

PLANNED

18 February 2025

Yass Valley Council
PO Box 6
Yass NSW 2582

By email: council@yass.nsw.gov.au

STATEMENT OF ENVIRONMENTAL EFFECTS REPORT

Proponent: Y. Majeed

Description: Section 4.55(1A) Modification Application – DA No. 240141

Property: Lot 47 DP271494, No. 79 Woodbury Drive, Sutton NSW 2620

1. Introduction

1.1. Commission

PLANNED has been commissioned by Y. Majeed (also described in this report as the **Proponent**) to prepare a Statement of Environmental Effects (**SEE**) Report to accompany a Section 4.55(1A) Modification Application seeking to modify Development Consent No. DA240141, which relates to the staged construction of a dual occupancy and detached ancillary shed at No. 79 Woodbury Drive, Sutton NSW (Lot 47 DP271494).

This SEE Report references the following documents, which were also commissioned/received to support the Modification Application:

- Revised Site Plan [Drawing No. A002] prepared by Studio 187, dated 17 February 2025.
- Revised Proposed Site Plan [Drawing No. A003] prepared by Studio 187, dated 17 February 2025.

1.2. Background

Council granted development consent for the staged construction of a dual occupancy and detached ancillary shed subject to the terms and conditions detailed in Development Consent No. DA240141 dated 15 August 2024.

To date, Development Consent No. DA240141 has not been modified.

1.3. Type of Application

The current application seeking to modify the original Development Consent has been prepared and is lodged pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.

The application of Section 4.55(1A) has been considered appropriate in this instance on the basis that the scope of the proposed modifications would involve minimal environmental impact.

2. Proposed Modifications

This Section of the Report details the proposed modifications to Development Consent No. DA240141.

P L A N N E D

2.1. Details of Proposed Modifications

2.1.1. Modification to Relocate Detached Ancillary Shed

As originally approved, the detached ancillary shed (36m²) was to be positioned within the southeastern corner of the registered building envelope – adjacent to the southern elevation of the ‘primary’ dwelling house (separated by approximately 2.015m) and to the east (rear) of the ‘secondary’ dwelling house (separated by approximately 6.5m).

Due to the limitations of the approved location, it is proposed to re-locate the detached ancillary shed to within the registered indicative effluent management zone (**EMZ**) – being further setback from the Woodbury Drive frontage. Specifically, it is proposed that the shed be located within the ‘reserve area’ and setback a minimum of 2m from the respective boundaries of the registered indicative EMZ.

The design of the shed is not proposed to be altered from that as originally approved – only its approved location is proposed to be modified.

In this instance, the proposed modification is deemed to be appropriate and supportable given the following:

- The proposed re-location of the detached shed building to within the indicative EMZ would increase the distance of separation to the Woodbury Drive frontage – thus having a positive impact to the rural residential amenity and character of Woodbury Ridge.
- The area of the indicative EMZ is approximately 1,000m². As detailed in the Effluent Management Report prepared by ACT Geotechnical Engineers, the primary and reserve application areas equate to a consolidated 890m² – leaving an additional 110m² of available area. As such, the proposed re-location of the detached shed building to within the southeastern extent would have no impact on the effectiveness of the effluent management system and/or access for future maintenance purposes.
- The land within the indicative EMZ is ‘certified land’ for the purposes of the Biodiversity Certification Agreement. As per previous correspondence with Capital Ecology, surface level disturbance of land within the indicative EMZ is permitted. However, such disturbance does not relate to the impact of an existing mature trees identified for retention/protection.
- Given that the indicative EMZ is clear of any existing mature trees, the proposed re-location of the detached shed building would only result in surface level disturbance (i.e., stripping of 100mm topsoil and the placement and compaction of 150mm sub-base for concrete slab), it is our opinion that there would be no greater impact to biodiversity as originally considered as part of the Certification Agreement.
- The primary use of the detached shed building is for the storage of garden tools and equipment associated with the rural residential occupation of the subject land. As such, the open space areas between the ‘primary’ and ‘secondary’ dwellings (being the areas identified as ‘avoided land’ under the Certification Agreement) would not be heavily trafficked by vehicles and/or other machinery.
- The Woodbury Ridge Design Review Panel (**WRDRP**) has reviewed the proposed modifications and has provided their consent to the lodgement of the Modification Application with Yass Valley Council. A copy of the consent (provided via email dated 11 February 2025) is included at **Attachment 1**.

3. Modification Intent

This Section 4.55(1A) Modification Application is seeking to modify Development Consent No. DA240141 generally as follows (in *red* text):

1. Modifying Condition 1 as follows:

P L A N N E D

Approved Plans and Documents

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans

Plan Title	Plan No.	Revision No.	Date of Plan	Drawn By
Cover	A000	-	13 June 2024	Studio 187
Existing Site Plan	A001	-	15 September 2023	
Proposed Site Plan	A002	-	17 February 2025	
Proposed Site Plan	A003	-	17 February 2025	
Floor Plan	A101	-	13 June 2024	
Floor Plan – Wall Set Out	A102	-	13 June 2024	
Roof Plan	A103	-	6 November 2023	
Elevations	A201	-	7 March 2024	
Elevations	A202	-	7 March 2024	
Sections	A301	-	13 June 2024	
Sections	A302	-	13 June 2024	
Glazing Schedule	A401	-	7 March 2024	
Secondary Residence Plans	A501	-	15 September 2023	
Secondary Residence Plans	A502	-	13 June 2024	
3D Renders	A601	-	15 September 2023	
3D Renders	A602	-	15 September 2023	
Shed Design Drawings	Sheets 1 – 7	-	5 March 2023	

Approved Documents

Document Title	Version No.	Revision No.	Date of Document	Prepared By
Effluent Disposal Report	AS/C14901	-	18 June 2024	ACT Geotechnical Engineers
BASIX Certificate	1375118M	03	12 June 2024	ACT Sustainable Systems
NatHERS Summary Certificate	CW577L4F1P	-	12 June 2024	ACT Sustainable Systems
NatHERS Certificate – Main Dwelling	53ORQY2F43	03	12 June 2024	ACT Sustainable Systems
NatHERS Certificate – Dual Occupancy Dwelling	QB1UCZR53C	03	11 June 2024	ACT Sustainable Systems
Certificate of Accreditation – Sewerage Management Facility	STS-AWTS056	-	10 November 2021	NSW Government
Bushfire Attack Level Risk Assessment Certificate	24HUS7622	-	23 April 2024	Eco Logical Australia Pty Ltd

- Retaining Conditions 2 – 84 without Modification.

P L A N N E D

4. Statutory Planning Framework

Section 4.55 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) contains specific provisions that must be considered by Council in the determination of an application to modify the conditions of a Development Consent. This application is lodged under Section 4.55(1A) – Modifications Involving Minimal Environmental Impact.

Further, Section 4.15 of the EP&A Act provides matters for consideration for which Council is to consider in determining an application, whilst Clause 100 of the Environmental Planning and Assessment Regulation 2021 (**EP&A Regulation**) contains the information that must be submitted with an application to modify a Development Consent.

The requirements under the EP&A Act and EP&A Regulation are detailed below.

4.1. Section 4.55(1A) of the EP&A Act

Section 4.55(1A) of the EP&A Act relates to modifications involving minimal environmental impact.

Specifically, Section 4.55(1A) states:

Modifications involving minimal environmental impact A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- (c) it has notified the application in accordance with—
 - i. the regulations, if the regulations so require, or
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1), (2) and (5) do not apply to such a modification.

The application of Section 4.55(1A) has been considered appropriate in this instance on the basis that the proposed modifications are minor and would have minimal (if any) environmental impact.

4.2. Section 4.15 of the EP&A Act

4.2.1. Environmental Planning Instruments

This Application has been assessed against the relevant provisions of the EP&A Act, the EP&A Regulations and provisions of the Yass Valley Local Environmental Plan 2013.

The proposal has been found to be appropriate on the basis that it would be substantially the same as the development for which consent was originally granted and that it would have minimal (if any) environmental impact.

4.2.2. Impacts of the Development

The modifications proposed would not result in any adverse impacts to the environment or surrounding locality beyond that considered as part of the original Development Application DA240141.

P L A N N E D

4.2.3. Suitability of the Site

The land was considered to be suitable for the proposed development as demonstrated in the original Development Application DA240141.

4.2.4. Submissions

The proposal may require notification under Council's notification procedures. In that instance, we request the opportunity to respond to any issues received during the notification period.

4.2.5. Public Interest

The approval of the proposed modifications to Development Consent No. DA240141 is considered to be in the public interest.

The original application was found to be in the public interest and the proposed modifications remain consistent with what was previously approved.

5. Requirements of the EP&A Regulation 2021

Clause 100(1) of the EP&A Regulation details the information required to be submitted with an application to modify a development consent. These details include:

a) The name and address of the Applicant

The Trustee for EAS Investment Trust T/A PLANNED Town Planning Solutions
PO Box 261
Merimbula NSW 2548

b) A description of the development to be carried out under the consent

Development Consent No. DA240141 approved the following:

- Staged construction of dual occupancy and detached ancillary shed.
 - Stage 1: Construction of dwelling, ancillary shed, and retaining wall.
 - Stage 2: Construction of dwelling to create a dual occupancy.

c) The address and formal particulars of the title of the land on which the development is to be carried out

The address of the subject site is: No. 79 Woodbury Drive, Sutton NSW

The legal description of the property is: Lot 47 DP271494

d) A description of the proposed modification of the development consent

This Section 4.55(1A) Application seeks approval for minor amendments to Development Consent No. DA240141 as detailed at **Sections 2** and **3** of this Report.

e) A statement that indicates either –

- i. That the modification is merely intended to correct a minor error, misdescription or miscalculation; or
- ii. That the application is intended to have some other effect

This Section 4.55(1A) Application is 'intended to have some other effect' as referred to in paragraph (ii) above and as detailed at **Sections 2** and **3** of this Report.

P L A N N E D

f) A description of the expected impacts of the proposed modification

This Section 4.55(1A) Application to modify Development Consent No. DA240141 would result in an outcome deemed to be substantially the same as the development for which the consent was originally granted.

No adverse environmental impacts are expected to result as part of the approval of this Section 4.55(1A) Application.

g) Undertaking to the effect that the development (as to be modified) will remain substantially the same development that was originally approved

The development (as to be modified) is substantially the same development that was originally approved under Development Consent No. DA240141.

6. Conclusion

This Section 4.55(1A) Application seeks approval for minor modifications to Development Consent No. DA240141.

The proposed modifications have been assessed against the requirements of Section 4.15 of the EP&A Act and have been found to be acceptable.

It is considered that the proposal would not result in any adverse impacts to the environment or surrounding locality.

Based on the information contained within this Report, the proposed modifications to Development Consent No. DA240141 should be approved.

We trust that the above will enable Council to favourably determine this Section 4.55(1A) Modification Application. However, should further information be required, please do not hesitate to contact the undersigned on 0457 786 776 or via elizabeth@planned.net.au.

Yours sincerely,

Elizabeth Slapp

Elizabeth Slapp RPIA

Owner / Senior Town Planner
PLANNED Town Planning Solutions



Disclaimer

1. This report comprises an assessment of the project with respect to the *Environmental Planning and Assessment Act 1979* and has been commissioned by and prepared for the exclusive use of PLANNED's client based on an agreed scope of work, and using information supplied by PLANNED's client and other stakeholders. Whilst all due care has been taken to ensure the accuracy of such information, no responsibility is accepted for the interpretation of that information by the reader or third parties.
2. Except where expressly stated, PLANNED has not verified the validity, accuracy or comprehensiveness of any information supplied to PLANNED for its reports.

P L A N N E D

Copyright

1. The contents of this report are protected by copyright and PLANNED reserves all intellectual property rights. No part of this document may be reproduced, distributed, or transmitted in any form or by any means without the prior written consent of PLANNED.

List of Attachments

1. WRDRP Consent to Modification Application

P L A N N E D

ATTACHMENT 1 – WRDRP Consent to Modification Application

From: [Woodbury Design Review](#)
To: [Elizabeth Slapp](#); [Yaaman Majeed](#)
Cc: [Kerri Gisik](#); [Andrew Cook](#); [Woodbury Design Review](#)
Subject: RE: 79 Woodbury Drive, Sutton - Request to Re-Locate Approved Location of Detached Shed Building
Date: Tuesday, 11 February 2025 10:43:08 AM
Attachments: [image002.png](#)
[Proposed Shed Re-Location Markup.pdf](#)

Morning Elizabeth and Yaaman

Thank you for your patience whilst the Design Review Panel worked through the implication of this request.

The Design Review Panel has concluded that it has no objection to the shed being relocated to the area proposed and are comfortable with you submitting to Council for approval. In relation to compliance with the CMS, it is important that Council approval is received otherwise the outcome would be considered to breach the CMS document.

In our discussion with the Department of the Environment they did flag that they would like to see the shed setback slightly off the effluent boundary to minimise the risk of disturbance outside of this area during construction. We would recommend you consider this as part of your submission to Council.

Thanks again for your patience whilst we worked with the various stakeholders to reach a resolution.

Kind Regards

Andrew Cook

On behalf of the Woodbury Ridge Design Review Panel

Capital+1

E woodburydesignreview@cplus1.com.au

Level 1, 28 Bougainville St, Manuka, ACT 2603
PO Box 3908, Manuka ACT 2603

Working with people that want to invest in opportunity and a better region.

From: Elizabeth Slapp <elizabeth@planned.net.au>
Sent: Tuesday, 22 October 2024 1:14 PM
To: Woodbury Design Review <woodburydesignreview@cplus1.com.au>
Cc: Yaaman Majeed <ymajeed@groupone.com.au>
Subject: 79 Woodbury Drive, Sutton - Request to Re-Locate Approved Location of Detached Shed Building