

## SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
<b>PART 1 INTRODUCTION</b>			
<b>1 Name of plan</b>	<i>This plan may be called Sydney Regional Environmental Plan No 30—St Marys.</i>	Noted.	✓
<b>2 Area covered by this plan</b>	<p><i>(1) This plan applies to certain land in the region declared under the Act that is known as the Sydney Region and is within the Blacktown City and Penrith City local government areas.</i></p> <p><i>(2) The location and boundaries of the land are shown on the Zoning Map.</i></p> <p><i>(3) Despite subclauses (1) and (2), this plan does not apply to land referred to on the Zoning Map as “DEFERRED MATTER”.</i></p>	The site is located within the boundaries of the land shown on the Map hence this SREP is triggered by the proposed development.	✓
<b>3 Aims of this plan</b>	<p><i>The aims of this plan are to:</i></p> <p><i>(a) support the St Marys Environmental Planning Strategy, 2000 of the Department of Urban Affairs and Planning by providing a framework for the sustainable development and management of the land to which this plan applies, and</i></p> <p><i>(b) rezone certain land for urban and employment-generating development, and</i></p> <p><i>(c) rezone land for conservation purposes and conserve the significant heritage values of the land to which this plan applies, and</i></p> <p><i>(d) ensure that urban development on the land achieves</i></p>	<p>The proposed development is consistent with the aims of the plan SREP 30 – St Marys.</p> <p>The proposal when completed and operational by Catholic Healthcare will provide for a high quality nursing home environment consistent with the Village Centre character area, integrate with its established surroundings in Jordan Springs and assists in meeting existing and future needs in Jordan Springs and the wider LGA.</p>	✓

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	<p><i>desirable environmental, social and economic outcomes, and</i></p> <p><i>(e) provide opportunities for recreation facilities that meet the needs of the regional and local community, and</i></p> <p><i>(f) ensure that development of the land to which this plan applies is integrated with established surrounding areas.</i></p>		
<b>4 Effect of other environmental planning instruments</b>	<p><i>(1) In the event of an inconsistency between this plan and another environmental planning instrument (whether made before, on or after the date on which this plan takes effect), this plan prevails to the extent of the inconsistency, subject to section 36 of the Act.</i></p>	Noted – refer to Section 4.2.3 of SEE report and Appendix O	✓
	<p><i>(2) Penrith Local Environmental Plan No 201 (Rural Lands) and Blacktown Local Environmental Plan 1988 do not apply to the land to which this plan applies.</i></p>	N/A	
	<p><i>(3) Penrith Local Environmental Plan No 255—Exempt and Complying Development does not apply to the land to which this plan applies, except as provided by clause 43 (Exempt and complying development) of this plan.</i></p>	N/A	
	<p><i>(4) (Repealed)</i></p>		
<b>5 Interpretation and application of this plan</b>	<p><i>(1) Words used in this plan that are defined in Schedule 1 have the meanings given to them in that Schedule.</i></p> <p><i>(2) Notes in this plan and the list of contents of this plan are not part of this plan.</i></p> <p><i>(3) Nothing in this plan prohibits, restricts, requires development consent for or allows a condition of</i></p>	Noted.	✓

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REQUIREMENT		COMMENT	COMPLIES
	development		
	consent to prohibit or restrict:		
	(a) the carrying out of any development listed in Schedule 1 to the Environmental Planning and Assessment Model Provisions 1980 (the references to public utility undertakings in which are, for the purposes of this paragraph, taken to be references to utility undertakings, as defined in Schedule 1 to this plan), or		
	(b) the use of existing buildings of the Crown by the Crown.		
<b>6 Development structure</b>	The general pattern of development proposed for the land to which this plan applies is shown on the Structure Plan.	Noted.	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
<b>PART 2 DEVELOPMENT STAGING</b>			
<b>7 Minister to declare land as a release area</b>	<p>(1) The Minister may, by notice in writing given to the relevant council for the land concerned, declare a precinct to be a release area.</p> <p>(2) The Minister is not to make a declaration under this clause unless the following matters have been considered:</p> <p>(a) the views, if any, of the relevant council and of such other public authorities as the Minister may decide to consult, provided to the Minister within 40 days of the Department having requested them (which period may have commenced or expired before the commencement of this plan),</p> <p>(b) the degree to which the requirements of any development agreement that relates to any previous release areas comprised of land to which this plan applies have been met,</p> <p>(c) the degree to which development in any previous release area has achieved the performance objectives contained in Part 5 of this plan.</p> <p>Note. Clause 274 of the Environmental Planning and Assessment Regulation 2000 provides that a person cannot apply to a consent authority for consent to carry out development on land zoned "Employment" or "Urban" under this plan unless it is, or is part of, land declared to be a release area by the Minister. This restriction does not apply to development referred to in clause 20 (3) or (4) or 48.</p>	Noted.	✓



## SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
<b>PART 3 PRECINCT PLANS</b>			
<b>8 What is a precinct plan?</b>	<i>A precinct plan is a document (consisting of written information, maps and diagrams) containing provisions relating to the development of land within the precinct to which it applies</i>	Noted. A precinct plan exists (Precinct Plan and Development Control Strategy – Western Precinct St Marys) and the proposed development has been assessed against this plan in a separate table.	✓
<b>9 Preparing draft precinct plans</b>	<p><i>(1) A draft precinct plan may be prepared by or on behalf of the relevant council, an owner of land within the precinct, or a lessee of land within the precinct with the consent of the owner of the land.</i></p> <p><i>(2) The first precinct plan for a release area must apply to all of the land within the release area (being all of the land within the precinct concerned).</i></p>	Noted.	✓
<b>10 Content of draft precinct plans</b>	<i>(1) Each draft precinct plan is to illustrate a proposed pattern of development for land within the precinct and explain how each proposed development type and form meets the requirements of this plan and the environmental planning strategy.</i>	Noted.	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT	COMMENT	COMPLIES
	<p><i>(2) A draft precinct plan is to include proposals for, and information about, the following, for the land to which it applies:</i></p> <ul style="list-style-type: none"> <li><i>(a) phasing of development, in general terms,</i></li> <li><i>(b) distribution of major land uses, including location of retail centres, non-residential uses and areas for higher density housing,</i></li> <li><i>(c) trunk public transport routes, pedestrian, cycle and road access and circulation networks, and flood evacuation routes,</i></li> <li><i>(d) an indicative subdivision road pattern,</i></li> <li><i>(e) drainage systems and flooding issues, including an assessment of the risk of flooding and damage likely to result,</i></li> <li><i>(f) location of public facilities,</i></li> <li><i>(g) location of open space, its function and landscaping intent,</i></li> <li><i>(h) management of the potential impacts of development on the existing physical and environmental characteristics of the land, including significant native flora and fauna habitat and soil characteristics. The information is to include specific details of those characteristics and to explain how development should be planned and configured to minimise adverse impacts on areas of significance for biodiversity,</i></li> <li><i>(i) guidelines for the design, siting and construction of buildings,</i></li> <li><i>(j) management within the precinct of Aboriginal heritage relating to the land to which this plan applies,</i></li> </ul>	

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	<p>(k) any items of non-Aboriginal heritage significance or of archaeological significance on land to which this plan applies and any potential impacts on these,</p> <p>(l) design principles drawn from an analysis of the land to which this plan applies and its context,</p> <p>(m) the impact of the proposed development on any adjoining land that is zoned Regional Park or Regional Open Space,</p> <p>(n) any other major infrastructure, such as above- or below-ground trunk electrical systems, trunk sewerage or water supply lines,</p> <p>(o) management of remnant contamination risk,</p> <p>(p) any other matter required to be addressed by the relevant council or notified to the relevant council by the Minister.</p>		
<b>11 Matters to be considered in assessing precinct plans</b>	<p>A precinct plan must not be approved unless the relevant council:</p> <p>(a) has sent a copy of a draft of the plan to the Director-General of National Parks and Wildlife, any public authority which (in the opinion of the relevant council) could be required to provide facilities or services to support the development of the land to which it applies and any public authority which (in the opinion of the relevant council) has a responsibility relevant to the development of that land and considered all responses received within 28 days of the copy being sent, and</p> <p>(b) is satisfied that the plan is consistent with the performance objectives, zone objectives and requirements prescribed by this plan and with the proposed development controls contained in the</p>	Noted	

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REQUIREMENT		COMMENT	COMPLIES
	<p><i>environmental planning strategy, and</i></p> <p><i>Editorial note.</i></p> <p><i>The St Marys Environmental Planning Strategy, 2000 has been structured so that the matters to be considered in assessing precinct plans and development applications are clearly identified within each relevant Chapter under the heading "Development controls".</i></p> <p><i>(c) is satisfied that the plan is substantially in accordance with the Structure Plan, and</i></p> <p><i>(d) has considered any potential impacts on items of Aboriginal heritage, including known Aboriginal relics and places, and land of archaeological significance to which this plan applies, and</i></p> <p><i>(e) is satisfied that the plan is consistent with the terms of any relevant development agreement, and</i></p> <p><i>(f) is satisfied that any proposal for retail or commercial development included in the plan will not undermine the regional and district retail and commercial centre hierarchy.</i></p>		
<b>11A Additional matters to be considered in relation to Ninth Avenue</b>	<p><i>The relevant council is not to approve a precinct plan that contains any proposal for development, other than for the purpose of a public road, that would enable direct vehicular access to Ninth Avenue unless it has considered the following matters:</i></p> <p><i>(a) the capacity of Ninth Avenue to accommodate any vehicular traffic resulting from the proposed development,</i></p> <p><i>(b) the effect any such vehicular traffic may have on the existing road hierarchy in the vicinity of the proposed development,</i></p>	Noted	



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REQUIREMENT		COMMENT	COMPLIES
	<i>(c) any adverse impact of the proposed development on the rural character of Ninth Avenue or its surrounds.</i>		
<b>12 Submission of draft precinct plan for adoption</b>	<p><i>(1) A draft precinct plan that is not prepared by the relevant council is to be submitted to the relevant council for adoption.</i></p> <p><i>(2) The first draft precinct plan for each release area should be prepared and submitted by the land owner within 12 months of the declaration of the release area.</i></p> <p><i>(3) If the first draft precinct plan has not been submitted within 12 months of the declaration of the first release area, the relevant council may prepare the first draft precinct plan.</i></p>	Noted.	✓
<b>13 Additional information</b>	<i>The relevant council may request that additional information be provided before a draft precinct plan is placed on public exhibition in accordance with clause 14.</i>	Noted.	✓
<b>14 Consultation and exhibition</b>	<i>(1) Clauses 18, 19 and 20 of the Environmental Planning and Assessment Regulation 2000 apply to a draft precinct plan in the same way as they apply to a draft development control plan.</i>	Noted.	✓
	<i>(2) The relevant council must provide the land owner with a summary of matters raised in submissions made in response to exhibition within 28 days of the end of the exhibition of a draft precinct plan. The council may provide the land owner with comments on the matters raised in submissions.</i>	Noted	



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REQUIREMENT		COMMENT	COMPLIES
<b>15 Adoption of draft precinct plan</b>	(1) The relevant council may: (a) adopt a draft precinct plan in the form in which it was publicly exhibited, or	Noted.	✓
	(b) adopt a draft precinct plan with amendments as agreed to by the proponent of the draft precinct plan or as proposed by the proponent in response to submissions, or		
	(c) adopt a draft precinct plan with amendments not agreed to by the proponent, but only with the agreement of the Minister, or		
	(d) subject to subclause (2), refuse to adopt a draft precinct plan.		
	(2) The relevant council must not refuse to adopt a draft precinct plan which has been submitted by or on behalf of the owner of land within the precinct unless it has obtained the agreement of the Minister to the refusal.		
	(3) If the relevant council has not adopted a draft precinct plan within 6 months after the date on which the original form of the draft precinct plan was submitted to it by the land owner for adoption, the Minister may adopt the draft precinct plan, with or without such amendments as the Minister considers appropriate.		
	(4) The Minister must seek the views of the relevant council concerning the draft precinct plan before the Minister adopts it. (5) A precinct plan may be adopted only in respect of land that has been declared a release area under Part 2.		

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REQUIREMENT		COMMENT	COMPLIES
<b>16 Effect of adoption of draft precinct plan</b>	<i>A draft precinct plan becomes a precinct plan for the purposes of this plan on its adoption by the relevant council or the Minister.</i>	Noted.	✓
<b>17 Amendment of precinct plans</b>	<i>A precinct plan may be amended or revoked by a subsequent precinct plan which may apply to all or part of the land in a release area.</i>	Noted.	✓
<b>18 Availability of precinct plans</b>	<i>A copy of a precinct plan must be available for inspection at the office of the relevant council during ordinary office hours.</i>	Noted.	✓
<b>PART 4 DEVELOPMENT APPLICATIONS</b>			
<b>19 Consent authority</b>	<i>(1) For the purposes of this plan, the consent authority for development applications relating to land to which this plan applies is the Council of the City of Penrith, if the land is within the City of Penrith, or the Council of the City of Blacktown, if the land is within the City of Blacktown.</i>	The subject site is located within the Penrith Local Government Area. As such this development application is submitted to Penrith City Council for assessment and consideration of the district panel for determination as the consent authority – refer to Sections 4.2.1 and 4.2.10 of the SEE report.	✓
	<i>(2) This clause is subject to the Act.</i>	Noted	
<b>20 Development consent restrictions</b>	<i>(1) Development consent must not be granted with respect to any development on land to which this plan applies unless the consent authority:</i>	The proposed development is considered to be consistent with the performance objectives and zone objectives.	✓
	<i>(a) is satisfied that the proposed development will not be inconsistent with achievement of the performance objectives, and the zone objectives and other requirements prescribed by this plan, and</i>	As above	

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	<i>(b) has considered the development control strategies contained in the environmental planning strategy, in so far as they relate to the proposed development.</i>	As above	
	<i>(2) Consent must not be granted for development within a precinct unless:</i>		
	<i>(a) there is a precinct plan for the precinct and the consent authority has taken that precinct plan into account, and</i>	Noted – a precinct plan applies to the site.	
	<i>(b) the consent authority has taken into account whether the proposed development is consistent with the terms of any relevant development agreement.</i>	Refer to the Precinct Plan assessment table in Appendix Q	
	<i>(3) However, consent may be granted for the following development, whether or not the land concerned is within a release area declared under Part 2 or there is a precinct plan relating to the land:</i>	Noted	
	<i>(a) on or with respect to land identified by the words “educational establishment” on the Structure Plan— development for the purpose of an educational establishment,</i>	Noted – the proposal does not involve an educational establishment.	

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	<p>including a subdivision to create a separate allotment for the educational establishment, and development for the purpose of related servicing infrastructure, such as roads, drainage and sewerage works, or</p> <p>(b) on or with respect to any land—development that, in the opinion of the consent authority, is of a minor nature.</p> <p>(4) Consent may also be granted for carrying out development for the purpose of any servicing infrastructure, such as roads, drainage and sewerage works, required to enable development of land in any precinct for which there is a precinct plan, whether or not the land concerned is within a release area declared under Part 2.</p>		
<b>PART 5 PERFORMANCE OBJECTIVES</b>			
<b>21 Required outcomes for any development</b>	The performance objectives set out in this Part describe the desired environmental, social and economic outcomes for development on the land.	The applicant is aware of the performance objectives which pertain to development on land to which this plan applies. Every effort has been made at the design stage of the proposed development to be consistent with these objectives. Refer to the architectural drawings at Appendix B and the urban design peer review at Appendix T.	✓
<b>22 Ecologically sustainable development</b>	Development on the land to which this plan applies is to be planned and carried out so that it supports the goal of ecologically sustainable development within the region declared under the Act and known as the Sydney Region.	The architects of the proposed development have considered the principles of ecologically sustainable development at the design stage, refer to the Architectural Drawings included at Appendix B. Also, refer to the Section J report at Appendix M.	✓
<b>23 Air quality</b>	(1) Adverse impact on the air quality of the Blacktown City and Penrith City local government areas is to be minimised through the implementation of appropriate measures as part of any	There will be no negative impact on air quality directly resulting from the operation of the proposed development.	✓



# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

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	<p>development.</p> <p>(2) Development on the land to which this plan applies should contribute to improved regional air quality by containing growth in vehicle kilometres travelled, by achieving higher than normal public transport use, encouraging walking and cycling, and promoting energy-efficient businesses and homes.</p>		
<b>24 Conservation</b>	<p>(1) A representative and significant proportion of the natural values of the land are to be conserved within a regional park in order to protect the variety of Western Sydney vegetation communities, native flora and fauna species and fauna habitat.</p> <p>(2) Urban design and site planning in the Employment and Urban zones are to have regard to significant stands of trees and, where practicable, retain those trees.</p>	Noted – the proposed development will not have an adverse impact on conservation areas, flora and fauna habitats and vegetation areas adjacent to the subject site, refer to the Flora and Fauna Assessment included at Appendix L.	✓
	(3) Adverse impacts on the vegetation and fauna habitats within the Regional Park and Regional Open Space zones resulting from the development of areas zoned Employment or Urban are to be minimised.		
	(4) Infrastructure is to be designed and located to minimise potential adverse impacts on the conservation values of the land.		
	(5) Infrastructure and recreational facilities within the regional park are to be sited and constructed to minimise adverse impact on the park's natural values.		
<b>25 Heritage</b>	(1) Regard for, and education and understanding of, the identified items of environmental heritage on the land to which	The proposed development will not have an impact on existing items of environmental heritage in the vicinity of the site.	✓



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	<p><i>this plan applies are to be promoted.</i></p> <p><i>(2) Development is not to adversely affect the heritage significance of items of environmental heritage and their settings.</i></p> <p><i>(3) The Aboriginal community is to be given the opportunity to comment regarding any potential impacts of development on, and proposals for mechanisms for the management of, items of Aboriginal heritage significance.</i></p>		
<b>26 Community services</b>	<p><i>(1) Development of the land to which this plan applies is to integrate community services with land use planning.</i></p> <p><i>(2) The full range of human services and community facilities infrastructure appropriate to the changing needs of the community is to be provided in a timely manner, including the provision of basic or core services and facilities in the early stages of the development of each precinct.</i></p> <p><i>(3) The amenity of the Blacktown City and Penrith City local government areas is to be promoted through the provision of on-site services and facilities, and through complementing or augmenting existing service networks.</i></p> <p><i>(4) Equitable access to services and facilities is to be promoted for all groups and individuals in the community.</i></p> <p><i>(5) Community participation is to be encouraged in the identification of community service and facility needs.</i></p>	<p>Development of the subject site will not be in contrary to the community services performance objective of the SREP 30 – St Marys. Refer to the Social Impact Statement in Appendix O.</p>	✓
<b>27 Open space and</b>	<p><i>(1) A range of open space and recreation areas and facilities for passive and active recreation is to be provided, including</i></p>	<p>Noted – the design of the proposed development is</p>	✓

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<b>recreation</b>	<p><i>local playgrounds and neighbourhood parks.</i></p> <p><i>(2) The accessibility and utility of open space areas are to be maximised to allow use by the community.</i></p> <p><i>(3) Recreational activities and facilities within each precinct are to be located and designed to maximise conservation of the cultural and natural environmental values of buildings, works and places within the precinct.</i></p>	considered to be consistent with this performance objective.	
<b>28 Watercycle</b>	<p><i>(1) During and following construction, impacts upon water quality are to be minimised, through the utilisation of effective erosion and sediment control measures in accordance with industry standards.</i></p> <p><i>(2) The use of the land to which this plan applies is to incorporate stormwater management measures that ensure there is no net adverse impact upon the water quality (nutrients and suspended solids) in South Creek and Hawkesbury- Nepean catchments.</i></p> <p><i>(3) Water usage on and the importation of potable water on to the land to which this plan applies are to be minimised.</i></p> <p><i>(4) Development is to be designed and carried out so as to ensure that there is no significant increase in the water table level and that adverse salinity impacts will not result.</i></p> <p><i>(5) There is to be only minimal impact upon flood levels upstream or downstream of the land to which this plan applies as a consequence of its development.</i></p> <p><i>(6) Drainage lines are to be constructed and vegetated so that</i></p>	The proposed development will not have an adverse impact on any local water cycles. Effective erosion and sediment control measures will be implemented as part of the proposed development refer to the Stormwater Management & Erosion and Sediment Control Plans included at Appendix H.	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

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	<p><i>they approximate as natural a state as possible. Where it is necessary to modify existing drainage lines to accommodate increased stormwater runoff from urban areas, this should be done in a manner which maximises the conservation of indigenous flora in and around the drainage lines.</i></p> <p><i>(7) Development is to be carried out in a manner that minimises flood risk to both people and property.</i></p> <p><i>(8) Changes in local flow regimes due to development are to be minimised for rainfall events up to the 50% AEP rainfall event.</i></p> <p><i>(9) Gross pollutants are to be collected at, or as close as possible to, their source or at all stormwater outlets, or at both of those places, so that there is no increase in sediment/litter entering the creeks as a result of development.</i></p>		
<b>29 Soils</b>	<p><i>Development is to have regard to soil constraints to ensure that the risk of adverse environmental and economic impacts is minimised.</i></p>	Noted.	✓
<b>30 Transport</b>	<p><i>(1) Development should support creation of effective public transport and bicycle links to the dominant centres and major transport nodes in the Blacktown City and Penrith City local government areas.</i></p> <p><i>(2) Public transport is to be provided early in the development of the land to which this plan applies to establish use patterns.</i></p> <p><i>(3) Development of the land to which this plan applies is to maximise accessibility to services and facilities for people who</i></p>	<p>The performance objectives for transport have been taken into consideration at the design stage of the proposed development. The proposed development promotes the use of public transport along Jordan Springs Boulevard and Lakeside Parade, the inclusion of the nursing home provides active frontages to pedestrian links to existing bus routes.</p>	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

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	<p>do not have access to a private car.</p> <p>(4) Development of the land to which this plan applies is to effectively link that land into the surrounding road network and traffic generated by the development is to be catered for at a satisfactory level of service.</p> <p>(5) Provision of transport infrastructure and services is to be coordinated with the staging of development on the land.</p> <p>(6) Urban form is to maximise the potential for public transport, walking and cycling to replace car travel, with an overall net neighbourhood density target of at least 15 dwellings per hectare.</p> <p>(7) High trip-generating uses such as employment development, retailing and multi-unit housing are to be concentrated adjacent to major public transport routes and nodes.</p> <p>(8) The overall development of land to which this plan applies is to include a range of land uses sufficient to minimise demand for travel outside the land to which this plan applies.</p> <p>(9) Public transport infrastructure and services are to be provided to a level sufficient to achieve a significantly higher use of public transport compared to other similar development in the Blacktown City and Penrith City local government areas.</p>		
<b>31 Urban form</b>	<p>(1) Development of the land to which this plan applies is to result in an attractive and safe built environment which satisfies a diverse range of community needs.</p>	<p>The urban form performance objectives have been taken into consideration at the design stage of the proposed development. Every effort has been made to design a development which is an attractive and safe environment</p>	✓



# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

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	<p>(2) Development is to integrate the new community with existing adjoining communities.</p> <p>(3) Development on the land to which this plan applies is to include:</p> <p>(a) a diverse range of building types and designs, and</p> <p>(b) residences in close proximity (that is, a comfortable walking distance) to public transport, human services and retail, community and recreation facilities, and</p> <p>(c) clearly distinguished public and private spaces, and</p> <p>(d) a legible street layout.</p> <p>(4) The overall development of the land to which this plan applies is to incorporate urban design measures to discourage crime and facilitate safety and access for disabled persons.</p>	<p>and which will satisfy a diverse range of community needs.</p> <p>The proposal includes the provision of street trees plantings – refer to Appendix E.</p> <p>The proposal is in close proximity to Jordan Springs Town Centre and transport services.</p> <p>The proposal has an outlook orientated towards the lake and provides for passive surveillance along its street frontages.</p> <p>Please refer to Section 4.8.19 Safety, Security and Crime Prevent of the SEE report which includes details of the Crime Prevention Through Environmental Design (CPTED).</p>	
<b>32 Employment and business development</b>	<p>(1) The total number of jobs generated by development on land to which this plan applies (including jobs generated on the surrounding land) is to approximate the number of workers who will be resident on the land to which this plan applies after the development has been carried out.</p> <p>(2) Retail and commercial development on the land to which this plan applies is not to undermine the regional and district retail and commercial centre hierarchy.</p> <p>(3) Local retail services are to be provided in the early stages of the development of each precinct.</p> <p>(4) Noise conflict between employment or business-related</p>	<p>The design of the proposed development has taken into consideration the employment and business development performance objectives.</p> <p>The proposed development does not undermine the regional and district retail and commercial centre hierarchy. The proposed development is consistent with these requirements as it will provide for new local employment opportunities. The proposal includes 41 jobs.</p> <p>An acoustic assessment report is included in Appendix P demonstrates the proposal will be acceptable subject to conditions associated with its construction and operational noise emissions.</p>	



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	<i>development and nearby residential development is to be minimised.</i>		
<b>33 Housing</b>	<p><i>(1) Residential development on the land to which this plan applies will provide for a choice of housing and allotment types and sizes, including multi-unit housing, attached housing and detached housing.</i></p> <p><i>(2) The residential buildings in each precinct are to contain a range of housing styles and densities.</i></p>	The proposed development does not involve residential uses but rather a “nursing home” to be owned and managed by Catholic Healthcare hence this control is not triggered.	<b>N / A</b>
<b>34 Energy efficiency</b>	<i>Development on the land to which this plan applies is to incorporate best practice energy management and implement energy efficient principles wherever possible.</i>	The design of the proposed development incorporates best practice energy management and implements energy efficient principles – refer to Section J report at Appendix M.	<b>✓</b>
<b>35 Waste management</b>	<p><i>(1) Buildings are to be designed and constructed in a way that minimises the production of unnecessary waste.</i></p> <p><i>(2) Development is to facilitate appropriately designed and scaled local activities which reuse, recycle and reprocess wastes</i></p>	The waste management performance objectives have been taken into consideration at the design stage of the proposed development, refer to Waste Management Plans included at Appendix D.	<b>✓</b>
<b>PART 6 ZONING</b>			
<b>36 Zoning</b>	<p><i>(1) Land to which this plan applies is within one of the following zones:</i></p> <p><i>(a) Regional Park</i></p> <p><i>(b) Regional Open Space</i></p> <p><i>(c) Employment</i></p>	The subject site is located within the ‘Urban’ zone.	<b>✓</b>

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<p>(d) Urban</p> <p>(e) Road and Road Widening</p> <p>(f) Drainage</p> <p>(2) The zoning of land is shown on the Zoning Map.</p>		
<b>37 Regional Park zone</b>	<p>(1) The objectives of the Regional Park zone are:</p> <p>(a) to identify land that is to be or is reserved or dedicated under the National Parks and Wildlife Act 1974, and</p> <p>(b) to conserve and enhance the range and variety of ecological communities, native flora and fauna species and plant and animal habitats within the area, and</p> <p>(c) with regard to the views of local Aboriginal communities, to conserve the Aboriginal values of the area to ensure they are available for interpretation to future generations, and</p> <p>(d) to provide recreational facilities that are consistent with the natural and cultural values of the land to which this plan applies.</p> <p>(2) In the Regional Park zone:</p> <p>(a) development for the purpose of any land use authorised by or under the National Parks and Wildlife Act 1974 and any land use ordinarily incidental or ancillary to any such land use may be carried out without development consent, and</p> <p>(b) any other development is prohibited.</p>	The site is not located within the Regional Park Zone therefore this control is not triggered by the proposed development.	<b>N/A</b>

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
<b>38 Regional Open Space zone</b>	<p>(1) The objectives of the Regional Open Space zone are:</p> <p>(a) to identify land that is to be or is held by the corporation as regional open space where recreational opportunities for the general community may be provided, and</p> <p>(b) to identify a strip of land between the Regional Park zone and the Central Precinct which potentially may be used for the erection of an electricity transmission line.</p> <p>(2) In the Regional Open Space zone:</p> <p>(a) development for the purpose of the following is allowed with the consent of the consent authority:</p> <p>advertisements, drains, parking areas, recreation establishments, recreation facilities, roads, utility installations (other than generating works), and</p> <p>(b) any other development (except that identified by this plan as exempt or complying) is prohibited.</p>	The site is not located within the Regional Open Space Zone therefore this control is not triggered by the proposed development.	N / A
<b>39 Employment zone</b>	<p>(1) The objectives of the Employment zone are:</p> <p>(a) to provide land for employment-generating land uses in locations which are compatible with surrounding development and which are accessible from within and outside the land to which this plan applies, and</p> <p>(b) to provide for a wide range of employment development on land which will complement established employment areas and retail and commercial centres in the Blacktown City and Penrith City local government areas, and</p>	The site is not located within the Employment Zone therefore this control is not triggered by the proposed development.	N / A

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT	COMMENT	COMPLIES
	<p>(c) to accommodate uses which generate business activity and employment opportunities in the Blacktown City and Penrith City local government areas, and</p> <p>(d) to ensure that development adjacent to the Regional Park zone does not have a negative impact on the biodiversity or conservation values of land within that zone.</p> <p>(2) In the Employment zone:</p> <p>(a) any development (except that identified by this plan as exempt or by paragraph (b) as prohibited) is allowed only with the consent of the consent authority, and</p> <p>(b) development for the purpose of the following is prohibited:</p> <p>agriculture, airline terminals, amusement centres, bed and breakfast establishments, bulky goods retailing, caravan parks, commercial premises (except where ancillary to buildings or land uses not specified in this paragraph), educational establishments (other than colleges, technical colleges, academies or lecture halls), exhibition homes, exhibition villages, extractive industries, forestry, generating works, hazardous industries, hazardous storage establishments, helipads, heliports, hospitals, hotels, housing (except where ancillary to buildings or land uses not specified in this paragraph), institutions, intensive livestock keeping establishments, intensive plant agriculture, liquid fuel depots, local retail or commercial premises, mines, mineral sand mines, nursing homes, offensive industries, offensive storage establishments, roadside stalls, rural industries, sawmills, shops (including a retail shop which is ancillary or incidental to another form of development but not including shops which</p>	



# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<i>serve the daily convenience needs of the workforce employed within the zone), stock and sale yards, timberyards, waste disposal.</i>		
<b>40 Urban zone</b>	<p><i>(1) The objectives of the Urban zone are:</i></p> <p><i>(a) to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities, and</i></p> <p><i>(b) to limit the range and scale of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and</i></p> <p><i>(c) to provide for local retailing and related services, including supermarkets, which will complement established centres in the Blacktown City and Penrith City local government areas and not have a significant adverse effect on the viability of established retail centres, and</i></p> <p><i>(d) to provide for medium density residential development in locations which provide optimum access to employment, public transport and services, while ensuring residential amenity, and</i></p> <p><i>(e) to promote home based industries where such activities are unlikely to adversely affect the living environment of neighbours, and</i></p> <p><i>(f) to ensure that development adjacent to the Regional Park zone does not have a negative impact on biodiversity or conservation within that zone.</i></p> <p><i>(2) In the Urban zone:</i></p>	<p>The proposed development involves a “nursing home” as a permissible form of development (refer to Section 4.2.8 of SEEE report) and is considered to be consistent with the objectives of the ‘Urban’ zone. These objectives have been taken into consideration at the design stage of the proposed development, refer to the Architectural Drawings included at Appendix B.</p>	✓



# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<p>(a) development for the purpose of the following is allowed with the consent of the consent authority:</p> <p>advertisements, amusement centres, backpackers' hostels, bed and breakfast establishments, boarding houses, bush fire hazard reduction, child care centres, clubs, community facilities, drains, educational establishments, essential community services, exhibition homes, exhibition villages, family day-care, fast food take-away restaurants, flood mitigation works, general stores, guesthouses, home activities, home businesses, hospitals, hotels, housing, local retail or commercial premises, medical centres, motels, <b>nursing homes</b>, parks, places of assembly, places of worship, professional consulting rooms, public buildings, recreation establishments, recreation facilities, regeneration activities, restaurants, retail plant nurseries, roads, service stations, shops.</p> <p>(b) any other development (except that identified by this plan as exempt or complying) is prohibited.</p>		
<b>41 Road and Road Widening zone</b>	<p>(1) The objective of the Road and Road Widening zone is to identify certain land that will be required for the purpose of a road.</p> <p>(2) In the Road and Road Widening zone:</p> <p>(a) development for the purpose of the following is allowed only with the consent of the consent authority:</p> <p>drains, parks, regeneration activities, roads, utility installations, and</p> <p>(b) any other development (except that identified by this plan</p>	The site is not located within the Road and Road Widening Zone therefore this control is not triggered by the proposed development.	<b>N/A</b>

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<i>as exempt or complying) is prohibited.</i>		
<b>42 Drainage zone</b>	<p><i>(1) The objectives of the Drainage zone are:</i></p> <p><i>(a) to enable certain land that adjoins or is substantially surrounded by land within the Regional Park zone to be used for the purpose of stormwater management, and</i></p> <p><i>(b) to permit development for the purpose of stormwater management, as well as development which is compatible with both the use of land for stormwater management and with the conservation objectives of the adjoining land zoned Regional Park.</i></p> <p><i>(2) In the Drainage zone:</i></p> <p><i>(a) development for the purpose of the following is allowed only with the consent of the consent authority:</i></p> <p><i>advertisements, drains, land uses authorised by or under the National Parks and Wildlife Act 1974 and any use ordinarily incidental or ancillary to any such use, parks, regeneration activities, roads, utility installations (other than generating works), and</i></p> <p><i>(b) any other development (except that identified by this plan as exempt or complying development) is prohibited.</i></p>	The site is not located within the Zone therefore this control is not triggered by the proposed development.	<b>N / A</b>
<b>43 Exempt and complying development</b>	<p><i>(1) This clause applies only to land within a release area declared under Part 2 for which a precinct plan has been approved.</i></p> <p><i>(2) On land to which this clause applies that is within the City of</i></p>	Noted.	<b>✓</b>

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT	COMMENT	COMPLIES
	<p><i>Blacktown, development which is exempt or complying development if carried out on land within a zone identified in Column 2 of the Table in Schedule 2 is exempt or complying development, as the case may be, if carried out on land within the corresponding zone identified in Column 1 of the Table, but only if the development is not prohibited on the land by this plan.</i></p> <p><i>(3) On land to which this clause applies that is within the City of Penrith, development that is exempt or complying development if carried out on land within a zone identified in Column 3 of the Table in Schedule 2 is exempt or complying development, as the case may be, if carried out on land within the corresponding zone identified in Column 1 of the Table, but only if the development is not prohibited on the land by this plan.</i></p> <p><i>(4) Despite subclauses (2) and (3), development:</i></p> <p><i>(a) is not exempt development if it is proposed to be carried out on the site of an item of environmental heritage that:</i></p> <p><i>(i) is identified as such in this or any other environmental planning instrument applying to the land, or</i></p> <p><i>(ii) is listed on the State Heritage Register under the Heritage Act 1977, or</i></p> <p><i>(iii) is subject to an interim heritage order under the Heritage Act 1977, and</i></p> <p><i>(b) is not complying development if it is proposed to be carried out on land that is below the PMF level.</i></p>	

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
<b>PART 7 DEVELOPMENT CONTROLS</b>			
<b>44 Consultation with National Parks and Wildlife Service</b>	<p>(1) <i>This clause applies to the following:</i></p> <p>(a) <i>development of land adjoining land within the Regional Park zone, and</i></p> <p>(b) <i>development for the purpose of a road or public utility undertaking on land zoned Regional Park that is subject to an existing easement, where the application is lodged prior to the land being reserved or dedicated under the National Parks and Wildlife Act 1974.</i></p> <p>(2) <i>The consent authority must not grant development consent for development unless it has referred a copy of the development application to the Director-General of National Parks and Wildlife.</i></p> <p>(3) <i>Where a copy of a development application has been forwarded to the Director-General of National Parks and Wildlife pursuant to this clause, the consent authority must not grant consent to the application until:</i></p> <p>(a) <i>it has received and considered advice with respect to the application from that Director-General, or</i></p> <p>(b) <i>the consent authority has been notified that that Director-General does not wish to submit any advice with respect to the application, or</i></p> <p>(c) <i>28 days have elapsed after the date on which the application was referred to the Director-General,</i></p>	The subject site's land does not adjoin land within the Regional Park zone therefore the proposed development is not triggered by this control.	<b>N/A</b>



# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<i>whichever occurs first.</i>		
<b>45 Subdivision</b>	<i>A person may subdivide land to which this plan applies, but only with the consent of the consent authority.</i>	Noted.	✓
<b>46 Development near zone boundaries</b>	<p><i>(1) Development that (in the absence of this clause) would be prohibited in a zone may be carried out with development consent within 30 metres of the boundary between that zone and another zone if it is allowed in the other zone either with or without development consent.</i></p> <p><i>(2) However, this clause does not allow consent to be granted for development within the Regional Park zone.</i></p>	Noted.	✓
<b>47 Demolition</b>	<i>A person may demolish, in part or in whole, a building on land to which this plan applies, but only with the consent of the consent authority.</i>	Noted.	✓
<b>48 Interim uses</b>	<p><i>(1) Despite Parts 4 and 6, development may be carried out on land to which this plan applies with development consent for any purpose, but only if the consent authority is satisfied that:</i></p> <p><i>(a) the development will not prevent achievement of the aims of this plan, and</i></p> <p><i>(b) the development will not make the eventual development of the land in accordance with the zone objectives more difficult than it would be if the development had not been carried out, and</i></p> <p><i>(c) appropriate arrangements have been or will be made for the reinstatement of the land affected by the development so that it</i></p>	Noted.	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

	REQUIREMENT	COMMENT	COMPLIES
	<p><i>may be used in accordance with the zone objectives, and</i></p> <p><i>(d) the development will not adversely affect residential amenity or result in a land use conflict in relation to other development allowed in accordance with this plan on other land in the locality.</i></p> <p><i>(2) Consent must not be granted for development as provided by this clause unless conditions of the consent:</i></p> <p><i>(a) require that the development ceases by a specified time occurring no later than 5 years after the date from which the consent operates, and</i></p> <p><i>(b) provide for the consent to lapse if the development it allows to be carried out is not commenced within 2 years after that date.</i></p> <p><i>(3) Nothing in this clause allows consent to be granted for:</i></p> <p><i>(a) subdivision or development for the purpose of retailing, commercial premises or housing, or</i></p> <p><i>(b) development on any land after a precinct plan that applies to the land has been approved, or</i></p> <p><i>(c) development on land within the Regional Park zone, after the land has been reserved or dedicated under the National Parks and Wildlife Act 1974, or</i></p> <p><i>(d) development on land within the Regional Open Space zone, Road and Road Widening zone or Drainage zone after the land has been vested in the corporation or the relevant council.</i></p>		

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
<b>49 Land below the PMF level</b>	<i>(1) Development may be carried out on land below the PMF level only with the consent of the consent authority.</i>	Noted.	<b>V</b>
	<i>(2) The consent authority must not grant consent to development for residential or industrial purposes on land identified as being affected by the 1% Annual Exceedence Probability (AEP) flood on the Structure Plan unless it is satisfied that, following development, the land will be above the 1% AEP flood level.</i>		
	<i>(3) The erection of a building for the purpose of an essential community service, and the carrying out of a work for that purpose, are prohibited on land below the PMF level.</i>		
	<i>(4) Before granting consent for development of land zoned Urban or Employment that is below the PMF level, the consent authority must have regard to a merit based assessment undertaken in accordance with the principles and guidelines set out in the Floodplain Development Manual (NSW Government, December 1986) or any document approved by the Director as replacing that document for the purposes of this plan.</i>		
	<i>(5) Road systems on land which would be affected by the PMF are to be designed to facilitate safe evacuation during flood events.</i>		
<b>50 Filling of land</b>	<i>(1) Filling of land that is below the level of the PMF before it is filled is prohibited.</i> <i>(2) However, the consent authority may grant consent to the</i>	The proposed development does not require the filling of land thus this control is not triggered.	<b>N / A</b>

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<p><i>filling of land where it is satisfied that:</i></p> <p><i>(a) the proposed development will not be inconsistent with the principles set out in the manual entitled Floodplain Development Manual: the management of flood liable land published by the New South Wales Government, and</i></p> <p><i>(b) in the case of land identified on the Structure Plan as “potential fill area”, the proposed development will not be inconsistent with the performance objectives of this plan, and</i></p> <p><i>(c) in the case of land not identified on the Structure Plan as “potential fill area” but within the Regional Open Space zone or the Road and Road Widening zone, the proposed development is necessary as part of development to be carried out on the land.</i></p>		
<b>51 Salinity and highly erodible soils</b>	<p><i>(1) The consent authority must not grant consent to the development of any land unless it has considered:</i></p> <p><i>(a) a detailed soil assessment which includes a finding of whether or not the land is at risk from salinity or contains soils which are highly erodible, and</i></p> <p><i>(b) whether the proposed development incorporates appropriate building materials, techniques and land management measures to mitigate adverse environmental and economic impacts.</i></p> <p><i>(2) The consent authority must not consent to the development of land so found to be at risk or affected, unless it is satisfied that appropriate measures have been incorporated or are able</i></p>	Noted.	✓



# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<i>to mitigate the potential impacts.</i>		
<b>52 Tree preservation</b>	<p><i>(1) A person must not ringbark, cut down, lop, top, remove, injure or wilfully destroy any tree, or cause any tree to be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed by any action (including the addition of soil or drainage works around the base of the tree), except with the consent of the consent authority.</i></p> <p><i>(2) Despite subclause (1), consent is not required where:</i></p> <p><i>(a) the tree is dead, or</i></p> <p><i>(b) the tree is declared a noxious weed under the Noxious Weeds Act 1993, or</i></p> <p><i>(c) the tree is assessed as dying, in poor condition or potentially dangerous by a qualified arborist, or</i></p> <p><i>(d) the action to the tree is taken for the purpose of bush fire hazard reduction in accordance with an approved local bush fire management plan referred to in section 52 of the Rural Fires Act 1997, or</i></p> <p><i>(e) the tree is less than five metres from a building or work for which consent has been granted or which has been approved by the consent authority, or</i></p> <p><i>(f) the action to the tree is taken in accordance with a permit issued by the consent authority.</i></p> <p><i>(3) before granting a consent or permit referred to in this clause, the consent authority must make an assessment of the importance of the tree or trees concerned in relation to the</i></p>	Noted.	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<p><i>following:</i></p> <p><i>(a) soil stability and prevention of land degradation,</i></p> <p><i>(b) preservation of scenic and environmental amenity,</i></p> <p><i>(c) maintenance of vegetation systems and natural wildlife habitats and corridors,</i></p> <p><i>(d) prevention of soil salinity and a rising water table.</i></p> <p><i>(4) This clause does not apply to the lopping of trees in accordance with Part 9 of the Electricity Supply (General) Regulation 1996 or section 48 of the Electricity Supply Act 1995, or to any trees under the control of the National Parks and Wildlife Service.</i></p>		
<b>53 Items of environmental heritage</b>	<i>Items of environmental heritage are identified on the Heritage Map.</i>	Noted.	✓
<b>54 General heritage considerations</b>	<i>Consent must not be granted for development of, or in the vicinity of, an item of environmental heritage unless the consent authority has made an assessment of the effect the carrying out of that development will have on the heritage significance of the item and its setting.</i>	Noted.	✓
<b>55 Conservation of items of environmental heritage</b>	<p><i>(1) A person must not, in respect of a building, place, work or relic that is an item of environmental heritage:</i></p> <p><i>(a) demolish, renovate or extend the building or work, or</i></p> <p><i>(b) damage or despoil the relic or any part of the relic, or</i></p>	Noted.	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT	COMMENT	COMPLIES
<p>(c) excavate any land for the purpose of exposing or removing the relic, or</p> <p>(d) erect a building on the land on which the building, work or relic is situated or the land which comprises the place, or</p> <p>(e) subdivide the land on which the building, work or relic is situated or the land which comprises the place,</p> <p>except with the consent of the consent authority.</p> <p>(2) The consent authority must not grant consent to a development application made in pursuance of subclause (1) unless it has made an assessment of:</p> <p>(a) the significance of the item as an item of environmental heritage of the St Marys area, and</p> <p>(b) the extent to which the carrying out of the development in accordance with the consent would affect the historic, scientific, cultural, archaeological, architectural, natural or aesthetic significance of the item and its site, and</p> <p>(c) whether the setting of the item and, in particular, whether any stylistic, horticultural or archaeological features of the setting should be retained, and</p> <p>(d) whether the item constitutes a danger to the users or occupiers of that item or to the public.</p> <p>(3) The consent authority must not consent to development involving an item of environmental heritage unless it has considered a statement of heritage impact or a conservation plan relating to the item and the proposed development.</p>		

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<p>(4) The consent authority may grant consent to development involving the excavation or filling of land or the erection on land (involving disturbance of the land) or demolition of buildings on land that is the site of an item of environmental heritage that is of non-Aboriginal heritage significance only if it has considered a statement of heritage impact or a conservation plan relating to the item and the proposed development.</p> <p>(5) Before granting consent for a development that is likely to have an impact on an Aboriginal place, or that will be carried out on an archaeological site that has Aboriginal cultural significance or a potential archaeological site that is reasonably likely to have Aboriginal cultural significance, the consent authority must:</p> <p>(a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the place or site and any relic known or reasonably likely to be located at the place or site, and</p> <p>(b) notify the local Aboriginal communities (in such a way as it thinks appropriate) and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.</p>		
<b>56 Demolition of items of environmental heritage</b>	<p>(1) The consent authority must not grant consent to the demolition, defacing or damaging of the item of environmental heritage indicated as Site 3 on the Heritage Map until:</p> <p>(a) 28 days after the consent authority has sent written notice of its intention to grant the consent to the Heritage Council and</p>	Noted.	✓



# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<p><i>it has taken into consideration any submission made by the Heritage Council in that period about the proposal, or</i></p> <p><i>(b) the Heritage Council has notified the consent authority that it has no objection to the granting of the consent,</i></p> <p><i>whichever occurs first.</i></p> <p><i>(2) Subclause (1) does not apply to partial demolition of the item of environmental heritage if, in the opinion of the relevant council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the item.</i></p>		
<b>57 Access</b>	<p><i>(1) Development, other than for the purpose of a public road, that would enable vehicular access to The Northern Road, Palmyra Avenue or Forrester Road is prohibited.</i></p> <p><i>(1A) The consent authority must not grant development consent for development, other than for the purpose of a public road, that would enable direct vehicular access to Ninth Avenue unless it has considered the following matters:</i></p> <p><i>(a) the capacity of Ninth Avenue to accommodate any vehicular traffic resulting from the proposed development,</i></p> <p><i>(b) the effect any such vehicular traffic may have on the existing road hierarchy in the vicinity of the proposed development,</i></p> <p><i>(c) any adverse impact of the proposed development on the rural character of Ninth Avenue or its surrounds.</i></p> <p><i>(2) This clause does not apply to land identified as “educational establishment” on the Structure Plan.</i></p>	Noted.	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
<b>58 Certain development prohibited</b>	<p>Regardless of any other provision of this plan:</p> <p>(a) development described in Schedule 3 is prohibited on land shown hatched on the Zoning Map, and</p> <p>(b) development for the purpose of housing is prohibited on land that is less than 400 metres from the land in Lot 1 DP 31910, Lot 1 DP 223888 or Lot 1 DP 803832.</p>	The proposed development does not involve any development detailed in Schedule 3.	✓
<b>59 Retail and commercial development restricted</b>	<p>(1) The consent authority must not grant consent to development described in Schedule 4 on land zoned Urban unless:</p> <p>(a) the proposed development is located on land identified as suitable for use for the purpose of a retail centre by a precinct plan, and</p>	<p>The proposed development does not trigger schedule 4.</p> <p>The proposal does not involve retail and/or commercial development as defined under the SREP but rather a nursing home.</p>	✓
	<p>(b) the consent authority is satisfied that, if the proposed development is carried out, the total gross floor area of all buildings on land to which this plan applies that may be used for the purpose of shops will not exceed 13,000 square metres approximately divided as follows:</p>		
	<p>(i) Western Precinct—7,500 square metres,</p>		
	<p>(ii) Central, Dunheved North and Dunheved South Precincts (combined)—2,500 square metres,</p>		
	<p>(iii) Eastern and Ropes Creek Precincts (combined)—3,000 square metres.</p>		
	<p>(2) However, subclause (1) (b) does not apply if the consent</p>		

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<p><i>authority is satisfied that, after the proposed development is carried out, the total gross floor area (including the gross floor area of all other buildings used for retailing in the locality) will not be greater than the total required to reasonably service the local residential community and workforce.</i></p> <p><i>(3) Subclause (1) does not apply to the granting of consent for general stores.</i></p>		
<b>60 Services</b>	<p><i>Development must not be carried out on any land to which this plan applies until arrangements have been made for the supply of water, sewerage, drainage and underground power that are satisfactory to the consent authority.</i></p>	The proposed development includes the provision of a new substation. The applicant will obtain a Sydney Water Section 73 Certificate for connection to existing water and sewer available to the land, which can be imposed as a condition of consent.	✓
<b>61 Subdivision without consent</b>	<p><i>Despite any other provision of this plan, consent is not required:</i></p> <p><i>(a) for a subdivision for the purpose of creating the proposed regional park and regional open space, with boundaries in accordance with the Zoning Map, or</i></p> <p><i>(b) for a subdivision primarily for the purpose of providing land or an interest in land as a security in favour of a public authority in accordance with the terms of a development agreement within the meaning of this plan.</i></p>	N/A – no subdivision proposed.	✓
<b>62 Bush fire hazard reduction works</b>	<p><i>Except as required by clause 52 (Tree preservation), nothing in this plan requires that development consent be obtained to carry out bush fire hazard reduction works on land for which a</i></p>	Please refer to the bushfire report included at Appendix K.	✓

# SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 30 - ST MARYS

REQUIREMENT		COMMENT	COMPLIES
	<i>precinct plan has been approved.</i>		
<b>PART 8 TRANSITIONAL PROVISIONS</b>			
<b>63 Matters to which this plan does not apply</b>	<p><i>This plan does not apply to:</i></p> <p><i>(a) a development application, or an application for the approval of an activity within the meaning of Part 5 of the Act, that was made but not finally determined before the commencement of this plan, or</i></p> <p><i>(b) the carrying out of development or an activity pursuant to a consent or approval granted:</i></p> <p><i>(i) before the commencement of this plan, or</i></p> <p><i>(ii) in response to an application referred to in paragraph (a).</i></p>	Noted.	✓
<b>Schedule 1 Definitions</b>	<p><b><i>“Nursing home</i></b> means accommodation for older people that provides:</p> <p><i>(a) meals and cleaning services, and</i></p> <p><i>(b) personal care or nursing care, or both, and</i></p> <p><i>(c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,</i></p> <p><i>but does not include a dwelling, hospital or psychiatric facility.”</i></p>	The applicant considers the proposed development is consistent with the definition of a “nursing home” under Schedule 1 of SREP 30.	✓