

A GUIDE TO PREPARING A STATEMENT OF ENVIRONMENTAL EFFECTS

This guide only applies to Development Applications (DAs).

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 (EIS). 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.planningportal.nsw.gov.au.

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?

A 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 plans in your SEE. Plans should accompany your Development Application, with your SEE.

Anyone can prepare a SEE. For complex projects however, it is advisable to seek professional assistance. 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);
- Demolition (other than heritage items);
- Drainage;
- Dwelling-houses and ancillary structures such as a garage or shed;
- Earthworks;
- Environmental facilities;
- Swimming pools, small landscaping works, barbeques 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 Relations team on phone 08 8080 3300 (08:30am to 5pm), or visit in person at 240 Blende Street, Broken Hill NSW 2880.

Council officers cannot prepare a SEE for you, but can provide general advice on what matters may need particular attention in your application.

If you need more detailed advice, it may be appropriate to book a pre-lodgement meeting.

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 Broken Hill City Council local government area is Broken Hill LEP 2013.

The Broken Hill LEP 2013 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 Broken Hill LEP 2013 available at <http://www.legislation.nsw.gov.au/#/view/EPI/2013/506>.

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 DCP(s).

The relevant DCP in the Broken Hill City Council local government area, which applies to Development Applications, is Broken Hill Development Control Plan 2016 available at www.brokenhill.nsw.gov.au.

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.

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STATEMENT OF ENVIRONMENTAL EFFECTS

This pro-forma may be used for minor development proposals that require a Development Application. This pro-forma is not comprehensive enough for development uses other than the minor categories listed in the attached guide. Include your completed SEE with your Development Application documents for lodgement.

Office Hours: 8.30am – 5pm

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Broken Hill NSW 2880
council@brokenhill.nsw.gov.au
www.brokenhill.nsw.gov.au
General Enquiries
Phone 08 8080 3300

SECTION 1 – PROPERTY DETAILS

Lot: _____ Section: _____ DP/SP: _____

House No: _____ Street: _____

City: _____ Postcode: _____

SECTION 2 – DESCRIPTION OF THE PROPOSAL

Detail 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) [for example office, retail, industrial and the like], materials and colour scheme, signage, disabled access and facilities, seating capacity.)

SECTION 3 – DESCRIPTION OF THE SITE

Detail 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.

SECTION 4 – PRESENT AND PREVIOUS USES

Detail the present use of the site and when this use commenced:

List the previous uses of the site.

Answer below if any potentially contaminating activities have been undertaken on the property:

No Yes If yes, please identify: _____

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

SECTION 5 – EXISTING STRUCTURES

List the existing structures

Existing Structure	Materials	Floor Area (m ²)

Detail which existing structures are to be demolished as part of the proposal:

SECTION 6 – OPERATIONAL AND MANAGEMENT DETAILS

For example: Home Business

Note: Section 6 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: _____

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

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

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

Hours and days of operation

Opening Time	Closing Time	Day
		Monday
		Tuesday
		Wednesday
		Thursday
		Friday
		Saturday
		Sunday
		Public Holidays

Expected vehicle types associated with the proposal:

Number of car parking spaces provided: _____

Location of car parking spaces provided:

Detail the arrangements for transport, loading and unloading of goods; and 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.

Detail how waste will be disposed of:

Identify any potentially 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.

SECTION 7 – BROKEN HILL LOCAL ENVIRONMENTAL PLAN 2013 (SEE PAGE 3)

Detail what the land is zoned:

Detail what the proposal is for (use terms defined in the Broken Hill LEP 2013):

Answer below if this use is permissible within the zone:

No

If no, answer below if you are relying on existing use rights:

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:

Please list and address all relevant clauses to your development from the LEP (add additional pages if necessary):

SECTION 8 – DEVELOPMENT CONTROL PLAN (DCP) (SEE PAGE 3)

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

SECTION 9 – PRIVACY STATEMENT

Council is collecting your personal information in accordance with the *Privacy and Personal Information Protection Act 1998*.

The purpose for collecting your personal information is to obtain and record details to assess your application.

The intended recipients of the personal information collected includes Council officers or other agents contracted by Council. If necessary for reporting purposes, your name will be made publicly available via Council's Business Papers and on Council's website. Your contact details will not be made public on Council's website and will be removed from all applications and reports in Council's Business Papers.

The supply of your personal information is voluntary. If you cannot provide or do not wish to provide the information sought, Council may not be able to process your application.

You may make an application for access or amendment to information held by Council. Council will consider any such application in accordance with the Act. Enquiries concerning this matter can be directed to the Public Officer by email council@brokenhill.nsw.gov.au or addressed to Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.

Your information will be collected and stored by Broken Hill City Council, 240 Blende Street, Broken Hill NSW 2880.