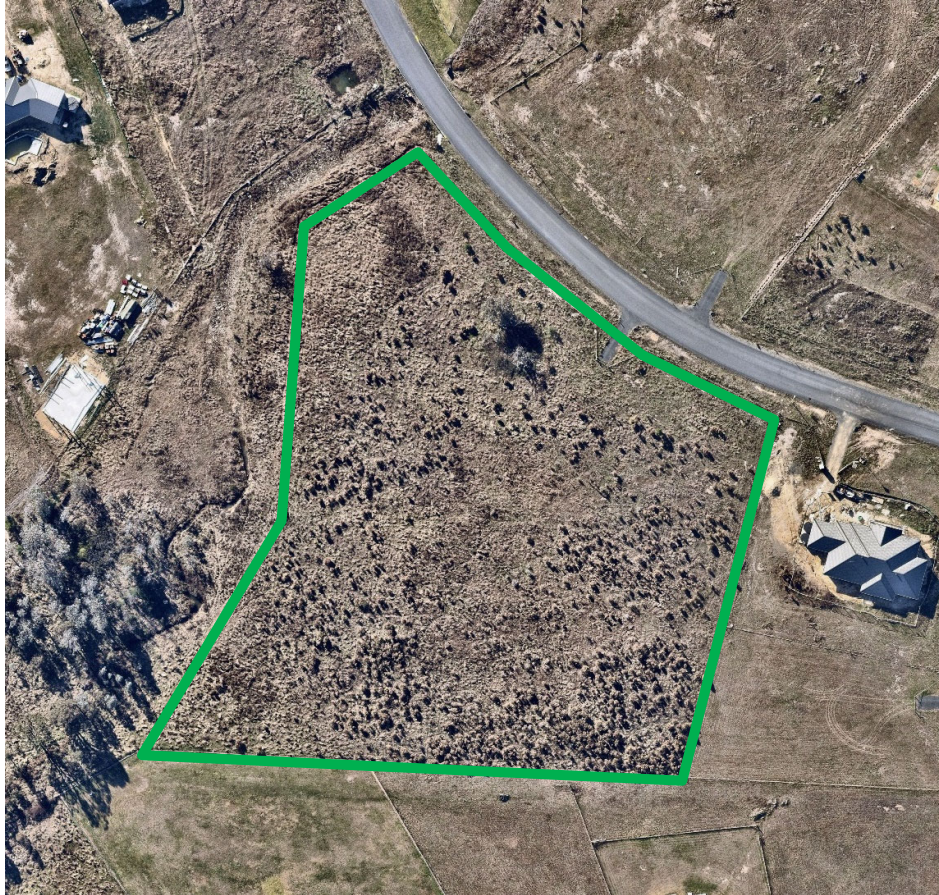


STATEMENT OF ENVIRONMENTAL EFFECTS



**LOT 11 DP 1271846 – 11 SOUTHDOWN ROAD, MARULAN
Big Merino Investments**

January 2024

Reference No.: 2301

Prepared by:

Laterals Planning

1st Floor, 213 Auburn Street

(PO Box 1326) Goulburn NSW 2580

Tel: (02) 4821 0973, Fax: (02) 4822 0777

48 Johns River Road, Johns River NSW 2443

Mobile: 0427 210 973

Email: keith@laterals.com.au

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

CONTENTS	2
1 INTRODUCTION/EXECUTIVE SUMMARY	4
1.1 HISTORY OF SITE	4
1.2 CONSULTATION WITH COUNCIL	4
2 SITE ANALYSIS	5
2.1 SITE DESCRIPTION	5
2.2 SITE LOCATION AND CONTEXT	5
2.3 SURROUNDING DEVELOPMENT.....	5
3 PROPOSED DEVELOPMENT.....	9
3.1 ELEMENTS OF THE PROPOSED DEVELOPMENT.....	9
3.2 DEVELOPMENT MATERIALS.....	9
3.3 OPERATIONAL DETAILS AND DEVELOPMENT/CONSTRUCTION MANAGEMENT	9
3.4 ACCESS/PARKING.....	9
3.5 VEGETATION MANAGEMENT AND LANDSCAPING	9
3.6 BUSHFIRE PRONE LAND.....	10
3.7 UTILITIES.....	10
3.8 AMENDMENTS TO EXISTING CONSENT	10
3.9 STAGING.....	10
4 LEGISLATION AND PLANNING CONTROLS.....	13
4.1 LEGISLATION APPLICABLE TO THE PROPOSED DEVELOPMENT	13
4.1.1 Environmental Planning & Assessment Act 1979 and Regulation 2000	13
4.1.2 Goulburn Mulwaree LEP 2009.....	14
4.1.2.1 Clause 1.2 Aims of Plan	16
4.1.2.2 Land use Table.....	17
4.1.2.3 Clause 1.9A Suspension of covenants, agreements and instruments Land use Table	18
4.1.2.4 Zone objectives and Land Use Table.....	19
4.1.2.5 Clause 2.6 Subdivision – consent requirements.....	20
4.1.2.6 Clause 4.1 Minimum subdivision lot size	21
4.1.2.7 Clause 4.1C Lot Averaging subdivision in certain rural, residential and conservation zones.....	21
4.1.2.8 Clause 4.6 Exceptions to development standards.....	22
4.1.2.9 Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	22
4.1.2.10 Clause 7.1A Clause 7.1A Earthworks	22
4.1.2.11 Clause 7.2 Terrestrial biodiversity	23
4.1.2.12 Clause 7.3 Subdivision for residential purposes in Zones RU5 and R5.....	24
4.1.2.13 Clause 7.4 Restrictions on development adjoining mineral resource areas.....	25
4.1.3 Goulburn Mulwaree DCP 2016.....	26
4.1.4 Goulburn Mulwaree Local Infrastructure Contributions Plan 2021	26
5 ASSESSMENT OF PLANNING CONTROLS	27
5.1 COMPLIANCE WITH PLANNING INSTRUMENTS AND CONTROLS	27
5.2 TRAFFIC ACCESS AND PARKING.....	27
5.3 VISUAL ASSESSMENT.....	27
5.4 AMENITY ASSESSMENT	27
5.5 NOISE ASSESSMENT	27
5.6 FLOODING	27

5.7	WATER CYCLE MANAGEMENT	29
5.8	PRIVACY AND OVERSHADOWING ASSESSMENT	29
5.9	EROSION AND SEDIMENT CONTROL ASSESSMENT	29
5.10	SOCIAL AND ECONOMIC ASSESSMENT	29
5.11	HERITAGE AND ABORIGINAL OBJECTS ASSESSMENT	29
5.12	DEMOLITION ASSESSMENT	30
5.13	UTILITIES AND SERVICES ASSESSMENT	30
5.14	CONTAMINATED LAND ASSESSMENT	31
5.15	SUITABILITY OF THE SITE	32
5.16	SUBMISSIONS	32
5.17	PUBLIC INTEREST	33
5.18	BIODIVERSITY	33
6	CONCLUSIONS	35
7	SUITABILITY OF THE SITE	37
7.1	ALTERNATIVE AND CONSEQUENCES OF NO DEVELOPMENT	37
7.2	ENVIRONMENTAL JUSTIFICATION	37
9	APPENDIX 1 – JURISDICTIONAL LISTING - LEGISLATION POTENTIALLY APPLICABLE	38
8	SUMMARY OF ENVIRONMENTAL MANAGEMENT AND MITIGATION MEASURES	75
10	APPENDIX 2 – GOULBURN MULWAREE DCP 2016 COMPLIANCE	76

1 INTRODUCTION/EXECUTIVE SUMMARY

This report supports a Development Application for Big Merino Investments to Goulburn Mulwaree Council for the subdivision of Lot 11 DP 1271846, 11 Southdown Road, Marulan into seven (7) lots. Refer to plans in Section 3.1.

The assessment of the land has provided for the consideration of existing natural features including drainage patterns, elevation, accessibility (Southdown Road), 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 is part of a Council approved subdivision under MODDA/0062/1920 to MODDA/0024/1819 to DA/0325/1516 endorsed by Council on the 18 February 2021 and registered on the 15 March 2021. The site is currently vacant land.

1.2 CONSULTATION WITH COUNCIL

A subdivision was lodged in 2022 (DA/0320/2122) which was determined by refusing consent generally relating to issues with –

- Biodiversity,
- Landscaping,
- Flood assessment, and
- Design

The above aspects have been considered in the amended subdivision application for a new landowner.

2 SITE ANALYSIS

2.1 SITE DESCRIPTION

The site consists of Lot 11 DP 1271846, 11 Southdown Road, Marulan as shown on the topographic plan and aerial photograph below on pages 6 & 7.

The site was cleared of trees in the original subdivision and is now maintained with grasses. The western boundary borders Joarimin Creek to where the whole site drains. The land has no slopes that exceed 18 degrees and all areas of the lot are able to be developed or used for permissible purposes under *Goulburn Mulwaree Local Environmental Plan 2009*.

The site is accessible from Southdown Road which is a sealed road. The site is serviced with reticulated sewerage, water, gas, electricity and telecommunications.

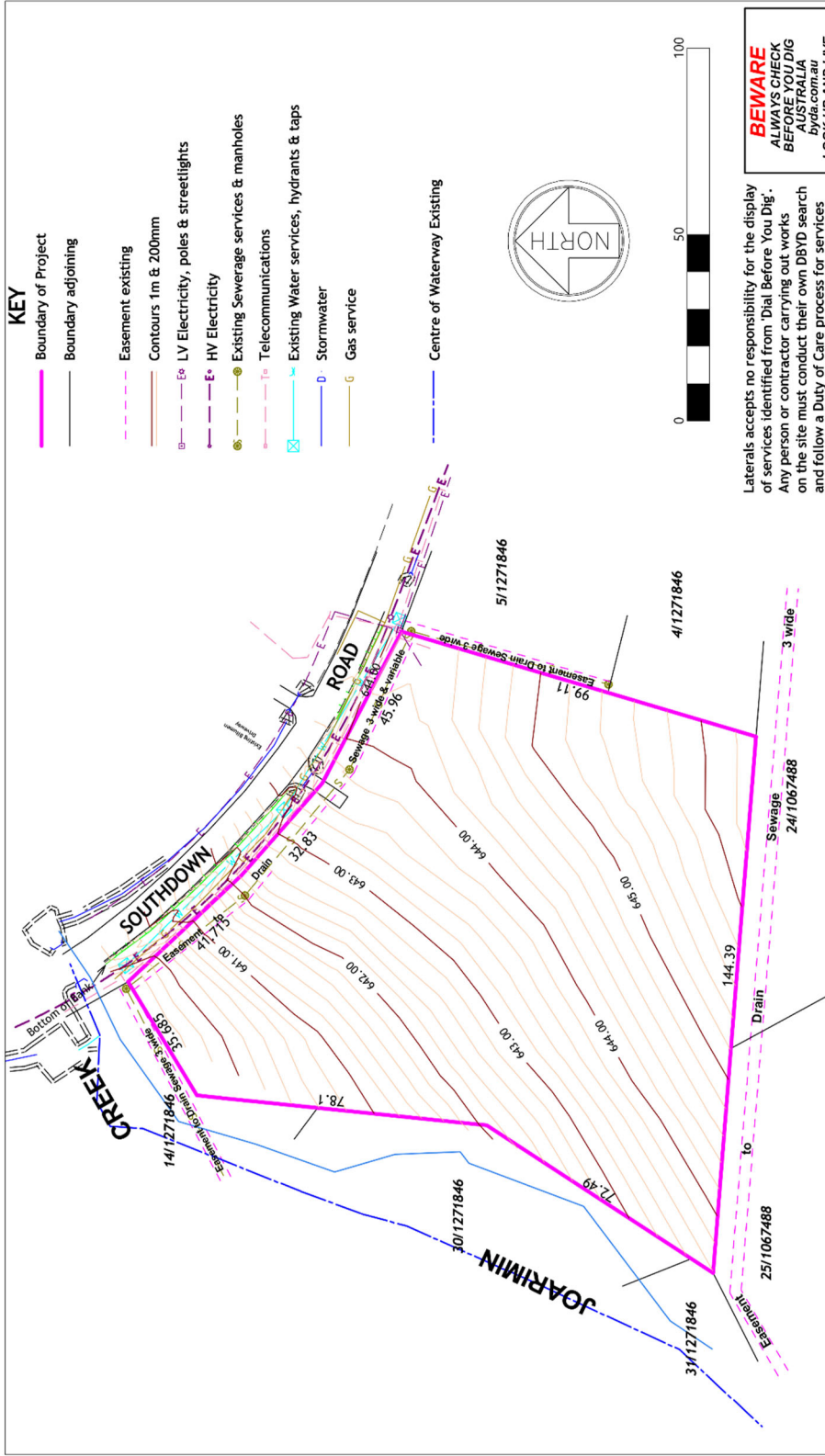
2.2 SITE LOCATION and CONTEXT

The site is located on land that is within an area known as Marulan (Betley Park). The site has access from Southdown Road. The site is in an R5 zone which is developing and has the potential to provide for further extension to the Village of Marulan. The site context is shown on the aerial photograph on page 8 below.

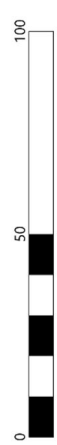
2.3 SURROUNDING DEVELOPMENT

The site is within a large lot residential area with residential housing; commercial and recreational facilities provide in Marulan Centre and Goulburn –

- (a) To the north is a vacant residential lot substantially cleared of trees.
- (b) To east there are two residential lots one of which contains a dwelling house. The other lot is cleared of trees.
- (c) To the south there are two residential lots each of which contains a dwelling house. Each lot is substantially cleared of trees.
- (d) To the west there are two residential lots each of which contains a dwelling house. Each lot is substantially cleared of trees.



- KEY**
- Boundary of Project
 - Boundary adjoining
 - - - Easement existing
 - Contours 1m & 200mm
 - LV Electricity, poles & streetlights
 - HV Electricity
 - Existing Sewerage services & manholes
 - Telecommunications
 - Existing Water services, hydrants & taps
 - Stormwater
 - Gas service
 - Centre of Waterway Existing



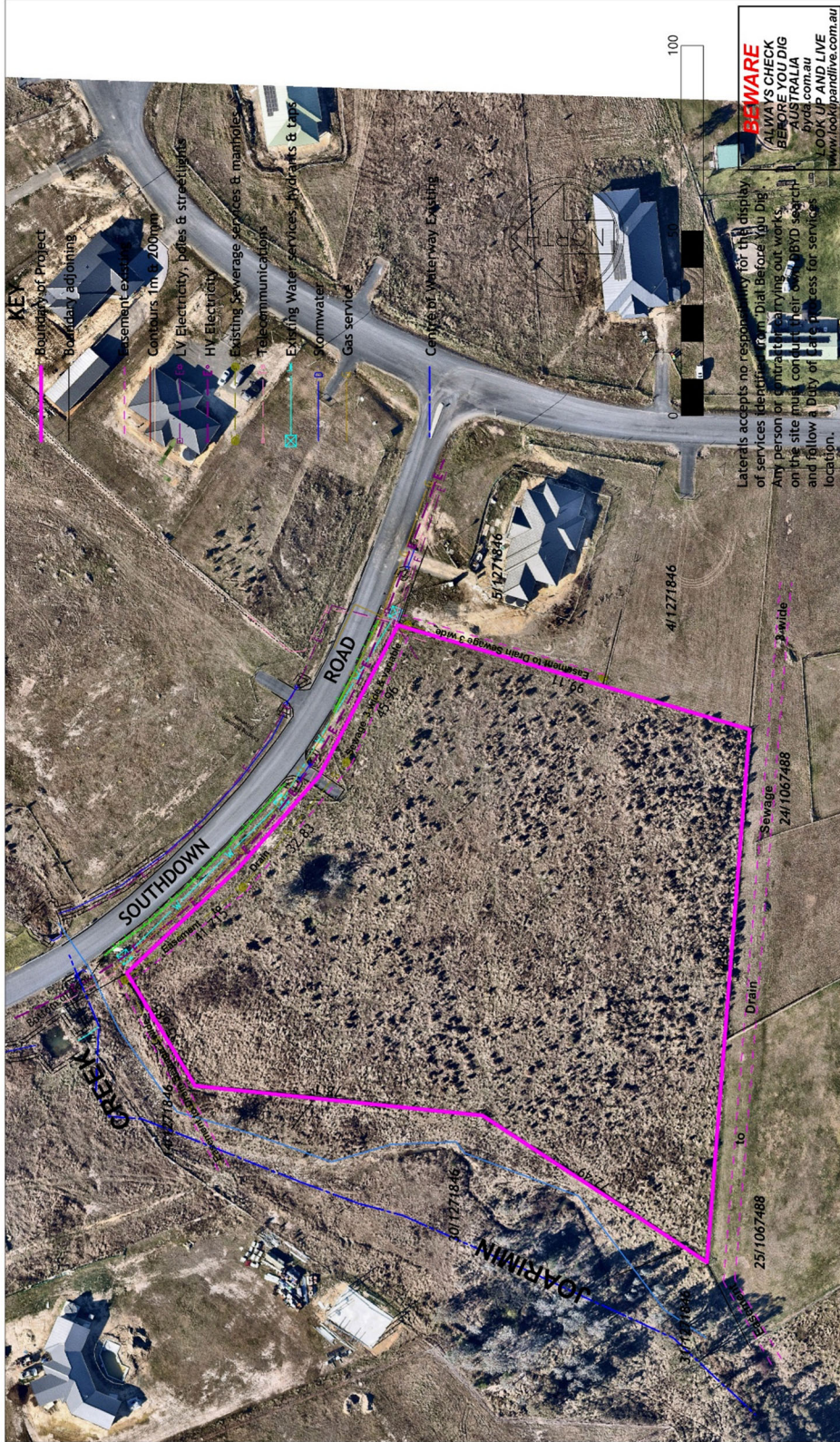
BWARE
 ALWAYS CHECK
 BEFORE YOU DIG
 AUSTRALIA
 byda.com.au
 LOOK UP AND LIVE
 www.lookupandlive.com.au

Laterals accepts no responsibility for the display of services identified from 'Dial Before You Dig'. Any person or contractor carrying out works on the site must conduct their own DBYD search and follow a Duty of Care process for services location.

Sheet No: 1
No of Sheets: 8
Date: 16 August 2023
PLAN NO:2301
EXISTING SITE
TOPOGRAPHIC DETAIL

PLAN
 Showing Proposed Subdivision
 Lot 11 DP 1271846
 11 Southdown Road, Marulan
 Scale 1:1000 on A3

NOTES:
 1. Survey by Southern Cross Consulting Surveyors.



BEWARE
 ALWAYS CHECK
 BEFORE YOU DIG
 AUSTRALIA
 pyda.com.au
 LOOK UP AND LIVE
 www.lookupandlive.com.au

Laterals accepts no responsibility for the display of services identified on this plan. Before you dig, any person or contractor carrying out works on the site must conduct their own GBDY search and follow a Duty of Care process for services location.

Sheet No: 2	No of Sheets: 8
Date: 16 August 2023	PLAN NO: 2301
EXISTING SITE	
AERIAL PHOTOGRAPH	

PLAN
 Showing Proposed Subdivision
 Lot 11 DP 1271846
 11 Southdown Road, Marulan
 Scale 1:1000 on A3

NOTES:
 1. Survey by Southern Cross Consulting Surveyors.
 2. Aerial photography from Near Map 22 May 2023.

Laterals Planning
 1st Floor, 213 Auburn Street (PO Box 1326)
 Marulan NSW 2582 0821 0973 48
 John's River Road, John's River NSW 2443
 Mobile: 0427 210 973



KEY
 Project Location
 Aerial Photography 22 May 2023
 Laterals Reference: 2301

Notes
 1. This plan has been prepared for a development application to Council and should not be used for any other purpose.
 2. Dimensions and area are subject to survey and to Council requirements.
 3. There have been no title searches undertaken with the Land & Property Information of NSW in relation to the subject lands.
 4. No reliance should be placed on this plan for any financial dealing involving the land.
 5. These notes form an integral part of the plan.

Laterals
 PLANNING
 1st Floor, 213 Auburn Street
 (PO Box 1326) Goulburn 2580
 Ph 02 4821 0973
 Fax 02 4822 0777
 Enquiries: www.laterals.com.au
 ABN 29 101 835 072

LOCALITY PLAN – AERIAL PHOTOGRAPH
Proposed Subdivision
Lot 11 DP 1271846
11 Southdown Road, Marulan

Base map source:
 Near Map.
 Scale: Not
 calculated

3 PROPOSED DEVELOPMENT

3.1 ELEMENTS OF THE PROPOSED DEVELOPMENT

The development proposal involves:

1. A subdivision to create 7 lots for residential development and a Drainage Reserve Lot prepared by Laterals Planning
2. The construction of a new road off Southdown Road.
3. The installation of water reticulation, sewerage, stormwater management facilities, gas (if available) and telecommunications.
4. Landscaping.
5. The installation of fencing between the two lots.
6. The carrying out of works as required by Council on the issue of development consent.

The proposed subdivision is shown on the following subdivision plan, topographic plan and aerial photograph plans on pages 11 & 12 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. The installation of established street trees. Sediment fencing would be installed prior to the carrying out of any works. A plan showing the installation of erosion & sediment control measures is shown on the plans prepared by SEEC.

3.3 OPERATIONAL DETAILS and DEVELOPMENT/CONSTRUCTION MANAGEMENT

Works would involve the pegging of the road for construction and installation of services. 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 Southdown Road. Access to each lot is conceptually shown on the subdivision plans. 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.

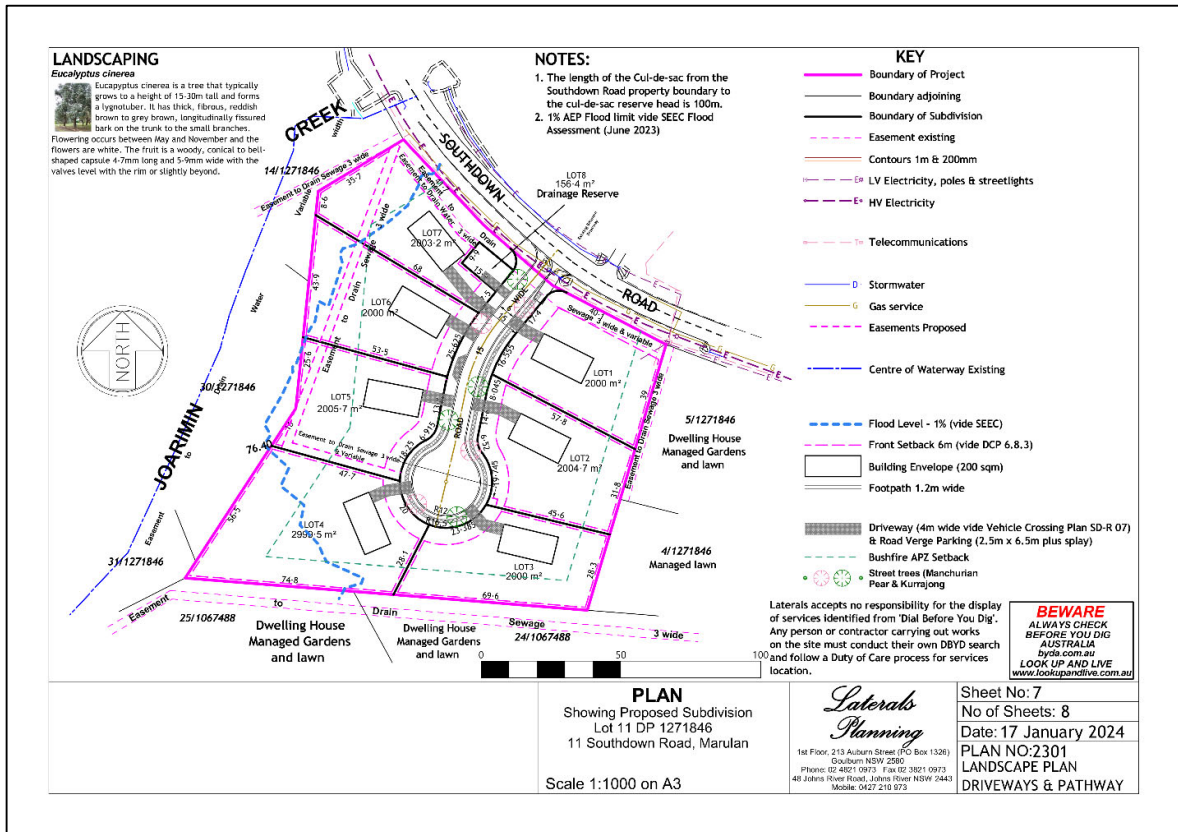
3.5 VEGETATION MANAGEMENT and LANDSCAPING

No tree clearing (other than grasses and Forbes) is necessary for the carrying out works for the subdivision. The existing vegetation is displayed on the aerial photograph below, and is considered in a biodiversity report prepared by Macrozamia and is discussed in Section 5.17 below.

Landscaping would be provided along the new road as shown on Sheet 7 prepared by Laterals Planning, shown below on page 10 and attached to the application. Landscaping on the lot would depend upon the design for a dwelling house by future owners. Street trees are proposed as recommended by Macrozamia – *Eucalyptus cinerea*.

Eucalyptus cinerea is a tree that typically grows to a height of 15–30 m tall and forms a lignotuber. It has thick, fibrous, reddish brown to grey brown, longitudinally fissured bark on the trunk to the small branches. Flowering occurs between May and November and the flowers are white. The fruit is a woody, conical to bell-shaped capsule 4–7 mm long and 5–9 mm wide with the valves level with the rim or slightly beyond.

The vegetation on site has been assessed in detail in a biodiversity assessment by Macrozamia.



3.6 BUSHFIRE PRONE LAND

The site is identified as Bushfire Prone Land with a bushfire report prepared by Australian Bushfire Solutions attached to the application. The proposed subdivision has been amended since the ABS report, however the bushfire setbacks determined by ABS have been utilised in the subdivision design and conceptual housing locations to maintain compliance with the provisions of the report.

3.7 UTILITIES

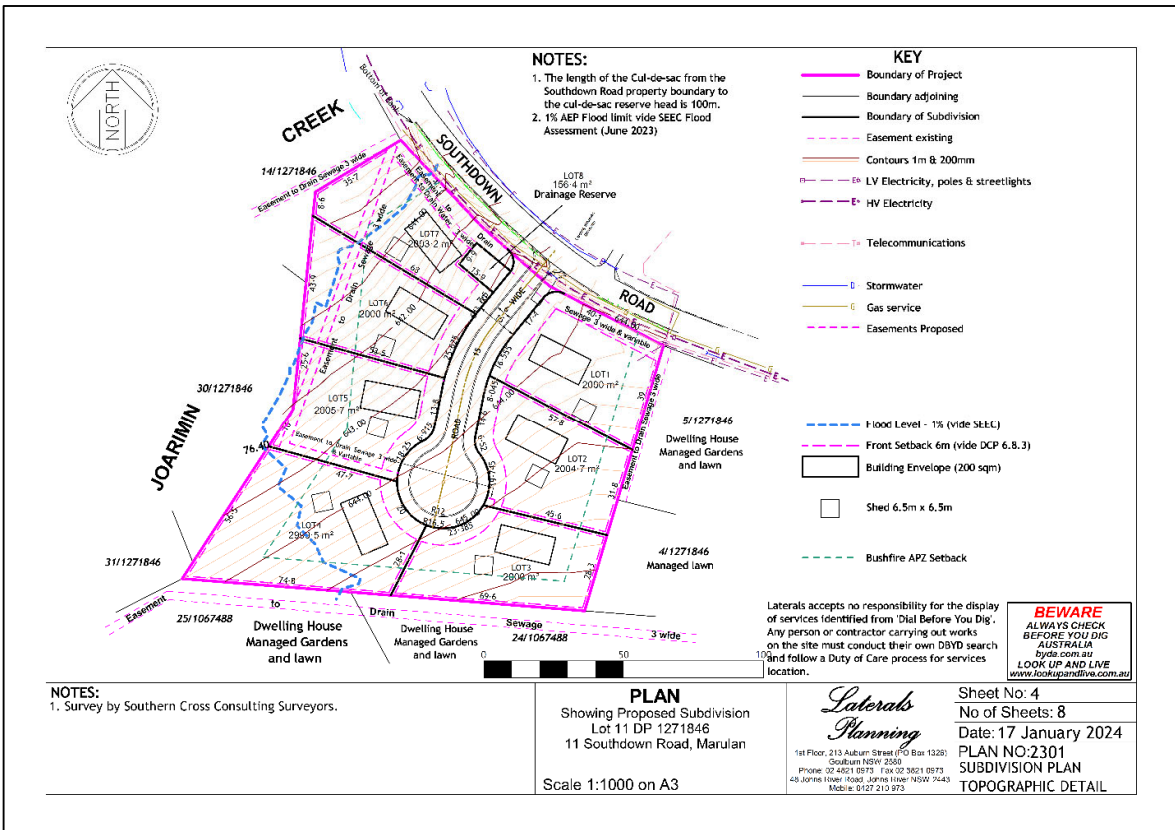
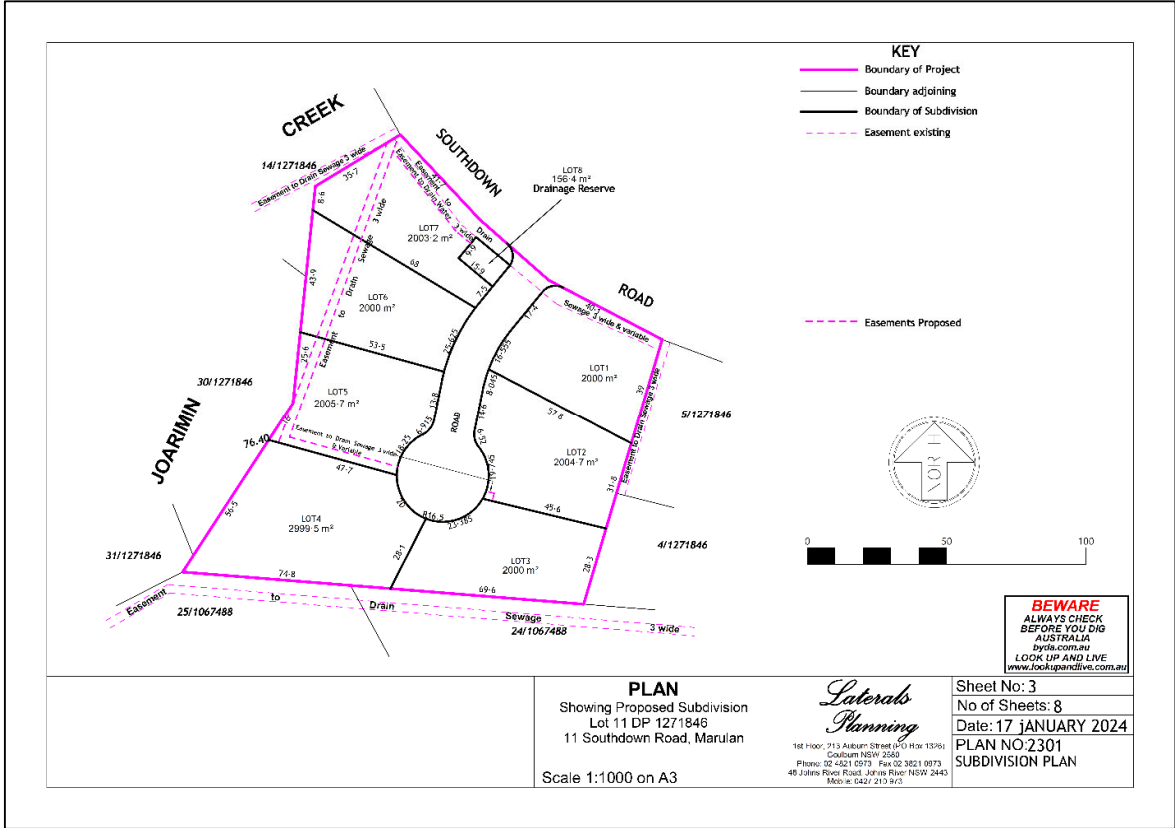
The subdivision is proposed to be connected to all available services including reticulated water, sewerage, electricity, gas (if available to the lot), electricity and telecommunications.

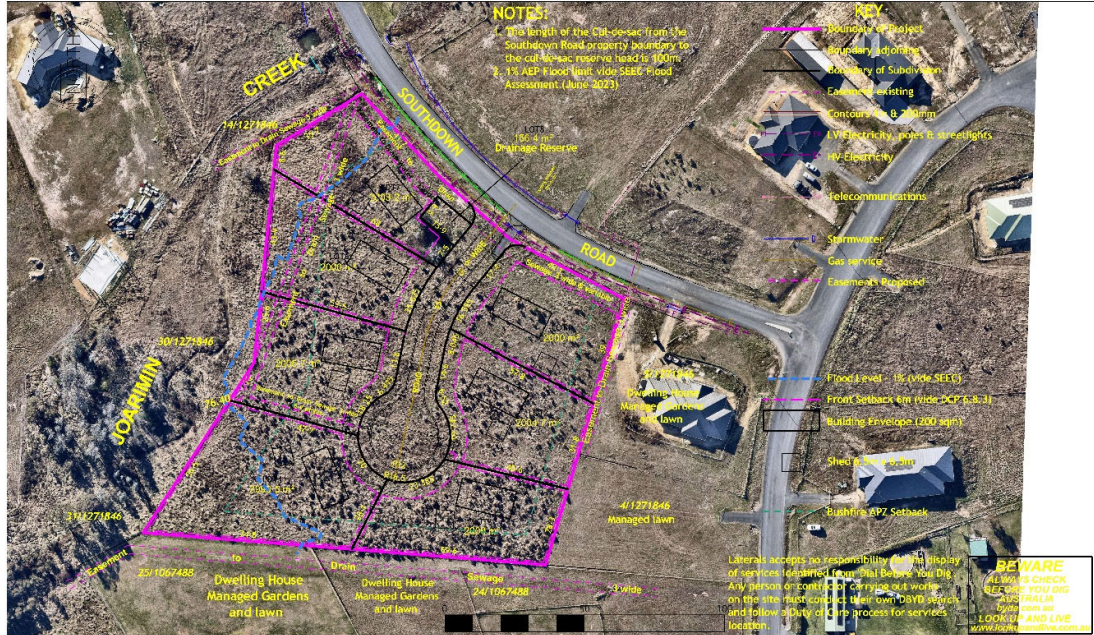
3.8 AMENDMENTS TO EXISTING CONSENT

This proposal does not involve the amendment of any existing development consent.

3.9 STAGING

The development is not intended to be carried out in stages as defined by Section 4.22 of the *Environmental Planning and Assessment Act 1979*.





NOTES:
 1. The length of the Cut-de-sac from the Southdown Road property boundary to the cut-de-sac reserve head is 100m.
 2. 1% AEP Flood limit vide State Flood Assessment (June 2023).

- KEY**
- Boundary of Project
 - Boundary adjoining
 - Boundary of Subdivision
 - Easement existing
 - Contours 1m & 200mm
 - LV Electricity, poles & streetlights
 - HV Electricity
 - Existing Sewerage services & manholes
 - Telecommunications
 - Existing Water services, hydrants & taps
 - Stormwater
 - Gas service
 - Easements Proposed
 - Sewerage Proposed E Manholes
 - Centre of Waterway Existing
 - Water Main proposed and Water Meter
 - Flood Level - 1% (vide SLEL)
 - Front Setback 6m (vide DCP 6.8.3)
 - Building Envelope (200 sqm)
 - Bushfire APZ Setback

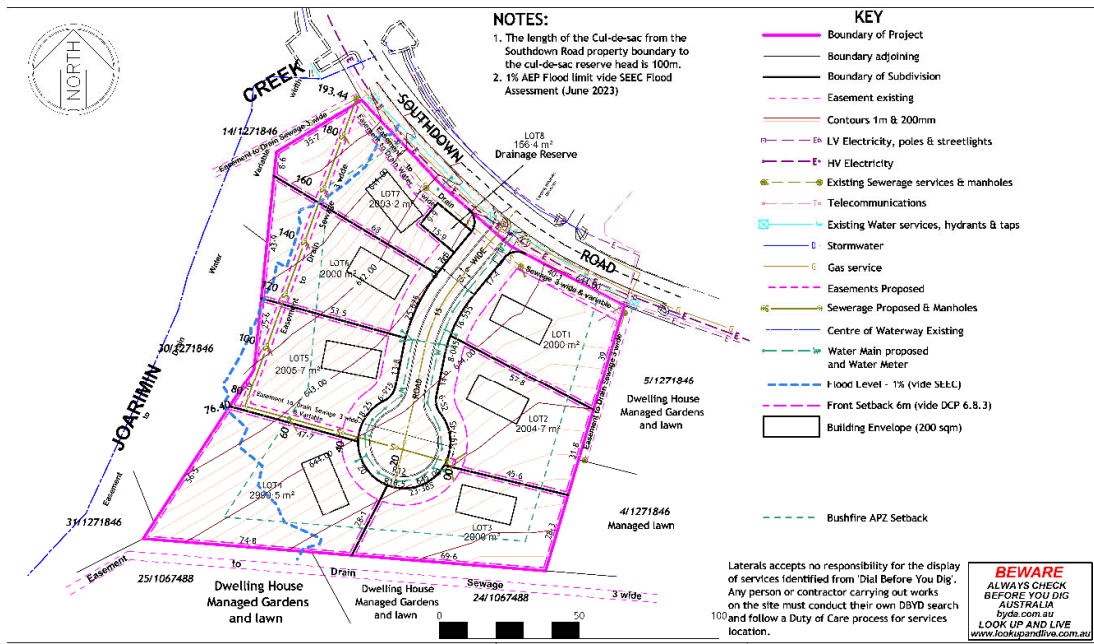
BEWARE
 ALWAYS CHECK BEFORE YOU DIG AUSTRALIA
fyda.com.au
 LOOK UP AND LIVE
www.lockupandlive.com.au

NOTES:
 1. Survey by Southern Cross Consulting Surveyors.
 2. Aerial photography from Near Map 22 May 2023

PLAN
 Showing Proposed Subdivision
 Lot 11 DP 1271846
 11 Southdown Road, Marulan
 Scale 1:1000 on A3

Laterals Planning
 1st Floor, 213 Auburn Street (PO Box 1328)
 Southern NSW 2500
 Phone: 02 4821 8973 Fax: 02 3821 8973
 48 James River Road, James River NSW 2543
 Mobile: 0127 213 873

Sheet No: 5
 No of Sheets: 8
 Date: 17 January 2024
PLAN NO:2301
SUBDIVISION PLAN
AERIAL PHOTOGRAPH



NOTES:
 1. The length of the Cut-de-sac from the Southdown Road property boundary to the cut-de-sac reserve head is 100m.
 2. 1% AEP Flood limit vide State Flood Assessment (June 2023).

- KEY**
- Boundary of Project
 - Boundary adjoining
 - Boundary of Subdivision
 - Easement existing
 - Contours 1m & 200mm
 - LV Electricity, poles & streetlights
 - HV Electricity
 - Existing Sewerage services & manholes
 - Telecommunications
 - Existing Water services, hydrants & taps
 - Stormwater
 - Gas service
 - Easements Proposed
 - Sewerage Proposed E Manholes
 - Centre of Waterway Existing
 - Water Main proposed and Water Meter
 - Flood Level - 1% (vide SLEL)
 - Front Setback 6m (vide DCP 6.8.3)
 - Building Envelope (200 sqm)
 - Bushfire APZ Setback

BEWARE
 ALWAYS CHECK BEFORE YOU DIG AUSTRALIA
fyda.com.au
 LOOK UP AND LIVE
www.lockupandlive.com.au

NOTES:
 1. Survey by Southern Cross Consulting Surveyors.

PLAN
 Showing Proposed Subdivision
 Lot 11 DP 1271846
 11 Southdown Road, Marulan
 Scale 1:1000 on A3

Laterals Planning
 1st Floor, 213 Auburn Street (PO Box 1328)
 Southern NSW 2500
 Phone: 02 4821 8973 Fax: 02 3821 8973
 48 James River Road, James River NSW 2543
 Mobile: 0127 213 873

Sheet No: 6
 No of Sheets: 8
 Date: 17 January 2024
PLAN NO:2301
SERVICES PLAN
WATER & SEWERAGE

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:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *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

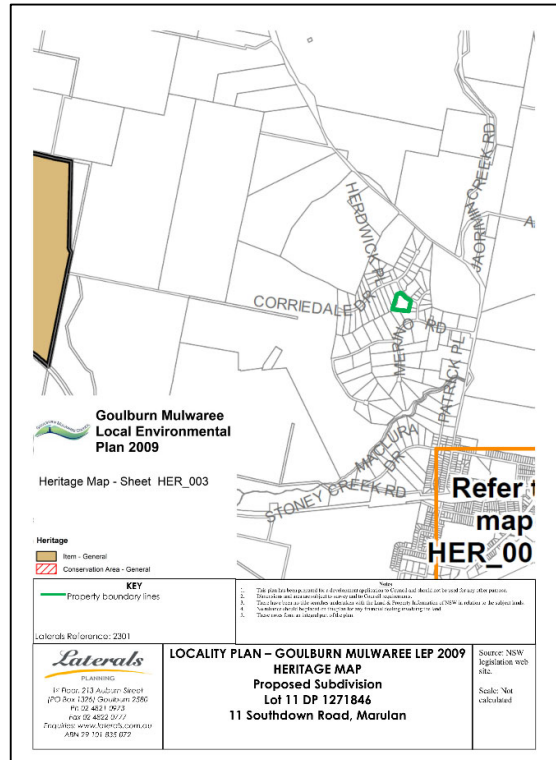
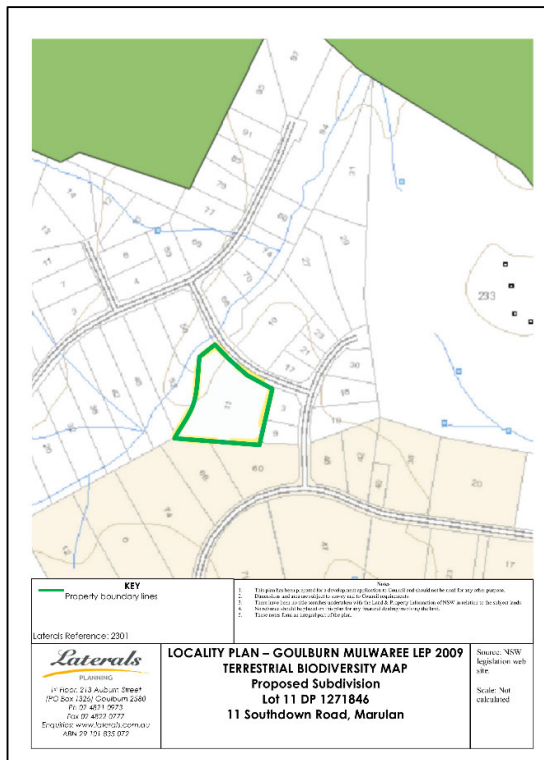
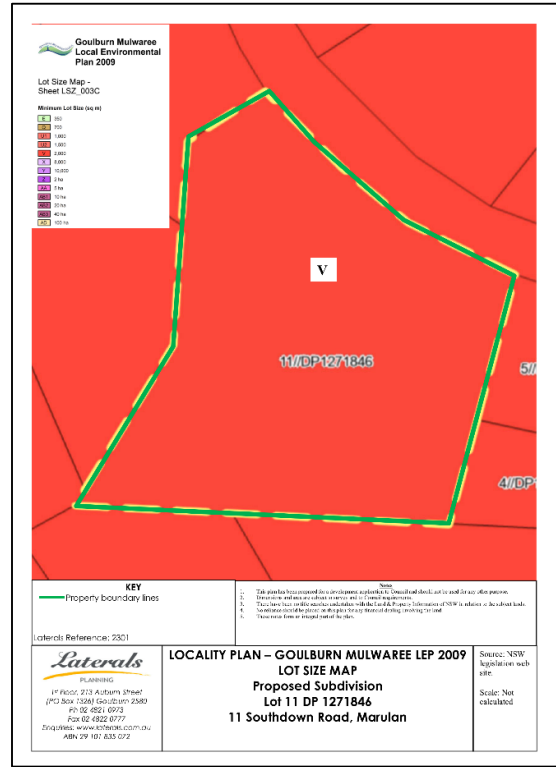
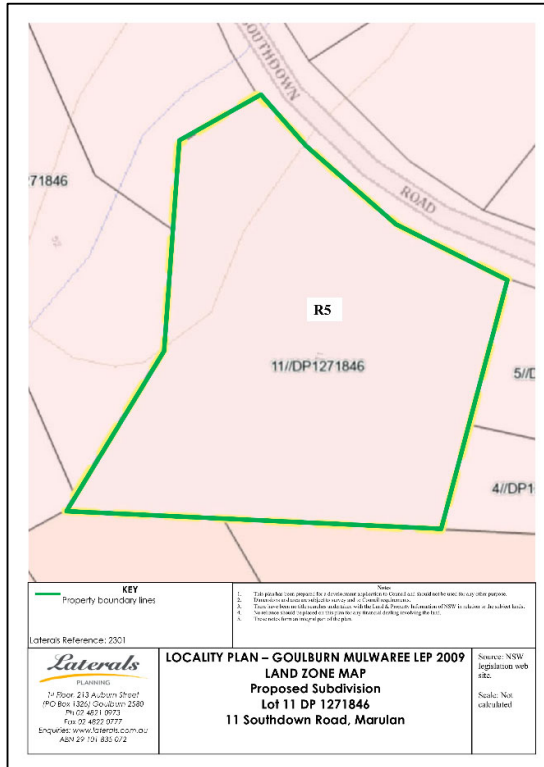
The Applicant has declared on the authority to lodge that there are no relevant political donations or affiliations.

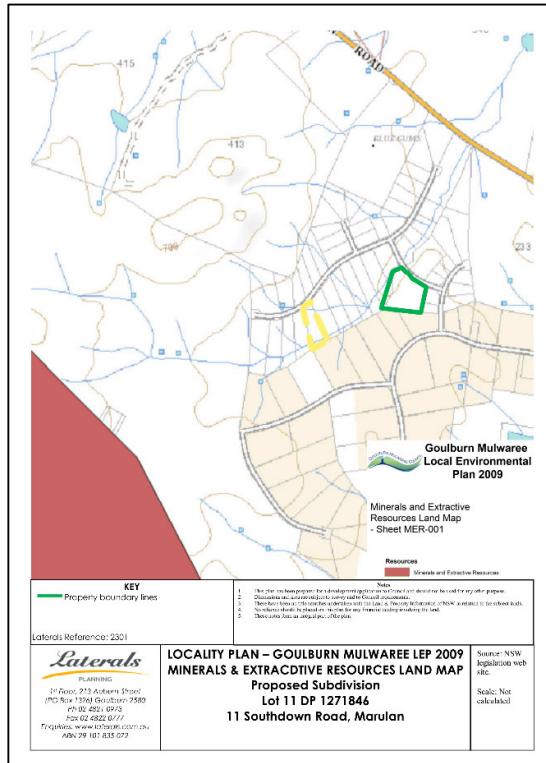
4.1.2 Goulburn Mulwaree LEP 2009

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 RU2 Rural Landscape zone under the *Goulburn Mulwaree Local Environmental Plan 2009*. The proposed 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. 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 on the following page 13 -





4.1.2.1 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 objective

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, shows that it can:

1. be achieved providing for the protection of the environment;
2. provide for the orderly and economic use and development of land
3. provide for a sustainable development;
4. protect and conserve the environmental heritage of Goulburn;
5. provide housing opportunities;
6. minimises risks relevant to the site and location associated with hazards and water quality;
7. provide for controls for future development on the lots created.

it is supporting the aims of the plan.

4.1.2.2 Land use Table

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

1 Objectives of zone

1. To provide residential housing in a rural setting while preserving environmentally sensitive locations and scenic quality.
2. To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
3. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
4. To minimise conflict between land uses within this zone and land uses within adjoining zones.
5. 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.
6. 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)

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

There is –

a) The land excludes Minerals and is subject to reservations and conditions in favour of the Crown.

b) An easement for sewerage 3m wide which is along the frontage of Southdown Road. This easement remains through proposed lots 1 & 7.

This easement is unaffected by the subdivision except for the construction of the new road and services across the easement), and is not shown to be affected by conceptual dwelling house development.

c) A Right of Carriageway appurtenant to the land but which is not over the land (located along the eastern boundary.

This Right of Carriageway does not affect nor is affected by the proposed subdivision.

d) A 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 erected on any Lot unless it shall be set back a distance of not less than 20 metres from the street boundary of the said Lot.

The building site for the lots are less than 20m from the street boundary as permitted pursuant to s6.8.3 of Goulburn Mulwaree DCP 2009. A 20m setback relates to Rural zones which the land was originally contained within at the time of original subdivision.

This restriction was placed on the lots when they had a larger minimum lot size and lots were considerably larger and able to accommodate a large building setback. The minimum setback is now aligned with the Goulburn Mulwaree DCP 2009 which permits a setback of 6m (s6.8.3).

The Council is requested to not apply the restriction setback requirement as is permitted under Claus 1.9A.

B. No residential building shall be built on the Lot unless the floor area including verandahs has an area of not less than 130 square metres.

The conceptual dwelling size shown on the Laterals Planning plans is 200 square metres.

C. No residential building shall be erected except with external walls constructed of timber, brick veneer, brick, stone, masonry, concrete or concrete block or other material approved by South Creek Dairy Pty. Limited.

This shall need to be considered by the future owner in a dwelling design.

- D. No re-located home shall be placed on the Lot. For the purpose of this clause a re-located home shall mean a second hand building or part thereof that has been constructed or used elsewhere but does not include a new purpose built transportable home within the current usage of that term in the Building Industry.
The development is not for a relocated house.
- E. No roof of any residential building shall be constructed of materials other than
This shall need to be considered by the future owner in a dwelling design.
- F. No machinery shed, garage, outhouse, garden shed, children's playhouse, stables or any other building shall be constructed of materials other than new materials and no such building shall be erected using fibro.
The development is not for a machinery shed, garage, outhouse, garden shed, children's playhouse, stables or any other building.
- G. No structure of a temporary character, tent, shack, garage, trailer, camper, caravan or any other outbuilding shall be used on the land at any time as a permanent or seasonal dwelling house.
The development is not for a structure of a temporary character, tent, shack, garage, trailer, camper, caravan or any other outbuilding
- H. No external boundary fence shall be erected on any Lot to divide it from any adjoining land owned by South Creek Dairy Pty. Limited without the consent of that Company but such consent shall not be withheld if such fence is erected without expense to South Creek Dairy Pty. Limited.
There is not fence proposed on land that adjoins land owned by South Creek Dairy Ltd.

In conclusion the proposed development is not inconsistent with any of the restrictions except the building setback.

- e) A Restriction as to User over land under DP 1067488 (Numbered 7). This restriction contains the following restriction (comments are provided below in relation to each restriction):

The current owner or subsequent proprietor of the burdened lot will ensure that all future dwellings shall have a rainwater tank/s with a minimum total capacity of 20,000 litres above any volume required for mains top-up and the rainwater tank/s shall be plumbed to toilets, laundry and other areas of non-potable use including use for gardens.

The development is not for a dwelling. There is the ability for the required rainwater tank to be installed adjacent to the conceptual dwelling.

4.1.2.4 Zone objectives and Land Use Table

This clause contains the following provisions –

- (2) *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.*
- (3) *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.*

- (4) *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.*
- (5) *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 Marulan.
- The subdivision would not hinder other residential development in Marulan of the locality by being accommodated within the existing lot and providing for more intensive development than has originally occurred.
- Services and Facilities are being augmented by Council at the moment 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 rural feel for the locality by not increasing lot access points. 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.

4.1.2.5 Clause 2.6 Subdivision – consent requirements

1. *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.*
2. *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).

4.1.2.7 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.

4.1.2.8 Clause 4.6 Exceptions to development standards

There is no clause 4.6 variation sought for the development.

4.1.2.9 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 an additional lot for dwelling house purposes. The existing lot does not contain any existing dwelling house.

All but one lot 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 other than for the building site to provide bushfire setbacks from boundaries so as not to impact adjoining lots. The site is not sufficiently proximate to be subjected to transport noise along Brayton Road.

4.1.2.10 Clause 7.1A 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. These earthworks will not involve extensive excavation and be contained within an area of erosion & sediment control as displayed on plans prepared by SEEC in the Concept Civil & Stormwater Plans Sheet C700. The earthworks are standard for a residential subdivision and will be subject to Construction Approval from Council.

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 shown on the plan shown below.*
- (b) The subdivision would enable an additional dwelling house on the additional lot as displayed on the subdivision plans above on pages 11 & 12. 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.*
- (f) An Archaeological assessment was conducted for the original subdivision which did not identify any Aboriginal artefacts on the site. The site remains unchanged apart from normal residential maintenance. 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. The 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.*

4.1.2.11 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.

4.1.2.12 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 lot. All service providers would need to process installation applications as part of works for the subdivision.

It is understood that sewerage connections cannot be made nor any dwelling house connected until such time as Council has completed sewerage works upgrades for Marulan. It is understood that the sewerage service upgrade is scheduled for completion in 2024.

Council may wish to consider the imposition of a Grampian Condition for the connection of sewerage to the lot but permit the installation of connection works pre-emptory to the operative date or action of the Grampian Condition.

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.

4.1.2.13 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.

In terms of this clause the site is approximately 825m from the site of a quarry to the west and 2.8km from the site of a quarry to the north west. This is a reasonable separation leaving only the location of haul routes as a potential area of impact.

Having regard to the matter raised in clause 3 –

- (a) Land in the vicinity of the subdivision is zoned for large Lot Residential and Transition zones. Land immediately surrounding the development site is developed and being developed with housing and the lot to the west (transition zone) contains a residential dwelling.

The site is located approximately 610m west of Brayton Road which is the haul route for one of the quarries.

It is unlikely that an additional dwelling would create any further incompatibility than already exists (with no known impact complaints identified).

- (b) Given the distance to the quarries and the existence of the Large Lot Residential zoning and development between the site and the quarries the subdivision would not affect land that could potentially be used by the quarry as a natural resource, is not in a location that represents an access to the quarries, or impeding the operation of the quarries.

The additional subdivision and intensification of residential uses is not likely to have any impact on the current or future extraction from the mine or the haul route between the mine and highway.

The adjacent dwelling houses currently exist (without complaint). It is unlikely that further settlement will result in what is currently viewed as no incompatibility of the uses. Any noise impact factor resulting from the use of the haul route would not likely increase or worsen as the quarries have limitations on production.

- (c) The proposed lot is in an area for which subdivision was approved for residential purposes as far back as 2001. Consecutive approvals have been issued providing a public benefit relative to the township of Marulan and its expansion in the vicinity.
- (d) The quarries were established in the presence of the residential zones and provision for the expansion of Marulan, effectively co-existing and providing public benefits in the provision of quarry and mine materials.

4.1.3 Goulburn Mulwaree DCP 2016

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

- 2 Plan Objectives
 - 2.1 General Development Objectives
 - 2.3 Locality Objectives - Marulan
- 3 General Development Controls
 - 3.1 Indigenous heritage and archaeology
 - 3.2 European (non-indigenous) heritage conservation
 - 3.5 Landscaping
 - 3.8 Flood Affected Lands
 - 3.9 Tree and vegetation preservation
 - 3.10 Dryland salinity
 - 3.11 Waterbody and wetland protection
 - 3.12 Groundwater
 - 3.14 Biodiversity management
 - 3.15 High Environmental Conservation Value Areas
 - 3.16 stormwater pollution
 - 3.17 Bushfire risk management
 - 3.18 Urban Servicing (Water and Sewer)
- 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 1. Special consideration of planning issues is provided in Section 5 below.

4.1.4 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 in the R5 Large Lot Residential zone;
- 2 The proposal is consistent with relevant provisions of Goulburn Mulwaree LEP 2009.
- 3 The proposal is consistent with the relevant sections of the Goulburn Mulwaree DCP 2009 (as amended).
- 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 Southdown Road 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 in a large lot residential area and would seven additional dwelling houses to the locality. The site already contains a dwelling house. There are dwelling houses surrounding the land. The eventual dwelling houses are not available to view but are potentially located such that they would not involve oversight of or overshadowing of any adjoining lot or the other dwelling houses on the land. As such the visual appreciation of the future dwelling would need to be ascertained when a dwelling house application is lodged, but at present it is submitted that the dwelling houses would not be incompatible with the type of development occurring in the locality.

5.4 AMENITY ASSESSMENT

The development would not result in the construction of any works that would result in a potential decrease in amenity having good separation from other dwellings in the vicinity.

5.5 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.

5.6 FLOODING

A Flood Assessment for the site has been conducted by SEEC and is attached the application. The subdivision design and conceptual dwelling house locations are shown on the plans prepared by Laterals Planning indicating all development is capable of being located above the determined 1% AEP Flood Event.

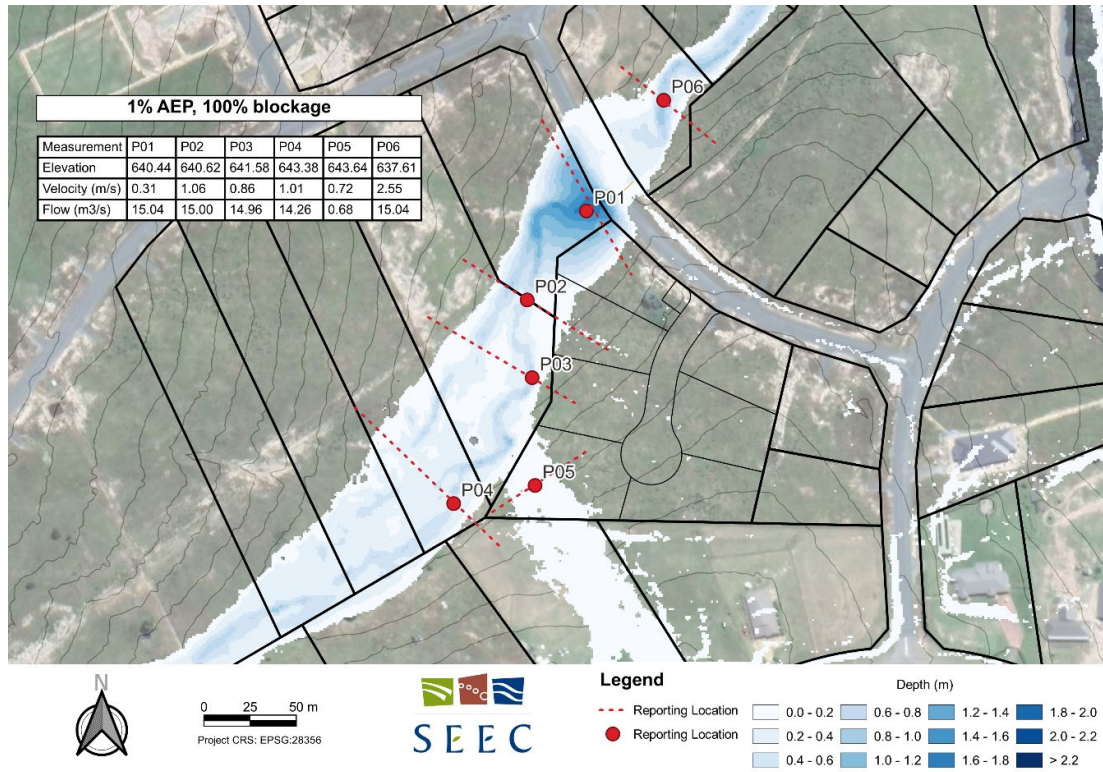
The Results of the Flood Assessment provide that:

The flood extents across the site for the 1% AEP (100-year ARI) storm event have been estimated and are displayed in Appendix B. It can be seen that this major storm event partially encroaches on the site in the north-western corner within proposed Lots 6 & 7 (refer to Figure 2), with the highest predicted 1% AEP flood level adjacent to Lot 6 being 640.44m AHD and Lot 7 being 640.62m AHD. An overland flow path is also evident through Lot 4, as shown in Figure 6 and throughout Appendix B.

It is recommended that the floor level of any future dwellings in Lots 6 and 7 are set 0.5m above the predicated 1% AEP flood level and not cut into the existing natural surface. Therefore, the

minimum floor levels for future dwellings on Lots 6 and 7 should be set no lower than 640.94m AHD and 641.12m AHD respectively based on our preliminary assessment. It is also recommended that future dwellings in Lot 4 are not within the overland flow path. Additional drainage elements such as a diversion drain or bund could be adopted to limit overland flow in Lot 4 and confine flows to a defined flow path.

The level of the 1%AEP flood event with 100% blockage of the downstream drain in Southdown Street is shown as follows (Appendix B of the Flood Assessment):



The flood line from this assessment plan is used for display on the Laterals Plans and is intended to be applied for flood affected land for development on the lots adjacent to the waterway.

The Flood Assessment concludes:

The results show the extent of the 1% AEP (100 Year ARI) flood event within the existing watercourse adjacent to the proposed development would have a partial encroachment into the site along the western boundary of proposed Lots 6 and 7. An overland flow path is also evident through a section of Lot 4.

It is recommended that the floor level of any future dwellings in Lots 6 and 7 are set at least 0.5m above the 1% AEP flood level and not cut into the existing natural surface. It is also recommended that future dwellings in Lot 4 are not within the overland flow path.

Therefore, the minimum floor levels for future dwellings on Lots 6 and 7 should be set no lower than 640.94 AHD and 641.12 AHD respectively based on our preliminary assessment.

Additional drainage elements such as a diversion drain or bund could be adopted to limit overland flow in Lot 4 and confine flows to a defined flow path.

5.7 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 SEEC 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 SEEC concludes :

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.

Section 4 of the SEEC Water Cycle Management Study details measures to be applied to the development during construction, (section 4.1 and Tables 1 and 2); and at subdivision stage (section 4.6). All of these measures are proposed to be applied for the construction of the subdivision.

Measures are also proposed for post subdivision development when housing is proposed on each lot. Aside from flooding controls there appear to be no measures that are able to be incorporated into a restriction-as-to-user, being matters naturally considered in each development application. It would however be beneficial for each lot owner to have a copy of the SEEC Water Cycle Management Study.

5.8 PRIVACY and OVERSHADOWING ASSESSMENT

The development is not in such a location or of such a height that would result in privacy and overshadowing issues.

5.9 EROSION and SEDIMENT CONTROL ASSESSMENT

Erosion and Sediment Controls are as shown in plans prepared by SEEC attached to the application. See Sheets C700, C701, & C702 of the Concept Civil & Stormwater Plans (Preliminary Engineering Plans).

5.10 SOCIAL AND ECONOMIC ASSESSMENT

The development on the site is anticipated to have an ongoing positive social and economic impact on the local area, and the broader community. The provision of additional accommodation would aid in the further support of employment to nearby urban areas. It is considered that the health and safety of the community would be positively impacted from the proposed subdivision and future development.

5.11 HERITAGE AND ABORIGINAL OBJECTS ASSESSMENT

The site is not located within a heritage conservation area and is not listed as a heritage item. The site has been used and operated as broadacre rural land in the past, is on gently sloping land which is not elevated land. An Archaeological assessment was conducted for the original subdivision which did not identify any Aboriginal artefacts on the site. The site remains unchanged apart from normal maintenance. If any artefacts are unearthed works would need to cease and the Office of Heritage contacted. A recent AHIMS search has not found any sites nearby as shown in the following report.

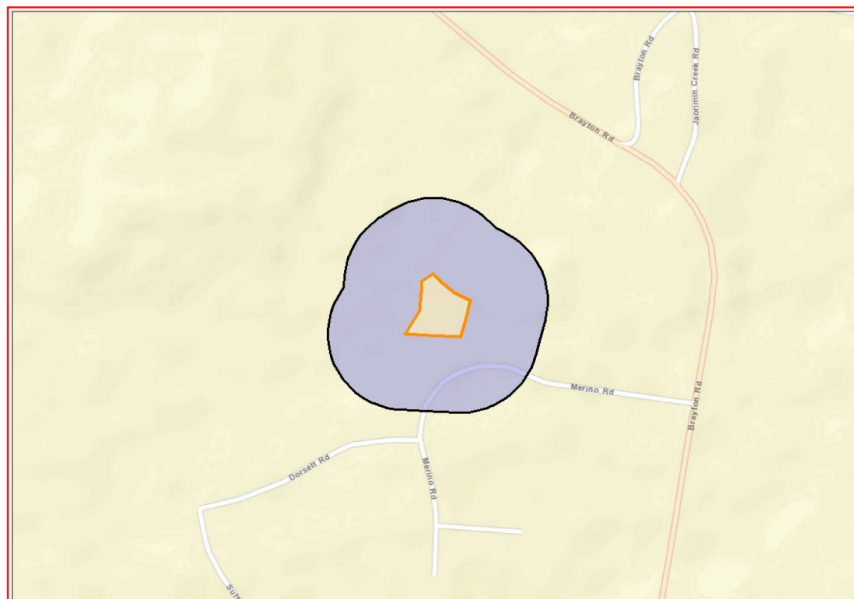
Allen Keith Rita
48 Johns River Road
Johns River New South Wales 2443
Attention: Keith Allen
Email: keith@laterals.com.au

Date: 12 December 2023

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 11, DP:DP1271846, Section : - with a Buffer of 200 meters, conducted by Keith Allen on 12 December 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

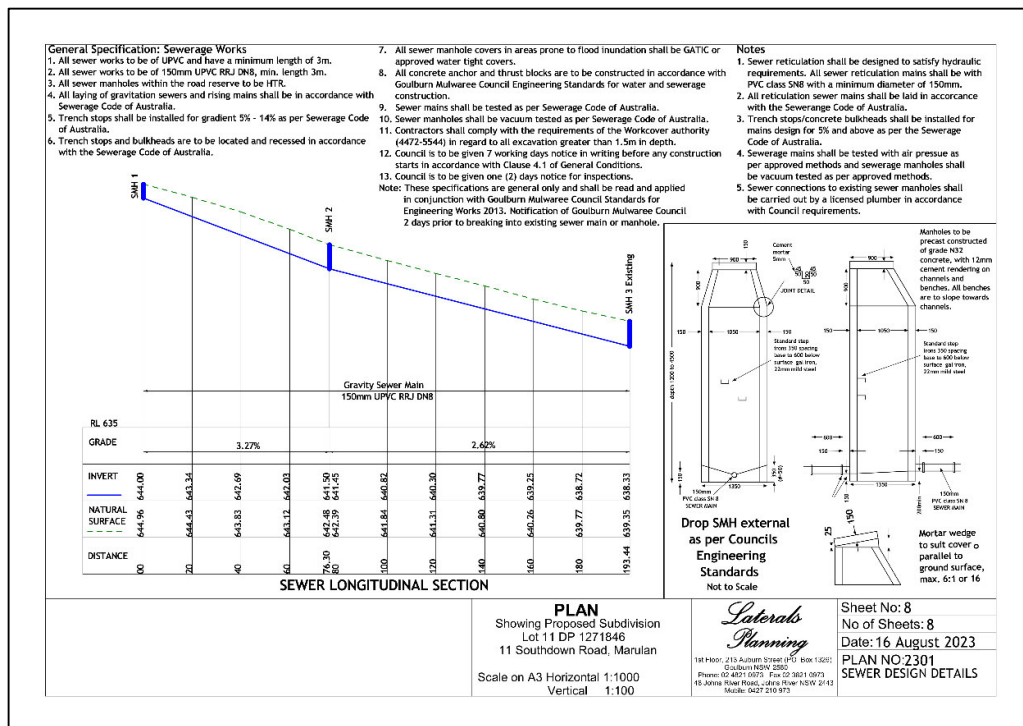
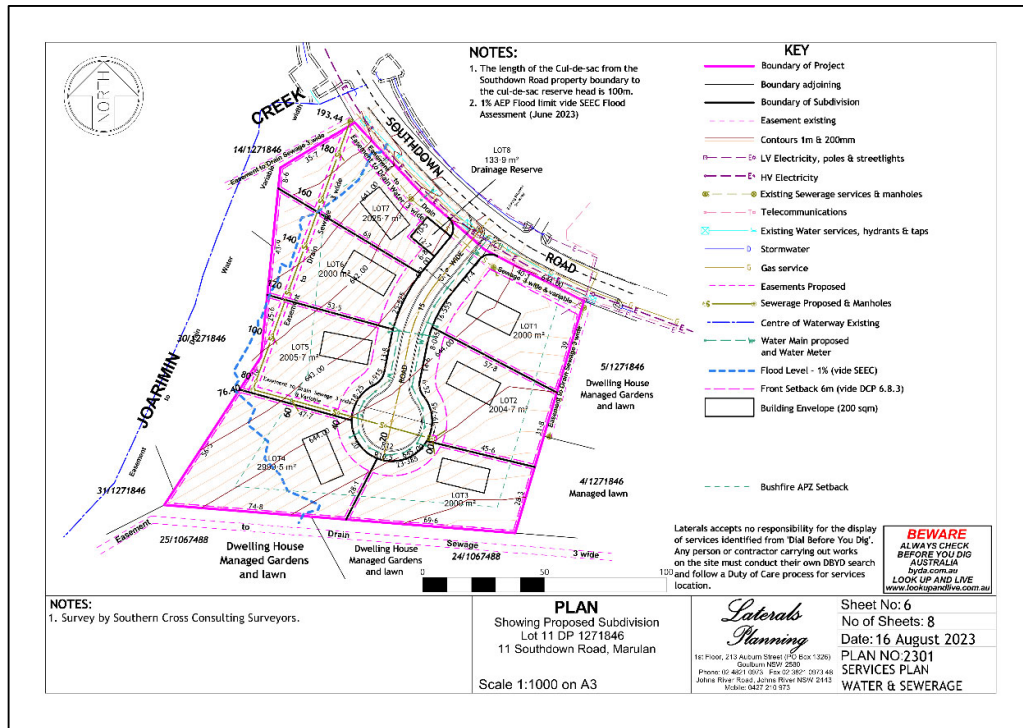
0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

5.12 DEMOLITION ASSESSMENT

No demolition is proposed.

5.13 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 is shown below.



5.14 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*.

A preliminary contaminated site assessment was also conducted for the original subdivision which, the lot now existent, would have removed any identified contaminants.

5.12.1 Previous land uses

The owner 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 owner lives on site and 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.

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 land which is 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.

5.15 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 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.

5.16 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.

5.17 PUBLIC INTEREST

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

5.18 BIODIVERSITY

A Biodiversity Development Assessment Report (BDAR) has been carried out by Macrozamia and is attached to the application. The report provides the following impact summary:

10 Impact summary

10.1 Determine an offset requirement for impacts

10.1.1 Impacts on native vegetation and TECs or ECs (ecosystem credits)

Ecosystem credit offsets required are calculated through the BAM – C, offsets are required for impacts of proposals on PCTs that are associated with a vegetation zone that has a vegetation integrity score of:

- Equal to or greater than VI 15, where the PCT is representative of an EEC or a CEEC
- Equal to or greater than VI 17, where the PCT is associated with threatened species habitat (as represented by ecosystem credits) or represents a vulnerable ecological community
- Equal to or greater than VI 20, where the PCT does not represent a TEC and is not associated with threatened species habitat.

For this proposal all vegetation zones are required to be offset, see Table 34 below, BAM – C outputs are provided in Appendix C Credit reports.

Table 34 Impacts that require offset – ecosystem credits

Vegetation zone	PCT name	TEC	Impact area (ha)	Current VI score	Future VI score	Change in VI score	Biodiversity risk weighting	Number of ecosystem credits required
PCT 3373_Mod	3373 Goulburn Tableland Box-Gum Grassy Forest	Yes, CEEC	1.7	38.1	0	-38.1	1.50	42
Total ecosystem credits								42

10.1.2 Impacts on threatened species and their habitat (species credits)

Impacts on threatened species (species credits) that require an offset are identified in Table 36 below along with their BAM – C calculated credits required, BAM – C outputs are provided in Appendix C Credit reports.

Table 35 Impacts that require an offset – species credits

Species & Vegetation zone	Area (ha)/Count (no. individuals)	BC Act Listing status	EPBC Act listing status	Potential SAI	Species credits
<i>Keyacris scurra</i> , Key's Matchstick Grasshopper					
3373_Mod	1.6ha	Endangered	Not listed	No	31
Subtotal					31

The following BAM Credit Summary Report is included in Appendix C:



BAM Credit Summary Report

Proposal Details

Assessment Id 00045057/BAAS19018/23/00045058	Proposal Name Proposed 7 Lot Residential Subdivison Southdown Rd Marulan	BAM data last updated * 22/06/2023
Assessor Name Pat Guinane	Report Created 24/12/2023	BAM Data version * 61
Assessor Number BAAS19018	BAM Case Status Finalised	Date Finalised 24/12/2023
Assessment Revision 3	Assessment Type Part 4 Developments (Small Area)	BOS entry trigger BOS Threshold: Area clearing threshold

* Disclaimer: BAM data last updated may indicate either complete or partial update of the BAM calculator database. BAM calculator database may not be completely aligned with Bionet.

Ecosystem credits for plant communities types (PCT), ecological communities & threatened species habitat

Zone	Vegetation zone name	TEC name	Current Vegetation integrity score	Change in Vegetation integrity (loss / gain)	Area (ha)	Sensitivity to loss (Justification)	Species sensitivity to gain class	BC Act Listing status	EPBC Act listing status	Biodiversity risk weighting	Potential SAIL	Ecosystem credits
------	----------------------	----------	------------------------------------	--	-----------	-------------------------------------	-----------------------------------	-----------------------	-------------------------	-----------------------------	----------------	-------------------

Assessment Id: 00045057/BAAS19018/23/00045058 | Proposal Name: Proposed 7 Lot Residential Subdivison Southdown Rd Marulan | Page 1 of 2



BAM Credit Summary Report

Goulburn Tableland Box-Gum Grassy Forest												
1	3373_Mod	White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and Derived Native Grassland	38.1	38.1	1.8	Environment Protection and Conservation Act listing status	High Sensitivity to Gain	Not Listed	Critically Endangered	2.50		42
											Subtotal	42
											Total	42

Species credits for threatened species

Vegetation zone name	Habitat condition (Vegetation Integrity)	Change in habitat condition	Area (ha)/Count (no. individuals)	Sensitivity to loss (Justification)	Sensitivity to gain (Justification)	BC Act Listing status	EPBC Act listing status	Potential SAIL	Species credits	
Keyacris scurra / Key's Matchstick Grasshopper (Fauna)										
3373_Mod		38.1	38.1	1.6	Biodiversity Conservation Act listing status	Ability to colonise improved habitat	Endangered	Not Listed	False	31
									Subtotal	31

Assessment Id: 00045057/BAAS19018/23/00045058 | Proposal Name: Proposed 7 Lot Residential Subdivison Southdown Rd Marulan | Page 2 of 2

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 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

7.1 ALTERNATIVE AND CONSEQUENCES OF NO DEVELOPMENT

The site is currently vacant residential land with the proposed development involving the creation of a subdivision for 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-sue of In-Fill land would result in a need for other undeveloped greenfield land expanding into as yet undeveloped areas.
- Services to the land are currently being augmented to accommodate the increase in development being carried out or made available by subdivisions of this type.

7.2 ENVIRONMENTAL JUSTIFICATION

The proposed subdivision and eventual residential development 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

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 & 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 & 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 & Assessment Regulations 2000</i></p> <p>The development is not identified as designated development under Schedule 3 of the <i>Environmental Planning & Assessment Regulations 2000</i>.</p>	NO
	<p><u>Sections 4.46 & 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"> 1. <i>s22 of the Coal Mine Subsidence Compensation Act 2017.</i> 2. <i>s144 (aquaculture permit) Fisheries Management Act 1994.</i> 3. <i>s201 (aquaculture permit) Fisheries Management Act 1994.</i> 4. <i>s205 (cut, remove, damage or destroy marine vegetation) Fisheries Management Act 1994.</i> 5. <i>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.</i> 6. <i>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.</i> 7. <i>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</i> 8. <i>ss89, 90, 91 (water use approval water management work approval or activity approval under part 3 of chapter 3) Water Management Act 2000.</i> <p><i>Development is integrated development in respect of a licence that may be granted under the Protection of the Environment Operations Act 1997 to control the carrying out of non-scheduled activities for the purpose of regulating water pollution only if—</i></p> <p style="padding-left: 40px;"><i>(a) the development application stipulates that an application for such a licence has been or will be made in respect of the development, or</i></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) – <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>The proposed development will create a new road and remove the existing access from Southdown Road. As such there are works on the public road reserve which would necessitate a s.138 approval from Council.</p>	
	<p><u>Section 7.4 – Provisions of a Planning Agreement</u> This is a note to identify if, at the time of making a development application, a Voluntary Planning Agreement is proposed or if a proposed development is the subject of an existing Voluntary Planning Agreement.</p> <p>A Voluntary Planning Agreement is not proposed and the proposed development is not subject to the provisions of a Voluntary Planning Agreement.</p>	NO
	<p><u>Section 10.4 – Declaration</u> (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"> i. <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> ii. <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> <p>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.</p>	YES
Environmental Planning & Assessment Regulation 2021	<p><u>Section 24 Content of development applications</u> (1) <i>A development application must—</i></p> <ol style="list-style-type: none"> (a) <i>be in the approved form, and</i> (b) <i>contain all the information and documents required by—</i> <ol style="list-style-type: none"> (i) <i>the approved form, and</i> (ii) <i>the Act or this Regulation, and</i> <i>be submitted on the NSW planning portal.</i> 	YES As submitted on the approved form on the Planning Portal
	<p><u>Section 25 Information about concurrence or approvals</u> A development application must contain the following information—</p> <ol style="list-style-type: none"> (a) <i>a list of the authorities —</i> <ol style="list-style-type: none"> (i) <i>from which concurrence must be obtained before the development may lawfully be carried out, and</i> (ii) <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"> • <i>WaterNSW</i> <p>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 SEEC and attached to the application. The site –</p> <ul style="list-style-type: none"> • is not Crown Land. • Has no Section 88B instrument placed by WaterNSW. <p>A Water Cycle management Study by SEEC concludes :</p>	In Sydney Catchment, concurrence required.

	<p><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) 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"> • <i>Coal Mine Subsidence Compensation Act 2017 s22 (approval to alter or erect improvements, or to subdivide land, within a mine subsidence district)</i> • <i>Fisheries Management Act 1994 s144 (aquaculture permit)</i> • <i>Fisheries Management Act 1994 s201 (dredging of reclamation work)</i> • <i>Fisheries Management Act 1994 s205 (cut, remove, damage or destroy marine vegetation)</i> • <i>Fisheries Management Act 1994 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.)</i> • <i>Heritage Act 1977 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 -</i> <ul style="list-style-type: none"> (a) <i>demolish the building or work,</i> (b) <i>damage or despoil the place, precinct or land, or any part of the place, precinct or land,</i> (c) <i>move, damage or destroy the relic or moveable object,</i> (d) <i>excavate any land for the purpose of exposing or moving the relic,</i> (e) <i>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,</i> (f) <i>alter the building, work, relic or moveable object,</i> (g) <i>display any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct,</i> (h) <i>damage or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.</i> • <i>Mining Act 1992 ss63 & 64 (grant of minim lease)</i> • <i>National Parks and Wildlife Act 1974 s90 (grant of Aboriginal heritage impact permit)</i> • <i>Petroleum (Onshore) Act 1991 s16 (grant of production lease)</i> • <i>Protection of the Environment Operations Act 1997 s43(a), 47 & 55 (Environment protection licence to authorise carrying out of scheduled development work at any premises).</i> • <i>Protection of the Environment Operations Act 1997 s43(b), 48 & 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”).</i> • <i>Protection of the Environment Operations Act 1997 s43(d), 55, & 122 (Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity).</i> • <i>Roads Act 1993 s138 (consent to -</i> <ul style="list-style-type: none"> (a) <i>erect a structure or carry out a work in, on or over a public road, or</i> (b) <i>dig up or disturb the surface of a public road, or</i> (c) <i>remove or interfere with a structure, work or tree on a public road, or</i> 	<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 No such works</p> <p>No such activity No such activity</p> <p>No such activity</p> <p>No such activity</p> <p>Yes. New road.</p> <p>YES. See separate assessments.</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> <ul style="list-style-type: none"> • Rural Fires Act 1997 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) • Water Management Act 2000 s89, 90, & 91 (water use approval, water management work approval or activity approval under Part 3 of Chapter 3). 	No such works.
	<p><u>Section 26 Information about community housing, boarding houses, co-living housing</u></p> <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>	NO Not such development
	<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><u>biodiversity compliant development</u> 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>	Not biodiversity compliant development. Not such land.
	<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>	Not residential apartment development.

	<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>Section 30 Mining or petroleum development</p> <p>(1) This section applies to a development application that relates to mining or petroleum development on land—</p> <p>(a) shown on the Strategic Agricultural Land Map, or</p> <p>(b) subject to a site verification certificate.</p> <p>(2) The development application must be accompanied by—</p> <p>(a) 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</p> <p>(b) for development on other land—</p> <p>(i) a current gateway certificate that applies to the development, or</p> <p>a site verification certificate that certifies that the land on which the development will be carried out is not biophysical strategic agricultural land.</p>	<p>Not mining development</p>
	<p>Section 31 Other documents required for certain development applications</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>Part A Structures or places of public entertainment</p> <p>1 Install a manufactured home, moveable dwelling or associated structure on land</p> <p>Part B Water supply, sewerage and stormwater drainage work</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>Part C Management of waste</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>Not in a Wilderness Area.</p> <p>No Site Compatibility Certificate required.</p> <p>No such application</p> <p>YES. Carrying out water and sewerage works.</p> <p>No on-site waste water management needed.</p>

	<p>6 Operate a system of sewage management (within the meaning of section 68A)</p> <p>Part D Community land</p> <p>(1) Engage in a trade or business (2) Direct or procure a theatrical, musical or other entertainment for the public (3) Construct a temporary enclosure for the purpose of entertainment (4) For fee or reward, play a musical instrument or sing (5) Set up, operate or use a loudspeaker or sound amplifying device (6) Deliver a public address or hold a religious service or public meeting</p> <p>Part E Public roads</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 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 doorway abutting the road, or hang an article beneath an awning over the road</p> <p>Part F Other activities</p> <p>1 Operate a public car park 2 Operate a caravan park or camping ground 3 Operate a manufactured home estate 4 Install a domestic oil or solid fuel heating appliance, other than a portable appliance 5 Install or operate amusement devices 6 (Repealed) 7 Use a standing vehicle or any article for the purpose of selling any article in a public place 8,9 (Repealed) 10 Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations</p> <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 application</p> <p>No such application</p> <p>No such application</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> <p>(a) identify the applicant and the land to which the application relates, and</p> <p>(b) contain a plan of the building that indicates the proposed height and external configuration of the site, if relevant for the development.</p> <p>(3) This section does not apply to the following—</p> <p>(a) designated development, (b) nominated integrated development, (c) threatened species development, (d) Class 1 aquaculture development, (e) State significant development.</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 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>

<p>Commonwealth Legislation</p>	<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>The subdivision will involve works for the new access, which area is substantially cleared already. See Biodiversity Assessment by Macrozamia</p>	<p>NO</p>
<p>Road Act 1993</p>	<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>(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>New road works on Council public road requiring Section 138 approval.</p>	<p>YES</p>
<p>State Environmental Planning Policy (Biodiversity and Conservation) 2021</p>	<p>CHAPTER 2 Vegetation in non-rural areas</p> <p>Part 2.1 Preliminary</p> <p>1.1 Aims of Chapter</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 RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone B8 Metropolitan Centre, Zone IN1 General Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone SP3 Tourist, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living or Zone W3 Working Waterways.</p> <p>Part 2.2 Clearing vegetation in non-rural areas</p> <p>2.6 Clearing that requires permit or approval</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>The land is not biodiversity certified land.</p> <p>(4) <i>Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with.</i></p> <p>(5) <i>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.</i></p> <p>(6) <i>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.</i></p> <p>2.7 Clearing that does not require permit or approval <i>In accordance with clause 2.7 Clearing that does not require permit or approval –</i></p> <p>i. <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 600 or Part 5B.</i></p> <p>ii. <i>Despite the Local Land Services Act 2013, section 600(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></p> <p>iii. <i>A permit or approval is not required under this Chapter for—</i> (a) <i>the removal of vegetation that the council is satisfied is a risk to human life or property, or</i> (b) <i>clearing for a traditional Aboriginal cultural activity, other than a commercial cultural activity.</i></p> <p>iv. <i>A permit is not required under this Chapter for the removal of vegetation that the council is satisfied—</i> (a) <i>is dying or dead, and</i> (b) <i>is not required as the habitat of native animals.</i></p> <p>v. <i>An approval is not required under this Chapter for the removal of vegetation that the Native Vegetation Panel is satisfied—</i> (a) <i>is dying or dead, and</i> (b) <i>is not required as the habitat of native animals.</i></p> <p>Note— <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> (a) <i>is carried out on certain primary production land in Zone R5, E2, E3 or E4, and</i> (b) <i>complies with the requirements of Part 2.5</i></p> <p>The area of impact is not identified as exempt clearing; however, the grass area may potentially be identified as a risk to human life and property in regards to bushfire threat. Notwithstanding this the matter is further assessed below.</p> <p>Part 2.3 Council permits for clearing of vegetation in non-rural areas</p> <p>Part 2.3 Council permits for clearing of vegetation in non-rural areas</p> <p>(1) <i>This Chapter applies to the following areas of the State (the non-rural areas of the State)—</i> a. <i>land in the following local government areas—</i> <i>Bayside, City of Blacktown, Burwood, Camden, City of Campbelltown, Canterbury-Bankstown, Canada Bay, Cumberland, City of Fairfield, Georges River, City of Hawkesbury, Hornsby, Hunter’s Hill, Georges River, Inner West, Ku-ring-gai, Lane Cove, City of Liverpool, Mosman, Newcastle, North Sydney, Northern Beaches, City of Parramatta, City of Penrith, City of Randwick, Rockdale, City of Ryde, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Waverley, City of Willoughby, Woollahra.</i></p>	<p>NO.</p> <p>NO.</p>
--	---	-----------------------

	<p>b. <i>land within the following zones under an environmental planning instrument—</i> <i>Zone RU5 Village, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone R5 Large Lot Residential, Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone B8 Metropolitan Centre, Zone IN1 General Industrial, Zone IN2 Light Industrial, Zone IN3 Heavy Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone SP2 Infrastructure, Zone SP3 Tourist, Zone RE1 Public Recreation, Zone RE2 Private Recreation, Zone E2 Environmental Conservation, Zone E3 Environmental Management, Zone E4 Environmental Living or Zone W3 Working Waterways.</i></p> <p>(2) <i>This Chapter does not apply to national park estate and other conservation areas, or State forestry land, referred to in section 60A (b) and (c) of the Local Land Services Act 2013. However, this Chapter applies to land that is any such national park estate and other conservation area only because it is a declared area of outstanding biodiversity value under the Biodiversity Conservation Act 2016.</i></p> <p>Note— <i>Part 5A (Land management (native vegetation)) of the Local Land Services Act 2013 does not apply to non-rural areas to which this Chapter applies.</i></p> <p>The Goulburn Mulwaree DCP gives effect to Part 2.3 of the State Environmental Planning Policy.(SEPP) Biodiversity and Conservation 2021 (Chapter 2, Vegetation in Non-Rural Areas) (the 'Biodiversity and Conservation SEPP').</p> <p>CHAPTER 3 Koala habitat protection 2020 Part 3.1 Preliminary 3.1 Aims of Chapter <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> <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> <i>(b) by encouraging the identification of areas of core koala habitat, and</i> <i>(c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.</i></p> <p>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.</p> <p>CHAPTER 4 Koala habitat protection 2021 Part 4.1 Preliminary <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>4.10 Development assessment process—other land <i>A council is not prevented from granting consent to a development application for consent to carry out development on land if—</i> <i>(a) the land does not have an approved koala plan of management applying to the land, or</i> <i>(b) the council is satisfied that the land is not core koala habitat.</i></p> <p>Part 4.2 Development control of koala habitats</p>	<p>NO</p>
--	---	-----------

	<p>4.9 Development assessment process—no approved koala plan of management for land</p> <p>(1) This section applies to land to which this Chapter applies if the land—</p> <ul style="list-style-type: none"> a. has an area of at least 1 hectare (including adjoining land within the same ownership), and b. does not have an approved koala plan of management applying to the land. <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—</p> <ul style="list-style-type: none"> a. information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application— <ul style="list-style-type: none"> (i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or (iii) is not core koala habitat, or b. information the council is satisfied demonstrates that the land subject of the development application— <ul style="list-style-type: none"> (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or (iii) includes only horticultural or agricultural plantations. <p>(6) In this section—</p> <p>koala assessment report, 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</p> <p>4.10 Development assessment process—other land</p> <p>A council is not prevented from granting consent to a development application for consent to carry out development on land if—</p> <ul style="list-style-type: none"> (a) the land does not have an approved koala plan of management applying to the land, or (b) the council is satisfied that the land is not core koala habitat. <p>Chapter 5 River Murray lands</p> <p><i>This chapter does not apply to Goulburn Mulwaree Council area.</i></p> <p>Chapter 6 Water Catchments</p> <p><i>This Chapter applies to land in the following catchments—</i></p> <ul style="list-style-type: none"> (a) the Sydney Drinking Water Catchment, (b) the Sydney Harbour Catchment, (c) the Georges River Catchment, (d) the Hawkesbury-Nepean Catchment <p>The land is within the Sydney Drinking Water Catchment area.</p> <p>In this Chapter –</p> <p>flood liable land means land—</p> <ul style="list-style-type: none"> (a) susceptible to flooding by the probable maximum flood event, identified in accordance with the principles set out in the Floodplain 	
--	---	--

	<p><i>Development Manual, within the meaning of the Standard Instrument, clause 5.21. or</i></p> <p>(b) <i>identified in an environmental planning instrument as flood liable land.</i></p> <p>riparian vegetation means hydrophilic vegetation, including submerged, emerging and fringing vegetation, that is within a waterway or the floodplain of a waterway</p> <p>A Biodiversity Assessment has been carried out by Macrozamia and is attached to the application.</p> <p>The development impact area in excess of 2500m² which exceeds the biodiversity offsets scheme threshold of 2,500m².</p> <p>6.6 Water quality and quantity</p> <p>(a) <i>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</i></p> <p>(a) <i>whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</i></p> <p>(b) <i>whether the development will have an adverse impact on water flow in a natural waterbody,</i></p> <p>(c) <i>whether the development will increase the amount of stormwater run-off from a site,</i></p> <p>(d) <i>whether the development will incorporate on-site stormwater retention, infiltration or reuse,</i></p> <p>(e) <i>the impact of the development on the level and quality of the water table,</i></p> <p>(f) <i>the cumulative environmental impact of the development on the regulated catchment,</i></p> <p>(g) <i>whether the development makes adequate provision to protect the quality and quantity of ground water.</i></p> <p style="padding-left: 40px;">(b) <i>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 style="padding-left: 40px;">(a) <i>the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</i></p> <p style="padding-left: 40px;">(b) <i>the impact on water flow in a natural waterbody will be minimised.</i></p> <p style="padding-left: 40px;">(c) <i>Subsections (1)(a) and (2)(a) do not apply to development on land in the Sydney Drinking Water Catchment.</i></p> <p>Note—</p> <p><i>Part 6.5 contains provisions requiring development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</i></p> <p>Having regard to the above matters for consideration in subsection (1) the following comments area provided –</p> <p>(a) As assessed by SEEC in the attached report.</p> <p>(b) The management of sediment by the placement of erosion and sediment controls as described in the SEEC 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 SEEC 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 SEEC 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 SEEC 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 SEEC 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 SEEC 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 SEEC report attached to the application ensures that the impact of the development on water flow in the natural waterbody will be minimised.</p> <p>6.7 Aquatic ecology</p> <p>(1) <i>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</i></p> <p>(a) <i>whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,</i></p> <p>(b) <i>whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—</i></p> <p style="padding-left: 20px;"><i>(i) a controlled activity approval under the Water Management Act 2000, or</i></p> <p style="padding-left: 20px;"><i>(ii) a permit under the Fisheries Management Act 1994,</i></p> <p>(c) <i>whether the development will minimise or avoid—</i></p> <p style="padding-left: 20px;"><i>(i) the erosion of land abutting a natural waterbody, or</i></p> <p style="padding-left: 20px;"><i>(j) the sedimentation of a natural waterbody,</i></p> <p>(d) <i>whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,</i></p> <p>(e) <i>whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,</i></p> <p>(f) <i>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.</i></p> <p>Example—</p> <p><i>Additional measures may include the incorporation of a vegetated buffer between the waterbody and the site.</i></p> <p>(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></p> <p>(a) <i>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,</i></p> <p>(b) <i>the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,</i></p> <p>(c) <i>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,</i></p> <p>(d) <i>the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,</i></p>	
--	--	--

	<p>(e) the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.</p> <p>(3) In this section— coastal wetlands and littoral rainforests area has the same meaning as in the Coastal Management Act 2016, section 6</p> <p>Having regard to the above matters for consideration in subsection (1) the following comments are provided –</p> <ul style="list-style-type: none"> (a) The management of sediment by the placement of erosion and sediment controls as described in the SEEC 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. (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. (c) The management of sediment by the placement of erosion and sediment controls as described in the SEEC report attached to the application ensures that erosion and sedimentation will be minimised. (d) There are no coastal wetlands or littoral rainforest type areas identified in the locality. (e) The management of sediment by the placement of erosion and sediment controls as described in the SEEC report attached to the application ensures that the development will provide adequate safeguards and rehabilitation measures to protect aquatic ecology. (f) A Neutral or Beneficial Effect assessment has been conducted by SEEC and is attached. <p>Having regard to the above matters for consideration in subsection (2) the following comments are provided –</p> <ul style="list-style-type: none"> (a) As discussed in the Macrozamia report attached to the application. (b) The management of sediment by the placement of erosion and sediment controls as described in the SEEC report attached to the application ensures that the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves. (c) The development is within 10m – 40m of the waterway to the west and may be referred by Council in relation for an activity approval, however the area of proposed works and future development is in excess of 40m from the edge of a waterway area. (d) The management of sediment by the placement of erosion and sediment controls as described in the SEEC report attached to the application ensures that erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised. (e) There are no coastal wetlands or littoral rainforest type areas identified in the locality. <p>6.8 Flooding</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>(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></p> <p style="margin-left: 20px;">(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></p> <p style="margin-left: 20px;">(b) <i>have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems</i></p> <p>Having regard to the above matters for consideration the following comments area provided –</p> <p>(1) Flooding has been assessed in the SEEC report attached to the application. The management of stormwater and works as described and recommended in the SEEC report attached to the application has considered the stormwater runoff and provided management measures that would manage likely impacts on flooding and areas of wetlands and other riverine ecosystems.</p> <p>(2) The management of sediment by the placement of erosion and sediment controls as described in the SEEC report attached to the application, and the connection of services to Council and service provider infrastructure ensures that the development will not result in a release of pollutants that may have an adverse impact on the water quality of a natural waterbody, nor have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.</p> <p>6.9 Recreation and public access</p> <p>(1) <i>In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider—</i></p> <p style="margin-left: 20px;">(i) <i>the likely impact of the development on recreational land uses in the regulated catchment, and</i></p> <p style="margin-left: 20px;">(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></p> <p>(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></p> <p style="margin-left: 20px;">(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></p> <p style="margin-left: 20px;">(j) <i>new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,</i></p> <p style="margin-left: 20px;">(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></p> <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>The development is not adjacent to any specific recreational areas.</p> <p>6.10 Total catchment management</p> <p><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>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.</p>	
--	---	--

	<p>6.11 Land within 100m of natural waterbody <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"> a. <i>the land uses proposed for land abutting the natural waterbody are water-dependent uses, and</i> b. <i>conflicts between land uses are minimised</i> <p>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.</p> <p>6.12 Riverine Scenic Areas In this section - <i>Riverine Scenic Area means an area identified on the State Environmental Planning Policy (Biodiversity and Conservation) 2021 Hawkesbury-Nepean Riverine Scenic Area Map as—</i></p> <ul style="list-style-type: none"> c. <i>an area of local significance, or</i> d. <i>an area of regional significance, or</i> e. <i>an area of significance beyond the region.</i> <p>The land is not on the Hawkesbury Nepean Riverine Scenic Area Map.</p> <p>6.15 Aquaculture The development is not for aquaculture.</p> <p>6.16 Artificial waterbodies The development does not involve artificial waterbodies.</p> <p>6.18 Marinas The development does not involve marinas.</p> <p>6.19 Moorings The development does not involve moorings.</p> <p>6.20 On-site domestic sewerage systems The development does not involve the provision of on-site domestic sewerage systems.</p> <p>6.21 Stormwater management</p> <ul style="list-style-type: none"> (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. (2) Development to which this section applies may be carried out on land in a regulated catchment— <ul style="list-style-type: none"> (i) by or on behalf of a public authority—without development consent, or (j) otherwise—with development consent. (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. (4) In this section— untreated stormwater means stormwater that has not been subjected to measures designed to reduce litter, suspended soils, nutrients or other substances that contribute to a decline in water quality. <p>The development will involve works for the management of stormwater consisting of erosion & sediment controls outlined in the SEEC report attached. A Neutral or Beneficial Effect on receiving waters has been carried out and included in the SEEC report attached. A future dwelling</p>	
--	---	--

	<p>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>6.22 Waste or resource management facilities The development is not for a waste or resource management facility.</p> <p>6.23 Demolition on certain land (1) This section applies to land— (i) in a regulated catchment, and (j) to which a local environmental plan that adopts the Standard Instrument does not apply. (2) Development that involves the demolition of a building or work may be carried out only with development consent.</p> <p>The development does not involve any demolition.</p> <p>Part 6.3 Foreshores and Waterways Area In this section - Foreshores and Waterways Area Map means the State Environmental Planning Policy (Biodiversity and Conservation) 2021 Sydney Harbour Foreshores and Waterways Area Map.</p> <p>Goulburn Mulwaree Council area is not within the Foreshores and Waterways Area Map.</p> <p>Division 5 Strategic foreshore sites In this section - Strategic Foreshore Sites Map means the State Environmental Planning Policy (Biodiversity and Conservation) 2021 Sydney Harbour Strategic Foreshore Sites Map</p> <p>Goulburn Mulwaree Council area is not within the Strategic Foreshore Sites Map.</p> <p>Part 6.5 Sydney Drinking Water Catchment The objectives of this Part are— a. to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and b. to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.</p> <p>6.61 Requirement of neutral or beneficial effect on water quality (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. Note— See the Act, section 3.26(2). (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. (3) The NorBE Tool applies to development requiring development consent under the Act, Part 4, other than State significant development.</p>	
--	---	--

	<p>A NorBE Assessment has been carried out and included in the SEEC report attached. It is further noted that:</p> <ul style="list-style-type: none"> • The development is not on crown perpetual leasehold land. • There is no Section 88 instrument place by WaterNSW over the land. <p>A Water Cycle management Study by SEEC concludes :</p> <p><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>6.63 Requirement of consistency with NorBE Guideline <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>The development is a Module 3 development for which a NorBE Assessment is included in the SEEC report attached.</p> <p>Chapter 13 Strategic conservation planning This Chapter applies to land shown on the Land Application Map.</p> <p>Goulburn Mulwaree Council area is not identified on the Land Application Map.</p>	
<p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</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"> providing exempt and complying development codes that have State-wide application, and 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 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 enabling the progressive extension of the types of development in this Policy, and providing transitional arrangements for the introduction of the State-wide codes, including the amendment of other environmental planning instruments. <p>No exempt or complying development is proposed.</p>	<p>NO</p>
<p>State Environmental Planning Policy (Housing) 2021</p>	<p>The principles of this Policy are as follows—</p> <ol style="list-style-type: none"> enabling the development of diverse housing types, including purpose-built rental housing, 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, ensuring new housing development provides residents with a reasonable level of amenity, promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services, minimising adverse climate and environmental impacts of new housing development, reinforcing the importance of designing housing in a way that reflects and enhances its locality, 	<p>NO</p>

	<p>(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, (h) mitigating the loss of existing affordable rental housing.</p> <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>The development is not for a 'Boarding House', 'Supportive accommodation', Social housing provider development, Aboriginal Housing Office and Land & Housing Corporation development, or retention of existing affordable rental housing.</p> <p>The development is 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'.</p>	
<p><i>State Environmental Planning Policy (Industry and Employment) 2021</i></p>	<p>Chapter 2 Western Sydney employment area The development is not located with the Western Sydney employment area and as such this chapter does not apply to the development.</p> <p>Chapter 3 Advertising and signage Part 3.1 Preliminary 1.1 Aims, objectives etc (1) This Chapter aims— (a) to ensure that signage (including advertising)— (a) is compatible with the desired amenity and visual character of an area, and (iii) provides effective communication in suitable locations, and (iv) is of high quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. (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>1.2 Area of application of this Chapter 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>NO</p> <p>NO</p>
<p><i>State Environmental Planning Policy (Planning Systems) 2021</i></p>	<p>Chapter 2 State and regional development Part 2.1 Preliminary 2.1 Aims of Chapter The aims of this Chapter are as follows— (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure, (c) to identify development that is regionally significant development.</p>	<p>NO</p>

	<p>2.2 Definitions capital investment value has the same meaning as in the Environmental Planning and Assessment Regulation 2021”.</p> <p>environmentally sensitive area of State significance means—</p> <ul style="list-style-type: none"> (a) coastal waters of the State, or (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 (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 (d) a declared Ramsar wetland within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, or (e) a declared World Heritage property within the meaning of the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth, or (f) land identified in an environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance, or (g) land reserved as a state conservation area under the National Parks and Wildlife Act 1974, or (h) land, places, buildings or structures listed on the State Heritage Register under the Heritage Act 1977, or (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 (j) land identified as being critical habitat under the Threatened Species Conservation Act 1995 or Part 7A of the Fisheries Management Act 1994. <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>Part 2.2 State significant development 2.6 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if—</p> <ul style="list-style-type: none"> (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 (b) the development is specified in Schedule 1 or 2. <p>Schedule 1 lists the following development –</p> <ol style="list-style-type: none"> 1. Intensive livestock agriculture * 2. Aquaculture * 3. Agricultural produce industries and food and beverage processing * 4. Timber milling, timber processing, paper and pulp processing * 5. Mining * 6. Petroleum (oil and gas) * 7. Extractive industries *# 8. Geosequestration 9. Metal, mineral and extractive material processing * 10. Chemical, manufacturing and related industries * 11. Other manufacturing industries * <ul style="list-style-type: none"> (a) laboratory, research or development facilities, (b) medical products manufacturing, (c) printing or publishing, (d) textile, clothing, footwear or leather manufacturing, (e) furniture manufacturing, (f) machinery or equipment manufacturing, (g) the vehicle, defence or aerospace industry, (h) vessel or boat building and repair facilities (not including marinas) 12. Warehouses or distribution centres @ 13. Cultural, recreation and tourist facilities + 14. Hospitals, medical centres and health research facilities * 15. Educational establishments ^ 16. Correctional centres and correctional complexes * 	<p>NO</p>
--	---	-----------

	<p>17. Air transport facilities *</p> <p>18. Port facilities and wharf or boating facilities *</p> <p>19. Rail and related transport facilities *</p> <p>20. Electricity generating works and heat or co-generation !</p> <p>21. Water storage or water treatment facilities * &</p> <p>22. Sewerage systems =</p> <p>23. Waste and resource management facilities</p> <p>24. Remediation of contaminated land</p> <p>25. Data storage</p> <p>26. Development carried out by or on behalf of New South Wales Land and Housing Corporation for purposes of Housing Act 2001</p> <p>27. Build-to-rent housing \$</p> <p>28. Seniors housing ^</p> <p>29. Development in the Western Sydney Aerotropolis *</p> <p>30. Cemeteries</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>& 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 has a capital investment value of \$100 million in Greater Sydney Region or \$50 million on other land.</p> <p>The site is not identified as an area of high biodiversity significance. The development is not identified as State Significant Development.</p> <p>Part 2.3 State significant infrastructure</p> <p>2.13 Declaration of State significant infrastructure: section 5.12(2)</p> <p>(1) Development is declared, pursuant to section 5.12(2) of the Act, to be State significant infrastructure for the purposes of the Act if—</p> <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"> 1. General public authority activities 2. Port facilities and wharf or boating facilities * 3. Rail infrastructure @ 4. Water storage or water treatment facilities * 5. Pipelines 6. Submarine telecommunication cables 7. Certain development in reserved land under the National Parks and Wildlife Act 1974 <p>Notations -</p> <p>* among other factors the development has a capital investment value of more than \$30 million.</p>	<p>NO</p>
--	--	-----------

	<p>@ among other factors the development has a capital investment value of more than \$50 million.</p> <p>The development is not identified as State significant Infrastructure.</p> <p>Part 2.4 Regionally significant development 2.19 Declaration of regionally significant development: section 4.5(b) (1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act. (2) However, the following development is not declared to be regionally significant development— (a) complying development, (b) development for which development consent is not required, (c) development that is State significant development, (d) development for which a person or body other than a council is the consent authority, (e) development within the area of the City of Sydney.</p> <p>Schedule 6 lists the following development –</p> <ol style="list-style-type: none"> 2. General development over \$30 million 3. Council related development over \$5 million Development that has a capital investment value of more than \$5 million if— (a) a council for the area in which the development is to be carried out is the applicant for development consent, or (b) the council is the owner of any land on which the development is to be carried out, or (c) the development is to be carried out by the council, or (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). 4. Crown development over \$5 million 5. Private infrastructure and community facilities over \$5 million 6. Eco-tourist facilities over \$5 million 7. Particular designated development (1) Development for the purposes of— (a) extractive industry facilities that meet the requirements for designated development under the <i>Environmental Planning and Assessment Regulation 2021</i>, Schedule 3, section 26, or (b) marinas or related facilities that meet the requirements for designated development under the <i>Environmental Planning and Assessment Regulation 2021</i>, Schedule 3, section 32, or (c) waste management facilities or works that meet the requirements for designated development under the <i>Environmental Planning and Assessment Regulation 2021</i>, Schedule 3, section 45. 8. Coastal subdivision 8a Certain coastal protection works (1) 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— (a) 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, (b) 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). 9. Development subject to delays in determination 10. Development in council areas where development assessment unsatisfactory <p>The development is not State Significant or Regional Development</p>	<p>NO</p>
--	--	-----------

	<p>Chapter 3 Aboriginal land Part 3.1 Preliminary 3.1 Aims of Chapter <i>The aims of this Chapter are—</i></p> <ul style="list-style-type: none"> (a) 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 (b) to declare specified development carried out on land owned by Local Aboriginal Land Councils to be regionally significant development. <p>3.3 Land to which Chapter applies <i>This Chapter applies to the land specified on the Land Application Map.</i></p> <p>The development is not specified on the Land Application Map and as such Chapter 3 does not apply to the development.</p>	NO
<p>State Environmental Planning Policy (Primary Production) 2021</p>	<p>Chapter 2 Primary production and rural development 2.1 Aims of Chapter <i>The aims of this Chapter are as follows—</i></p> <ul style="list-style-type: none"> (a) to facilitate the orderly economic use and development of lands for primary production, (b) 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, (c) 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, (d) 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, (e) to encourage sustainable agriculture, including sustainable aquaculture, (f) to require consideration of the effects of all proposed development in the State on oyster aquaculture, (g) 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. <p>The development is not identified as development on ‘State significant agricultural land’, development for ‘farm dams and other small-scale and low risk artificial waterbodies’, or ‘livestock industries’, or ‘sustainable agriculture’ and as such this Chapter does not apply to the land.</p> <p>Chapter 3 Central Coast plateau areas The development is not located in the Central Coast plateau area and as such this chapter does not apply to the development.</p> <p>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.</p>	NO
<p>State Environmental Planning Policy (Resilience and Hazards) 2021</p>	<p>Chapter 2 Coastal management 2.1 Aim of Chapter <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></p>	NO

	<p>(a) managing development in the coastal zone and protecting the environmental assets of the coast, and</p> <p>(b) establishing a framework for land use planning to guide decision-making in the coastal zone, and</p> <p>(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.</p> <p>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.</p> <p>Chapter 3 Hazardous and offensive development</p> <p>3.1 Aims, objectives etc</p> <p><i>This Chapter aims—</i></p> <p>(a) to amend the definitions of hazardous and offensive industries where used in environmental planning instruments, and</p> <p>(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</p> <p>(c) to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and</p> <p>(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</p> <p>(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</p> <p>(f) to require the advertising of applications to carry out any such development.</p> <p>3.2 Definitions of “potentially hazardous industry” and “potentially offensive industry”</p> <p><i>In this Chapter—</i></p> <p>potentially hazardous industry 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 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> <p>(a) to human health, life or property, or</p> <p>(b) to the biophysical environment,</p> <p>and includes a hazardous industry and a hazardous storage establishment.</p> <p>potentially offensive industry 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>3.3 Other definitions</p> <p>(1) <i>In this Chapter—</i></p> <p>hazardous industry 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,</p>	<p>YES</p> <p>Refer to section 5.13 for an assessment of contamination.</p>
--	--	---

<p><i>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—</i></p> <ul style="list-style-type: none"> <i>(a) to human health, life or property, or</i> <i>(b) to the biophysical environment.</i> <p>hazardous storage establishment 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"> <i>(a) to human health, life or property, or</i> <i>(b) to the biophysical environment.</i> <p>offensive industry 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>offensive storage establishment 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>3.7 Consideration of Departmental guidelines In determining whether a development is—</p> <ul style="list-style-type: none"> <i>(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or</i> <i>(b) an offensive storage establishment, offensive industry or other potentially offensive industry,</i> <p><i>consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.</i></p> <p>Chapter 4 Remediation of land</p> <p>4.1 Object of this Chapter</p> <ul style="list-style-type: none"> <i>(1) The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</i> <i>(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—</i> <ul style="list-style-type: none"> <i>(a) by specifying when consent is required, and when it is not required, for a remediation work, and</i> <i>(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</i> <i>(c) by requiring that a remediation work meet certain standards and notification requirements.</i> <p>4.6 Contamination and remediation to be considered in determining development application</p> <ul style="list-style-type: none"> <i>(1) A consent authority must not consent to the carrying out of any development on land unless—</i> <ul style="list-style-type: none"> <i>(a) it has considered whether the land is contaminated, and</i> <i>(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</i> 	<p>YES Refer to section 5.12 above</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>In accordance with section 4.6 (1) of the Policy a review is carried out and discussed in section 5.13 above.</p>	
<p>State Environmental Planning Policy (Resources and Energy) 2021</p>	<p>Chapter 2 Mining, petroleum production and extractive industries</p> <p>2.1 Aims of Chapter</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> <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>NO</p> <p>YES</p>

	<p>2.19 Compatibility of proposed development with mining, petroleum production of extractive industry</p> <p>(1) <i>This section applies to an application for consent for development on land that is, immediately before the application is determined—</i></p> <p>(a) <i>in the vicinity of an existing mine, petroleum production facility or extractive industry, or</i></p> <p>(b) <i>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</i></p> <p>Note— <i>At the commencement of this Chapter, no land was identified as referred to in paragraph (b).</i></p> <p>(c) <i>identified by an environmental planning instrument as being the location of significant resources of minerals, petroleum or extractive materials.</i></p> <p>Note— <i>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.</i></p> <p>(2) <i>Before determining an application to which this section applies, the consent authority must—</i></p> <p>(a) <i>consider—</i></p> <p>(i) <i>the existing uses and approved uses of land in the vicinity of the development, and</i></p> <p>(ii) <i>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</i></p> <p>(iii) <i>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</i></p> <p>(b) <i>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</i></p> <p>(c) <i>evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).</i></p> <p>In terms of this clause the site is approximately 1125m from the site of a quarry to the west and 2.9km from the site of a quarry to the north west. This is a reasonable separation leaving only the location of haul routes as a potential area of impact.</p> <p>Having regard to the matter raised in clause –</p> <p>(a) Land in the vicinity of the subdivision is zoned for large Lot Residential and Transition zones. Land immediately surrounding the development site is developed and being developed with housing and the lot to the west (transition zone) contains a residential dwelling.</p> <p>The site is located approximately 610m west of Brayton Road which is the haul route for one of the quarries.</p> <p>It is unlikely that an additional dwelling would create any further incompatibly than already exists (with no known impact complaints identified), given also that the dwelling site is 610m setback from Brayton Road.</p>	
--	--	--

	<p>(b) Given the distance to the quarries and the existence of the Large Lot Residential zoning and development between the site and the quarries the subdivision would not affect land that could potentially be used by the quarry as a natural resource, is not in a location that represents an access to the quarries, or impeding the operation of the quarries.</p> <p>The additional subdivision and intensification of residential uses is not likely to have any impact on the current or future extraction from the mine or the haul route between the mine and highway.</p> <p>The adjacent dwelling houses currently exist (without complaint). It is unlikely that further settlement will result in what is currently viewed as no incompatibility of the uses. Any noise impact factor resulting from the use of the haul route would not likely increase or worsen as the quarries have limitations on production.</p> <p>(c) The proposed lots are in an area for which subdivision was approved for residential purposes as far back as 2001. Consecutive approvals have been issued providing a public benefit relative to the township of Marulan and its expansion in the vicinity.</p> <p>(d) The quarries were established in the presence of the residential zones and provision for the expansion of Marulan, effectively co-existing and providing public benefits in the provision of quarry and mine materials.</p> <p>Chapter 3 Extractive industries in Sydney area 3.1 Aims, objectives etc This Chapter aims—</p> <p>(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</p> <p>(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</p> <p>(c) to ensure consideration is given to the impact of encroaching development on the ability of extractive industries to realise their full potential, and</p> <p>(d) to promote the carrying out of development for the purpose of extractive industries in an environmentally acceptable manner, and</p> <p>(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.</p> <p>The development is not located within the Sydney Metropolitan Area and as such this chapter does not apply to the development.</p>	NO
<p>State Environmental Planning Policy (Sustainable Buildings) 2022</p>	<p>The aims of this Policy are as follows—</p> <p>(a) to encourage the design and delivery of sustainable buildings,</p> <p>(b) to ensure consistent assessment of the sustainability of buildings,</p> <p>(c) to record accurate data about the sustainability of buildings, to enable improvements to be monitored,</p> <p>(d) to monitor the embodied emissions of materials used in construction of buildings,</p> <p>(e) to minimise the consumption of energy,</p> <p>(f) to reduce greenhouse gas emissions,</p> <p>(g) to minimise the consumption of mains-supplied potable water,</p> <p>(h) to ensure good thermal performance of buildings.</p> <p>In this Policy –</p>	NO

	<p>BASIX development means the following development if it is not BASIX excluded development—</p> <ul style="list-style-type: none"> (a) development that involves the erection, but not the relocation, of a BASIX building, (b) development that involves a change of building use by which a building becomes a BASIX building, (c) development that involves the alteration of a BASIX building, if the estimated construction cost of the development is \$50,000 or more, (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"> (i) services 1 dwelling only, and (ii) has a capacity, or combined capacity, of 40,000 litres or more. <p>BASIX optional development means the following development if it is not BASIX excluded development—</p> <ul style="list-style-type: none"> (a) development that involves the alteration of a BASIX building, if the estimated construction cost of the development is less than \$50,000, (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"> (j) services 1 dwelling only, and (iii) has a capacity, or combined capacity, of less than 40,000 litres. <p>BASIX excluded development means the following development—</p> <ul style="list-style-type: none"> (a) development for the purposes of a garage, storeroom, carport, gazebo, verandah or awning, (b) development that involves the alteration of a building listed on the State Heritage Register under the Heritage Act 1977, (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>Example— A verandah that is open or enclosed by a screen, mesh or other material that permits the free and uncontrolled flow of air.</p> <ul style="list-style-type: none"> (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>Chapter 2 Standard for BASIX development and BASIX optional development</p> <ul style="list-style-type: none"> (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>The development is not BASIX development or BASIX optional development.</p>	
	<p>Chapter 3 Standards for non-residential development</p> <ul style="list-style-type: none"> (1) This Chapter applies to development, other than development for the purposes of residential accommodation, that involves— <ul style="list-style-type: none"> (a) the erection of a new building, if the development has a capital investment value of \$5 million or more, or (b) alterations, enlargement or extension of an existing building, if the development has a capital investment value of \$10 million or more. 	

	<p>The development has an estimated Capital Investment Value of less than \$5 Million and is not a development involving a building. As such the Chapter does not apply to the development.</p>	
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021</p>	<p>Chapter 2 Infrastructure 2.1 Aim of Chapter <i>The aim of this Chapter is to facilitate the effective delivery of infrastructure across the State by—</i></p> <ul style="list-style-type: none"> <i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i> <i>(b) providing greater flexibility in the location of infrastructure and service facilities, and</i> <i>(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and</i> <i>(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</i> <i>(e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and</i> <i>(f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing, and</i> <i>(g) providing opportunities for infrastructure to demonstrate good design outcomes.</i> <p>In relation to clause 2.10 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>In relation to clause 2.11 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>In relation to clause 2.12 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>In relation to clause 2.13 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>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.</p> <p>In relation to clause 2.15 the development is not proposed to be carried out by or on behalf of a public authority.</p> <p>The proposed development is not identified as exempt development (in Schedule 1) or complying development.</p> <p>Division 5 Electricity transmission or distribution Subdivision 2 Development likely to affect an electricity transmission or distribution network 2.48 Determination of development applications—other development <i>(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—</i></p> <ul style="list-style-type: none"> <i>(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,</i> <i>(b) development carried out—</i> 	<p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p> <p>YES</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> <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> <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>Division 12A Pipelines and pipeline corridors</p> <p>Subdivision 2 Development adjacent to pipeline corridors</p> <p>2.76 Determination of development applications</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>NO</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>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.</p> <p>Division 15 Railways</p> <p>2.97 Development involving access via level crossings</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>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.</p> <p>2.98 Development adjacent to rail corridors</p> <p>(2) 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) any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette.</p> <p>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.</p> <p>2.99 Excavation in, above, below or adjacent to rail corridors</p> <p>(2) 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) any guidelines issued by the Secretary for the purposes of this section and published in the Gazette.</p> <p>(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>NO</p> <p>NO</p> <p>NO</p>
--	--	-------------------------------

	<p>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.</p> <p>2.100 Impact of rail noise or vibration on non-rail development <i>(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.</i> <i>(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 L_{Aeq} levels are not exceeded—</i> <i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i> <i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i></p> <p>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.</p> <p>2.101 Development within or adjacent to interim rail corridor <i>(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 development is to be carried out (the relevant rail authority) within 7 days after the application is made.</i> <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>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.</p> <p>Division 17 Roads and traffic Subdivision 2 Development in or adjacent to road corridors and road reservations 2.118 Development on proposed classified road <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> <i>(a) subdivision that results in the creation of an additional lot with dwelling entitlements,</i> <i>(b) development with a capital investment value greater than \$185,000,</i> <i>(c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.</i> <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> <i>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</i> <i>(b) take into consideration any response to the notice that is received within 21 days after the notice is given.</i></p> <p>The proposal does not involve any development on a proposed classified road, and as such this clause does not apply to the development.</p>	<p>NO</p> <p>NO</p> <p>NO</p> <p>NO</p>
--	---	---

	<p>2.119 Development with frontage to classified road</p> <p>(1) <i>The objectives of this section are—</i></p> <ul style="list-style-type: none"> (a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i> (b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i> <p>(2) <i>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"> (a) <i>where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i> (b) <i>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"> (i) <i>the design of the vehicular access to the land, or</i> (ii) <i>the emission of smoke or dust from the development, or</i> (iii) <i>the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i> (c) <i>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> <p>The proposal does not front a classified road, and as such this clause does not apply to the development.</p> <p>2.120 Impact of road noise or vibration on non-road development</p> <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"> (a) residential accommodation, (b) a place of public worship, (c) a hospital, (d) an educational establishment or centre-based child care facility. <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"> (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time. <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>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.</p> <p>2.121 Excavation in or immediately adjacent to corridors</p>	<p>NO</p> <p>NO</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"> (a) <i>the Eastern Distributor,</i> (b) <i>the Cross City Tunnel,</i> (c) <i>the Lane Cove Tunnel,</i> (d) <i>the Tugun Bypass,</i> (e) <i>the Liverpool—Parramatta Transitway,</i> (f) <i>the North-West Sydney Transitway Network,</i> (g) <i>the Gore Hill Freeway,</i> (h) <i>the Western Distributor,</i> (i) <i>Southern Cross Drive,</i> (j) <i>the Cahill Expressway,</i> (k) <i>General Holmes Drive,</i> (l) <i>the Hume Motorway,</i> (m) <i>the M1 Pacific Motorway,</i> (n) <i>the M2,</i> (o) <i>the M4,</i> (p) <i>the M5,</i> (q) <i>the M4–M5 link,</i> (r) <i>the M7,</i> (s) <i>NorthConnex,</i> (t) <i>the Sydney Harbour Tunnel,</i> (u) <i>the King Georges Road Interchange,</i> (v) <i>the Pacific Highway.</i> <p>(2) <i>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"> (b) <i>give written notice of the application to TfNSW within 7 days after the application is made, and</i> (c) <i>take into consideration—</i> <ul style="list-style-type: none"> (i) <i>any response to the notice that is received within 21 days after the notice is given, and</i> (ii) <i>any guidelines that are issued by the Secretary for the purposes of this section and published in the Gazette, and</i> (iii) <i>any implications of the ground penetration for the structural integrity of the road or project, and</i> (iv) <i>any cost implications for the road or project of the ground penetration.</i> <p>The proposal is not within any of the listed road corridors, and as such the clause does not apply to the development.</p> <p>2.122 Traffic-generating development</p> <p>(1) <i>This section applies to development specified in Column 1 of the Table to Schedule 3 that involves—</i></p> <ul style="list-style-type: none"> (a) <i>new premises of the relevant size or capacity, or</i> (b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i> <p>(2) <i>In this section, relevant size or capacity means—</i></p> <ul style="list-style-type: none"> (a) <i>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</i> (b) <i>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.</i> 	NO
--	---	----

	<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> <p>(a) given written notice of the intention to carry out the development to TfNSW in relation to the development, and</p> <p>(b) taken into consideration any response to the notice that is received from TfNSW within 21 days after the notice is given.</p> <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(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</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(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</p> <p>(iii) any potential traffic safety, road congestion or parking implications of the development.</p> <p>The proposal is identified as development for “subdivision of land” but does not involve 50 or more allotments. The application would not require referral to Transport for NSW.</p> <p>Chapter 3 Educational establishments and child care facilities 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>Chapter 4 Major infrastructure corridors 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>Chapter 5 Three ports—Port Botany, Port Kembla and Newcastle 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>Chapter 6 Moorebank Freight intermodal Precinct 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>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</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> <p>(a) to ensure that it contributes to the sustainable development of New South Wales:</p> <p>(i) by providing sustainable housing in social and environmental terms, and</p> <p>(iv) by being a long-term asset to its neighbourhood, and</p>	<p>NO</p>

	<p>(v) by achieving the urban planning policies for its regional and local contexts, and</p> <p>(b) to achieve better built form and aesthetics of buildings and of the streetscapes and the public spaces they define, and</p> <p>(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</p> <p>(d) to maximise amenity, safety and security for the benefit of its occupants and the wider community, and</p> <p>(e) to minimise the consumption of energy from non-renewable resources, to conserve the environment and to reduce greenhouse gas emissions, and</p> <p>(f) to contribute to the provision of a variety of dwelling types to meet population growth, and</p> <p>(g) to support housing affordability, and</p> <p>(h) to facilitate the timely and efficient assessment of applications for development to which this Policy applies.</p> <p>(4) This Policy aims to provide:</p> <p>(a) consistency of policy and mechanisms across the State, and</p> <p>(b) a framework for local and regional planning to achieve identified outcomes for specific places</p> <p>The development does not involve residential apartment development.</p>	
Goulburn Mulwaree LEP 2009	<p>The site is within the Goulburn Mulwaree Local Government Area ('LGA') and the <i>Goulburn Mulwaree Local Environmental Plan 2009</i> is the applicable Local Environmental Plan. The site is within the C3 Environmental Management zone under the <i>Goulburn Mulwaree Local Environmental Plan 2009</i>. The proposed development is permissible development under the zone (as a dwelling house and ancillary buildings/farm buildings, subject to compliance with various clauses detailed in this Statement. Under the <i>Goulburn Mulwaree Local Environmental Plan 2009</i> the land is also identified as:</p> <ol style="list-style-type: none"> 1. Has a minimum lot size of 2000 m² 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. Is not within an areas of Natural Resource Sensitivity or terrestrial biodiversity 6. Not within a Flood Planning Land area. 7. In terms of clause 3.3 the land is- <ol style="list-style-type: none"> (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) not land that is a declared area of outstanding biodiversity value or a declared. <p>Compliance matters are addressed in detail in Section 4.1 of this report.</p>	YES
Goulburn Mulwaree DCP 2016	<p>The Goulburn Mulwaree Development Control Plan 2009 (DCP) controls relevant to the proposed development are:</p> <p><i>2 Plan Objectives</i></p> <ul style="list-style-type: none"> • <i>2.1 General Development Objectives</i> 	YES

	<ul style="list-style-type: none"> • 2.3 Locality Objectives - Marulan <p>3 General Development Controls</p> <ul style="list-style-type: none"> • 3.1 Indigenous heritage and archaeology • 3.2 European (non-indigenous) heritage conservation • 3.5 European (non-indigenous) heritage conservation • 3.8 Flood affected lands • 3.9 Tree and vegetation preservation • 3.10 Dryland salinity • 3.11 Waterbody and wetland protection • 3.12 Groundwater • 3.14 Biodiversity management • 3.15 High Environmental Conservation Value Areas • 3.16 stormwater pollution • 3.17 Bushfire risk management • 3.18 Urban Servicing (Water and Sewer) <p>6 Special Development Types</p> <ul style="list-style-type: none"> • 6.8 Large Lot Residential – R5 <p>7 Engineering Requirements</p> <ul style="list-style-type: none"> • 7.3 Drainage and Soil Water Management • 7.4 Easements <p>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.</p>	
--	--	--

8 SUMMARY OF ENVIRONMENTAL MANAGEMENT AND MITIGATION MEASURES

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. The carrying out of works as designed in the engineering plans prepared by SEEC (as will be further approved under a Construction Certificate).
3. The floor level of any future dwellings in Lots 6 and 7 are set at least 0.5m above the 1% AEP flood level and not cut into the existing natural surface. Therefore, the minimum floor levels for future dwellings on Lots 6 and 7 should be set no lower than 640.94 AHD and 641.12 AHD respectively. This can be achieved by a restriction-as-to-user.
4. Future dwellings in Lot 4 are not within the overland flow path. This can be achieved by a restriction-as-to-user.
5. The use of *Eucalyptus cinerea* as trees for street tree landscaping.
6. The retirement of ecosystem and species credits as identified in the Macrozamia Biodiversity Development Assessment Report.

10 APPENDIX 2 – GOULBURN MULWAREE DCP 2016 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
GOULBURN MULWAREE DEVELOPMENT CONTROL PLAN 2009		
Section 2 Plan objectives		
Section 2.1 Plan Objectives	Based upon the assessment this statement and associated studies and in general terms the proposal: <ol style="list-style-type: none"> 1. Is employment maintaining and generating with the needs for carrying of the subdivision and ultimate residential development, settlement and living. 2. Is a development in an area of similar development and supportive of the existing community and local commerce, industry and services? 3. Will not impact upon the amenity of the area or surrounding sensitive land uses. 4. Will maintain the existing and intended rural landscape. 5. Provides for the implementation of best practice environmental management and protection measures. 	YES
Section 2.3 Locality Objectives - Marulan	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. The 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
Section 3 General development controls		
Section 3.1 Indigenous heritage and archaeology	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 European (non-indigenous) heritage conservation	The site is not located within a heritage conservation area and is not listed as a heritage item. Discussed in section 5.10 above.	NA
Section 3.3 Landscaping	Landscaping is considered in Section 3.5 above.	YES
Section 3.8 Flood affected lands	The land is not mapped on the Flood Planning Map, but flooding is considered in the SEEC report attached and section 5.6 above.	YES
Section 3.9 Tree and vegetation preservation	Discussed in sections 3.5 and 5.18 above and Macrozamia report attached.	YES
Section 3.10 Dryland salinity	The site is not identified as affected by dryland salinity.	NA
Section 3.11 Waterbody and wetland protection	The site is adjacent to a waterbody but not near a wetland. Discussed in section 3.5 above, Macrozamia report attached, and State Environmental Planning Policy (Biodiversity and Conservation) 2021.	YES
Section 3.12 Groundwater	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 Biodiversity management – (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>	NO
Section 3.15 High Environmental Conservation Value Areas	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. Please refer to Sections 3.5 , 4.1.2.11 and 5.18 above, and Macrozamia report attached.	NO
Section 3.16 Stormwater pollution	An erosion & Sediment Control Plan is included in the plans prepared by SEEC and attached to the application.	YES
Section 3.17 Bushfire risk management	The site is identified within bush fire prone land under the Goulburn Mulwaree Council Bushfire Prone Vegetation Map. Bushfire aspects are assessed in the attached Bush Fire Assessment.	YES
Section 3.18 Urban servicing (Water and Sewer)	Utilities are discussed in section 3.7 above.	YES
Section 6 Special Development Types		
Section 6.8 Large Lot Residential – R5	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. A conceptual building envelope is included exceeding the recommended size, dimensions and setbacks. 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. 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. Further consideration of aspects in this clause will need be carried out at the stage of a development application for a dwelling house.	YES
Section 7 Engineering Requirements		
Section 7.3 Drainage and Soil and Water Management	The site is of sufficient size to enable on site stormwater management from a future dwelling house. Erosion and Sediment Controls are proposed as outlined in the SEEC report and plans attached to the application.	YES
Section 7.4 Easements	An easement is proposed over the proposed sewerage line as shown on the subdivision plans prepared by Laterals.	YES