

A guide to preparing a

Statement of Environmental Effects

This guide only applies to development applications (DA).

What is a Statement of Environmental Effects?

A Statement of Environmental Effects (SEE) is required for all development applications. When you lodge a development application, you need to provide a completed application form, the relevant plans, and a SEE.

The SEE should address the matters outlined in this guide and where additional documentation is required (by an environmental planning instrument or a development control plan) this may form part of the body of the SEE or may be included as an appendix to the SEE. For example, if you need to provide a visual impact statement, acoustic report or a traffic impact statement, these may form appendices to your SEE. The size of the SEE will therefore vary according to the proposed development and its potential to impact on the natural and built environments.

A Statement of Environmental Effects (SEE) outlines:

- The likely environmental impacts of the development;
- How the environmental impacts of the development have been identified; and
- The steps that will be taken to protect the environment or to lessen the expected harm to the environment.

Council must consider a number of statutory matters when determining your application. These are outlined in Section 79C of the Environmental Planning and Assessment Act 1979 and include:

- The provisions of any environmental planning instrument (State Environmental Planning Policies (SEPPs), and Local Environmental Plans (LEPs));
- The provisions of any draft environmental planning instrument (that is or has been placed on public exhibition);
- Any Development Control Plans (DCPs);
- The likely impacts of the development (including environmental impacts on both the natural and built environments, and social and economic impacts in the locality);
- The suitability of the site for the development;
- Any submissions made; and
- The public interest.

Your SEE must address these matters (with the exception of any submissions made) so that Council and any other relevant authorities have the necessary information to assess your application. Your SEE should demonstrate that in designing your proposal, you have fully considered the site constraints and the applicable legislative provisions.

Why do you need a SEE?

The Environmental Planning and Assessment (EP&A) Regulations 2000 specify that a development application must be accompanied by a SEE except in the case of designated development. Designated development is development that is listed in Schedule 3 of the EP&A Regulations 2000 and requires a greater level of rigor in the form of an Environmental Impact Statement. In general, designated development includes heavy industry with the potential to pollute, intensive livestock industries, extractive industries, mining operations, marinas and aircraft facilities. Most development applications are for local development requiring only a SEE. Complying development does not require a SEE but does require a detailed description of the development. For more information regarding complying and exempt development, and whether it

applies to your development, please refer to the Department of Planning's NSW Housing Code website www.planning.nsw.gov.au/exemptandcomplying.

Council will not accept your development application without an adequate and legible SEE. A SEE that does not include the required information may cause delays in the processing of your application.

What information must a SEE include?

An SEE should be a written statement clearly titled 'Statement of Environmental Effects'. It should give an understanding of the thinking behind your development and include information about the development that cannot be shown on the plans. The SEE should address, at minimum, the matters described below. If you think something is not applicable to your application, please state why this is the case. The amount of information required will depend on the type and scale of your application and will include:

- A description of the site and surrounding locality
- Present and previous uses of the site
- Existing structures on the land
- A detailed description of the proposal
- Operational and management details
- Reference to any environmental planning instruments (SEPPs, LEPs – including the zoning of the land) that are applicable.
- Reference to any draft environmental planning instruments (that are or have been placed on public exhibition) that are applicable
- Reference to any DCPs that are applicable.

Note: Do not include floor plans in your SEE

Anyone can prepare a SEE. You may use the pro-forma attached with this guide for your SEE if your proposal is for minor development. Minor development includes:

- Small scale advertising structures
- Agriculture
- Bed and breakfast establishments
- Change of use (may include internal alterations/fit-out but does not include the erection of any significant structures) to building products warehouse and showroom, bulk store, bulky goods showroom, car repair station, commercial premises, retail plant nursery, industry, junk yard, light industry, motor showroom, professional consulting rooms, restaurant, shop, or wholesale plant nursery.
- Demolition (not applicable to heritage items)
- Drainage
- Dwelling-houses and ancillary structures such as a garage or shed
- Earthworks
- Environmental facilities
- Foreshore development (boatsheds, jetties, slipways, boat ramps, in-ground swimming pools, inclinators, landscaping, barbecues or other similar structures)
- General stores
- Home business
- Home industry
- Signs
- Subdivision – minor (boundary adjustments or simple one into two lot subdivisions)

Further Assistance

Please contact Council's Customer Service Centre on phone 4921 0333 (8:30am to 5:00pm) or visit in person at 126-138 Main Road, Speers Point (8:00am to 5:00pm).

You may also find the following information about planning instruments (LEPs and DCPs) helpful in preparing your SEE.

Local Environmental Plan (LEP)

Local Environmental Plans (LEPs) operate at a local scale. The LEP applicable to the Lake Macquarie City local government area is Lake Macquarie LEP 2014.

The Lake Macquarie LEP 2014 divides the land to which it applies into zones, and for each zone it identifies:

- The objectives of the zone;
- Development in that zone that does not require development consent;
- Development in that zone that is permissible with development consent; and
- Development in that zone that is prohibited.

Your SEE should identify the zone of the land, whether your proposal is a permissible use in this zone and whether your proposal is consistent with the objectives of the zone. It should also address all other relevant clauses within the Lake Macquarie LEP 2014 (available at www.lakemac.com.au).

Development Control Plan (DCP)

Development Control Plans (DCPs) are integrated planning documents that elaborate on LEPs and provide guidance on development. They provide detailed criteria to assist Council in assessing development applications. Your SEE should demonstrate how your proposal complies with the criteria set out in the relevant DCPs (available at www.lakemac.com.au).

The relevant DCP in the Lake Macquarie City local government area that applies to development applications is Lake Macquarie Development Control Plan 2014.

Your SEE should address all relevant sections of the DCP. Where your proposal does not comply with the provisions of the DCP, your SEE should document this and justify the proposed deviation.



Statement of Environmental Effects

Pro-forma for minor development

This pro-forma may be used for minor development proposals that require a development application. This pro-forma is not comprehensive for development uses other than the minor categories listed in the attached guide.

Include your completed SEE with your development application documents for lodgement.

Property Details

Lot:	Section:	DP/SP:
_____	_____	_____
House No.:	Street:	
_____	_____	
Suburb:	Postcode:	
_____	_____	

1. Description of the Proposal

What is the proposed development?

Describe your proposal in detail.

(Include details such as whether the development will use whole or part of the building(s) or land(s), whether new buildings are proposed, the physical features of the proposed building(s), the nature of the building(s) [eg: office, retail, industrial, etc], materials and colour scheme, signage, disabled access and facilities, seating capacity.)

2. Description of the Site

What is the area of the site? _____

Describe the site.

(Elaborate on the information provided on the site analysis plan. Include information such as the physical features of the site, for example slope and vegetation, existing services, view corridors, availability of public transport.)

Describe the use of lands adjoining the site.

3. Present and Previous Uses

What is the present use of the site and when did this use commence?

List the previous uses of the site.

Have any potentially contaminating activities been undertaken on the property?

No

Yes – Please identify:

If yes, you will need to provide the relevant documentation as outlined in Council's DCP.

4. Existing Structures

List the existing structures

Existing Structure	Materials	Floor Area (m2)

Which existing structures are to be demolished as part of the proposal?

5. Operational and Management Details eg: Home Business

Note: Section 5 is not applicable to the construction of a dwelling-house, additions and alterations to a dwelling-house or structures ancillary to a dwelling-house.

Describe in detail the proposed business/activity.

Total number of staff: _____

Max number of staff on duty at any one time: _____

Max number of clients/customers expected in a day: _____

Max number of clients/customers expected at any one time: _____

Hours and days of operation

_____ am to _____ pm Monday to Friday

_____ am to _____ pm Saturday

_____ am to _____ pm Sunday

_____ am to _____ pm Extended hours on: _____

Expected vehicle types associated with the proposal:

Number of car parking spaces provided: _____

Location of car parking spaces provided:

What are the arrangements for transport, loading and unloading of goods? What is the expected frequency of deliveries, size of vehicles and frequency of truck movements?

List machinery associated with the proposed business/activity.

List the type and quantity of raw materials, finished products and waste materials.

How will waste be disposed of?

Identify any proposed hazardous material or processes.

If your proposal involves the use of a spray booth, identify the location of the booth, manufacturer's specifications, details of exhaust ventilation, and details of pollution control.

6. Lake Macquarie Local Environmental Plan 2014

What is the land zoned? _____

What is the proposal for (as defined by Lake Macquarie LEP 2014)?

Is this use permissible within the zone?

No

Are you relying on existing use rites?

Yes – Council advises that you seek professional help to prepare your SEE

No – the development is prohibited in the zone

Yes

Expand on how your proposal meets the objectives of the zone.

10. Development Control Plan (DCP)

Lake Macquarie DCP 2014 is structured into sections that are relevant to each planning zone.

- Part 1 – Introduction
- Part 2 – Development in Rural Zones
- Part 3 – Development in Residential Zones
- Part 4 – Development in Business Zones
- Part 5 – Development in Industrial, Business Park and Infrastructure Zones
- Part 6 – Development in Recreation and Tourist Zones
- Part 7 – Development in Environment Protection Zones
- Part 8 – Subdivision Development
- Part 9 – Landuse Types
- Part 10 – Town Centre Area Plans
- Part 11 – Heritage Area Plans
- Part 12 – Precinct Area Plans

Please list and address the relevant clauses to your development based on the zone of your land (add extra pages if necessary).
