

AMENDED STATEMENT OF ENVIRONMENTAL EFFECTS



PROPOSED SECONDARY DWELLING LOT 2 DP 564417 – 48 JOHNS RIVER ROAD, JOHNS RIVER

Keith & Rita Allen

Amended 6 March 2024

Reference No.: 2248

Prepared by:

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Laterals Planning acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to the social, cultural and economic value of Aboriginal people

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1 INTRODUCTION/EXECUTIVE SUMMARY

This report supports a Development Application for Keith & Rita Allen to Midcoast Council for the conversion of the existing café/restaurant/shop to a Principal Residence, and the use of the existing flat as a secondary dwelling. The existing café/restaurant/shop and flat is located on Lot 2 DP 564417, 48 Johns River Road, Johns River. Refer to plans in Section 3.1.

The assessment of the land has provided for the consideration of existing natural features including drainage patterns, elevation, accessibility (Johns River Road which is sealed), biodiversity, bushfire, vegetation and the ability for on-site wastewater management, all of which are identified as manageable within relevant legislation and guidelines.

The report provides information about the site and the proposed development. Key planning issues are discussed which, in combination with a summary assessment of the proposal against the heads of consideration in s4.15 of the *Environmental Planning and Assessment Act 1979*, represents the required Statement of Environmental Effects.

1.1 HISTORY OF SITE

Lot 2 was created by subdivision in 1952 through the consolidation and division of Lot 1 & 2 Section 9 Village of Johns River. The property originally contained a dwelling house and shop built around 1900 with additions to the shop carried out over several years to around 1970 to contain the existing building containing the café/restaurant/shop and residence. The buildings have been renovated and maintained ever since and utilised as a combination dwelling and shop/café-restaurant, which use continues to this day. A shed was added in 2018 (141/2018/DA, 127/2018/CC, OC issued 8 June 2018).

1.2 CONSULTATION WITH COUNCIL

The Council has not been consulted prior to the preparation of the application.

2 SITE ANALYSIS

2.1 SITE DESCRIPTION

The site consists of Lot 2 DP 564417, 48 Johns River Road, Johns River as shown on the topographic plan and aerial photograph below on pages 5 & 6.

The land has no slopes that exceed 18 degrees and all areas of the lot are able to be developed or used for permissible purposes under *Greater Taree Mulwaree Local Environmental Plan 2010*.

The site is not serviced with reticulated sewerage, water, or gas. Electricity and Telecommunications are provided along Johns River Road. NBN is available via a dedicated wireless connection.

The site contains an existing On-site Waste Water management Facility that services the existing café/restaurant/shop and flat.

The site contains 3 rainwater tanks (1 x 21,500L, 1 x 18,000L and 1 x 8,500L tank) all connected to a single pressure pump providing a storage capacity of 48,000 Litres.

The existing lot contains an area of 1,163 square metres. The existing site coverage of all buildings and infrastructure consists of the following:

1. Main building (including covered alfresco area but excluding building located outside the front boundary 350.6 square metres
2. Covered seating areas 21.2 square metres
3. Garage 61.2 square metres
4. Garden shed 10.2 square metres
5. Rainwater tanks 27.1 square metres
6. Collection well 9.1 square metres
7. Septic tank 2.8 square metres

This gives a total site coverage of all buildings and infrastructure (482.2 square metres) of 41.5%.

2.2 SITE LOCATION and CONTEXT

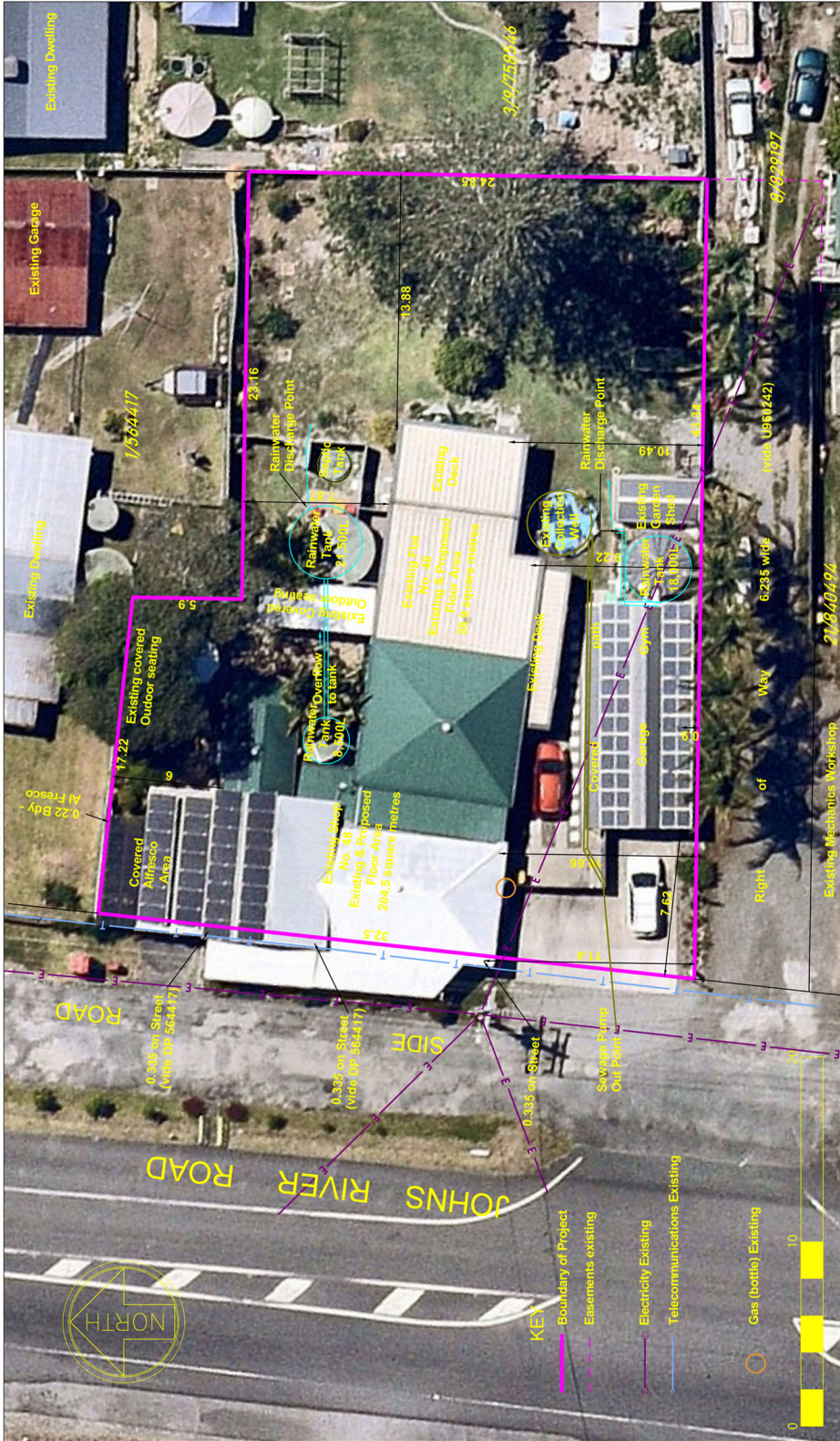
The site is located on land that is centrally located in the Village of Johns River. The site has frontage to Johns River Road via a short side road both of which are sealed. Johns River Road is the main road through Johns River. The side road along the front of the premises is at a lower level and has served as a separate road frontage and parking area associated with Rosie's Café.

The site and the use of the site have formed a part of Johns River located in a mixed commercial, residential and service industry location within the Village.

2.3 SURROUNDING DEVELOPMENT

The site is within a Village setting with the following adjoining uses –

- (a) to the north is a residence.
- (b) To the east is a residence.
- (c) To the south is a vehicle service centre and disused service station.
- (d) To the west on the opposite side of Johns River Road are residences



NOTES:

1. Aerial photography from Near Map dated 21 September 2023.

PLAN

Showing Proposed Development
Lot 2 DP 564417
48 Johns River Road, Johns River

Scale 1:200 on A3

Sheet No: 2

No of Sheets: 2

Date: 28 February 2024

PLAN NO: 2248
EXISTING SITE PLAN
AERIAL PHOTOGRAPH

*Laterals
Planning*

Upstairs, 213 Auburn Street (PO Box 1326)
Goulburn NSW 2580
Phone: 02 4821 0973 Fax 02 48220777
48 Johns River Road, Johns River NSW 2443
Mobile: 0427 210 973

3 PROPOSED DEVELOPMENT

3.1 ELEMENTS OF THE PROPOSED DEVELOPMENT

The development proposal involves:

1. Converting the existing café/restaurant/shop to a principal dwelling and classify the existing flat as a secondary dwelling. No work is necessary to be carried out on the secondary dwelling.
2. The carrying out of works as required by Council on the issue of development consent.

The proposed development is shown on the plans on pages 9, 10 & 11 below.

3.2 DEVELOPMENT MATERIALS

Work on the Principal Dwelling would be carried out with standard building materials for respective rooms as displayed on the attached building plans. The completion of construction would be with internal lining (gyprock and villaboard), tiling and fitout with PC items and cupboards. Plumbing, gas lines and electrical works would need to be adjusted to match with the new use and services, and carried out in a professional manner.

3.3 OPERATIONAL DETAILS and DEVELOPMENT/CONSTRUCTION MANAGEMENT

Works would involve progressive renovation of rooms and adjustment of infrastructure to match. The Plans prepared by Laterals Design shown below and attached to the application display the intended design for the renovations.

3.4 ACCESS/PARKING

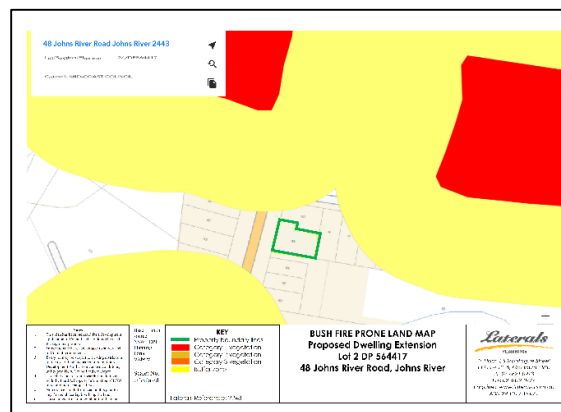
Access to the land would be from Johns River Road. No works would be necessary for access. Parking is already available on site with one space in the garage, one space in front of the garage, one space in a parking space inside the front fence and 2 spaces in front to the front fence. There are a total of 5 car parking spaces on site (including 2 stack parked vehicles). Further parking is available along the road in front of the building (not on the main thoroughfare). This situation would not alter.

3.5 VEGETATION MANAGEMENT and LANDSCAPING

There is existing Norfolk Island Pine and Silky Oak (*Grevillia robusta*) along with two garden shrubs (Orange scented shrub and Yesterday, Today & Tomorrow shrub) in the rear yard along with several plants and shrubs in garden bed arrangements around the site. No trees or shrubs need to be removed and are not proposed to be removed.

3.6 BUSHFIRE PRONE LAND

The site is not identified as Bushfire Prone Land as shown on the plan below.



3.7 UTILITIES

The Principal Residence would need alterations to existing utilities to match with the new rooms and bathroom and toilet. The existing on-site waste water management system for sewage management would service the two residences as it has the residence and café/restaurant/shop, with the retention of the existing collection well and pump out system.

A report by Rosewood Environmental from 2009 shows that the existing on-site waste water management system has capacity for the existing shop and 3-bedroom residence. A copy of the report is attached. There is adequate capacity for 2 residences based on the report details.

3.8 AMENDMENTS TO EXISTING CONSENT

This proposal does not involve the amendment of any existing development consent.

3.9 STAGING

The development is not intended to be carried out in stages as defined by Section 4.22 of the *Environmental Planning and Assessment Act 1979*.

4 LEGISLATION AND PLANNING CONTROLS

A full list of legislation and planning controls that could be applicable is included in Appendix 1 in Section 7 below. Those matters listed in Appendix 1 which would warrant further consideration are listed below with responses provided and further information is provided. A general assessment of the relevant legislation is carried out in this section and a more detailed assessment is carried out in Section 5.

4.1 LEGISLATION APPLICABLE TO THE PROPOSED DEVELOPMENT

The entire list of legislation relevant to the site is included in Appendix 1. From the list of legislation in Appendix 1 the following legislation is considered applicable to be considered for the proposed development.

4.1.1 Environmental Planning & Assessment Act 1979 and Regulation 2000

4.1.1.1 Section 1.3 (b) objects of the Act

Ecological Sustainable Development

The principles of ecologically sustainable development are as follows:

- (a) *the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*

The development has been designed to utilise existing land and infrastructure that will result in the least potential for adverse impact from works.

- (b) *inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*

The management of the development as discussed in this statement proposes the best ability for the development to maintain the existing environment. In relation to the protection of cultural values the development is consistent with the character of the area and existing uses on the land.

- (c) *conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*

The design of the development provides the best opportunity to maintain biological diversity and ecological integrity of the site.

- (d) *improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as:*

- (i) *polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
- (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
- (iii) *environmental goals, having been established, should be pursued in the most cost-effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

Note: Definition from section 6(2) of the *Protection of the Environment Administration Act 1991*).

The design of the development is to enable development within the values of the site that currently exists without significantly impacting on any on-site, adjacent or nearby site or development. The establishment of the development within the Midcoast Council area places the development under the continuing oversight of Midcoast Council, which will, through rates and charges continue to manage the infrastructure for cultural and environment protection.

4.1.1.2 Section 10.4 Disclosure of political donations and gifts

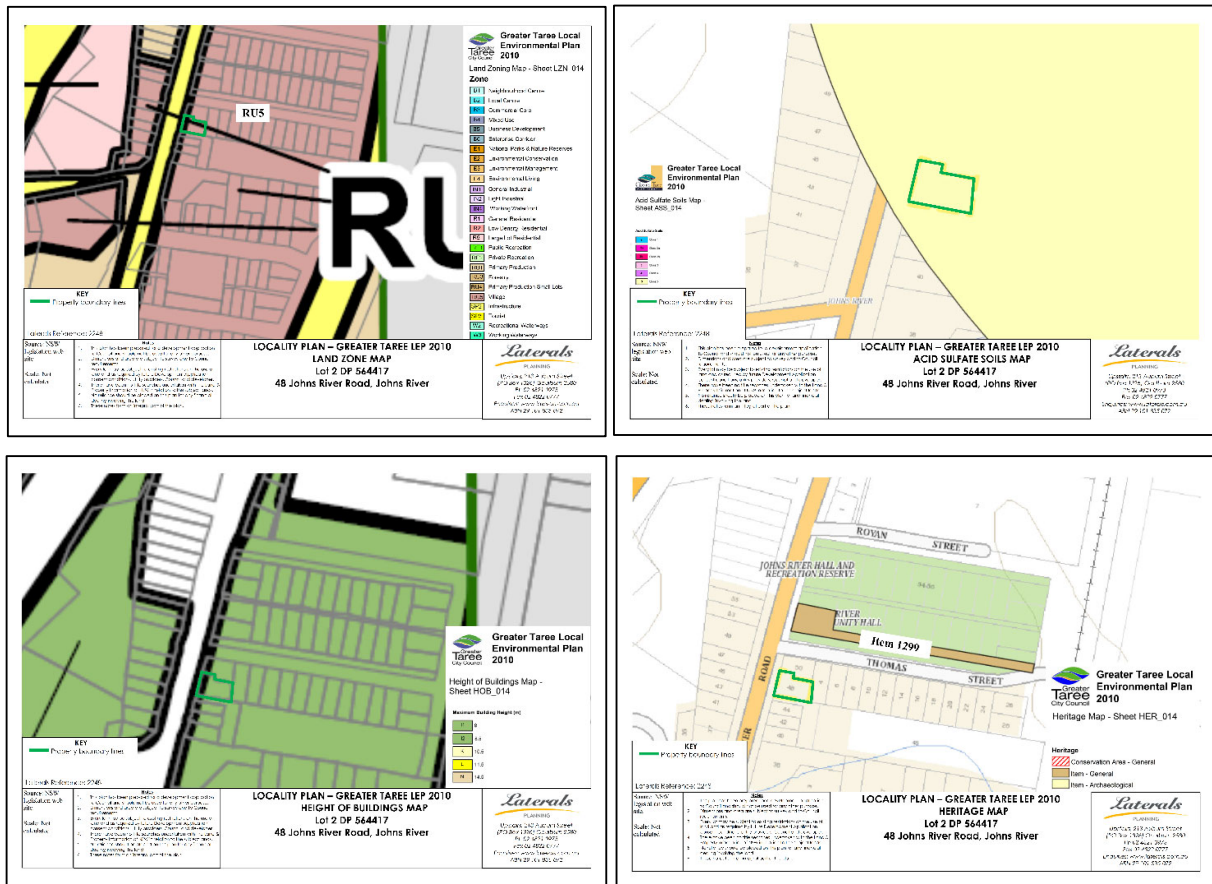
The Applicant has declared on the authority to lodge that there are no relevant political donations or affiliations.

4.1.2 Greater Taree LEP 2010

The site is within the Midcoast Local Government Area ('LGA') and the *Greater Taree Local Environmental Plan 2010* is the applicable Local Environmental Plan. The site is within the RU5 Village zone under the *Greater Taree Local Environmental Plan 2010*. The proposed development is permissible development under the zone (as a "Dwelling House"), subject to compliance with various clauses detailed in this Statement. Under the *Greater Taree Local Environmental Plan 2010* the land is also identified as:

1. Not subject to an Floor Space Ratio
2. Having a Height of Buildings limitation of 8.5m
3. Having a minimum lot size of 1000 square metres for subdivision
4. Not subject to any land reservation acquisition proposal.
5. Not containing a heritage item.
6. Not within a heritage conservation area.
7. Is within a Class 5 Acid Sulfate Soils area.
8. Not identified within a Flood Planning Area
9. Not within an area of the Obstacle Limitation Surface for Taree Airport.
10. Not within an Urban Release Area.
11. Not identified as having an Additional Use.
12. Not within the area of the Big Swamp
13. In terms of clause 3.3 the land is-
 - (a) not within the coastal waters;
 - (b) not a coastal lake;
 - (c) not within the coastal wetlands and littoral rainforests area;
 - (d) not an aquatic reserve;
 - (e) not within a wetland of international significance or a world heritage area;
 - (f) not within 100m of either item (c), (d) or (e) above;
 - (g) not identified as being of high Aboriginal cultural significance or high biodiversity;
 - (h) not reserved as a state conservation area;
 - (i) not dedicated for the preservation of flora, fauna, geological formations or for other environmental protection purposes;
 - (j) parts of the land that are declared areas of outstanding biodiversity value or a declared critical habitat.

Relevant Local Environmental Plan plans of the site are included on the following page 14 -



4.1.2.1 Clause 1.2 Aims of Plan

- (1) This Plan aims to make local environmental planning provisions for land in Greater Taree in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - (a) to promote and encourage the ecologically sustainable development of Greater Taree City,
 - (b) to encourage the proper management, development and conservation of natural and human made resources (including natural areas, forests, coastal areas, water, groundwater dependent ecosystems, agricultural land, extractive resources, towns, villages, and cultural amenities) for the purpose of promoting the social and economic welfare of the community, protecting ecological and cultural heritage and achieving a better environment,
 - (c) to promote and co-ordinate the orderly and economic use and development of land, and to minimise conflict between adjacent land uses,
 - (d) to facilitate the provision and co-ordination of community services and facilities,
 - (e) to encourage the protection of the environment, including the protection and conservation of native animals and plants, threatened species and endangered ecological communities and their habitats,
 - (f) to minimise the exposure of development to natural hazards and natural risks,
 - (g) to seek the provision of adequate and appropriate infrastructure to meet the needs of future development,

- (h) to encourage a strong, growing and diversified economy that promotes local self-reliance, and recognises and strengthens the local community and its social capital in ways that safeguard the quality of life of future generations.

The aims of the plan have been achieved in the creation of the zones and objectives of the zones designed to achieve the above aims. In that the development has, having regard to all the matters discussed in the following sections and Appendixes, shows that it can:

1. Does not impinge on any land used or proposed for arts and cultural activity, including music and other performance arts;
2. be achieved providing for the protection of the environment;
3. provide for the orderly and economic use and development of land
4. provide for a sustainable development;
5. does not need any further provision of community services and facilities;
6. protect and conserve the environmental heritage of Goulburn;
7. provide housing opportunities whilst minimising the exposure of development to natural hazards and risks;
8. Goes towards sustaining local self-reliance and strengthening the local community and quality of life;

it is supporting the aims of the plan.

4.1.2.2 Land use Table

The RU5 Village Zone includes the following land use table:

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote businesses and neighbourhood activities that serve the needs of the local community.
- To enhance the village character and amenity.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Home occupations

3 Permitted with consent

*Amusement centres; Backpackers' accommodation; Bed and breakfast accommodation; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Centre-based child care facilities; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Function centres; Home-based child care; Home businesses; Home industries; Horticulture; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Schools; **Secondary dwellings**; Service stations; Shop top housing; Tank-based aquaculture; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Water supply systems*

4 Prohibited

Specialised retail premises; Any other development not specified in item 2 or 3

The proposed development is permissible as "dwelling house"

4.1.2.3 Clause 1.9A Suspension of covenants, agreements and instruments Land use Table

There is –

- a) The land excludes Minerals and is subject to reservations and conditions in favour of the Crown.
- b) A Right of Carriageway (shown on Dealing U960242) 6.235m wide over adjoining Lot 8 DP 829197.

This Right of Carriageway does not affect nor is affected by the proposed development.

4.1.2.4 Clause 2.3 Zone objectives and Land Use Table

This clause contains the following provisions –

- (3) *The Land Use Table at the end of this Part specifies for each zone—*
 - i. *the objectives for development, and*
 - ii. *development that may be carried out without development consent, and*
 - iii. *development that may be carried out only with development consent, and*
 - iv. *development that is prohibited.*
- (4) *The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*
- (5) *In the Land Use Table at the end of this Part—*
 - *a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and*
 - *a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.*
- (6) *This clause is subject to the other provisions of this Plan.*

Under the RU5 Village zone the objectives are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote businesses and neighbourhood activities that serve the needs of the local community.
- To enhance the village character and amenity.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposal addresses the objectives in that-

- *The development is consistent with permissible uses within the Village;*
- *Renovates a business site that is no longer capable of sustained existence and is not a site of interest for purchase for continued operation. The premises has been on the market for 18 months with no offers;*
- *The provision of accommodation will provide for additional residents that would enhance the village character and amenity;*
- *The conversion to a residence would be carried out in a compatible manner with adjoining residences.*

4.1.2.5 Clause 4.3 Height of Buildings

The clause contains the following provisions-

- (1) *The objectives of this clause are as follows—*
 - (b) *to ensure that the height of a building is appropriate for the site,*
 - (c) *to ensure that the height of a building complements the streetscape or rural character of the area in which the building is constructed.*

- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*

The highest point of the existing building in 6.02m above the natural surface. There is no change in height of the building as a result of the conversions.

4.1.2.6 Clause 4.6 Exceptions to development standards

There is no clause 4.6 variation sought for the development.

4.1.2.7 Clause 5.4 (9) Controls relating to miscellaneous permissible uses – Secondary dwellings on land other than land in a rural zone

The land is within the RU5 Village zone as a Rural village. This clause contains the following provisions-

If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—

- (a) 60 square metres,
- (b) 43% of the total floor area of the principal dwelling.

Having regard to the provisions of this clause –

- (i) The secondary dwelling has a floor area of 58.9 square metres, which is less than an allowed 60 square metres, and
- (ii) Is less than 43% of the Principal Dwelling. The principal dwelling has a floor area of 204.5 square metres of which 4350% equals 87.94 square metres.

It is Laterals opinion that the RU5 Village zone is a rural zone (as a Rural Village which normally contains a mixture of residential, commercial, recreational and industrial land uses) but understands that several Councils view it is a residential zone. As such it is Laterals opinion that clause 5.5 would be applicable and it would be neglectful of Laterals to not note that the development complies with clause 5.5 in that the secondary dwelling of 58.9 square metres does not exceed 100 square metres or 50% of the Principal Dwelling (102.25 square metres).

4.1.2.8 Clause 7.11 Essential Services

The clause contains the following provisions -

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) the supply of water,
- (b) the supply of electricity,
- (b) the disposal and management of sewage,
- (c) stormwater drainage or on-site conservation,
- (d) suitable road access.

Having regard to the above matters the following information is provided –

- (a) Water is currently provided by rainwater collection in rainwater tanks and supplying the shop and exiting residence. The renovated residence would be connected to the existing water system.
- (b) The existing residence and shop are connected to electricity. The new residence would utilise the existing infrastructure.

- (c) The existing on-site waste water management facility will service the renovated building as outlined in the attached report by Rosewood Environmental. The existing pump out facility and arrangements would remain unchanged.
- (d) Rainwater is collected of domestic and garden use. Overland overflow would remain unchanged.
- (e) Suitable road access is available from Johns River Road.

4.1.3 Greater Taree DCP 2010

The Greater Taree Development Control Plan 2010 (DCP) controls relevant to the proposed development are:

- Part A Preliminary Information
 - A1.9 Can the controls (performance criteria of the DCP) be varied?
- Part B Character Statements
 - B1.5 Small Villages
 - B1.5.4 Johns River
- Part G Car Parking and Access
 - G1.3 Parking requirements for specific land uses
- Part J Rural and Environmental Zone Requirements

The RU5 zone is a Rural zone and as such Part J would appear to apply however the part is relevant to other broad acre rural lands as the controls referenced are generally not able to be satisfied in an RU5 zone. As such Part J is ignored.
- Part H Residential Requirements

Notwithstanding that the RU5 zone is a rural zone it would appear more suitable to be reviewed in terms of Part H as the Village has more of a residential character and setting.

 - H2.1 Site coverage and lot requirements
 - H2.2 Building setbacks
 - H2.3 Building height
 - H2.4 Car parking and access
 - H2.5 Private open space
 - H2.6 Solar access and overshadowing
 - H2.7 Acoustic and visual privacy
 - H2.8 Views
 - H2.9 Safety, security and entrances
 - H2.10 Front fencing
 - H3.1 One and two storey single detached dwellings
 - H3.2 Secondary Dwellings

A full assessment against the relevant components of the DCP is included at Appendix 1. Special consideration of planning issues is provided in Section 5 below.

5 ASSESSMENT OF PLANNING CONTROLS

5.1 COMPLIANCE WITH PLANNING INSTRUMENTS AND CONTROLS

- 1 The proposed dwelling (residence) is permissible within the RU5 Village zone;
- 2 The proposal is consistent with the provisions of Greater Taree LEP 2010.
- 3 The proposal is consistent with the relevant sections of the Greater Taree Development Control Plan Parts.
- 4 The proposal is consistent with applicable state and federal legislation and policies.

5.2 TRAFFIC ACCESS AND PARKING

Access would be provided to the existing dwelling from Johns River Road (sealed). A double garage is located on the south of the lot with direct access from Johns River Road. There are an additional 2 car parking spaces in front of a fence on the south of the lot, behind which there is a further stack parked parking space/boat space/caravan space which is accessible through a gateway. Further parking is also available along the front of the premises on a side road parallel to Johns River Road.

5.3 VISUAL ASSESSMENT

The site is located within a Village zone and setting. The front appearance of the site would be unchanged. The renovated residence, substantially being internal (except for window adjustments), would not be visible from the street. It is concluded that there would be little adverse visual impact on the locality.

The development would-

1. Not cause an overshadowing or direct invasion of privacy on any adjoining lot.
2. Not represent any use that is not consistent with the adjoining uses or be incompatible with other development in the locality.
3. Not represent elevated development.
4. Be a single storey building similar to other development in the locality.

5.4 AMENITY ASSESSMENT

With internal changes, and a few external changes to windows and doors, the development would not result in the construction of any works that would result in a potential decrease in amenity having good separation from other dwellings in the vicinity.

5.5 NOISE ASSESSMENT

The development would require the presence of carpentry machinery for building works. Works for the development would be carried out during the hours of 7am to 5pm Monday to Friday, 7am and 1pm Saturday with no work on Sunday or Public holidays.

5.6 PRIVACY and OVERSHADOWING ASSESSMENT

The development is not in such a location or of such a height that would result in privacy and overshadowing issues. Windows are located in side walls but the walls are set back from 4.22m to 7.25m from boundaries. In addition, windows are not large nor provide a significant view from inside the building.

5.7 EROSION and SEDIMENT CONTROL ASSESSMENT

Works proposed are such that erosion & sediment controls are not considered necessary.


5.8 SOCIAL AND ECONOMIC ASSESSMENT

The development on the site is anticipated to have an ongoing positive social and economic impact on the local area, and the broader community. The renovated residence provides for a more

suitable accommodation for the occupants. The new residence would provide accommodation for future residents and support the continued use of an existing building.

5.9 HERITAGE AND ABORIGINAL OBJECTS ASSESSMENT

The site is not located within a heritage conservation area and is not listed as a heritage item. An AHIMS search has not found any sites nearby as shown in the following report.



AHIMS Web Services (AWS)
Search Result

Your Ref/PO Number : 2248
Client Service ID : 796220

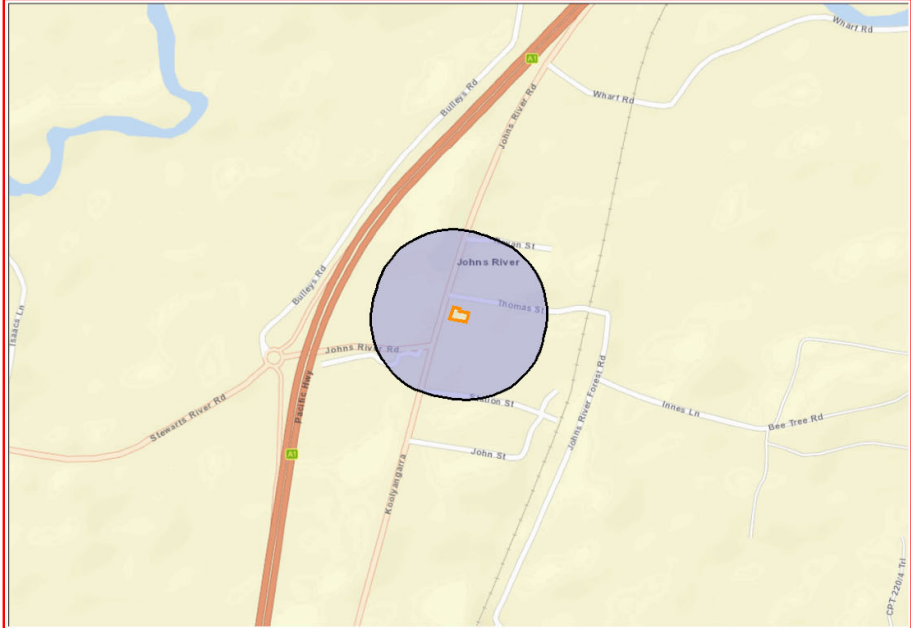
Allen Keith Rita
48 Johns River Road
Johns River New South Wales 2443
Attention: Keith Allen
Email: keith@laterals.com.au

Date: 29 June 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 2, DP:DP564417, Section : - with a Buffer of 200 meters, conducted by Keith Allen on 29 June 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. *

5.10 DEMOLITION ASSESSMENT

Changes to walls and floors are proposed internally as shown on the plans prepared by Laterals Design.

5.11 UTILITIES AND SERVICES ASSESSMENT

The development would be serviced by tank water and on-site waste water management. Electricity and telecommunications are already provided to the lot and would be altered to service the renovated residence.

A report by Rosewood Environmental from 2009 shows that the existing on-site waste water management system has capacity for the existing shop and 3-bedroom residence. A copy of the report is attached. There is adequate capacity for the enlarged residence based on the report details.

5.12 CONTAMINATED LAND ASSESSMENT

This report provides information from preliminary investigations pertinent to the development about the potential for the site to contain contamination from previous activities. The assessment is carried out in accordance with the '*Planning Guidelines for Contaminated Land*' prepared by the Department of Urban Affairs and Planning and Environment Protection Authority in 1995. The report forms a key assessment in accordance with the heads of consideration in s4.15 of the *Environmental Planning and Assessment Act 1979*.

5.12.1 Previous land uses

The property has been used previously for the past 100+ years for the shop and residence. There are no known other uses on the land.

5.12.2 Adjoining Land Uses

Adjoining land uses are residential and commercial to the south. There is no information that would indicate that there has been any activity on the land that would result in the contamination of the land which is the subject of this development.

5.12.3 Site Inspection

The owner/proponent lives on site and has not advised of any obvious contaminants on site.

5.12.4 Potentially Contaminating Activities

The owner/proponent has advised that there are no known potentially contaminating activities that would have related to the prior use of the site.

5.12.5 Remediation Activities

There is no information that the land has been subject to any notices concerning the need for remediation of the site. There is no information to indicate that the land has been subject to voluntary remediation by any prior landowner.

5.12.6 Contaminated Land Assessment Summary

From this assessment it is considered very unlikely that there would be any contamination or potential contamination of the land which is the subject of the proposed development. Based on this brief preliminary assessment it is considered that the site is presently suitable for the proposed development.

5.13 SUITABILITY OF THE SITE

The site contains an existing residence and commercial facility that has been present on the land since early 1900's.

The renovated residence is shown to have been designed in accordance with the Local Environmental Plan allowances and Council guidelines contained within the Development Control Plan parts and having full regard to the present nature of the site and controls dictated by best practice environmental management and existing site constraints. The development proposal as designed is considered suitable for the site and compatible within the locality.

5.14 SUBMISSIONS

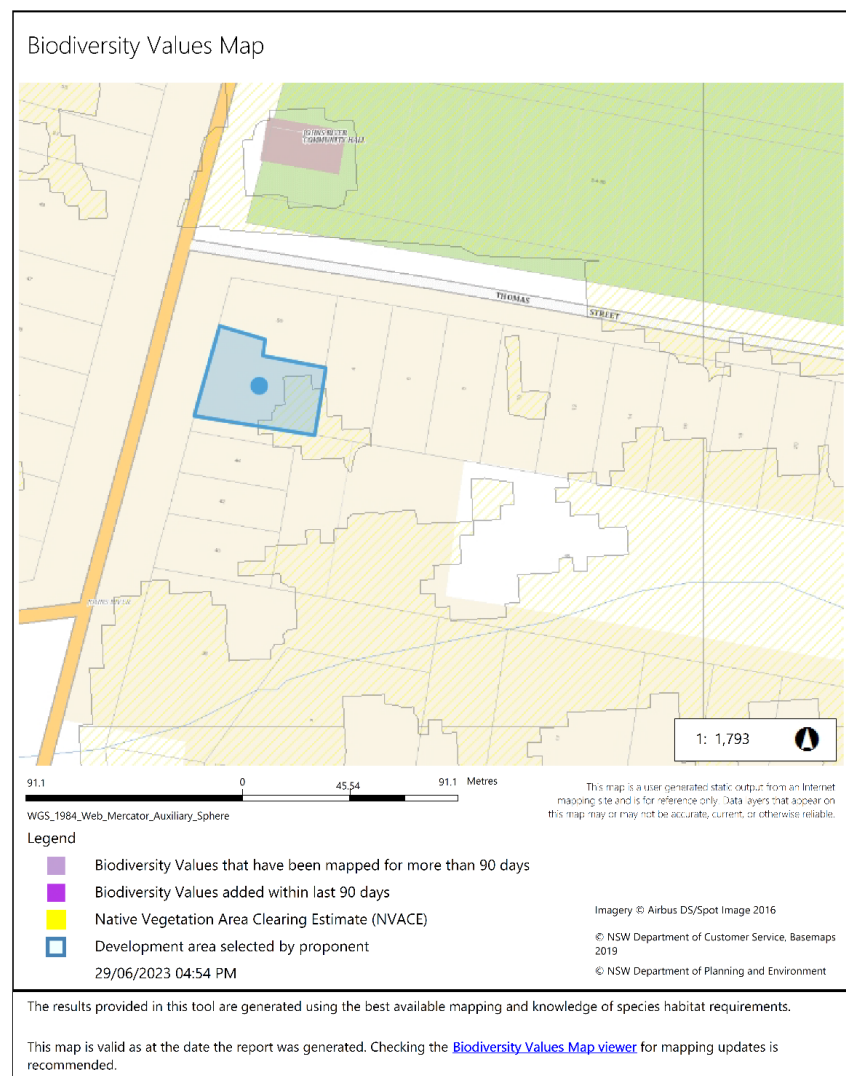
The development has not been publicly exhibited at the time of writing this statement. Any submissions subsequent to the preparation of the application would be addressed to the proponent and response provided to Council as necessary.

5.15 PUBLIC INTEREST

There are no other known issues of public interest that should preclude the consent of this development application.

5.16 BIODIVERSITY

A Biodiversity Values Map and threshold Tool Report was obtained on-line indicating that the site of the existing building is not located within a Biodiversity Value Mapped Area.





Department of Planning and Environment

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		29/06/2023 4:54 PM
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 footprint 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	1,176.1 sqm
6	Native Vegetation Area Clearing Estimate (NVACE)	287.9 sqm
7	Method for determining Minimum Lot Size	LEP
8	Minimum Lot Size (10,000sqm = 1ha)	1,000 sqm
9	Area Clearing Threshold (10,000sqm = 1ha)	2,500 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

The area of impact for the extensions consists of exotic grasses kept mown and maintained as part of a rear yard garden and lawn area. It is unlikely that the development would significantly impact any threatened flora and fauna.

6 CONCLUSIONS

The requirements of section 4.15(1) of the *Environmental Planning and Assessment Act 1979* have been taken into consideration in the preparation of this development application as follows -

- The development proposal complies with the relevant provisions of the applicable environmental planning instruments, development control plans and the regulations further discussed in Appendix 1 below.
- There is no draft Environmental Planning Instrument applicable to the land.
- No planning agreements, or draft planning agreements have been entered into or proposed in relation to this development.
- The development proposal has been designed to minimise or eliminate any likely impacts of the development, including potential environmental impacts on the natural and built environments, and the social and economic impacts in the locality.
- The site is considered suitable for the development proposal as designed.
- Public submissions regarding the development proposal have not been made at this stage, but would be considered following public notification in accordance with Council's policy.
- There are no other known issues of public interest that should preclude the consent of this development application.

The requirements of sections 61, 62, 63, 64, 65, and 66, of the *Environmental Planning and Assessment Regulation 2021* have been considered where applicable as noted in the following manner –

- Section 61 (1). There is minor variation to existing internal walls to accommodate the conversion to a residence as shown on the plans prepared by Laterals Design.
- Section 61 (2). The development is not in relation to a subdivision order made under Schedule 7 to the Act.
- Section 61 (3). The development is not relevant in terms of the *Dark Sky Planning Guideline*.
- Section 61 (4) & (5). The development is not for the purposes of a manor house or multi dwelling housing (terraces).
- Section 61 (6). The development is not for the erection of a building for residential purposes on land in Penrith City Centre.
- Section 62 (1). The development does not involve a change of use.
- Section 62 (2) & (3). Smoke alarms will need to be installed in accordance with NCC standards.
- Section 63. The development is not for the erection of a temporary structure.
- Section 64. The development does not involve rebuilding or alteration of any previous building work of an existing building representing more than half of the total volume of the building.
- Section 65. The development does not involve development at the Sydney Opera House.
- Section 66. The development is not-
 - located in Zone IN1 General Industrial under *State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 2;
 - Zone E4 Environmental Living or Zone 1 Urban Development under a precinct plan in *State Environmental Planning Policy (Precincts—Central River City) 2021*, Chapter 3 or *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 3.

Further details regarding the matters of consideration in relation to this development proposal are detailed below in Appendix 2.

The development is in accordance with legislative requirements and relevant guidelines and is considered reasonable and not contrary to the public interest and is a development worthy of Council's support.

7 SUITABILITY OF THE SITE

7.1 ALTERNATIVE AND CONSEQUENCES OF NO DEVELOPMENT

The site is currently vacant residential land with the proposed development involving the creation of a subdivision for residential purposes. The development and proposed use have been designed in consideration of prior application and land use reflections and current planning considerations.

The do-nothing option is not considered feasible as -

- The highest and best use of the land and the intended use of the land is for residential development.
- The non-use of the land would result in a waste of available land and building for residential development.
- The non-use of land and building would result in a need for other undeveloped greenfield land expanding into as yet undeveloped areas.
- Services to the land are currently satisfactory to accommodate the intended residential development being carried out.

7.2 ENVIRONMENTAL JUSTIFICATION

The proposed residential development is designed to address the issues of concern to the community and government authorities.

This document has identified that the subdivision could proceed because it would:

1. Satisfy the continuing demand for residential housing;
2. The continued use and operation of the café/restaurant/shop is now seen to be too difficult and not warranting any person seeking to purchase the premises for its continued use.
3. Provide for continued certainty in the support of the community and the use of infrastructure provided to the land;
4. Satisfy sustainable development principles;
5. Have a minimal and manageable impact on the environment;
6. Have a minimal and manageable impact on local amenity; and

8 APPENDIX 1 – JURISDICTIONAL LISTING - LEGISLATION POTENTIALLY APPLICABLE

Legislation potentially applicable is initially identified from the Council planning instruments and a Planning Report from the Planning Portal. All identified planning instrument are listed from this search followed by an assessment of applicability and the highlighting of those instruments which are applicable. All applicable planning instruments are then considered in Sections 4 & 5 above and Appendix 2 below.

LEGISLATION AND PLANNING CONTROLS	RELEVANCE	APPLICABILITY (FOR FURTHER CONSIDERATION)
<i>Environmental Planning & Assessment Act 1979</i>	<p><u>Section 1.3 (b) – Objects of the Act Ecologically Sustainable Development (ESD):</u></p> <p>The objects of the Act are not identified in legislation as a matter to be considered in the determination of a Development Application. They are however specified for consideration by Council.</p>	Yes. Refer to Section 4.1.1
	<p><u>Section 4.10 – Designated Development</u></p> <p>This section identifies designated development which is further identified in Schedule 3 of the <i>Environmental Planning & Assessment Regulations 2000</i>. A designated Development application must be accompanied with an Environmental Impact Statement prepared in accordance with Schedule 2 of the <i>Environmental Planning & Assessment Regulations 2000</i></p> <p>The development is not identified as designated development under Schedule 3 of the <i>Environmental Planning & Assessment Regulations 2000</i>.</p>	NO
	<p><u>Sections 4.46 & 4.47 – Integrated Development</u></p> <p><i>In Section 4.46 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 [specified approvals under a number of other Acts]. It will be required where the following approvals are required –</i></p> <ol style="list-style-type: none"> 1. <i>s22 of the Coal Mine Subsidence Compensation Act 2017.</i> 2. <i>s144 (aquaculture permit) Fisheries Management Act 1994.</i> 3. <i>s201 (aquaculture permit) Fisheries Management Act 1994.</i> 4. <i>s205 (cut, remove, damage or destroy marine vegetation) Fisheries Management Act 1994.</i> 5. <i>s219 (permit to set a net, netting; construct or alter a dam, floodgate, causeway or weir; otherwise create an obstruction across or within a bay, inlet, river or creek or across or around a float) Fisheries Management Act 1994.</i> 6. <i>s138 (Erect a structure or carry out work in, on or over a public road; dig up or disturb the surface of a public road; remove or interfere with a structure, work or tree on a public road; pump water into a public road from any land adjoining the road; connect a road (whether public or private) to a classified road) Roads Act 1993.</i> 7. <i>s100B (authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes) Rural Fire Act 1997</i> 8. <i>ss89, 90, 91 (water use approval water management work approval or activity approval under part 3 of chapter 3) Water Management Act 2000.</i> <p><i>Development is integrated development in respect of a licence that may be granted under the Protection of the Environment Operations Act 1997 to control the carrying out of non-scheduled activities for the purpose of regulating water pollution only if—</i></p> <p>(a) <i>the development application stipulates that an application for such a licence has been or will be made in respect of the development, or</i></p>	NO

	<p>(b) <i>the Environment Protection Authority notifies the consent authority in writing before the development application is granted or refused that an application for such a licence has been or may be made in respect of the development.</i></p> <p>In Section 4.47 (2) – <i>Before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development. Nothing in this section requires the consent authority to obtain the general terms of any such approval if the consent authority determines to refuse to grant development consent.</i></p>	
	<p>Section 7.4 – Provisions of a Planning Agreement This is a note to identify if, at the time of making a development application, a Voluntary Planning Agreement is proposed or if a proposed development is the subject of an existing Voluntary Planning Agreement.</p> <p>A Voluntary Planning Agreement is not proposed and the proposed development is not subject to the provisions of a Voluntary Planning Agreement.</p>	NO
	<p>Section 10.4 – Declaration (1) <i>The object of this section is to require the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence by—</i></p> <ol style="list-style-type: none"> <i>requiring public disclosure of the political donations or gifts at the time planning applications (or public submissions relating to them) are made, and</i> <i>providing the opportunity for appropriate decisions to be made about the persons who will determine or advise on the determination of the planning applications.</i> <p>The Applicant would need to make the disclosure either on the Planning Portal or in an authority to the consultant responsible for lodging the application on the Planning Portal.</p>	YES
Environmental Planning & Assessment Regulation 2021	<p>Section 24 Content of development applications (1) <i>A development application must—</i></p> <ol style="list-style-type: none"> <i>be in the approved form, and</i> <i>contain all the information and documents required by—</i> <ol style="list-style-type: none"> <i>the approved form, and</i> <i>the Act or this Regulation, and</i> <i>be submitted on the NSW planning portal.</i> 	<p>YES</p> <p>As submitted on the approved form on the Planning Portal</p>
	<p>Section 25 Information about concurrence or approvals <i>A development application must contain the following information—</i></p> <ol style="list-style-type: none"> <i>a list of the authorities —</i> <ol style="list-style-type: none"> <i>from which concurrence must be obtained before the development may lawfully be carried out, and</i> <i>from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41, viz –</i> <ul style="list-style-type: none"> <i>None identified</i> <i>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.</i> <p><i>Approvals may be necessary under any of the following Acts –</i></p> <ul style="list-style-type: none"> <i>Coal Mine Subsidence Compensation Act 2017 s22 (approval to alter or erect improvements, or to subdivide land, within a mine subsidence district)</i> <i>Fisheries Management Act 1994 s144 (aquaculture permit)</i> <i>Fisheries Management Act 1994 s201 (dredging of reclamation work)</i> <i>Fisheries Management Act 1994 s205 (cut, remove, damage or destroy marine vegetation)</i> 	<p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p>

	<ul style="list-style-type: none"> • Fisheries Management Act 1994 s219 (set a net, netting or other material, construct or alter a dam, floodgate, causeway or weir, or otherwise create an obstruction across or within a bay, inlet, rive or creek, or across or around a flat.) • Heritage Act 1977 s58 (approval in respect of the doing or carrying out of an act, matter or thing when an interim heritage order or listing on the State Heritage Register applies, viz - <ul style="list-style-type: none"> (a) demolish the building or work, (b) damage or despoil the place, precinct or land, or any part of the place, precinct or land, (c) move, damage or destroy the relic or moveable object, (d) excavate any land for the purpose of exposing or moving the relic, (e) carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct, (f) alter the building, work, relic or moveable object, (g) display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct, (h) damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land. • Mining Act 1992 ss63 & 64 (grant of minim lease) • National Parks and Wildlife Act 1974 s90 (grant of Aboriginal heritage impact permit) • Petroleum (Onshore) Act 1991 s16 (grant of production lease) • Protection of the Environment Operations Act 1997 s43(a), 47 & 55 (Environment protection licence to authorise carrying out of scheduled development work at any premises). • Protection of the Environment Operations Act 1997 s43(b), 48 & 55 (Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a "waste activity" but including any activity described as a "waste facility"). • Protection of the Environment Operations Act 1997 s43(d), 55, & 122 (Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity). • Roads Act 1993 s138 (consent to - <ul style="list-style-type: none"> (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road) • Rural Fires Act 1997 s100B (authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes • Water Management Act 2000 s89. 90. & 91 (water use approval, water management work approval or activity approval under Part 3 of Chapter 3. 	<p>Not an item under an interim heritage order or on the State Heritage Register</p> <p>No such use No such works</p> <p>No such activity No such activity</p> <p>No such activity</p> <p>No such activity</p> <p>No such work activity.</p> <p>Not Bushfire Prone.</p> <p>No such works.</p>
	<p><u>Section 26 Information about community housing, boarding houses, co-living housing</u></p> <p>(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.</p> <p>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.</p>	Not such development.
	<u>Section 27 BASIX Development</u>	NO

	<p>(1) A development application for BASIX development must be accompanied by—</p> <p>(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</p> <p>(b) the other matters required by the BASIX certificate.</p> <p>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.</p>	Not such development
	<p><u>Section 28 Development application relating to Biodiversity Conservation Act 2016</u></p> <p>(1) A development application for biodiversity compliant development must contain the reason the development is biodiversity compliant development.</p> <p>(2) A development application that is accompanied by a biodiversity development assessment report under the Biodiversity Conservation Act 2016 must contain the biodiversity credits information.</p> <p>(3) A development application relating to land that is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016 must contain a description of the kind of agreement and the area to which it applies.</p> <p>(4) In this section—</p> <p><u>biodiversity compliant development</u> means—</p> <p>(a) development to be carried out on biodiversity certified land under the Biodiversity Conservation Act 2016, or</p> <p>(b) development to which the biodiversity certification conferred by the Threatened Species Conservation Act 1995, Schedule 7, Part 7 applies, or</p> <p>(a) 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.</p>	<p>Not biodiversity compliant development.</p> <p>Not such land.</p>
	<p><u>Section 29 Residential apartment development</u></p> <p>(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.</p> <p>(2) The statement must—</p> <p>(a) verify that the qualified designer designed, or directed the design of, the development, and</p> <p>(b) explain how the development addresses—</p> <p>(i) the design quality principles, and</p> <p>(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.</p> <p>(2) 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—</p> <p>(a) to reduce consumption of mains-supplied potable water or greenhouse gas emissions in the use of—</p> <p>(i) the building, or</p> <p>(ii) the land on which the building is located, or</p> <p>(b) to improve the thermal performance of the building.</p> <p>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.</p>	Not residential apartment development.
	<p><u>Section 30 Mining or petroleum development</u></p> <p>(1) This section applies to a development application that relates to mining or petroleum development on land—</p> <p>(a) shown on the Strategic Agricultural Land Map, or</p> <p>(b) subject to a site verification certificate.</p> <p>(2) The development application must be accompanied by—</p>	Not mining development

	<p>(a) for development on land shown on the Strategic Agricultural Land Map as critical industry cluster land—a current gateway certificate that applies to the development, or</p> <p>(b) for development on other land—</p> <p>(i) a current gateway certificate that applies to the development, or</p> <p>a site verification certificate that certifies that the land on which the development will be carried out is not biophysical strategic agricultural land.</p>	
	<p>Section 31 Other documents required for certain development applications</p> <p>(1) A development application that relates to development for which consent under the Wilderness Act 1987 is required must be accompanied by a copy of the consent.</p> <p>(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.</p> <p>(3) A development application made under the Act, section 4.12(3) must be accompanied by the matters that would be required under the Local Government Act 1993, section 81 if approval were sought under that Act.</p> <p>Matters under the LGA Act 1993 for which development consent/approval is sought with this development application –</p> <p>Part A Structures or places of public entertainment</p> <p>1 Install a manufactured home, moveable dwelling or associated structure on land</p> <p>Part B Water supply, sewerage and stormwater drainage work</p> <p>1 Carry out water supply work</p> <p>2 Draw water from a council water supply or a standpipe or sell water so drawn</p> <p>3 Install, alter, disconnect or remove a meter connected to a service pipe</p> <p>4 Carry out sewerage work</p> <p>5 Carry out stormwater drainage work</p> <p>6 Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer</p> <p>Part C Management of waste</p> <p>1 For fee or reward, transport waste over or under a public place</p> <p>2 Place waste in a public place</p> <p>3 Place a waste storage container in a public place</p> <p>4 Dispose of waste into a sewer of the council</p> <p>5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility</p> <p>6 Operate a system of sewage management (within the meaning of section 68A)</p> <p>Part D Community land</p> <p>(1) Engage in a trade or business</p> <p>(2) Direct or procure a theatrical, musical or other entertainment for the public</p> <p>(3) Construct a temporary enclosure for the purpose of entertainment</p> <p>(4) For fee or reward, play a musical instrument or sing</p> <p>(5) Set up, operate or use a loudspeaker or sound amplifying device</p> <p>(6) Deliver a public address or hold a religious service or public meeting</p> <p>Part E Public roads</p> <p>1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway</p> <p>2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road</p> <p>Part F Other activities</p> <p>1 Operate a public car park</p> <p>2 Operate a caravan park or camping ground</p> <p>3 Operate a manufactured home estate</p>	<p>Not in a Wilderness Area.</p> <p>No Site Compatibility Certificate required.</p> <p>No such application</p> <p>No such works proposed.</p> <p>No on-site waste water management needed.</p> <p>No such application</p> <p>No such application</p> <p>No such application</p>

	<p>4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance</p> <p>5 Install or operate amusement devices</p> <p>6 (Repealed)</p> <p>7 Use a standing vehicle or any article for the purpose of selling any article in a public place</p> <p>8,9 (Repealed)</p> <p>10 Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations</p> <p>(4) A development application that relates to development on land in an Activation Precinct under State Environmental Planning Policy (Precincts—Regional) 2021, Chapter 3 must be accompanied by a current Activation Precinct certificate.</p>	The site is not in an Activation Precinct
	<p><u>Section 32 Extract of development application for erection of a building</u></p> <p>(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.</p> <p>(2) The extract must—</p> <p>(a) identify the applicant and the land to which the application relates, and</p> <p>(b) contain a plan of the building that indicates the proposed height and external configuration of the site, if relevant for the development.</p> <p>(3) This section does not apply to the following—</p> <p>(a) designated development,</p> <p>(b) nominated integrated development,</p> <p>(c) threatened species development,</p> <p>(d) Class 1 aquaculture development,</p> <p>(e) State significant development.</p>	Not a new building.
	<p><u>Section 33 Concept development applications</u></p> <p>(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.</p> <p>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</p>	No concept development is proposed.
	<p><u>Section 35 Additional requirements for development applications in certain areas of Sydney.</u></p>	The site is not located in the identified areas of Sydney
Commonwealth Legislation	<p>The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) commenced on 16th July 2000 and is administered by the Commonwealth Department of Environment, Water, Heritage and the Arts. Its primary objective is to “provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance.”</p> <p>The development will not involve works involving any biodiversity aspect.</p>	NO
Road Act 1993	<p>Under Section 138 of the Roads Act 1993, consent is required from the appropriate roads’ authority to:</p> <p>(a) erect a structure or carry out a work in, on or over a public road, or</p> <p>(b) dig up or disturb the surface of a public road, or</p> <p>(c) remove or interfere with a structure, work or tree on a public road, or</p> <p>(d) pump water into a public road from any land adjoining the road, or</p> <p>(e) connect a road (whether public or private) to a classified road,</p>	NO

	There are no new road works on Council public road requiring Section 138 approval.	
State Environmental Planning Policy (Biodiversity and Conservation) 2021	<p>CHAPTER 2 Vegetation in non-rural areas</p> <p>Part 2.1 Preliminary</p> <p>1.1 Aims of Chapter</p> <p>The aims of this chapter are -</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>(1) This Chapter applies to the following areas of the State (the non-rural areas of the State)—</p> <p>(b) land within the following zones under an environmental planning instrument—</p> <p>Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone B8 Metropolitan Centre, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone IN3 Heavy Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone SP3 Tourist, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living or Zone W3 Working Waterways.</p> <p>Part 2.2 Clearing vegetation in non-rural areas</p> <p>2.6 Clearing that requires permit or approval</p> <p>(1) A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.</p> <p>(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.</p> <p>(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.</p> <p>The land is not biodiversity certified land.</p> <p>(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.</p> <p>(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out.</p> <p>(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.</p> <p>2.7 Clearing that does not require permit or approval</p> <p>In accordance with clause 2.7 Clearing that does not require permit or approval –</p> <p>i. A permit or approval to clear vegetation is not required under this Chapter if it is clearing of a kind that is authorised under the Local Land Services Act 2013, section 600 or Part 5B.</p>	<p>NA</p> <p>NA</p>

	<p>ii. <i>Despite the Local Land Services Act 2013, section 600(a)(i) and (b)(i), subsection (1) does not apply to clearing that is part of or ancillary to the carrying out of exempt development or complying development.</i></p> <p>iii. <i>A permit or approval is not required under this Chapter for—</i></p> <p>(a) <i>the removal of vegetation that the council is satisfied is a risk to human life or property, or</i></p> <p>(b) <i>clearing for a traditional Aboriginal cultural activity, other than a commercial cultural activity.</i></p> <p>iv. <i>A permit is not required under this Chapter for the removal of vegetation that the council is satisfied—</i></p> <p>(a) <i>is dying or dead, and</i></p> <p>(b) <i>is not required as the habitat of native animals.</i></p> <p>v. <i>An approval is not required under this Chapter for the removal of vegetation that the Native Vegetation Panel is satisfied—</i></p> <p>(a) <i>is dying or dead, and</i></p> <p>(b) <i>is not required as the habitat of native animals.</i></p> <p>Note— <i>See also Part 2.5, which sets out certain clearing that does not require a permit or approval under this Chapter if the clearing—</i></p> <p>(a) <i>is carried out on certain primary production land in Zone R5, E2, E3 or E4, and</i></p> <p>(b) <i>complies with the requirements of Part 2.5</i></p> <p>Internal building work within an existing building only.</p> <p>Part 2.3 Council permits for clearing of vegetation in non-rural areas</p> <p>(1) <i>This Chapter applies to the following areas of the State (the non-rural areas of the State)—</i></p> <p>a. <i>land in the following local government areas—</i> <i>Bayside, City of Blacktown, Burwood, Camden, City of Campbelltown, Canterbury-Bankstown, Canada Bay, Cumberland, City of Fairfield, Georges River, City of Hawkesbury, Hornsby, Hunter's Hill, Georges River, Inner West, Ku-ring-gai, Lane Cove, City of Liverpool, Mosman, Newcastle, North Sydney, Northern Beaches, City of Parramatta, City of Penrith, City of Randwick, Rockdale, City of Ryde, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Waverley, City of Willoughby, Woollahra.</i></p> <p>b. <i>land within the following zones under an environmental planning instrument—</i> Zone RUS Village, <i>Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone B8 Metropolitan Centre, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone IN3 Heavy Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone SP3 Tourist, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living or Zone W3 Working Waterways.</i></p> <p>(2) <i>This Chapter does not apply to national park estate and other conservation areas, or State forestry land, referred to in section 60A (b) and (c) of the Local Land Services Act 2013. However, this Chapter applies to land that is any such national park estate and other conservation area only because it is a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016.</i></p> <p>Note— <i>Part 5A (Land management (native vegetation)) of the Local Land Services Act 2013 does not apply to non-rural areas to which this Chapter applies.</i></p>	<p>NA</p>
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	<p>Internal building work within an existing building only.</p> <p>CHAPTER 3 Koala habitat protection 2020</p> <p>Part 3.1 Preliminary</p> <p>3.1 Aims of Chapter</p> <p><i>This Chapter 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—</i></p> <ul style="list-style-type: none"> <i>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</i> <i>(b) by encouraging the identification of areas of core koala habitat, and</i> <i>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</i> <p>Internal building work within an existing building only.</p> <p>CHAPTER 4 Koala habitat protection 2021</p> <p>Part 4.1 Preliminary</p> <p><i>This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</i></p> <p>4.10 Development assessment process—other land</p> <p><i>A council is not prevented from granting consent to a development application for consent to carry out development on land if—</i></p> <ul style="list-style-type: none"> <i>(a) the land does not have an approved koala plan of management applying to the land, or</i> <i>(b) the council is satisfied that the land is not core koala habitat.</i> <p>Part 4.2 Development control of koala habitats</p> <p>4.9 Development assessment process—no approved koala plan of management for land</p> <ul style="list-style-type: none"> <i>(1) This section applies to land to which this Chapter applies if the land—</i> <ul style="list-style-type: none"> <i>a. has an area of at least 1 hectare (including adjoining land within the same ownership), and</i> <i>b. does not have an approved koala plan of management applying to the land.</i> <i>(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.</i> <i>(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.</i> <i>(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.</i> <i>(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—</i> <ul style="list-style-type: none"> <i>a. information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—</i> <ul style="list-style-type: none"> <i>(i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or</i> <i>(iii) is not core koala habitat, or</i> 	<p>NA</p> <p>NA</p>
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	<p>b. information the council is satisfied demonstrates that the land subject of the development application—</p> <p>(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or</p> <p>(iii) includes only horticultural or agricultural plantations.</p> <p>(6) In this section—</p> <p>koala assessment report, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts</p> <p>4.10 Development assessment process—other land</p> <p>A council is not prevented from granting consent to a development application for consent to carry out development on land if—</p> <p>(a) the land does not have an approved koala plan of management applying to the land, or</p> <p>(b) the council is satisfied that the land is not core koala habitat.</p> <p>Internal building work within an existing building only.</p> <p>Chapter 5 River Murray lands</p> <p>This chapter does not apply to Goulburn Mulwaree Council area.</p> <p>Chapter 6 Water Catchments</p> <p>This Chapter applies to land in the following catchments—</p> <p>(a) the Sydney Drinking Water Catchment,</p> <p>(b) the Sydney Harbour Catchment,</p> <p>(c) the Georges River Catchment,</p> <p>(d) the Hawkesbury-Nepean Catchment</p> <p>The land is not within an identified catchment area.</p> <p>Chapter 13 Strategic conservation planning</p> <p>This Chapter applies to land shown on the Land Application Map.</p> <p>Midcoast Council area is not identified on the Land Application Map.</p>	<p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p>
<p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</p>	<p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—</p> <p>a. providing exempt and complying development codes that have State-wide application, and</p> <p>b. identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and</p> <p>c. identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and</p> <p>d. enabling the progressive extension of the types of development in this Policy, and</p> <p>e. providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</p> <p>No exempt or complying development is proposed.</p>	<p>NO</p>
<p>State Environmental Planning Policy (Housing) 2021</p>	<p>The principles of this Policy are as follows—</p> <p>(a) enabling the development of diverse housing types, including purpose-built rental housing,</p> <p>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</p>	<p>NO</p>

	<p>(c) ensuring new housing development provides residents with a reasonable level of amenity,</p> <p>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</p> <p>(e) minimising adverse climate and environmental impacts of new housing development,</p> <p>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</p> <p>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</p> <p>(h) mitigating the loss of existing affordable rental housing.</p> <p>The development is not identified as providing 'Affordable housing' development in the Greater Sydney region, Newcastle region or Wollongong region, or within 400m of a B1, B2 or B4 zone. The site does not contain a low-rental residential building'.</p> <p>The development is not for a 'Boarding House', 'Supportive accommodation', Social housing provider development, Aboriginal Housing Office and Land & Housing Corporation development, or retention of existing affordable rental housing.</p> <p>The development is does not consist of any Diverse Housing being 'a Secondary dwelling', 'Group Homes', 'Co-living housing', 'Build to rent housing', 'Housing for seniors and people with a disability', 'Seniors housing—Aboriginal Housing Office and Land and Housing Corporation', 'Short term rental accommodation' 'Conservation of certain serviced apartments', a 'manufacture housing estate', a 'caravan park', Temporary emergency accommodation', or 'Residential accommodation for flood recovery'.</p>	
<p>State Environmental Planning Policy (Industry and Employment) 2021</p>	<p>Chapter 2 Western Sydney employment area The development is not located with the Western Sydney employment area and as such this chapter does not apply to the development.</p> <p>Chapter 3 Advertising and signage Part 3.1 Preliminary 1.1 Aims, objectives etc (1) This Chapter aims— (a) to ensure that signage (including advertising)— (a) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. (2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</p> <p>1.2 Area of application of this Chapter In brief this chapter applies to the state which includes all land and structures within the state and all vessels on navigable waters.</p> <p>The development does not propose any signage to which chapter 3 relates and as such this chapter does not apply to the development.</p>	<p>NO</p> <p>NO</p>

<p>State Environmental Planning Policy (Planning Systems) 2021</p> <p>Chapter 2 State and regional development</p> <p>Part 2.1 Preliminary</p> <p>2.1 Aims of Chapter</p> <p>The aims of this Chapter are as follows—</p> <ul style="list-style-type: none"> (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure, (c) to identify development that is regionally significant development. <p>2.2 Definitions</p> <p>capital investment value has the same meaning as in the Environmental Planning and Assessment Regulation 2021”.</p> <p>environmentally sensitive area of State significance means—</p> <ul style="list-style-type: none"> (a) coastal waters of the State, or (b) land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map (within the meaning of State Environmental Planning Policy (Coastal Management) 2018), or (c) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997, or (d) a declared Ramsar wetland within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, or (e) a declared World Heritage property within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, or (f) land identified in an environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or (g) land reserved as a state conservation area under the National Parks and Wildlife Act 1974, or (h) land, places, buildings or structures listed on the State Heritage Register under the Heritage Act 1977, or (i) land reserved or dedicated under the Crown Land Management Act 2016 for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or (j) land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994. <p>The site is not identified as containing “critical habitat” under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994.</p> <p>Part 2.2 State significant development</p> <p>2.6 Declaration of State significant development: section 4.36</p> <p>(1) Development is declared to be State significant development for the purposes of the Act if—</p> <ul style="list-style-type: none"> (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2. <p>Schedule 1 lists the following development –</p> <ol style="list-style-type: none"> 1. Intensive livestock agriculture * 2. Aquaculture * 3. Agricultural produce industries and food and beverage processing * 4. Timber milling, timber processing, paper and pulp processing * 5. Mining * 6. Petroleum (oil and gas) * 7. Extractive industries ** 8. Geosequestration 9. Metal, mineral and extractive material processing * 10. Chemical, manufacturing and related industries * 11. Other manufacturing industries * <ul style="list-style-type: none"> (a) laboratory, research or development facilities, (b) medical products manufacturing, (c) printing or publishing, (d) textile, clothing, footwear or leather manufacturing. 	<p>NO</p> <p>NO</p>
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	<p>(e) furniture manufacturing, (f) machinery or equipment manufacturing, (g) the vehicle, defence or aerospace industry, (h) vessel or boat building and repair facilities (not including marinas)</p> <p>12. Warehouses or distribution centres @ 13. Cultural, recreation and tourist facilities + 14. Hospitals, medical centres and health research facilities * 15. Educational establishments ^ 16. Correctional centres and correctional complexes * 17. Air transport facilities * 18. Port facilities and wharf or boating facilities * 19. Rail and related transport facilities * 20. Electricity generating works and heat or co-generation ! 21. Water storage or water treatment facilities * & 22. Sewerage systems = 23. Waste and resource management facilities 24. Remediation of contaminated land 25. Data storage 26. Development carried out by or on behalf of New South Wales Land and Housing Corporation for purposes of Housing Act 2001 27. Build-to-rent housing \$ 28. Seniors housing ^ 29. Development in the Western Sydney Aerotropolis * 30. Cemeteries</p> <p>Notations - ^ among other factors the development has a capital investment value of more than \$20 million. * among other factors the development has a capital investment value of more than \$30 million. # extracts more than 500,000 tonnes @ among other factors the development has a capital investment value of more than \$50 million. + among other factors the development has a capital investment value of more than \$100 million, or has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location. ! among other factors the development has a capital investment value of more than \$30 million, or has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location. & for a desalination plant among other factors the development has a capital investment value of more than \$10 million. = handles more than 10,000 EP or among other factors the development has a capital investment value of more than \$10 million, and is located in an environmentally sensitive area of State significance. \$ among other factors has a capital investment value of \$100 million in Greater Sydney Region or \$50 million on other land.</p> <p>The site is not identified as an area of high biodiversity significance. The development is not identified as State Significant Development.</p> <p>Part 2.3 State significant infrastructure 2.13 Declaration of State significant infrastructure: section 5.12(2) (1) Development is declared, pursuant to section 5.12(2) of the Act, to be State significant infrastructure for the purposes of the Act if— (a) the development on the land concerned is, by the operation of a State environmental planning policy, permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 3.</p> <p>Schedule 3 lists the following development – 1. General public authority activities 2. Port facilities and wharf or boating facilities * 3. Rail infrastructure @ 4. Water storage or water treatment facilities *</p>	NO
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	<p>19(2)(a) of State Environmental Planning Policy (Coastal Management) 2018).</p> <p>9. Development subject to delays in determination</p> <p>10. Development in council areas where development assessment unsatisfactory</p> <p>The development is not State Significant or Regional Development</p> <p>Chapter 3 Aboriginal land</p> <p>Part 3.1 Preliminary</p> <p>3.1 Aims of Chapter</p> <p>The aims of this Chapter are—</p> <p>(a) to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and</p> <p>(b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</p> <p>3.3 Land to which Chapter applies</p> <p>This Chapter applies to the land specified on the Land Application Map.</p> <p>The development is not specified on the Land Application Map and as such Chapter 3 does not apply to the development.</p>	NO
<p>State Environmental Planning Policy (Primary Production) 2021</p>	<p>Chapter 2 Primary production and rural development</p> <p>2.1 Aims of Chapter</p> <p>The aims of this Chapter are as follows—</p> <p>(a) to facilitate the orderly economic use and development of lands for primary production,</p> <p>(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p> <p>The development is not identified as development on ‘State significant agricultural land’, development for ‘farm dams and other small-scale and low risk artificial waterbodies’, or ‘livestock industries’, or ‘sustainable agriculture’ and as such this Chapter does not apply to the land.</p> <p>Chapter 3 Central Coast plateau areas</p> <p>The development is not located in the Central Coast plateau area and as such this chapter does not apply to the development.</p> <p>The land is not identified as land to which Schedule 4 ‘Application of certain standard provisions relating to primary production and rural development to non-standard local environmental plans and other</p>	NO

	<i>instruments', or Schedule 5 'Rural land sharing communities' applies and as such these Schedules do not apply to the development.</i>	
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>Chapter 2 Coastal management</p> <p>2.1 Aim of Chapter <i>The aim of this Chapter is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by—</i></p> <ul style="list-style-type: none"> <i>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</i> <i>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</i> <i>(c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.</i> <p>The development is not located in the coastal zone (including Coastal Wetlands and Littoral Rainforests Area, Coastal Vulnerability Area, Coastal Environment Area, and Coastal Use Area) and as such this chapter does not apply to the development.</p> <p>Chapter 3 Hazardous and offensive development</p> <p>3.1 Aims, objectives etc <i>This Chapter aims—</i></p> <ul style="list-style-type: none"> <i>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</i> <i>(b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Chapter, and</i> <i>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</i> <i>(d) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and</i> <i>(e) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and</i> <i>(f) to require the advertising of applications to carry out any such development.</i> <p>3.2 Definitions of “potentially hazardous industry” and “potentially offensive industry” <i>In this Chapter—</i></p> <p>potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—</p> <ul style="list-style-type: none"> <i>(a) to human health, life or property, or</i> <i>(b) to the biophysical environment,</i> <p><i>and includes a hazardous industry and a hazardous storage establishment.</i></p> <p>potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example,</p>	<p>NO</p> <p>YES Refer to section 5.13 for an assessment of contamination.</p>

	<p>noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.</p> <p>3.3 Other definitions <i>(1) In this Chapter—</i> hazardous industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality— <i>(a) to human health, life or property, or</i> <i>(b) to the biophysical environment.</i></p> <p>hazardous storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality— <i>(a) to human health, life or property, or</i> <i>(b) to the biophysical environment.</i></p> <p>offensive industry means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.</p> <p>offensive storage establishment means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.</p> <p>3.7 Consideration of Departmental guidelines <i>In determining whether a development is—</i> <i>(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or</i> <i>(b) an offensive storage establishment, offensive industry or other potentially offensive industry,</i> consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.</p> <p>Chapter 4 Remediation of land 4.1 Object of this Chapter <i>(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i> <i>(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</i> <i>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</i> <i>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</i> <i>(c) by requiring that a remediation work meet certain standards and notification requirements.</i></p>	<p>YES Refer to section 5.12 above</p>
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	<p>4.6 Contamination and remediation to be considered in determining development application</p> <p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <ul style="list-style-type: none"> (a) it has considered whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose. <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p> <p>(4) The land concerned is—</p> <ul style="list-style-type: none"> (a) land that is within an investigation area, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land— <ul style="list-style-type: none"> (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (i) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). <p>In accordance with section 4.6 (1) of the Policy a review is carried out and discussed in section 5.12 above.</p>	
<p>State Environmental Planning Policy (Resources and Energy) 2021</p>	<p>Chapter 2 Mining, petroleum production and extractive industries</p> <p>2.1 Aims of Chapter</p> <p>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—</p> <ul style="list-style-type: none"> (a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and (b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and (c) to promote the development of significant mineral resources, and (d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and (e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development— 	NO

	<p>(i) to recognise the importance of agricultural resources, and</p> <p>(ii) to ensure protection of strategic agricultural land and water resources, and</p> <p>(iii) to ensure a balanced use of land by potentially competing industries, and</p> <p>(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</p>	
	<p>2.19 Compatibility of proposed development with mining, petroleum production of extractive industry</p> <p>(1) This section applies to an application for consent for development on land that is, immediately before the application is determined—</p> <p>(a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or</p> <p>(b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or</p> <p>Note— At the commencement of this Chapter, no land was identified as referred to in paragraph (b).</p> <p>(c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.</p> <p>Note— Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.</p> <p>(2) Before determining an application to which this section applies, the consent authority must—</p> <p>(a) consider—</p> <p>(i) the existing uses and approved uses of land in the vicinity of the development, and</p> <p>(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and</p> <p>(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and</p> <p>(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and</p> <p>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</p>	NO
	<p>Chapter 3 Extractive industries in Sydney area</p> <p>3.1 Aims, objectives etc</p> <p>This Chapter aims—</p> <p>(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and</p> <p>(b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 3 or 4, and</p> <p>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</p>	NO

	<p>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</p> <p>(e) to prohibit development for the purpose of extractive industry on the land described in Schedule 5 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.</p> <p>The development is not located within the Sydney Metropolitan Area and as such this chapter does not apply to the development.</p>	
<p>State Environmental Planning Policy (Sustainable Buildings) 2022</p>	<p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> (a) to encourage the design and delivery of sustainable buildings, (b) to ensure consistent assessment of the sustainability of buildings, (c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored, (d) to monitor the embodied emissions of materials used in construction of buildings, (e) to minimise the consumption of energy, (f) to reduce greenhouse gas emissions, (g) to minimise the consumption of mains-supplied potable water, (h) to ensure good thermal performance of buildings. <p>In this Policy —</p> <p>BASIX development means the following development if it is not BASIX excluded development—</p> <ul style="list-style-type: none"> (a) development that involves the erection, but not the relocation, of a BASIX building, (b) development that involves a change of building use by which a building becomes a BASIX building, (c) development that involves the alteration of a BASIX building, if the estimated construction cost of the development is \$50,000 or more, (d) development for the purposes of a swimming pool or spa, or combination of swimming pools and spas, that— <ul style="list-style-type: none"> (i) services 1 dwelling only, and (ii) has a capacity, or combined capacity, of 40,000 litres or more. <p>BASIX optional development means the following development if it is not BASIX excluded development—</p> <ul style="list-style-type: none"> (a) development that involves the alteration of a BASIX building, if the estimated construction cost of the development is less than \$50,000, (b) development for the purposes of a swimming pool or spa, or combination of swimming pools and spas, that— <ul style="list-style-type: none"> (i) services 1 dwelling only, and (iii) has a capacity, or combined capacity, of less than 40,000 litres. <p>BASIX excluded development means the following development—</p> <ul style="list-style-type: none"> (a) development for the purposes of a garage, storeroom, carport, gazebo, verandah or awning, (b) development that involves the alteration of a building listed on the State Heritage Register under the Heritage Act 1977, (c) development that involves the alteration of a building resulting in a space that cannot be fully enclosed, other than a space that can be fully enclosed but for a vent needed for the safe operation of a gas appliance, <p>Example—</p> <p>A verandah that is open or enclosed by a screen, mesh or other material that permits the free and uncontrolled flow of air.</p> <ul style="list-style-type: none"> (d) development that involves the alteration of a building declared by the Planning Secretary, by order published in the Gazette, to be BASIX excluded development. 	NO

	<p>Chapter 2 Standard for BASIX development and BASIX optional development</p> <p>(5) <i>Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</i></p> <p>The development is not identified as BASIX development or BASIX optional development.</p> <p>Chapter 3 Standards for non-residential development</p> <p>(1) <i>This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—</i></p> <ul style="list-style-type: none"> (a) <i>the erection of a new building, if the development has a capital investment value of \$5 million or more, or</i> (b) <i>alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.</i> <p>The development has an estimated Capital Investment Value of less than \$5 Million and is not a development involving a building. As such the Chapter does not apply to the development.</p>	
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>	<p>Chapter 2 Infrastructure</p> <p>2.1 Aim of Chapter</p> <p><i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i></p> <ul style="list-style-type: none"> (a) <i>improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i> (b) <i>providing greater flexibility in the location of infrastructure and service facilities, and</i> (c) <i>allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i> (d) <i>identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</i> (e) <i>identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i> (f) <i>providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i> (g) <i>providing opportunities for infrastructure to demonstrate good design outcomes.</i> <p>In relation to clause 2.10 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>In relation to clause 2.11 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>In relation to clause 2.12 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>In relation to clause 2.13 the development is not proposed to be carried out by or on behalf of a public authority.</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p>

	<p>In relation to clause 2.14 the land is not located within the Coastal Zone. The development is not proposed to be carried out by or on behalf of a public authority.</p> <p>In relation to clause 2.15 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>The proposed development is not identified as exempt development (in Schedule 1) or complying development.</p> <p>Division 5 Electricity transmission or distribution Subdivision 2 Development likely to affect an electricity transmission or distribution network 2.48 Determination of development applications—other development (3) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following— (a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower, (b) development carried out— (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or (ii) immediately adjacent to an electricity substation, or (iii) within 5m of an exposed overhead electricity power line, (c) installation of a swimming pool any part of which is— (i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or (ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool, (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned. (4) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must— (a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p> <p>1. It is identified that the development- a. Would not likely penetrate ground within 2m of an underground electricity power line or an electricity distribution pole, but would not be within 10m of any part of an electricity tower. b. Carried out - (i) not immediately adjacent to an easement for electricity purposes, or (ii) not immediately adjacent to an electricity substation, or (iii) Not within 5m of an exposed overhead electricity power line (d) Would be development that would require the placement of power lines underground that would require referral to Essential Energy.</p> <p>Division 12A Pipelines and pipeline corridors Subdivision 2 Development adjacent to pipeline corridors 2.76 Determination of development applications</p>	<p>NO</p> <p>NO</p> <p>NO</p>
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	<p>(1) Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—</p> <ul style="list-style-type: none"> (a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and (b) take those risks into consideration, and (c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and (d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given. <p>(2) Land is in a pipeline corridor for the purposes of this section if the land is located—</p> <ul style="list-style-type: none"> (a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or (b) within 20m of the centreline (measured radially) of a relevant pipeline, or (c) within 20m of land the subject of an easement for a relevant pipeline. <p>(3) The following pipelines for gas, or for petroleum or other liquid fuels, are relevant pipelines for the purposes of this section—</p> <ul style="list-style-type: none"> (a) the pipelines with licence numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35 and 42 licensed under the Pipelines Act 1967, (b) the Clyde to Gore Bay pipeline. <p>The land is not identified adjacent to or within 20m of a pipeline or in a pipeline corridor for gas, petroleum or liquid fuels under the Pipelines Act 1967 and as such this clause does not apply to the development.</p> <p>Division 15 Railways</p> <p>2.97 Development involving access via level crossings</p> <p>(5) Before determining a development application for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and (b) take into consideration— <ul style="list-style-type: none"> (i) any response to the notice that is received within 21 days after the notice is given, and (ii) the implications of the development for traffic safety including the costs of ensuring an appropriate level of safety, having regard to existing traffic characteristics and any likely change in traffic at level crossings as a result of the development, and (iii) the feasibility of access for the development that does not involve use of level crossings. <p>(6) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor.</p> <p>The proposal does not involve access to or development of a level crossing, or increase traffic crossing a level crossing, and as such this clause does not apply to the development.</p> <p>2.98 Development adjacent to rail corridors</p> <p>(2) Before determining a development application for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and (b) take into consideration— <ul style="list-style-type: none"> (i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette. 	<p>NO</p> <p>NO</p>
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	<p>The proposal does not involve development adjacent to a rail corridor or within 5m of an electricity power line used for the purpose of railways or rail infrastructure facilities and as such this clause does not apply to the development.</p> <p>2.99 Excavation in, above, below or adjacent to rail corridors (2) Before determining a development application for development to which this section applies, the consent authority must— (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and (b) take into consideration— (i) any response to the notice that is received within 21 days after the notice is given, and (ii) any guidelines issued by the Secretary for the purposes of this section and published in the Gazette. (3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.</p> <p>The proposal does not involve excavation within, below, above or within 25m of a rail corridor and as such this clause does not apply to the development.</p> <p>2.100 Impact of rail noise or vibration on non-rail development (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette. (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following L_{Aeq} levels are not exceeded— (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p> <p>The proposal is not development for residential accommodation, a place of public worship, a hospital or an educational establishment that is adjacent to a rail corridor, and as such this clause does not apply to the development.</p> <p>2.101 Development within or adjacent to interim rail corridor (2) Before determining a development application to which this section applies, the consent authority must give written notice of the application to the rail authority for the interim rail corridor in which the development is to be carried out (the relevant rail authority) within 7 days after the application is made. (3) Except as provided by subsection (5), consent must not be granted to development to which this section applies without the concurrence of the relevant rail authority.</p> <p>The proposal does not involve development on land shown as Zone A, or Zone B on a rail corridors map, or as the “Sydney Metro West Tunnel”, and as such this clause does not apply to the development.</p> <p>Division 17 Roads and traffic Subdivision 2 Development in or adjacent to road corridors and road reservations 2.118 Development on proposed classified road</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p>
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	<p>(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW—</p> <ul style="list-style-type: none"> (a) subdivision that results in the creation of an additional lot with dwelling entitlements, (b) development with a capital investment value greater than \$185,000, (c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title. <p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> (a) give written notice of the application to TfNSW within 7 days after the application is made, and (b) take into consideration any response to the notice that is received within 21 days after the notice is given. <p>The proposal does not involve any development on a proposed classified road, and as such this clause does not apply to the development.</p>	
	<p>2.119 Development with frontage to classified road</p> <p>(1) <i>The objectives of this section are—</i></p> <ul style="list-style-type: none"> (a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i> (b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i> <p>(2) <i>The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <ul style="list-style-type: none"> (a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i> (b) <i>the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i> <ul style="list-style-type: none"> (i) <i>the design of the vehicular access to the land, or</i> (ii) <i>the emission of smoke or dust from the development, or</i> (iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i> (c) <i>the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i> <p>The proposal does not front a classified road, and as such this clause does not apply to the development.</p>	NO
	<p>2.120 Impact of road noise or vibration on non-road development</p> <p>(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</p> <ul style="list-style-type: none"> (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility. <p>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p>	NO

	<p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <ul style="list-style-type: none"> (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. <p>(3A) Subsection (3) does not apply to a building to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 7 applies.</p> <p>(4) In this section, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.</p> <p>The development is not on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles.</p> <p>2.121 Excavation in or immediately adjacent to corridors</p> <p>(5) <i>This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2)—</i></p> <ul style="list-style-type: none"> (a) <i>the Eastern Distributor,</i> (b) <i>the Cross City Tunnel,</i> (c) <i>the Lane Cove Tunnel,</i> (d) <i>the Tugun Bypass,</i> (e) <i>the Liverpool—Parramatta Transitway,</i> (f) <i>the North-West Sydney Transitway Network,</i> (g) <i>the Gore Hill Freeway,</i> (h) <i>the Western Distributor,</i> (i) <i>Southern Cross Drive,</i> (j) <i>the Cahill Expressway,</i> (k) <i>General Holmes Drive,</i> (l) <i>the Hume Motorway,</i> (m) <i>the M1 Pacific Motorway,</i> (n) <i>the M2,</i> (o) <i>the M4,</i> (p) <i>the M5,</i> (q) <i>the M4–M5 link,</i> (r) <i>the M7,</i> (s) <i>NorthConnex,</i> (t) <i>the Sydney Harbour Tunnel,</i> (u) <i>the King Georges Road Interchange,</i> (v) <i>the Pacific Highway.</i> <p>(2) <i>Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <ul style="list-style-type: none"> (b) <i>give written notice of the application to TfNSW within 7 days after the application is made, and</i> (c) <i>take into consideration—</i> <ul style="list-style-type: none"> (i) <i>any response to the notice that is received within 21 days after the notice is given, and</i> (ii) <i>any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette, and</i> (iii) <i>any implications of the ground penetration for the structural integrity of the road or project, and</i> (iv) <i>any cost implications for the road or project of the ground penetration.</i> <p>The proposal is not within any of the listed road corridors, and as such the clause does not apply to the development.</p>	<p>NO</p>
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	<p>2.122 Traffic-generating development</p> <p>(1) <i>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</i></p> <p>(a) <i>new premises of the relevant size or capacity, or</i></p> <p>(b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i></p> <p>(2) <i>In this section, relevant size or capacity means—</i></p> <p>(a) <i>in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</i></p> <p>(b) <i>in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</i></p> <p>(3) <i>A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</i></p> <p>(a) <i>given written notice of the intention to carry out the development to TfNSW in relation to the development, and</i></p> <p>(b) <i>taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</i></p> <p>(4) <i>Before determining a development application for development to which this section applies, the consent authority must—</i></p> <p>(a) <i>give written notice of the application to TfNSW within 7 days after the application is made, and</i></p> <p>(b) <i>take into consideration—</i></p> <p>(i) <i>any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</i></p> <p>(ii) <i>the accessibility of the site concerned, including—</i></p> <p>(A) <i>the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i></p> <p>(B) <i>the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i></p> <p>(iii) <i>any potential traffic safety, road congestion or parking implications of the development.</i></p> <p>The proposal is identified as development for “residential accommodation” but does not involve 75 or more dwellings. The application would not require referral to Transport for NSW.</p> <p>Chapter 3 Educational establishments and child care facilities</p> <p>The development is not for an Educational establishment or a child care facility and as such this chapter does not apply to the development.</p> <p>Chapter 4 Major infrastructure corridors</p> <p>The development does not involve a use for a future infrastructure corridor and is not within an SP2 Infrastructure zone. As such this chapter does not apply to the development</p> <p>Chapter 5 Three ports—Port Botany, Port Kembla and Newcastle</p> <p>The development is not located in Port Botany, Port Kembla or Newcastle and as such this chapter does not apply to the development.</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p>
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	Chapter 6 Moorebank Freight intermodal Precinct The development is not located within the Moorebank Freight Intermodal Precinct and as such this chapter does not apply to the development.	NO
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	<p>(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.</p> <p>(2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high-quality design.</p> <p>(3) Improving the design quality of residential apartment development aims:</p> <ul style="list-style-type: none"> (a) to ensure that it contributes to the sustainable development of New South Wales: <ul style="list-style-type: none"> (i) by providing sustainable housing in social and environmental terms, and (iv) by being a long-term asset to its neighbourhood, and (v) by achieving the urban planning policies for its regional and local contexts, and (b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and (c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and (d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and (e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and (f) to contribute to the provision of a variety of dwelling types to meet population growth, and (g) to support housing affordability, and (h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies. <p>(4) This Policy aims to provide:</p> <ul style="list-style-type: none"> (a) consistency of policy and mechanisms across the State, and (b) a framework for local and regional planning to achieve identified outcomes for specific places <p>The development does not involve residential apartment development.</p>	NO
Greater Taree LEP 2010	<p>The site is within the Midcoast Local Government Area ('LGA') and the <i>Greater Taree Local Environmental Plan 2010</i> is the applicable Local Environmental Plan. The site is within the RU5 Village zone under the <i>Greater Taree Local Environmental Plan 2010</i>. The proposed development is permissible development under the zone (as a dwelling house), subject to compliance with various clauses detailed in this Statement. Under the <i>Greater Taree Local Environmental Plan 2010</i> the land is also identified as:</p> <ol style="list-style-type: none"> 1. Not subject to an Floor Space Ratio 2. Having a Height of Buildings limitation of 8.5m 3. Having a minimum lot size of 1000 square metres for subdivision 4. Not subject to any land reservation acquisition proposal. 5. Not containing a heritage item. 6. Not within a heritage conservation area. 7. Is within a Class 5 Acid Sulfate Soils area. 8. Not identified within a Flood Planning Area 9. Not within an area of the Obstacle Limitation Surface for Taree Airport. 10. Not within an Urban Release Area. 11. Not identified as having an Additional Use. 12. Not within the area of the Big Swamp 13. In terms of clause 3.3 the land is- 	YES

	<ul style="list-style-type: none"> (a) not within the coastal waters; (b) not a coastal lake; (c) not within the coastal wetlands and littoral rainforests area; (d) not an aquatic reserve; (e) not within a wetland of international significance or a world heritage area; (f) not within 100m of either item (c), (d) or (e) above; (g) not identified as being of high Aboriginal cultural significance or high biodiversity; (h) not reserved as a state conservation area; (i) not dedicated for the preservation of flora, fauna, geological formations or for other environmental protection purposes; (j) parts of the land that are declared areas of outstanding biodiversity value or a declared critical habitat. <p>Compliance matters are addressed in detail in Section 4.1 of this report.</p>	
Greater Taree DCP 2010	<p>The Greater Taree Development Control Plan 2010 (DCP) controls relevant to the proposed development are:</p> <ul style="list-style-type: none"> • Part A Preliminary Information <ul style="list-style-type: none"> • A1.9 Can the controls (performance criteria of the DCP) be varied? • Part B Character Statements <ul style="list-style-type: none"> • B1.5 Small Villages <ul style="list-style-type: none"> • B1.5.4 Johns River • Part G Car Parking and Access <ul style="list-style-type: none"> • G1.3 Parking requirements for specific land uses • Part J Rural and Environmental Zone Requirements <p>The RU5 zone is a Rural zone and as such Part J would appear to apply however the part is relevant to other broad acre rural lands as the controls referenced are generally not able to be satisfied in an RU5 zone. As such Part J is ignored.</p> • Part H Residential Requirements <p>Notwithstanding that the RU5 zone is a rural zone it would appear more suitable to be reviewed in terms of Part H as the Village has more of a residential character and setting.</p> <ul style="list-style-type: none"> • H2.1 Site coverage and lot requirements • H2.2 Building setbacks • H2.3 Building height • H2.4 Car parking and access • H2.5 Private open space • H2.6 Solar access and overshadowing • H2.7 Acoustic and visual privacy • H2.8 Views • H2.9 Safety, security and entrances • H2.10 Front fencing • H3.1 One and two storey single detached dwellings • H3.2 Secondary Dwellings <p>A full assessment against the relevant components of the DCP is included at Appendix 2. Special consideration of planning issues is provided in Section 5.</p>	YES

9 APPENDIX 2 – Greater Taree DCP 2010 COMPLIANCE

Clauses identified as relevant to the proposed development and contained within the legislative controls are listed and considered in the following table.

PROVISION	COMMENTS	COMPLIANCE
GREATER TAREE DEVELOPMENT CONTROL PLAN 2010		
Part A Preliminary Requirements		
A1.9 Can the controls (performance criteria of the DCP) be varied	The existing building has a building setback that is less than specified in H3.1. See below in relation to Section H2.2 and H3.1 for justification for the setback.	YES
Part B Character Statements		
B1.5.4 Johns River	<p>The development will provide a residence consistent with the majority of development in the Village, without any external appearance change.</p> <p>The loss of the general store/café is unfortunate but a victim of circumstance where purchasers are not interested in the difficulties of running a commercial facility where the costs of water and sewage management are now prohibitive and the costs of maintaining supplies and staff are extremely difficult.</p>	YES
Part G Car Parking and Access		
G1.3 Parking Requirements for Specific Land Uses	6 car parking spaces are available on site with an additional 4 spaces along the street frontage.	YES
Part J Rural and Environmental Zone Requirements		
	The RU5 zone is a Rural zone and as such Part J would appear to apply however the part is relevant to other broad acre rural lands as the controls referenced are generally not able to be satisfied in an RU5 zone. As such Part J is not further considered.	NA
Part H Residential Requirements		
H2 – Primary residential requirements		
H2.1 Site Coverage and Lot Requirements	Site coverage is currently 23% which does not exceed 65%.	YES
H2.2 Building Setbacks	The alterations are contained within the existing building. The existing building is nestled in a small village with adjoining residential and commercial development with a variety of building setbacks. The actual setback of the building front (notwithstanding a side road parallel to Johns Rive Road that is not normally trafficked) is 14m from the Johns River Carriageway or 10m from the parking lane along Johns Rive Road, which maintains an adequate public/private threshold, good access and adequate traffic noise separation for the residential use of the existing building.	NA
H2.3 Building Height	No change is proposed to the height of the building which at 6.02m is less than the allowable 8.5m.	NA
H2.4 Car Parking & Access	6 car parking spaces are available on site with an additional 4 spaces along the street frontage. Existing car parking arrangements are not proposed to change.	NA

PROVISION	COMMENTS	COMPLIANCE
H2.5 Private Open Space	No change is proposed to the external design of the existing building and open space. Current open space meets access to sunlight. One current and one future living area would face north. Spaces are screened and landscaped.	YES
H2.6 Solar Access and Overshadowing	No changes are proposed to the exterior of the building or height. There are no overshadowing issues at present and none proposed.	YES
H2.7 Acoustic and Visual Privacy	There are no overlooking circumstances from the existing building and no changes are proposed to the existing building. The site is well fenced and landscaped. Road noise is proposed to be countered with the installation of double glazing along the front windows.	YES
H2.8 Views	No change is proposed to the existing building exterior other than new windows. Views will not change.	YES
H2.9 Safety, Security and Entrances	The existing building is secure and covered with CCTV internally and externally. This will be maintained. Good natural surveillance is available to and from the building.	YES
H2.10 Front Fencing	There is no change proposed to existing fencing adjacent to the garages.	YES
H3 – Controls for specific forms of residential accommodation		
H3.1 Secondary Dwellings	<p>The existing detached dwelling setback requirement is identified as 5m. The lot has no secondary frontage.</p> <p>The existing building has no street frontage setback as part of the building was built in about 1900-1910 when there were no building setbacks specified, and part of the building was built in about 1996 under DA 288/96 (proposed addition to shop) which permitted the continuation of the zero-street setback.</p> <p>It would be unreasonable to now require that the building be demolished to a 5m setback on conversion to a dwelling. The street character of the exiting village developed and has become established since 1900 with the existing shop/café and the adjoining car repair station and service station each having zero street setbacks.</p> <p>Notwithstanding this zero-street setback on the two adjoining buildings there is a side road along Johns River Road not generally used by transport vehicles that is located 4m from the front of the building, with the front of the building set back 14m from the main thoroughfare of Johns River Road (or 10m from the parking lane). This means that the buildings (and proposed residential use of the building) would have a setback in excess of other dwellings in the street.</p> <p>As such the setback is reasonably justified in that –</p> <ul style="list-style-type: none"> • Traffic noise is no more than for the standard dwelling with a 5m setback. • There is the ability for landscaping between Johns River Road and the side road as well as landscaping along the edge of the side road in front of the building. • The existing awning, and thoroughfare setback, provides adequate privacy from traffic. • The building forms a part of the character of Johns River and its retention would maintain that character. <p>The garage built in 2018 has a setback of 7.5m, exceeding the required 5m setback.</p> <p>The building does not interfere with solar access to any adjoining property.</p> <p>As discussed above there is adequate car parking which is located behind the street boundary.</p>	YES

PROVISION	COMMENTS	COMPLIANCE
	The whole development has in excess of 450 square metres of private open space associated with the Principal and Secondary Dwellings. Several areas with dimensions in excess of 6m x 4m exist on the property.	
H3.2 Secondary Dwellings	<p>The proposed development would provide additional housing in Johns River (which currently has no other housing available and be a development within an existing building compatible with surrounding residential development. There has not been any conflict with the adjoining car repair station.</p> <p>Clothes drying facilities are already available t the front of the enclosed yard where adequate solar access is available.</p>	