

# Statement of Environmental Effects

## PROPOSED RESTORATION OF DWELLING, FORMER SERVANTS' QUARTERS AND STABLES

Lot 164 DP 635272  
(No. 90) Wiltons Lane  
**KAYUGA**

**Prepared For:**  
MACH Energy

**SEPTEMBER 2023**

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### Complete Planning Solutions Reference

230031 – MACH Energy - KAYUGA

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### QA Status

PREPARED	REVIEWED	ISSUED
Karen Jurd B Dev Stud	V1	September 2023

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# 1.0 DEVELOPMENT DETAILS & SUITABILITY

## 1.1 Development

The proposed development proposal relates to the restoration of the former Negroa Homestead and associated structures site at Lot 164 DP 635272 (No. 90) Wiltons Lane, Kayuga. The proposed demolition, repairs and upgrades of these existing building will ensure the buildings longevity and continuous historical viability and use.

The scope of works outlined below is based on the recommendations provided in the Negroa Homestead (MP41) Conservation Management Plan (CMP) prepared by Extent Heritage (July 2021) for MACH Energy.

The proposed development involves:

### **Stage 1**

- Structural Stabilisation and Emergency Repairs

### **Stage 2**

- Demolition of 1950s Kitchen and Works to 1845 Brickwork Homestead and 1850-60s Sandstone Addition
- Demolition of carport
- Construction of awning to part north, south and eastern elevation to protect openings in the 1845 building

### **Stage 3**

- Internal restoration to 1845 Brickwork homestead and 1850-60's Sandstone Addition
- Installation of kitchen

### **Stage 4**

- Construction of new carport and installation of rainwater tank

### **Stage 5**

- Servants' Quarters restoration

### **Stage 6**

- Stables

This assessment has been prepared with the intention of restoring the buildings to enable their preservation. High importance has been placed on preserving as much as the heritage significance of the building as possible.

The design plans for the renovations have been prepared with advice from the Heritage Consultant. Every effort has been made to ensure the heritage integrity of the buildings are not compromised. Reference should be made to the plans for all works to be undertaken.

## 1.2 Construction Certificates

The proposed development will involve six (6) stages as outlined above in section 1.1 of the Report.

The Proponents requests that Council's Conditions of Consent relating to the Construction Certificate requirements are tailored to suite the relevant stages of the proposed works as outlined above.

### 1.3 Zoning

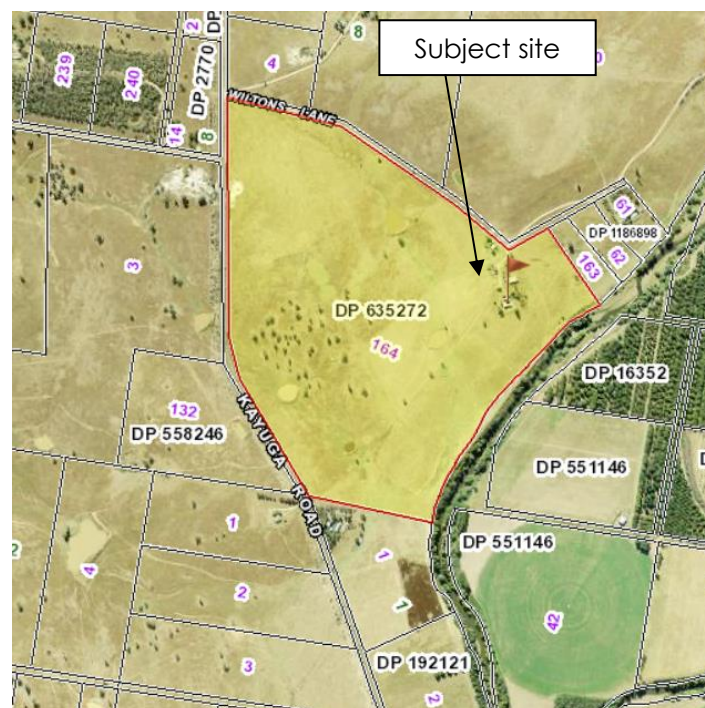
The subject site is zoned RU1 Primary Production under the provision of the Muswellbrook Local Environmental Plan 2009.

### 1.4 Site Details

The subject development site comprises of a total area of approximately 803,975m<sup>2</sup>.

### 1.5 Location

Lot 164 DP 635272(No. 90) Wiltons Lane, Kayuga. Refer to Figure 1.



**Figure 1:** Locality Map – Map view of Lot 164 DP 635272 (No. 90) Wiltons Lane, Kayuga.

### 1.6 Applicant

MACH Energy  
C/- Complete Planning Solutions Pty Ltd

### 1.7 Owner

The land is currently owned by MACH Energy.

### 1.8 Site Analysis

The subject site is located within a rural primary production and coal mining area. The subject site is located within an established primary production and coal mining allotments. The site is

occupied by items of heritage significance to a former homestead. The items include a dwelling, former servants' quarters, stables and associated structures.

## 1.9 Site Constraints

The site has been identified by NSW Planning Portal as having environmental constraints.

- Bushfire Prone Land;
- Mine Subsidence – Guideline 2
- Heritage Significant – Negoa
- Biodiversity Values

## 1.10 Local Facilities

The subject site is within close proximity to the Muswellbrook Local Centre area, convenience stores, schools and recreation facilities. Land use within the immediate locality is of a semi-rural residential nature.

## 1.11 Compatibility with Local Area

Lot 164 DP 635272 is a rural primary production property located in Kayuga consisting of planned infrastructure designed to facilitate development of this type. Land in the immediate vicinity of the site is occupied by primary production residential lots and mining operations.

## 2.0 Planning Objectives

### 2.1 Muswellbrook Local Environment Plan 2009

The subject site is zoned RU1 Primary Production under the provision of the Muswellbrook Local Environmental Plan 2009.

#### **1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services.
- To maintain the rural landscape character of the land in the long term.
- To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not—
  - (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or
  - (b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or
  - (c) visually intrude into its surroundings, except by way of suitable screening.
- To protect or conserve (or both)—
  - (a) soil stability by controlling development in accordance with land capability, and
  - (b) trees and other vegetation, and
  - (c) water resources, water quality and wetland areas, and their catchments and buffer areas, and
  - (d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.

#### **2 Permitted without consent**

*Extensive agriculture; Home occupations; Intensive plant agriculture*

#### **3 Permitted with consent**

*Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; **Dwelling houses**; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Function centres; Group homes; Hazardous industries; Health consulting rooms; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Industrial retail outlets; Information and education facilities; Intensive livestock agriculture; Kiosks; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural worker's dwellings; Secondary dwellings; Service stations; Sewerage systems; Signage; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Transport depots; Truck depots; Turf farming; Veterinary hospitals; Waste disposal facilities; Water supply systems*

#### **4 Prohibited**

*Any development not specified in item 2 or 3*

**A dwelling house is permissible with the consent of Council.**



### 2.1.1 MLEP – 5.10 Heritage Conservation

**Note—**

*Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.*

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

- (a) to conserve the environmental heritage of Muswellbrook,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

*(2) **Requirement for consent** Development consent is required for any of the following—*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
  - (i) a heritage item,*
  - (ii) an Aboriginal object,*
  - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
  - (i) on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land—*
  - (i) on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

**Response**

**The subject site contains items of heritage significance identified under Schedule 5 as “Negoa” item I44. Negoa is classified as having local heritage significance.**

**Under the provision of Clause 5.10 (2) (b) Heritage Conservation consent by Council is required for the proposed works.**

## 2.2 Muswellbrook Shire Development Control Plan 2009

*The aims of the DCP are:*

- a) To provide a detailed planning document that outlines requirements for development which meets community expectations and addresses the key environmental planning issues of the Local Government Area;*
- b) To identify and to detail public notification requirements in accordance with section 74C of the EP & A Act;*
- c) To promote a more simplistic framework for dealing with Development Applications (DAs) consistent with the amended requirements of the EP & A Act;*
- d) To encourage and assist effective community participation in the decision-making process;*
- e) To provide a more accessible and understandable set of guidelines to the general public;*
- and*

*f) To apply common or consistent requirements and procedures in the assessment of all applications.*

**The proposed development meets the aims of the DCP.**

### **2.2.1 MDCP Section 8 Rural and Environmental Zone Development**

This section applies to development in RU1, C3 & W1 zones.

**The proposed development is to be situated on land zoned RU1 Primary Production.**

## 3.0 ENVIRONMENTAL IMPACT

### 3.1 Setbacks

The existing setbacks for the dwelling, servants' quarters and stables are to remain and will not be altered by the proposed development.

The proposed new carport will be constructed outside of the existing setbacks. The setbacks for the carport will be approximately 107m to the northern boundary, 200m to the southern and 227m to eastern boundary.

All proposed setbacks comply with Council DCP requirements of buildings which are not located along a public road be setback 10m from any property boundary.

### 3.2 Building Height

The existing building height for the dwelling, servants' quarters and stables are to remain and will not be altered by the proposed development.

The proposed carport has achieved a maximum height of 3m to the ridge. The height of the proposed development is well within the maximum height of outlined in Muswellbrook Shire Development Control Plan.

### 3.2 Colours and Materials

There is very little areas which need to be painted. It is proposed that the windows, verandah posts, carport and other elements on the dwelling be painted white. The servants' quarters is to be painted heritage green. Refer to plans for further details.

### 3.3 Open Space

The subject land is zoned RU1 Primary Production and has an area size of 803,975m<sup>2</sup>. There is ample open space for the proposed development.

### 3.4 Parking

The proposed development will incorporate a double carport as part of the proposed development. The provision of a carport meets with Council's vehicle parking requirements.

### 3.5 Utilities

The subject site has access to all services of electricity and telephone. These services will be supplied as required to the proposed new development.

Town water and sewer is not connected to the proposed development site. The existing wastewater system will continue to be used. A new rainwater tank is to be installed is stage 4 of the project.

### 3.6 Fencing

The proposed development is to occur upon a lot with an area size of 803,975m<sup>2</sup>. Fencing is not proposed.

### 3.7 Acid Sulphate Soils

The subject land is not mapped as being within an Acid Sulfate Soils areas. An Acid Sulfate Soils Management Plan is not required in this instance.

### 3.8 Mine Subsidence

The site has been identified as being located within a proclaimed Mine Subsidence District. The plans have been forwarded to Subsidence Australia for stamping.

### 3.9 Flooding

Council's records do not show the subject site as being within a flood prone area.

### 3.10 Energy Efficiency

The proposed development is for alterations the installation to an existing dwelling. As the proposed works are over the value of \$50,000 a BASIX is required. A BASIX certificate accompanies this DA.

### 3.11 Stormwater Management

The subject site is a large primary production lot and it is anticipated that stormwater will be directed to the existing drainage system. An additional rainwater tank is to be installed during stage 4 of the proposed development. .

### 3.12 Access and Traffic

The subject site retains access to Wiltons Lane. Wiltons Lane is an all-weather access road.

The proposed development is not expected to significantly increase local traffic movement with the local area.

### 3.13 Overlooking/Privacy/Lighting

The proposed development is within an existing dwelling and unlikely to adversely impact upon the privacy of adjoining properties. The proposed location of the dwellings and separation distance between the proposed development and neighbouring developments ensure that privacy is maintained by impeding light spill and view corridors between residential dwellings etc.

### 3.14 Landscaping

The proposed development does not involve landscaping.

### 3.15 European Heritage

The subject site has been identified as having European heritage significance. A Heritage Impact Statement (HIS) has been prepared by Complete Planning Solutions and accompanies this DA.

The HIS concluded:

*“The proposed development seeks to maintain the ambience of the site and will not increase the existing footprint of the building. The proponent acknowledges the heritage significance of the building and links to European heritage. The proponent has therefore sought to design the development in such a way as to not be detrimental to the heritage character of the building.*

*A land-use survey has been carried out to determine the character of the area. The development will not create a negative effect on the area.*

*It is suggested that the proposed development would not offend the heritage culture of the building or area.”*

### 3.16 Aboriginal Heritage

The subject site currently contains a dwelling and associated structures.

A review of the AHIMS database has determined that there are no Aboriginal sites recorded or declared on or within 200m of the subject site. A copy of AHIMS results is attached as APPENDIX A.

While watercourse has been identified approximately 220m from the development site, the development site has been cleared of native vegetation and has a long history of being used for agricultural purposes. As a result of the extensive agricultural activities that have taken place in the past the land has been greatly disturbed.

The site is not known as having any special significance with respect to Aboriginal culture.

### 3.17 Bush Fire

The subject site is located within a bush fire prone area. A Bush Fire Risk Assessment Report accompanies this report.

### 3.18 Flora & Fauna

The subject site has been identified as having biodiversity values. The subject site has been cleared of any significant vegetation. The location of the development is within a cleared area and as such will not have a negative impact upon the biodiversity value of the land.

A BOS search was conducted on 16 September 2023 and the results show the following:

Biodiversity Values Map and Threshold Report		
Date of Report Generation		16/09/2023 9:49 AM
Biodiversity Values (BV) Map Threshold - Results Summary		
1	Does the development Footprint intersect with BV mapping?	no
2	Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
3	Date of expiry of dark purple 90 day mapping*	N/A
4	Is the Biodiversity Values Map threshold exceeded?	no
Area Clearing Threshold - Results Summary		
5	Size of the development or clearing footprint	12,750.6 sqm
6	Native Vegetation Area Clearing Estimate (NVACE)	175.3 sqm
7	Method for determining Minimum Lot Size	LEP
8	Minimum Lot Size (10,000sqm = 1ha)	800,000 sqm
9	Area Clearing Threshold (10,000sqm = 1ha)	10,000 sqm
10	Is the Area Clearing Threshold exceeded?	no
Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2.		no

## 4.0 CONCLUSION

This Statement of Environmental Effects has been prepared to address relevant planning issues for the proposed development Lot 164 DP 635272 (No. 90) Wiltons Lane, Kayuga. The proposed development is deemed to be appropriate as:

- The proposed development is consistent with Council's Planning Instruments;
- The subject site is of sufficient size to accommodate such a development;
- The subject site has access to all services of electricity and telephone;
- The proposed development will not decrease the residential amenity currently enjoyed by residents of the area;
- The proposed development will occur with minimal land disturbance;
- The proposed development requires minimal vegetation removal;
- The proposed development ensures the privacy of residents of adjacent properties;
- The subject site is not subject to drainage problems.

## 5.0 RECOMMENDATION

It is recommended that Muswellbrook Shire Council grant Development Consent for the proposed development at Lot 164 DP 635272 (No. 90) Wiltons Lane, Kayuga.

## AHIMS Search Results





## AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Wiltons Lane Kayuga

Client Service ID : 820435

Complete Planning Solutions Pty Ltd

Date: 16 September 2023

1/187 LANG STREET

KURRI KURRI New South Wales 2327

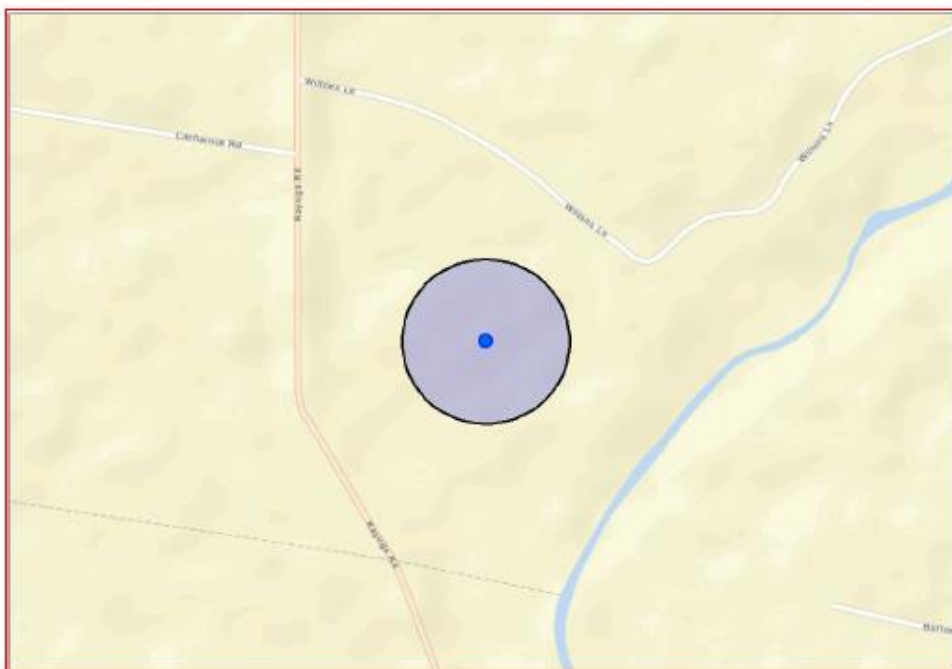
Attention: Karen Jurd

Email: karen.jurd@completeplanningsolutions.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 90 WILTONS LANE KAYUGA 2333 with a Buffer of 200 meters, conducted by Karen Jurd on 16 September 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

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## Biodiversity Values Report



## Biodiversity Values Map and Threshold Report

This report is generated using the Biodiversity Values Map and Threshold (BMAT) tool. The BMAT tool is used by proponents to supply evidence to a consent authority to determine whether or not a Biodiversity Development Assessment Report (BDAR) is required under [the Biodiversity Conservation Regulation 2017 \(Cl. 7.2 & 7.3\)](#).

The report provides results for the proposed development footprint area identified by the user and displayed within the blue boundary on the map.

There are two pathways for determining whether or not a BDAR is required for the proposed development:

1. Is there Biodiversity Values Mapping?
2. Is the 'clearing of native vegetation area threshold' exceeded?

Biodiversity Values Map and Threshold Report		
Date of Report Generation		16/09/2023 9:49 AM
Biodiversity Values (BV) Map Threshold - Results Summary		
1	Does the development Footprint intersect with BV mapping?	no
2	Was ALL of the BV Mapping within the development footprinted added in the last 90 days? (dark purple mapping only, no light purple mapping present)	no
3	Date of expiry of dark purple 90 day mapping*	N/A
4	Is the Biodiversity Values Map threshold exceeded?	no
Area Clearing Threshold - Results Summary		
5	Size of the development or clearing footprint	12,750.6 sqm
6	Native Vegetation Area Clearing Estimate (NVACE)	175.3 sqm
7	Method for determining Minimum Lot Size	LEP
8	Minimum Lot Size (10,000sqm = 1ha)	800,000 sqm
9	Area Clearing Threshold (10,000sqm = 1ha)	10,000 sqm
10	Is the Area Clearing Threshold exceeded?	no
Is the proposed development assessed above the Biodiversity Offsets Schema (BOS) threshold? Exceeding the BOS threshold will require completion of a Biodiversity Development Assessment Report (BDAR). More details provided on page 2.		no



Department of Planning and Environment

### What do I do with this report?

- If the result above indicates a BDAR is required, a Biodiversity Development Assessment Report **may be required** with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of accredited assessors. An accredited assessor can apply the Biodiversity Assessment Method and prepare a **BDAR**.
- If the result above indicates a BDAR is not required, you have not exceeded the BOS threshold. This report can be provided to Council to support your development application. You may still require a permit from your local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species" as determined under the test in Section 7.3 of the Biodiversity Conservation Act 2016. You may also be required to review the area where no vegetation mapping is available.
- If all Biodiversity Values mapping within your development footprint are less than 90 days old, i.e. mapping is displayed as dark purple on the map, a BDAR may not be required if your Development Application is submitted within that 90 day period. \*Any BV mapping less than 90 days old on this report will expire on the date provided in Line item 3 above.

For more detailed advice about actions required, refer to the **Interpreting the evaluation report** section of the [Biodiversity Values Map Threshold Tool User Guide](#).

### Review Options:

- If you believe the Biodiversity Values mapping is incorrect please refer to our [BV Map Review webpage](#) for further information.
- If you disagree with the NVACE result for Line Item 6 above (i.e. area of Native Vegetation within the Development footprint proposed to be cleared) you can undertake a self-assessment. For more information about this refer to the **Guide for reviewing BMAT Tool area clearing threshold results**.

### Acknowledgement

I, as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature

Date 19/9/2023 09:49 AM

