

State Environmental Planning Policy (Precincts—Western Parkland City) 2021 (Western Parkland City SEPP) Assessment Table

Clause	Assessment	Compliance?
Appendix 5, 2.3 Zone objectives and land use table The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.	The application proposes development in the R2 Low Density Residential, C2 Environmental Conservation, RE1 Public Recreation and RE2 Private Recreation zones. All of the proposed development is permitted with consent in the respective zone. It's noted that 'attached dwellings' are identified as a prohibited land use in the R2 Low Density Residential land use table. However, Appendix 5, Section 6.7 permits attached dwellings in R2 zone when the land "adjoins land in Zone RE1 Public Recreation or land that is set aside for open space or recreation purposes, or is separated from land in that zone only by a public road". The attached dwellings meet this definition and are therefore permitted with consent. See discussion later in the table for further information. The proposed subdivision and residential development provides low-density housing that meets local community needs while maintaining a high level of residential amenity. Works within environmentally sensitive land are limited to stormwater and landscape treatments that protect and enhance ecological and cultural values. The layout will also integrate and activate future open space and the Maryland Homestead curtilage for recreation and community use, while conserving their natural and heritage character.	Yes.
Appendix 5, 2.6 Subdivision - consent requirements Development consent is required to subdivide land (unless the subdivision is exempt or complying development under another environmental planning instrument).	The application seeks consent for a staged Torrens title subdivision to create 246 residential lots, 13 superlots and 3 residue lots.	Yes.
Appendix 5, 4.1 Minimum subdivision lot size Lot sizes must not be less than the minimum lot size shown on the Lot Size Map. This clause does not apply to the subdivision of land: (a) by the registration of a strata plan or strata plan of subdivision under	The application seeks consent for a staged Torrens title subdivision to create 246 residential lots, 13 superlots and 3 residue lots. The Lot Size Map prescribes a minimum lot size of 30ha for the majority of the Maryland Homestead heritage curtilage. The application proposes subdivision that will result in the size of the Maryland lot reducing from 9.55 ha to 7.30ha which is below the minimum lot size.	No.

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the <i>Strata Schemes Development Act 2015</i>, or (b) by subdivision under the <i>Community Land Development Act 1989</i>.	The contravention is assessed in detail in this report and is supported by Council staff.	
Appendix 5, 4.1AA Subdivision resulting in lots between 225-300m² On land zoned: • R2 Low Density Residential, or • R3 Medium Density Residential, Development consent may be granted to the subdivision of land that will result in the creation of a lot with an area less than 300m² (but not less than 225m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot. This clause does not apply to a subdivision that is the subject of a development application under clause 4.1AD(2)(b), 4.1AE(2)(b) or 4.1AF.	All lots that contain an area of less than 300m² (but not less than 225m²) contain sufficient area to enable the erection of a dwelling house. This has been demonstrated by either: • The submission of building envelope plans that adequately demonstrate that the lot can support a dwelling house, or • The submission of architectural plans for dwellings where dwelling construction is proposed under this application.	Yes.
Appendix 5, 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 dwelling house is 300m² if the dwelling density range (per hectare) shown on the Residential Density Map in relation to the land is 10–20, 20–25, 25–35 or 35–60 The minimum lot size for a semi-detached dwelling is: (a) 200m² if the dwelling density range (per hectare) shown on the Residential Density Map in relation to the land is 10–20. The minimum lot size for an attached dwelling is: (a) 1,500m² if the dwelling density range (per hectare) shown on the	The Residential Density Map identifies a dwelling density range of 10–20 for this site. Dwelling house – all dwelling houses with the exception of 3 lots exceed the minimum lot size of 300m². The 3 lots that are less than 300m² meet the exemption pathway under Section 4.1AD. Semi-detached dwellings – the application proposes the construction of 6 semi-detached dwellings. All have a minimum lot size exceeding 200m². Attached dwellings: 53 attached dwellings are proposed over 8 superlots. All super lots have a minimum lot size exceeding 1,500m².	Yes.

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Residential Density Map in relation to the land is 10–20.		
Appendix 5, 4.1AD Exceptions to minimum lot sizes for dwelling houses This clause applies to: (a) a lot zoned R2 Low Density Residential that has an area less than 300m² (but not less than 250m²), if the dwelling density range (per hectare) shown on the Residential Density Map in relation to the land is 10–20, Despite clause 4.1AB(3), development consent may be granted to the erection of a dwelling house on a lot to which this clause applies if: (a) the lot results from a subdivision to which development consent has been granted in accordance with clause 4.1AA and, in determining the development application for the erection of the dwelling house, the consent authority considers any information that it considered for the purposes of that clause in determining the development application for the subdivision, or (b) the development application is a single development application for development consisting of both of the following: (i) the subdivision of land into 2 or more lots, (ii) the erection of the dwelling house on one of the lots resulting from the subdivision.	As noted in the above row, 3 dwellings are proposed on lots with a lot size of less than 300m² (but not less than 250m²). Consent may be granted for the erection of the dwellings as this development application is a single application for development consisting of subdivision of land into 2 or more lots and the erection of the dwelling houses on one of the lots resulting from the subdivision.	Yes.
Appendix 5, 4.1B Residential Density The consent authority must not grant development consent to residential development on land for which a dwelling density range is shown on the Residential Density Map if the development will result in the density of dwellings on the land being: (a) less than the minimum density specified by the dwelling density range, or	The dwelling density range for this site is 10-20 dw/ha. The proposed density is 19.85 dw/ha which falls within this range.	Yes.

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(b) more than the maximum density specified by the dwelling density range. The consent authority must not grant development consent for the subdivision of land for which a dwelling density range is shown on the Residential Density Map if the subdivision would result in the dwelling density on a resultant lot being greater than the maximum dwelling density specified for the land by the dwelling density range. This subclause does not prevent a subdivision that provides for individual dwellings to be on separate lots if the consent authority is satisfied the subdivision does not also involve the creation of additional dwelling entitlements. This clause has effect despite anything to the contrary in another provision of this Precinct Plan.		
Appendix 5, 4.3 Height of buildings Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.	The Height of Buildings Map identifies a maximum building height development standard of 9 metres for this site. A height plane diagram was provided with the application which satisfactorily demonstrates that all buildings are less than the maximum height.	Yes.
Appendix 5, 4.6 Exceptions to development standards Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that: (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.	In accordance with Section 35B of the Environmental Planning and Assessment Regulation 2021, the applicant has submitted a document that sets out the grounds on which the applicant seeks to demonstrate that - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and (b) there are sufficient environmental planning grounds to justify the contravention of the development standard. Council staff are satisfied that the applicant has adequately demonstrated the above requirements. A detailed consideration of the written request is contained in the main assessment report.	Yes.
Appendix 5, 6.1 Public utility	The application was referred to Sydney Water who provided a response stating	Yes.

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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.	that there is currently no wastewater services available in this area however an interim pumping station is scheduled for delivery by 2025/2026. Sydney Water did not raise any objection to the proposed development and requested a condition requiring a Section 73 Compliance Certificate be imposed should council approve the application. Given the imminent wastewater upgrades, council is satisfied that services will be available when required subject to a condition requiring a Section 73 be obtained prior to the issue of any subdivision certificate.	
Appendix 5, 6.7 Attached dwellings, manor homes and multi dwelling housing in Zone R2 Low Density Residential Development for the purposes of attached dwellings or multi dwelling housing is permissible with development consent on land zoned R2 Low Density Residential if the dwelling density range (per hectare) shown on the Residential Density Map in relation to the land is 10-20 and the land: (a) adjoins land zoned RE1 Public Recreation or land that is set aside for open space or recreation purposes, or is separated from land in that zone only by a public road, Development must not be granted under this clause unless the consent authority is satisfied that: (a) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on the amenity of any adjoining residential properties, and (b) the attached dwellings or multi dwelling housing will be designed and orientated to provide active frontages to and surveillance of the public recreation drainage land, and (c) the attached dwellings, manor homes or multi dwelling housing will not adversely impact on or limit solar access to adjoining residential or public open space land.	'Attached dwellings' are identified as a prohibited land use in the R2 Low Density Residential land use table. All of the attached dwelling have a frontage to either: • RE1 zoned land to the west • RE2 zoned land to the north which consists of the Maryland Homestead curtilage. The attached dwellings have been designed to maintain the privacy, outlook and acoustic amenity of neighbouring residences, with building separation, window placement and fencing minimising overlooking and overshadowing. The dwellings are oriented to address the adjoining future open space with front doors, windows and balconies providing active frontages and passive surveillance. The built form, setbacks and height ensure that solar access to adjoining residential properties and public open space is not unreasonably reduced. As such, council officers are satisfied that consent for attached dwellings can be granted under this section.	Yes.

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This clause has effect despite anything to the contrary in the Land Use Table or any other provision of this Precinct Plan.		
Appendix 5, 6.8 Studio dwellings Development consent must not be granted to development for the purposes of studio dwellings unless the consent authority is satisfied: (a) the garage above which the studio dwelling will be erected is located at the rear of the lot, and (b) there will be direct access to the studio dwelling from a street or lane. In deciding whether to grant development consent, the consent authority must consider the visual impact of the studio dwelling on the surrounding streetscape.	One studio dwelling is proposed. The studio is proposed to be erected above the garage at the rear of Lot 206 and will have direct access to a public road. The studio dwelling will have minimal visual impact on the surrounding streetscape. As such, council officers are satisfied that consent for the studio dwelling can be granted.	Yes.