



Address: Nos. 30 & 31 Webster Street, Milperra
Proposal: Alterations & Additions (Registered Club)
AUGUST 2024

STATEMENT OF ENVIRONMENTAL EFFECTS

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WEBSTER STREET, MILPERRA

PROJECT INFORMATION

The Proposal: This Statement of Environmental Effects accompanies a development application lodged with consent of the registered property owner. The proposal seeks approval for alterations and additions to an existing registered club.

Site: Lot A DP 405225 and Lot D DP 391154
Nos. 30 & 31 Webster Street
MILPERRA NSW 2214

Architect: **Lippmann**
No. 570 Crown Street
SURRY HILLS NSW 2010





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1 THE SITE & CONTEXT

The site is identified as Nos. 30 & 31 Webster Street, Milperra and is comprised of Lot A Deposited Plan 405225 and Lot D Deposited Plan 391154. The site is irregular in shape and has an area of 4.08 hectares. The site has a long frontage to the Georges River and is accessed from Webster Street. Existing development upon the site comprises the former Deepwater Motor Boat Club.

The site is located approximately 30 kilometres from the Sydney CBD, and approximately 7 kilometres south west of the Bankstown CBD. Adjacent the site is Deepwater Park which comprises barbecues, bushwalking tracks, nature trails, playground equipment and public toilets. Deepwater Park 'is the largest Council owned and managed open space in the South West Local Area'. A concept design incorporating new equipment, seating, amenities and landscaping for visitors of all ages and abilities to enjoy was recently exhibited by Council (see **Figure 11**). The Deepwater Park and Kelso Parklands Plan of Management identifies that the potential future redevelopment of the Deepwater Motor Boat Club site could result in positive outcomes for the community's perception of safety within the park, as it would 'enliven the site with more people' and would result in a more activated space where informal surveillance would occur.

1.1 SITE HISTORY

Building Application No. 2027/78 for construction of the existing 'brick licensed club', was approved on 31 October 1978. However, the conditions that accompanied this approval are not available (despite exhausting the GIPA process with Council). There are however multiple Council files, including a letter from Council's principle building surveyor dated 27 October 1978 (see **Figure 1** below), recommending that on-site car parking provision was to be made for 252 cars, and that bays were to have a minimum dimension of 2.5 x 5.5 metres, with an access aisle for 90 degree parking of at least 6.5 metres. This is further reinforced by a letter written by Council's Health and Building Inspector dated 10 September 1979 concerning outstanding conditions that had not yet been complied with in relation to Building Permit No. 2027/78 (see **Figure 2** below):

PRINCIPAL BUILDING SURVEYOR

JM:LJW

27th October, 1978.

Plans in respect of the abovementioned building application have been perused and no objection would be raised to the release of same subject to the following conditions:

- a) Development shall take place in accordance with submitted plans 7881-1 to 7881-20 and 2681 and 7881-22C prepared by Stephen Taylor & Associates Pty. Ltd. and submitted in respect of a Development Application dated 9th August, 1978.
- b) The following amendments shall be made to the submitted plans:
 1. Planting types as specified on the Landscape Plan such as Eucalyptus Nicholii, Eucalyptus Citriodora and Tristanias Conferta and Laurina shall be replaced by Eucalyptus Sideroxylon Rosea, Eucalyptus Leucoxylon Rosea, and Casuarina Cunninghamiana, respectively.

- c) On-site car parking provision shall be made available for a minimum of 252 cars.
- d) Car parking bays shall have clear dimensions of 2.5m x 5.5m with an access aisle for 90 degree parking of at least 6.5 m.

Dear Sir,

Ref: Club Premises at Lot A, H.No. 30 Webster Street, Milperra.

A recent inspection of the above premises was carried out by Council's District Health and Building Inspector, Mr. A. McDonnell. This inspection revealed that a number of outstanding points and conditions had not been complied with as per building permit no. 2027/78, they are as follows:-

1. Install the following appliances in the kitchen:
 - i) 1 x 4.5 kg. carbon dioxide gas extinguisher.
 - ii) A smothering blanket, approximately 1200mm x 1200mm.

At the time of inspection the 1 x 4.5 kg carbon dioxide gas extinguisher was not mounted on a suitable bracket and was not displayed in a visible area.
2. Installation of additional portable extinguishers for protection of special risk areas, if any, should be held in abeyance pending a request for an on site inspection, after completion of the Club.
3. All curtains and drapes should be of a type that are permanently fire retarded. A Manufacturers Certificate is to be provided to comply with this condition.

4. On-site car parking provision shall be made available for a minimum of two hundred and fifty two (252) cars.

FIGURES 1 & 2

Extracts of correspondence from Council's Building Surveyor and Health and Building Inspector from 1978 and 1979.

Despite the consent not being available, it is reasonable to assume that conditions relating to Building Application No. 2027/78 required 252 car parking spaces, which, in further correspondence provided by Council, suggests was an oversupply at the time.

Development Application No. 224/2014 was issued a deferred commencement consent on 1 December 2014 for the following:

A staged development under section 83B of the Environmental Planning and Assessment Act 1979 with Stage 1 comprising alterations and additions to the existing Deepwater Motor Boat Club building accommodating a first floor function centre, new restaurant, landscaping, carparking, emergency evacuation route through Webster Street and infrastructure services with Stage 2 comprising the construction of a new boatshed.

Deferred commencement requirements related to on-site car parking, the Council Carpark and a revised flood emergency response plan.

While no maximum capacity is explicitly listed in approval documentation for the existing registered club, we have been able to obtain Council's Assessment Report that related to Development Application No. DA-224/2014, which suggested the existing auditorium (i.e. prior to submission of Development Application No. 244/2014) was capable of accommodating a maximum of 400 people, and affirming the hours of operation extended to 10:30pm on weekdays and 12am on weekends (see extract below):

HISTORY OF EXISTING IMPROVEMENTS AND USES

The Deepwater Motor Boat Club has operated from the site from as early as 1929. The existing two storey club building has been used for a variety of uses ranging from race meetings, formal functions, boat storage, administrative purposes and weddings with hours of operation ranging till 10:30pm on weekdays and 12am on weekends. The existing auditorium is capable of accommodating a maximum of 400 people. The existing two storey club building has not been used for sometime and is in a neglected condition.

Operational components of the approved development were specified in the consent granted to DA-224/2014 as follows:

77) Car parking spaces for 272 vehicles shall be provided in marked spaces and 68 spillover spaces shall be provided in the manner generally shown on the approved site plan. The car parking spaces, driveways and manoeuvring areas are to be used for employees and visitors vehicles only and not for the storage of new or used materials, finished goods or commercial vehicles.

78) This approval is limited for a maximum of 900 people including staff for the function centre.

79) This approval is limited for a maximum of 112 people including staff for the restaurant.

81) The hours of operation of all uses shall be limited to between 7am to 12am midnight on weekdays and 7am to 12am midnight on weekends.

Modification No. DA-224/2014/1 was approved on 29 February 2016 for various modifications to the approved function centre, restaurant, car park area and filling details.

Modification No. DA-224/2014/2 was approved on 4 June 2018 for procedural matters and condition wording.

Modification No. DA-224/2014/3 was approved on 24 May 2018 for landscaping modifications.

Construction Certificate No. CC-132/2019 for the buildings and carpark works was subsequently issued by Vic Lilli and Associates on 11 March 2019 and the consent was physically commenced in February 2020.

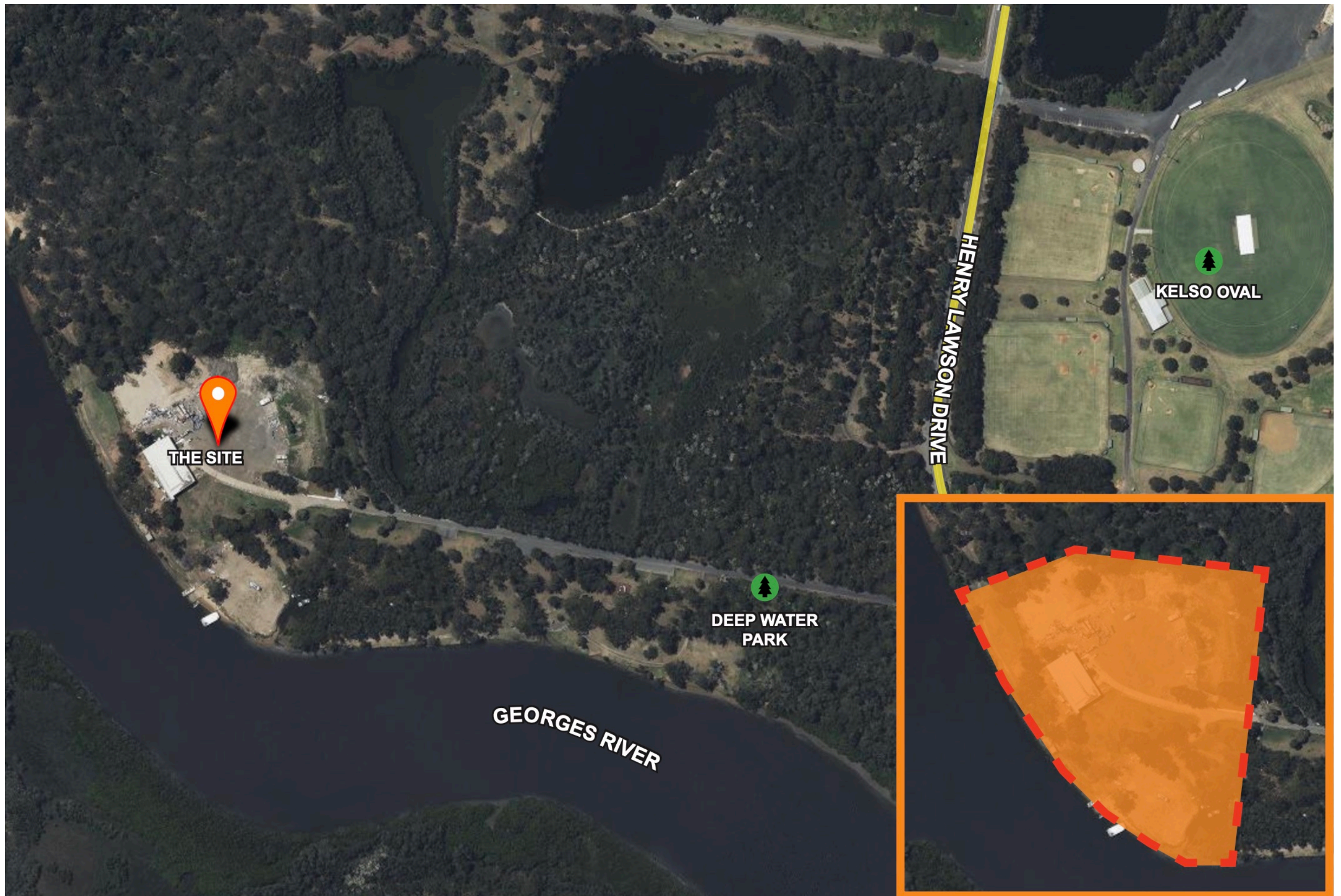


FIGURE 3

The site and its context (extract from Google Earth).



FIGURES 4 – 6

Georges River frontage; existing site entry; and interior condition of the Deepwater Motor Boat Club.



2 THE PROPOSAL

The proposed development is for alterations and additions to the existing registered club (Building Permit No. 2027/78). No intensification of use is proposed. The registered club is proposed to have a maximum capacity of 250 patrons.

The proposed alterations and additions to the existing Deepwater Motor Boat Club are intended to re-activate the existing building which has been dormant for many years. The gross floor area is reduced slightly, noting also that internal alterations will achieve compliance with the BCA/NCC and disability access requirements. The upper floor will be reused as a club, accessible by lift from the ground floor entry lobby. Refurbishments will include disabled toilets, improved male and female toilets and cleaner's facilities. A new kitchen and bar will be included, and new lighting and air conditioning provided. The proposed Level 1 mezzanine will comprise plant area to accommodate a rainwater tank (collecting roof water from the Aramax roof for grey water re-use and landscape irrigation of the site), mechanical plant, kitchen exhaust, solar panel batteries and ancillary storage.

The ground floor will be utilised as a boat storage facility and complemented with change rooms, toilets and a small administrative office space.

The exterior modifications include a new external terrace enabling elevated viewing of boat races on the adjacent Georges River. This terrace is accessed by new stairs from 2 sides which also serve as fire egress stairs replacing the existing dilapidated stairs on the north and south facades. A perforated screen wraps the upper level back of house, toilets, stores, kitchen and bar areas. A new full height glass wall wraps the north, south and west facades providing enhanced river views. The ground floor brick work will be repainted. A new roof will be installed.



FIGURES 7 & 8

External perspective images of the proposed exterior building works (extracted from Architectural Plans).

2.1 Alterations and Additions

The Planning Principle established within *Coorey v Municipality of Hunters Hill* [2013] NSWLEC 1187 provides guidelines as to whether a development should be regarded as alterations and additions, or a new development. The Planning Principle is outlined below:

Planning principle

56 The first question to be considered is "what is the purpose for determining whether this application should be characterised as being for additions and/or alterations to an existing structure rather than an application for a new structure?" The answer to this fundamental question will frame the approach to be undertaken to the analytic framework set out below.

57 In determining whether an application is appropriate to be regarded as for additions and/or alterations or not, it is appropriate to follow, by broad analogy, the process discussed by Bignold J in Moto Projects (No 2) Pty Limited v North Sydney Council [1999] NSWLEC 280; (1999) 106 LGERA 298 - namely undertaking both a qualitative and a quantitative analysis of what is proposed compared to what is currently in existence.

58 In this consideration, regard should be had to such of the matters in the following lists of matters as are relevant to the enquiry:

59 Qualitative issues

- *How is the appearance of the existing building to be changed when viewed from public places?*
- *To what extent, if any, will existing landscaping be removed and how will that affect the setting of the building when viewed from public places?*
- *To what extent, if any, will the proposal impact on a heritage item, the curtilage of a heritage item or a heritage conservation area?*
- *What additional structures, if any, in the curtilage of the existing building will be demolished or altered if the proposal is approved?*
- *What is the extent, if any, of any proposed change to the use of the building?*
- *To what extent, if any, will the proposed development result in any change to the streetscape in which the building is located?*
- *To what extent, if any, are the existing access arrangements for the building proposed to be altered?*
- *To what extent, if any, will the outlook from within the existing building be altered as a consequence the proposed development?*
- *Is the proposed demolition so extensive to cause that which remains to lose the characteristics of the form of the existing structure?*

60 Quantitative issues

- *To what extent is the site coverage proposed to be changed?*
- *To what extent are any existing non-compliances with numerical controls either increased or diminished by the proposal?*
- *To what extent is the building envelope proposed to be changed?*
- *To what extent are boundary setbacks proposed to be changed?*
- *To what extent will the present numerical degree of landscaping on the site be changed?*
- *To what extent will the existing floor space ratio be altered?*
- *To what extent will there be changes in the roof form?*
- *To what extent will there be alterations to car parking/garaging on the site and/or within the building?*
- *To what extent is the existing landform proposed to be changed by cut and/or fill to give effect to the proposed development?*
- *What relationship does the proportion of the retained building bear to the proposed new development?*

61 Obviously, the greater the overall extent of departure from the existing position, the greater the likelihood the proposal should be characterised as being for a new building.

62 It is not intended that the above lists should be regarded as exhaustive. Other matters may well arise for consideration in the facts and circumstances of a particular application or the reason why the analysis is being undertaken. However, having considered all of the listed matters (together with any other additional matters that may be relevant in the particular circumstances of the application), an evaluation can then be made as to whether or not a proposal would correctly be characterised as additions and/or alterations to an existing structure or whether the proposal should be characterised as an application for an entirely new structure.

The appearance of the building is to be changed so that it appears as a more modern building when viewed from the Georges River, with the development’s objective being to revitalise the existing approved use as a registered club. As the development is located away from the street, the proposed development will not alter the streetscape. However, it is noted that the front of the building will largely be retained, as well as structural building parts within, to ensure the altered building is conceptually similar to the existing form.

The building envelope is generally consistent with the existing, there is no change to the setbacks of the existing built form to its site boundaries. The quantum of landscaping and site coverage is proposed to be consistent with the previously approved development. The FSR of the proposal represents an approximate 54m² reduction in gross floor area. Car parking is to remain consistent with the existing approval, and no additional cut and fill is proposed. The retained proportions of the building are to be maintained.

The proposed development, clearly detailed upon the architectural plans, is therefore properly characterised as alterations and additions to the existing building.



FIGURES 9 & 10
Landscape Plan extracts.

Deepwater Park Play Space Concept

Legend

- ① **Whale Play Unit**
Whale climbing unit with slide, hang-out spaces and imaginative play.
- ② **Viper Swing**
Large rope momentum swing designed to accommodate 3/6 users.
- ③ **Sway-Fun**
An all-inclusive glider allowing room for multiple wheelchairs and other passengers.
- ④ **Sandstone Imaginative Nature Play**
Sandstone plinths of varying sizes (non-climbable) and textures for tactile play. Small sandstone animals to be placed throughout this area to create imagination play. Sandstone rock edging/seating surrounds
- ⑤ **Tri-Swing**
Three swings including a toddler seat and basket swing.
- ⑥ **Toddler Play**
Toddler play area with multiple sea-themed rocking pieces.
- ⑦ **Row Boat**
Row boat imaginative play piece.
- ⑧ **Kids Bike Track & Tunnel**
Cycle track with directional markings servicing a range of abilities. Traffic signals, signs and bike tunnel strategically placed throughout track.
- ⑨ **Shelters**
Picnic shelters providing shade and seating with accessible features.
- ⑩ **Passive Area**
Passive sandstone seating area built around existing trees.

KEY

	Existing Tree		Grass
	Proposed Tree		Crushed Sandstone
	Picnic Shelter		Planting Area
	Concrete Kerb		Concrete Pathway
	Sandstone Block Seating/Edging		Rubber Softfall
	Bicycle Hoop		Bitument/Carpark
	Water Fountain		

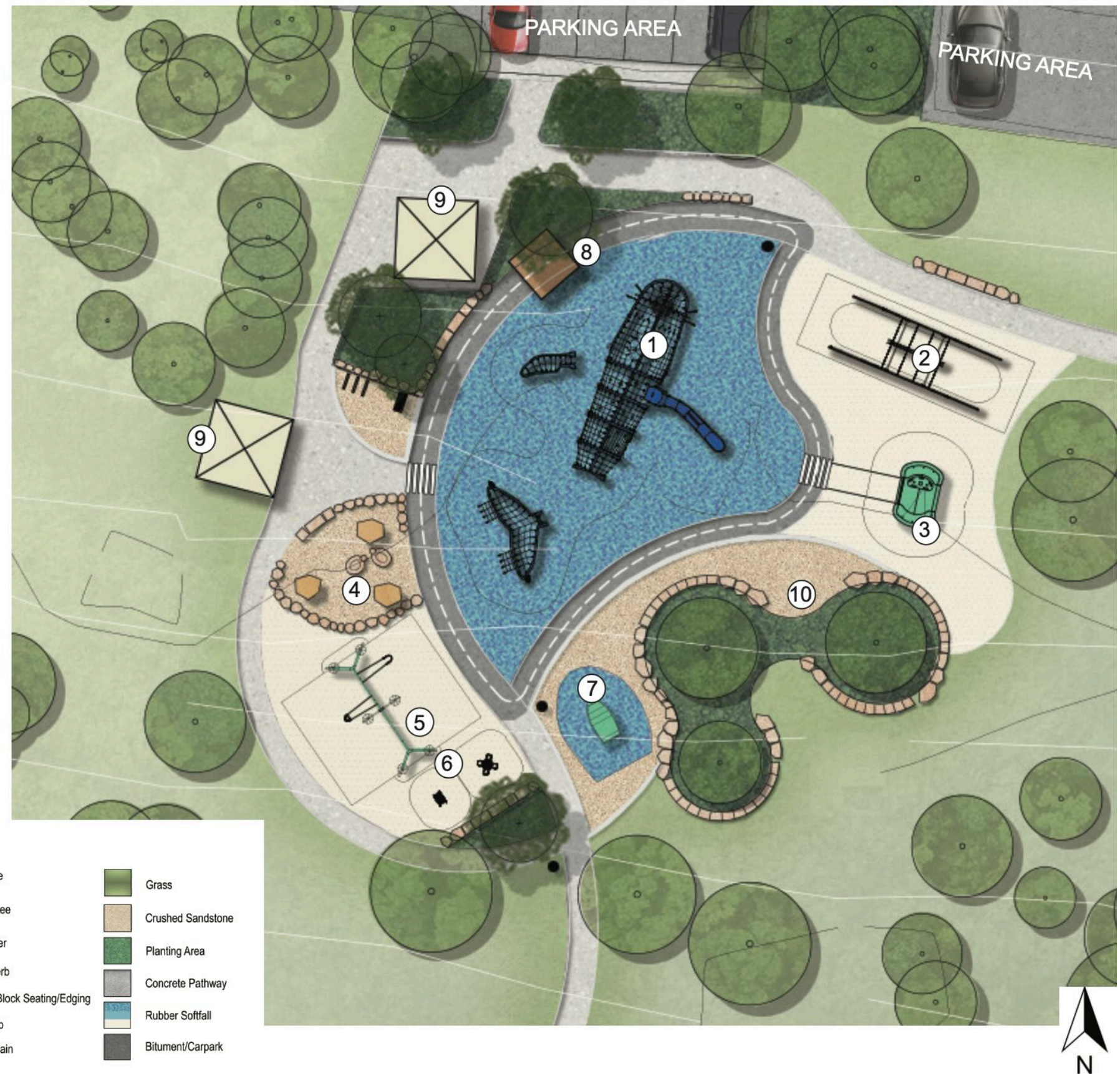


FIGURE 11

The nearby Deepwater Park Play Space, Milperra was highlighted in Council's 'Playgrounds and Play Spaces Strategic Plan' as a top 25 priority to improve the space. The recommendation from this plan was to create a play space destination that is unique and of high quality, to nature play and increase the size and importance of the space. This includes introducing more amenities, equipment and seating. The Concept Plan (above) was exhibited for public comment in 2023 and is also accessed via Webster Street.

3 STATUTORY PLANNING FRAMEWORK

3.1 STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

3.1.1 Chapter 2 Coastal Management

Clause 2.7 of SEPP Resilience and Hazards relates to development on certain land within coastal wetlands and littoral rainforests area. The site comprises some mapped 'coastal wetlands', however, the proposed alterations and additions do not impact these portions of the site. The proposed alterations and additions are not upon the land mapped as coastal wetlands.

Clause 2.8 of the SEPP relates to development on land in proximity to coastal wetlands or littoral rainforest. A portion of the site, including where the proposed alterations and additions are located is mapped as 'proximity area for coastal wetlands'. Accordingly, the following is applicable:

(1) Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—

(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

The proposed development will not significantly impact upon the biophysical, hydrological or ecological integrity of the adjacent coastal wetland. No vegetation is proposed for removal, and adequate stormwater management is in place. No clearing is proposed, and no significant impact is expected to the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland.

Clause 2.10 of the SEPP relates to development on land within the coastal environment area. It is noted development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the coastal environment, including biophysical, hydraulic, and ecological values. The consent authority must also consider whether the proposed development is likely to cause an adverse impact on existing public open space and safe access to and along the riverbank for members of the public, including persons with a disability and Aboriginal cultural heritage. The proposed development has been sited to minimise the risk of adverse impacts on the environment, and it will not impact upon the use and access to public open space proximate the site.

Clause 2.11 of the SEPP relates to development on land within the coastal use area. It is noted development consent must not be granted to development on land that is within the coastal use area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on existing, safe access to and along the headland for members of the public, including persons with a disability, overshadowing, wind funnelling and the loss of views from public places to foreshores, the visual amenity and scenic qualities of the coast, including coastal headland and Aboriginal cultural heritage. The proposed development has taken the surrounding environment into consideration when being sited, and does not impact upon access to the riverfront for members of the public and will not result in view loss from the public domain to the riverbank. The proposed development has been designed to respect to the visual amenity and scenic qualities of its riverside location, and will improve the appearance of the existing development.

3.1.2 Chapter 4 – Remediation of Land

Clause 4.6(1)(a) of State Environmental Planning Policy (Resilience and Hazards) 2021 states that a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated. The Department of Planning publication “Managing Land Contamination – Planning Guidelines SEPP 55 – Remediation of Land” provides advice on the process of determination as to whether a site is contaminated. In this regard, Section 2.2 of the Guidelines states:

When carrying out planning functions under the EP & A Act, a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

When an authority carries out a planning function, the history of the land use needs to be considered as an indicator of potential contamination. Where there is no reason to suspect contamination after acting substantially in accordance with these Guidelines, the proposal may be processed in the usual way.

The Guidelines continue at Section 3.2.1 by stating that:

The potential for contamination is often linked to past uses of land and a good early indicator of possible uses is land zoning. Contamination is more likely to have occurred if the land is currently, or was previously, zoned for industrial, agricultural or defence purposes.

A Preliminary Site Investigation (27 February 2014), prepared by Worley Parsons, has previously been submitted in support for the site’s potential redevelopment, noting the following:

- *A search of the EPA priority sites register confirmed the absence of any EPA notices against the site.*
- *Asbestos and other hazardous building materials are considered to have potentially been used in the construction of the predominantly brick club house and pool building.*
- *Two above ground LPG storage tanks were located onsite. The licence for the LPG tank was first issued in 1979 and last renewed in 2004.*
- *A septic system is located onsite. Associated pipework and concrete slabs are located north- east of the pool area.*
- *The northern part of the site adjoining the car park has the potential to contain industrial waste and fill material. Three additional potential sources of on-site contamination have been identified. These sources include the septic system and building materials that have the potential to contain asbestos.*
- *Potential acid sulphate soils and acid sulphate soils have been identified in the area.*

It is noted in Council’s Assessment Report related to Development Application No. DA-224/2014 that:

The Preliminary Site Investigation ... has been reviewed by Council’s Contaminated Lands Officer who has raised no objection to the proposed development subject to conditions.

No further activities have been conducted from the site since this report was accepted by Council. The subject proposal does not seek to alter the existing ground levels, and is for alterations and additions to the existing building only. It is however recognised that asbestos was potentially used in the construction of the predominantly brick club house building. Refurbishment of the building is to therefore have regard to the possible presence of asbestos. A suitable condition is recommended, similar to the following:

A Hazardous Materials Survey Report must be prepared by a certified Occupational Hygienist (Australia Institute of Occupational Hygienists) and submitted to the satisfaction of Council’s [Area Coordinator Planning Assessments / Area Planning Manager] prior to any demolition / refurbishment work commencing at the site. The report must identify and record the type, location and extent of any hazardous materials on the site and make recommendations as to their safe management and/or removal to ensure the site is made safe for demolition, construction and future use/occupation.

3.2 STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

Chapter 6 Water Catchments

The site is located within the Georges River Catchment. Chapter 6 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 relates to land within the Sydney Harbour Catchment. Part 6.1 and 6.2 of this Chapter are relevant to the proposed development.

TABLE 1
Chapter 6 SEPP (Biodiversity and Conservation) 2021 Assessment

CHAPTER 6 ASSESSMENT			
CLAUSE	REQUIREMENTS	COMMENTS	
6.1 Land to which Chapter applies	This Chapter applies to land in the following catchments—		
	(a) the Sydney Drinking Water Catchment,		
	(b) the Sydney Harbour Catchment,		
	(c) the Georges River Catchment,	The site is located within the Georges River Catchment.	
6.2 Definitions	(d) the Hawkesbury-Nepean Catchment.		
	(1) The Dictionary in Schedule 6 defines words used in this Chapter.	Noted.	
6.3 Relationship with other environmental planning instruments	(2) A word used in this Chapter has the same meaning as in the Standard Instrument unless otherwise defined in this Chapter.		
	(1) Unless the contrary intention expressly appears, this Chapter does not permit the carrying out of development—		
	(a) prohibited by another environmental planning instrument, or	Noted. The proposed alterations and additions are permissible with consent via application of the LEP.	
	(b) if another environmental planning instrument provides that development consent is required for the development—without development consent.	Noted. The proposed alterations and additions are permissible with consent via application of the LEP.	
	Note—An express contrary intention appears in sections 6.40 and 6.41.		
	(2) State Environmental Planning Policy (Transport and Infrastructure) 2021, Chapter 2, other than section 2.80(3), prevails to the extent of an inconsistency with this Chapter.		
	(3) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, clauses 4A.11 and 4A.12 do not apply to development to which this Policy, section 6.43 applies.		
	(4) The Standard Instrument, clause 4.6, as adopted by a local environmental plan, does not apply to a development standard imposed by this Policy, Part 6.5.		
	(5) This Chapter otherwise—		
	(a) prevails to the extent of an inconsistency with another environmental planning instrument, whether made before or after the commencement of this Chapter, and		
	(b) supplements, and does not derogate from, another environmental planning instrument applying to land to which this Chapter applies.		

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
6.4 Maps	(6) In this section, a reference to another environmental planning instrument includes a reference to another Chapter of this Policy.	
	(1) A reference in this Chapter to a named map adopted by this Chapter is a reference to a map by that name—	Noted.
	(a) approved by the Minister when the map is adopted, and	
	(b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the environmental planning instruments when the instruments are made.	
	(2) Two or more named maps may be combined into a single map.	
	(3) If 2 or more named maps are combined into a single map, a reference in this Chapter to 1 of the named maps is a reference to the relevant part or aspect of the single map.	
	(4) The maps adopted by this Chapter are to be kept in electronic form and made available for public access in accordance with arrangements approved by the Minister.	
Part 6.2 Development in regulated catchments		
Division 1 Preliminary		
6.5 Definitions	In this Part—flood liable land means land—	Noted.
	(a) susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the Flood Risk Management Manual, or	
	(b) identified in an environmental planning instrument as flood liable land.	
	Flood Risk Management Manual means the Flood Risk Management Manual, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.	
	riparian vegetation means hydrophilic vegetation, including submerged, emerging and fringing vegetation, that is within a waterway or the floodplain of a waterway.	
Division 2 Controls on development generally		
6.6 Water quality and quantity	(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—	A neutral effect is proposed. A Concept Stormwater Management Plan has been prepared to accompany this application. No adverse impact on water quality. The Concept Stormwater Management Plan details measures to control stormwater quantity and quality, including sediment and erosion controls to be implemented in the construction phase of development, ensuring minimal cumulative impacts on the catchment. Adequate conditions would be imposed to ensure protection of the quality and quantity of groundwater.
	(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	
	(b) whether the development will have an adverse impact on water flow in a natural waterbody,	
	(c) whether the development will increase the amount of stormwater run-off from a site,	
	(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,	

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	<p>(e) the impact of the development on the level and quality of the water table,</p> <p>(f) the cumulative environmental impact of the development on the regulated catchment,</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</p> <p>(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</p> <p>(b) the impact on water flow in a natural waterbody will be minimised.</p> <p>(3) Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.</p> <p>Note—Part 6.5 contains provisions requiring development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</p>	<p>Complies. A neutral effect is proposed.</p> <p>Noted.</p>
6.7 Aquatic ecology	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</p> <p>(b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—</p> <p>(i) a controlled activity approval under the Water Management Act 2000, or</p> <p>(ii) a permit under the Fisheries Management Act 1994,</p> <p>(c) whether the development will minimise or avoid—</p> <p>(i) the erosion of land abutting a natural waterbody, or</p> <p>(ii) the sedimentation of a natural waterbody,</p> <p>(d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</p> <p>(e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,</p> <p>(f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.</p>	<p>The development site adjoins a natural waterbody, however, is for alterations and additions to the existing registered club that will not significantly impact upon the aquatic ecology, as the footprint of proposed development is consistent with that existing.</p> <p>Vegetation is not required to be removed for the purposes of this Development Application (see Biodiversity Assessment).</p>

CHAPTER 6 ASSESSMENT		
CLAUSE	REQUIREMENTS	COMMENTS
	<p>Example—Additional measures may include the incorporation of a vegetated buffer between the waterbody and the site.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</p> <p>(a) the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,</p> <p>(b) the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,</p> <p>(c) if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the clearing of riparian vegetation—the approval or permit has been obtained,</p> <p>(d) the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,</p> <p>(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</p> <p>(3) In this section—coastal wetlands and littoral rainforests area has the same meaning as in the Coastal Management Act 2016, section 6.</p>	Complies. Minimal impacts are proposed for the alterations and additions to occur.
6.8 Flooding	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.</p> <p>(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not—</p> <p>(a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or</p> <p>(b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</p>	<p>Noted. Flood Risk Management is reported on within the Engineering Report and concludes as follows:</p> <p><i>A Site flood assessment has been developed for the Site which is consistent with Council's adopted PWD flood study, Bewsher flood study & plan and the provided SSR.</i></p> <p><i>The assessment concludes:</i></p> <p><i>1. As the proposed development includes minimal external works and results in a slight reduction of the building external footprint below the 1% AEP plus 0.5 m freeboard level, there will be no material adverse affects on existing flood behaviour in current or climate change conditions.</i></p> <p><i>2. The proposed development is consistent with the existing use and compatibility with the Site flood function and behaviour</i></p> <p><i>3. Compliance with Council flood planning requirements are achieved.</i></p> <p>Therefore, the proposed development is considered safe and practical and does not result in any increased risk to human life or damage to property.</p>
6.9 Recreation and public access	<p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—</p> <p>(a) the likely impact of the development on recreational land uses in the regulated catchment, and</p> <p>(b) whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.</p>	<p>The proposed alterations and additions will allow for recreational boat users to continue to store boats, and undertake their ancillary activities at the registered club.</p> <p>No change to public access to and around foreshore areas proposed.</p>

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	(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—	
	(a) the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,	Public access is maintained in its current form as no change is proposed by the development.
	(b) new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,	Complies. No changes to points of public access between natural waterbodies and the site.
	(c) if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.	Complies. No change proposed to existing access arrangements and availability of use of area to the public.
	(3) This section does not apply to development on land in a regulated catchment if the land is in a special area under the Water NSW Act 2014.	Noted.
6.10 Total catchment management	In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact.	N/A. The proposed development will not have an adverse environmental impact on the catchment.
Division 3 Controls on development in specific areas		
6.11 Land within 100m of natural waterbody	In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—	
	(a) the land uses proposed for land abutting the natural waterbody are water-dependent uses, and	N/A. This application is for alterations and additions only and does not propose to change the use of the site.
	(b) conflicts between land uses are minimised.	N/A. This application is for alterations and additions only and does not propose to change the use of the site.
6.12 Riverine Scenic Areas	(1) Development in a Riverine Scenic Area may be carried out only with development consent.	N/A. The site is not located within the Riverine Scenic Area (which relates to the Hawkesbury River).
	(2) In deciding whether to grant development consent to development in a Riverine Scenic Area, the consent authority must consider the following—	
	(a) whether the development is likely to damage river banks,	
	(b) whether the development will be adequately set back from natural waterbodies in the Hawkesbury-Nepean Catchment,	
	(c) the visibility of the development from the surrounding natural waterbodies and visual catchment,	
	(d) whether the development will be consistent with the scenic character of the Riverine Scenic Area, as described in the document entitled Hawkesbury-Nepean River Scenic Quality Study, published by the Department of Urban Affairs and Planning in 1996,	
	(e) whether the development will increase public recreational and visual access to natural waterbodies,	

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	<p>(f) landscaping, including the following—</p> <p>(i) the form and siting of buildings,</p> <p>(ii) the colours and materials proposed to be used in the buildings,</p> <p>(iii) whether the development includes or retains native vegetation,</p> <p>(g) the appropriateness of imposing a condition requiring the protection of the scenic character of the Riverine Scenic Area.</p> <p>(3) Development consent must not be granted to development in a Riverine Scenic Area unless the consent authority is satisfied the impact of the development on the scenic quality of the Riverine Scenic Area will be minimised.</p>	
6.13 Hawkesbury-Nepean conservation area sub-catchments	<p>(1) Development in a Hawkesbury-Nepean conservation area sub-catchment may be carried out only with development consent.</p> <p>(2) In deciding whether to grant development consent to development in a Hawkesbury-Nepean conservation area sub-catchment, the consent authority must consider the following—</p> <p>(a) whether the development will minimise human interference with the condition of the sub-catchment,</p> <p>(b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,</p> <p>(c) whether the development will maintain or enhance the scenic quality of the locality,</p> <p>(d) whether development has previously been carried out on the development site.</p>	N/A. The site is not located within the Hawkesbury-Nepean conservation area sub-catchments.
6.14 Temporary use of land in Sydney Harbour Catchment	<p>(1) The objective of this section is to provide for the temporary use of land in the Sydney Harbour Catchment if the use does not compromise future development of the land or have detrimental economic, social, amenity or environmental effects on the land.</p> <p>(2) This section applies to land in the Sydney Harbour Catchment.</p> <p>(3) Development consent may be granted to development on land in the Sydney Harbour Catchment for a temporary use for a maximum period of 52 days, whether or not consecutive, in a period of 12 months, even if the development would otherwise be prohibited by this Chapter.</p> <p>(4) Development consent must not be granted unless the consent authority is satisfied of the following—</p> <p>(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Chapter and any other applicable environmental planning instrument,</p> <p>(b) the temporary use will not have an adverse impact on adjoining land or the amenity of the neighbourhood,</p>	N/A. The site is not located within the Sydney Harbour Catchment

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	<p>(c) the temporary use and location of structures related to the use will not have an adverse impact on environmental attributes or features of the land or increase the risk of natural hazards that may affect the land,</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p> <p>(5) Development consent may be granted to development for the temporary use of a dwelling as a sales office for a new release area or a new housing estate for a period exceeding the maximum period specified in subsection (3).</p> <p>(6) Subsection (4)(d) does not apply to a temporary use referred to in subsection (5).</p>	
Division 4 Controls on development for specific purposes		
6.15 Aquaculture	<p>In deciding whether to grant development consent to development for the purposes of aquaculture on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) the likely direct, indirect and cumulative environmental impacts of related activities, including—</p> <p>(i) the coating of fishing accessories with protective finishes, and</p> <p>(ii) the transport and cleaning of cages, racks and other accessories,</p> <p>(b) whether the development includes adequate measures for the disposal of waste,</p> <p>(c) potential adverse environmental impacts from damage to facilities or equipment associated with the development that is caused by flooding, stormwater or erosion.</p>	N/A. The proposed development is not for aquaculture.
6.16 Artificial waterbodies	<p>(1) In deciding whether to grant development consent to development for the purposes of artificial waterbodies on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) the likely impact of the development on other downstream land uses in the regulated catchment,</p> <p>(b) whether the development will enhance the recreational and environmental amenity of the regulated catchment,</p> <p>(c) whether the development will contribute to a propagation zone for noxious aquatic weeds in the regulated catchment,</p> <p>(d) whether the development includes measures to minimise the risk of an increase in algal blooms in the regulated catchment.</p> <p>(2) Development consent must not be granted to development for the purposes of artificial waterbodies on land in a regulated catchment if—</p> <p>(a) a rehabilitation plan is required to be prepared for the development under State Environmental Planning Policy (Resources and Energy) 2021, section 2.23, and</p>	N/A. The proposed development is not for an artificial waterbody.

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	(b) the consent authority is not satisfied the development is consistent with the rehabilitation plan.	
6.17 Heavy and hazardous industries	<p>(1) This section applies to—</p> <p>(a) development for the purposes of potentially hazardous industry or potentially offensive industry, and</p> <p>(b) development for the purposes of heavy industrial storage establishments or heavy industries.</p> <p>(2) In deciding whether to grant development consent to development to which this section applies, the consent authority must consider the need for bush fire hazard reduction work on the site.</p> <p>(3) Development consent must not be granted to development to which this section applies unless the consent authority is satisfied—</p> <p>(a) the development includes adequate measures to contain water that is at risk of contamination as a result of the development, and</p> <p>(b) approvals have been obtained, or are obtainable, to undertake bush fire hazard reduction work required on the site.</p> <p>(4) Development for the purposes of heavy industrial storage establishments or heavy industries is prohibited on land in a regulated catchment if the development is carried out—</p> <p>(a) on flood liable land, or</p> <p>(b) within 40m of a natural waterbody or watercourse, or</p> <p>(c) on a floodway.</p> <p>(5) In this section—floodway means an area of a floodplain where a significant discharge of water occurs during floods, which, even if partially blocked, would cause a significant redistribution of flood flow or a significant increase in flood levels.</p> <p>potentially hazardous industry has the same meaning as in State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3.</p> <p>potentially offensive industry has the same meaning as in State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 3.</p>	N/A. The proposed development is not for heavy or hazardous industries.
6.18 Marinas	<p>In deciding whether to grant development consent to development for the purposes of marinas on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development includes adequate measures in relation to the collection, storage, treatment and disposal of sewage and other waste,</p> <p>(b) whether the development complies with the document entitled Environmental Guidelines: Best Management Practice for Marinas and Slipways, published in 1998 by the Environment Protection Authority,</p>	N/A. The proposed development is not for a marina.

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	<p>(c) whether adequate depth of water exists for the development and related foreshore facilities,</p> <p>(d) whether the development is likely to affect the stability of land adjoining a natural waterbody,</p> <p>(e) whether the development will have an adverse impact on the foreshore or the bed of a natural waterbody.</p>	
6.19 Moorings	<p>(1) Development for the purposes of moorings on land in a regulated catchment—</p> <p>(a) may be carried out with development consent, if the development will be carried out in accordance with a permit under the Fisheries Management Act 1994, and</p> <p>(b) is otherwise prohibited.</p> <p>Note—Development requiring both development consent and a specified permit under the Fisheries Management Act 1994 is integrated development—see the Act, section 4.46.</p> <p>(2) In deciding whether to grant development consent to development for the purposes of moorings on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) the type and size of vessels that will be moored,</p> <p>(b) whether adequate depth of water exists for the development,</p> <p>(c) whether dredging will be needed to carry out the development,</p> <p>(d) whether the development will provide public facilities or promote the shared use of private facilities.</p>	N/A. The proposed development is not for a mooring.
6.20 On-site domestic sewerage systems	<p>(1) This section applies to development for the purposes of on-site domestic sewerage systems on land in a regulated catchment.</p> <p>(2) In deciding whether to grant development consent, the consent authority must consider the following—</p> <p>(a) whether the development will be capable of connecting to a sewerage reticulation system,</p> <p>(b) the suitability of the site for on-site disposal of effluent,</p> <p>(c) the capacity of the development to operate without significant adverse long-term impacts on adjoining land.</p> <p>(3) Development consent must not be granted unless the consent authority is satisfied that the development includes adequate measures—</p> <p>(a) to prevent the spread of disease, and</p> <p>(b) to reuse treated resources, and</p> <p>(c) to facilitate the recycling and reuse of treated effluent, and</p>	N/A. The proposed alterations and additions do not comprise an on site domestic sewerage system.

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	<p>(d) to minimise adverse impacts on the amenity of the development site and other nearby land, and</p> <p>(e) to maintain storage and treatment capacity in wet weather, and</p> <p>(f) to monitor the relevant sewerage system on an ongoing basis.</p> <p>(4) Development consent must not be granted to single household development that is not connected to a sewage reticulation system unless the consent authority is also satisfied that the development complies with the relevant guidelines.</p> <p>(5) In this section— on-site domestic sewerage system means a building, work or place at which effluent is stored, treated or disposed of on-site for domestic purposes.</p> <p>relevant guidelines means the document entitled Environment and Health Protection Guidelines—On-site Sewage Management for Single Households, published by the Department of Local Government, the Department of Land and Water Conservation, the Department of Health and the Environment Protection Authority in 1998.</p> <p>single household development meant development to which this section applies that is associated with residential accommodation consisting of a single dwelling.</p>	
6.21 Stormwater management	<p>(1) This section applies to development for the purposes of works, including water recycling facilities, water reticulation systems and water storage facilities, that are designed to collect, channel, store, treat or disperse stormwater runoff.</p> <p>(2) Development to which this section applies may be carried out on land in a regulated catchment—</p> <p>(a) by or on behalf of a public authority—without development consent, or</p> <p>(b) otherwise—with development consent.</p> <p>(3) Despite subsection (2), development to which this section applies is prohibited on land in a regulated catchment if the works will cause untreated stormwater to be disposed of into a natural waterbody.</p> <p>(4) In this section—untreated stormwater means stormwater that has not been subjected to measures designed to reduce litter, suspended soils, nutrients or other substances that contribute to a decline in water quality.</p>	The proposed alterations and additions are not for water recycling facilities, water reticulation systems and water storage facilities. However, stormwater management practices are proposed for the development – see Concept Stormwater Management Plan.
6.22 Waste or resource management facilities	<p>(1) Development for the purposes of waste or resource management facilities is prohibited on flood liable land in the Georges River Catchment.</p> <p>(2) Development consent must not be granted to development for the purposes of waste or resource management facilities on land in a regulated catchment unless the consent authority is satisfied of the following—</p>	N/A. The alterations and additions are not for waste or resource management facilities.

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	(a) an adequate site management plan has been prepared in relation to the development, (b) the development includes adequate leachate surface controls, (c) the final landform of the development on the site will be stable in the long term.	
6.23 Demolition on certain land	(1) This section applies to land— (a) in a regulated catchment, and (b) to which a local environmental plan that adopts the Standard Instrument does not apply. (2) Development that involves the demolition of a building or work may be carried out only with development consent.	This application seeks approval for demolition of the existing roof, internal walls and removal of external cladding elements of the existing registered club.
Part 6.3 Foreshores and Waterways Area		
6.24 Application of Part	(1) This Part applies to land that is in, or abuts, the Foreshores and Waterways Area. (2) If development is permitted with development consent under this Part, the permission is subject to a provision of another Part that prohibits the development. (3) If development is permitted without development consent under this Part, the permission is subject to a provision of another Part that— (a) permits the development with development consent, or (b) prohibits the development.	This part is not applicable as the site is not located within the Foreshores and Waterways Area (which relates to the Sydney Harbour Area).
Part 6.4 Heritage conservation in Sydney Harbour		
6.51 Application of Part	This Part applies to land in the Sydney Harbour catchment that is— (a) shown on the Heritage Map for the purposes of identifying a heritage item, or (b) an Aboriginal place of heritage significance. Note—Heritage items, other than Aboriginal places of heritage significance, are listed in Schedule 5.	N/A. The site is not located within the Sydney Harbour Catchment.
Part 6.5 Sydney Drinking Water Catchment		
6.58 Objectives of Part	The objectives of this Part are— (a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and (b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.	N/A. The site is not located within the Sydney Drinking Water Catchment.
Part 6.6 Miscellaneous		

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6.65 Savings and transitional provisions	(1) The former provisions continue to apply, and the other provisions of this Chapter do not apply, to an application for development consent lodged, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Water Catchments) 2022.	Noted.
	(2) A master plan adopted and in force under section 10.46 immediately before its repeal by State Environmental Planning Policy Amendment (Water Catchments) 2022 is taken, on and from the commencement of this Chapter, to have effect as a master plan within the meaning of Part 6.3, Division 5.	Noted.
	(2A) A development application made, but not finally determined, before the commencement of State Environmental Planning Policy Amendment (Flood Planning) 2023 must be determined as if that policy had not commenced.	Noted.
	(3) In this section—former provisions means—	
	(a) Chapters 6–12 as in force immediately before their repeal by State Environmental Planning Policy Amendment (Water Catchments) 2022, and	Noted.
	(b) the provisions of each environmental planning instrument amended by State Environmental Planning Policy Amendment (Water Catchments) 2022 that would be in force if the instrument had not been amended by that Policy.	Noted.

3.3 STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022 (SEPP Sustainable Buildings) was made in August 2022 and came into effect on 1 October 2023. It applies to both residential and non-residential development. The aims of the SEPP are to encourage design and construction of more sustainable buildings across NSW. The standards prescribed by the SEPP ensure the general sustainability measures incorporated into the building design including but not limited to water usage, energy consumption and thermal performance as well as the monitoring of embodied energy used within building materials.

Chapter 3 prescribes considerations relating to general sustainability measures that the consent authority must make when considering a Development Application for non-residential development. This Chapter applies to development, other than development for the purposes of residential accommodation, that involves the following:

- (a) the erection of a new building, if the development has a capital investment value of \$5 million or more, or*
- (b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more*

Chapter 3 does not apply to development to which Chapter 2 applies.

As the proposed alterations and additions have an Estimated Development Cost of less than \$10 million, SEPP (Sustainable Buildings) does not apply.

3.3 CANTERBURY BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2023

The Canterbury Bankstown Local Environmental Plan applies to land within the City of Canterbury Bankstown local government area (LGA) as identified on the Land Application Map. The particular aims of the LEP are to:

- (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) *to manage growth in a way that contributes to the sustainability of Canterbury-Bankstown,*
- (b) *to protect landforms and enhance vegetation, especially foreshores and bushland, in a way that maintains the biodiversity values and landscape amenity of Canterbury-Bankstown,*
- (c) *to identify, conserve and protect the Aboriginal, natural, cultural and built heritage of Canterbury-Bankstown,*
- (d) *to provide development opportunities that are compatible with the desired future character and amenity of Canterbury-Bankstown,*
- (e) *to restrict development on land that is sensitive to urban and natural hazards,*
- (f) *to provide a range of residential accommodation to meet the changing needs of the population,*
- (g) *to provide a range of business and industrial opportunities to encourage local employment and economic growth and retain industrial areas,*
- (h) *to create vibrant town centres by focusing employment and residential uses around existing centres and public transport,*
- (i) *to provide a range of recreational and community service opportunities and open spaces to meet the needs of residents of and visitors to Canterbury-Bankstown,*
- (j) *to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety,*
- (k) *to ensure activities that may generate intensive car usage and traffic are located near public transport that runs frequently to reduce dependence on cars and road traffic,*
- (l) *to consider the cumulative impact of development on the health of the natural environment and waterways and on the capacity of infrastructure and the road network,*
- (m) *to support healthy living and enhance the quality of life and the social well-being and amenity of the community,*
- (n) *to ensure development is accompanied by appropriate infrastructure,*
- (o) *to promote ecologically sustainable development.*

Land Use Zone

The site is zoned RE2 Private Recreation Zone. The objectives of the zone are:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To promote a high standard of urban design and local amenity.*

The proposed alterations and additions to the registered club are permissible with development consent in the RE2 Private Recreation Zone. The proposed development will ensure the currently dormant site is able to be efficiently used, allowing for the natural environment to be enhanced for recreational purposes and promoting its use. The proposal ensures a high standard of urban design and local amenity for the site which has previously been underutilised. Consistent with the Deepwater Park and Kelso Parklands Plan of Management, redevelopment of the Deepwater Motor Boat Club site will result in positive outcomes for the community's perception of safety within Deepwater Park, as it will 'enliven the site with more people' and result in a more activated space where informal surveillance would occur.

Clause 4.3 – Building Height

Clause 4.3 of the LEP does not prescribe a maximum building height for the site. The proposed alterations and additions, including a new raised roof, represent an appropriate scale of development for the site and is generally consistent with the scale of the existing club building.

Clause 4.4 – Floor Space Ratio

Clause 4.4 of the LEP does not prescribe a maximum FSR for the site. However, the proposed alterations and additions reduce the existing gross floor area of the development on the site, resulting in a total gross floor area of 1,732.91m².

Clause 5.10 – Heritage Conservation

Clause 5.10 of the LEP relates to heritage conservation. The site does not contain a heritage item, nor does it adjoin an item of heritage significance. The site is not located within a heritage conservation area.

Clause 5.21 – Flood Planning

Clause 5.21 relates to flood planning and the objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The approved development has a maximum capacity of 400 people. The proposed development seeks no intensification of use, and a maximum capacity of 250 patrons only. Flood Management Risk has been outlined within the Engineering Report that accompanies this application to ensure the risk of flooding is mitigated. The assessment concludes as follows:

A Site flood assessment has been developed for the Site which is consistent with Council's adopted PWD flood study, Bewsher flood study & plan and the provided SSR.

The assessment concludes:

- 1. As the proposed development includes minimal external works and results in a slight reduction of the building external footprint below the 1% AEP plus 0.5 m freeboard level, there will be no material adverse affects on existing flood behaviour in current or climate change conditions.*
- 2. The proposed development is consistent with the existing use and compatibility with the Site flood function and behaviour*
- 3. Compliance with Council flood planning requirements are achieved.*

The following recommendations are made:

- 1. A detailed Flood Risk Assessment (FRA) containing a FERP is prepared prior to the issue of a construction certificate (CC) consent condition. The detailed FRA should consider the following:*
 - a. A review of all relevant flood levels based on the latest flood information.*
 - b. A review of the Bewsher flood study & plan MIKE-11 hydraulic model to assess rates of flood water rise and appropriate warning times or triggers for site closure or evacuation.*
 - c. Consideration of local flood warning systems.*

d. Detailed evaluation of flood response or actions including flood warning and pre-emptive site closure, site evacuation including route, times available and or requirements for evacuation and capacity of the evacuation route.

e. Potential flood risk analysis.

f. A revised compliance assessment against the various flood related development controls.

Clause 6.1 – Acid Sulfate Soils

The site is identified as containing Class 2 and 3 Acid Sulfate Soils. Accordingly, development consent is required for the carrying out of works described:

Class 2

Works below the natural ground surface.

Works by which the watertable is likely to be lowered.

Class 3

Works more than 1m below the natural ground surface.

Works by which the watertable is likely to be lowered more than 1m below the natural ground surface.

Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual, and provided to the consent authority.

The proposed development does not comprise works below the natural ground surface, nor works that are likely to lower the water table.

Clause 6.3 – Stormwater Management and Water Sensitive Urban Design

The objective of this clause is to avoid or minimise the adverse impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland, waterways and ground water systems. The consent authority is required to consider the following in granting consent to development within this zone:

- (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and*
- (b) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and*
- (c) avoids significant adverse impacts of stormwater runoff on the land on which the development is carried out, adjoining properties and infrastructure, native bushland and receiving waters, or if the impact cannot be reasonably avoided, minimises and mitigates the impact, and*
- (d) includes riparian, stormwater and flooding measures, and*
- (e) is designed to incorporate the following water sensitive urban design principles—*
 - (i) protection and enhancement of water quality, by improving the quality of stormwater runoff from urban catchments,*
 - (ii) minimisation of harmful impacts of urban development on water balance and on surface and groundwater flow regimes,*
 - (iii) integration of stormwater management systems into the landscape in a way that provides multiple benefits, including water quality protection, stormwater retention and detention, public open space and recreational and visual amenity.*

It is considered that the proposed alterations and additions maximise the use of water permeable surfaces and includes possibility for on-site stormwater retention for reuse on site. The proposed alterations and additions avoid adverse impacts of stormwater runoff, particularly into adjoining Georges River, and includes flood measures. It is considered the proposed stormwater system incorporates WSUD ensuring that the water quality of runoff (particularly towards the Georges River) is protected and enhanced.

Clause 6.4 – Biodiversity

The site is entirely mapped as containing biodiversity on the LEP mapping. Therefore, Clause 6.4 of the LEP is applicable as follows:

(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider—

(a) whether the development is likely to have the following—

- (i) an adverse impact on the condition, ecological value and significance of the fauna and flora on the land,*
- (ii) an adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,*
- (iii) the potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land,*
- (iv) an adverse impact on the habitat elements providing connectivity on the land,*

(b) appropriate measures to avoid, minimise or mitigate the impacts of the development.

Comment: Despite the site being mapped as containing biodiversity, no vegetation clearing is proposed (see extract of Biodiversity Report):

No clearing of native vegetation is required for the proposal, except possible impact on an adjacent tree canopy by the proposed terrace.

The Biodiversity Report concludes:

There are no biodiversity constraints to the proposed renovation and associated landscaping of the existing Deepwater Motorboat Club House.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid a significant adverse environmental impact, or*
- (b) if a significant adverse environmental impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise the impact.*

Comment: Despite the site being mapped as containing biodiversity, no vegetation clearing is proposed (see extract of Biodiversity Report):

No clearing of native vegetation is required for the proposal, except possible impact on an adjacent tree canopy by the proposed terrace.

The Biodiversity Report concludes:

There are no biodiversity constraints to the proposed renovation and associated landscaping of the existing Deepwater Motorboat Club House.

Clause 6.9 – Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that the services that are essential for the development are available or that adequate arrangements have been made to make them available when required. Adequate arrangements have been made to ensure that there will be supply of water and electricity, appropriate disposal and management of sewage, stormwater drainage, waste management and suitable vehicular access to the development when required. Wastewater supply has also been addressed within the Engineering Report which makes the following recommendations to ensure that adequate arrangements have been made to ensure the service is available when required:

- 1. Once Development Application approval is gained, apply for a Sydney Water NOR via a Water Services Coordinator to determine minimum requirements to connect the redevelopment to Sydney Water reticulated sewer. Sydney Water may indicate that Options A or B are the most feasible option for servicing the development. However, they may also indicate a separate option not listed above.*
- 2. The requirement for liaison with Sydney Water to determine sewer connection requirements may be conditioned in the development consent.*
- 3. Should Sydney Water advice indicate:*
 - a. That connection of the development to Sydney Water sewer is not feasible, or;*
 - b. Connection requirements are considered overly onerous, costly or difficult to construct.*

Then onsite wastewater management may be considered, subject to a detailed site and soils capability and constraints assessment and the requirements of the consent authority.

- 4. Either following receipt of a NOR or potentially concurrently, employ a licenced plumber with relevant experience and capability locate and assess existing condition/serviceability of the existing rising main.*

4 SECTION 4.15 OF THE EPAA

4.1 ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(i)

The proposal is permissible subject to the provisions of the LEP. The impacts of other environmental planning instruments including SEPP (Resilience and Hazards), SEPP (Biodiversity and Conservation), SEPP (Sustainable Buildings) and SEPP (Planning Systems) have also been considered in the preparation of this development application.

The provisions of these relevant environmental planning instruments have been satisfactorily addressed within Section 3 of the Statement of Environmental Effects.

4.2 DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS – SECTION 4.15(1)(a)(ii)

N/A

4.3 DEVELOPMENT CONTROL PLANS – SECTION 4.15(1)(a)(iii)

Canterbury-Bankstown Development Control Plan 2023

The Canterbury-Bankstown Development Control Plan 2023 (the DCP) applies to land within the Canterbury-Bankstown Local Government Area. The specific objectives of the DCP are:

- O1 To have a single, dynamic document that supports the Canterbury-Bankstown Local Environmental Plan 2023.
- O2 To have objectives and development controls that establish clear guidelines for effective and orderly development in Canterbury-Bankstown.
- O3 To have a high quality urban environment and built form character in Canterbury- Bankstown.
- O4 To have development that contributes to the prosperity of Canterbury-Bankstown.
- O5 To have development that protects and enhances the natural environment in Canterbury-Bankstown.
- O6 To have development that incorporates the principles of ecologically sustainable development including:
 - (a) the conservation of energy and natural resources, particularly water and soil,
 - (b) the avoidance of environmentally damaging materials,
 - (c) the avoidance of significant adverse impact on the natural environment, particularly areas of remnant vegetation, watercourses and native flora and fauna,
 - (d) waste avoidance and waste minimisation,
 - (e) encouraging the use of public transport.
- O7 To have a safe and secure environment in Canterbury-Bankstown.
- O8 To have development that considers the following general environmental matters:
 - (a) flora and fauna, including threatened species,
 - (b) water quality of surface water bodies and ground water,
 - (c) any catchment management plan or study applying to the land,
 - (d) the reduction of stormwater run-off by minimising the area of impervious surfaces, increasing infiltration and the use of rainwater tanks.

The proposed alterations and additions are generally consistent with the controls and objectives of this DCP. Specific relevant sections are highlighted below.

Chapter 2 Site Considerations

2.2 Flood Risk Management

The objectives of this chapter are:

O1 To reduce the risk to human life and damage to property caused by flooding through controlling development on land affected by potential floods.

O2 To control development and other activity within each of the individual floodplains in Canterbury-Bankstown having regard to the characteristics and level of information available for each of the floodplains.

O3 To assess applications for development on land that could be flood affected in accordance with the principles included in the Floodplain Development Manual, issued by the NSW Government.

O4 To apply a 'merit-based approach' to all development decisions which takes account of social, economic and environmental as well as flooding considerations in accordance with the principles contained in the Floodplain Development Manual.

Part 3.3 of the Engineering Report addresses compliance with Council's DCP with regards to flood risk management. The overall assessment concludes as follows:

- 1. As the proposed development includes minimal external works and results in a slight reduction of the building external footprint below the 1% AEP plus 0.5 m freeboard level, there will be no material adverse effects on existing flood behaviour in current or climate change conditions.*
- 2. The proposed development is consistent with the existing use and compatibility with the Site flood function and behaviour*
- 3. Compliance with Council flood planning requirements are achieved.*

Chapter 3 General Requirements

3.2 Parking

This section, at control 2.1, provides that development must use the Off-Street Parking Schedule to calculate the amount of car, bicycle and service vehicle parking spaces that are required on the site. The parking schedule suggests that for development for the purposes of a registered club, that a parking study is required to determine car parking, and that 4 bicycle spaces are required per 100m² of gross floor area. Accordingly, a traffic engineer has been engaged to determine the appropriate car parking rate applicable for the proposed alterations and additions. The study found that it is appropriate to utilise the previously approved parking rate of 1 car per 3 patrons for the proposed alterations and additions. The study, prepared by TTPP Transport Planning concludes as follows:

It is noted that Council's Development Control Plan (DCP) does not provide specific parking rates for Club related land uses, rather stating that parking demand shall be estimated with the aid of parking assessment based on surveys and experience of similar sites and land uses.

Similarly, the RMS Guide to Traffic Generating Developments (Guide), recommends that comparisons with similar club land uses be drawn.

In determining the appropriate car parking requirements for the proposed Club development, TTPP have considered the parking rate approved for the 2014 DA on the Club site at 31 Webster Street.

The approved DA (2014) included a total on site population of 1,012 people and a parking provision of 340 parking spaces. This equates to a parking rate of 1 space / 3 people.

The approved parking rate is consistent with RMS Guide for restaurant land uses which specifies a parking provision of 1 space / 3 seats.

Therefore, the proposed development is consistent with this part of the DCP.

3.3 Waste Management

Section 4 of this subsection provides development controls relating to waste management for commercial development. The proposal is generally consistent with this subsection and is supported by a waste management plan (see Waste Management Plan).

4.4 IMPACTS OF THE DEVELOPMENT – SECTION 4.15(1)(b)

The impacts of the proposal are considered acceptable in the circumstances of the case. Environmental, economic and social impacts, along with quantitative controls have been addressed throughout this report. Specific impacts of the development are addressed in the subsections below.

4.4.1 Crime Prevention Through Environmental Design

The application of Crime Prevention Through Environmental Design (CPTED) principles as developed in the USA in the early 1960s helps improve and maintain safe living and working environments. CPTED is considered in the literature as an environmental design science, but may also be considered as a risk management strategy, since there is likely to be risk and uncertainty created in terms of human behavioural outcomes resulting from, or being affected by, environmental and social conditions encountered in the community design process. CPTED is a crime prevention strategy that focuses on the design, planning and structure of cities and neighbourhoods. It aims to reduce opportunities for crime by employing design and place management principles that reduce the likelihood of essential crime ingredients from intersecting in time and space. The CPTED principles applied in the proposed development as follows.

Surveillance: There are three levels of surveillance which has been implemented within the development and includes natural, technical and formal guardians/organised surveillance. The natural forms of surveillance include the retention of existing site lines. Technical surveillance will be provided in the form of CCTV and appropriate lighting, including sensor lighting, throughout the development. The development provides an opportunity guardians and users of the space at various times of the day, and on various points of the site which will provide a form of opportunity surveillance to watch an area.

Surveillance can also be achieved on site by providing safe paths of travel into a building, providing signage, mirrors and educating occupants about the building.

Access Control: There are three types of access control, including natural access control, technical access control and organised access control, which has been implemented within the design of the building. The aim of access control is to attract, channel, encourage and restrict people into, throughout and out of an area. The environment should provide cues about who belongs there, when they can be there, what they should be doing and how long they can stay. Access control can be either real or symbolic barrier.

There are numerous access points available to the site between the development and the public domain at the Webster Street frontage, including by foot, from the river, and by vehicle. All access points will be appropriately secured to permit access only to desired users.

Territorial Reinforcement: The aim of territorial reinforcement is about ownership, who owns the space, who manages the space and who cares for the space. The hierarchy of spaces is allocated into three categories; private space, semi public/semi private and public spaces. This is further reinforced by the design, definition and designation of a space. The site will be secured from Webster Street after hours.

Space and Activity Management: The publicly accessible areas of the site will be controlled and monitored by CCTV. Some of the most common criminal activities include malicious damage to property, assault, theft, break and enter to dwellings and commercial premises, and theft from a motor vehicle. These forms of incidents would be sensitive to the introduction of security hardware and personnel within the complex. CCTV will be of a quality high enough to enable intruder identification.

In addition to the CPTED principles applied in the proposed development the following recommendations will be incorporated into the proposed development:

- *External lighting quality to meet ANZ standards;*
- *Lighting maintenance policy be established for this development;*
- *Sufficient security measures be put into place in relation to preventing possible theft during construction;*
- *Traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk and theft.*

4.4.2 Demolition, Construction Management & Waste Management

Prior to the commencement of demolition and/or excavation work on site, the following details will be submitted to and be approved by the Principal Certifying Authority:

- (i) Plans and elevations showing distances of the subject building from the site boundaries, the location of adjoining and common/party walls, and the proposed method of facade retention.
- (ii) A Demolition Work Method Statement prepared by a licensed demolisher who is registered with the Work Cover Authority. (The demolition by induced collapse, the use of explosives or on-site burning is not permitted.)
- (iii) An Excavation Work Method Statement prepared by an appropriately qualified person.
- (iv) A Waste Management Plan for the demolition and or excavation of the proposed development.

These statements will, where applicable, be in compliance with *AS2601-1991 Demolition of Structures*, the *Work Health and Safety Act 2011 and Regulation*; the *Waste Avoidance and Resource Recovery Act 2001*, and all other relevant acts and regulations, and will include provisions for:

- (i) A Waste Management Plan for the removal of refuse from the site in accordance with the *Waste Avoidance and Resource Recovery Act 2001*.
- (ii) The name and address of the company/contractor undertaking demolition/excavation works.
- (iii) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials.
- (iv) The name and address of the transport contractor.
- (v) The type and quantity of material to be removed from site.
- (vi) Location and method of waste disposal and recycling.
- (vii) Proposed truck routes, in accordance with this development consent.
- (viii) Procedures to be adopted for the prevention of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment and the proposed method of cleaning surrounding roadways from such deposits. (Note: With regard to demolition of buildings, dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site).
- (ix) Measures to control noise emissions from the site.
- (x) Measures to suppress odours.
- (xi) Enclosing and making the site safe.
- (xii) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.

- (xiii) Induction training for on-site personnel.
- (xiv) Written confirmation that an appropriately qualified Occupational Hygiene Consultant has inspected the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to Work Cover Authority.
- (xv) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the Work Cover Authority.
- (xvi) Disconnection of utilities.
- (xvii) Fire Fighting. (Firefighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed).
- (xviii) Access and egress. (Demolition and excavation activity must not cause damage to or adversely affect the safe access and egress of the subject building or any adjacent buildings).
- (xix) Waterproofing of any exposed surfaces of adjoining buildings.
- (xx) Control of water pollution and leachate and cleaning of vehicles tyres (proposals must be in accordance with the *Protection of the Environmental Operations Act 1997*).
- (xxi) Working hours, in accordance with this development consent.
- (xxii) Any Work Cover Authority requirements.

Demolition and construction works include temporary fencing, hoarding and warning notices required to conduct the works and protect the general public. All demolition, construction and building work will be adequately managed so as to minimise disruption to the local community and the environment. Noise generated by construction activities will comply with Council's standard construction times.

4.4.3 Bushfire

The site is identified as containing bush fire prone land. Accordingly, a Bushfire Risk Assessment has been prepared by Bushfire Planning Services to support the proposed development. The proposed development is classified as a Special Fire Protection Purpose development which results in the application being for integrated development, and requiring a Section 100B Bush Fire Safety Authority. The report concludes as follows:

It is shown through this assessment that this proposal has all the necessary requirements to meet the conditions of Clause 45 of the Rural Fires Regulations and that it is reasonable to expect that the Rural Fire Service will issue a section 100B Bushfire Safety Authority for this development.

The proposal has sufficient setback from any hazardous vegetation to achieve the requirements of table A1.12.1 of Planning for Bushfire Protection 2019 to achieve the requirements of that table for Special Fire Protection purpose.

4.4.4 Parking

A traffic engineer has been engaged to determine the appropriate car parking rate applicable for the proposed alterations and additions. The study found that it is appropriate to utilise the previously approved parking rate of 1 car per 3 patrons for the proposed alterations and additions. The study, prepared by TTPP Transport Planning concludes as follows:

It is noted that Council's Development Control Plan (DCP) does not provide specific parking rates for Club related land uses, rather stating that parking demand shall be estimated with the aid a of parking assessment based on surveys and experience of similar sites and land uses.

Similarly, the RMS Guide to Traffic Generating Developments (Guide), recommends that comparisons with similar club land uses be drawn.

In determining the appropriate car parking requirements for the proposed Club development, TTPP have considered the parking rate approved for the 2014 DA on the Club site at 31 Webster Street.

The approved DA (2014) included a total on site population of 1,012 people and a parking provision of 340 parking spaces. This equates to a parking rate of 1 space / 3 people.

The approved parking rate is consistent with RMS Guide for restaurant land uses which specifies a parking provision of 1 space / 3 seats.

4.4.5 Flooding

The approved development has a maximum capacity of 400 people. The proposed development seeks no intensification of use, and a maximum capacity of 250 patrons only. Flood Management Risk has been outlined within the Engineering Report that accompanies this application to ensure the risk of flooding is mitigated. The assessment concludes as follows:

A Site flood assessment has been developed for the Site which is consistent with Council's adopted PWD flood study, Bewsher flood study & plan and the provided SSR.

The assessment concludes:

- 1. As the proposed development includes minimal external works and results in a slight reduction of the building external footprint below the 1% AEP plus 0.5 m freeboard level, there will be no material adverse affects on existing flood behaviour in current or climate change conditions.*
- 2. The proposed development is consistent with the existing use and compatibility with the Site flood function and behaviour*
- 3. Compliance with Council flood planning requirements are achieved.*

The following recommendations are also made:

- 1. A detailed Flood Risk Assessment (FRA) containing a FERP is prepared prior to the issue of a construction certificate (CC) consent condition. The detailed FRA should consider the following:*
 - a. A review of all relevant flood levels based on the latest flood information.*
 - b. A review of the Bewsher flood study & plan MIKE-11 hydraulic model to assess rates of flood water rise and appropriate warning times or triggers for site closure or evacuation .*
 - c. Consideration of local flood warning systems.*
 - d. Detailed evaluation of flood response or actions including flood warning and pre-emptive site closure, site evacuation including route, times available and or requirements for evacuation and capacity of the evacuation route.*
 - e. Potential flood risk analysis.*
- f. A revised compliance assessment against the various flood related development controls.*

4.5 SUITABILITY OF THE SITE – SECTION 4.15(1)(c)

The site is not affected by any known natural or technological constraints that would prevent development in accordance with the zone objectives.

TABLE 4

Does the proposal fit the locality?

CONSIDERATION	OUTCOME
Are the constraints posed by adjacent developments prohibitive?	No
Would development lead to unmanageable transport demands?	No
Are there adequate transport facilities in the area?	Yes
Will the locality contain adequate recreational opportunities and public spaces for new occupants?	Yes
Are utilities and services available to the site and adequate for the development?	Yes
Is the air quality and microclimate appropriate for the development?	Yes
Are there hazardous land uses or activities nearby?	No
Are ambient noise levels suitable for the development	Yes
How critical is the site to the water cycle in the catchment?	N/A

TABLE 5

Are the site attributes conducive to development?

CONSIDERATION	OUTCOME
Is the site subject to natural hazards including floodplain, tidal inundation, subsidence, slip, mass movement, and bushfires?	Yes
Is the proposal compatible with conserving the heritage significance of the site?	N/A
Are the soil characteristics on the site appropriate for development?	Yes
Is development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on the site?	N/A
Is the site prime agricultural land and will development prejudice future agricultural production?	No
Will development prejudice the future use of the site for mineral and extractive resources?	N/A

4.6 PUBLIC INTEREST – SECTION 4.15(1)(e)

The proposed development is considered to be in the public interest, promoting redevelopment of an underutilised site, to provide greater recreational opportunities to community members.

5 CONCLUSION

Having taken into account the relevant heads of consideration pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposal is considered an appropriate development of the site, sensitively considering context, whilst promoting positive economic, social and recreation outcomes for the local community.



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