

## STATEMENT OF ENVIRONMENTAL EFFECTS



**PROPOSED SUBDIVISION**  
**LOT 24 DP 1053904 – 27 BONNETT DRIVE, RUN-O-WATERS**  
**Kimbla Pastoral Co Pty Ltd**

**September 2025**

**Reference No.: 2412**

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

## CONTENTS

|                                                                                                                    |           |
|--------------------------------------------------------------------------------------------------------------------|-----------|
| <b>CONTENTS .....</b>                                                                                              | <b>2</b>  |
| <b>1 INTRODUCTION/EXECUTIVE SUMMARY .....</b>                                                                      | <b>4</b>  |
| 1.1 HISTORY OF SITE .....                                                                                          | 4         |
| 1.2 CONSULTATION WITH COUNCIL .....                                                                                | 4         |
| <b>2 SITE ANALYSIS.....</b>                                                                                        | <b>12</b> |
| 2.1 SITE DESCRIPTION .....                                                                                         | 12        |
| 2.2 SITE LOCATION AND CONTEXT .....                                                                                | 12        |
| 2.3 SURROUNDING DEVELOPMENT.....                                                                                   | 12        |
| <b>3 PROPOSED DEVELOPMENT .....</b>                                                                                | <b>15</b> |
| 3.1 ELEMENTS OF THE PROPOSED DEVELOPMENT .....                                                                     | 15        |
| 3.2 DEVELOPMENT MATERIALS.....                                                                                     | 15        |
| 3.3 OPERATIONAL DETAILS AND DEVELOPMENT/CONSTRUCTION MANAGEMENT .....                                              | 15        |
| 3.4 ACCESS/PARKING.....                                                                                            | 15        |
| 3.5 HOURS OF OPERATION.....                                                                                        | 15        |
| 3.6 VEGETATION MANAGEMENT AND LANDSCAPING .....                                                                    | 15        |
| 3.7 BUSHFIRE PRONE LAND.....                                                                                       | 16        |
| 3.8 UTILITIES.....                                                                                                 | 16        |
| 3.9 AMENDMENTS TO EXISTING CONSENT .....                                                                           | 16        |
| 3.10 STAGING .....                                                                                                 | 16        |
| <b>4 LEGISLATION AND PLANNING CONTROLS .....</b>                                                                   | <b>20</b> |
| 4.1 LEGISLATION APPLICABLE TO THE PROPOSED DEVELOPMENT .....                                                       | 20        |
| 4.1.1 <i>Environmental Planning &amp; Assessment Act 1979 and Regulation 2000.....</i>                             | <i>20</i> |
| 4.1.2 <i>State Environmental Planning Policies.....</i>                                                            | <i>22</i> |
| 4.1.3 <i>Goulburn Mulwaree LEP 2009.....</i>                                                                       | <i>22</i> |
| 4.1.3.1 Clause 1.2 Aims of Plan.....                                                                               | 25        |
| 4.1.3.2 Land use Table .....                                                                                       | 25        |
| 4.1.3.3 Clause 1.9A Suspension of covenants, agreements and instruments Land use Table.....                        | 26        |
| 4.1.3.4 Clause 2.3 Zone objective and Land Use Table.....                                                          | 28        |
| 4.1.3.5 Clause 2.6 Subdivision – consent requirements .....                                                        | 29        |
| 4.1.2.6 Clause 4.1 Minimum subdivision lot size.....                                                               | 30        |
| 4.1.3.7 Clause 4.1C Lot Averaging subdivision in certain rural, residential and conservation zones .....           | 30        |
| 4.1.3.8 Clause 4.6 Exceptions to development standards .....                                                       | 31        |
| 4.1.3.9 Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones..... | 31        |
| 4.1.3.10 Clause 7.1A Earthworks .....                                                                              | 31        |
| 4.1.3.11 Clause 7.2 Terrestrial biodiversity .....                                                                 | 32        |
| 4.1.3.12 Clause 7.3 Subdivision for residential purposes in Zones RU5 and R5 .....                                 | 33        |
| 4.1.3.13 Clause 7.4 Restrictions on development adjoining mineral resource areas .....                             | 33        |
| 4.1.4 <i>Goulburn Mulwaree Development Control Plan 2009 .....</i>                                                 | <i>34</i> |
| 4.1.5 <i>Goulburn Mulwaree Local Infrastructure Contributions Plan 2021 .....</i>                                  | <i>34</i> |
| <b>5 ASSESSMENT OF PLANNING CONTROLS.....</b>                                                                      | <b>35</b> |
| 5.1 COMPLIANCE WITH PLANNING INSTRUMENTS AND CONTROLS .....                                                        | 35        |
| 5.2 TRAFFIC ACCESS AND PARKING.....                                                                                | 35        |
| 5.3 VISUAL ASSESSMENT.....                                                                                         | 35        |
| 5.4 AMENITY ASSESSMENT .....                                                                                       | 36        |

|           |                                                                                       |           |
|-----------|---------------------------------------------------------------------------------------|-----------|
| 5.5       | PRIVACY AND OVERSHADOWING ASSESSMENT .....                                            | 36        |
| 5.6       | SOCIAL AND ECONOMIC ASSESSMENT .....                                                  | 36        |
| 5.7       | HERITAGE AND ABORIGINAL OBJECTS ASSESSMENT .....                                      | 37        |
| 5.8       | DEMOLITION ASSESSMENT .....                                                           | 38        |
| 5.9       | NOISE ASSESSMENT .....                                                                | 39        |
| 5.10      | WATER CYCLE MANAGEMENT .....                                                          | 39        |
| 5.11      | EROSION AND SEDIMENT CONTROL ASSESSMENT .....                                         | 41        |
| 5.12      | UTILITIES AND SERVICES ASSESSMENT .....                                               | 41        |
| 5.13      | CONTAMINATED LAND ASSESSMENT .....                                                    | 41        |
| 5.14      | SUITABILITY OF THE SITE .....                                                         | 42        |
| 5.15      | SUBMISSIONS .....                                                                     | 42        |
| 5.16      | PUBLIC INTEREST .....                                                                 | 42        |
| 5.17      | BIODIVERSITY .....                                                                    | 42        |
| <b>6</b>  | <b>CONCLUSIONS .....</b>                                                              | <b>47</b> |
| <b>7</b>  | <b>SUITABILITY OF THE SITE .....</b>                                                  | <b>49</b> |
| 7.1       | ALTERNATIVE AND CONSEQUENCES OF NO DEVELOPMENT .....                                  | 49        |
| 7.2       | ENVIRONMENTAL JUSTIFICATION .....                                                     | 49        |
| <b>8</b>  | <b>SUMMARY OF ENVIRONMENTAL MANAGEMENT AND MITIGATION MEASURES .....</b>              | <b>50</b> |
| <b>9</b>  | <b>APPENDIX 1 – JURISDICTIONAL LISTING - LEGISLATION POTENTIALLY APPLICABLE .....</b> | <b>51</b> |
| <b>10</b> | <b>APPENDIX 2 – GOULBURN MULWAREE DCP 2009 COMPLIANCE .....</b>                       | <b>88</b> |

## 1 INTRODUCTION/EXECUTIVE SUMMARY

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This report supports a Development Application for Kimbla Pastoral Company to Goulburn Mulwaree Council for the large lot residential subdivision of Lot 24 Deposited Plan 1053904, 27 Bonnett Drive, Run-O-Waters, Goulburn. The application proposes 8 lots for residential development.

The assessment of the land has provided for the consideration of existing natural features including drainage patterns, elevation, accessibility (Bonnett Drive), biodiversity, bushfire, vegetation, all of which are identified as manageable within relevant legislation and guidelines.

The information regarding the proposed development is consolidated in the plans and details provided in this report.

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

### 1.1 HISTORY OF SITE

The site was originally part of a rural holding known as Garroorigang Estate. Part of Garroorigang Estate was subdivided to create 4 large lots divided by a road through the registration of Deposited Plan 1039487, the large lots providing for smaller estates with limited agricultural potential. All of the lots contained in Deposited Plan 1039487 were subdivided to create Run-O-Waters Estate consisting of large lots for rural residential use. Agricultural uses became very limited with the land being used for the establishment of residences on large lots with extensive gardens. The rezoning of the land under Goulburn Mulwaree Local Environmental Plan 2009 enabled the further subdivision of the land into large residential lots. It is this form of subdivision that is now proposed for Lot 27 Deposited Plan 1053904.

### 1.2 CONSULTATION WITH COUNCIL

The proposed subdivision (8 lots with a new road) was discussed with Council at a formal Pre-lodgement meeting on 4 February 2025. The Council provided the following comments:

#### 4. PLANNING

##### 4.1. State Environmental Planning Policies

##### 4.1.1. SEPP (Biodiversity and Conservation) 2021

*Chapter 6: The proposed development is within the Sydney Drinking Water Catchment and is a Module 3 development as per the Neutral or Beneficial Effect (NorBE) on Water Quality Guidelines. As such, the proposal would require the concurrence of Water NSW. A Water Cycle Management Study, comprising music modelling, demonstrating on site detention and water quality measures etc, must be submitted for the consideration of Water NSW.*

**Considerations included in Section 4.17 and Appendix 1 & 2**

##### 4.1.2. SEPP (Resilience and Hazards) 2021

*Chapter 4: The SoEE must address how the site is suitable for the intended land uses, consistent with the Managing Land Contamination Planning Guidelines.*

**Considerations included in Section 4.17 and Appendix 1**

##### 4.1.3. SEPP (Transport and Infrastructure) 2021

*Section 2.48: The DA must be referred to Essential Energy for their comment, as their infrastructure (pole and wires) are in proximity to the site. It is recommended discussion with an energy service provider is had to*

assist in further design adaptations, particularly considering it doesn't appear the site is connected to power. The ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure defines the responsibilities of developers, property owners and occupiers, consent authorities and proponents for activities close to electricity easements and infrastructure.

**Considerations included in Section 4.17 and Appendix 1**

#### **4.2. Goulburn Mulwaree Local Environmental Plan 2009**

4.2.1. Subdivisions are permitted under Section 2.6 of the GMLEP 2009. The subdivision will be for a rural residential purpose.

**Considerations included in Section 4.1.3.5. The subdivision is for a large lot residential purpose.**

4.2.2. Any DA for the proposal would need to demonstrate it can achieve the objectives of the R5 Large Lot Residential, whilst not being inconsistent with the objectives that are not directly related to the proposal.

- To provide residential housing in a rural setting while preserving environmentally
- sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development
- of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand
- for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within
- adjoining zones.
- To facilitate and promote an increased range of residential opportunities by providing
- for low intensity residential development compatible with the rural characteristics of
- the locality.
- To encourage subdivision of land that is consistent with the constraints and
- opportunities of the land.

**Considerations included in Section 4.1.3.4**

4.2.3. Other clauses in the GMLEP 2009 that would require a response in any SoEE include:

- 1.2 Aims of plan
- 2.3 Land use table and objectives
- 2.6 Subdivision – consent requirements
- 4.1 Minimum subdivision lot size – the minimum lot size of 2,000m<sup>2</sup> applies to the land. Each allotment is to have a minimum of 2,000m<sup>2</sup>.
- 4.6 Exceptions to development standards – should the applicant wish, the opportunity to request a variation to clause 4.1A(4) exists. However, it is noted that Council has consistently applied the standards required by clause 4.1A(4) of the GMLEP 2009. The request to vary must be submitted with the application as per the updated Guide to Varying Development Standards. You may wish to use the template prepared by the Department of Planning to assist in requesting the variation. All content can be found on their website: <https://www.planning.nsw.gov.au/policy-and-legislation/under-review-and-new-policy-and-legislation/variations-review>.
- 7.1A Earthworks – works are not to have a detrimental effect on the existing drainage patterns. provision of earthworks plans showing all retaining walls, cut and fill levels, quantities required etc.
- 7.3 Subdivision for residential purposes in Zones RU5 and R5 – application is to address that public utility infrastructure is to be available to the development.

**Considerations included in Sections 4.1.3.1, 4.1.3.4, 4.1.3.7, 4.1.3.8, 4.1.3.10, and 4.1.3.12**

#### **4.3. Goulburn Mulwaree Development Control Plan 2009**

4.3.1. The proposed development requires a detailed assessment against the GMDCP 2009. The following sections are required to be addressed in any submitted SoEE, and is not an exhaustive list:

##### Part 1 Preliminary

1.8 Variations to controls: If the proposal does not comply with any of the controls in the GMDCP 2009, or it is found that a control is unavoidably noncompliant, a variation to the DCP is to be sought and requires acknowledgement and justification in the SoEE.

Part 2 Plan Objectives

2.1 General objectives.

Part 3 General Development Controls

3.1 Indigenous Heritage and Archaeology.

3.5 Landscaping – Street trees at the rate of one tree per lot will be required.

3.7 Crime prevention through environmental design – a streetlight will be required at the intersection of the new road and Bonnett Drive.

3.9 Tree and vegetation preservation – the site is located within a non-rural area, any tree or vegetation removal is to consider the matters within the section with the aim of minimising impacts on the environment.

3.16 Stormwater pollution.

3.18 Urban Serving (Water and Sewer)

Part 4 Principal Development Controls- Urban

4.1 Residential Development:

- 4.1.19 Subdivision – Subdivision design is to consider a layout that allows for a positive outcome for future residents. Access for Lots 3-8 are to be off the proposed road with access for Lot 1-2 being off Bonnett Drive. The application shall detail the development capacity of the lots with the proposed primarily intended use. Design shall consider water sensitive Urban Design principles.

Part 6 Special Development Types

6.8 Large lot residential Zone R5 - Consideration of this section would assist with spatial rhythm, future character expectations etc.

**Considerations included in Appendix 2**

**4.4. Other Planning matters**

4.4.1. Council will be the consent authority for the proposed development.

**Noted.**

4.4.2. If more than 10 submissions are received or if a Councillor calls the application up for determination, the application will be determined at a full Council meeting.

**Noted**

4.4.3. Traffic assessment will not be required; however, it is to be mentioned in the SoEE with commentary on the intersection with details of traffic generation and sight distances.

**Noted. Considerations included in Section 5.2**

4.4.4. A Water Cycle Management Study will be required as the site is located within the Sydney Drinking Water Catchment and will be required to meet Water NSW requirements Current Recommended Practices. The application will be required to have MUSIC modelling. More information can be found at <https://www.watarnsw.com.au/water-services/catchment-protection/buildingand-development>.

**Considerations included in Section 5.10**

**4.5. Other Council Policies and Standards**

4.5.1. Community Participation Plan – The DA would be notified in accordance with this plan i.e. 21 days, letter drop, exhibited on the NSW Planning Portal and a site notice.

**Noted**

4.5.2. Standards for Engineering Works – any access upgrades, driveway, road works, stormwater works etc must comply with Council's Standards for Engineering Works.

**Noted. See engineering design plans prepared by CivPlan**

4.5.3. Development Assessment and Decision-Making Policy – The application may be determined at a full Council if any of the following triggers are met:

- Receipt of unresolvable submissions, more than 10 submissions
- The proposal seeks to vary the GMLEP 2009 or Local Infrastructure Contributions Plan
- The application seeks to vary the objectives of the DCP or Engineering Standards

- If the application is a section 8.2 review
- If the application is called up by minimum 3 Councillors.

**Noted**

#### **4.6. General Planning Matters**

4.6.1. Council will be the consent authority for the proposed development.

**Noted**

4.6.2. If more than 10 submissions are received or if a Councillor calls the application up for determination, the application will be determined at a full Council meeting.

**Noted**

#### **4.7. Crown Land Matters**

4.7.1. Owner's consent is required from the Crown should any development be proposed on the Crown Land. This must be obtained prior to lodgement; copies of all authorisations must be included with the information accompanying the development application.

**Noted. No development is proposed on Crown land.**

#### **5. Waste Services**

5.1. Council's waste developer guidelines can be located via this link:

<https://www.goulburn.nsw.gov.au/Services/Waste-Management/Education-Resources#section-2>

**Noted**

#### **6. Utilities**

##### **6.1. Water supply**

6.1.1. To service the proposed development with town water, the developer will be required to extend the water main off Bonnett Drive.

**Noted. See engineering design plans prepared by CivPlan**

6.1.2. Full set of hydraulic designs will need to be submitted prior to issue of s306, plans should show the following:

- Alignment of water main
- Water main specifications (class, size, material, etc.)
- Water meter locations and water service alignment (Copper service to be grade A copper)
- Water main specifications complying with GMC and WSAA construction standards.
- Thrust block, hydrant and stop valve details.
- Stop valves need to be located in a way to isolate individual streets.
- Water services crossing roads need to be 25mm services with 20mm water meter in the lot.
- Deflection in water mains are not permitted within Goulburn Mulwaree Council.
- For lots located on opposite side of the road to the water main, a spare conduit for second water service is required, it needs to be placed across the road on opposite side of lot to the primary water service.

**Noted. See engineering design plans prepared by CivPlan**

6.1.3. Connection into existing live infrastructure shall be done by Council upon submission of water application and payment of quote.

**Noted**

##### **6.2. Sewerage**

6.2.1. Due to the existing sewer main located on the lot, a sewer main extension may only be required to service Lot 8.

**Noted. See engineering design plans prepared by CivPlan**

6.2.2. Full set of hydraulic designs will need to be submitted prior to issue of s306, plans should show the following:

- Long sections (chainage, grade, material, pipe class, invert & manhole level/depth, surface level, diameter, junction location and depth)

- Alignment with easement widths complying with policy
- MH details complying with sewer construction standards
- Junction details complying with sewer construction standards
- Sewer main is to be centrally located over dedicated easement and easement width is to comply with Council's Councils Clearance & Easements Policy
- Sewer specifications complying with GMC and WSAA construction standard

**Noted.** See engineering design plans prepared by CivPlan

6.2.3. Easement widths need to comply with table provided within Clearances and Easements Policy. For twin mains layout, each main needs to remain outside the zone of influence of the deeper main.

**Noted.** See Laterals Planning Sheets 3, 4 & 5

6.2.4. Sewer main is to be a minimum 1.2m off the boundary.

**Noted.** See engineering design plans prepared by CivPlan

### **6.3. s.64 contribution**

6.3.1. Water – 6.8 ET - \$47,056

6.3.2. Sewer – 7 ET - \$87,605

**Noted**

### **6.4. s.305 Application**

6.4.1. S305 application for this development fee is \$715.

**Noted**

### **6.5. Policies and Construction Standards**

6.5.1. Construction work must comply with the following:

- Clearance and Easement Requirements for Structures Adjacent to Sewer and Stormwater Mains Policy; <https://www.goulburn.nsw.gov.au/Council/Policies>
- Water Metering and Connection Policy; <https://www.goulburn.nsw.gov.au/Council/Policies>
- GMC Water Construction Standards; [Water and Sewer Construction Standards Goulburn Mulwaree Council \(nsw.gov.au\)](https://www.goulburn.nsw.gov.au/Services/Water-Sewer/Water-and-Sewer-Construction-Standards)
- GMC Sewer Construction Standards; <https://www.goulburn.nsw.gov.au/Services/Water-Sewer/Water-and-Sewer-Construction-Standards>

**Noted**

## **7. Development Engineering**

### **7.1. Stormwater**

7.1.1. Stormwater for each individual lot requires a detention tank &/or bio basin. An inter-allotment drainage line will be required along the southern boundary, with details of discharge to the table drain in Bonnet Drive to be documented.

7.1.2. The road drainage will require capture and discharge to the table drain in Bonnett Drive.

**Noted.** See engineering design plans prepared by CivPlan

### **7.2. Access and Traffic**

7.2.1. From concept layout the proposed road will be dedicated to Council. Ensure it meets and complies with Councils standards with kerb & gutter, asphaltic concrete wearing surface. Reserve width for the road is 18m. A cul-de-sac head will be required as shown on the draft subdivision layout.

7.2.2. Proposed Lot 1 will require a new bitumen sealed and culverted access to provide access to Bonnett Drive.

7.2.3. Proposed Lot 2 shall gain vehicular access from the proposed road, rather than directly to Bonnett Drive.

7.2.4. A Standard Vehicular Driveway should be provided for the existing dwelling on proposed Lot 3.

**Noted.** See Laterals Planning Sheets 1, 2 & 3 and engineering design plans prepared by CivPlan. Subdivision design has altered since pre-lodgement meeting.

### 7.3. Contributions

7.3.1. Stormwater contributions are calculated on the area of impervious surfaces. Impervious surfaces include (but are not limited to) roofs, driveways, and carparks. The formula is: Contribution (\$) = Impervious area (sqm) / 350 x \$4,180

**Noted**

### 7.4. Engineering Standards

7.4.1. Council's standards for engineering works are available via:

<https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-7>

**Noted**

## 8. Biodiversity, Vegetation & Landscaping

8.1. The site is not currently located on the Biodiversity Values Map (please review as you are preparing information to support your application as these maps may be revised periodically).

8.2. Development Application shall include a statement as to whether the proposal is likely to significantly affect threatened species, populations of their habitats (test of significance detailed in section 7.3 of the Biodiversity Conservation Act 2016) and whether the Biodiversity Offsets Scheme has been triggered.

8.3. Proponents will need to supply evidence relating to the triggers for the Biodiversity Offsets Scheme Threshold and the test of significance when submitting their application to the consent authority.

8.4. If the area of clearing for the proposal exceeds the thresholds set out in the Biodiversity Conservation Regulation 2017 then the application will require an accredited ecologist to prepare a Biodiversity Development Assessment Report under the Biodiversity Conservation Act reforms.

8.5. Area of clearing to be calculated for the whole development includes:

- Buildings and ancillary buildings.
- Clearing for landscaping.
- Access roads and driveways.
- Asset protection zones required by RFS.
- Any infrastructure associated with the development and includes:
  - Gas, water, electricity, sewer, onsite effluent management systems, fences, etc.

8.6. There are a number of key websites with useful information, including:

- Biodiversity Assessment & Approvals Decision Support Tool – this takes you through some questions to determine which pathway to go down if there is clearing involved with a Development Application or for someone who wants to clear vegetation on their land: <https://www.olg.nsw.gov.au/biodiversity-assessment-and-approvals-navigator>
- Biodiversity Offsets Scheme Entry Requirements – this is a great page that provides an overview of the scheme and links to further information and provides a link to the User Guide for the Biodiversity Values map below which tells you how to search properties etc: <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/>
- Biodiversity Values Map – this is the map that identifies areas where the Biodiversity Offset Scheme applies (and additional information is required for DAs): <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>
- Biodiversity Offset Scheme Entry Tool – this tool can be used as a guide to decide whether or not you as the proponent would be required to enter the Biodiversity Offsets Scheme: <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>
- A list of accredited assessors can be found on: <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor>

**Noted. See Flora & Fauna Assessment by SIA Ecological and Environmental Planning**

## 9. Aboriginal Heritage

9.1. The land is identified as having Potential Aboriginal Artefacts under the Goulburn Mulwaree Development Control Plan 2009. In general, Aboriginal archaeological sites are assessed using five potential categories of significance:

- Significance to contemporary Aboriginal people.

- Scientific or archaeological significance.
- Aesthetic value.
- Representativeness.
- Value as an educational and/or recreational resource.

An investigation for potential Aboriginal Cultural Heritage is required to be undertaken in accordance with Appendix A of GMDCP 2009 and the current Office of Environment and Heritage guides including:

- Consultation with Pejar Local Aboriginal Land Council (PLALC). PLALC may need to undertake a site inspection of the property and there is a fee associated with this.
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b) (the Code).
- Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010a) (consultation requirements).
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c).

**Noted.** See Aboriginal Cultural Heritage Due Diligence Assessment by Past Traces incorporating Pejar LALC advice.

## 10. External Agencies

### 10.1. Water NSW

10.1.1. The proposed development requires concurrence of Water NSW. A fee made payable direct to Water NSW of \$320 must be processed via the NSW Planning Portal for Water NSW to be able to assess the application.

### 10.2. Electrical Supply Authority (Essential Energy for the majority of the GMC LGA, Endeavour Energy for the northern portion of the GMC LGA)

10.2.1. Applicants should contact the relevant electrical supply authority for specific information requirements for electricity network referrals triggered by Transport and Infrastructure SEPP, Chapter 2 (Infrastructure), section 2.47 or 2.48. The ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure (PDF 146 KB) defines the responsibilities of developers, property owners and occupiers, consent authorities and proponents for activities close to electricity easements and infrastructure. This guide may be useful in addressing electricity network matters in a DA.

**Noted**

## 11. 7.11 Contributions

11.1. Section 7.11 Contributions will apply based on \$20,000 per new lot.

11.2. The Local Infrastructure Contributions Plan 2021 (LICP) is available on Council's website:

<https://www.goulburn.nsw.gov.au/Development/Plans-Strategies#section-6>

**Noted**

## 12. Conclusion

12.1. The following matters are the key points from the proposed design:

- Driveway access for Lots 1-2 is to come from Bonnett Drive with other lots accessing the proposed road.
- Subdivision design is to consider the constraints of the land and result in a positive environment for future residents.
- Stormwater discharge shall not impact adjoining properties and be discharged to the table drain located within Bonnett Drive.
- The proposed road is to be design to Council's Engineering Standards.

12.2. Council would like to thank the proponent for participating in the Pre-Lodgement meeting process. Council looks forward to receiving and assessing a DA which addresses the concerns raised in these minutes.

**Noted.** See engineering design plans prepared by CivPlan

## 13. General

13.1. The following general information is provided to assist in the future lodgement of a development application.

13.2. All applications are lodged via the NSW Planning Portal and must be accompanied with written land owners consent. Where a company owns the land or is the applicant then all signatories are to sign and state their positions in the company, this is to be accompanied by a current ASIC Company Extract.

13.3. All applications must meet the requirements for lodgement as outlined in the following guideline from the Department of Planning, Industry and Environment; available from the following link:

<https://www.planning.nsw.gov.au/sites/default/files/2023-02/application-requirements.pdf>

13.4. The development application will be accompanied by the following documentation:

- 1 x complete set of all plans at A3 size and supporting documentation at A4 size in electronic format.
- Statement of Environmental Effects (SoEE) detailing the characteristics of the site and providing an assessment of the proposed development in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 including demonstrating compliance with any relevant State Environmental Planning Policies, the Goulburn Mulwaree Local Environmental Plan 2009 and Goulburn Mulwaree Development Control Plan 2009.
- An initial site analysis plan including all existing structures, features, vegetation, 1 or 2m contours, site strengths, constraints, weaknesses, opportunities and threats.
- If the subject site contains existing structure(s) or building(s) a set of plans (a set of plans includes a site plan, floor plan(s) elevations(s) cross section(s)) that clearly identifies the existing configuration of those structures.
- If the proposal requires demolition either in part or whole of a structure a separate set of plans (a set of plans includes a site plan, floor plan(s) elevations(s) cross section(s)) is to be provided that clearly identifies the item(s) being demolished. The use of visual aids such as dashed coloured (red) lines should be considered.
- If the proposal involves the removal of vegetation a site plan is to be provided that clearly identifies the areas, the type (native/exotic) and species of vegetation to be removed, the plans shall include square meterage values of all categories of vegetation loss.
- If the proposal involves new work in conjunction with an existing building, there should be visually apparent differentiation between the proposed works and the existing structure. The use of visual aids such as colour, shading, cross hatching etc. should be considered. A separate set of plans (a set of plans includes a site plan, floor plan(s), elevations(s), cross section(s), details) shall be procured of the proposed works that clearly demonstrates the interaction with the existing structures.
- If the proposal involves standalone new work unconnected to any existing structure a set of plans (a set of plans includes a site plan, floor plan(s), elevations(s), cross section(s), details) are to be procured of the proposed works. Site plans and elevations should include existing structures on the site.
- Where landscaping, rehabilitation or works are proposed detailed landscape plans are required to include final form layout(s), proposed elevations, site plan layouts, specific details, species identification, plant out sizes, maturity dimensions and maintenance requirements.
- Concept stormwater plan(s), where applicable long section(s) for any proposed stormwater infrastructure both onsite and offsite required to service the proposal in collaboration and where applicable with Council's infrastructure.
- Concept road and intersection details in collaboration with the existing road network, configuration plan(s) shall clearly articulate all proposed upgrades to the local road network.
- All drawings submitted must be uniquely identifiable by reference to a drawing and revision number. Each drawing shall be titled, contain the street address along with the Lot & DP number(s), Architects details and name of owner shall be provided.
- All drawings shall be drawn to scale, scales chosen should be appropriate to display the information clearly, scales shall be consistent throughout, if the proposal does not fit on A3 then use A2 & A1.
- All drawings shall be fully dimensioned throughout, be clearly labelled with all necessary information and shall not be inconsistent with any other drawing submitted.
- Contamination report of the site.
- Biodiversity Development Assessment Report prepared by an accredited assessor.
- Water Cycle Management Study to satisfy NorBE and the requirements of Water NSW
- Earthworks plan including cut and fill balance details.
- Estimated Development Cost Report.

**Noted.** See Laterals Plans Sheets 1, 2 & 3 and engineering plans prepared by CivPlan

## **2 SITE ANALYSIS**

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### **2.1 SITE DESCRIPTION**

The site consists of Lot 24 DP 1053904, 27 Bonnett Drive, Run-O-Waters, Goulburn as shown on the topographic plan and aerial photograph of the site below on pages 12 & 13.

The site is accessible from Bonnett Drive (Public Road), a sealed road. There is a residential access driveway from Bonnett Drive to an existing residence and sheds on the land. The site is serviced with reticulated sewerage, water, electricity, gas and telecommunications.

The site is substantially cleared and slopes from the North West corner towards the front South East corner. There are some scattered trees at the rear of the site with some planted garden trees around the residences.

### **2.2 SITE LOCATION and CONTEXT**

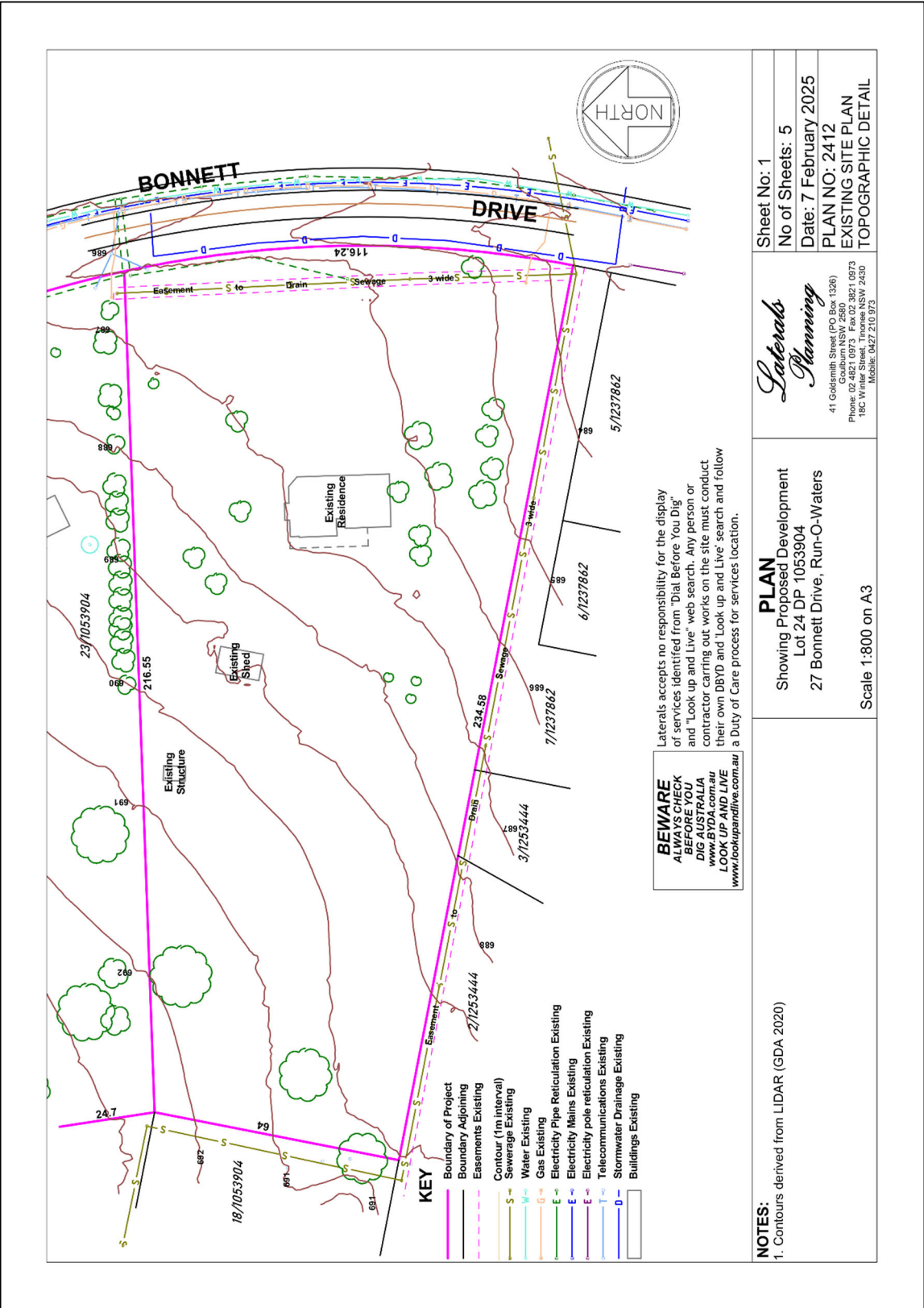
The site is located on land that is within the large lot residential area known as Run-O-Waters within a R5 Large Lot Residential Zone surrounded other lots within the same zone. Several of the original large residential lots have now been subdivided to provide smaller residential lots with areas of at least 2000 square metres.

A large proportion of the lots around the site are either subdivided into smaller 2000 square metre lots or are in the process of being subdivided.

### **2.3 SURROUNDING DEVELOPMENT**

The site is surrounded by –

- (a) To the north is a large lot with a residence. This lot has been approved for further subdivision under REV/0010/2122 to DA/0136/2122 to create 8 residential lots.
- (b) To the east are smaller subdivided lots that have been built upon with residences.
- (c) To the south are smaller subdivided lots that have been built upon with residences.
- (d) To the west is a large rural residential lot with a residence.





### **3 PROPOSED DEVELOPMENT**

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#### **3.1 ELEMENTS OF THE PROPOSED DEVELOPMENT**

The development proposal involves:

1. The creation of 8 residential lots each with a minimum area of 2000 square metres.
2. The creation of a new road (Cul-de-sac) 18m wide off Bonnett Drive.
3. The installation of services to residential lots.
4. Works specified by Council.

The proposed development is shown on the following, topographic plan and aerial photograph plans on pages 16, 17 & 18 below.

#### **3.2 DEVELOPMENT MATERIALS**

The subdivision would involve road construction materials and material required for the extension and provision of services to the lots and the installation of bioretention swale infrastructure. The installation of established street trees and rehabilitation of disturbed surfaces. Sediment fencing would be installed prior to the carrying out of any works.

#### **3.3 OPERATIONAL DETAILS and DEVELOPMENT/CONSTRUCTION MANAGEMENT**

Works would involve site fencing and the pegging of the road for construction and installation of services and landscaping. Once all conditions of consent are complied with a subdivision plan would be prepared and submitted to Council for a subdivision certificate enabling registration.

#### **3.4 ACCESS/PARKING**

Access to the land would be from a new road off Bonnett Drive. Driveways would not be constructed as their location would depend upon future house and garage designs. Parking on site would depend upon the proposed residential development intended by future owners.

#### **3.5 HOURS OF OPERATION**

It is intended that development construction would be carried out during the following hours –

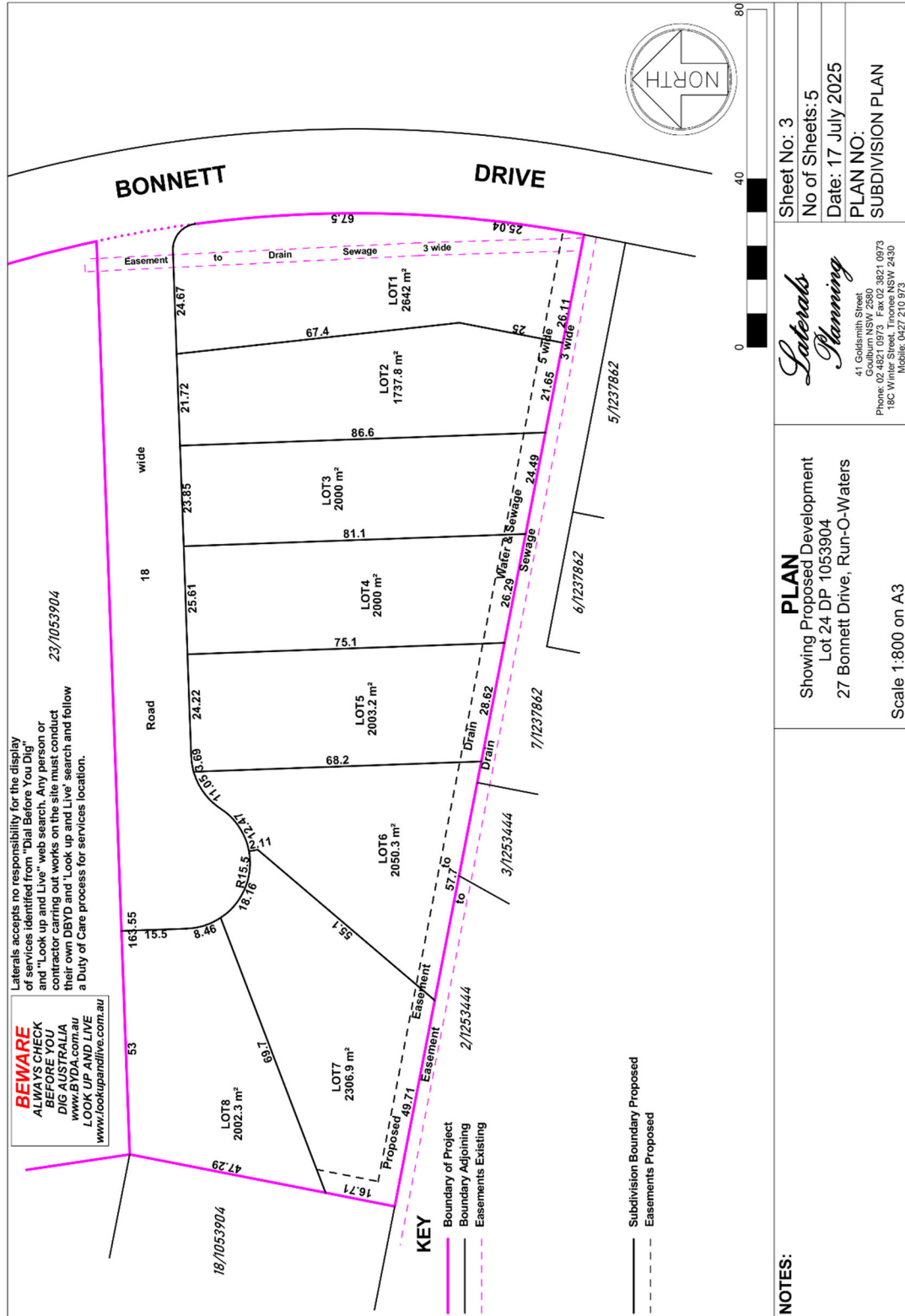
- (3) Monday to Friday 7am to 5pm.
- (4) Saturday 8am to 1pm.
- (5) Sunday & Public Holidays No work.

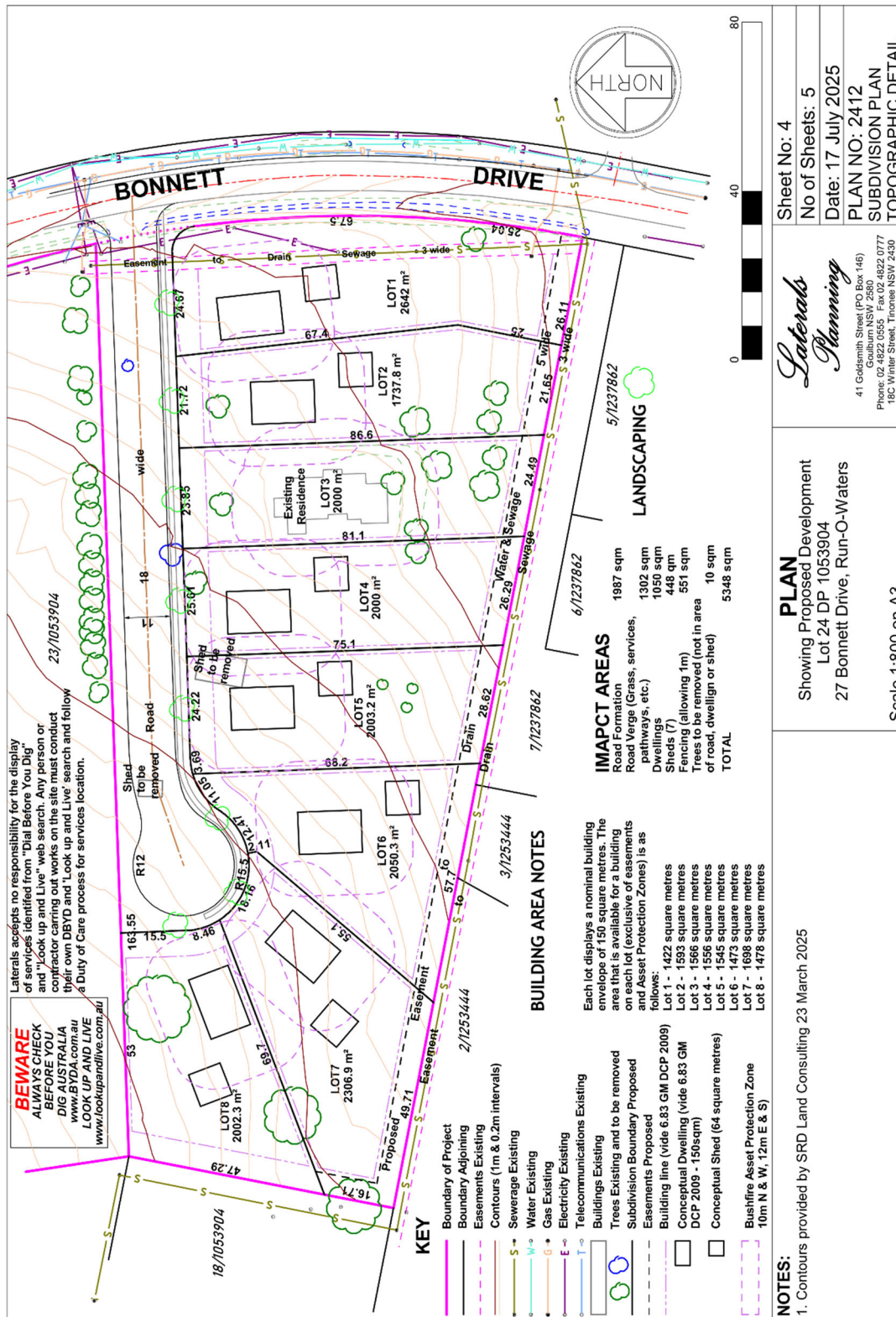
#### **3.6 VEGETATION MANAGEMENT and LANDSCAPING**

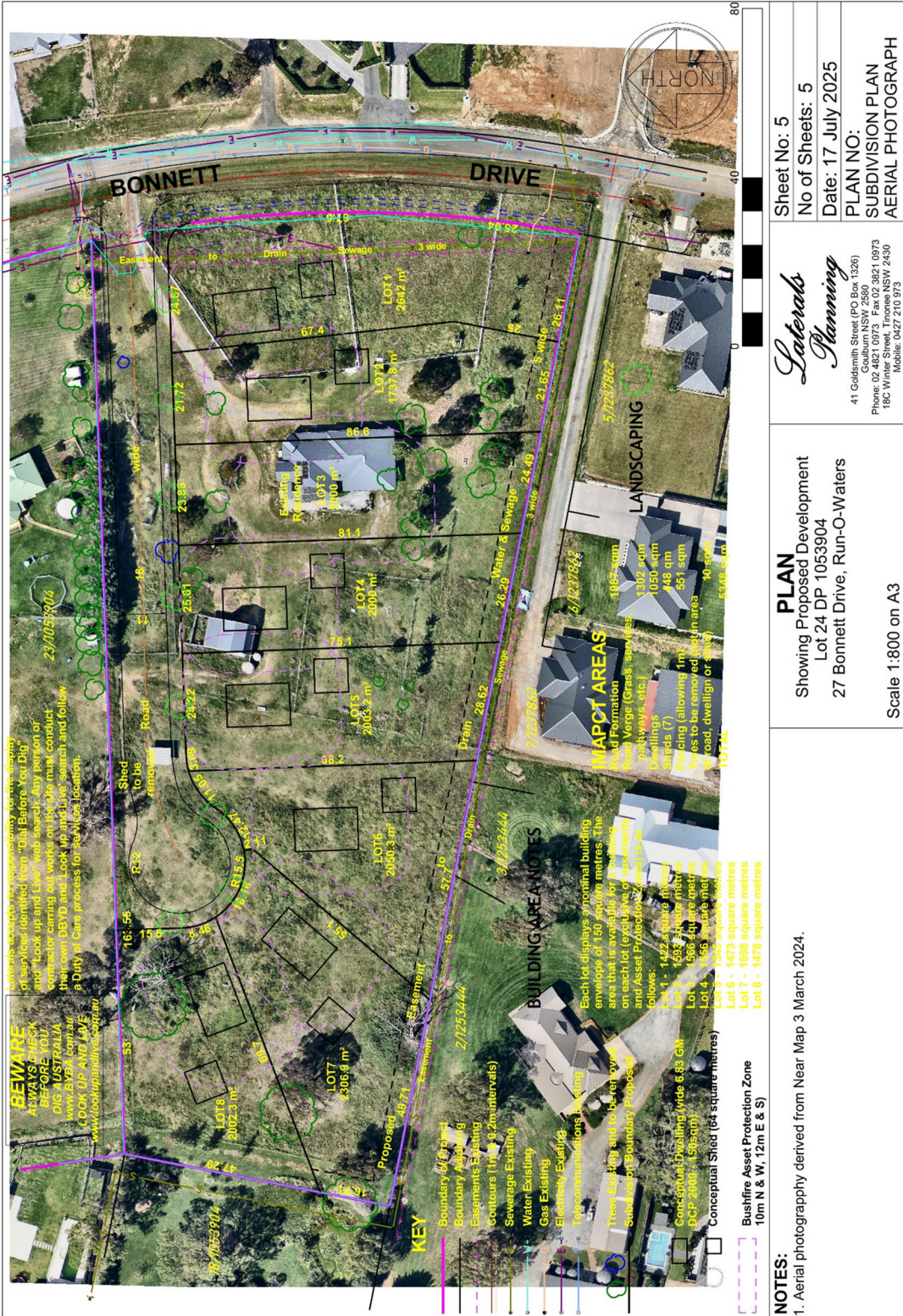
The existing vegetation is displayed on the aerial photograph below and is considered in a Flora & Fauna Assessment prepared by SIA Ecological & Environmental Planning Pty Ltd which is discussed in Section 5.17 below.

Landscaping would be provided along the new road as outlined in the Flora & Fauna Assessment prepared SIA Ecological & Environmental Planning Pty Ltd, attached to the application. Landscaping on the lot would depend upon the design for a dwelling house by future owners.









## 4 LEGISLATION AND PLANNING CONTROLS

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

### 4.1 LEGISLATION APPLICABLE TO THE PROPOSED DEVELOPMENT

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

#### 4.1.1 Environmental Planning & Assessment Act 1979 and Regulation 2000

##### 4.1.1.1 Section 1.3 (b) objects of the Act

##### Ecological Sustainable Development

The principles of ecologically sustainable development are as follows:

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

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

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

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

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

*The design of the development provides the best opportunity for biological diversity and ecological integrity of the site to be retained.*

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

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

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

#### 4.1.1.2 Section 10.4 Disclosure of political donations and gifts

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

#### 4.1.1.3 Integrated Development & Concurrences

The applicability of referrals for approvals in accordance with State Environmental Planning Policies and Section 4.46 of the Environmental Planning & Assessment Regulations is assessed in Appendix 1 below. The following table is a summary of approvals that have been identified as necessary subject to confirmation by Council.

| LEGISLATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | APPLICABILITY                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <p><u>Section 25 Information about concurrence or approvals</u><br/> A development application must contain the following information—<br/> (a) a list of the authorities —<br/> (i) from which concurrence must be obtained before the development may lawfully be carried out, and<br/> (ii) from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41, viz —</p> <p>Concurrence may be necessary as identified below —</p> <ul style="list-style-type: none"> <li>• <a href="#">State Environmental Planning Policy (Biodiversity and Conservation) 2021, Part 6.5 Sydney Drinking Water Catchment</a> s138 (consent to -</li> </ul> <p>(b) a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.</p> <p>Approvals may be necessary under any of the following Acts —</p> <ul style="list-style-type: none"> <li>• <a href="#">Roads Act 1993</a> s138 (consent to -</li> </ul> <p>(a) erect a structure or carry out a work in, on or over a public road, or<br/> (b) dig up or disturb the surface of a public road, or<br/> (c) remove or interfere with a structure, work or tree on a public road, or<br/> (d) pump water into a public road from any land adjoining the road, or</p> | <p><b>YES</b> - The development is within the Sydney Catchment</p> <p><b>YES</b> – Proposal to carry out work on a public road</p> |

|                                                                      |  |
|----------------------------------------------------------------------|--|
| (e) connect a road (whether public or private) to a classified road) |  |
|----------------------------------------------------------------------|--|

#### 4.1.2 State Environmental Planning Policies

The following State Environmental Planning Policies are identified as applicable to the site:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Excluded (pub. 21-10-2022)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Biodiversity and Conservation) 2021: Subject Land (pub. 2-12-2021)
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application (pub. 12-12-2008)
- State Environmental Planning Policy (Housing) 2021: Land Application (pub. 26-11-2021)
- State Environmental Planning Policy (Industry and Employment) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Planning Systems) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Primary Production) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Resilience and Hazards) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Resources and Energy) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Sustainable Buildings) 2022: Land Application (pub. 29-8-2022)
- State Environmental Planning Policy (Transport and Infrastructure) 2021: Land Application (pub. 2-12-2021)
- State Environmental Planning Policy (Transport and Infrastructure) 2021: Subject Land (pub. 16-12-2022)

A full assessment against the relevant components of the State Environmental Planning Policies is included at Appendix 1. Identified potential concurrence requirements are noted above in s4.1.1.3.

#### 4.1.3 Goulburn Mulwaree LEP 2009

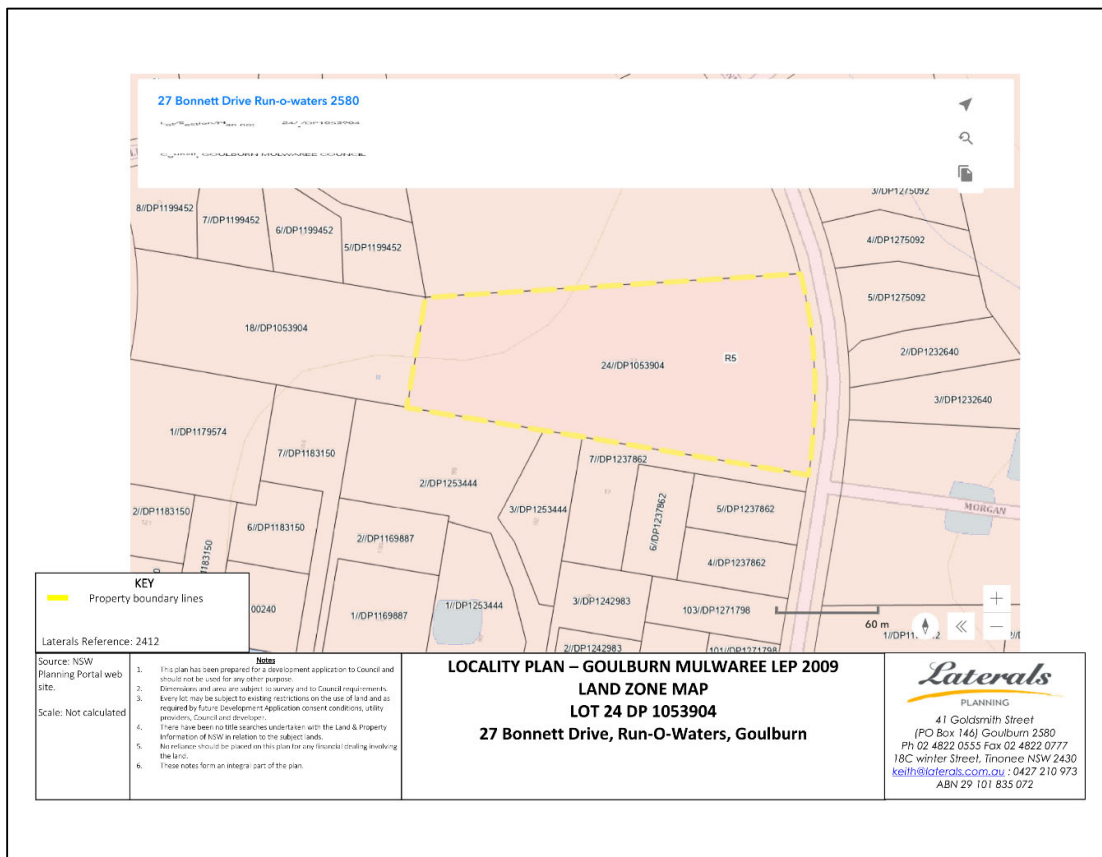
The site is within the Goulburn Mulwaree Local Government Area ('LGA') and the *Goulburn Mulwaree Local Environmental Plan 2009* is the applicable Local Environmental Plan. The site is within the R5 Large Lot Residential zone under the *Goulburn Mulwaree Local Environmental Plan 2009*. The subdivision is permissible in accordance with clause 2.6 whilst the proposed future residential development is permissible development under the zone (as a "Dwelling House"), subject to compliance with various clauses detailed in this Statement. Under the *Goulburn Mulwaree Local Environmental Plan 2009* the land is also identified as:

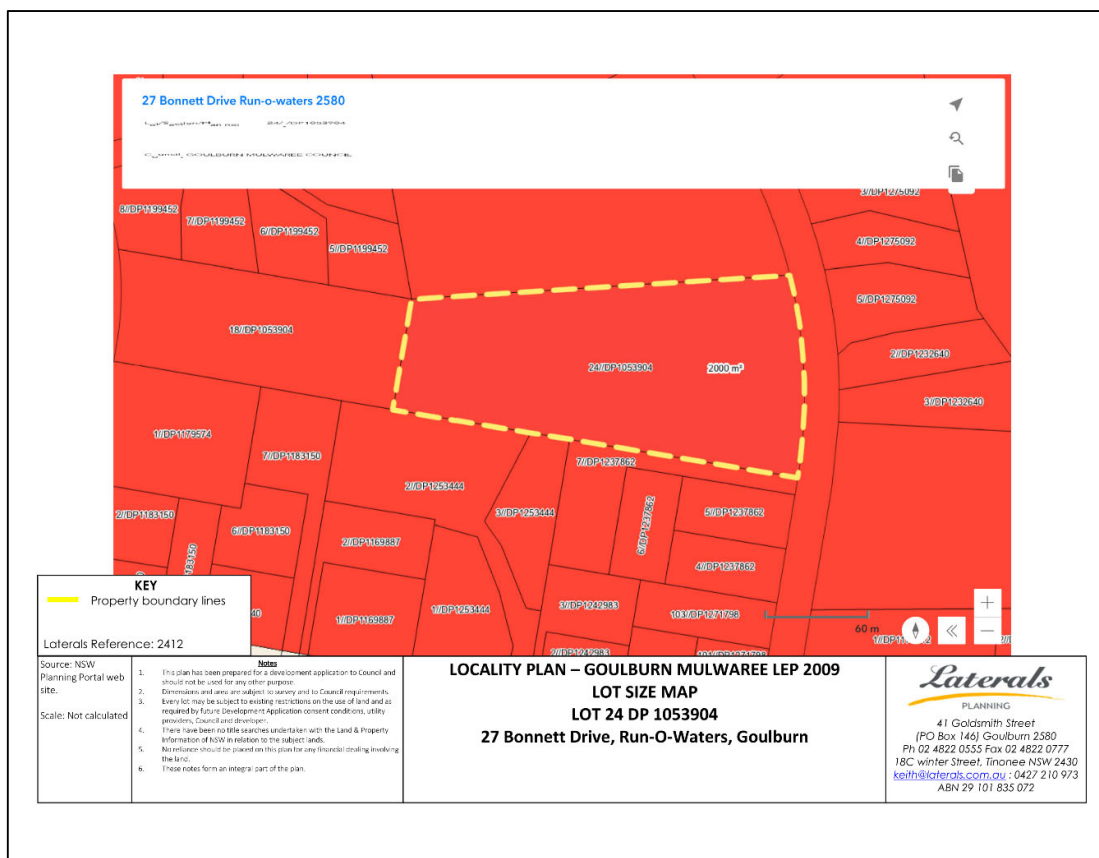
1. Having a minimum lot size of 2000 Square Metres for subdivision
2. Not subject to any land reservation acquisition proposal.
3. Not containing a heritage item.
4. Not within a heritage conservation area.
5. Not within an area of Natural Resource biodiversity
6. Not within an area for Land Reservation Acquisition

7. In terms of clause 3.3 the land is-

- (a) not within the coastal waters;
- (b) not a coastal lake;
- (c) not within the coastal wetlands and littoral rainforests area;
- (d) not an aquatic reserve;
- (e) not within a wetland of international significance or a world heritage area;
- (f) not within 100m of either item (c), (d) or (e) above;
- (g) not identified as being of high Aboriginal cultural significance or high biodiversity;
- (h) not reserved as a state conservation area;
- (i) not dedicated for the preservation of flora, fauna, geological formations or for other environmental protection purposes;
- (j) parts of the land that are declared areas of outstanding biodiversity value or a declared critical habitat.

Relevant Local Environmental Plan plans of the site are included below and on the following page.





#### 4.1.3.1 Clause 1.2 Aims of Plan

1. This Plan aims to make local environmental planning provisions for land in Goulburn Mulwaree in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
2. The particular aims of this Plan are as follows—
  - (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
  - (a) to promote and co-ordinate the orderly and economic use and development of land in the area,
  - (b) to provide a framework for the Council to carry out its responsibility for environmental planning provisions and facilitate the achievement of the objectives of this Plan,
  - (c) to encourage the sustainable management, development and conservation of natural resources,
  - (d) to promote the use of rural resources for agriculture and primary production and related processing service and value adding industries,
  - (e) to protect and conserve the environmental and cultural heritage of Goulburn Mulwaree,
  - (f) to enhance and provide a range of housing opportunities in, and the residential and service functions of, the main towns and villages in Goulburn Mulwaree,
  - (g) to establish a framework for the timing and staging of development on certain land in Goulburn and Marulan,
  - (h) to provide a range of housing opportunities, including large lot residential development in the vicinity of the villages,
  - (i) to allow development only if it occurs in a manner that minimises risks due to environmental hazards, and minimises risks to important elements of the physical environment, including water quality,
  - (j) to provide direction and guidance as to the manner in which growth and change are to be managed in Goulburn Mulwaree,
  - (k) to protect and enhance watercourses, riparian habitats, wetlands and water quality within the Goulburn Mulwaree and Sydney drinking water catchments so as to enable the achievement of the water quality objectives.

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

1. provide for the orderly and economic use and development of land;
  2. minimise conflict with adjacent land uses;
  3. be achieved in an ecological sustainable manner
  4. not affect agricultural activities;
  5. not affect opportunities for housing;
  6. Not affect environmental any cultural values;
  7. Be suitably carried out not significantly impact Kempsey's landscape and scenic values;
  8. Conserve the built cultural heritage of Kempsey;
- and is supporting the aims of the plan.

#### 4.1.3.2 Land use Table

The R5 Large Lot Residential Zone includes the following land use table:

##### 1 Objectives of zone

- *To provide residential housing in a rural setting while preserving environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

- To facilitate and promote an increased range of residential opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality.
- To encourage subdivision of land that is consistent with the constraints and opportunities of the land.

**2 Permitted without consent**

*Home occupations; Roads*

**3 Permitted with consent**

*Building identification signs; Dwelling houses; Home industries; Oyster aquaculture; Plant nurseries; Pond-based aquaculture; Tank-based aquaculture; Any other development not specified in item 2 or 4*

**4 Prohibited**

*Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Biosolids treatment facilities; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Dairies (pasture-based); Eco-tourist facilities; Electricity generating works; Entertainment facilities; Extractive industries; Freight transport facilities; Function centres; Group homes; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hostels; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Industries; Intensive livestock agriculture; Intensive plant agriculture; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Passenger transport facilities; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Serviced apartments; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies*

The proposed subdivision is not prohibited but permissible as “any other development not specified in item 2 or 4” and pursuant to clause 2.6 (discussed below)

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

There is –

- Reservations and conditions in the Crown Grant.
- An easement for services 5 metres wide appurtenant to the land.  
*This easement is unaffected by the subdivision.*
- An easement for electricity purposes 5 metres wide appurtenant to the land.  
*This easement is unaffected by the subdivision.*
- An easement to drain sewage 3 metres wide affecting the part shown so burdened on the title diagram.  
*This easement is shown on the proposed subdivision plan and is unaffected by the subdivision.*
- An easement to drain sewage 3 metres wide appurtenant to the land.  
*This easement is unaffected by the subdivision.*

f) Restriction as to User over land under DP 1067488 (No. 15). This restriction contains the following restrictions (comments are provided below in relation to each restriction):

(a) No building shall be of a transportable construction nor shall be constructed of Hardyplank, fibro, asbestos or be of a type known as an A frame.

*This restriction does not apply to any development proposed in the development application for subdivision.*

(b) No roof of any main building shall be constructed of material other than terra cotta, concrete tiles or colour bond or any other material which may be approved by the said Golden Reach Investments Pty Ltd.

*This restriction does not apply to any development proposed in the development application for subdivision.*

(c) No roof of any such building shall have a pitch of less than 22.5 degrees to the horizontal.

*This restriction does not apply to any development proposed in the development application for subdivision.*

(d) No cubby, play house, work sheds, outhouses, garden sheds, stables or any other building shall be constructed of fibre or corrugated tin or iron or steel unless such material is colour bond of the same colour as the roof of the residence

*This restriction does not apply to any development proposed in the development application for subdivision.*

(e) No business professional commercial enterprise or activity shall be conducted or carried on without the approval in writing of Golden Reach Investments Pty Ltd.

*This restriction does not apply to any development proposed in the development application for subdivision.*

(f) No part of any building shall be constructed within 10 metres of any street created by the subdivision or within 10 metres of all other boundaries except Lots 5,18 and 22 inclusive on which no part of any building shall be constructed within 5 metres of any street or boundary.

*The subdivision proposes no building. The restriction will be unaffected by the subdivision. The display of conceptual dwelling would not comply however the restriction applied to the original rural residential settlement not consistent with the lot size now permissible. In this regard the Council has the ability to ignore the restriction in accordance with clause 1.9A.*

(g) No car ports or garage are to be erected so that any part thereof is in front of the front line wall of the residence.

*The subdivision proposes no car port or garage building. The restriction will be unaffected by the subdivision. Notwithstanding the display of a conceptual garage or shed is consistent with the restriction.*

(h) No shed or exterior structures are to be erected except behind the rear wall line of the residence.

*The subdivision proposes no shed building. The restriction will be unaffected by the subdivision. Notwithstanding the display of a conceptual shed is consistent with the restriction.*

- (i) No clothes line are to be constructed in front of any residence.  
This restriction does not apply to any development proposed in the development application for subdivision.
- (j) No electricity or power lines or connections are to be above ground save as required by the supply authority.  
The subdivision will install electricity consistent with the restriction.
- (k) No main building shall be used for any purpose other than a dwelling home.  
This restriction does not apply to any development proposed in the development application for subdivision.
- (l) No lot shall be used for the purposes of a home industry or carrier's establishment. For the purposes of this restriction the definition of a home industry and / or carriers' establishment or any amendment thereof from time to time in force.  
This restriction does not apply to any development proposed in the development application for subdivision.
- (m) No goats, sheep, pigs, cows shall be permitted on any lot.  
This restriction does not apply to any development proposed in the development application for subdivision.
- (n) With the exception of vehicles used in connection with the erection of a dwelling on any lot burdened the transferee will not park garage permit to be left parked or garage any item of riad making plant front end loaders stock trucks semis trailers or trucks with a load capacity exceeding 2 ½ tonne on the lot burdened.  
This restriction does not apply to any development proposed in the development application for subdivision.
- (o) Any release variation or modification of these restrictions shall be made and done in all respects at the cost and expense of the person pr persons requesting the same.  
No release variation or modification is proposed.

**In conclusion the proposed development is not inconsistent with most any of the restrictions except the building setback which is justified in the circumstances.**

#### **4.1.3.4 Clause 2.3 Zone objective and Land Use Table**

This clause contains the following provisions –

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

(4) *This clause is subject to the other provisions of this Plan.*

Under the R5 Large Lot Residential zone the objectives are:

- To provide residential housing in a rural setting while preserving environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To facilitate and promote an increased range of residential opportunities by providing for low intensity residential development compatible with the rural characteristics of the locality.
- To encourage subdivision of land that is consistent with the constraints and opportunities of the land.

The proposal addresses the objectives in that-

- The subdivision makes provision for the development of large residential lots for housing for the community of Goulburn.
- The subdivision would not hinder other residential development in Goulburn or the locality by being accommodated within the existing lot and providing for more intensive development than has originally occurred.
- Services and Facilities are available to accommodate the increase in development.
- The subdivision would allow residential development consistent with the development that has and is occurring in the locality.
- The subdivision is consistent with designs for the locality and retains a general large lot feel for the locality by not increasing lot access points with lots have access from a new road. Future development would be consistent with the developing nature of the locality.
- The design of the subdivision and conceptual design for future development has taken account of the existing site and locality constraints and opportunities.

#### **4.1.3.5 Clause 2.6 Subdivision – consent requirements**

- *Land to which this Plan applies may be subdivided, but only with development consent.*

##### **Notes—**

- 1 *If a subdivision is specified as exempt development in an applicable environmental planning instrument, such as this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, the Act enables it to be carried out without development consent.*
  - 2 *Part 6 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 provides that the strata subdivision of a building in certain circumstances is complying development.*
- *Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.*

##### **Note—**

*The definition of secondary dwelling in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.*

This plan applies to the land. As such this clause specifies that the land may be subdivided.

The land does not contain a secondary dwelling.

#### **4.1.2.6 Clause 4.1 Minimum subdivision lot size**

- (1) *The objectives of this clause are as follows—*
  - (b) *to provide a minimum lot size for the subdivision of land.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) *This clause does not apply in relation to the subdivision of any land—*
  - (a) *by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*
  - (b) *by any kind of subdivision under the Community Land Development Act 2021.*
- (4A) *This clause does not apply in relation to the subdivision of land for the purpose of erecting an attached dwelling or a semi-detached dwelling in a residential zone.*

This clause applies to the subdivision of the land. The development is not a strata plan of subdivision or community subdivision, nor for an attached dwelling or semi-detached dwelling. The lots proposed are not less than the size specified in the Lot Size Map over the land (2,000 square metres).

#### **4.1.3.7 Clause 4.1C Lot Averaging subdivision in certain rural, residential and conservation zones**

This clause applies to the R5 Large Lot Residential Zone.

- (1) *The objective of this clause is to ensure that lot sizes and subdivision patterns for residential accommodation conserve and provide protection for the rural and environmental values of the land by encouraging buildings to be appropriately sited.*
- (3) *Despite the other provisions of this Plan, development consent may be granted for the subdivision of land to which this clause applies that requires development consent (whether or not the subdivision is under the Community Land Development Act 1989) to create lots of any size if—*
  - (a) *the consent authority is satisfied that the land to be subdivided is proposed to be used for the purpose of residential accommodation, and*
  - (b) *the average area of the lots resulting from the subdivision will not be less than the minimum size shown on the Lot Size Map for the relevant land, and*
  - (c) *the consent authority is satisfied that the development retains, and is complementary to, the rural and environmental attributes of the land and its surrounds, and*
  - (d) *in relation to land in Zone C3 Environmental Management or Zone C4 Environmental Living, each lot resulting from the subdivision will have an area of at least 10 hectares.*
- (4) *Development consent must not be granted for the subdivision of a lot created under this clause unless the consent authority is satisfied that—*
  - (a) *the lots to be created will not be used for the purpose of residential accommodation, and*
  - (b) *the subdivision will not result in any significant adverse environmental impacts on the land being subdivided.*

No lot averaging is proposed for the Subdivision.

#### **4.1.3.8 Clause 4.6 Exceptions to development standards**

There is no clause 4.6 variation sought for the development.

#### **4.1.3.9 Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones**

This clause applies to the R5 Large Lot Residential Zone.

The clause contains the following provisions -

- (3) *A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*
  - (a) *subdivision of land proposed to be used for the purposes of a dwelling,*
  - (b) *erection of a dwelling.*
- (4) *The following matters are to be taken into account—*
  - (a) *the existing uses and approved uses of land in the vicinity of the development,*
  - (b) *whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,*
  - (c) *whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),*
  - (d) *any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

The development involves a subdivision for additional lots for dwelling house purposes. The existing lot contains any existing dwelling house which would be retained within a proposed lot.

All lots surrounding the development contains a dwelling house as outlined in s2.3 above.

Essentially the locality, in providing for new residential subdivision, is being rapidly developed with residential houses. The proposed development is consistent with this developing nature of the locality. Such development is not now considered to have any significant impact on other predominant uses in the vicinity, and not to be incompatible with the development in the vicinity.

It is not considered that there are measures necessary to minimise incompatibility that is not now present.

#### **4.1.3.10 Clause 7.1A Earthworks**

- (1) *The objectives of this clause are as follows—*
  - (a) *to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of the surrounding land,*
  - (b) *to allow earthworks of a minor nature without separate development consent.*
- (2) *Development consent is required for earthworks, unless—*
  - (a) *the work is exempt development under this Plan or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or*
  - (b) *the consent authority is satisfied the earthworks are of a minor nature.*
- (3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*
  - (a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

- (b) the effect of the proposed development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or of the soil to be excavated, or both,*
- (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material or the destination of any excavated material,*
- (f) the likelihood of disturbing Aboriginal objects or other relics,*
- (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

The development will involve earthworks for the construction of the new road and services and stormwater management. The land is gently sloping such that any earthworks will not involve extensive excavation and be contained within an area of erosion & sediment control. The earthworks are standard for a residential subdivision and will be subject to a Subdivision Works Certificate from Council. See bulk earthworks details on the CivPlan plans.

Notwithstanding the nature of the earthworks –

- (a) the disruption to drainage on the site would be managed by the placement of controls in accordance with the erosion and sediment measures.
- (b) The subdivision would enable an additional dwelling house on the additional lots as displayed on the subdivision plans. This is in accordance with intended subdivision potential and future residential development for subdivided lots. Any other future use of the land would remain possible within the constraints of the lot.
- (c) Fill or excavated material is in a location where no other fill or excavation has occurred, anticipating that any excavation or fill for the minor works would be of natural materials in the location of works on the site.
- (d) The works are separated from adjoining land with erosion & sediment controls proposed.
- (e) Fill material would be from the site of proposed works or acceptable imported material.
- (f) An Archaeological assessment was conducted for the original subdivision which did not identify any Aboriginal artefacts on the site. If any artefacts are unearthed works would need to cease, and the Office of Heritage contacted.
- (g) The site is not located in an environmentally sensitive area or within a waterway or drainage depression. Erosion & sediment control measures would prevent any discharge of sediments from the site until ground cover is re-established.
- (h) The extent of earthworks would not necessitate the use of retaining walls.

#### **4.1.3.11 Clause 7.2 Terrestrial biodiversity**

- (1) *The objectives of this clause are to protect, maintain or improve the diversity of the native vegetation, including—*
  - (a) protecting biological diversity of native flora and fauna, and*
  - (b) protecting the ecological processes necessary for their continued existence, and*
  - (c) encouraging the recovery of threatened species, communities or populations and their habitats.*
- (2) *This clause applies to development on land that is identified as “Biodiversity” on the Terrestrial Biodiversity Map.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered a report that addresses the following matters—*
  - (a) identification of any potential adverse impact of the proposed development on any of the following—*
    - (i) a native vegetation community,*
    - (ii) the habitat of any threatened species, population or ecological community,*
    - (iii) a regionally significant species of plant, animal or habitat,*
    - (iv) a habitat corridor,*
    - (v) a wetland,*

- (vi) *the biodiversity values within a reserve, including a road reserve or a stock route, and*
- (b) *a description of any proposed measures to be undertaken to ameliorate any such potential adverse impact.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is consistent with the objectives of this clause and—*
  - (a) *the development is designed, sited and managed to avoid the potential adverse environmental impact, or*
  - (b) *if a potential adverse impact cannot be avoided, the development—*
    - (i) *is designed and sited so as to have minimum adverse impact, and*
    - (ii) *incorporates effective measures so as to have minimal adverse impact, and*
    - (iii) *mitigates any residual adverse impact through the restoration of any existing disturbed or modified area on the site.*

The site is not located within or near the terrestrial biodiversity area.

#### **4.1.3.12 Clause 7.3 Subdivision for residential purposes in Zones RU5 and R5**

This land is within an R5 Large Lot Residential Zone.

The clause contains the following provisions -

- (2) *Development consent must not be granted for the subdivision of land to which this clause applies for residential purposes unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*
- (3) *For the purpose of considering the availability of public utility infrastructure in subclause (2), the consent authority must include consideration of the following matters—*
  - a. *water quality associated with the management of effluent disposal and stormwater,*
  - b. *the provision of an adequate water supply for drinking and for fire fighting purposes.*

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

- 2. All services are available and can be extended to the additional lots as discussed in section 3.8 above. All service providers would need to process installation applications as part of works for the subdivision.
- 3.
  - a. Waste waters would be discharged to the sewerage system and not raise concerns about water quality.
  - b. Water supply for fire-fighting purposes would be provided by existing water reticulation and any installations in the water reticulation provided for the subdivision.

#### **4.1.3.13 Clause 7.4 Restrictions on development adjoining mineral resource areas**

- (1) *The objective of this clause is to provide for the proper management and development of mineral and extractive resources for the purpose of promoting social and economic benefits to Goulburn Mulwaree and the State.*
- (2) *This clause applies to land adjoining, or in the vicinity of, land that is identified as “Mineral resources” on the Mineral Resource Area Map.*
- (3) *Development consent must not be granted for development on land to which this clause applies unless the consent authority has considered the following—*
  - (a) *whether the proposed development would have any adverse impact on the availability of mineral or extractive resources,*
  - (b) *whether there would be any adverse impact on the proposed development arising from noise, dust, vibration or reduced visual amenity from the mine or extractive industry.*

The site is not located within or near a mineral resource area.

#### **4.1.4 Goulburn Mulwaree Development Control Plan 2009**

The *Goulburn Mulwaree Development Control Plan 2009* (DCP) controls relevant to the proposed development are:

- 2 Plan Objectives
  - 2.1 General Development Objectives
  - 2.2 Locality Objectives – Goulburn City
- 3 General Development Controls
  - 3.1 Indigenous heritage and archaeology
  - 3.5 Landscaping
  - 3.7 Crime prevention through environmental design
  - 3.9 Tree and vegetation preservation
  - 3.16 stormwater pollution
  - 3.18 Urban Servicing (Water and Sewer)
- 4 Principal Development Controls - Urban
  - 4.1 Residential Development
    - 4.1.19 Subdivision
- 6 Special Development Types
  - 6.8 Large Lot Residential - R5
- 7 Engineering Requirements
  - 7.3 Drainage and Soil Water Management
  - 7.4 Easements

A full assessment against the relevant components of the DCP is included at Appendix 2. Special consideration of planning issues is provided in Section 5 below.

#### **4.1.5 Goulburn Mulwaree Local Infrastructure Contributions Plan 2021**

The site is located within the area of the Goulburn Mulwaree Local Infrastructure Contributions Plan 2021.

## 5 ASSESSMENT OF PLANNING CONTROLS

### 5.1 COMPLIANCE WITH PLANNING INSTRUMENTS AND CONTROLS

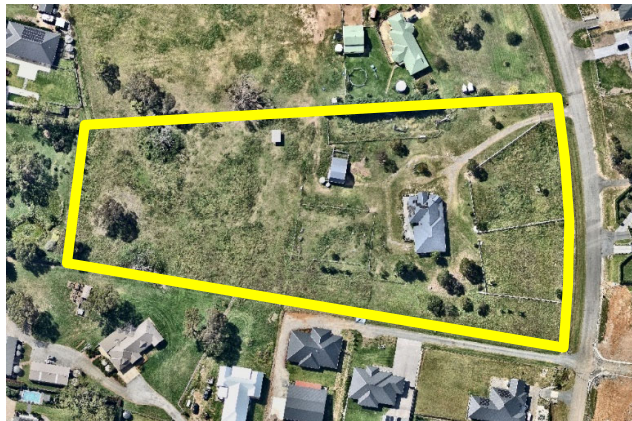
- 1 The proposed subdivision is permissible vide clause 2.6 and future dwelling development is permissible within the R5 Large Lot Residential Zone of *Goulburn Mulwaree Local Environmental Plan 2009*;
- 2 The proposal is consistent with relevant provisions of *Goulburn Mulwaree Local Environmental Plan 2009*.
- 3 The proposal is consistent with the relevant sections of the *Goulburn Development Control Plan 2009*.
- 4 The proposal is consistent with applicable state and federal legislation and policies.

### 5.2 TRAFFIC ACCESS AND PARKING

Access would be provided to the New lots from a new sealed road off Bonnett Drive which is a sealed road. There is adequate land available on the designed lots being created for the provision of car parking for a dwelling house. It is considered that the increase in traffic from the subdivision and additional dwellings would not exceed the capacity of the roads servicing the development site.

### 5.3 VISUAL ASSESSMENT

The site is located within a developed rural residential area now developing as a large lot residential area. The general nature of the site is shown on the following aerial photograph (source: Near Map 3 March 2024



Aerial photograph of site



Aerial photograph of Locality

The is clearly visible rom Bonnett Drive and all lots surrounding the land. A view of the site from Bonnett Drive is provided by Google.



**Google Street view (looking along the northern boundary (proposed road alignment))**

As can be seen the site is surrounded by residential settlement and contemporary dwellings. The subdivision would create lots proposed for similar residential development. In this regard the lots created, and development proposed would blend in with and be compatible with the existing area such that the visual impact would not be incongruous with the locality. It is not anticipated that anything unsightly would result particularly considering that all future development will be considered by Council prior to construction. The subdivision per se would create land and roads similar to existing roads.

#### **5.4 AMENITY ASSESSMENT**

As displayed and discussed above in section 5.2 future development is expected to be consistent and compatible with the area such that the residential development would add to the current residential amenity of the area with and be empathetic with existing developments and residents. The installation of all services and facilities as are provided in the area would result in a matching development not expected to create any feeling of dislike.

The potential for impact from construction would be managed through the development of Construction Environmental Management Plans and associated Sub-Plans (Construction Noise and Vibration Sub-Plan, Construction Soil and Water Management Sub-Plan, and Construction Traffic and Pedestrian Management Sub-Plan) and the application of relevant Australian Standards.

#### **5.5 PRIVACY and OVERSHADOWING ASSESSMENT**

The subdivision per se would not result in any overshadowing or loss of privacy. Future development would be individually assessed in further development applications, but the lots prosed provide for the ability for designs to meet standards outlined in Councils development controls.

#### **5.6 SOCIAL AND ECONOMIC ASSESSMENT**

In that the provision of additional accommodation would aid in the further support of employment to nearby urban areas the development on the site is anticipated to have an ongoing positive social and economic impact on the local area, and the broader community. Future residents would provide further support to economic services and facilities which, in commercial terms, would

adjust as necessary and if necessary to accommodate increasing population, as would social services existing and proposed for the population of Goulburn.

## 5.7 HERITAGE AND ABORIGINAL OBJECTS ASSESSMENT

The site is not located within a heritage conservation area and is not listed as a heritage item. An Archaeological assessment was conducted for the original subdivision which did not identify any Aboriginal artefacts on the site. A further Aboriginal Cultural heritage Due Diligence Assessment was carried out the Past Traces incorporating Pejar LALC inspection and advice.

A copy of the assessment is attached. The report concludes with an impact assessment of the development which states:

The impacts from the subdivision would be confined to areas of building envelopes, fencing, landscaping and installation of above ground and underground infrastructure. Desktop review of heritage listings and reports has shown that no previously recorded sites are present within the project area. Field survey has been completed which did not identify any heritage sites within the project boundaries.

As a result, no known heritage sites will be impacted by the proposed development.

The project area is located across mid slopes and the gentle gradients are considered to hold low potential for unrecorded heritage sites or subsurface deposits based on predictive modelling.

Based on the assessment the impacts from the project based on the desktop assessment and site visit are as follows:

- ❖ No known Aboriginal objects or places will be impacted by the proposed works
- ❖ No areas of potential to contain unrecorded Aboriginal objects of places are present in the project area

The Code provides a flowchart of six questions to identify the presence of and potential harm to Aboriginal heritage. These questions and their applicability to the project are shown in Figure 4. The responses to these questions determine if further heritage investigations are required.

And summarises as follows:

*As a result of the site visit, and background research, it is considered that the project has low potential to impact on unrecorded Aboriginal heritage sites. The subsurface potential for the project area is considered low due to the level of previous impacts across the majority of the project area and location on midslopes.*

The assessment makes the following recommendations:

Based on this due diligence assessment the following actions are recommended for the project.

Recommendation 1: Works to proceed without further heritage assessment with caution.

The proposed works can proceed without further assessment as no Aboriginal or historical heritage sites (objects or places) have been identified within the project area. The potential for impacting on unrecorded heritage sites within the project area is assessed as extremely low, based on landform analysis and field survey.

Recommendation 2: Discovery of Unidentified Aboriginal cultural material during works.

Under the NPW Act 1977 all Aboriginal places and objects are protected from harm, even if they have not been previously identified during the assessment process. If Aboriginal material is discovered during works then the steps as outlined below should be followed:

- ❖ All work must cease in the vicinity of the find and project manager notified immediately.

- ❖ A buffer zone of 10m should be fenced in all direction of the find and construction personnel made aware of the 'no go' zone.
- ❖ NSW Heritage must be notified of the find and advice sought on the proper steps to be undertaken.
- ❖ After confirmation with NSW Heritage a heritage consultation should be engaged to undertake assessment of the find and provide appropriate management recommendations to the proponent.

**Recommendation 3: Discovery of Human Remains**

In the highly unlikely event that human remains are discovered during any construction work, than all activity in the vicinity of the find must cease. As a first step the local police must be notified, followed by NSW Heritage and advice sought on appropriate next actions. No work can continue on the site until cleared with police and NSW Heritage.

**Recommendation 4: Alteration of impact footprint**

Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation. Implementation of the above management recommendations will result in low potential for the project to impact on heritage values or result in damage to heritage sites.

An existing shed located substantially on proposed Lot 5 would need to be demolished to enable the location of the boundary between Lot 4 & 5 as proposed and so the shed would not sit within the proposed building setback area. The shed is a recent construction and is unlikely to contain any hazardous materials, but an asbestos and hazardous material investigation and report would be proposed prior to demolition and any recommendations followed.

## 5.9 NOISE ASSESSMENT

The development would require the presence of machinery for the completion of construction and installation of the driveway.

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

## 5.10 WATER CYCLE MANAGEMENT

The site is within the Sydney Catchment Area. The subdivision is a Module 3 development which has been considered in the report and NorBE Assessment prepared by CivPlan and attached to the application. The site –

- is not Crown Land.
- Has no Section 88B instrument placed by WaterNSW.

A Water Cycle management Study by CivPlan specifies treatment measures for the subdivision to include:

### Bioretention Swale

- Initially, for the Subdivision Works Only, it's proposed a bioretention swale located next to the access driveway to treat the stormwater runoff as indicated in the Civil Engineering Concept Design Sheet Set reference 25022 and as listed below:
  - One Bioretention Swale with Filter Area of 20m<sup>2</sup> on the side of the proposed access driveway to be constructed during the subdivision works in order to meet the NorBE requirements in terms of water quality. Filter Depth = 0.4m, lined system, with nutrient removal planting and underdrain present, extended detention depth = 0.05m.

### Raingarden for Lot Overland Flow

- Initially, for the Subdivision Works Only, it's proposed that raingarden with 10m<sup>2</sup> area must be located to where the existing dwelling prior to discharging to existing table drain along the road reserve to treat the stormwater runoff as indicated in the Civil Engineering Concept Design Sheet Set reference 25022.

In addition, the study recommends treatment measures for post development dwellings to include:

### Rainwater Tanks for Lots / Dwellings

- 5kL of RWT dedicated to reuse/BASIX in addition to the OSD requirements (PSD/SSR) for each dwelling. This sizing is based on a roof area of 150m<sup>2</sup> per lot.
- Reuse rates for external use are 55kL/year/dwelling and 0.845kL/day/dwelling for internal use. This is based on the WaterNSW guidelines and average dwelling size of 4 bedrooms.
- The roof systems are to be connected via the gutter drainage network to the rainwater reuse tank (RWT) with an overflow to the pit and pipe network that will discharge the stormwater to the road swale.

### Raingardens for Lot Overland Flow

- *It's proposed that raingardens with 10m<sup>2</sup> area must be located to proposed lots prior to discharging to the swale within the drainage easement towards the existing table drain along the road reserve to treat the stormwater runoff as indicated in the Civil Engineering Concept Design Sheet Set reference 25022.*

The Study concludes:

In accordance with the WaterNSW guideline, NorBE Assessment Guidelines 2015, it has been demonstrated that the NorBE criteria for water quality can be achieved using treatment measures that are sympathetic to the nature of the [development] proposal.

The following NorBE criteria have been met, and in the case of the treatment measures modelled and analysed, exceeded: The post-development mean annual pollutant loads for total nitrogen (TN), total phosphorus (TP) and total suspended solids (TSS) are to be a minimum of 10% less than the pre-developed conditions.

- Post-development mean annual gross pollutant loads are to be equal to or less than the pre-developed conditions.
- • Post-development pollutant concentrations for total phosphorus (TP) and total nitrogen (TN) must be equal to or less than the pre-development concentrations between the 50th and 98th percentiles where runoff occurs.
- It's been shown that all the NorBE requirements have been met for both post-development scenarios (Subdivision Works Only and after the construction of the dwellings for each lot), according to the WaterNSW Guidelines for water quality analysis and measures modelled using MUSIC.

In accordance with Goulburn Mulwaree Councils Engineering Design Standards, it can be concluded that all the criteria have been met, specifically the development:

- Has a slope of less than 10%.
- Lot BE's can be typically sighted above the 1% AEP flood level, however there are adjacent flood impacts.
- There are no natural watercourses within 40m of the development.
- Minimal vegetation will be cleared for the development.
- Cut to fill requirements and associated disturbance has been minimised in relation to the proposed subdivision layout plan.
- OSD will be provided through use of rainwater tanks to each dwelling using PSD/SSR calculations, capturing impervious flows from the roof gutter drainage system, to offset the increase in impervious area due to the proposed road network.
- Reuse rates are in accordance with the guideline of 0.845kL/dwelling/day (internal and external) for a minimum 5kL smart technology RWT with a 150m<sup>2</sup> roof gutter network.
- Each dwelling will have a minimum 13kL of RWT with Smart Tank Technology as reuse/BASIX in addition to the OSD capacity required by the PSD/SSR calculations (min combine tank size 18kL)

Tank sizing per lot for OSD as follows:

| Lot | OSD required (m <sup>3</sup> ) |
|-----|--------------------------------|
| 1   | 17                             |
| 2   | 14                             |
| 3   | 13                             |
| 4   | 13                             |
| 5   | 13                             |

|   |    |
|---|----|
| 6 | 13 |
| 7 | 15 |
| 8 | 13 |

- Total tank size will be the OSD and Re-use volume combined.
- Water quality treatment will be via rainwater reuse tanks (primary) with the overflow being treated via a combination of bioretention raingardens and IAD lines/level spreaders (secondary and tertiary) at locations identified in the Civil Engineering Concept Design and all bioretention devices are at longitudinal grades of less than 5%.
- The proposed road reserve will contain a grassed swale to bioretention swale, which will discharge via pipe to the swale within the road reserve with an overflow swale incorporated to ensure capture of excess flow.
- Soil and water management plan has been provided in the civil engineering concept and design plans.

#### **5.11 EROSION and SEDIMENT CONTROL ASSESSMENT**

Erosion and Sediment Controls are as shown in plans prepared by CivPlan attached to the application.

#### **5.12 UTILITIES AND SERVICES ASSESSMENT**

The development would be serviced by reticulated water and sewerage. Electricity and telecommunications services are available for extension to the lot. Conceptual engineering designs (attached to the application) for the water and sewerage services are prepared by CivPlan and accompany the application.

#### **5.13 CONTAMINATED LAND ASSESSMENT**

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

##### **5.12.1 Previous land uses**

The proponent has advised that the land does not appear to have been used for any specific purpose in the past. There are no known other uses on the land.

##### **5.12.2 Adjoining Land Uses**

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

##### **5.12.3 Site Inspection**

The proponent has not advised of any obvious contaminants on site.

##### **5.12.4 Potentially Contaminating Activities**

The proponent has advised that there are no known potentially contaminating activities that would have related to the prior use of the site. Potentially contaminating activities were assessed for the original Run-O-Waters subdivision and action taken to attend to any matters then found.

##### **5.12.5 Remediation Activities**

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

#### **5.12.6 Contaminated Land Assessment Summary**

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

#### **5.14 SUITABILITY OF THE SITE**

The land is part of an area that has progressively developed over many years with the provision of rural lots and increasingly a number of large residential lots as the area is further subdivided. The area is now becoming a residential neighbourhood attracting further residential settlement. The subdivision and future dwelling development is permissible and is seen to be compatible with the locality. The development is shown to have been designed in accordance with the Local Environmental Plan allowances and Council guidelines contained within the Development Control Plan and having full regard to the present nature of the site and controls dictated by best practice environmental management and existing site constraints. The development proposal as designed is considered suitable for the site and compatible within the locality.

#### **5.15 SUBMISSIONS**

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

#### **5.16 PUBLIC INTEREST**

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

#### **5.17 BIODIVERSITY**

Vegetation on the site has been considered by SIA Ecological & Environmental Planning Pty Ltd. The report considered Biodiversity (and the Biodiversity8 Offsets Scheme) (at page 1) and notes the following:

##### ***Biodiversity Values Map***

*No part of the property is shaded on the NSW Government's Biodiversity Values Map (BVM). Therefore, the BVM does not trigger the Biodiversity Offset Scheme (BOS).*

##### ***Area of Clearing Threshold***

*Under the Goulburn-Mulwaree Local Environmental Plan 2009 the minimum lot size for the property is 2,000 m<sup>2</sup>. Therefore, under Clause 7.2 of the Biodiversity Conservation Regulation 2017 the area of clearing threshold for triggering the BOS is 0.25 ha. The proposal would not clear any native vegetation. Therefore, the proposal does not exceed the area of clearing threshold.*

##### ***Significant Impact on a Threatened Entity***

*As discussed below in this report the proposal would not have a significant impact on any threatened entity and, therefore, the proposal would not trigger the BOS.*

##### ***Purpose of This Report***

*This report provides the biodiversity impact assessment for the proposed development. It describes the flora and fauna habitat on the project site and discusses the likely impacts of the proposal on these. The report identifies species, populations or communities listed under the NSW Biodiversity*

*Conservation Act 2016 (BC Act) and/ or the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) that occur or may occur on the project site. Where the proposal is likely to impact on these it includes the mandatory assessments of significance.*

The Flora & Fauna Assessment concluded (at page 16) as follows:

*The proposal to sub-divide the property into eight (8) lots including a road to provide access to those lots would not have a significant impact on biodiversity.*

*The proposal would remove two young, planted eucalyptus trees, both approx. 4-5m high. No other native trees or shrubs would be removed. The groundcover across the entire property is non-native (except for a small number of scattered native grasses). No threatened species of flora would be impacted. There would be no impact to the Goulburn Tablelands Box-Gum Grassy Woodland threatened ecological community.*

*There would be negligible impact on native fauna from the proposed development. Only two small, planted Eucalyptus trees would be removed. These are unlikely to provide important habitat on the property for local fauna. No threatened species of fauna would be impacted.*

*There would be no significant impact on native fauna from the proposed development.*

Under Goulburn Mulwaree Development Control Plan 2009 (DCP) Trees and other Vegetation are declared in Section 3.9.5 under Part 2.3 of State Environmental Planning Policy (Biodiversity & Conservation) 2021 in the following manner:

*This clause provides a declaration for trees and other vegetation for the purposes of Part 2.3 of the Biodiversity and Conservation SEPP. In accordance with Clause 2.6 of the Biodiversity and Conservation SEPP, a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or lop or otherwise remove a substantial part of the vegetation without a permit granted by Council.*

*All trees are declared for the purposes of Part 2.3 of the Biodiversity and Conservation SEPP unless exempt to the requirement for a permit as set out in Section 3.9.6 and 3.9.7 of this Code, that is trees that are at least 3 metres in height, or have a trunk circumference of 400mm at ground level or have a crown/branch span of 3 metres diameter or more.*

*All native vegetation is declared for the purposes of Part 3 of the Vegetation SEPP on land zoned RE1 Public Recreation, (C2) Environmental Conservation, (C3) Environmental Management, (C4) Environmental Living, **R5 Large Lot Residential** or RU5 Village by the Goulburn Mulwaree Local Environmental Plan 2009, unless exempt to the requirement for a permit set out in Section 3.9.6 and 3.9.7 of this Code.*

**Exemptions are outlined in Section 3.9.6 of the DCP as follows:**

*Exemption under this section does not equal an exemption under other legislation controlling the removal or pruning of trees and other vegetation.*

*Exemptions under this Code cannot be used for removal or pruning of trees and other native vegetation that is required to be retained by development consent or a Section 88B restriction to user instrument. Applicants may choose to apply to Council for a variation to the conditions of consent (for dwelling and/or subdivision) or the 88B Instrument in this instance.*

*Exemptions under this Code cannot be used for removal or pruning of trees and other native vegetation related to a heritage item, Aboriginal object, Aboriginal place of heritage significance, or on land within a heritage conservation area. Clause 2.10 of the Biodiversity and Conservation SEPP states Council can only grant a permit for the removal or pruning of vegetation on land that is, or forms part of a heritage item; or is within a heritage conservation area; or that is or forms part of an Aboriginal object; or is within an Aboriginal place of heritage significance, if Council is satisfied it is:*

- Of a minor nature; or*
- For the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area; and*
- Would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance, or heritage conservation area.*

Exemptions under this Code cannot allow vegetation removal that exceeds the Biodiversity Offsets Scheme thresholds identified in the Biodiversity Conservation Regulation 2017. Approval from the Native Vegetation Panel under Part 4 of the Biodiversity and Conservation SEPP is required in that circumstance. More information about the Biodiversity Offset Scheme thresholds can be found on NSW Department of Planning Industry and Environment's website. The thresholds are defined by clause 7.1 (1) of the [Biodiversity Conservation Regulation 2017](#) and include:

- a) the clearing of native vegetation exceeding the thresholds shown in Table 3-1.
- b) the clearing of native vegetation on land included on the Biodiversity Value Map published under clause 7.3 of the [Biodiversity Conservation Regulation 2017](#).

Table 3-1: Clearing area thresholds (source Clause 7.2 of the Biodiversity Conservation Regulation 2017).

| Minimum Lot Size of Land in the GM LEP 2009 | Area of clearing      |
|---------------------------------------------|-----------------------|
| Less than 1 hectare                         | 0.25 hectares or more |
| 1 hectare to less than 40 hectares          | 0.5 hectares or more  |
| 40 hectares to less than 1000 hectares      | 1 hectares or more    |
| 1,000 hectares or more                      | 2 hectares or more    |

A permit under this Code is not a defence for significant impacts to any threatened species, habitats, populations or ecological communities listed under the [NSW Biodiversity Conservation Act 2016](#) and/or the [Commonwealth Environment Protection and Biodiversity Conservation Act 1999](#).

#### List of exemption activities (s 3.9.6.1)

The following activities do not require a permit from Council:

- (1) The removal of dangerous vegetation that Council is satisfied is an imminent risk to human life or property. Council must be notified prior to the removal of any tree(s) and the tree(s) must show obvious instability that represents immediate danger, for example, storm damage resulting in structurally split trunks, limbs, or branches. Photographic evidence of the trees condition is required if there is not time to notify Council.
- (2) The clearing of vegetation that is authorised under section 600 of the [Local Land Services Act 2013](#) ([Clearing authorised under other legislation](#)). This includes:
  - a) Planning approval e.g. development consent under Part 4 of the Environmental Planning and Assessment Act 1979
  - b) Other planning authorisation e.g. an activity carried out by a determining authority under part 5 of the [Environmental Planning and Assessment Act 1979](#)
  - c) Biodiversity conservation authorisation under the [Biodiversity Conservation Act 2016](#)
  - d) Rural fires authorization under the [Rural Fires Act 1997](#) 10/50 Vegetation Clearing

**Note:** The State Government has introduced the Rural Boundary Clearing Code to assist landowners to prevent the spread of bush fires. It allows for vegetation clearing on property boundaries in specified areas. It is accompanied by the Boundary Clearing Tool and a Frequently Asked Questions page. For more details, visit <https://www.rfs.nsw.gov.au/plan-and-prepare/boundary-clearing-tool>

- e) Electricity network operator bush fire risk mitigation direction under the [Electricity Supply Act 1995](#)
- f) State emergency authorisation under the [State Emergency and Rescue Management Act 1989](#) or the [State Emergency Service Act 1989](#) and was reasonably necessary in order to avoid a threat to life or property
- g) Biosecurity authorisation under the [Biosecurity Act 2015](#)
- h) Plantation operations authorisation under the [Plantations and Reafforestation Act 1999](#)
- i) Forestry operations authorisation under the [Forestry Act 2012](#)
- j) Water management authorisation under the [Water Management Act 2000](#)
- k) Mining/petroleum authorisation under the [Mining Act 1992](#) or the [Petroleum \(Onshore\) Act 1991](#)
- l) Fisheries management authorisation under the [Fisheries Management Act 1994](#)
- m) Survey work under the [Surveying and Spatial Information Act 2002](#) and carried out under the direction of a surveyor
- n) Roads authorisation under the [Roads Act 1993](#)
- o) Private land conservation agreement under the [Biodiversity Conservation Act 2016](#)
- (3) The clearing of vegetation in accordance with a property vegetation plan under the former [Native Vegetation Act 2003](#); or
- (4) The removal or harvesting of trees grown commercially or domestically for their edible fruit; or

- (5) The removal or pruning of trees on Council owned/managed land authorised by Goulburn Mulwaree Council and provided that assessment of the tree work is carried out in accordance with this Code or in accordance with a Plan of Management for the land.
- (6) Trees or other vegetation declared to be weeds in the Goulburn Mulwaree Local Government Area under the [Biosecurity Act 2015](#) (it will not be sufficient defence that the species was not correctly identified prior to removal). Visit NSW Department of Primary Industries NSW Weed Wise for a list of priority weeds.
- (7) Removal of undesirable species listed in Section 3.7.7 (it will not be sufficient defence that the species was not correctly identified prior to removal).
- (8) Removal of trees or other vegetation in accordance with Goulburn Mulwaree Council's Local Weed Management Plan.
- (9) If the land is zoned **E4 Environmental Living, E3 Environmental Management, R5 Large Lot Residential or E2 Environmental Conservation**:
  - Clearing for the following maintenance of existing rural infrastructure. The minimum extent of clearing necessary for carrying out the activity is permitted up to the distances from the infrastructure below:
    - (1) fences —3 metres either side,
    - (2) road — 3 metres either side from edge of road,
    - (3) track— 1 metre either side from edge of track,
    - (4) pipeline—3 metres total width of clearing,
    - (5) shed 10 metres from the outer edge of the structure,
    - (6) tank—3 metres from the outer edge of the structure,
    - (7) dam—10 metres from the outer edge of the structure,
    - (8) stockyards— 10 metres from the outer edge of the structure,
    - (9) bore—5 metres from the outer edge of the structure,
    - (10) pump—3 metres from the outer edge of the structure,
    - (l) water point—3 metres from the outer edge of the structure,
    - (m) windmill —5 metres from the outer edge of the structure.
  - The continuation of existing cultivation, grazing or rotational farming practices if it does not involve the clearing of native vegetation.
  - Sustainable grazing that is not likely to result in the substantial long-term decline in the structure and composition of native vegetation is permitted if it does not involve the clearing of native vegetation; or
- (10) Removal of trees and other native vegetation within 3.0 metres (as measured on the horizontal plane from the edge of the building footprint to the trunk of the tree) of an existing lawful dwelling or an approved building footprint in accordance with a development consent. This exemption does not apply to a tree on adjoining land unless the adjoining landholder gives written permission for the vegetation removal; or
- (11) The removal of vegetation that Council is satisfied is dying or dead as determined through the application of the code of practice associated with the Tree Risk Management Policy on Council Controlled Land or to trees or vegetation subject to assessment under Council's Vegetation Clearing – Roadsides and Infrastructure Lines Policy and is not required as the habitat of native animals e.g. it does not contain hollows. Council must be notified prior to the removal of any tree(s) that are dead or dying so that Council can issue a letter confirming that the tree is exempt from the requirement for a permit and removal or pruning may be undertaken; or
- (12) Pruning of trees if pruning does not exceed 10% of canopy per year and complies with Australian Standard 4373 – Pruning of Amenity Trees; or
- (13) Removal of vegetation on a boundary between properties for the purpose of enabling a boundary survey to be carried out by a registered surveyor. The surveyed lands must exceed one hectare and the maximum width of clearing is 0.5m either side of boundary. The adjoining owner's written approval is necessary; or
- (14) Removal of trees or vegetation directly on a boundary line between properties for the purpose of erecting a boundary fence – adjoining owner's written approval is necessary.
- (15) Pruning and removal of fruit trees specifically planted for human consumption e.g. where used in association with commercial orchards.
- (16) The activities listed in subsections (9) to (13) above, do not require a permit from Council, **unless**:
  - The vegetation is a threatened species, provides habitat for a threatened species or is part of a threatened ecological community (EECs) under the Biodiversity Conservation Act 2016 and/or the Environment and Biodiversity Conservation Act 1999. Seek advice from a suitably qualified person e.g. an ecologist;
  - The vegetation is, or forms part of, a heritage item identified in the GM LEP 2009;
  - The vegetation is within a heritage conservation area identified in the GM LEP 2009; or
  - The proposed additional clearing would exceed the biodiversity offsets scheme clearing area threshold of the lot (see Table 3-1).

### List of exempt species (s 3.9.7)

A permit is not required to remove or prune any of the following trees on private land provided the tree is not part of a threatened ecological community, habitat for any threatened species, listed as a Heritage Item or within a Heritage Conservation Area, or listed on Council's Significant Tree Register

A list of plants considered by Council to be environmental weeds can be found below;

| SCIENTIFIC NAME                              | COMMON NAME                     | LOCATION                                          | DESCRIPTION                                               | COMMENT                                                                                |
|----------------------------------------------|---------------------------------|---------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------|
| <i>Ailanthus altissima</i>                   | Tree of Heaven                  | Wide spread, favours fences                       | Medium size deciduous tree                                | Vigorous growers. Deep green pinnate leaves to 1.0m long. Mainly in native grass land. |
| <i>Centaurea calcitrapa</i>                  | Star Thistle                    |                                                   | Thistle                                                   |                                                                                        |
| <i>Cirsium vulgare</i>                       | Spear Thistle                   | Wide spread along rivers                          | Thistle                                                   |                                                                                        |
| <i>Cotoneaster glaucophyllus</i>             | Cotoneaster                     | Gardens                                           | Small evergreen tree with red berries                     | Spread by birds, poisonous berries                                                     |
| <i>Crataegus monogyna</i> & hybrid cultivars | Hawthorn                        | Wide spread                                       | Small evergreen tree with red berries                     | Spread by birds. Encourages predatory bird species.                                    |
| <i>Cytisus prostratus</i>                    | Tagasaste                       | Widespread                                        | Large evergreen shrub to small tree                       | Invades bushland areas, eg common on Rocky Hill                                        |
| <i>Dactylis glomerata</i>                    | Cocksfoot                       | Any grassy area, woodlands and native grasslands. | Tall upright grass with broken flower spike circling stem |                                                                                        |
| <i>Foeniculum vulgare</i>                    | Fennel                          | Neglected areas & roadsides                       | Erect perennial herb to 2.5 m high                        | A weed of waste spaces in urban areas                                                  |
| <i>Hedera helix</i>                          | English Ivy                     | Gardens                                           | Evergreen climber                                         |                                                                                        |
| <i>Ilex species</i>                          | Holly                           | Gardens & bushland                                | Evergreen shrub with prickly leaves                       | Spread by birds                                                                        |
| <i>Ligustrum species</i>                     | Privet, Large & Small Leaved.   | Widespread, likes moist places                    | Smallevergreen tree, masses of black berries              | Difficult to kill, spread by birds.                                                    |
| <i>Lonicera japonica</i>                     | Japanese Honeysuckle            | Rivers                                            | Rampant climber                                           |                                                                                        |
| <i>Marrubium vulgare</i>                     | Horehound                       | Rivers & neglected areas                          | Bushy perennial herb to 0.75 m                            | Germimates from seed.                                                                  |
| <i>Myrsiphyllum asparagoides</i>             | Bridal Creeper, Florists Smilax | Wet areas                                         | Rampant smothering creeper                                |                                                                                        |
| <i>Paspalum dilatatum</i>                    | Paspalum                        | Widespread on rivers                              | Grass                                                     |                                                                                        |

| Phalaris species                                     | Phalaris                          | Widespread                                  | Tall tough grass                         |                                                                              |
|------------------------------------------------------|-----------------------------------|---------------------------------------------|------------------------------------------|------------------------------------------------------------------------------|
| <i>Pinus radiata</i>                                 | Radiata Pine                      | Neglected areas                             | Large, fast growing conifer              | Invades bushland areas                                                       |
| <i>Populus alba</i>                                  | White Poplar                      | Rivers and creeks                           | Fast growing, suckering deciduous tree   | Invades moist areas and forms dense thickets                                 |
| <i>Prunus species</i>                                | Plum & Cherry Plum                | Widespread in neglected areas.              | Small deciduous tree.                    |                                                                              |
| <i>Pyracantha species</i>                            | Firethorn                         | Neglected areas                             | Large evergreen shrub                    | Red - orange berries spread by birds.                                        |
| <i>Ranunculus repens</i>                             | Creeping Buttercup                | Wet places                                  | Creeping herb                            | Can form dense pure stands replacing other understorey.                      |
| <i>Rhamnus alaternus</i>                             | Italian Buckthorn                 | Riversides and neglected areas              | Evergreen woody shrub with black berries | Small leathery leaves.                                                       |
| <i>Salix catodendron</i><br><i>Salix reichardtii</i> | Pussy Willow                      | Riversides                                  | Deciduous trees or large shrubs          | Willow species clog rivers. All other species are on the priority weed list. |
| <i>Sambucus nigra</i>                                | Black Elder                       | Rivers                                      | Small deciduous tree                     | Not currently a problem locally but is in similar areas                      |
| <i>Sorbus domestica</i>                              | Service Tree                      | Neglected areas                             | Deciduous tree                           | Spread by birds                                                              |
| <i>Vinca major</i> & <i>V. minor</i>                 | Periwinkle also variegated forms. | Creeks & streams E.g. Rocky Hill & Mt. Gray | Slender stemmed herbaceous perennials    | Groundcovers with purple flowers. Can climb to 3.0 m                         |

The clearing necessary is not identified as exempt. Approval for the clearing of vegetation necessary for the subdivision to be carried out and for an area of conceptual future development is sought though this development application. The estimated impact area for all works (including future development concept estimates) has been calculated as follows:

| Development component                                       | Estimated all vegetation type impact area (square meters) |
|-------------------------------------------------------------|-----------------------------------------------------------|
| Road Formation                                              | 1,987                                                     |
| Road Verge (Grass, services, pathways, etc.)                | 1302                                                      |
| Asset Protection Zone (APZ) (including dwelling & Pt. Sheds | 7,907.1                                                   |
| Dwellings                                                   | 1050                                                      |
| Sheds (7)                                                   | 448                                                       |
| Fencing (allowing 1m)                                       | 551                                                       |
| Trees to be removed                                         | 10                                                        |
| <b>TOTAL</b>                                                | <b>5,348</b>                                              |

## 6 CONCLUSIONS

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

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

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

- Section 61 (1). There is no demolition of internal walls and windows of the building involved in the development.
- Section 61 (2). The development is not in relation to a subdivision order made under Schedule 7 to the Act.
- Section 61 (3). The development is not relevant in terms of the *Dark Sky Planning Guideline*.
- Section 61 (4) & (5). The development is not for the purposes of a manor house or multi dwelling housing (terraces).
- Section 61 (6). The development is not for the erection of a building for residential purposes on land in Penrith City Centre.
- Section 61 (7) & (8). The development is not on land to which *Wagga Wagga Local Environmental Plan 2009* applies.
- Section 61 (7A) & (8). The development is not on land to which *Moree Plains Local Environmental Plan 2010* applies.
- Section 62 (1). The development does not involve a change of use.
- Section 62 (2) & (3). There is no such building work proposed for the development.
- Section 63. The development is not for the erection of a temporary structure.
- Section 64. The development does not involve rebuilding or alteration of an existing building representing more than half of the total volume of the building.
- Section 65. The development does not involve development at the Sydney Opera House.
- Section 66. The development is not-
  - located in Zone IN1 General Industrial under *State Environmental Planning Policy (Industry and Employment) 2021*, Chapter 2;
  - Zone E4 Environmental Living or Zone 1 Urban Development under a precinct plan in *State Environmental Planning Policy (Precincts—Central River City) 2021*, Chapter 3 or *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*, Chapter 3.

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

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

## **7 SUITABILITY OF THE SITE**

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### **7.1 ALTERNATIVE AND CONSEQUENCES OF NO DEVELOPMENT**

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

The do-nothing option is not considered feasible as -

- The highest and best use of the land and the intended use of the land is for residential development.
- The non-use of the land would result in a waste of available land for residential development considered by Council as In-Fill development.
- The non-use of In-Fill land would result in a need for other undeveloped greenfield land expanding into as yet undeveloped areas.

### **7.2 ENVIRONMENTAL JUSTIFICATION**

The proposed development and eventual operation are designed to address the issues of concern to the community and government authorities.

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

1. Satisfy the continuing demand for residential lots for housing development;
2. Provide for continued certainty in the support of the community and the use of infrastructure provided to the land;
3. Satisfy sustainable development principles;
4. Have a minimal and manageable impact on the environment;
5. Have a minimal and manageable impact on local amenity; and

## 8 SUMMARY OF ENVIRONMENTAL MANAGEMENT AND MITIGATION MEASURES

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The following measures are recommended to ensure environmental management –

1. If Aboriginal material is discovered during works then the steps as outlined below should be followed:
  - (a) All work must cease in the vicinity of the find and project manager notified immediately.
  - (b) A buffer zone of 10m should be fenced in all direction of the find and construction personnel made aware of the 'no go' zone.
  - (c) NSW Heritage must be notified of the find and advice sought on the proper steps to be undertaken.
  - (d) After confirmation from NSW Heritage a heritage consultation should be engaged to undertake assessment of the find and provide appropriate management recommendations to the proponent.
2. In the highly unlikely event that human remains are discovered during any construction work, than all activity in the vicinity of the find must cease. As a first step the local police must be notified, followed by NSW Heritage and advice sought on appropriate next actions. No work can continue on the site until cleared with police and NSW Heritage.
3. Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation. Implementation of the above management recommendations will result in low potential for the project to impact on heritage values or result in damage to heritage sites.  
(See section 5.7 above).
4. The implementation of the treatment measures outlined in section 5.10 above and the CivPlan Waer Cycle Management Study including:

### Bioretention Swale

- Initially, for the Subdivision Works Only, it's proposed a bioretention swale located next to the access road to treat the stormwater runoff as indicated in the Civil Engineering Concept Design Sheet Set reference 25022 and as listed below:
  - One Bioretention Swale with Filter Area of 20m<sup>2</sup> on the side of the proposed access driveway to be constructed during the subdivision works in order to meet the NorBE requirements in terms of water quality. Filter Depth = 0.4m, lined system, with nutrient removal planting and underdrain present, extended detention depth = 0.05m.

### Raingarden for Lot Overland Flow

- Initially, for the Subdivision Works Only, it's proposed that raingarden with 10m<sup>2</sup> area must be located to where the existing dwelling prior to discharging to existing table drain along the road reserve to treat the stormwater runoff as indicated in the Civil Engineering Concept Design Sheet Set reference 25022.

(See section 5.10 above).

## 9 APPENDIX 1 – JURISDICTIONAL LISTING - LEGISLATION POTENTIALLY APPLICABLE

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

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

|                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
|                                                                | <p>(b) <i>the Environment Protection Authority notifies the consent authority in writing before the development application is granted or refused that an application for such a licence has been or may be made in respect of the development.</i></p> <p>In Section 4.47 (2) –<br/> <i>Before granting development consent to an application for consent to carry out the development, the consent authority must, in accordance with the regulations, obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development. Nothing in this section requires the consent authority to obtain the general terms of any such approval if the consent authority determines to refuse to grant development consent.</i></p> <p><b>The proposed development will create a new road and remove the existing access from Bonnett Drive. As such there are works on the public road reserve which would necessitate a s.138 approval from Council.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                     |
|                                                                | <p><u>Section 10.4 – Declaration</u><br/> (1) <i>The object of this section is to require the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence by—</i></p> <ol style="list-style-type: none"> <li><i>requiring public disclosure of the political donations or gifts at the time planning applications (or public submissions relating to them) are made, and</i></li> <li><i>providing the opportunity for appropriate decisions to be made about the persons who will determine or advise on the determination of the planning applications.</i></li> </ol> <p><b>The Applicant would need to make the disclosure either on the Planning Portal or in an authority to the consultant responsible for lodging the application on the Planning Portal.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | YES                                                                 |
| <b>Environmental Planning &amp; Assessment Regulation 2021</b> | <p><u>Section 24 Content of development applications</u><br/> (1) <i>A development application must—</i></p> <ol style="list-style-type: none"> <li><i>be in the approved form, and</i></li> <li><i>contain all the information and documents required by—</i> <ol style="list-style-type: none"> <li><i>the approved form, and</i></li> <li><i>the Act or this Regulation, and</i></li> </ol> </li> </ol> <p><i>be submitted on the NSW planning portal.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | YES<br><br>As submitted on the approved form on the Planning Portal |
|                                                                | <p><u>Section 25 Information about concurrence or approvals</u><br/> <i>A development application must contain the following information—</i></p> <ol style="list-style-type: none"> <li><i>a list of the authorities —</i> <ol style="list-style-type: none"> <li><i>from which concurrence must be obtained before the development may lawfully be carried out, and</i></li> <li><i>from which concurrence would have been required but for the Act, section 4.13(2A) or 4.41, viz –</i> <ul style="list-style-type: none"> <li><a href="#">WaterNSW</a></li> </ul> </li> </ol> </li> </ol> <p><b>The site is within the Sydney Catchment Area. The subdivision is a Module 3 which has been considered in the report and NorBE Assessment prepared by CivPlan and attached to the application. The site –</b></p> <ul style="list-style-type: none"> <li><b>is not Crown Land.</b></li> <li><b>Has no Section 88B instrument placed by WaterNSW.</b></li> </ul> <p><b>A Water Cycle management Study by CivPlan concludes :</b><br/> In accordance with the WaterNSW guideline, NorBE Assessment Guidelines 2015, it has been demonstrated that the NorBE criteria for water quality can be achieved using treatment measures that are sympathetic to the nature of the [development] proposal.</p> <p><b>The following NorBE criteria have been met, and in the case of the treatment measures modelled and analysed, exceeded: The post-development mean annual pollutant loads for total nitrogen (TN), total phosphorus (TP) and total</b></p> | In Sydney Catchment, concurrence required.                          |

|     | <p>suspected solids (TSS) are to be a minimum of 10% less than the pre-developed conditions.</p> <ul style="list-style-type: none"><li>• Post-development means annual gross pollutant loads are to be equal to or less than the pre-developed conditions.</li><li>• • Post-development pollutant concentrations for total phosphorus (TP) and total nitrogen (TN) must be equal to or less than the pre-development concentrations between the 50th and 98th percentiles where runoff occurs.</li><li>• It's been shown that all the NorBE requirements have been met for both post-development scenarios (Subdivision Works Only and after the construction of the dwellings for each lot), according to the WaterNSW Guidelines for water quality analysis and measures modelled using MUSIC.</li></ul> <p>In accordance with Goulburn Mulwaree Councils Engineering Design Standards, it can be concluded that all the criteria have been met, specifically the development:</p> <ul style="list-style-type: none"><li>• Has a slope of less than 10%.</li><li>• Lot BE's can be typically sighted above the 1% AEP flood level, however there are adjacent flood impacts.</li><li>• There are no natural watercourses within 40m of the development.</li><li>• Minimal vegetation will be cleared for the development.</li><li>• Cut to fill requirements and associated disturbance has been minimised in relation to the proposed subdivision layout plan.</li><li>• OSD will be provided through use of rainwater tanks to each dwelling using PSD/SSR calculations, capturing impervious flows from the roof gutter drainage system, to offset the increase in impervious area due to the proposed road network.</li><li>• Reuse rates are in accordance with the guideline of 0.845kL/dwelling/day (internal and external) for a minimum 5kL smart technology RWT with a 150m 2 roof gutter network.</li><li>• Each dwelling will have a minimum 13kL of RWT with Smart Tank Technology as reuse/BASIX in addition to the OSD capacity required by the PSD/SSR calculations (min combine tank size 18kL)</li></ul> <p>Tank sizing per lot for OSD as follows:</p> <table><tr><th>Lot</th><th>OSD required (m³)</th></tr><tr><td>1</td><td>17</td></tr><tr><td>2</td><td>14</td></tr><tr><td>3</td><td>13</td></tr><tr><td>4</td><td>13</td></tr><tr><td>5</td><td>13</td></tr><tr><td>6</td><td>13</td></tr><tr><td>7</td><td>15</td></tr><tr><td>8</td><td>13</td></tr></table> <ul style="list-style-type: none"><li>• Total tank size will be the OSD and Re-use volume combined.</li><li>• Water quality treatment will be via rainwater reuse tanks (primary) with the overflow being treated via a combination of bioretention raingardens and IAD lines/level spreaders (secondary and tertiary) at locations identified in the Civil Engineering Concept Design and all bioretention devices are at longitudinal grades of less than 5%.</li><li>• The proposed road reserve will contain a grassed swale to bioretention swale, which will discharge via pipe to the swale within the road reserve with an overflow swale incorporated to ensure capture of excess flow.</li><li>• Soil and water management plan has been provided in the civil engineering concept and design plans.</li></ul> <p>(d) <i>a list of the approvals of the kind referred to in the Act, section 4.46(1) that must be obtained before the development may lawfully be carried out.</i></p> | Lot | OSD required (m³) | 1 | 17 | 2 | 14 | 3 | 13 | 4 | 13 | 5 | 13 | 6 | 13 | 7 | 15 | 8 | 13 |  |
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| Lot | OSD required (m³)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |
| 1   | 17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |
| 2   | 14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |
| 3   | 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |
| 4   | 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |
| 5   | 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |
| 6   | 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |
| 7   | 15                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |
| 8   | 13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |     |                   |   |    |   |    |   |    |   |    |   |    |   |    |   |    |   |    |  |

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|  | <p>Approvals may be necessary under any of the following Acts –</p> <ul style="list-style-type: none"> <li>• <a href="#">Coal Mine Subsidence Compensation Act 2017</a> s22 (approval to alter or erect improvements, or to subdivide land, within a mine subsidence district)</li> <li>• <a href="#">Fisheries Management Act 1994</a> s144 (aquaculture permit)</li> <li>• <a href="#">Fisheries Management Act 1994</a> s201 (dredging of reclamation work)</li> <li>• <a href="#">Fisheries Management Act 1994</a> s205 (cut, remove, damage or destroy marine vegetation)</li> <li>• <a href="#">Fisheries Management Act 1994</a> s219 (set a net, netting or other material, construct or alter a dam, floodgate, causeway or weir, or otherwise create an obstruction across or within a bay, inlet, rive or creek, or across or around a flat.)</li> <li>• <a href="#">Heritage Act 1977</a> s58 (approval in respect of the doing or carrying out of an act, matter or thing when an interim heritage order or listing on the State Heritage Register applies, viz - <ul style="list-style-type: none"> <li>(a) demolish the building or work,</li> <li>(b) damage or despoil the place, precinct or land, or any part of the place, precinct or land,</li> <li>(c) move, damage or destroy the relic or moveable object,</li> <li>(d) excavate any land for the purpose of exposing or moving the relic,</li> <li>(e) carry out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct,</li> <li>(f) alter the building, work, relic or moveable object,</li> <li>(g) display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct,</li> <li>(h) damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.</li> </ul> </li> <li>• <a href="#">Mining Act 1992</a> ss63 &amp; 64 (grant of minim lease)</li> <li>• <a href="#">National Parks and Wildlife Act 1974</a> s90 (grant of Aboriginal heritage impact permit)</li> <li>• <a href="#">Petroleum (Onshore) Act 1991</a> s16 (grant of production lease)</li> <li>• <a href="#">Protection of the Environment Operations Act 1997</a> s43(a), 47 &amp; 55 (Environment protection licence to authorise carrying out of scheduled development work at any premises).</li> <li>• <a href="#">Protection of the Environment Operations Act 1997</a> s43(b), 48 &amp; 55 (Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).</li> <li>• <a href="#">Protection of the Environment Operations Act 1997</a> s43(d), 55, &amp; 122 (Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity).</li> <li>• <a href="#">Roads Act 1993</a> s138 (consent to - <ul style="list-style-type: none"> <li>(f) erect a structure or carry out a work in, on or over a public road, or</li> <li>(g) dig up or disturb the surface of a public road, or</li> <li>(h) remove or interfere with a structure, work or tree on a public road, or</li> <li>(i) pump water into a public road from any land adjoining the road, or</li> <li>(j) connect a road (whether public or private) to a classified road)</li> </ul> </li> <li>• <a href="#">Rural Fires Act 1997</a> s100B (authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes)</li> <li>• <a href="#">Water Management Act 2000</a> s89. 90. &amp; 91 (water use approval, water management work approval or activity approval under Part 3 of Chapter 3.</li> </ul> | <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>Not an item under an interim heritage order or on the State Heritage Register</p> <p>No such use</p> <p>No such works</p> <p>No such activity</p> <p>No such activity</p> <p>No such activity</p> <p>No such activity</p> <p>Yes. New Road</p> <p>No.</p> <p>No such works.</p> |
|  | Section 26 Information about community housing, boarding houses, co-living housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                      |

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|  | <p>(1) A development application for development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1 or 2 must specify the name of the registered community housing provider who will be managing the boarding house.</p> <p>A development application for development for the purposes of boarding houses or co-living housing must be accompanied by a copy of the plan of management.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Not such development.                                                          |
|  | <p><u>Section 27 BASIX Development</u></p> <p>(1) A development application for BASIX development must be accompanied by—</p> <p>(a) a relevant BASIX certificate for the development issued no earlier than 3 months before the day on which the development application is lodged, and</p> <p>(b) the other matters required by the BASIX certificate.</p> <p>If the development involves the alteration of a BASIX building that contains more than 1 dwelling, a separate BASIX certificate is required for each dwelling.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>NO</p> <p>Not such development</p>                                          |
|  | <p><u>Section 28 Development application relating to Biodiversity Conservation Act 2016</u></p> <p>(1) A development application for biodiversity compliant development must contain the reason the development is biodiversity compliant development.</p> <p>(2) A development application that is accompanied by a biodiversity development assessment report under the Biodiversity Conservation Act 2016 must contain the biodiversity credits information.</p> <p>(3) A development application relating to land that is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016 must contain a description of the kind of agreement and the area to which it applies.</p> <p>(4) In this section—</p> <p><i>biodiversity compliant development</i> means—</p> <p>(a) development to be carried out on biodiversity certified land under the Biodiversity Conservation Act 2016, or</p> <p>(b) development to which the biodiversity certification conferred by the Threatened Species Conservation Act 1995, Schedule 7, Part 7 applies, or</p> <p>(a) development for which development consent is required under a biodiversity certified EPI, within the meaning of the Threatened Species Conservation Act 1995, Schedule 7, Part 8.</p> | <p>NO</p> <p>Not biodiversity compliant development.</p> <p>Not such land.</p> |
|  | <p><u>Section 29 Residential apartment development</u></p> <p>(1) A development application that relates to residential apartment development must be accompanied by a statement by a qualified designer.</p> <p>(2) The statement must—</p> <p>(a) verify that the qualified designer designed, or directed the design of, the development, and</p> <p>(b) explain how the development addresses—</p> <p>(i) the design quality principles, and</p> <p>(ii) the objectives in Parts 3 and 4 of the Apartment Design Guide.</p> <p>(2) If the development application is accompanied by a BASIX certificate for a building, the design quality principles do not need to be addressed to the extent to which they aim—</p> <p>(a) to reduce consumption of mains-supplied potable water or greenhouse gas emissions in the use of—</p> <p>(i) the building, or</p> <p>(ii) the land on which the building is located, or</p> <p>(b) to improve the thermal performance of the building.</p> <p>The additional fee payable for a development application for residential apartment development that is referred to the relevant design review panel for advice is specified in Schedule 4.</p>                                                                                            | <p>NO</p> <p>Not residential apartment development.</p>                        |

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|  | <p><b>Section 30 Mining or petroleum development</b></p> <p>(1) <i>This section applies to a development application that relates to mining or petroleum development on land—</i></p> <p>(a) <i>shown on the Strategic Agricultural Land Map, or</i></p> <p>(b) <i>subject to a site verification certificate.</i></p> <p>(2) <i>The development application must be accompanied by—</i></p> <p>(a) <i>for development on land shown on the Strategic Agricultural Land Map as critical industry cluster land—a current gateway certificate that applies to the development, or</i></p> <p>(b) <i>for development on other land—</i></p> <p>(i) <i>a current gateway certificate that applies to the development, or</i></p> <p><i>a site verification certificate that certifies that the land on which the development will be carried out is not biophysical strategic agricultural land.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>NO</p> <p>Not mining development</p>                                                                                                                                                                                          |
|  | <p><b>Section 31 Other documents required for certain development applications</b></p> <p>(1) A development application that relates to development for which consent under the Wilderness Act 1987 is required must be accompanied by a copy of the consent.</p> <p>(2) A development application that relates to development for which a site compatibility certificate is required by a SEPP must be accompanied by the site compatibility certificate.</p> <p>(3) A development application made under the Act, section 4.12(3) must be accompanied by the matters that would be required under the Local Government Act 1993, section 81 if approval were sought under that Act.</p> <p>Matters under the LGA Act 1993 for which development consent/approval is sought with this development application –</p> <p><b>Part A Structures or places of public entertainment</b></p> <p>1 Install a manufactured home, moveable dwelling or associated structure on land</p> <p><b>Part B Water supply, sewerage and stormwater drainage work</b></p> <p>1 Carry out water supply work</p> <p>2 Draw water from a council water supply or a standpipe or sell water so drawn</p> <p>3 Install, alter, disconnect or remove a meter connected to a service pipe</p> <p>4 Carry out sewerage work</p> <p>5 Carry out stormwater drainage work</p> <p>6 Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer</p> <p><b>Part C Management of waste</b></p> <p>1 For fee or reward, transport waste over or under a public place</p> <p>2 Place waste in a public place</p> <p>3 Place a waste storage container in a public place</p> <p>4 Dispose of waste into a sewer of the council</p> <p>5 Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility</p> <p>6 Operate a system of sewage management (within the meaning of section 68A)</p> <p><b>Part D Community land</b></p> <p>(1) Engage in a trade or business</p> <p>(2) Direct or procure a theatrical, musical or other entertainment for the public</p> <p>(3) Construct a temporary enclosure for the purpose of entertainment</p> <p>(4) For fee or reward, play a musical instrument or sing</p> <p>(5) Set up, operate or use a loudspeaker or sound amplifying device</p> <p>(6) Deliver a public address or hold a religious service or public meeting</p> <p><b>Part E Public roads</b></p> <p>1 Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway</p> <p>2 Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or</p> | <p>Not in a Wilderness Area.</p> <p>No Site Compatibility Certificate required.</p> <p>No such application</p> <p>Yes</p> <p>No on-site waste water management needed.</p> <p>No such application</p> <p>No such application</p> |

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|                                 | <p>doorway abutting the road, or hang an article beneath an awning over the road</p> <p><b>Part F Other activities</b></p> <ol style="list-style-type: none"> <li>1 Operate a public car park</li> <li>2 Operate a caravan park or camping ground</li> <li>3 Operate a manufactured home estate</li> <li>4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance</li> <li>5 Install or operate amusement devices</li> <li>6 (Repealed)</li> <li>7 Use a standing vehicle or any article for the purpose of selling any article in a public place</li> <li>8,9 (Repealed)</li> <li>10 Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations</li> </ol> <p>(4) A development application that relates to development on land in an Activation Precinct under State Environmental Planning Policy (Precincts—Regional) 2021, Chapter 3 must be accompanied by a current Activation Precinct certificate.</p> | <p>No such activity</p> <p>The site is not in an Activation Precinct</p> |
|                                 | <p><u>Section 32 Extract of development application for erection of a building</u></p> <p>(1) If a development application relates to the erection of a building, an extract of the application must be published on the NSW planning portal.</p> <p>(2) The extract must—</p> <ol style="list-style-type: none"> <li>(a) identify the applicant and the land to which the application relates, and</li> <li>(b) contain a plan of the building that indicates the proposed height and external configuration of the site, if relevant for the development.</li> </ol> <p>(3) This section does not apply to the following—</p> <ol style="list-style-type: none"> <li>(a) designated development,</li> <li>(b) nominated integrated development,</li> <li>(c) threatened species development,</li> <li>(d) Class 1 aquaculture development,</li> <li>(e) State significant development.</li> </ol>                                                                                                              | <p>NO</p> <p>Not a building.</p>                                         |
|                                 | <p><u>Section 33 Concept development applications</u></p> <p>(1) The information about the various stages of development, required by this Regulation to be included in a concept development application, may be deferred to a subsequent development application, with the approval of the consent authority.</p> <p>Section 29 applies in relation to a concept development application only if the application sets out detailed proposals for the development or part of the development</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>NO</p> <p>No concept development is proposed.</p>                     |
|                                 | <p><u>Section 35 Additional requirements for development applications in certain areas of Sydney.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>The site is not located in the identified areas of Sydney</p>         |
| <b>Commonwealth Legislation</b> | <p>The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) commenced on 16th July 2000 and is administered by the Commonwealth Department of Environment, Water, Heritage and the Arts. Its primary objective is to “provide for the protection of the environment, especially those aspects of the environment that are matters of national environmental significance.”</p> <p><b>The subdivision will involve works for the new access and services, which area is assessed in the attached Biodiversity Assessment by SIA Ecological &amp; Environmental Planning Pty Ltd.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                    | <p>YES</p>                                                               |
| <b>Road Act 1993</b>            | <p>Under Section 138 of the Roads Act 1993, consent is required from the appropriate roads’ authority to:</p> <p>(a) erect a structure or carry out a work in, on or over a public road, or</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>YES</p>                                                               |

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|                                                                                        | <p>(b) dig up or disturb the surface of a public road, or</p> <p>(c) remove or interfere with a structure, work or tree on a public road, or</p> <p>(d) pump water into a public road from any land adjoining the road, or</p> <p>(e) connect a road (whether public or private) to a classified road,</p> <p><b>New road works on Council public road requiring Section 138 approval.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                             |
| <p><b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b></p> | <p><b>CHAPTER 2 Vegetation in non-rural areas</b></p> <p><b>Part 2.1 Preliminary</b></p> <p><b>1.1 Aims of Chapter</b></p> <p>The aims of this chapter are -</p> <p>(a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and</p> <p>(b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.</p> <p>(1) This Chapter applies to the following areas of the State (the non-rural areas of the State)—</p> <p>(b) land within the following zones under an environmental planning instrument—</p> <p>Zone <b>RU5</b> Village, Zone <b>R1</b> General Residential, Zone <b>R2</b> Low Density Residential, Zone <b>R3</b> Medium Density Residential, Zone <b>R4</b> High Density Residential, Zone <b>R5 Large Lot Residential</b>, Zone <b>B1</b> Neighbourhood Centre, Zone <b>B2</b> Local Centre, Zone <b>B3</b> Commercial Core, Zone <b>B4</b> Mixed Use, Zone <b>B5</b> Business Development, Zone <b>B6</b> Enterprise Corridor, Zone <b>B7</b> Business Park, Zone <b>B8</b> Metropolitan Centre, Zone <b>E1</b> Local Centre, Zone <b>E2</b> Commercial Centre, Zone <b>E3</b> Productivity Support, Zone <b>E4</b> General Industrial, Zone <b>E5</b> Heavy Industrial, Zone <b>IN1</b> General Industrial, Zone <b>IN2</b> Light Industrial, Zone <b>IN3</b> Heavy Industrial, Zone <b>IN4</b> Working Waterfront, Zone <b>MU1</b> Mixed Use, Zone <b>IN4</b> Working Waterfront, Zone <b>SP1</b> Special Activities, Zone <b>SP2</b> Infrastructure, Zone <b>SP3</b> Tourist, Zone <b>SP4</b> Enterprise, Zone <b>SP5</b> Metropolitan Centre, Zone <b>RE1</b> Public Recreation, Zone <b>RE2</b> Private Recreation, Zone <b>C2</b> Environmental Conservation, Zone <b>C3</b> Environmental Management, Zone <b>C4</b> Environmental Living, Zone <b>W3</b> Working Waterways or Zone <b>W4</b> Working Waterfront.</p> <p><b>Part 2.2 Clearing vegetation in non-rural areas</b></p> <p><b>2.6 Clearing that requires permit or approval</b></p> <p>(1) A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.</p> <p>(2) A person must not clear native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without the authority conferred by an approval granted by the Native Vegetation Panel under Part 2.4.</p> <p>(3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8.</p> <p>(4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.</p> <p>(5) Subsection (4) extends to a condition that imposes an obligation on the person who clears the vegetation that must be complied with before or after the clearing is carried out</p> <p>(6) For the purposes of the Act, section 4.3, clearing vegetation that requires a permit or approval under this Chapter is prohibited if the clearing is not carried out in accordance with the permit or approval.</p> | <p>The site is applicable</p> <p>YES, Subject to Assessment</p> <p>YES, Subject to Assessment<br/>Details provided in Biodiversity Assessment</p> <p>NA</p> |

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|  | <p><b>2.7 Clearing that does not require permit or approval</b><br/> <i>In accordance with clause 2.7 Clearing that does not require permit or approval –</i></p> <ol style="list-style-type: none"> <li><i>A permit or approval to clear vegetation is not required under this Chapter if it is clearing of a kind that is authorised under the Local Land Services Act 2013, section 60O or Part 5B.</i></li> <li><i>Despite the Local Land Services Act 2013, section 60O(a)(i) and (b)(i), subsection (1) does not apply to clearing that is part of or ancillary to the carrying out of exempt development or complying development.</i></li> <li><i>A permit or approval is not required under this Chapter for—</i> <ol style="list-style-type: none"> <li><i>the removal of vegetation that the council is satisfied is a risk to human life or property, or</i></li> <li><i>clearing for a traditional Aboriginal cultural activity, other than a commercial cultural activity.</i></li> </ol> </li> <li><i>A permit is not required under this Chapter for the removal of vegetation that the council is satisfied—</i> <ol style="list-style-type: none"> <li><i>is dying or dead, and</i></li> <li><i>is not required as the habitat of native animals.</i></li> </ol> </li> <li><i>An approval is not required under this Chapter for the removal of vegetation that the Native Vegetation Panel is satisfied—</i> <ol style="list-style-type: none"> <li><i>is dying or dead, and</i></li> <li><i>is not required as the habitat of native animals.</i></li> </ol> </li> </ol> <p><b>Note—</b><br/> <i>See also Part 2.5, which sets out certain clearing that does not require a permit or approval under this Chapter if the clearing—</i><br/> <ol style="list-style-type: none"> <li><i>is carried out on certain primary production land in Zone R5, E2, E3 or E4, and</i></li> <li><i>complies with the requirements of Part 2.5</i></li> </ol> </p> <p><b>2.8 Clearing permitted without development consent</b><br/> <i>Clearing of vegetation in a non-rural area of the State is permitted without development consent if—</i></p> <ol style="list-style-type: none"> <li><i>the clearing—</i> <ol style="list-style-type: none"> <li><i>is not ancillary to the carrying out of other development, and</i></li> <li><i>does not require a permit or approval, and</i></li> </ol> </li> <li><i>the vegetation is not—</i> <ol style="list-style-type: none"> <li><i>a heritage item or an Aboriginal object, or</i></li> <li><i>located in a heritage conservation area or Aboriginal place of heritage significance.</i></li> </ol> </li> </ol> <p><b>The area of impact is not identified as exempt clearing or dead or dying vegetation and would be clearing carried out ancillary to other development (subdivision). Approval is sought as part of a Development Application for the subdivision.</b></p> <p><b>Part 2.3 Council permits for clearing of vegetation in non-rural areas</b></p> <p><b>2.9 Vegetation to which Part applies</b></p> <ol style="list-style-type: none"> <li><i>This Part applies to vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies.</i></li> <li><i>A development control plan may make the declaration in any manner, including by reference to any of the following—</i> <ol style="list-style-type: none"> <li><i>the species of vegetation,</i></li> <li><i>the size of vegetation,</i></li> <li><i>the location of vegetation (including by reference to any vegetation in an area shown on a map or in any specified zone),</i></li> <li><i>the presence of vegetation in an ecological community or in the habitat of a threatened species.</i></li> </ol> </li> <li><i>This Part also applies to vegetation in a non-rural area of the State that, immediately before the commencement of this subsection, was—</i></li> </ol> | <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>This chapter applies to Goulburn Mulwaree Council.</p> |
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|  | <p>(a) declared by a development control plan to be vegetation to which <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>, Part 3 applies, or</p> <p>(b) prescribed by a development control plan under the standard instrument set out in the <i>Standard Instrument (Local Environmental Plans) Order 2006</i>, clause 5.9, as in force immediately before 25 August 2017.</p> <p>The Goulburn Mulwaree DCP gives effect to Part 2.3 of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> in the following manner:</p> <p><b>2.10 Council may issue permit for clearing of vegetation</b></p> <p>(1) A council may issue a permit to a landholder to clear vegetation to which this Part applies in any non-rural area of the State.</p> <p>(2) A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold.</p> <p>(3) A permit under this Part cannot allow the clearing of vegetation—</p> <p>(a) that is or forms part of a heritage item or that is within a heritage conservation area, or</p> <p>(b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the council is satisfied that the proposed activity—</p> <p>(c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and</p> <p>(d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.</p> <p>(4) A permit may be granted under this Part subject to any conditions specified in the permit.</p> <p>The clearing that would be necessary for the subdivision works (and conceptual future development) and be impacted from the carrying out of the development involves an area of 11,988 m<sup>2</sup>. This area exceeds the Biodiversity clearing threshold and as such constitutes vegetation that necessitate Council approval.</p> <p>A Biodiversity Assessment has been carried out and is discussed in Section.5.17 above.</p> <p><b>Part 2.5 Clearing of native vegetation on primary production land in Zones R5, C2, C3 and C4 that does not require permit or approval</b></p> <p>The clearing proposed does not constitute:</p> <p>(1) Clearing for construction and maintenance of fences and farm tracks</p> <p>(2) Clearing for maintenance of water supply and gas infrastructure</p> <p>(3) Clearing for maintenance of telecommunication infrastructure</p> <p>(4) Clearing for maintenance of electricity transmission infrastructure</p> <p>(5) Clearing for maintenance and operation of private power lines</p> <p>(6) Clearing of planted native vegetation (to which a native forestry plan applies)</p> <p>(7) Clearing for environmental protection works [as specified in 2.38]</p> <p>(8) Clearing for construction of private power lines</p> <p><b>CHAPTER 3 Koala habitat protection 2020</b></p> <p><b>Part 3.1 Preliminary</b></p> <p><b>3.1 Aims of Chapter</b></p> | <p>NA</p> <p>NA</p> |
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|  | <p><i>This Chapter aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline—</i></p> <ul style="list-style-type: none"> <li><i>(a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and</i></li> <li><i>(b) by encouraging the identification of areas of core koala habitat, and</i></li> <li><i>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</i></li> </ul> <p><b>This Part applies to zones RU1, RU2 and RU3 in Goulburn Mulwaree Council area. The site is not in an RU1, RU2 or RU3 zone.</b></p> <p><b>CHAPTER 4 Koala habitat protection 2021</b></p> <p><b>Part 4.1 Preliminary</b></p> <p><i>This Chapter aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.</i></p> <p><b>Part 4.2 Development control of koala habitats</b></p> <p><b>4.9 Development assessment process—no approved koala plan of management for land</b></p> <ul style="list-style-type: none"> <li><i>(1) This section applies to land to which this Chapter applies if the land—</i> <ul style="list-style-type: none"> <li><i>a. has an area of at least 1 hectare (including adjoining land within the same ownership), and</i></li> <li><i>b. does not have an approved koala plan of management applying to the land.</i></li> </ul> </li> <li><i>(2) Before a council may grant consent to a development application for consent to carry out development on the land, the council must assess whether the development is likely to have any impact on koalas or koala habitat.</i></li> <li><i>(3) If the council is satisfied that the development is likely to have low or no impact on koalas or koala habitat, the council may grant consent to the development application.</i></li> <li><i>(4) If the council is satisfied that the development is likely to have a higher level of impact on koalas or koala habitat, the council must, in deciding whether to grant consent to the development application, take into account a koala assessment report for the development.</i></li> <li><i>(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—</i> <ul style="list-style-type: none"> <li><i>a. information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—</i> <ul style="list-style-type: none"> <li><i>(i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or</i></li> <li><i>(iii) is not core koala habitat, or</i></li> </ul> </li> <li><i>b. information the council is satisfied demonstrates that the land subject of the development application—</i> <ul style="list-style-type: none"> <li><i>(i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or</i></li> <li><i>(iii) includes only horticultural or agricultural plantations.</i></li> </ul> </li> </ul> </li> <li><i>(6) In this section—</i><br/> <b>koala assessment report</b>, for development, means a report prepared by a suitably qualified and experienced person about the likely and potential impacts of the development on koalas or koala habitat and the proposed management of those impacts </li> </ul> <p><b>The lot contains an area of in excess of 1 Hectare and is not covered by an approved Koala Plan of Management.</b></p> | <p><b>The Chapter</b><br/>applies to Goulburn Mulwaree Council</p> <p>YES, Subject to Council Assessment. Details provided in Biodiversity Assessment</p> <p>NA. Section 4.9 applies</p> |
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|  | <p><b>4.10 Development assessment process—other land</b><br/> <i>A council is not prevented from granting consent to a development application for consent to carry out development on land if—</i><br/> <i>(a) the land does not have an approved koala plan of management applying to the land, or</i><br/> <i>(b) the council is satisfied that the land is not core koala habitat.</i></p> <p><b>The land on which the development is proposed is not covered by an approved koala plan of management, and the land is not identified as core koala habitat enabling Council to approve the development.</b></p> <p><b>Chapter 5 River Murray lands</b><br/> <i>This chapter does not apply to Kempsey Council area.</i></p> <p><b>Chapter 6 Water Catchments</b><br/> <i>This Chapter applies to land in the following catchments—</i><br/> <i>(a) the Sydney Drinking Water Catchment,</i><br/> <i>(b) the Sydney Harbour Catchment,</i><br/> <i>(c) the Georges River Catchment,</i><br/> <i>(d) the Hawkesbury-Nepean Catchment</i></p> <p><b>The land is within the Sydney Drinking Water Catchment area.</b></p> <p>In this Chapter –<br/> <b>flood liable land</b> means land—<br/> <i>(a) susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the Floodplain Development Manual, within the meaning of the Standard Instrument, clause 5.21. or</i><br/> <i>(b) identified in an environmental planning instrument as flood liable land.</i><br/> <b>riparian vegetation</b> means hydrophilic vegetation, including submerged, emerging and fringing vegetation, that is within a waterway or the floodplain of a waterway</p> <p><b>A Water Cycle Management Assessment incorporating a NorBE test has been prepared and is discussed in Section 5.10 above.</b></p> <p><b>6.6 Water quality and quantity</b><br/> <i>(a) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</i><br/> <i>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</i><br/> <i>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</i><br/> <i>(c) whether the development will increase the amount of stormwater run-off from a site,</i><br/> <i>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</i><br/> <i>(e) the impact of the development on the level and quality of the water table,</i><br/> <i>(f) the cumulative environmental impact of the development on the regulated catchment,</i><br/> <i>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</i><br/> <i>(b) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</i></p> | <p>NA</p> <p>YES</p> <p>YES</p> |
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|  | <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>(c) Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.</p> <p><b>Note—</b><br/>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>Having regard to the above matters for consideration in subsection (1) the following comments are provided –</p> <p>(a) As assessed by CIVPLAN in the attached report.</p> <p>(b) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development will not have an adverse impact on water flow in a natural waterbody.</p> <p>(c) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development will not increase the amount of stormwater run-off from the site.</p> <p>(d) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development site maintains on-site stormwater retention, infiltration or reuse.</p> <p>(e) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development will not impact ground water resources.</p> <p>(f) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development will not have a cumulative effect of the regulated catchment.</p> <p>(g) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development will not impact ground water resources.</p> <p>Having regard to the above matters for consideration in subsection (2) the following comments are provided –</p> <p>(a) NA.</p> <p>(b) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the impact of the development on water flow in the natural waterbody will be minimised.</p> <p><b>6.7 Aquatic ecology</b></p> <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>YES</p> |
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|  | <p>(c) whether the development will minimise or avoid—</p> <p>(i) the erosion of land abutting a natural waterbody, or</p> <p>(j) 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><b>Example—</b><br/>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—<br/><b>coastal wetlands and littoral rainforests area</b> has the same meaning as in the Coastal Management Act 2016, section 6</p> <p>Having regard to the above matters for consideration in subsection (1) the following comments are provided –</p> <p>(a) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development, and the consideration of the vegetation and management of the vegetation on the site, would not have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals vegetation.</p> <p>(b) The development does not involve the clearing of riparian vegetation (the vegetation being locally common native and exotic grasses disturbed from residential development works, and is maintained mown for bushfire and vermin management and is a lot established for residential development.</p> <p>(c) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that erosion and sedimentation will be minimised.</p> <p>(d) There are no coastal wetlands or littoral rainforest type areas identified in the locality.</p> <p>(e) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development will provide adequate safeguards and rehabilitation measures to protect aquatic ecology.</p> <p>(f) A Neutral or Beneficial Effect assessment has been conducted by CIVPLAN and is attached.</p> |  |
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|  | <p>Having regard to the above matters for consideration in subsection (2) the following comments area provided –</p> <ul style="list-style-type: none"> <li>(a) As discussed in the SIA Ecological &amp; Environmental Planning Pty Ltd report attached to the application.</li> <li>(b) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves.</li> <li>(c) The development is not within 10m – 40m of a waterway.</li> <li>(d) The management of sediment by the placement of erosion and sediment controls as described in the CIVPLAN report attached to the application ensures that erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised.</li> <li>(e) There are no coastal wetlands or littoral rainforest type areas identified in the locality.</li> </ul> <p><b>6.8 Flooding</b></p> <ul style="list-style-type: none"> <li>(1) <i>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.</i></li> <li>(2) <i>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—</i> <ul style="list-style-type: none"> <li>(a) <i>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</i></li> <li>(b) <i>have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems</i></li> </ul> </li> </ul> <p>Having regard to the above matters for consideration the following comments area provided –</p> <ul style="list-style-type: none"> <li>(1) <b>The site is not within the Flood Planning Area or affected by a Flood Planning Constraint Category.</b></li> <li>(2) <b>The site is not within the Flood Planning Area or affected by a Flood Planning Constraint Category.</b></li> </ul> <p><b>6.9 Recreation and public access</b></p> <ul style="list-style-type: none"> <li>(1) <i>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—</i> <ul style="list-style-type: none"> <li>(i) <i>the likely impact of the development on recreational land uses in the regulated catchment, and</i></li> <li>(j) <i>whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation.</i></li> </ul> </li> <li>(2) <i>Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied of the following—</i> <ul style="list-style-type: none"> <li>(i) <i>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,</i></li> <li>(j) <i>new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,</i></li> <li>(k) <i>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.</i></li> </ul> </li> </ul> | <p>NO</p> <p>NO</p> |
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|  | <p>(3) <i>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.</i></p> <p><b>The development is not adjacent to any specific recreational areas.</b></p> <p><b>6.10 Total catchment management</b><br/> <i>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.</i></p> <p><b>It is not considered that the developments likely to have an adverse environment impact necessitating consultation with the Council of an adjacent or downstream local government area.</b></p> <p><b>6.11 Land within 100m of natural waterbody</b><br/> <i>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—</i></p> <ul style="list-style-type: none"> <li><i>a. the land uses proposed for land abutting the natural waterbody are water-dependent uses, and</i></li> <li><i>b. conflicts between land uses are minimised</i></li> </ul> <p><b>The proposed development is not considered a water-dependent use pertaining to the use of water from the adjacent waterbody, and would not conflict with other water-related uses.</b></p> <p><b>6.12 Riverine Scenic Areas</b><br/> <i>In this section -</i><br/> <b>Riverine Scenic Area</b> means an area identified on the State Environmental Planning Policy (Biodiversity and Conservation) 2021 Hawkesbury-Nepean Riverine Scenic Area Map as—</p> <ul style="list-style-type: none"> <li><i>c. an area of local significance, or</i></li> <li><i>d. an area of regional significance, or</i></li> <li><i>e. an area of significance beyond the region.</i></li> </ul> <p><b>The land is not on the Hawkesbury Nepean Riverine Scenic Area Map.</b></p> <p><b>6.15 Aquaculture</b><br/> <b>The development is not for aquaculture.</b></p> <p><b>6.16 Artificial waterbodies</b><br/> <b>The development does not involve artificial waterbodies.</b></p> <p><b>6.18 Marinas</b><br/> <b>The development does not involve marinas.</b></p> <p><b>6.19 Moorings</b><br/> <b>The development does not involve moorings.</b></p> <p><b>6.20 On-site domestic sewerage systems</b><br/> <b>The development does not involve the provision of on-site domestic sewerage systems.</b></p> <p><b>6.21 Stormwater management</b><br/> <i>(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.</i></p> | <p>NO</p> <p>NO</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>YES</p> |
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|  | <p>(2) Development to which this section applies may be carried out on land in a regulated catchment—</p> <p>(i) by or on behalf of a public authority—without development consent, or</p> <p>(j) 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—</p> <p><b>untreated stormwater</b> 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> <p>The development will involve works for the management of stormwater consisting of erosion &amp; sediment controls outlined in the CIVPLAN report attached. A Neutral or Beneficial Effect on receiving waters has been carried out and included in the CIVPLAN report attached. A future dwelling house would provide details for stormwater management emanating from the buildings. With the above controls it is not anticipated that there would not result from the development any untreated stormwater to be disposed into a natural waterbody. In addition, it is anticipated that future development stormwater would be managed so that there would not result from the future development any untreated stormwater to be disposed into a natural waterbody.</p> <p><b>6.22 Waste or resource management facilities</b><br/>The development is not for a waste or resource management facility.</p> <p><b>6.23 Demolition on certain land</b></p> <p>(1) This section applies to land—</p> <p>(i) in a regulated catchment, and</p> <p>(j) to which a local environmental plan that adopts the Standard Instrument does not apply.</p> <p>(2) Development that involves the demolition of a building or work may be carried out only with development consent.</p> <p>The development does not involve any demolition.</p> <p><b>Part 6.3 Foreshores and Waterways Area</b><br/>In this section -<br/><b>Foreshores and Waterways Area Map</b> means the <a href="#">State Environmental Planning Policy (Biodiversity and Conservation) 2021 Sydney Harbour Foreshores and Waterways Area Map</a>.</p> <p>Goulburn Mulwaree Council area is not within the Foreshores and Waterways Area Map.</p> <p><b>Division 5 Strategic foreshore sites</b><br/>In this section -<br/><b>Strategic Foreshore Sites Map</b> means the <a href="#">State Environmental Planning Policy (Biodiversity and Conservation) 2021 Sydney Harbour Strategic Foreshore Sites Map</a></p> <p>Goulburn Mulwaree Council area is not within the Strategic Foreshore Sites Map.</p> <p><b>Part 6.5 Sydney Drinking Water Catchment</b><br/>The objectives of this Part are—</p> <p>a. to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and</p> | <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>NA</p> <p>YES</p> |
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|                                                                                                 | <p>b. to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</p> <p><b>6.61 Requirement of neutral or beneficial effect on water quality</b></p> <p>(1) Development consent must not be granted to development relating to any part of the Sydney Drinking Water Catchment unless the consent authority is satisfied the carrying out of the development would have a neutral or beneficial effect on water quality.</p> <p><b>Note—</b><br/>See the Act, section 3.26(2).</p> <p>(2) For the purposes of determining whether the carrying out of the development would have a neutral or beneficial effect on water quality, the consent authority must, if the development is development to which the NorBE Tool applies, undertake an assessment using the NorBE Tool.</p> <p>(3) The NorBE Tool applies to development requiring development consent under the Act, Part 4, other than State significant development.</p> <p><b>A NorBE Assessment has been carried out and included in the CIVPLAN report attached. It is further noted that:</b></p> <ul style="list-style-type: none"> <li>• The development is not on crown perpetual leasehold land.</li> <li>• There is no Section 88 instrument place by WaterNSW over the land.</li> </ul> <p><b>A Water Cycle management Study by CivPlan concludes :</b><br/><i>The results of the MUSIC modelling demonstrate that a beneficial effect can be achieved, providing the proposed Water Cycle Management Plan (Section 4) is implemented. Without these specific measures, the development could potentially have a negative impact on water quality. The plan includes a set of long-term maintenance strategies to ensure that the effectiveness of the proposed measures provides ongoing benefits for water quality.</i></p> <p><b>6.63 Requirement of consistency with NorBE Guideline</b><br/><i>Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority is satisfied the development is consistent with the NorBE Guideline</i></p> <p><b>The development is a Module 3 development for which a NorBE Assessment is included in the CIVPLAN report attached.</b></p> <p><b>Chapter 13 Strategic conservation planning</b><br/>This Chapter applies to land shown on the <a href="#">Land Application Map</a>.</p> <p><b>Goulburn Mulwaree Council area is not identified on the Land Application Map.</b></p> | <p>YES</p> <p>NA</p> |
| <p><b>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</b></p> | <p>This Policy aims to provide streamlined assessment processes for development that complies with specified development standards by—</p> <ol style="list-style-type: none"> <li>providing exempt and complying development codes that have State-wide application, and</li> <li>identifying, in the exempt development codes, types of development that are of minimal environmental impact that may be carried out without the need for development consent, and</li> <li>identifying, in the complying development codes, types of complying development that may be carried out in accordance with a complying development certificate as defined in the Act, and</li> <li>enabling the progressive extension of the types of development in this Policy, and</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>NO</p>            |

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|                                                                                  | <p>e. providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments.</p> <p><b>No exempt or complying development is proposed.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                     |
| <p><b>State Environmental Planning Policy (Housing) 2021</b></p>                 | <p>The principles of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) enabling the development of diverse housing types, including purpose-built rental housing,</li> <li>(b) encouraging the development of housing that will meet the needs of more vulnerable members of the community, including very low to moderate income households, seniors and people with a disability,</li> <li>(c) ensuring new housing development provides residents with a reasonable level of amenity,</li> <li>(d) promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services,</li> <li>(e) minimising adverse climate and environmental impacts of new housing development,</li> <li>(f) reinforcing the importance of designing housing in a way that reflects and enhances its locality,</li> <li>(g) supporting short-term rental accommodation as a home-sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,</li> <li>(h) mitigating the loss of existing affordable rental housing.</li> </ul> <p>The development is not identified as providing 'Affordable housing' development in the Greater Sydney region, Newcastle region or Wollongong region, or within 400m of a B1, B2 or B4 zone. The site does not contain a low-rental residential building'.</p> <p><b>The development is not for a 'Boarding House', 'Supportive accommodation', Social housing provider development, Aboriginal Housing Office and Land &amp; Housing Corporation development, or retention of existing affordable rental housing.</b></p> <p><b>The development does not consist of any Diverse Housing being 'a Secondary dwelling', 'Group Homes', 'Co-living housing', 'Build to rent housing', 'Housing for seniors and people with a disability', 'Seniors housing—Aboriginal Housing Office and Land and Housing Corporation', 'Short term rental accommodation' 'Conservation of certain serviced apartments', a 'manufacture housing estate', a 'caravan park', Temporary emergency accommodation', or 'Residential accommodation for flood recovery'.</b></p> | NO                  |
| <p><b>State Environmental Planning Policy (Industry and Employment) 2021</b></p> | <p><b>Chapter 2 Western Sydney employment area</b></p> <p><b>The development is not located with the Western Sydney employment area and as such this chapter does not apply to the development.</b></p> <p><b>Chapter 3 Advertising and signage</b></p> <p><b>Part 3.1 Preliminary</b></p> <p><b>1.1 Aims, objectives etc</b></p> <p>(1) This Chapter aims—</p> <ul style="list-style-type: none"> <li>(a) to ensure that signage (including advertising)— <ul style="list-style-type: none"> <li>(a) is compatible with the desired amenity and visual character of an area, and</li> <li>(iii) provides effective communication in suitable locations, and</li> <li>(iv) is of high quality design and finish, and</li> </ul> </li> <li>(b) to regulate signage (but not content) under Part 4 of the Act, and</li> <li>(c) to provide time-limited consents for the display of certain advertisements, and</li> <li>(d) to regulate the display of advertisements in transport corridors, and</li> <li>(e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <p>NA</p> <p>NA</p> |

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|                                                                           | <p>(2) This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</p> <p><b>1.2 Area of application of this Chapter</b><br/>In brief this chapter applies to the state which includes all land and structures within the state and all vessels on navigable waters.</p> <p>The development does not propose any signage to which chapter 3 relates and as such this chapter does not apply to the development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                     |
| <p><b>State Environmental Planning Policy (Planning Systems) 2021</b></p> | <p><b>Chapter 2 State and regional development</b></p> <p><b>Part 2.1 Preliminary</b></p> <p><b>2.1 Aims of Chapter</b><br/>The aims of this Chapter are as follows—</p> <ul style="list-style-type: none"> <li>(a) to identify development that is State significant development,</li> <li>(b) to identify development that is State significant infrastructure and critical State significant infrastructure,</li> <li>(c) to identify development that is regionally significant development.</li> </ul> <p><b>2.2 Definitions</b><br/><b>capital investment value</b> has the same meaning as in the Environmental Planning and Assessment Regulation 2021”.</p> <p><b>environmentally sensitive area of State significance</b> means—</p> <ul style="list-style-type: none"> <li>(a) coastal waters of the State, or</li> <li>(b) land identified as “coastal wetlands” or “littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map (within the meaning of State Environmental Planning Policy (Coastal Management) 2018), or</li> <li>(c) land reserved as an aquatic reserve under the Fisheries Management Act 1994 or as a marine park under the Marine Parks Act 1997, or</li> <li>(d) a declared Ramsar wetland within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, or</li> <li>(e) a declared World Heritage property within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, or</li> <li>(f) land identified in an environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or</li> <li>(g) land reserved as a state conservation area under the National Parks and Wildlife Act 1974, or</li> <li>(h) land, places, buildings or structures listed on the State Heritage Register under the Heritage Act 1977, or</li> <li>(i) land reserved or dedicated under the Crown Land Management Act 2016 for the preservation of flora, fauna, geological formations or for other environmental protection purposes, or</li> <li>(j) land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994.</li> </ul> <p>The site is not identified as containing “critical habitat” under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994.</p> <p><b>Part 2.2 State significant development</b></p> <p><b>2.6 Declaration of State significant development: section 4.36</b><br/>(1) Development is declared to be State significant development for the purposes of the Act if—</p> <ul style="list-style-type: none"> <li>(a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</li> <li>(b) the development is specified in Schedule 1 or 2.</li> </ul> <p>Schedule 1 lists the following development –</p> <ul style="list-style-type: none"> <li>1. Intensive livestock agriculture *</li> <li>2. Aquaculture *</li> <li>3. Agricultural produce industries and food and beverage processing *</li> <li>4. Timber milling, timber processing, paper and pulp processing *</li> <li>5. Mining *</li> </ul> | <p>NO</p> <p>NO</p> |

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|  | <p>6. <i>Petroleum (oil and gas) *</i></p> <p>7. <i>Extractive industries *#</i></p> <p>8. <i>Geosequestration</i></p> <p>9. <i>Metal, mineral and extractive material processing *</i></p> <p>10. <i>Chemical, manufacturing and related industries *</i></p> <p>11. <i>Other manufacturing industries *</i></p> <p>(a) <i>laboratory, research or development facilities,</i></p> <p>(b) <i>medical products manufacturing,</i></p> <p>(c) <i>printing or publishing,</i></p> <p>(d) <i>textile, clothing, footwear or leather manufacturing,</i></p> <p>(e) <i>furniture manufacturing,</i></p> <p>(f) <i>machinery or equipment manufacturing,</i></p> <p>(g) <i>the vehicle, defence or aerospace industry,</i></p> <p>(h) <i>vessel or boat building and repair facilities (not including marinas)</i></p> <p>12. <i>Warehouses or distribution centres @</i></p> <p>13. <i>Cultural, recreation and tourist facilities +</i></p> <p>14. <i>Hospitals, medical centres and health research facilities *</i></p> <p>15. <i>Educational establishments ^</i></p> <p>16. <i>Correctional centres and correctional complexes *</i></p> <p>17. <i>Air transport facilities *</i></p> <p>18. <i>Port facilities and wharf or boating facilities *</i></p> <p>19. <i>Rail and related transport facilities *</i></p> <p>20. <i>Electricity generating works and heat or co-generation !</i></p> <p>21. <i>Water storage or water treatment facilities * &amp;</i></p> <p>22. <i>Sewerage systems =</i></p> <p>23. <i>Waste and resource management facilities</i></p> <p>24. <i>Remediation of contaminated land</i></p> <p>25. <i>Data storage</i></p> <p>26. <i>Development carried out by or on behalf of New South Wales Land and Housing Corporation for purposes of Housing Act 2001</i></p> <p>27. <i>Build-to-rent housing \$</i></p> <p>28. <i>Seniors housing ^</i></p> <p>29. <i>Development in the Western Sydney Aerotropolis *</i></p> <p>30. <i>Cemeteries</i></p> <p>Notations -</p> <p>^ among other factors the development has a capital investment value of more than \$20 million.</p> <p>* among other factors the development has a capital investment value of more than \$30 million.</p> <p># extracts more than 500,000 tonnes</p> <p>@ among other factors the development has a capital investment value of more than \$50 million.</p> <p>+ among other factors the development has a capital investment value of more than \$100 million, or has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.</p> <p>! among other factors the development has a capital investment value of more than \$30 million, or has a capital investment value of more than \$10 million and is located in an environmentally sensitive area of State significance or a sensitive coastal location.</p> <p>&amp; for a desalination plant among other factors the development has a capital investment value of more than \$10 million.</p> <p>= handles more than 10,000 EP or among other factors the development has a capital investment value of more than \$10 million, and is located in an environmentally sensitive area of State significance.</p> <p>\$ among other factors the development has a capital investment value of \$100 million in Greater Sydney Region or \$50 million on other land.</p> <p><b>The site is not identified as an area of high biodiversity significance. The development is not identified as State Significant Development.</b></p> <p><b>Part 2.3 State significant infrastructure</b></p> <p><b>2.13 Declaration of State significant infrastructure: section 5.12(2)</b></p> <p>(1) <i>Development is declared, pursuant to section 5.12(2) of the Act, to be State significant infrastructure for the purposes of the Act if—</i></p> | <p>NO</p> |
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|  | <p>(a) the development on the land concerned is, by the operation of a State environmental planning policy, permissible without development consent under Part 4 of the Act, and</p> <p>(b) the development is specified in Schedule 3.</p> <p>Schedule 3 lists the following development –</p> <ol style="list-style-type: none"> <li>1. General public authority activities</li> <li>2. Port facilities and wharf or boating facilities *</li> <li>3. Rail infrastructure @</li> <li>4. Water storage or water treatment facilities *</li> <li>5. Pipelines</li> <li>6. Submarine telecommunication cables</li> <li>7. Certain development in reserved land under the National Parks and Wildlife Act 1974</li> </ol> <p>Notations -</p> <p>* among other factors the development has a capital investment value of more than \$30 million.</p> <p>@ among other factors the development has a capital investment value of more than \$50 million.</p> <p><b>The development is not identified as State significant Infrastructure.</b></p> <p><b>Part 2.4 Regionally significant development</b></p> <p><b>2.19 Declaration of regionally significant development: section 4.5(b)</b></p> <p>(1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.</p> <p>(2) However, the following development is not declared to be regionally significant development—</p> <ol style="list-style-type: none"> <li>(a) complying development,</li> <li>(b) development for which development consent is not required,</li> <li>(c) development that is State significant development,</li> <li>(d) development for which a person or body other than a council is the consent authority,</li> <li>(e) development within the area of the City of Sydney.</li> </ol> <p>Schedule 6 lists the following development –</p> <ol style="list-style-type: none"> <li>2. General development over \$30 million</li> <li>3. Council related development over \$5 million<br/>Development that has a capital investment value of more than \$5 million if— <ol style="list-style-type: none"> <li>(a) a council for the area in which the development is to be carried out is the applicant for development consent, or</li> <li>(b) the council is the owner of any land on which the development is to be carried out, or</li> <li>(c) the development is to be carried out by the council, or</li> <li>(d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).</li> </ol> </li> <li>4. Crown development over \$5 million</li> <li>5. Private infrastructure and community facilities over \$5 million</li> <li>6. Eco-tourist facilities over \$5 million</li> <li>7. Particular designated development <ol style="list-style-type: none"> <li>(1) Development for the purposes of— <ol style="list-style-type: none"> <li>(a) extractive industry facilities that meet the requirements for designated development under the <a href="#">Environmental Planning and Assessment Regulation 2021</a>, Schedule 3, section 26, or</li> <li>(b) marinas or related facilities that meet the requirements for designated development under the <a href="#">Environmental Planning and Assessment Regulation 2021</a>, Schedule 3, section 32, or</li> <li>(c) waste management facilities or works that meet the requirements for designated development under the <a href="#">Environmental Planning and Assessment Regulation 2021</a>, Schedule 3, section 45.</li> </ol> </li> </ol> </li> <li>8. Coastal subdivision</li> <li>8a Certain coastal protection works</li> </ol> | NO |
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|                                                                             | <p>(1) <i>The following development on land within the coastal zone that is directly adjacent to, or is under the waters of, the open ocean, the entrance to an estuary or the entrance to a coastal lake that is open to the ocean—</i></p> <p>(a) <i>development for the purpose of coastal protection works carried out by a person other than a public authority, other than coastal protection works identified in the relevant certified coastal management program,</i></p> <p>(b) <i>development for the purpose of coastal protection works carried out by or on behalf of a public authority (other than development that may be carried out without development consent under clause 19(2)(a) of State Environmental Planning Policy (Coastal Management) 2018).</i></p> <p>9. <i>Development subject to delays in determination</i></p> <p>10. <i>Development in council areas where development assessment unsatisfactory</i></p> <p><b>The development is not State Significant or Regional Development</b></p> <p><b>Chapter 3 Aboriginal land</b></p> <p><b>Part 3.1 Preliminary</b></p> <p><b>3.1 Aims of Chapter</b></p> <p><i>The aims of this Chapter are—</i></p> <p>(a) <i>to provide for development delivery plans for areas of land owned by Local Aboriginal Land Councils to be considered when development applications are considered, and</i></p> <p>(b) <i>to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development.</i></p> <p><b>3.3 Land to which Chapter applies</b></p> <p><i>This Chapter applies to the land specified on the Land Application Map.</i></p> <p><b>The development is not specified on the Land Application Map and as such Chapter 3 does not apply to the development.</b></p> | NO |
| <p><b>State Environmental Planning Policy (Primary Production) 2021</b></p> | <p><b>Chapter 2 Primary production and rural development</b></p> <p><b>2.1 Aims of Chapter</b></p> <p><i>The aims of this Chapter are as follows—</i></p> <p>(a) <i>to facilitate the orderly economic use and development of lands for primary production,</i></p> <p>(b) <i>to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,</i></p> <p>(c) <i>to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i></p> <p>(d) <i>to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</i></p> <p>(e) <i>to encourage sustainable agriculture, including sustainable aquaculture,</i></p> <p>(f) <i>to require consideration of the effects of all proposed development in the State on oyster aquaculture,</i></p> <p>(g) <i>to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</i></p> <p><b>The development is not identified as development on ‘State significant agricultural land’, development for ‘farm dams and other small-scale and</b></p>                                                                                                                                                                                                   | NO |

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

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|  | <p>land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality—</p> <ul style="list-style-type: none"> <li>(a) to human health, life or property, or</li> <li>(b) to the biophysical environment,</li> </ul> <p>and includes a hazardous industry and a hazardous storage establishment.</p> <p><b>potentially offensive industry</b> means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.</p> <p><b>3.3 Other definitions</b></p> <p>(1) In this Chapter—</p> <p><b>hazardous industry</b> means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality—</p> <ul style="list-style-type: none"> <li>(a) to human health, life or property, or</li> <li>(b) to the biophysical environment.</li> </ul> <p><b>hazardous storage establishment</b> means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on the other land in the locality), would pose a significant risk in relation to the locality—</p> <ul style="list-style-type: none"> <li>(a) to human health, life or property, or</li> <li>(b) to the biophysical environment.</li> </ul> <p><b>offensive industry</b> means a development for the purposes of an industry which, when the development is in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the development from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.</p> <p><b>offensive storage establishment</b> means any establishment where goods, materials or products are stored which, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the establishment from existing or likely future development on other land in the locality), would emit a polluting discharge (including, for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land in the locality.</p> <p><b>3.7 Consideration of Departmental guidelines</b></p> <p>In determining whether a development is—</p> <ul style="list-style-type: none"> <li>(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or</li> <li>(b) an offensive storage establishment, offensive industry or other potentially offensive industry,</li> </ul> <p>consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.</p> <p><b>Chapter 4 Remediation of land</b></p> <p><b>4.1 Object of this Chapter</b></p> <ul style="list-style-type: none"> <li>(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</li> <li>(2) In particular, this Chapter aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment—</li> </ul> |  |
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|                                                                               | <p>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</p> <p>(b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and</p> <p>(c) by requiring that a remediation work meet certain standards and notification requirements.</p> <p><b>4.6 Contamination and remediation to be considered in determining development application</b></p> <p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p> <p>(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.</p> <p>(4) The land concerned is—</p> <p>(a) land that is within an investigation area,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—</p> <p>(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p> <p><b>In accordance with section 4.6 (1) of the Policy a review is carried out and discussed in section 5.13 above.</b></p> |    |
| <p><b>State Environmental Planning Policy (Resources and Energy) 2021</b></p> | <p><b>Chapter 2 Mining, petroleum production and extractive industries</b></p> <p><b>2.1 Aims of Chapter</b></p> <p>The aims of this Chapter are, in recognition of the importance to New South Wales of mining, petroleum production and extractive industries—</p> <p>(a) to provide for the proper management and development of mineral, petroleum and extractive material resources for the purpose of promoting the social and economic welfare of the State, and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | NO |

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|  | <p>(b) to facilitate the orderly and economic use and development of land containing mineral, petroleum and extractive material resources, and</p> <p>(c) to promote the development of significant mineral resources, and</p> <p>(d) to establish appropriate planning controls to encourage ecologically sustainable development through the environmental assessment, and sustainable management, of development of mineral, petroleum and extractive material resources, and</p> <p>(e) to establish a gateway assessment process for certain mining and petroleum (oil and gas) development—</p> <p>(i) to recognise the importance of agricultural resources, and</p> <p>(ii) to ensure protection of strategic agricultural land and water resources, and</p> <p>(iii) to ensure a balanced use of land by potentially competing industries, and</p> <p>(iv) to provide for the sustainable growth of mining, petroleum and agricultural industries.</p> <p><b>2.19 Compatibility of proposed development with mining, petroleum production of extractive industry</b></p> <p>(1) This section applies to an application for consent for development on land that is, immediately before the application is determined—</p> <p>(a) in the vicinity of an existing mine, petroleum production facility or extractive industry, or</p> <p>(b) identified on a map (being a map that is approved and signed by the Minister and copies of which are deposited in the head office of the Department and publicly available on the Department's website) as being the location of State or regionally significant resources of minerals, petroleum or extractive materials, or</p> <p><b>Note—</b><br/>At the commencement of this Chapter, no land was identified as referred to in paragraph (b).</p> <p>(c) identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.</p> <p><b>Note—</b><br/>Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995) is an example of an environmental planning instrument that identifies land as containing significant deposits of extractive materials.</p> <p>(2) Before determining an application to which this section applies, the consent authority must—</p> <p>(a) consider—</p> <p>(i) the existing uses and approved uses of land in the vicinity of the development, and</p> <p>(ii) whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and</p> <p>(iii) any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and</p> <p>(b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and</p> <p>(c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</p> | NO |
|  | <p><b>Chapter 3 Extractive industries in Sydney area</b></p> <p><b>3.1 Aims, objectives etc</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | NO |

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|                                                                                | <p>This Chapter aims—</p> <ul style="list-style-type: none"> <li>(a) to facilitate the development of extractive resources in proximity to the population of the Sydney Metropolitan Area by identifying land which contains extractive material of regional significance, and</li> <li>(b) to permit, with the consent of the council, development for the purpose of extractive industries on land described in Schedule 3 or 4, and</li> <li>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</li> <li>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</li> <li>(e) to prohibit development for the purpose of extractive industry on the land described in Schedule 5 in the Macdonald, Colo, Hawkesbury and Nepean Rivers, being land which is environmentally sensitive.</li> </ul> <p><b>The development is not located within the Sydney Metropolitan Area and as such this chapter does not apply to the development.</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |
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| <p><b>State Environmental Planning Policy (Sustainable Buildings) 2022</b></p> | <p>The aims of this Policy are as follows—</p> <ul style="list-style-type: none"> <li>(a) to encourage the design and delivery of sustainable buildings,</li> <li>(b) to ensure consistent assessment of the sustainability of buildings,</li> <li>(c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,</li> <li>(d) to monitor the embodied emissions of materials used in construction of buildings,</li> <li>(e) to minimise the consumption of energy,</li> <li>(f) to reduce greenhouse gas emissions,</li> <li>(g) to minimise the consumption of mains-supplied potable water,</li> <li>(h) to ensure good thermal performance of buildings.</li> </ul> <p>In this Policy –</p> <p><b>BASIX development</b> means the following development if it is not BASIX excluded development—</p> <ul style="list-style-type: none"> <li>(a) development that involves the erection, but not the relocation, of a BASIX building,</li> <li>(b) development that involves a change of building use by which a building becomes a BASIX building,</li> <li>(c) development that involves the alteration of a BASIX building, if the estimated construction cost of the development is \$50,000 or more,</li> <li>(d) development for the purposes of a swimming pool or spa, or combination of swimming pools and spas, that— <ul style="list-style-type: none"> <li>(i) services 1 dwelling only, and</li> <li>(ii) has a capacity, or combined capacity, of 40,000 litres or more.</li> </ul> </li> </ul> <p><b>BASIX optional development</b> means the following development if it is not BASIX excluded development—</p> <ul style="list-style-type: none"> <li>(a) development that involves the alteration of a BASIX building, if the estimated construction cost of the development is less than \$50,000,</li> <li>(b) development for the purposes of a swimming pool or spa, or combination of swimming pools and spas, that— <ul style="list-style-type: none"> <li>(i) services 1 dwelling only, and</li> <li>(iii) has a capacity, or combined capacity, of less than 40,000 litres.</li> </ul> </li> </ul> <p><b>BASIX excluded development</b> means the following development—</p> | NO |

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|                                                                                       | <p>(a) development for the purposes of a garage, storeroom, carport, gazebo, verandah or awning,</p> <p>(b) development that involves the alteration of a building listed on the State Heritage Register under the Heritage Act 1977,</p> <p>(c) development that involves the alteration of a building resulting in a space that cannot be fully enclosed, other than a space that can be fully enclosed but for a vent needed for the safe operation of a gas appliance,</p> <p><b>Example—</b><br/>A verandah that is open or enclosed by a screen, mesh or other material that permits the free and uncontrolled flow of air.</p> <p>(d) development that involves the alteration of a building declared by the Planning Secretary, by order published in the Gazette, to be BASIX excluded development.</p> <p><b>Chapter 2 Standard for BASIX development and BASIX optional development</b></p> <p>(5) Development consent must not be granted to development to which the standards specified in Schedule 1 or 2 apply unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</p> <p><b>The development is not BASIX development or BASIX optional development.</b></p> <p><b>Chapter 3 Standards for non-residential development</b></p> <p>(1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves—</p> <p>(a) the erection of a new building, if the development has a capital investment value of \$5 million or more, or</p> <p>(b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more.</p> <p><b>The development has an estimated Capital Investment Value of less than \$5Million and is not a development involving a building. As such the Chapter does not apply to the development.</b></p> |  |
| <p><b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b></p> | <p><b>Chapter 2 Infrastructure</b></p> <p><b>2.1 Aim of Chapter</b></p> <p>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</p> <p>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</p> <p>(b) providing greater flexibility in the location of infrastructure and service facilities, and</p> <p>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</p> <p>(d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and</p> <p>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</p> <p>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</p> <p>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |

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|  | In relation to clause 2.10 the development is not proposed to be carried out by or on behalf of a public authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NO  |
|  | In relation to clause 2.11 the development is not proposed to be carried out by or on behalf of a public authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NO  |
|  | In relation to clause 2.12 the development is not proposed to be carried out by or on behalf of a public authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NO  |
|  | In relation to clause 2.13 the development is not proposed to be carried out by or on behalf of a public authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NO  |
|  | In relation to clause 2.14 the land is not located within the Coastal Zone. The development is not proposed to be carried out by or on behalf of a public authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | NO  |
|  | In relation to clause 2.15 the development is not proposed to be carried out by or on behalf of a public authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NO  |
|  | The proposed development is not identified as exempt development (in Schedule 1) or complying development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |
|  | <p><b>Division 5 Electricity transmission or distribution</b></p> <p><b>Subdivision 2 Development likely to affect an electricity transmission or distribution network</b></p> <p><b>2.48 Determination of development applications—other development</b></p> <p>(3) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—</p> <p>(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,</p> <p>(b) development carried out—</p> <p>(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or</p> <p>(ii) immediately adjacent to an electricity substation, or</p> <p>(iii) within 5m of an exposed overhead electricity power line,</p> <p>(c) installation of a swimming pool any part of which is—</p> <p>(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or</p> <p>(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,</p> <p>(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.</p> <p>(4) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <p>(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and</p> <p>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</p> | YES |
|  | <p>1. It is identified that the development-</p> <p>a. Would likely penetrate ground within 2m of an underground electricity power line or an electricity distribution pole, but would not be within 10m of any part of an electricity tower.</p> <p>b. Carried out -</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |     |

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|  | <p>(i) not immediately adjacent to an easement for electricity purposes, or</p> <p>(i) not immediately adjacent to an electricity substation, or</p> <p>(ii) Not within 5m of an exposed overhead electricity power line</p> <p>(d) Would be development that would require the placement of power lines underground that would require referral to Essential Energy.</p> <p><b>The application will require referral to Essential Energy</b></p> <p><b>Division 12A Pipelines and pipeline corridors</b></p> <p><b>Subdivision 2 Development adjacent to pipeline corridors</b></p> <p><b>2.76 Determination of development applications</b></p> <p>(1) Before determining a development application for development adjacent to land in a pipeline corridor, the consent authority must—</p> <p>(a) be satisfied that the potential safety risks or risks to the integrity of the pipeline that are associated with the development to which the application relates have been identified, and</p> <p>(b) take those risks into consideration, and</p> <p>(c) give written notice of the application to the pipeline operator concerned within 7 days after the application is made, and</p> <p>(d) take into consideration any response to the notice that is received from the pipeline operator within 21 days after the notice is given.</p> <p>(2) Land is in a pipeline corridor for the purposes of this section if the land is located—</p> <p>(a) within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or</p> <p>(b) within 20m of the centreline (measured radially) of a relevant pipeline, or</p> <p>(c) within 20m of land the subject of an easement for a relevant pipeline.</p> <p>(3) The following pipelines for gas, or for petroleum or other liquid fuels, are relevant pipelines for the purposes of this section—</p> <p>(a) the pipelines with licence numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35 and 42 licensed under the Pipelines Act 1967,</p> <p>(b) the Clyde to Gore Bay pipeline.</p> <p><b>The land is not identified adjacent to or within 20m of a pipeline or in a pipeline corridor for gas, petroleum or liquid fuels under the Pipelines Act 1967 and as such this clause does not apply to the development.</b></p> <p><b>Division 15 Railways</b></p> <p><b>2.97 Development involving access via level crossings</b></p> <p>(5) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and</p> <p>(b) take into consideration—</p> <p>(i) any response to the notice that is received within 21 days after the notice is given, and</p> <p>(ii) the implications of the development for traffic safety including the costs of ensuring an appropriate level of safety, having regard to existing traffic characteristics and any likely change in traffic at level crossings as a result of the development, and</p> <p>(iii) the feasibility of access for the development that does not involve use of level crossings.</p> <p>(6) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor.</p> | <p>NO</p> <p>NO</p> |
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|  | <p><b>The proposal does not involve access to or development of a level crossing, or increase traffic crossing a level crossing, and as such this clause does not apply to the development.</b></p> <p><b>2.98 Development adjacent to rail corridors</b><br/> (2) Before determining a development application for development to which this section applies, the consent authority must—<br/> (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and<br/> (b) take into consideration—<br/> (i) any response to the notice that is received within 21 days after the notice is given, and<br/> (ii) any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.</p> <p><b>The proposal does not involve development adjacent to a rail corridor or within 5m of an electricity power line used for the purpose of railways or rail infrastructure facilities and as such this clause does not apply to the development.</b></p> <p><b>2.99 Excavation in, above, below or adjacent to rail corridors</b><br/> (2) Before determining a development application for development to which this section applies, the consent authority must—<br/> (a) within 7 days after the application is made, give written notice of the application to the rail authority for the rail corridor, and<br/> (b) take into consideration—<br/> (i) any response to the notice that is received within 21 days after the notice is given, and<br/> (ii) any guidelines issued by the Secretary for the purposes of this section and published in the Gazette.<br/> (3) Subject to subsection (5), the consent authority must not grant consent to development to which this section applies without the concurrence of the rail authority for the rail corridor to which the development application relates.</p> <p><b>The proposal does not involve excavation within, below, above or within 25m of a rail corridor and as such this clause does not apply to the development.</b></p> <p><b>2.100 Impact of rail noise or vibration on non-rail development</b><br/> (2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.<br/> (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following <math>L_{Aeq}</math> levels are not exceeded—<br/> (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,<br/> (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p> <p><b>The proposal is not development for residential accommodation, a place of public worship, a hospital or an educational establishment that is adjacent to a rail corridor, and as such this clause does not apply to the development.</b></p> <p><b>2.101 Development within or adjacent to interim rail corridor</b><br/> (2) Before determining a development application to which this section applies, the consent authority must give written notice of the application to the rail authority for the interim rail corridor in which the</p> | <p>NO</p> <p>NO</p> <p>NO</p> |
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|  | <p><i>development is to be carried out (the relevant rail authority) within 7 days after the application is made.</i></p> <p><i>(3) Except as provided by subsection (5), consent must not be granted to development to which this section applies without the concurrence of the relevant rail authority.</i></p> <p><b>The proposal does not involve development on land shown as Zone A, or Zone B on a rail corridors map, or as the “Sydney Metro West Tunnel”, and as such this clause does not apply to the development.</b></p> <p><b>Division 17 Roads and traffic</b></p> <p><b>Subdivision 2 Development in or adjacent to road corridors and road reservations</b></p> <p><b>2.118 Development on proposed classified road</b></p> <p><i>(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of TfNSW—</i></p> <ul style="list-style-type: none"> <li><i>(a) subdivision that results in the creation of an additional lot with dwelling entitlements,</i></li> <li><i>(b) development with a capital investment value greater than \$185,000,</i></li> <li><i>(c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.</i></li> </ul> <p><i>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</i></p> <ul style="list-style-type: none"> <li><i>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</i></li> <li><i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></li> </ul> <p><b>The proposal does not involve any development on a proposed classified road, and as such this clause does not apply to the development.</b></p> <p><b>2.119 Development with frontage to classified road</b></p> <p><i>(1) The objectives of this section are—</i></p> <ul style="list-style-type: none"> <li><i>(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i></li> <li><i>(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></li> </ul> <p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <ul style="list-style-type: none"> <li><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></li> <li><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i> <ul style="list-style-type: none"> <li><i>(i) the design of the vehicular access to the land, or</i></li> <li><i>(ii) the emission of smoke or dust from the development, or</i></li> <li><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></li> </ul> </li> <li><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></li> </ul> <p><b>The proposal does not front a classified road, and as such this clause does not apply to the development.</b></p> <p><b>2.120 Impact of road noise or vibration on non-road development</b></p> | <p>NO</p> <p>NO</p> <p>NO</p> |
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|  | <p>(1) This section applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—</p> <ul style="list-style-type: none"> <li>(a) residential accommodation,</li> <li>(b) a place of public worship,</li> <li>(c) a hospital,</li> <li>(d) an educational establishment or centre-based child care facility.</li> </ul> <p>(2) Before determining a development application for development to which this section applies, the consent authority must take into consideration any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette.</p> <p>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</p> <ul style="list-style-type: none"> <li>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,</li> <li>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</li> </ul> <p>(3A) Subsection (3) does not apply to a building to which State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 7 applies.</p> <p>(4) In this section, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.</p> <p><b>The development is not on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles.</b></p> <p><b>2.121 Excavation in or immediately adjacent to corridors</b></p> <p>(5) <i>This section applies to development that involves the penetration of ground to a depth of at least 3m below ground level (existing) on land that is the road corridor of any of the following roads or road projects (as described in Schedule 2)—</i></p> <ul style="list-style-type: none"> <li>(a) <i>the Eastern Distributor,</i></li> <li>(b) <i>the Cross City Tunnel,</i></li> <li>(c) <i>the Lane Cove Tunnel,</i></li> <li>(d) <i>the Tugun Bypass,</i></li> <li>(e) <i>the Liverpool—Parramatta Transitway,</i></li> <li>(f) <i>the North-West Sydney Transitway Network,</i></li> <li>(g) <i>the Gore Hill Freeway,</i></li> <li>(h) <i>the Western Distributor,</i></li> <li>(i) <i>Southern Cross Drive,</i></li> <li>(j) <i>the Cahill Expressway,</i></li> <li>(k) <i>General Holmes Drive,</i></li> <li>(l) <i>the Hume Motorway,</i></li> <li>(m) <i>the M1 Pacific Motorway,</i></li> <li>(n) <i>the M2,</i></li> <li>(o) <i>the M4,</i></li> <li>(p) <i>the M5,</i></li> <li>(q) <i>the M4–M5 link,</i></li> <li>(r) <i>the M7,</i></li> <li>(s) <i>NorthConnex,</i></li> <li>(t) <i>the Sydney Harbour Tunnel,</i></li> <li>(u) <i>the King Georges Road Interchange,</i></li> <li>(v) <i>the Pacific Highway.</i></li> </ul> | <p>NO</p> <p>NO</p> |
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|  | <p>(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> <li>(b) give written notice of the application to TfNSW within 7 days after the application is made, and</li> <li>(c) take into consideration— <ul style="list-style-type: none"> <li>(i) any response to the notice that is received within 21 days after the notice is given, and</li> <li>(ii) any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette, and</li> <li>(iii) any implications of the ground penetration for the structural integrity of the road or project, and</li> <li>(iv) any cost implications for the road or project of the ground penetration.</li> </ul> </li> </ul> <p><b>The proposal is not within any of the listed road corridors, and as such the clause does not apply to the development.</b></p> <p><b>2.122 Traffic-generating development</b></p> <p>(1) This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</p> <ul style="list-style-type: none"> <li>(a) new premises of the relevant size or capacity, or</li> <li>(b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</li> </ul> <p>(2) In this section, relevant size or capacity means—</p> <ul style="list-style-type: none"> <li>(a) in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</li> <li>(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</li> </ul> <p>(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this section applies that this Chapter provides may be carried out without consent unless the authority or person has—</p> <ul style="list-style-type: none"> <li>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</li> <li>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</li> </ul> <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <ul style="list-style-type: none"> <li>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</li> <li>(b) take into consideration— <ul style="list-style-type: none"> <li>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</li> <li>(ii) the accessibility of the site concerned, including— <ul style="list-style-type: none"> <li>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</li> <li>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</li> </ul> </li> <li>(iii) any potential traffic safety, road congestion or parking implications of the development.</li> </ul> </li> </ul> | <p>NO</p> |
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|                                                                                                             | <p>The proposal is identified as development for “any other purpose” but does not involve 200 or vehicles per hour accessing a road and is not accessing a classified road or a road that connects to a classified road (that is within 90m of a classified road). The application would not require referral to Transport for NSW.</p> <p><b>Chapter 3 Educational establishments and child care facilities</b><br/>The development is not for an Educational establishment or a child care facility and as such this chapter does not apply to the development.</p> <p><b>Chapter 4 Major infrastructure corridors</b><br/>The development does not involve a use for a future infrastructure corridor and is not within an SP2 Infrastructure zone. As such this chapter does not apply to the development</p> <p><b>Chapter 5 Three ports—Port Botany, Port Kembla and Newcastle</b><br/>The development is not located in Port Botany, Port Kembla or Newcastle and as such this chapter does not apply to the development.</p> <p><b>Chapter 6 Moorebank Freight intermodal Precinct</b><br/>The development is not located within the Moorebank Freight Intermodal Precinct and as such this chapter does not apply to the development.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p> |
| <p><b>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</b></p> | <p>(1) This Policy aims to improve the design quality of residential apartment development in New South Wales.</p> <p>(2) This Policy recognises that the design quality of residential apartment development is of significance for environmental planning for the State due to the economic, environmental, cultural and social benefits of high-quality design.</p> <p>(3) Improving the design quality of residential apartment development aims:</p> <ul style="list-style-type: none"> <li>(a) to ensure that it contributes to the sustainable development of New South Wales: <ul style="list-style-type: none"> <li>(i) by providing sustainable housing in social and environmental terms, and</li> <li>(iv) by being a long-term asset to its neighbourhood, and</li> <li>(v) by achieving the urban planning policies for its regional and local contexts, and</li> </ul> </li> <li>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</li> <li>(c) to better satisfy the increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities, and</li> <li>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</li> <li>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and</li> <li>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</li> <li>(g) to support housing affordability, and</li> <li>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</li> </ul> <p>(4) This Policy aims to provide:</p> <ul style="list-style-type: none"> <li>(a) consistency of policy and mechanisms across the State, and</li> <li>(b) a framework for local and regional planning to achieve identified outcomes for specific places</li> </ul> <p><b>The development does not involve residential apartment development.</b></p> | <p>NO</p>                               |

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| <p><b>Goulburn Mulwaree LEP 2009</b></p> | <p>The site is within the Goulburn Mulwaree Local Government Area ('LGA') and the Goulburn Mulwaree Local Environmental Plan 2009 is the applicable Local Environmental Plan. The site is within the R5 Large Lot Residential zone under the Goulburn Mulwaree Local Environmental Plan 2009. The subdivision is permissible in accordance with clause 2.6 whilst the proposed future residential development is permissible development under the zone (as a "Dwelling House"), subject to compliance with various clauses detailed in this Statement. Under the Goulburn Mulwaree Local Environmental Plan 2009 the land is also identified as:</p> <ol style="list-style-type: none"> <li>1. Having a minimum lot size of 2000 Square Metres for subdivision</li> <li>2. Not subject to any land reservation acquisition proposal.</li> <li>3. Not containing a heritage item.</li> <li>4. Not within a heritage conservation area.</li> <li>5. Not within an area of Natural Resource biodiversity</li> <li>6. Not within an area for Land Reservation Acquisition</li> <li>7. In terms of clause 3.3 the land is-               <ol style="list-style-type: none"> <li>(a) not within the coastal waters;</li> <li>(b) not a coastal lake;</li> <li>(c) not within the coastal wetlands and littoral rainforests area;</li> <li>(d) not an aquatic reserve;</li> <li>(e) not within a wetland of international significance or a world heritage area;</li> <li>(f) not within 100m of either item (c), (d) or (e) above;</li> <li>(g) not identified as being of high Aboriginal cultural significance or high biodiversity;</li> <li>(h) not reserved as a state conservation area;</li> <li>(i) not dedicated for the preservation of flora, fauna, geological formations or for other environmental protection purposes;</li> <li>(j) parts of the land that are declared areas of outstanding biodiversity value or a declared critical habitat.</li> </ol> </li> </ol> <p><b>Compliance matters are addressed in detail in Section 4.1.3 of this report.</b></p> | <p><b>Goulburn Mulwaree LEP 2009</b></p> |
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## 10 APPENDIX 2 – GOULBURN MULWAREE DCP 2009 COMPLIANCE

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

| PROVISION                                                             | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | COMPLIANCE |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>GOULBURN MULWAREE DEVELOPMENT CONTROL PLAN 2009</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |
| <b>Section 2 Plan objectives</b>                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |
| Section 2.1<br><b>Plan Objectives</b>                                 | Based upon the assessment this statement and associated studies and in general terms the proposal:<br><ol style="list-style-type: none"> <li>1. Is employment maintaining and generating with the needs for carrying of the subdivision and ultimate residential development, settlement and living.</li> <li>2. Is a development in an area of similar development and supportive of the existing community and local commerce, industry and services?</li> <li>3. Will not impact upon the amenity of the area or surrounding sensitive land uses.</li> <li>4. Will maintain the existing and intended rural landscape.</li> <li>5. Provides for the implementation of best practice environmental management and protection measures.</li> </ol> | YES        |
| Section 2.3<br><b>Locality Objectives – Goulburn</b>                  | The development is located so as to enable the use of the land for suitable residential activities. The landscape created from the subdivision is generally open with increasing residential settlement. Scenic values are not dominated in the locality by elevated lands and gullies but with gently sloping land with residential dwellings.<br><br>There is the opportunity for landscaping to be provided for the subdivision and there will be opportunities for new residents to provide environmental improvements to the property with the planting of additional vegetation and improvement of the ecological values of the area and support to fauna.                                                                                    | YES        |
| <b>Section 3 General development controls</b>                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |            |
| Section 3.1<br><b>Indigenous heritage and archaeology</b>             | The development is not located near any waterways of significance. The site would have been assessed for the subdivision and any sites protected or identified. An AHIMS search has been completed and the report is detailed in Section 5.10 above showing no areas of impact.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | YES        |
| Section 3.2<br><b>European (non-indigenous) heritage conservation</b> | The site is not located within a heritage conservation area and is not listed as a heritage item. Discussed in section 5.7 above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | NA         |
| Section 3.3<br><b>Landscaping</b>                                     | Landscaping is considered in Section 3.6 above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | YES        |
| Section 3.8<br><b>Flood affected lands</b>                            | The land is not mapped on the Flood Planning Map and is not within a Flood Planning Constraint Category.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | YES        |
| Section 3.9<br><b>Tree and vegetation preservation</b>                | Discussed in sections 3.6 and 5.17 above and SIA Ecological & Environmental Planning Pty Ltd report attached.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | YES        |
| Section 3.10<br><b>Dryland salinity</b>                               | The site is not identified as affected by dryland salinity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | NA         |
| Section 3.11<br><b>Waterbody and wetland protection</b>               | The site is not adjacent to a waterbody or wetland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | NA         |
| Section 3.12<br><b>Groundwater</b>                                    | The proposal does not involve the sinking of a bore or any ground works that would potentially interfere with groundwater resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | NA         |

| PROVISION                                                                              | COMMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | COMPLIANCE |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Section 3.14<br><b>Biodiversity management –</b><br>(Reference: Clause 1.7 – LEP 2009) | The site is not identified as containing terrestrial biodiversity on the Terrestrial Biodiversity Map under <i>Goulburn Mulwaree Local Environmental Plan 2009</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | NA         |
| Section 3.15<br><b>High Environmental Conservation Value Areas</b>                     | The mapping is very difficult to interpret, but the development has considered flora and fauna values and biodiversity values on the land as well as water quality management.<br><br>Please refer to Sections <a href="#">3.6</a> , <a href="#">4.1.3.11</a> and <a href="#">5.17</a> above, and SIA Ecological & Environmental Planning Pty Ltd report attached.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | NA         |
| Section 3.16<br><b>Stormwater pollution</b>                                            | An erosion & Sediment Control Plan is included in the plans prepared by CIVPLAN and attached to the application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | YES        |
| Section 3.17<br><b>Bushfire risk management</b>                                        | The site is not identified within bush fire prone land under the Goulburn Mulwaree Council Bushfire Prone Vegetation Map. However, grassland APZ setbacks are identified                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | NA         |
| Section 3.18<br><b>Urban servicing (Water and Sewer)</b>                               | Utilities are discussed in section <a href="#">3.8</a> above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | YES        |
| <b>Section 6 Special Development Types</b>                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |
| Section 6.8<br><b>Large Lot Residential – R5</b>                                       | The lots proposed meet the minimum lot size. The lots would both be serviced with water and sewerage as well as electricity and telecommunications services.<br><br>A conceptual building envelope is included exceeding the recommended size, dimensions and setbacks.<br><br>Lot orientation is not an option in a further subdivision situation; however, the new lot is of sufficient size to enable a variation of dwelling orientation and design.<br><br>In the original subdivision proposal Council considered section 5.2 of the GM DCP 2009, however this section relates to Rural Subdivision and the proposed development is not located in a Rural Zone.<br><br>Further consideration of aspects in this clause will need be carried out at the stage of a development application for a dwelling house. | YES        |
| <b>Section 7 Engineering Requirements</b>                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |            |
| <b>Section 7.3</b><br>Drainage and Soil and Water Management                           | The site is of sufficient size to enable on site stormwater management from a future dwelling house.<br><br>Erosion and Sediment Controls are proposed as outlined in the CIVPLAN report and plans attached to the application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | YES        |
| <b>Section 7.4</b><br>Easements                                                        | There are existing easements as identified in section 4.1.3.3. No additional easements are not considered necessary at this stage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | YES        |