

**COUNCIL ASSESSMENT REPORT**  
SYDNEY WESTERN CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSWC-491 - DA-441/2024
<b>PROPOSAL</b>	Concept Development Application for the general arrangement of roads, identification of land for public open space, environmental corridors, stormwater infrastructure over two Stages, being Stage 1 with Seven (7) stages, Stage two with Stages 8 and 9. Approval of Stage 1 works, which includes Stage 1 to Stage 7 subdivision works for the delivery of 362 residential lots, including internal roads, dedication of embellishment works to the environmental corridor, and stormwater infrastructure.
<b>ADDRESS</b>	Lot 1 Heathcote Road, Pleasure Point
<b>APPLICANT</b>	Hodge Developments Pty Ltd
<b>OWNER</b>	Pedlove Pty Ltd and Ficorp Pty Ltd
<b>DA LODGEMENT DATE</b>	11 October 2024
<b>APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)</b>	Concept Development Application and Stage 1 Works
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 2, Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: CIV over \$30 million
<b>CIV</b>	\$36,300,699.00(including GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2021 Biodiversity and Conservation Act 2016 Fisheries Management Act 1994 Water Management Act 2000 Rural Fires Act 1997 National Parks and Wildlife Act 1974 State Environmental Planning Policy (Planning Systems) 2021. State Environmental Planning Policy (Transport and Infrastructure) 2021. State Environmental Planning Policy (Biodiversity and Conservation) 2021.

	<p>State Environmental Planning Policy (Resilience and Hazards) 2021. Liverpool Local Environmental Plan 2008</p>
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	32 Unique Submissions
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<p>Attachment A: Draft Conditions of Consent Attachment B: Tables of Compliance Attachment C: Unstamped Plans for Determination Attachment D – Concurrence Approvals</p>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	N/A
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	1 December 2025
<b>PLAN VERSION</b>	As specified in the NOD
<b>PREPARED BY</b>	Emily Lawson
<b>DATE OF REPORT</b>	17 November 2025

## **1. EXECUTIVE SUMMARY**

### **1.1. The Proposal**

The Application seeks Development Consent under Section 4.22 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for the Concept Approval the general arrangement of roads, identification of land for public open space, environmental corridors, stormwater infrastructure over two stages being Stage 1 with seven (7) stages, Stage two with Stages 8 and Stage 9, including consent for Stage 1 works which includes Stage 1 to Stage 7 subdivision works for the delivery of 362 residential lots including internal roads, dedication of embellishment works to the environmental corridor and stormwater infrastructure.

The subject site is known as Lot 1 DP 875804 along Heathcote Road and Lot 2 DP 817692 along Pleasure Point Road, in Pleasure Point. The site is zoned R2 Low Density Residential, C3 Environmental Management, and RE1 Public Recreation pursuant to the Liverpool Local Environmental Plan 2008 (LLEP).

The application was advertised between 30 October 2024 and 27 November 2024 and received 32 unique submissions to the proposal. This will be discussed within Section 4.3 of this report. The submissions dealt with the following:

#### **Traffic and Access**

- Submissions have been made in objection to the proposed additional access to Pleasure Point Road.

- Impacts to the intersection of Pleasure Point Road and Heathcote Road.
- Congestion and increase traffic.
- Driveway Access to homes on Pleasure Point Road.

#### **Infrastructure**

- Submission have been made in terms of pedestrian footpaths and cycle ways

#### **Biodiversity**

- Submissions have been made in terms of Koalas, Riparian Corridor and Flora/Fauna Habitat
- Coastal Wetlands

The application is referred to the Sydney Southwest City Planning Panel (the Panel) as the development is considered *regionally significant*, pursuant to Clause 2 of Schedule 6 Regionally significant development of State Environmental Planning Policy (Planning Systems) 2021.

The key issues associated with the proposal include:

1. *Riparian Corridor* - The site fronts the Georges River with an internal watercourse traverse the site and drains towards the riverbank.
2. *Flooding* - The Georges River traverses the northern boundary of the site is subject to flooding. The residentially zoned land is not located within a high flood risk precinct. However, parts of the residential land in Lot 2 are mapped as being impacted in the 1 %AEP and Probable Maximum Flood (PMF), being Low, medium and High Flood risk. The Concept approval seeks consent for Stage 8 and Stage 9, in which the design of the allotments intends to have the rear boundaries located within the low flood risk area, and will be subject to separate development consent. This has been reviewed by Council's Flood Engineers, who have found this acceptable in terms of flood management. Any future Development Application will need to comply with the associated Environmental Planning Instruments and Council's Development Control Plan.
3. *Contamination* - The site has been utilised as residential accommodation and the storage of landscape supply materials, plant, and machinery equipment. The applicant initially proposed Cap and Containment across the site, which was not supported by Council's Environmental Health. The applicant has since updated and amended the position to remediate the site, which is supported by the Council's Environmental Health Section.
4. *Biodiversity* - The site is mapped as containing coastal wetlands along the river frontage and adjacent creek line, in which potential biodiversity values have been identified.

Whilst the mapped biodiversity values areas are intended to be avoided, the disturbance of vegetation in the residential area of the site will exceed the low clearing threshold of 2,500m.

A Biodiversity Assessment Report has been submitted with the application and supported by Council Biodiversity Officers along with the Department of Primary Industries and Regional Development (Department of Fisheries), who have granted General Terms of Approval (GTA),

5. *Bushfire Hazard*- The site contains vegetation category 3 land in which concurrence is required by the Rural Fire Service pursuant to 100b of the *Rural Fires Act*. The application was referred to RFS, who supported the application through the granting of GTAs.

A briefing was held with the Panel on 17 February 2025 and 23 June 2025, where key issues were discussed, in particular relating to Contamination, Flooding, and Engineering. The applicant attended the meeting with the Regional Panel and sought to resolve the issues with Council throughout the entirety of the Assessment process.

Following consideration of the matters under Section 4.15 (1) of the EP&A Act, the provisions of the applicable State Environmental Planning Policies, in particular to 4.15 (1)(a)(b)(c)(d) and (e), the proposed development can be supported, and it is recommended for Approval.

## **2. THE SITE AND LOCALITY**

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### **2.1. The Site**

The land is known as at Lot 1 DP817692, Heathcote Road, and Lot 2 DP 875804, Pleasure Point Road, Pleasure Point. The Holsworthy Station and East Hills Station are in close proximity to the site, with Holsworthy being 2.3km West and East Hills being 3.5km away, and is accessed via the pedestrian bridge over the Georges River.

The site is an irregular parcel of land comprising of a combined lot size of approximately 39ha, with four (4) existing residential dwellings located across Lot 2 fronting the Georges River. Existing vegetation is located along the Georges River foreshore in which is intended to be preserved. The site is relatively cleared across the two allotments, with a scattering of trees remaining across Lot 1.

The site is situated between Heathcote Road to the south and the Georges River to the North. Heathcote Road is a classified Road that carries a significant amount of traffic due to its connectivity between Holsworthy and the Sutherland Shire Local Government Area.

It remains to be one of the last greenfield sites within Pleasure Point, which enables the delivery of additional and much-needed residential land key for this area.

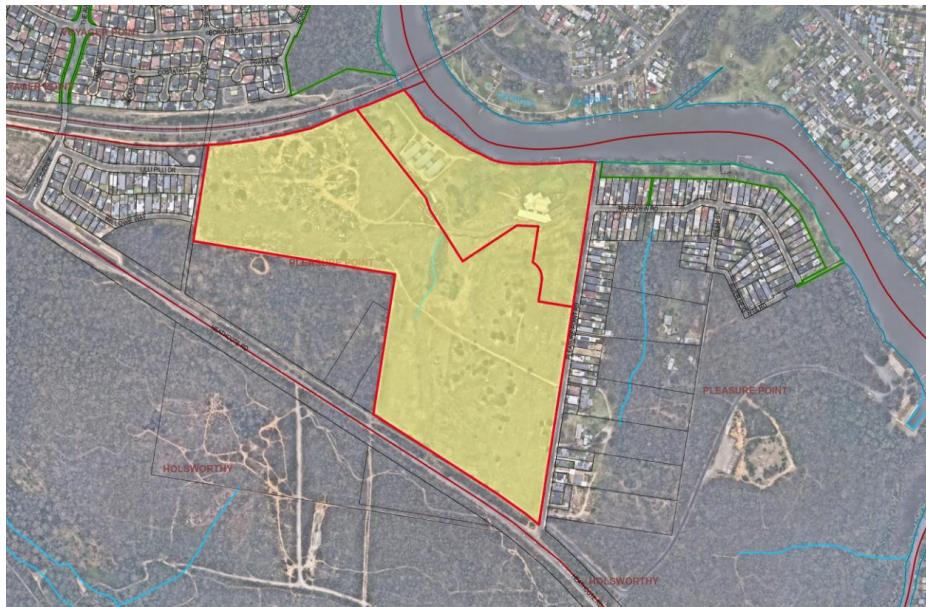


Figure 1: Subject Site (outlined in red)

A Riparian corridor traverses the site from the river front to Heathcote Road. The site is zoned R2 Low Density Residential, C3 Environmental Management, and RE1 Public Recreation pursuant to Liverpool Local Environmental Plan 2008 (LLEP).

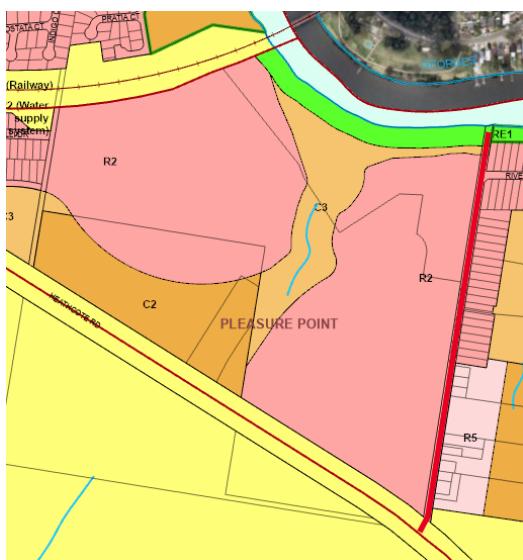


Figure 2: Zoning Map extract

The site is prescribed a Minimum Lot Size of 400sqm, 600sqm, and 40HA:

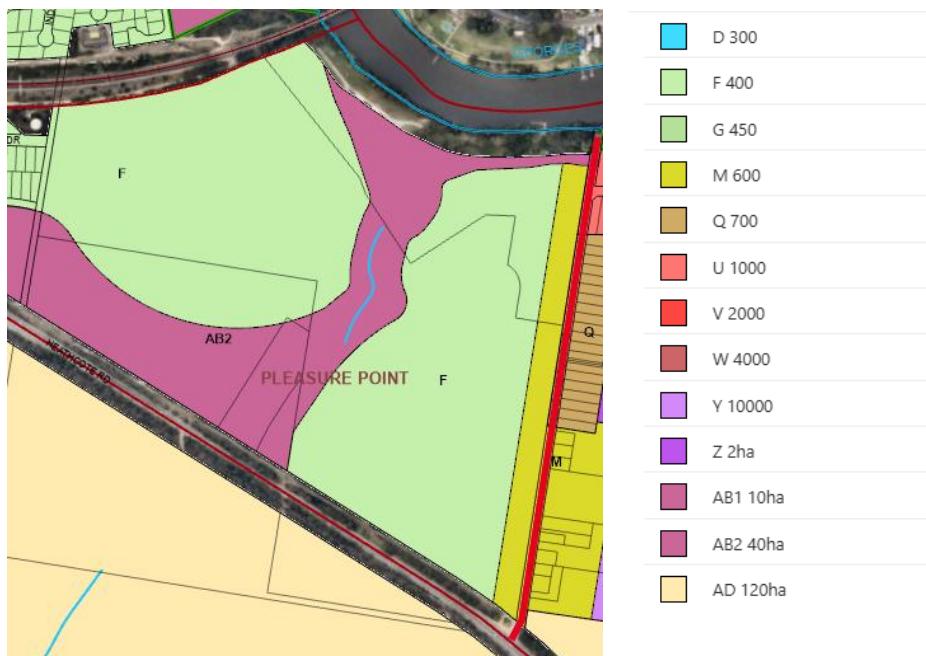


Figure 3: Lot Size Map



Figure 4: Environmentally Significant Land

### **3. THE PROPOSAL AND BACKGROUND**

#### **3.1. The Proposal**

The application seeks Concept Approval for the arrangement of roads, identification of land for public open space, environmental corridors, stormwater infrastructure over two stages being Stage 1 with seven (7) stages, Stage two with Stages 8 and 9, including consent for Stage 1 works which includes Stage 1 to Stage 7 earthworks and subdivision works for the delivery of 362 residential lots including internal roads, dedication of embellishment works to the environmental corridor and stormwater infrastructure.

The development includes the following:

Concept Approval for Two Concept Stages, which include the following:

- Stage 1:
  - o Provision of seven (7) stages for the delivery of 362 residential lots,
  - o Earthworks and Subdivision works, including roads and stormwater infrastructure,
  - o C3 zoned land vegetation restoration and embellishment, and
  - o Landscaping and services.
- Stage 2:
  - o Concept approval for the Provision of stages 8 and 9 for the delivery of 100 lots,
  - o Environmental corridors and public open spaces fronting the Georges River and the remaining C3 land not delivered within Stage 1 works.
  - o Demolition of existing residential structures.
  - o Landscaping.



Figure 5: Proposed Subdivision Stages

Stage 1 Works include the following:

- **Stage 1**
  - o Delivery of 58 residential lots,
  - o Site delivery preparation works, including:
    - Remediation of land
    - Bulk earthworks
    - Stormwater infrastructure, including delivery of Basin 1
    - Upgrade works for Pleasure Point Road and Heathcote Road
    - Intersection works, including a roundabout for access into Stage 1
    - Landscaping and public domain treatments
- **Stage 2**
  - o Delivery of 36 residential lots
  - o Construction of acoustic fencing along Heathcote Road
  - o Landscaping and street embellishments
- **Stage 3**
  - o Delivery of 40 residential lots
  - o Construction and extension of the internal collector road and construction of a roundabout
  - o Stormwater Infrastructure
  - o Delivery and embellishments of Recreational Open space
  - o Landscaping and street embellishments
- **Stage 4**
  - o Part A includes the delivery of 47 residential lots

- Part B includes the delivery of 25 residential lots
- Construction and delivery of local roads
- Stormwater infrastructure
- Landscaping and street embellishments

- Stage 5

- Delivery of 66 residential lots
- Construction and extension of the collector road
- Delivery of internal local roads
- Construction and installation of an acoustic fence along the northern boundary of the railway corridor
- Construction and delivery of two (2) basins.
- Landscaping and street embellishments

- Stage 6

- Delivery of 50 residential lots
- Construction and delivery of the internal road network
- Landscaping and street embellishments

- Stage 7

- Delivery of 40 residential lots
- Construction and delivery of the internal road network
- Landscaping and street embellishments

Works to be included within the 7 stages also include the delivery of the pedestrian access point under the railway, which is to be delivered by consultation with Transport for NSW – Sydney Trains, as required by TfNSW. Details accompany the notice of determination and TfNSW concurrence.

PLEASURE POINT ENTRY STATEMENT : HEATHCOTE ROAD (WEST)

ARTIST'S IMPRESSION 01



Figure 6: Proposed Entrance into Pleasure Point

PLEASURE POINT ENTRY ROAD

ARTIST'S IMPRESSION 01



Figure 7: Proposed entrance into the estate

## STREET TREE MASTERPLAN



Figure 8: Proposed Street Masterplan

### 3.2. Background

The development application was lodged on **11 October 2024**. A chronology of the development application since lodgement is outlined below, including the Panel's involvement (briefings, deferrals etc) with the application:

Table 1: Chronology of the DA

Date	Event
<b>11 October 2024</b>	DA lodged
<b>30 October 2024</b>	Exhibition of the application until the 27 <sup>th</sup> of November 2024
<b>5 December 2024</b>	Meeting held with the Applicant pertaining to preliminary issues.,
<b>18 December 2024</b>	Additional Information Requested: <ul style="list-style-type: none"> <li>- Planning</li> <li>- Heritage</li> <li>- Environmental Health</li> <li>- Flooding</li> <li>- Engineering</li> <li>- Traffic</li> <li>- Strategic Planning</li> <li>- Contributions</li> </ul>

<b>3 February 2025</b>	Meeting held with the Applicant pertaining to RFI and discussion with internal officers, an extension was granted until the 3 <sup>rd</sup> of March to respond to the RFI.
<b>17 February 2025</b>	Panel briefing
<b>5 May 2025</b>	Additional Information submitted by the applicant: <ul style="list-style-type: none"> <li>- Updated Engineering Plans</li> <li>- Updated Biodiversity Assessment Report</li> <li>- Updated Vegetation Management Plan</li> <li>- Updated Landscape Plan</li> <li>- Updated Remedial Action Plan</li> <li>- Updated Heritage Report</li> <li>- Amended Flooding Plan</li> <li>- Updated Traffic Impact Report</li> </ul>
<b>13 June 2025</b>	Updated Engineering Plans submitted by the Applicant
<b>23 June 2025</b>	Panel Briefing
<b>4 September 2025</b>	Updated and final Aboriginal Cultural Heritage Assessment Report
<b>15 September 2025</b>	Draft Conditions of Consent Issued to Applicant
<b>10 October 2025</b>	Amended Conditions issued to Applicant
<b>28 October 2025</b>	Amended Conditions issued to Applicant
<b>12 November 2025</b>	Final Conditions issued to Applicant

#### **4. STATUTORY CONSIDERATIONS**

##### **4.1. Biodiversity and Conservation Act 2016**

**Commented [NA1]: Koala discussion needed**

The site is subject to the provisions under the *Biodiversity and Conservation Act 2016* (BC Act) in which outlines that if a proposal is likely to affect threatened species, consideration must be given to the measures to assess and address the impacts, should the land not be biodiversity certified or below the required clearing threshold of land. The site is identified as containing Biodiversity Values, including a Coastal Wetland area, which fronts the Georges River.

Works are currently not proposed within this area under this Application; however, it is noted within Stage 8 and 9, which are subject to approval under the Concept Application. This will be addressed, including within the dedication of land within the Riparian Corridor through the Voluntary Planning Agreement (VPA).

Whilst the site is generally vacant in areas, trees are still required to be removed to facilitate the delivery of residential land, which therefore exceeds the clearing threshold. A Biodiversity Development Assessment Report has been submitted outlining the threshold triggers and further assessing the development's impacts.

This was referred to Council's Biodiversity Officer, who supported the application, noting the proposal includes the revegetation of the Riparian Corridor and dedication of land to Council, which fronts the Georges River foreshore.

## 4.2. Environmental Planning and Assessment Act 1979

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters that are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

### 4.2.1. Section 4.22 Concept Development Applications

The proposed development is submitted pursuant to Section 4.22 Concept Developments Applications under the EP&A Act. Section 4.22 outlines the following:

*4.22 Concept development applications (cf previous s 83B)*

- (1) *For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.*
- (2) *In the case of a staged development, the application may set out detailed proposals for the first stage of development.*
- (3) *A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.*

(4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless—

- (a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or
- (b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

The application has been assessed in relation to the above request for the application to be treated as a concept application as per Section 4.22 (3) of the EP&A Act.

#### **4.2.2. Integrated Development**

The proposed development is considered integrated development pursuant to Section 4.46 and 4.47 of the EP&A Act.

**(a) Fisheries Management Act 1994**

The proposal development is considered Integrated Development pursuant to the provisions under Part 7 Protection of Aquatic Habitats and Part 7a Threatened Species Conservation, noting the proposed works near the Georges River.

The application was referred to the Department of Primary Industries and Regional Development (Department of Fisheries), who assessed the Concept Application and Stage 1 works, which consist of subdivision into seven (7) Stages and found the application supportable subject to the imposition of conditions of consent.

**(b) Water Management Act 2000**

The proposal development is considered integrated Development pursuant to the provisions under Part 3 Approvals, being a Controlled Activity Approval, noting the works near the Georges River.

The application was referred to the Department of Planning and Environment – Water to assess the proposal, and found the development was suitable subject to the imposition of conditions of consent. Any future works that may impact the Georges River are required to have consultation with DPE-Water and Council.

**(c) Rural Fires Act 1997**

The subject site is identified as bushfire-prone land, and the proposed development constitutes integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act). As such, in accordance with Section 100B of the Rural Fires Act 1997, the development application was required to be referred to the NSW Rural Fire Service (RFS) for General Terms of Approval (GTA).

The application was referred to the RFS; in which RFS assessed the application and issued associated GTAs in support of the development.

**(d) National Parks and Wildlife Act 1974**

The applicant submitted an Aboriginal Cultural Heritage Assessment Report, which was assessed by Council's Heritage Officer, who in turn recommended referral to Heritage NSW pursuant to Clause Part 6 of the *National Parks and Wildlife Act 1974*.

Heritage NSW requested Additional Information in which the applicant responded. Upon review of the additional information, Heritage NSW found the proposal to be suitable in terms of satisfying the provisions under the NPW Act, and therefore GTA was issued by Heritage NSW in relation to the proposal.

**4.3. Environmental Planning Instruments, proposed instrument, development control plan, planning agreement, and the regulations**

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements, and the matters for consideration under the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) are considered below.

**4.3.1. Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Liverpool Local Environmental Plan 2008

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 2** and considered in more detail below.

**Table 2: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2- Vegetation in Non-rural Areas Chapter 4: Koala Habitat Protection 2021 Chapter 6: Water catchments	Y

State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development • Clause 2.19(1) declares the proposal regionally significant development pursuant to Clause 2 of Schedule 6.	Y
SEPP (Resilience & Hazards)	Chapter 2: Coastal Management Chapter 4: Remediation of Land • Section 4.6 - Contamination and remediation have been considered and the proposal is not satisfactory.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure • Clause 2.119(2) Impact of road noise or vibration on non-road development • Clause 2.120 • Clause 2.122(4) - Traffic-generating development  Chapter 3: Educational Establishments • Section 3.23 - Centre-based childcare facility—matters for consideration by consent authorities	Y
LEP	• Clause 2.3 – Permissibility and zone objectives • Clause 5.10 – Heritage Conservation • Clause 7.4 • Clause 7.5 Design Excellence in Liverpool City Centre • Clause 7.5A	Y
DCP	Liverpool Development Control Plan	Y

The proposed development is considered to be inconsistent with a number of SEPPs, LEP, and DCP, and therefore is supported.

#### **4.3.2. State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')**

##### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in Clause 2 of Schedule 6 of the Planning Systems SEPP as the proposal is development with an estimated development cost of more than \$30 million. Accordingly, the Sydney Western City Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

#### **4.3.3. State Environmental Planning Policy No. (Resilience and Hazards) 2021**

##### (i) Chapter 2 Coastal Management

The site is mapped as containing Coastal Wetland on the banks of the Georges River. No works are proposed within the identified area under the Stage 1 works approval; however, Concept Designs have been submitted for approval in terms of Stage 8 and Stage 9, in which the application intends to deliver upgraded works along the river front, which is intended to be delivered under the VPA and through these stages of development. It has been identified that the development would

impact or impede the associated vegetation within the wetland. The proposal was referred to the Department of Fishers, who supported the proposal in the form of General Terms of Approvals.

(ii) Chapter 4 Remediation of Land

Clause 4.6 Contamination and remediation to be considered in determining development application

The proposal has been assessed under the relevant provisions of SEPP (Resilience and Hazards) 2021, specifically Chapter 4 – Remediation of Land, as the proposal involves the development of land to accommodate a change of use.

The objectives of SEPP (Resilience and Hazards) 2021 are:

- *to provide for a statewide planning approach to the remediation of contaminated land.*
- *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.*

Clause 4.6(1) prescribes the contamination and remediation matters that must be considered by Council before determining the development application. Specifically, Council must consider:

- whether the land is contaminated; and
- if the land is contaminated, the Council must be satisfied that the land is suitable in its contaminated state (or will be suitable after remediation); and
- if the land requires remediation to be made suitable, Council is satisfied that the land will be remediated before it is used.

Pursuant to Clause 4.6(1) the following shall be addressed:

**Table 3: Assessment Against Clause 4.6**

Clause 4.6 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	A Preliminary Site Investigation Report and a Remedial Action Plan was submitted and supported by Councils Environmental Health Section.
(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	The site requires remediation, which is supported by appropriate conditions of consent. This will in turn satisfy the requirements of making the land suitable for residential purposes.
(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.	The site requires remediation, which is supported by appropriate conditions of consent.

Based on the above assessment the application has satisfied to address the SEPP, and the consent authority is satisfied the site is suitable for the proposed use.

#### **4.3.4. State Environmental Planning Policy (Biodiversity and Conservation) 2021**

##### **(i) Chapter 2 – Vegetation in non-rural areas**

The proposal intends to remove existing trees, plants and shrubs located across the two parcels of Land. A Biodiversity Development Assessment Report (BDAR), Vegetation Management Plan and Stream and Riparian Management Plan has been submitted to outline the removal and replacement of trees on the site due to the proposed works.

Council is satisfied the proposed development will facilitate the revegetation of trees within the subdivision layout, in particular within the proposed Public Parks area and Riparian Corridor which has been supported by Council's Landscaping and Biodiversity Officers.

##### **(i) Chapter 4 – Koala habitat protection 2021**

The chapter aims to encourage conservation and management of natural areas and the need to provide and protect habitat for Koalas.

Liverpool City Council currently, does not have an approved Koala Management Plan and therefore the provisions of Part 4.3 Koala plans of management do not apply. Nonetheless, Councils Biodiversity Officer have taken into consideration the submitted BDAR, Ecological Assessment Report and VMP pertaining to the Riparian Corridor and surrounding flora and fauna and found the proposal suitable.

**(ii)**

##### **(iii) Chapter 6 – Water Catchments**

The subject land is located within the Georges River Catchment and as such Chapter 6 applies within the Biodiversity SEPP. The Biodiversity SEPP aims to protect the environment of the Georges River system by ensuring the impacts of future land uses and development in general are considered in a regional context.

The relevant parts of the SEPP are:

**Table 4: Assessment Against Chapter 6 Provisions**

<b>Chapter 6</b>	
<b>Part 6.1 Preliminary</b>	<b>Provisions</b>
<b>6.1 Land to which this chapter applies</b>	
This Chapter applies to land in the following catchments— (d) the Hawkesbury-Nepean Catchment	The subject site is identified as being within the Georges River Catchment.
<b>Part 6.2 Development in regulated catchments</b>	
<b>6.6 Water quality and quantity</b> (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	The applicant was requested to provide additional information to ascertain compliance in terms of Water Quality and Quantity. Council Engineers are now satisfied that how water flows and run-off will be appropriately managed and the impact on water quality and quantity will be appropriately minimised throughout the development of the site.

<ul style="list-style-type: none"> <li>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</li> <li>(c) whether the development will increase the amount of stormwater run-off from a site,</li> <li>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</li> <li>(e) the impact of the development on the level and quality of the water table,</li> <li>(f) the cumulative environmental impact of the development on the regulated catchment,</li> <li>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</li> </ul>	<p>Stage 8 and Stage 9, identified under the Concept Approval, are set to be assessed and determined under separate development applications.</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> <ul style="list-style-type: none"> <li>a controlled activity approval under the <i>Water Management Act 2000</i>, or</li> <li>(ii) a permit under the <i>Fisheries Management Act 1994</i>,</li> </ul> <p>(c) whether the development will minimise or avoid—</p> <ul style="list-style-type: none"> <li>(i) the erosion of land abutting a natural waterbody, or</li> <li>(ii) the sedimentation of a natural waterbody,</li> </ul> <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>Subject to conditions of consent the impact on terrestrial, aquatic, or migratory animals or vegetation will be minimised.</p> <p>Yes - The development has been referred to the Department of Fisheries and Department of Planning and Environment – Water has provided appropriate General Terms of Arrangement (GTA's) under the Concept Approval.</p> <p>Erosion and Sediment Controls have been considered and are not suitably addressed by the applicant.</p> <p>Development is not identified as being in proximity to wetlands or a littoral rainforest area.</p> <p>Impacts to the Georges River Catchment have been considered suitable given the locality of the development. Department of Planning and Environment – Water has consented to the application, with conditions of consent</p> <p>The development has demonstrated that the impact on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and the impacts on water quality will be minimised.</p>
<p><b>6.8 Flooding</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 likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems.</p>	<p>The subject property is flood-affected, in which the lots impacted by Flooding are subject to the Concept approval, with Stage 8 and Stage 9 to be separate applications to be submitted to Council for assessment and determination.</p>

(2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not— (a) if there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	
<b>6.9 Recreation and public access</b>	The development is not considered to impact public access to recreational land.  Stage 8 and Stage 9 will allow for the delivery of the riparian corridor in which will be dedicated to the Council for public access to the foreshore, and the delivery of the open space area for the community.
<b>6.10 Total catchment management</b>	The development is not anticipated to impact on total catchment management.

The submitted information has been assessed and has demonstrated that the proposed development would achieve the stormwater and water quality design requirements of Liverpool City Council. The development has been reviewed by Council's Land Development Engineering and Flooding section, in which Council's Flooding Engineering unit was supportive of the application.

It is considered that the proposal has satisfied the provisions of the Biodiversity SEPP, and the consent authority can be satisfied that the proposed development demonstrates potential impacts on the water quality and quantity, and aquatic ecology is reasonable, as expressed within the provisions.

#### 4.3.5. State Environmental Planning Policy (Transport and Infrastructure) 2021

##### (i) Clause 2.119 – Development with frontage to classified road

The subject application fronts Heathcote Road, which is a classified road, and as such, the provisions of Clause 2.119 of the SEPP apply to the development. Clause 2.119(2) provides the following:

**Table 5: Assessment Against Clause 2.119**

Clause	Comment
(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—	
(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and	<b>Complies</b> Vehicular access to the land is provided from Pleasure Point Road, with no access permitted from Heathcote Road.
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of— (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the development, or	<b>Complies</b> The proposed development would not impact the safety, efficiency, and ongoing operation of the classified road.

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and	
(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.	See discussion of Clause 2.120 below.

(ii) Clause 2.120 – Impact of road noise or vibration on non-road development

The subject application includes development for the purposes of residential accommodation adjacent to the road corridor for a road with an annual average daily traffic volume of more than 20,000 vehicles and is likely to be adversely affected by road noise or vibration, and as such the provisions of Clause 2.120 apply to the subject development.

Clause 2.120(3) provides requirements for the maximum noise level in a bedroom or other space within residential accommodation. An acoustic report has been provided which addresses noise impacts from the classified road on the development, and conditions of consent can be imposed requiring construction to adhere to the requirements of the report.

(iii) Clause 2.122 – Traffic-generating development

The application involves a total of 362 residential lots, as such, Clause 2.122 of the SEPP applies to the application. The applicable provisions under this clause are Subsection 4(b) (i)-(iii), which are discussed below.

*(4) Before determining a development application for development to which this section applies, the consent authority must—*

*(b) take into consideration—*

*(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*

The application has been referred to Transport for NSW (TfNSW) and they have advised they are supportive subject to imposition of conditions.

*(ii) the accessibility of the site concerned, including—*

*(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*

*(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*

The site is fairly accessible, being located close Heathcote Road and Holsworthy Train Station. The development includes the provision of a bus network through the site, connecting to Voyager Point to the Northwest. The proposed use would principally generate individual car trips, with some small- to medium-sized trucks providing occasional services.

(iii) any potential traffic safety, road congestion or parking implications of the development.

The proposed development was referred to Councils Traffic Engineers and TfNSW, who support the proposed development, subject to the imposition of conditions of consent.

#### **4.3.6. Liverpool Local Environmental Plan 2008**

The site is zoned R2 Low Density Residential, C3 Environmental Management, and RE1 Public Recreation pursuant to the Liverpool Local Environmental Plan 2008.

The Liverpool Local Environment Plan 2008 Land Use Table for the application zones is replicated below:

##### **Zone R2 Low Density Residential**

###### **1 Objectives of zone**

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.
- To provide a suitable low scale residential character commensurate with a low dwelling density.
- To ensure that a high level of residential amenity is achieved and maintained.

###### **2 Permitted without consent**

*Home-based childcare; Home occupations*

###### **3 Permitted with consent**

*Attached dwellings; Bed and breakfast accommodation; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Tank-based aquaculture*

###### **4 Prohibited**

*Any development not specified in item 2 or 3*

##### **C3 Environmental Management**

###### **1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To enable the recreational enjoyment or scientific study of the natural environment.

###### **2 Permitted without consent**

*Environmental protection works; Home-based childcare; Home occupations*

### **3 Permitted with consent**

*Building identification signs; Cellar door premises; Dwelling houses; Environmental facilities; Flood mitigation works; Home businesses; Home industries; Information and education facilities; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Tank-based aquaculture*

### **4 Prohibited**

*Industries; Local distribution premises; Multi dwelling housing; Residential flat buildings; Retail premises; Senior's housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3*

#### **RE1 Public Recreation**

##### **1 Objectives of zone**

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To provide sufficient and equitable distribution of public open space to meet the needs of residents.
- To ensure the suitable preservation and maintenance of environmentally significant or environmentally sensitive land.

##### **2 Permitted without consent**

*Environmental protection works, home occupations*

##### **3 Permitted with consent**

*Aquaculture; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Entertainment facilities; Environmental facilities; Flood mitigation works; Information and education facilities; Kiosks; Marinas; Mooring pens; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Water recreation structures*

##### **4 Prohibited**

*Any development not specified in item 2 or 3*

#### **Comment:**

The proposed development facilitates the provisions of additional residential land within Pleasure Point; redeveloping a vacant greenfield site into a new suburb with the provisions of facilities such as parks, open space, and recreational areas to create a vibrant new community. This demonstrates that the proposal is in line with the objectives of each of the zones, and the Liverpool LEP overarching aims to encourage a range of housing and recreation services to meet the needs of future residents of Liverpool.

Compliance with the relevant provisions of the Liverpool LEP 2008 is outlined in Table 6 below.

**Table 6: Compliance with Liverpool LEP 2008**

Control	Requirement	Proposal	Comply
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Minimum Subdivision Lot (Cl 4.1)	400sqm, 600sqm and 40HA.	<p>The proposal development has included a variety of lot sizes in which complies with the minimum requirements of 400sqm and 600sqm.</p> <p>The existing C3 Land does not comply with the required 40ha lot size, however, is intended to be dedicated to Council in the terms of open space under the VPA. This can be undertaken through the Exempt and Complying provisions.</p>	Considered Acceptable.
Relevant Acquisition Authority (Cl 5.1)	To identify the applicable acquisition authority for certain lands.	Part of the site is identified for acquisition and will be dedicated to Council under the VPA.	Complies
Development on land intended to be acquired for public purposes (Cl 5.1a)	To limit development on certain land intended to be acquired for public purposes.	The land identified on the land Reservation Map is RE1- Local Open Space which is set to be acquired by Council.	Complies
Heritage Conservation (Cl 5.10)	To identify object of a heritage or aboriginal nature.	An ACHAR Has been prepared and submitted to Council who referred it to Heritage NSW. They have subsequently provided GTA and associated conditions of consent.	Complies
Subdivision of, or dwelling on land in certain rural, residential or conservation zones (Cl 5.16)	To minimise the potential of land use conflict between existing and propose development on land including C3.	Built form is not proposed under the application. Development Applications will be required to be submitted for dwelling houses.	Complies
Flood Planning (Cl.5.21)	To allow development on land which is compatible with flood function and behaviour and to minimise risks.	The site is identified as containing flood prone land. Councils Flood Engineers are satisfied Stage 1-7 are suitable in terms of flood affectation. Stage 8 and 9 approved under the Concept Approval, will be required to submit separate development applications and address flood constraints.	Considered Acceptable
Special Flood Considerations (Cl.5.22)	To enable the safe occupation and evacuation of people and ensure development is compatible.	Councils Flood Engineers have supported Stage 1-7 with appropriate conditions of consent. Additional Staging will require separate approval.	Considered Acceptable
Public Utility Infrastructure (Cl 6.5)	To ensure adequate services is available in terms of electricity, water and wastewater	Sydney Water and Endeavour Energy have provided GTA in support of the proposal. Appropriate conditions of consent will be imposed to ensure the development can meet the servicing requirements.	Yes

**(a) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are no proposed instruments which have been the subject of public consultation under the EP&A Act and are relevant to the proposal.

**(b) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

**4.3.7. Liverpool Development Control Plan 2008 ('the DCP')**

Part 1 – General Controls for all Development and Part 2.13 Land Subdivision in Pleasure Point – are applicable to the development. Detailed compliance tables are located in Attachment B. An assessment against the DCP provisions has found the proposed Stage 1 works are acceptable in terms of compliance subject to the imposition of conditions of consent.

**4.3.8. Section 4.15(1)(a) (iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There has been planning agreements entered and submitted and is before the Council proposed for the site for the delivery of open space and recreational areas.

**4.3.9. Section 4.15(1)(a)(iv) - Provisions of Regulations**

The provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

**4.4. Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be consistent with the context of the site, in the proposed subdivision patterns complies with applicable statutory, development controls and standards and is consistent with development on similar sites within the immediate locality and throughout the Liverpool LGA.
- Access and traffic – The proposal would result in an increase in traffic around the development. Additionally, the proposed street network is considered suitable in terms of compliance with the indicative layout plan under the DCP, in which the application provides sufficient pedestrian footpaths and cycle pathways through the stages of development. Upgrades works are proposed for Pleasure Point Road and the intersection with Heathcote Road which will be delivered throughout the seven (7) stages under the approved Stage 1 works.
- Natural hazards – Whilst the site is identified as being impacted by Bushfire and Flooding, these hazards have been suitably assessed by RFS and Councils Flooding Engineers who have found the impacts negligible subject to the imposition of conditions of consent.

- Social impact – The proposal would have a positive social impact to the community due to the provision of open space and recreational areas identified throughout the Concept Application. The delivery of the riparian corridor and parks is outlined within the VPA currently under negotiation with Council.
- Economic impact – The provision of additional residential accommodation, will provide employment opportunities within the local area, would encourage economic investment in Pleasure Point and would provide economic benefits to the wider community through construction phases.
- Cumulative impacts – The proposal is consistent with the planning controls and therefore would not result in an adverse cumulative impact.

Accordingly, it is considered that the proposal will result in any significant adverse impacts in the locality as outlined above.

#### **4.5. Section 4.15(1)(c) - Suitability of the site**

The proposed Concept Application and Stage 1 works consider the site's constraints in its entirety, whilst also delivering an Estate which has been appropriately master planned for the consideration of the community. The delivery of 462 Residential lot over nine (9) Stages enables the community access to land which has been underutilised for a number of years. The development further includes the delivery and dedication of areas for public open space and recreation which contributes to an appropriate amenity and outlook for Pleasure Point.

As such, Council can support the proposed development and does consider it suitable for residential development.

#### **4.6. Section 4.15(1)(d) - Public Submissions**

These submissions are considered in Section 4 of this report.

#### **4.7. Section 4.15(1)(e) - Public interest**

The proposed development is considered to be consistent with the applicable planning controls, furthermore, is it consistent with the requirements under the applicable SEPP's and provisions under the EP&A Act in terms of a Concept Application and Stage 1 works.

Therefore, it is considered in the public interest.

### **5. REFERRALS AND SUBMISSIONS**

#### **5.1. Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 7.

**Table 7: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
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<b>Referral/Consultation Agencies</b>			
Rural Fires Service	Concurrence	Supported, subject to the GTA's provided.	Y
Heritage NSW	Concurrence	Supported, subject to the GTA's provided.	Y
Department of Planning and Environment-Water	Concurrence	Supported, subject to the GTA's provided.	Y
Department of Primary Industries and Regional Development	Concurrence	Department of Primary Industries and Regional Development	Y
Electricity supply authority	Advice	Standard Conditions of consent.	Y
Sydney Water	Advice	Detailed information is required to be present during a built form application.	Y
Transport for NSW	Section 2.119, s2.120 and S2.122 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	Conditions of consent imposed.	Y

## 5.2. Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 8**.

**Table 8: Consideration of Council Referrals**

<b>Officer</b>	<b>Comments</b>	<b>Resolved</b>
Engineering	Council's Engineering Officer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions.	Y
Traffic	Council's Traffic Engineering Officer reviewed the proposal and considered that there were no objections subject to conditions..	Y
Flooding	Council's Flooding Officer reviewed the submitted stormwater concept plan and considered that there were no objections subject to conditions.	Y

Health	Council's Environmental Health Officer reviewed the submitted documentation and amended information and considered that there were no objections subject to conditions.	Y
Urban Design	Council's Urban Design reviewed the submitted documentation and amended information and considered that there were no objections subject to conditions.	Y
Heritage	Council's Heritage Officer reviewed the submitted documentation and amended information and considered that there were no objections subject to conditions.	Y
Public Art	Council's Public Arts Officer reviewed the submitted documentation and considered that there were no objections subject to conditions.	Y

### 5.3. Community Consultation

The application was advertised from 30 October 2024 to 27 November 2024 and received 32 unique submissions to the proposal.

The issues raised in these submissions are considered in the Table below.

**Table 9: Community Submissions**

Issue	Council Comments
<b>Traffic and Access</b> <ul style="list-style-type: none"> <li>Submissions have been made in objection to the proposed additional access to Pleasure Point Road.</li> <li>Impacts to the intersection of Pleasure Point Road and Heathcote Road.</li> <li>Congestion and increase traffic.</li> <li>Driveway Access to homes on Pleasure Point Road.</li> </ul>	<p>The proposed development has considered the exiting and any new potential access to the subdivision along Pleasure Point Road. The development provides local roads and an internal collector road which allows future residents to either exit the site at Pleasure Point Road or at Lilli Pilli Drive to the North. This has been considered suitable from Councils Traffic Engineers.</p> <p>The developer along with TfNSW have agreed to the upgrade of the intersection of Pleasure Point Road and Heathcote Road which allow for the additional traffic create from the estate to have minimal to little impact to the exiting traffic conditions. The upgrade works have also considered the safety of traffic entering and existing at Pleasure Point Road.</p> <p>The addition of internal local roads and access routes through the sites has been designed to minimise any future congestion on either Pleasure Point Road or The Avenue through the internal road connection at Lilli Pilli Drive.</p> <p>Proposed dwellings on Pleasure Point Road will be serviced by the upgrade of Pleasure Point Road which is intended to be delivered within Stage 1 works.</p>
<b>Infrastructure</b> <ul style="list-style-type: none"> <li>Submission have been made in terms of pedestrian footpaths and cycle ways</li> </ul>	<p>The subdivisions will provide pedestrian footpaths on one side of each street, which is further imposed by appropriate conditions of consent.</p> <p>The development also facilitates the delivery of a cycle way from Pleasure Point Road intersection to Lilli Pilli Drive.</p>

<b>Biodiversity</b> <ul style="list-style-type: none"> <li>• Submissions have been made in terms of Koalas, Riparian Corridor and Flora/Fauna Habitat</li> <li>• Coastal Wetlands</li> </ul>	<p>The development application has submitted a Biodiversity Development Assessment Report (BDAR), Ecological Assessment Report and Vegetation Management Plan which has assessed the Flora and Fauna impacts the development may have on the site. Council's Biodiversity Officer has reviewed the report and supported it subject to the imposition of condition of consent.</p> <p>The applicant further intends to revegetate the Riparian Corridor which traverse the site and deliver this to Council under a VPA. This was further referred to external agencies such as Department of Planning and Environment- Water and Department of Regional Infrastructure Planning (Department of Fishers) which supported the development in terms of avoiding the identified coastal wetlands area which is on the riverbank foreshore whilst also providing active and passive open and recreational space.</p>
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## 6. KEY ISSUES

The following key issues are relevant to the assessment of this application, having considered the relevant planning controls and the proposal in detail:

1. *Riparian Corridor* - The site fronts the Georges River with an internal watercourse that traverse the site and drains towards the riverbank.
2. *Flooding* - The Georges River traverses the northern boundary of the site, is subject to flooding. The residentially zoned land is not located within a high flood risk precinct. However, parts of the residential land in Lot 2 are mapped as being impacted in the 1 %AEP and Probable Maximum Flood (PMF), being Low, medium, and High Flood risk. The Concept approval seeks consent for Stage 8 and Stage 9, in which the design of the allotments intends to have the rear boundaries located within the low flood risk area, and will be subject to separate development consent. This has been reviewed by Council's Flood Engineers, who have found this acceptable in terms of flood management. Any future Development Application will need to comply with the associated Environmental Planning Instruments and Council's Development Control Plan.
3. *Contamination* - The site has been utilised as residential accommodation and the storage of landscape supply materials, plant, and machinery equipment. The applicant initially proposed Cap and Containment across the site, which was not supported by the Council's Environmental Health. The applicant has since updated and amended the position to remediate the site, which is supported by Council's Environmental Health Section.
4. *Biodiversity* - The site is mapped as containing coastal wetlands along the river frontage and adjacent creek line, in which potential biodiversity values have been identified.

Whilst the mapped biodiversity values areas are intended to be avoided, the disturbance of vegetation in the residential area of the site will exceed the low clearing threshold of 2,500m<sup>2</sup>.

A Biodiversity Assessment Report has been submitted with the application and supported by Council Biodiversity Officers along with *the* Department of Primary Industries and Regional Development (Department of Fisheries), who have granted General Terms of Agreement (GTA),

5. *Bushfire Hazard*- The site contains vegetation category 3 land in which concurrence is required by Rural Fire Service pursuant to 100b of the *Rural Fires Act*. The application was referred to RFS who supported the application through the granting of GTAs.

## 7. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

## 8. RECOMMENDATION

That the Development Application DA-441/2024 for Concept Approval and Stage 1 Works at Lot 1 Heathcote Road, Pleasure Point, be approved pursuant to Section 4.16(1)(a) or (b) of the Environmental Planning and Assessment Act 1979.

The following attachments are provided:

- Attachment A - Draft Conditions of Consent
- Attachment B - Tables of Compliance
- Attachment C - Unstamped Plans for Determination
- Attachment D - Concurrence Approvals