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| **Clause** | **Assessment** | **Compliance?** |
| **Appendix 9, 2.7 Demolition**  The demolition of a building or work may be carried out only with development consent. | The DA seeks development consent for the demolition of all structures. | Yes |
| **Appendix 9, 4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**  On land zoned:   * R2 Low Density Residential, or * R3 Medium Density Residential,   The minimum lot size for a residential flat building is 2,000m2 if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25. | The existing lot area, notwithstanding future acquisition along Ingleburn Road and Byron Road is 8,708.2m2. | Yes |
| **Appendix 9, 4.1B Residential Density**  This clause applies to residential development of the kind referred to in clause 4.1AB(3) or 4.1AC.  The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land. | Clauses 4.1AB(3) and 4.1AC relate to dwelling and secondary dwelling development. As such, the proposed development is not subject to this development standard. Nevertheless, the development proposes a density of 111.056 dwellings per hectare.  (1.03 HA NDA area / 115 Dwellings) | NA |
| **Appendix 9, 4.3 Height of buildings**  Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.  **R** – 12m | Approximately 14.4m at its highest point (Building D). Building height contravention is also sought to Building A (14m), Building B (14m), Building C (12.7m) and Building E (13m). | No – Clause 4.6 written request lodged. See below. |
| **Appendix 9, 4.4 Floor space ratio**  The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map. | The development site is not subject to a floor space ratio development standard. | NA |
| **Appendix 9, 4.6 Exceptions to development standards**  Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.  The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:   1. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and 2. that there are sufficient environmental planning grounds to justify contravening the development standard.   Development consent musty not granted unless:   1. the consent authority is satisfied that: 2. the applicant’s written request has adequately addressed the matters required to be demonstrated, and 3. the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and 4. the concurrence of the Secretary has been obtained.   This clause prohibits the approval of development standard contraventions for certain subdivisions of land in some rural and environmental zones. | A Clause 4.6 written request has been submitted with the application. Consideration of the written request is made in the assessment report. | No |
| **Appendix 9, 5.9 Preservation of trees or vegetation**  Development consent is required for tree removal and tree related works. | Tree removal is proposed as part of the application and has been considered by Council’s Urban Tree and Landscape Officer.  The SOEE refers to an arboricultural impact assessment, however this document has not been lodged for assessment. Efforts to possibly retain existing trees have not been adequately demonstrated to support proposed tree removal. | No |
| **Appendix 9, 5.10 Heritage conservation**  **5.10 Heritage conservation**  Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.  The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the item or heritage conservation area concerned. The submission of a heritage conservation management plan may also be required.  Before granting consent to the carrying out of development on an archaeological site the consent authority must notify the Heritage Council of its intention to grant consent and take into consideration any response received within 28 days after the notice is sent.  Before granting consent to the carrying out of development in an Aboriginal place of heritage significance the consent authority must:   1. consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and 2. notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.   Before granting consent to the demolition of a State heritage item the consent authority must:   1. notify the Heritage Council about the application, and 2. take into consideration any response received from the Heritage Council within 28 days after the notice is sent.   Development consent may be granted for any purpose of a building that is a heritage item or the land on which such a building is erected, or for any purpose on an Aboriginal Place of Significance is the consent authority is satisfied as to a number of matters listed by this clause; including if the conservation of the item or place is facilitated by the granting of consent. | No items of European heritage exist on the site or are located within immediate proximity to the development site.  In respect to Aboriginal heritage, a due diligence assessment report has been submitted, which concludes that the site is not an Aboriginal place of heritage significance and does not contain Aboriginal objects. | NA |
| **Appendix 9, 6.1 Public utility infrastructure**  Development consent must not be granted for development on land 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 it is required. | Insufficient information has been provided with the DA to demonstrate that 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.  The SOEE advises; *It is understood that the site is well serviced with all required utilities including gas, water, sewer and electricity being available to the site.*  However, the application has not been supported with a servicing strategy to demonstrate that the existing services are capable of supporting an additional 115 dwellings on site, which is likely to require a padmount substation to be constructed on site and potential for augmentation of sewer and water mains to the site. | No |