrens Title Subdivision (one into six lots) comprising six residential lots (one existing dwelling and five building envelopes) and formalization of change of use (former dairy to detached studio) at 83 Fotheringay Road, Clarence Town NSW 2321 (LOT: 21/ DP:775681) (**'the site'**). The characteristics of the development include:

1. This Development Application seeks approval for a proposed Torrens Title Subdivision (one into six lots, Staged);
2. Retention of the existing dwelling on proposed Lot 6;
3. Access from Fotheringay Road servicing the proposed lots 1, 2 and 4 as well as utilisation of the existing access to grant access to proposed lots 3,5 and 6; and
4. Formalisation of dairy conversion to detached studio as part of the existing residential development.

The land, the subject of this development application measures approximately 15.81ha in size. The site is zoned R5: Large Lot Residential and C3: Environmental Management under the Dungog Local Environmental Plan 2014 (the LEP) and is located on the outskirts of the township of Clarence Town, within the Dungog Shire Council Local Government Area (LGA). The property has frontage to Fotheringay Road and is bound by a reservation protecting a locally significant archaeological site along the banks of the Williams River.

The site contains an existing residential dwelling and ancillary structures. One of which is a studio created via the change of use of a former dairy structure. This application seeks to formalise the use of this studio in association with the Building Information Certificate lodged with Council April 2021.

As a result of the subdivision, the following allotments will be created:

- a. Proposed Lot 1 – R5 zoned land of area 2.7 ha and is currently vacant but will contain a proposed building envelope. Lot 1 will require some areas of fill to create a flood free building envelope.
- b. Proposed Lot 2 – R5 zoned land of area 1.62 ha and currently contains former turkey sheds and will contain a proposed building envelope.
- c. Proposed Lot 3 – R5 zoned land of area 1.37 ha and is currently vacant but will contain a proposed building envelope.
- d. Proposed Lot 4 – R5 zoned land of area 1.62ha and is currently vacant but will contain a proposed building envelope.
- e. Proposed Lot 5 – R5 zoned land of area 1.69ha and is currently vacant but will contain a proposed building envelope
- f. Proposed Lot 6 – R5 and C3 zoned land of area 6.81ha and will contain the existing dwelling and ancillary structures

The key reasons why the proposed development is appropriate are as follows;

- The proposed subdivision is permissible on the site with consent as each lot will be greater than the minimum lot size as required by the LEP and as facilitated by Clause 4.1A;
- No adverse impact on the existing character or amenity of the area will result;
- The proposed application for use of the existing dairy conversion will formalise the use of the structure as a detached studio;
- The proposed subdivision is consistent with the layout of the locality, without burdening the essential services supply; and
- Subdivision of the land will directly benefit the community through providing additional developable lots which provide suitable building envelopes to meet the housing needs of the growing community population.

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposed development.

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
PCA	Preliminary Contamination Assessment
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

LIST OF FIGURES

Figure 1 - Locality Plan (Source: Perception Planning, 2021).....	11
Figure 2 - Proposed Subdivision Plan (Delfs Lascelles,2021)	14
Figure 3 - OEH Biodiversity Values Mapping Tool;.....	15
Figure 4 – Site Features Plan extracted from PCA (Qualtest, 2021).....	Error! Bookmark not defined.
Figure 5 - NSW Planning Portal; Site does not contain a heritage item	25
Figure 6 - NSW Planning Portal; Site is identified as containing some Flood Prone Land ...	25
Figure 7 – Williams River Design Flood Extents (Torrent Consulting)	26
Figure 8 - NSW Planning Portal; Site does not contain Acid Sulfate Soils	27
Figure 9 - NSW Planning Portal; Site is located within the within the Williams River DWC..	28
Figure 10 - NSW Planning Portal; Site identified as adjoining an identified ‘Waterway’	28
Table 1 - Appendices	6
Table 2 - Integrated development.....	17

PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

Table 1 - Appendices

Appendix	Document	Prepared by
1	EP&A Regulation Compliance Table	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Deposited Plan 775681	N/A
4	AHIMS Search Results	Perception Planning
5	BYDA Search Results	Perception Planning
6	Proposed Site and Subdivision Plan	Delfs Lascelles
7	Bushfire Assessment Report	Perception Planning
8	Hunter Water Corporation Stamped Plan	Hunter Water Corporation
9	Hunter Water NoFR	Hunter Water Corporation
10	Preliminary Contamination Assessment	Qualtest
11	Wastewater Report	GLS
12	Civil and Stormwater Plans	DRB Engineering
13	Flood Impact Report	Torrent
14	Studio Plans	EcoDimensions
15	Ident Survey (Existing Structures/Dairy)	Delfs Lascelles
16	Structural Engineering Report (Existing Dairy)	DRB Consulting Engineers

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
TERMS AND ABBREVIATIONS	5
LIST OF FIGURES	5
PLANS AND SUPPORTING DOCUMENTATION	6
TABLE OF CONTENTS	7
1 BACKGROUND	9
1.1 PURPOSE	9
1.2 SITE DETAILS	10
1.3 SITE DESCRIPTION	10
1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS	12
2 DESCRIPTION OF THE DEVELOPMENT	12
2.1 PROPOSED DEVELOPMENT	12
3 PLANNING CONTROLS	15
3.1 ACTS	15
3.1.1 Biodiversity Conservation Act 2016	15
3.1.2 Environmental Planning and Assessment Act 1979	16
3.1.3 Hunter Water Act 1991 (HW Act)	16
3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)	19
3.2.1 SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004	19
3.2.2 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021	19
3.3 LOCAL ENVIRONMENTAL PLAN (LEP)	21
3.4 DEVELOPMENT CONTROL PLAN (DCP)	30
4 LIKELY IMPACTS OF THE DEVELOPMENT	30
4.1 BUILT ENVIRONMENT	31
4.1.1 CONTEXT, SETTING AND VISUAL IMPACT	31
4.1.2 ACCESS, TRANSPORT AND TRAFFIC	31
4.1.3 PUBLIC DOMAIN	31
4.1.4 SERVICES	31
4.1.5 NOISE AND VIBRATION	31
4.2 NATURAL ENVIRONMENT	31
4.2.1 ECOLOGICAL	31
4.2.2 LANDSCAPING	31
4.2.3 ARCHAEOLOGY	31
4.2.3 STORMWATER	32

4.3	SOCIAL AND ECONOMIC.....	32
4.3.1	SAFETY, SECURITY AND CRIME PREVENTION	33
5	SUITABILITY OF THE SITE.....	33
6	ANY SUBMISSIONS AND CONSULTATION.....	33
7	PUBLIC INTEREST	33
8	CONCLUSION.....	34

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 Digby Rayward (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in 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 Infrastructure’s (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (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	83 Fotheringay Road, Clarence Town NSW 2321
Lot and DP	LOT: 21 DP: 775681
Current Use	Large lot residential and extensive grazing
Zoning	R5: Large Lot Residential C3: Environmental Management
Size	Total Area 16.85 ha
Site Constraints	Flood Planning Area Acid Sulfate Soils Class 4 and Class 5 Drinking Water Catchment Special Area - Williams Bushfire prone land – vegetation buffer, vegetation category 1, vegetation category 1 Minimum lot size – 8000 m ² (R5) and 300ha (C3)
Owner	Owners consent has been provided on the Application Form for the DA.
DP and 88B Instrument	Nothing on the DP or 88B instrument prohibits the proposed development. An existing easement for electricity transmission line is identified within the DP provided at Appendix 3

1.3 SITE DESCRIPTION

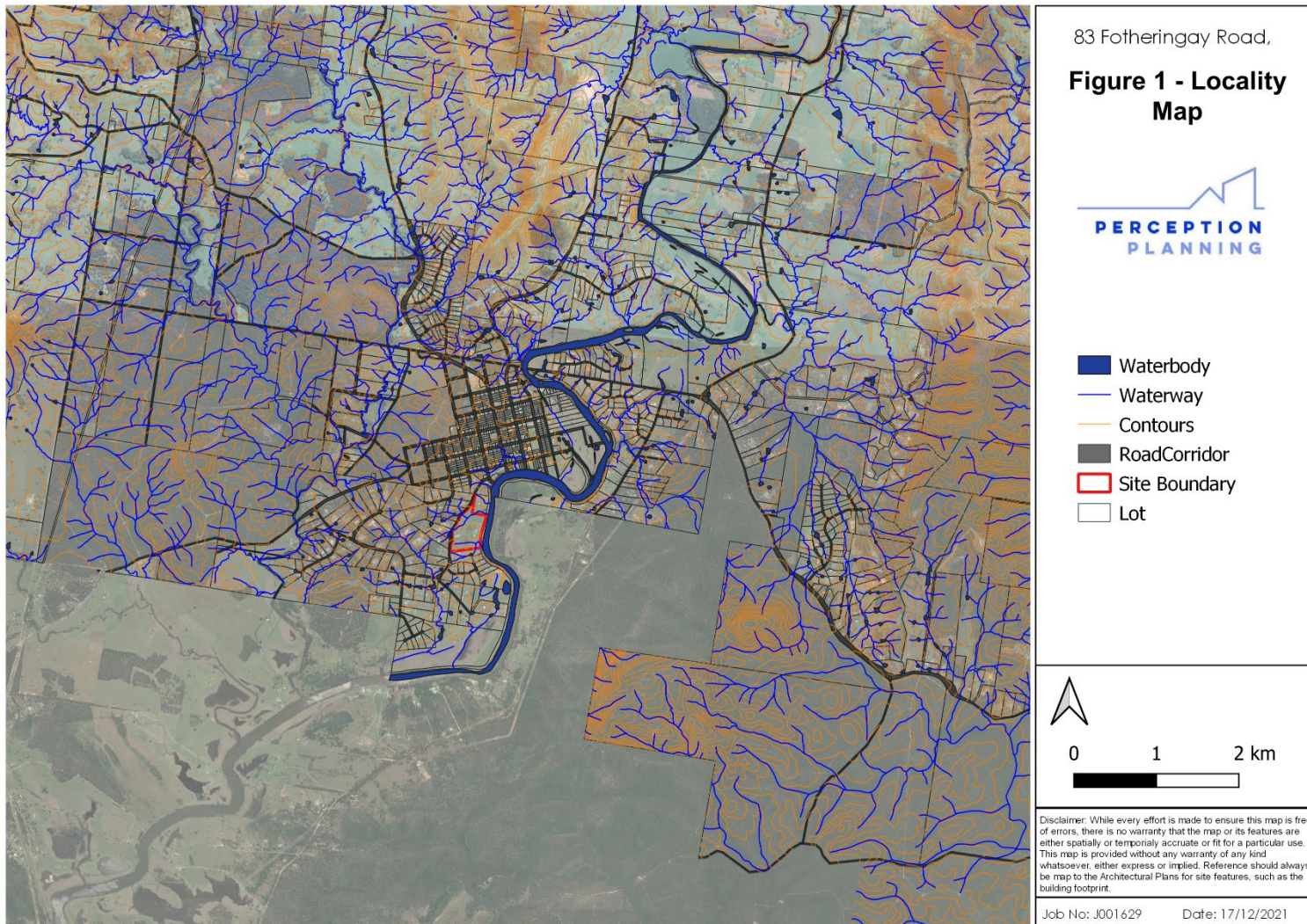
The site is located at 83 Fotheringay Road, Clarence Town NSW 2321 (**‘the site’**) (**Figure 1**). The site is located between on the outskirts of Clarence Town within the Dungog Local Government Area (LGA).

The site contains a residential dwelling and ancillary structures. An existing former dairy has been previously converted to a detached studio.

Direct vehicular access is available from Fotheringay Road. Access from Fotheringay Road servicing the proposed lots 1, 2 and 4 as well as utilisation of the existing access to grant access to proposed lots 3,5 and 6. A dwelling house and ancillary structures currently exists on the lot under historic approval. Tank water supply and a septic system currently service the existing dwelling.

Vegetation across the site generally consists of remnant vegetation, managed grassland with remnant paddock trees. The subject site has been predominantly cleared and was historically and is currently used as grazing land. The property is currently maintained as a small agricultural holding. A second order stream traverses the site to the north west and includes a small dam and confluence to the Williams River. A first order stream is mapped on the southern area of the site, also draining to the Williams River.

Figure 1 - Locality Plan (Source: Perception Planning, 2021)



1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The subject site currently contains a dwelling house and ancillary structures. Former uses of the site are agricultural, including structures such as the former turkey shed and dairy.

The Dungog Council Development Application Tracker website identifies no recent development applications relating to the site.

A BIC for the renovated dairy structure has been submitted to Dungog Council and is currently under Request for Information. This application seeks to respond in part to this request.

2 DESCRIPTION OF THE DEVELOPMENT

2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to obtain development consent for a proposed Torrens Title subdivision (one into six lots) comprising six residential lots (one existing dwelling and five building envelopes). Additionally, formalization of change of use (former dairy to detached studio) is sought under this application.

The characteristics of the subdivision include:

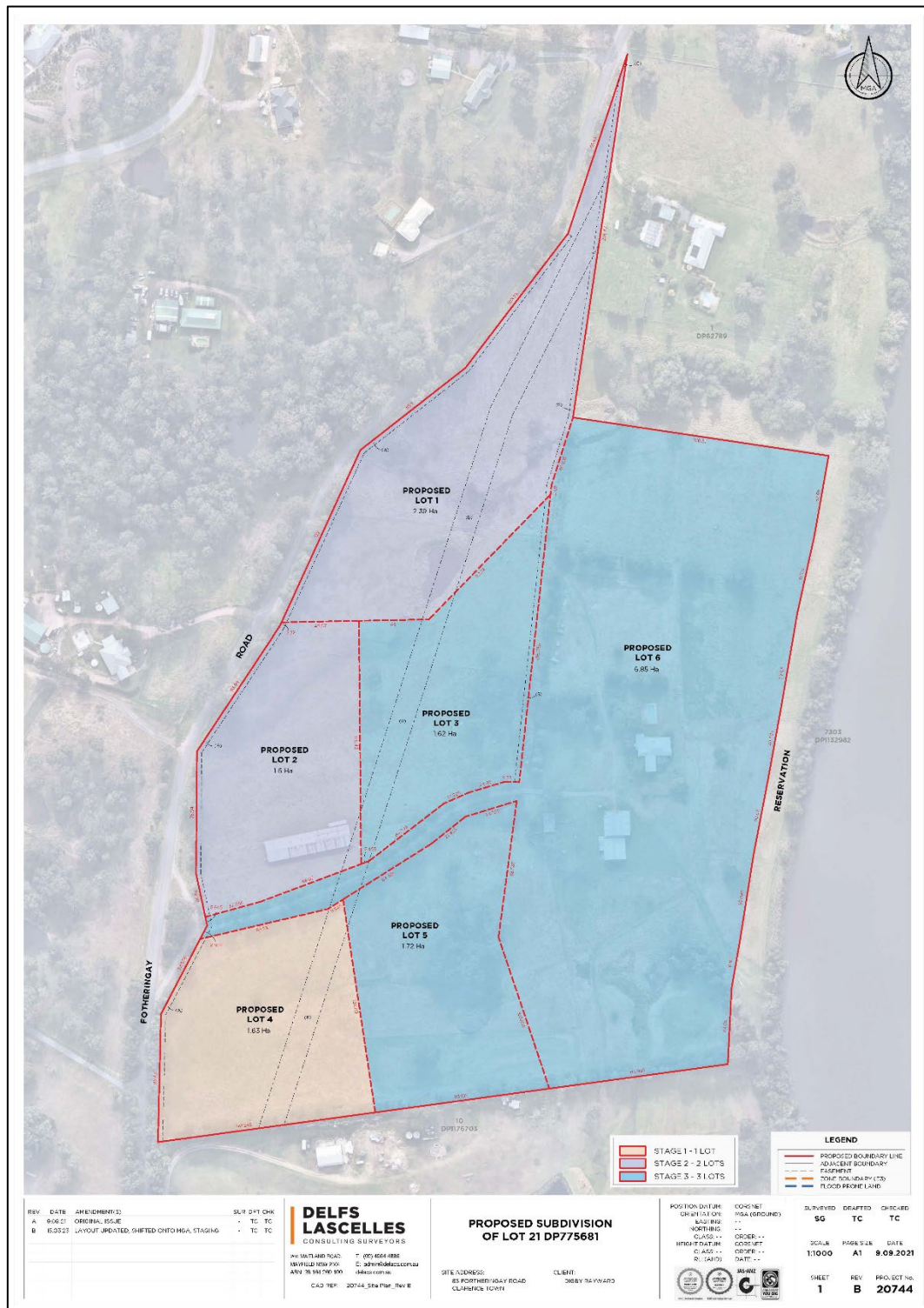
1. This Development Application seeks approval for a proposed Staged Torrens Title Subdivision (one into six lots);
 - a. Proposed Lot 1 – R5 zoned land of area 2.7 ha and is currently vacant but will contain a proposed building envelope. Lot 1 will require some areas of fill to create a flood free building envelope.
 - b. Proposed Lot 2 – R5 zoned land of area 1.62 ha and currently contains former turkey sheds and will contain a proposed building envelope.
 - c. Proposed Lot 3 – R5 zoned land of area 1.37 ha and is currently vacant but will contain a proposed building envelope.
 - d. Proposed Lot 4 – R5 zoned land of area 1.62ha and is currently vacant but will contain a proposed building envelope.
 - e. Proposed Lot 5 – R5 zoned land of area 1.69ha and is currently vacant but will contain a proposed building envelope
 - f. Proposed Lot 6 – R5 and C3 zoned land of area 6.81ha and will contain the existing dwelling and ancillary structures
2. Access from Fotheringay Road servicing the proposed lots 1, 2 and 4 as well as utilisation of the existing access to grant access to proposed lots 3,5 and 6.
3. The subdivision is proposed to be staged to facilitate the following;
 - a. Stage 1 – Subdivision of Proposed Lot 4

- b. Stage 2 – Subdivision of Proposed Lot 1 & Lot 2
- c. Stage 3 – Subdivision of Proposed Lot 3, Lot 5 & Lot 6.

The proposed Subdivision/Staging Plan is provided below in Figure 2 and at **Appendix 6**.

This application also seeks to formalise the use of this studio in association with the Building Information Certificate lodged with Council April 2021. The studio has been created through the conversion of an existing former dairy building.

Figure 2 - Proposed Subdivision Plan (Delfs Lascelles,2023)



3.1.2 Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principle 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 SEE below.

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

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

- **Section 7.11 – Development Contributions**

Development contributions will be calculated and charged in accordance with the Dungog Local Infrastructure Contributions Plan 2019.

3.1.3 Hunter Water Act 1991 (HW Act)

The subject site is located within the Williams River Drinking Water Catchment. Under Section 51 of the HW Act, consent authorities, including Dungog Shire Council, are required to refer DA's to HW for comment that may significantly impact on water quality in the drinking water catchments.

The proposed development does not incorporate any physical works that may impact the drinking water catchment, however does incorporate subdivision involving more than four lots, therefore referral to HWC is required as part of the application assessment. The proposed development incorporates the opportunity for construction of five additional dwellings on the created lots. This in turn is not expected to incur any direct impacts on the drinking water catchment. This application is accompanied by a Civil and Stormwater Management Plan provided at **Appendix 12** demonstrating no impact on the drinking water catchment.

HW Stamped Plans accompany this development application as **Appendix 8**.

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 	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 	<p>No</p> <p>Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.</p>
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 	Yes – The proposed development is defined as integrated development and requires consent from the RFS.

		<p>Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority:</p> <p><i>(a) is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or</i></p> <p><i>(b) has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.</i></p> <p>A Bushfire Assessment Report (BAR) has been prepared in accordance with 'Planning for Bushfire Protection' 2019 (PBP) and is provided at Appendix 7 to enable referral to the NSW RFS.</p> <p>The proposed and existing building envelopes will not require the removal of native vegetation to achieve the development including the establishment of APZ's. The vegetation around the existing development will continue to be managed under the 10/50 Vegetation Clearing Entitlement Area.</p>
Water Management Act 2000	<ul style="list-style-type: none"> ▪ ss 89, 90, 91 	<p>Yes – The development will require physical works within 40m of a mapped watercourse that trigger referral to the Natural Resource Access Regulator as integrated development.</p>

3.2 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

All SEPPs have been considered in the preparation of this SEE. An assessment of the applicable SEPPs is provided below, including:

- *SEPP (Biodiversity and Conservation) 2021*
- *SEPP (Transport and Infrastructure) 2021*
- *SEPP (Building Sustainability Index: BASIX) 2004*
- *SEPP (Resilience and Hazards) 2021*

3.2.1 SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The aim of this SEPP is to encourage sustainable residential development.

A BASIX Certificate is not required for the proposed development.

3.2.2 SEPP (TRANSPORT AND INFRASTRUCTURE) 2021

Chapter 2 – Infrastructure

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 particular types of development.

Division 5, Subdivision 2 Development likely to affect an electricity transmission or distribution network

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.

An easement for the transmission of electricity 15m wide exists across the site, however no electricity infrastructure is understood to exist within the easement. Consultation with Essential Energy with regard to release of this easement has been undertaken. The proposed building envelopes of lots 1, 3 & 4 are located adjacent to this easement, therefore referral to Essential Energy under Clause 45 of this SEPP is required.

Section 2.121 – Traffic Generating Development

In accordance with Section 2.121, development listed in Schedule 3 is identified as traffic-generating development. The proposed development is not identified under Schedule 3 and therefore does not warrant referral to Transport for NSW.

3.2.3 SEPP (BIODIVERSITY AND CONSERVATION) 2021

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 and subject to the North Coast Koala Management Area.

The key threats within the North 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 include significant 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.

1.1. SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 4 – Remediation of Land 2021

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 and environmental management purposes and contains residential development. A former turkey shed and dairy are present on the property, therefore a Preliminary Contamination Assessment (PCA) has been prepared to assess the subject site and is contained here as **Appendix 10**.

The site was formerly used as a dairy and poultry farm with a former turkey shed. The Preliminary Conceptual Site Model (CSM) indicated that there was potential for soil, surface water and sediment contamination to exist on the site and potentially complete exposure pathways could exist to current and future site users and the environment. These areas of concern are identified on the below extract from **Appendix 10**;



Figure 4 – Site Features Plan extracted from PCA (Qualtest, 2021)

The risk to groundwater was considered to be low, however this would need to be confirmed based on depth of potential burial pits (if present). As a result of this PCA, a more detailed investigation has been recommended. This can be proceeded with prior to subdivision certificate.

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 C3: Environmental Management and R5: Large Lot Residential under the Dungog LEP 2014. The C3 and R5 zone objectives are as follows, with an appropriate response on the satisfaction of that objective by the proposed development;

C3: Environmental Management

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To promote the rural amenity and scenic landscape values of the area and prevent the silhouetting of unsympathetic development on ridgelines.*

R5: Large Lot Residential

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To isolate housing from existing intensive agriculture or future intensive agricultural areas.*

The development seeks to maintain the existing natural resources of the site without impacting on the ecological and aesthetic values of the land.

The proposed subdivision aims to retain the existing structures on proposed Lot 6, whilst also providing five additional R5 lots of compliant minimum lot size for the construction of future dwellings to service the needs of the community from a housing perspective without creating any amenity impacts on neighbouring properties or the public domain. The proposed development will not change or alter the natural land and current vegetation, as the site will continue to be used for its environmental management and rural-residential purpose.

The proposed building envelopes on the created lots will not impact the rural and scenic amenity.

The subject site is not located in the vicinity of any known intensive agriculture or similar farming operation that may have noise or odour implications on the amenity of the proposed or existing lot.

As such the proposed subdivision is considered compatible with these zone objectives.

The formalisation of the conversion of the former dairy to a detached studio is ancillary to the existing residence on the site and to be contained by the proposed Lot 6.

- **Clause 2.6 – Subdivision**

This clause provides provision for the subdivision of land on which a secondary dwelling is situated.

- **Clause 4.1 – Minimum Lot Size**

The objective of this clause is to guide the subdivision of land such that it remains consistent with predominant subdivision pattern of the area, minimises the impact of subdivision on the amenity of neighbouring properties, ensure lot sizes and dimensions can appropriately accommodate development, ensure future development can be sited to protect and retain natural features, waterways and riparian zones and is compliant with the prescribed Minimum Lot Size (MLS).

The proposed subdivision aims to separate the area of the lot containing the C3 zoned land and the existing residential development onto its own independent property title for independent ownership and maintenance. The residual area of C3 land will have a total area of 6.81 ha as such the provisions of Clause 4.1A apply, as examined below. The remaining R5 zoned area of the subject site is proposed to be subdivided into five residential lots providing compliant building envelopes for the construction of future dwellings to service the needs of the community from a housing perspective without creating any amenity impacts on neighbouring properties. The proposed lot sizes and dimensions facilitate building envelopes that allow these dwellings to be sited to protect the natural features and constraints of the land. The lots at the completion of the subdivision are consistent with the surrounding lots in terms of use, size and predominant development pattern.

Taking the above into consideration, the proposed development meets the objectives of Clause 4.1 and 4.1A.

- **4.1A Exceptions to minimum subdivision lot sizes for certain split zones**

(1) The objectives of this clause are as follows—

(a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land uses and development.

(2) This clause applies to each lot (an original lot) that contains—

(a) land in Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential or Zone IN1 General Industrial, and

- (b) land in Zone RU1 Primary Production or Zone E3 Environmental Management.*
- (3) Despite clause 4.1, development consent may be granted to subdivide an original lot to create other lots (the resulting lots) if—*
- (a) one of the resulting lots will contain all of the land in Zone RU1 Primary Production or Zone E3 Environmental Management that was in the original lot, and—*
- (i) an existing dwelling, or*
- (ii) land in Zone RU5 Village, Zone R1 General Residential, Zone R5 Large Lot Residential or Zone IN1 General Industrial that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land, and*
- (c) all other resulting lots will contain land that has an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.*

In accordance with Section 3 (a) (i) of the above clause the proposed subdivision plan demonstrates that all C3 zoned land is contained by the original lot as well as the existing dwelling. The resulting residential lots are also demonstrated to achieve an area of R5 zoned land compliant with the MLS of 8000m².

- **Clause 5.10 – Heritage conservation**

The objective of this clause is to preserve 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. The subject site is not identified to contain a heritage item as can be seen in the NSW Planning Portal Image below. The property is adjoined by the DSC LEP 2014 Schedule 5 listed Archaeological site of the Marshall and Lowe 'Deptford' shipyard. This heritage item is noted to be contained by the area identified on Deposited Plan 775681 as Reservation 30.48 wide. No physical works nor element of the development is proposed that may encroach on or impact this heritage item.



Figure 5 - NSW Planning Portal; Site does not contain a heritage item, however is adjoined by the mapped archaeological site of Marshall and Lowe ‘Deptford’ shipyard

- **Clause 5.21 - Flood Planning**

The site is identified as flood prone land as can be seen in the planning portal image below.

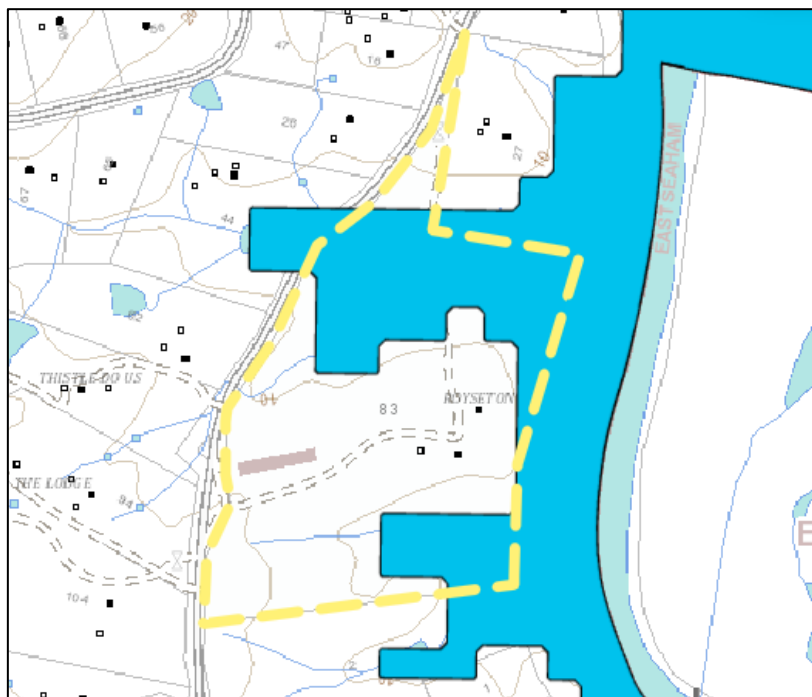


Figure 6 - NSW Planning Portal; Site is identified as containing some Flood Prone Land

This application is accompanied by a Flood Impact Assessment (Torrent Consulting, 2021) contained here as **Appendix 13**. Design flood information has been sourced from the Williams River Flood Study and used to assess flood risk at the Site in the context of the proposed subdivision. The below image shows the Williams River Flood Extents overlaid to the subject site and proposed subdivision layout;

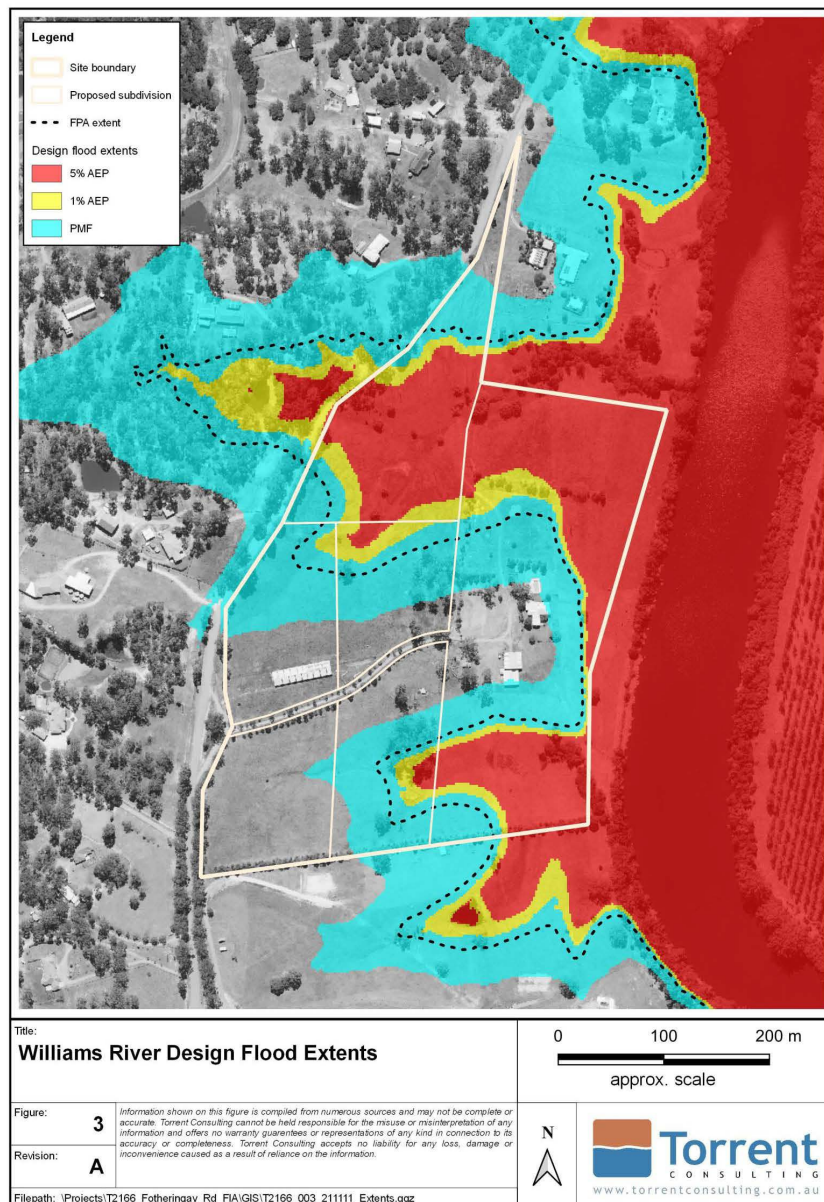


Figure 7 – Williams River Design Flood Extents (Torrent Consulting)

The modelled flood levels presented in the Williams River Flood Study are around 6.7 m AHD for the 5% AEP event, 7.9 m AHD for the 1% AEP event and 13.9 m AHD for the PMF event. These flood levels have been used in conjunction with the LPI LiDAR survey data to map peak flood extents for the 5% AEP, 1% AEP and PMF events, as presented in Figure 3

together with the proposed Site lot layout. The Flood Planning Area (FPA) is also mapped at a level of 8.4 m AHD, which is the 1% AEP flood level plus a 0.5 m freeboard.

The proposed subdivision plan results in lots that will be able to accommodate future dwellings that can be located outside of the FPA and so no specific flood development controls will need to be satisfied beyond those relating to the subdivision.

With regards to flood affectation the Site, the context of the floodplain topography and minor scale of potential development, the diversion or obstruction of flood waters impacting neighbouring properties is not considered to be a significant concern.

- **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 identified to contain Class 4 and Class 5 Acid Sulfate Soils (ASS) as can be seen in the NSW Planning Portal Image below.

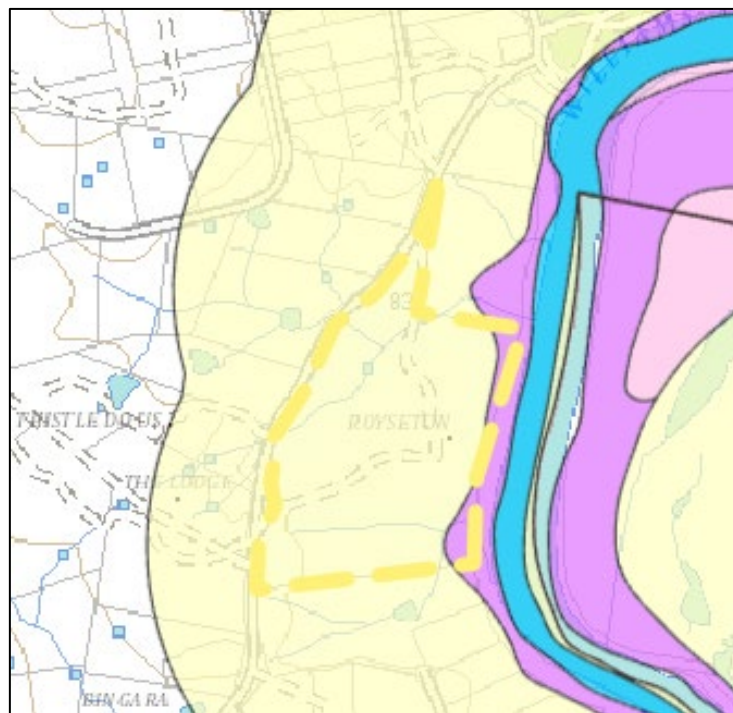


Figure 8 - NSW Planning Portal; Site does not contain Acid Sulfate Soils

The proposed development does not require works more than 2m below natural ground level or works that are likely to lower the water table by more than 2m below the natural ground surface.

- **Clause 6.2 – Earthworks**

The application does not propose significant earthworks on the site.

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 (DWC) by minimising the adverse impacts of development on the quality and quantity of water entering drink water storages. The subject site is located on the Williams River and falls within the identified DWC, therefore the requirements of Clause 6.5 apply. This application is accompanied by a Stormwater Management Plan (**Appendix 12**), demonstrating that no impact on the DWC is associated with the proposed development and the requirements of this clause have been met.

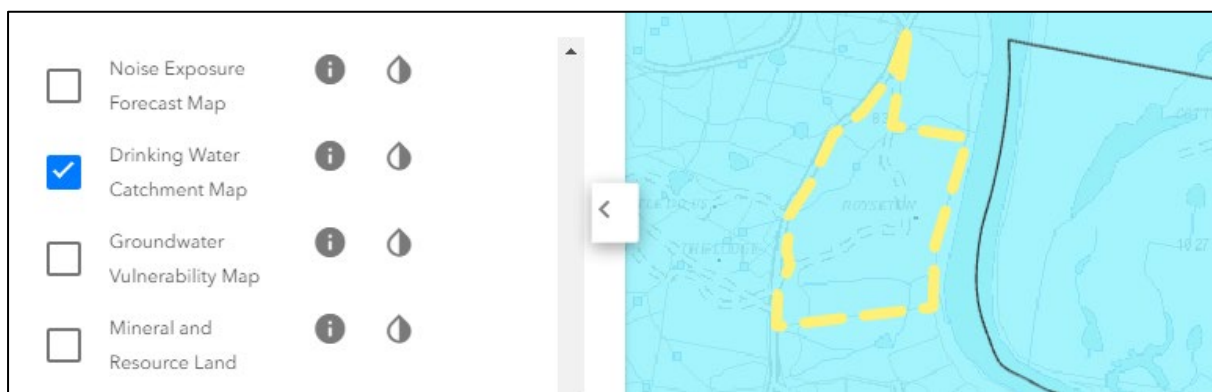


Figure 9 - NSW Planning Portal; Site is located within the within the Williams River DWC

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

The site is identified as adjoining the Williams River, an identified “Watercourse” on the Riparian Lands and Watercourses Map (DSC LEP 2014), as can be seen in the Planning Portal image below.

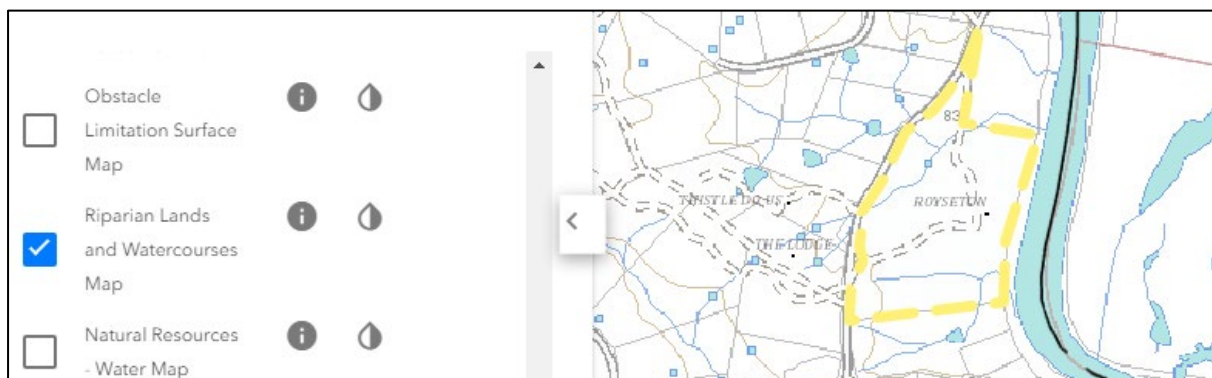


Figure 10 - NSW Planning Portal; Site identified as adjoining an identified ‘Waterway’

In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider;

- (a) whether or not the development is likely to have any adverse impact on the following—*
 - (i) the water quality and flows within the watercourse,*
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,*
 - (iii) the stability of the bed and banks of the watercourse,*
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,*
 - (v) any future rehabilitation of the watercourse and riparian areas, and*
- (b) whether or not the development is likely to increase water extraction from the watercourse, and*
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed subdivision proposes no works that may impact the watercourse adjoining the site and the wastewater management of any future dwelling has been considered within the requirements of the Development Assessment Framework (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.

No increase in water extraction from the watercourse is proposed by this application.

- **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) Potable water will continue to be supplied to the existing dwelling via onsite rainwater tanks. Connection / extension of the reticulated water supply is not proposed as part of this application.
- b) Electricity services will be made available to the site as part of the subdivision. This will be addressed during the preparation of the subdivision certificate.
- c) The connection of telecommunications services is not proposed as part of this application, in line with Council's endorsed policy.
- a) The disposal and management of sewage for the existing dwelling will continue to be via the existing onsite sewerage management system. With regard to on-site waste management, please refer to the on-site waste management (OSSM) plan provided within **Appendix 11**. In summary, each of the proposed allotments have a minimum 4000m² of usable land for effluent dispersal. The usable land areas meet the setbacks identified within

Table 6 – 8 of the 'Dungog Council Onsite Sewage DAF 2015'. As such a cumulative impact assessment is not required for the subject proposal.

- b) Stormwater impacts have been assessed within the stormwater management plan provided as **Appendix 12**. The surrounding properties nor the drinking water catchment will not be affected with no adverse impact on receiving environments or adjoining properties attributable to the proposal.
- c) Access from Fotheringay Road servicing the proposed lots 1, 2 and 4 as well as utilisation of the existing access to grant access to proposed lots 3, 5 and 6.

The Before You Dig Australia (BYDA) search results are provided at **Appendix 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. As the subject site falls within this catchment, the requirements of Clause 6.10 apply. Development consent must not be granted to development on land which this clause applies unless the consent authority has considered whether the development promotes the sustainable use of land, water, vegetation and other natural resources within the Williams River Catchment, promotes the protection and improvement of the environmental quality of the Williams River Catchment, will have any significant adverse impacts on water quality within the Williams River Catchment, and is consistent with the Williams River Catchment Regional Planning Strategy published in September 1997 by the Department of Planning and Environment.

This application is accompanied by a Stormwater Management Plan (**Appendix 12**) for the proposed lots and is demonstrated not to result in any negative impacts on the land, water or vegetation on the site or its surroundings. A continuation of the rural residential land use will occur as a result of the proposed development. To this effect, the development is consistent with the requirements of clause 6.10.

3.4 DEVELOPMENT CONTROL PLAN (DCP)

Consideration of compliance and/or consistency with the relevant provisions of the Dungog DCP 2014 is provided in the Table of Compliance provided at **Appendix 2**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

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 is consistent with the established large lot residential nature of the lots and is characteristic of other developments in both the local and wider community. 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 from Fotheringay Road servicing the proposed lots 1, 2 and 4 as well as utilisation of the existing access to grant access to proposed lots 3, 5 and 6.

Any additional traffic from the proposed subdivision will be minor in nature and will not result in a detrimental impact to the existing street network. Three additional vehicle crossings from Fotheringay Road are proposed as a result of this development application.

4.1.3 PUBLIC DOMAIN

The proposed development will not have an impact on any public domain. The development contributions derived from this development will provide infrastructure and public domain improvements in accordance with the Dungog Local Infrastructure Contributions Plan 2019.

4.1.4 SERVICES

Electricity, telephone, and physical, legal and emergency service are available to the site.

The proposed subdivision will not unreasonably increase demand of these services.

4.1.5 NOISE AND VIBRATION

No potential for noise or vibration impacts have been identified. Construction noise will be as per normal construction times & processes and will cease once construction is completed.

4.2 NATURAL ENVIRONMENT

4.2.1 ECOLOGICAL

The proposal will not directly impact any native vegetation and will not impact the area of biodiversity values land associated with the Williams River. Impacts attributable to the establishment of building envelopes, APZ and access points do not exceed the biodiversity impacts threshold.

4.2.2 LANDSCAPING

A landscaping plan has not been provided at this stage.

4.2.3 ARCHAEOLOGY

A search of the Aboriginal Heritage Information Services (AHIMS) database (17 December 2021) did not identify the subject site as containing any Aboriginal sites or places, as shown

in **Appendix 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 also not identified within Schedule 5 of the LEP as containing any items or places of heritage significance. The property is adjoined by the DSC LEP 2014 Schedule 5 listed Archaeological site of the Marshall and Lowe 'Deptford' shipyard. This heritage item is noted to be contained by the area identified on Deposited Plan 775681 as Reservation 30.48 wide. No physical works nor element of the development is proposed that may encroach on or impact this heritage item.

4.2.3 STORMWATER

This application is accompanied by a Stormwater Management Plan (**Appendix 12**) for the proposed lots and is demonstrated not to result in any negative impacts on the land, water or vegetation on the site or its surroundings. A continuation of the rural residential land use will occur as a result of the proposed development.

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 for a subdivision with minimal social impacts. The lots will continue to be serviced by suitable facilities and services without burdening the existing supply available within the area. The proposed development provides positive economic and social impacts by facilitating construction activity and the active management of the land.

The proposed development:

- Will service the needs of the property owners without impacting on the surrounding area,
- Will not disadvantage or benefit any particular social group,

There are no anticipated adverse economic impacts as a result of the proposed development as the properties are not utilised for any sort of intensive agricultural use. The proposed development is not out of character with the existing development 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

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

4.3.1 SAFETY, SECURITY AND CRIME PREVENTION

No safety or security for 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.

5 SUITABILITY OF THE SITE

The proposed development is a suitable use of the site. The application includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development. This development is permissible under the LEP and has addressed any relevant concerns through this SoEE.

The proposed subdivision will not have any adverse impacts on surrounding properties or amenity of the locality. The proposal is within the public's best interest.

To this extent, the site is suitable for development.

6 ANY SUBMISSIONS AND CONSULTATION

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

7 PUBLIC INTEREST

The subject site is located within an existing large lot residential area. The site has access to all relevant services and the proposed development makes good use of the available land. The application design includes all elements required under the relevant planning instruments and policies and there are no anticipated negative impacts on the locality as a result of the development.

There are no tangible cumulative impacts arising from the proposal, given the small scale nature and appropriateness of the development in conjunction with each lot. Cumulative impacts are positive in that the subdivision will ensure that the site can be utilized to its full potential and creates three additional lots assessed to be suitable for the construction of a future dwelling whilst ensuring the impacts on the site and the surrounding area are minimal in nature.

To this extent, the site is suitable for development.

8 CONCLUSION

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed subdivision is a suitable option for the development of the site. Any relevant matters have been addressed through this SEE.

The key reasons why the proposed development is appropriate are as follows;

- The proposed subdivision is permissible on the site with consent as each lot will be greater than the minimum lot size as required by the LEP and as facilitated by Clause 4.1A;
- No adverse impact on the existing character or amenity of the area will result;
- The proposed application for use of the existing dairy conversion will formalise the use of the structure as a detached studio;
- The proposed subdivision is consistent with the layout of the locality, without burdening the essential services supply; and
- Subdivision of the land will directly benefit the community through providing additional developable lots which provide suitable building envelopes to meet the housing needs of the growing community population.

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 do not hesitate to contact us.

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 3: 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 for the purposes of this section in relation to development of a kind specified in the order.	Noted.

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 2 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 for the development is not required.
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	Not applicable.

	under the <i>Biodiversity Conservation Act 2016</i> must contain a description of the kind of agreement and the area to which it applies.	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— (a) be made through the NSW planning portal, and (b) specify a reasonable period within which the additional information must be given to the consent authority, and (c) specify the number of days in the assessment period that have elapsed, and (d) inform the applicant that the assessment period ceases to run, in accordance with Part 4, Division 4, during the period between— (i) the request, and (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.	Noted
4	The applicant may, using the NSW planning portal, notify the consent authority that the applicant will not provide the additional information.	Noted
5	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— (a) the period specified under subsection (3)(b), or (b) a further period allowed by the consent authority.	Noted
6	In this section— additional information , in relation to a development application, means information the consent authority	Noted

	considers necessary to properly consider the development application.	
--	---	--

Table 4: 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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 to which this clause applies.
	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 Development referrals guide have been considered	<input type="checkbox"/> Yes <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 studio 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 Policy (Housing) 2021, Chapter 2, Part 2, Division 1 applies	A statement, in the form approved by the Planning Secretary, by a qualified designer or a person accredited as a building designer by the Building Designers Association of Australia that— <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 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development is not for a manor house or multi-dwelling housing.
Subdivision	Preliminary engineering drawings of the work to be carried out	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable Comment: Preliminary engineering drawings are attached as an appendix to the Statement of Environmental Effects.
Temporary structure	Documentation that specifies the live and dead loads the temporary structure is designed to meet	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: The development is not a temporary structure.

	A list of any proposed fire safety measures to be provided in connection with the use of the temporary structure	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: As above.
	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 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)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable Comment: 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.



Perception Planning Pty Ltd.
PO Box 107,
Clarence Town, NSW, 2321
Phone: 0437 195 267
Email: admin@perceptionplanning.com.au