

LOCAL PLANNING PANEL AGENDA

30 September 2024

MATTERS FOR THE LOCAL PLANNING PANEL'S DETERMINATION

Monday, 30 September 2024

ONLINE VIA MS TEAMS

Commencing at **2:00 PM**

Submissions by the applicant and concerned parties will be considered at the meeting. A concerned party is deemed to be a person who has made a written submission in respect to the application. The Panel shall, upon request, hear submissions from persons who identify prior to a meeting that they wish to make a submission to be considered by the Panel. Presentations to the Panel by the applicant and concerned parties shall be restricted to **3 minutes each**. The Panel Chairperson has the discretion to extend the period if considered appropriate.

Should you wish to address the Panel, please advise Amanda Merchant, Panel Support Officer on 8711 7712, by 4pm, Thursday 26th September 2024.

For further information relating to the Local Planning Panel please refer to Council's web page:

[Liverpool Local Planning Panel / Liverpool City Council \(nsw.gov.au\)](https://liverpoolcitycouncil.nsw.gov.au/liverpool-local-planning-panel)

ITEM No.	SUBJECT	PAGE No.
1	DEVELOPMENT APPLICATION DA-187/2024 DEMOLITION OF SEVERAL EXISTING STRUCTURES AT THE SITE BEING OFFICE, DOG KENNELS (OLD), PET CEMETERY, VET CLINICS, AVIARY, STORAGE SHED 2, STABLE, MULTIPLE SHEDS ON PADDOCKS LOT 65 DP26740 45 HERLEY AVENUE, ROSSMORE	4 - 35

ITEM No.	SUBJECT	PAGE No.
2	DEVELOPMENT APPLICATION DA-13/2024 PROPOSED TWO-LOT TORRENS TITLE SUBDIVISION WITH THE CONSTRUCTION OF TWO ATTACHED DUAL OCCUPANCIES AND HOME-BASED CHILDCARE LOT 74 DP1134477 76 PLEASURE POINT ROAD, PLEASURE POINT	36 - 310

Item Number:	1
Application Number:	DA-187/2024
Proposed Development:	Demolition of several existing structures at the site being office, dog kennels (old), pet cemetery, vet clinics, aviary, storage shed 2, stable, multiple sheds on paddocks.
Property Address	45 Herley Avenue, Rossmore
Legal Description:	Lot 65 DP26740
Applicant:	NSW Animal Welfare League
Land Owner:	NSW Animal Welfare League
Cost of Works:	\$77,000
Recommendation:	Approved subject to conditions of consent
Assessing Officer:	Lawrence Fowle, Patch Planning

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-187/2024) seeking development consent for the demolition of several existing structures at the site being office, dog kennels (old), pet cemetery, vet clinics, aviary, storage shed 2, stable, multiple sheds on paddocks on the site known as Lot 65 DP26740, also known as 45 Herley Avenue, Rossmore.

The site is zoned RU4 - Primary Production Small Lots pursuant to *Liverpool Local Environmental Plan 2008* (LLEP 2008). The proposal seeks development consent for demolition pursuant to Clause 2.7 of the LLEP 2008.

The proposed development is generally consistent with the objectives and development standards of the LLEP 2008 and the provisions of the Liverpool Development Control Plan 2008 (LDCP 2008).

The Development Application was initially notified between 14 May 2024 and 30 May 2024 in accordance with Liverpool Community Participation Plan 2019. In response, no submissions were received during this notification period.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Conflict-of-Interest Management Strategy prepared by Council, as Liverpool City Council at the time of lodgement, had a commercial interest in the property.

The application has been assessed pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979). Based on the assessment of the application, it is recommended that the application be **approved**, subject to the imposition of conditions.

2. SITE DESCRIPTION AND LOCALITY

2.1 The Site

The site is 45 Herley Avenue, Rossmore, and is legally known as Lot 65 DP 26740.

The site is rectangular in shape with a total area of 2.02ha and a primary road frontage of approximately 78m to Herley Avenue.

The site is located within the suburb of Rossmore within the Liverpool City Council Local Government Area (LGA). The landowner of the site is NSW Animal Welfare League. Currently, the site is used as an animal boarding or training centre with an ancillary veterinary clinic.

The location of the site can be seen in the aerial view in **Figure 1** below.



Figure 1: Aerial view of subject site (Source: MetroMaps modified by Patch)

2.2 The Locality

Currently the surrounding locality is predominately characterised by low density agricultural development and parkland along Kemps Creek. To the north of the site is JC Tractors and Farm Mechanical Services, a Vegetable Farm, Joyland Amusements and Bonaccordo Duck Farm. To the east of the site is Kemps Creek and beyond that is the emerging suburb of Austral. To the south of the subject site are Golden Wattle Nursery, Bamboo Fencing Direct and Sam Poultry.

The locality of the subject site can be found in **Figure 2** below.

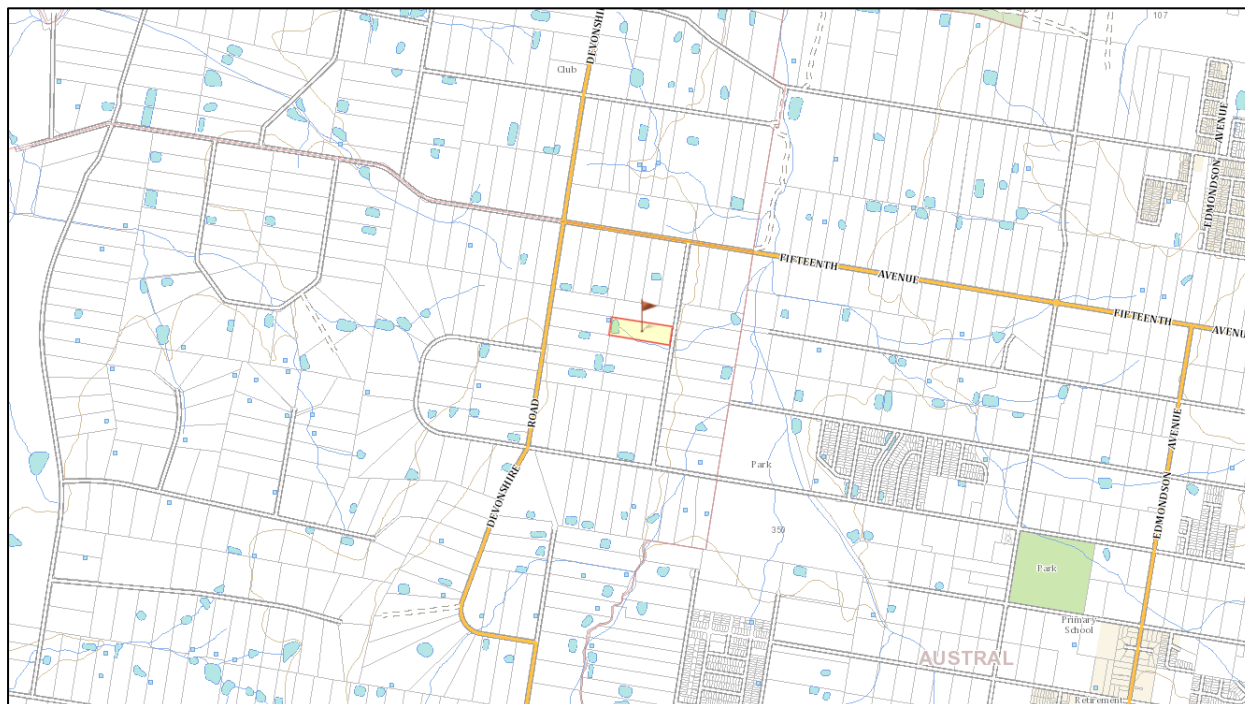


Figure 2: Locality surrounding the site (in red) (Source: SixMaps NSW Government)

3. BACKGROUND/HISTORY

3.1 Assessment and Site Background & History

- 2 February 2024 – PAN-404140 was returned by Council as it was unclear and was not accompanied by mandatory documents particularised below;
- 26 May 2024 – DA-187/2024 was submitted with Council;
- 02 June 2024 – DA-187/2024 was lodged with Council;
- 14 May 2024 and 30 May 2024 – DA-187/2024 was notified;
- 29 June 2024 – Environmental Health referral deferral provided requesting additional information;
- 11 July 2024 – A requested for additional information was send to the application; and
- 7 August 2024 – Further information was received.

Application No.	Proposed Development	Determination
PAN-404140	Demolition of several existing structures at the site, including other necessary works.	Returned

4. DETAILS OF THE PROPOSAL

The Development Application (DA) seeks consent for the demolition of several existing structures at the site being office, dog kennels (old), pet cemetery, vet clinics, aviary, storage shed 2, stable, multiple sheds on paddocks.

The subject DA constitutes the first stage of development at the site, with no new building works proposed at this stage.

All existing trees are to be protected in accordance with AS 4970-2009 *Protection of trees on development sites*.

Following completion of the demolition works, these areas will be landscaped with grass.



Figure 3: Demolition Plan (Source: Benson McCormack Architecture)

5. STATUTORY CONSIDERATIONS

5.1 Relevant Matters for Consideration

The relevant legislation/planning instruments/policies/controls applicable to the proposed development are as follows:

Relevant Legislation

- *Environmental Planning and Assessment Act 1979.*
- *Environmental Planning and Assessment Regulation 2021.*
- *Biodiversity Conservation Act 2016.*

Environmental Planning Instruments (EPI's)

- *State Environmental Planning Policy (Resilience and Hazards) 2021.*
- *Liverpool Local Environmental Plan 2008.*

Development Control Plan

- Liverpool Development Control Plan 2008;
 - Part 1: General Controls for All Development.

Contributions Plans

- Contributions do not apply for DAs proposing demolition only.

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the *Environmental Planning and Assessment Regulation 2021*, as follows:

6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instrument

(a) Biodiversity Conservation Act 2016

The purpose of the *Biodiversity Conservation Act 2016* (BC Act 2016) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Part 7 Biodiversity assessment and approvals under Planning Act

Under Section 7.7 of the BC Act 2016, a DA is not required to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the development is likely to significantly affect threatened species.

As depicted in the mapping below, the southeast corner of the site is identified as containing areas of Biodiversity Value.

The proposal does not seek vegetation or tree removal, and the part of the site identified as containing areas of Biodiversity Value does not contain any structures to be demolished. Therefore, no further consideration of the BC Act 2016 is required.



Figure 4 – Biodiversity Values Map (Source: ePlanning Spatial Viewer)

(a) State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of land

The proposal has been assessed under the relevant provisions of *State Environmental Planning Policy (Resilience and Hazards) 2021* (RHSEPP 2021), specifically Chapter 4 – Remediation of Land.

The objectives of Chapter 4 of RHSEPP 2021 are:

- to provide for a state wide planning approach to the remediation of contaminated land.
- to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Section 4.6 of the RHSEPP 2021 provides matters with respect to remediation and contamination requiring consideration by a consent authority in the determination of a development application, and is assessed below.

- (1) *A consent authority must not consent to the carrying out of any development on land unless—*
 - (a) *it has considered whether the land is contaminated, and*
 - (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*

- (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.*

Response: The proposal was accompanied by a Preliminary Site Investigation (PSI), which concluded that, based on a desktop review and site inspection, there is potential for contamination to be present from the historical importation of soil, demolition of previous building structures and/or use of the Site for grazing and upkeep of animals.

Based on the findings of the PSI, a Detailed Site Investigation (DSI) was recommended. However, in consideration of clause 4.6(1)(a)-4.6(1)(c) above, the DSI is not considered necessary at this point in time. Specifically, the subject DA seeks approval for demolition of structures only, with no change of land use proposed. The land, in its contaminated state, can be considered suitable for the purposes of carrying out a demolition only. Further investigations are not required given the scale of development sought.

Notwithstanding, a DSI will be required for future stages of development. Furthermore, conditions requiring the undertaking of a destructive hazardous materials survey have been included in line with recommendations made in the Asbestos Risk Assessment, submitted by the applicant.

- (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.*

Response: Not Applicable, as no change of use is sought.

- (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.*

Response: Not Applicable, as (2) does not apply.

- (4) *The land concerned is—*
- (a) *land that is within an investigation area,*
 - (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,*
 - (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—*

- (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*
- (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).*

Response: Not Applicable, as (2) does not apply.

In summary, it is considered that the proposal is satisfactory for the site and the relevant objectives and provisions of RHSEPP 2021.

(b) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned RU4 - Primary Production Small Lots in accordance with the *Liverpool Local Environmental Plan 2008*.



Figure 5 – Zoning Map (subject site outlined in yellow) (Source: ePlanning Spatial Viewer)

(ii) Permissibility

The site is zoned as RU4 - Primary Production Small Lots and operates as an animal boarding or training centre with an ancillary veterinary clinic, which is permitted in the zone under the LLEP2008.

(iii) Objectives of the zone

The objectives of the RU4 - Primary Production Small Lots are as follows:

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposal does not hinder the surrounding area from meeting the objectives of the zone. It is likely that any future development at the site will be consistent with these objectives, however the future use of the site is not subject of this DA.

(iv) Principal Development Standards

The LLEP 2008 contains several provisions which are relevant to the proposal. Assessment of the application against the relative provisions is provided below.

Clause	Provision	Compliance
2.7 Demolition	Development consent is required for demolition of any existing structures. This Proposal seeks consent for demolition pursuant to Clause 2.7.	Yes
4.1 Minimum Lot Size	The site has a minimum subdivision lot size of 10ha; however, subdivision is not proposed at the site.	N/A
4.3 Height of buildings	The site is not subject to a maximum building height limit prescribed by the Liverpool LEP 2008.	N/A
4.4 Floor space ratio	The site is not subject to a maximum floor space ratio prescribed by the Liverpool LEP 2008.	N/A
4.6 Exceptions to development standards	No variation to a development standard is sought within the application.	N/A
5.21 Flood planning	The site is identified as flood prone land. Clause 5.21 prescribes that development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development is consistent with the matters for consideration outlined by this clause. Given the proposal relates to demolition only, it is expected that the proposal will not adversely impact on flood function, behaviour or increase risk.	Yes
7.24 Dual occupancies in Zones RU1, RU2 and RU4	The site is identified as being within the SWGC area on the key sites map, however there are no works proposed.	N/A

6.2 Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to the development.

6.3 Section 4.15(1)(a)(iii) - Any Development Control Plan**(a) Liverpool Development Control Plan (LDCP) 2008**

The proposed development is subject to the provisions of the LDCP 2008 and has been assessed against:

- Part 1, which covers general controls relating to all types of development within the Liverpool LGA.

The proposal is considered to be consistent with the key controls outlined in the LDCP 2008. All relevant compliance tables for the LDCP 2008 can be found in Report Attachment 2.

6.4 Section 4.15(1)(a)(iiia) - Planning Agreements

There are no Planning Agreements which apply to the development.

6.5 Section 4.15(1)(a)(iv) - The Regulations

The *Environmental Planning and Assessment Regulation 2021* requires the consent authority to consider the provisions of the National Construction Code. Relevant conditions of consent have been imposed to ensure that demolition is undertaken in accordance with the NCC.

6.6 Section 4.15(1)(b) - The Likely Impacts of the Development**(a) Natural Environment**

The Development Application's impacts on the natural environment have been assessed giving consideration to the existing vegetation at the site.

Vegetation Impacts

The subject site contains areas of biodiversity value. The demolition works are not located in an area of the site which contains any biodiversity values and will not impact on any existing trees or vegetation. Additionally, trees at the site will be protected in accordance with the Australian Standard *Protection of Trees on Development Sites AS 4970-2009*.

It is therefore considered the proposal is acceptable as it will not have a detrimental impact on the natural environment.

(b) Built Environment**Demolition Works**

The proposal is limited to demolition works only and as such it is considered that the proposal is acceptable with regards to visual impacts.

(c) Social Impacts

Social impacts of the proposal have been assessed below.

Acoustic

The proposed demolition works will be undertaken during Councils standard hours of construction, this will be imposed as a condition of consent.

It is therefore considered the proposal is acceptable as it will not have a detrimental social impact.

(d) Economic Impacts

In the short term, the proposal will provide positive economic impacts that result from the demolitions works phase of the project.

6.7 Section 4.15(1)(c) - The Suitability of the Site for the Development

The site is considered to be suitable for the proposed development. The proposal is generally compliant with the provisions of the LLEP 2008, the relevant Environmental Planning Instruments and LDCP 2008, as outlined in this report. Overall, the development is considered to satisfy the relevant controls for site selection.

6.8 Section 4.15(1)(d) - Any submissions made in accordance with the Act or the Regulations

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Environmental Health	Upon review of the applicant's Preliminary Site Investigation (PSI), Council's Environmental Health officer indicated that they did not support the proposal and requested additional information including: • Confirmation that the PSI was prepared by a suitably qualified person, which the Applicant subsequently provided. • Submission of a Stage 2 Detailed Site Investigation (DSI) in line with the PSI's recommendations. In response to the above request, the Applicant submitted that the submission of a DSI was not necessary given the proposal only involved demolition works without earthworks or a change of use. In accordance with the requirements of the RHSEPP, outlined earlier in this report, the Applicant's position is accepted. While noting the request of Council's Environmental Health Officer, the submission of a DSI in the circumstances is onerous and would exceed the legislative requirements for a consent authority to consider contamination and remediation under the RHSEPP which is to be done so commensurate to the development proposed (which in this case, is solely for demolition).

(b) External Referrals

No external referrals we received during the assessment of the DA.

(c) Community Consultation

The Development Application was initially notified between 14 May 2024 and 30 May 2024 in accordance with Liverpool Community Participation Plan 2019. No submissions were received during the notification period.

7. DEVELOPMENT CONTRIBUTIONS

Contributions do not apply to developments proposing demolition only. As such, no contributions apply to the proposed development.

8. CONCLUSION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, LLEP 2008, LDCP 2008, and the relevant codes and policies of Council.

The proposed development is unlikely to result in adverse impacts upon neighbouring properties and the locality. Based on the assessment of the application, it is recommended that the application be **approved** subject to the imposition of conditions.

9. RECOMMENDATION

That Development Application DA-187/2024 seeking approval for demolition of several existing structures at the site being office, dog kennels (old), pet cemetery, vet clinics, aviary, storage shed 2, stable, multiple sheds on paddocks, be approved subject to conditions of consent.

ATTACHMENTS

1. Liverpool Development Control Plan 2008 Compliance Table
2. Plans of the Proposal
3. Conditions of Approval

ATTACHMENT 1 – LIVERPOOL DEVELOPMENT CONTROL PLAN 2008 COMPLIANCE TABLES

LDCP 2008 - Part 1 General Controls for all Development

Development Control	Provision	Comment	Complies
Section 2. Tree Preservation	Controls relating to the preservation of trees	No tree removal is proposed.	Complies
Section 3. Landscaping and Incorporation of Existing Trees	Controls relating to landscaping and the incorporation of existing trees.	The proposal is supported by a landscape plan and the proposal does not include tree removal.	Yes
Section 4 Bushland and Fauna Habitat Preservation	Controls relating to bushland and fauna habitat preservation	The works are unlikely to impact on any significant vegetation.	N/A
Section 5. Bush Fire Risk	Controls relating to development on bushfire prone land.	Part of the Site is located on land identified as bush fire prone land, notwithstanding the proposal is for demolition only as such is not affected by the development controls related to bushfire prone land.	N/A
Section 6. Water Cycle Management	Stormwater runoff shall be connected to Council's drainage system by gravity means. A stormwater drainage concept plan is to be submitted.	The proposal relates to demolition only and as such, connection to the existing stormwater system is not required.	N/A
Section 7. Development Near a Watercourse	If any works are proposed near a water course, the Water Management Act 2000 may apply, and you may be required to seek controlled activity approval from the NSW Office of Water.	The proposal is not within 40m of a watercourse.	N/A
Section 8. Erosion and Sediment Control	Erosion and sediment control plan to be submitted.	The proposal is supported by an erosion and sediment control plan. Conditions of consent will be imposed to ensure that erosion and	Complies with conditions

Development Control	Provision	Comment	Complies
		sediment controls measures are implemented.	
Section 9. Flooding Risk	Provisions relating to development on flood prone land.	The subject site is identified as flood prone land, notwithstanding the proposal is for demolition only as such is not affected by the development controls related to flooding.	N/A
Section 10. Contaminated Land Risk	Provisions relating to development on contaminated land.	As per SEPP (Resilience and Hazards) 2021 the demolition is considered acceptable.	Yes
Section 11. Salinity Risk	Provisions relating to development on saline land.	No excavation is proposed.	N/A
Section 12. Acid Sulphate Soils	Provisions relating to development on acid sulphate soils	The subject site is not identified as containing acid sulphate soils.	N/A
Section 13. Weeds	Provisions relating to sites containing noxious weeds.	The site is not identified as containing noxious weeds.	N/A
Section 14. Demolition of Existing Development	1. All demolition work must comply with the Australian Standard AS2601 - 1991, The Demolition of Structures.	Standard demolition conditions of consent will be imposed.	Complies with conditions
	2. Security fencing such as hoardings must be provided around the perimeter of the demolition site prior to work commencing to prevent access by unauthorised persons at all times during the demolition period. Approval of the fencing by Council must be received prior to erection.		
	3. Demolition must not be conducted in high winds to ensure dust does not spread beyond the site boundaries. High winds are identified as either a strong breeze (39-49km/hr), or near gale (50-		

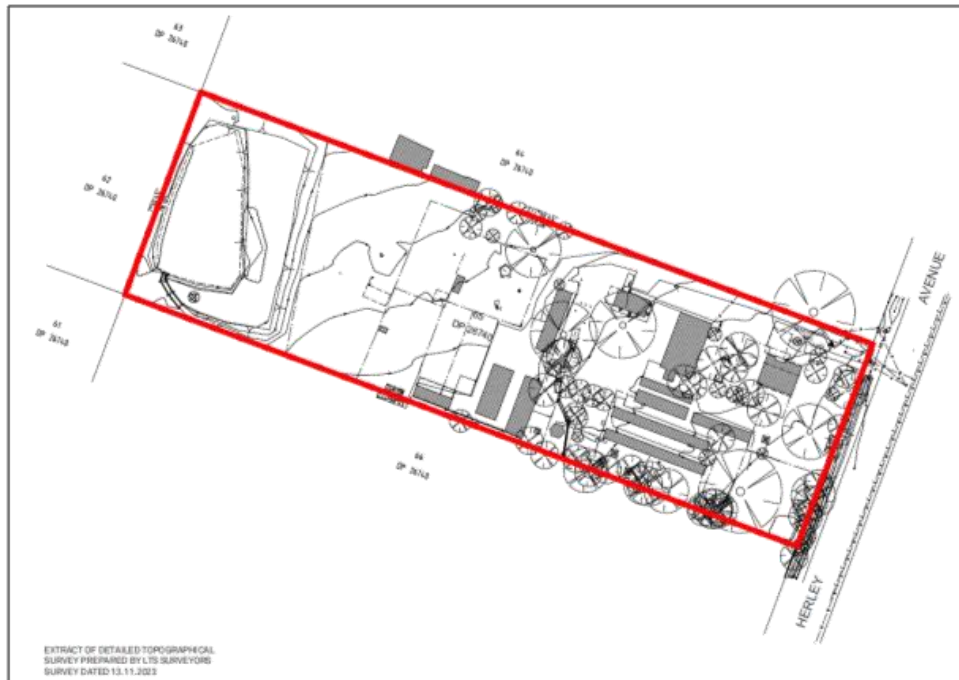
Development Control	Provision	Comment	Complies
	61km/hr) under the Beaufort Scale.		
	4. All lead contaminated materials identified in the building must be handled and disposed of in accordance with the NSW Environment Protection Authority's requirements.		
	5. Dust Controls must be implemented on site prior to and during demolition.		
	6. Asbestos, if identified in the building, must be removed and disposed of in accordance with the requirements of Work Cover. Where the amount or type of asbestos materials to be removed requires a licensed asbestos contractor to undertake the removal and disposal, both Council and the Principle Certifying Authority must be advised in writing of the name, address and asbestos license details of the contractor undertaking that work and the name and address of the facility to which the materials will be taken.		
	7. All trucks/trailers entering or leaving the site must have their loads adequately covered. A sign indicating this should be placed at the entry to and exit from the site.		
	8. Temporary toilet facilities must be provided on the site until all demolition work is completed.		
	9. Demolition activities on site must be limited to the following hours: Monday to Friday 7:00am to 6:00pm Saturday 8:00am to 1:00pm		

Development Control	Provision	Comment	Complies
	No work on Sunday and Public Holidays		
	10. Sound pressure levels emanating from the site must not exceed levels established by the NSW Environment Protection Authority.		
	11. A Waste Management Plan (WMP) is to be submitted with the Development Application. The WMP must include realistic estimates of the volume or area of all types of waste material to be generated from the demolition and excavation activities. Details of how each of those materials will be re used, recycled or disposed of is to be provided, including the locations to which the materials will be taken.		
	12. The waste management plan together with proof of lawful disposal for all waste that is disposed of, or otherwise recycled from the site must be retained on site. Proof is to include a log book with associated receipt/invoices, waste classification, and site validation certificate. All entries must include: a. Time and Date b. Description and size of waste c. Waste facility used d. Vehicle registration and company name		
	13. Both the log book and the associated receipts must be made available for inspection by authorised Council Officer at any time during site works.		
	14. Where subdivision works are proposed, relevant sections of the WMP must be completed. If the destination for excavation material is not a licensed waste		

Development Control	Provision	Comment	Complies
	facility, it must have development consent to receive such material. 15. A Dilapidation Report for any demolition within the zone of influence of any other building. 16. Where demolition work includes the removal of air-conditioning or refrigeration units, all refrigerants that remain within those units must be extracted by a licensed air conditioning technician. The recovered refrigerant must be forwarded for destruction to Refrigerant Reclaim Australia (RRA), or other facility approved to destroy refrigerants in an environmentally friendly manner. 17. All construction and demolition waste must be inspected, graded and sorted in accordance with current EPA standards. Once sorted, it must be either recycled or disposed of according to its classification.		
Section 15. On Site Sewage Disposal	Provisions relating to OSMS.	An existing septic tank is being relied on at the site. This is considered acceptable for the type of development (being demolition only).	N/A
Section 16. Aboriginal Archaeology	An initial investigation must be carried out to determine if the proposed development or activity occurs on land potentially containing an item of aboriginal archaeology.	Standard Aboriginal archaeology conditions of consent will be imposed.	Complies with conditions
Section 17. Heritage and Archaeology	Provisions relating to heritage sites.	The development site is not identified as a heritage item or located within close proximity to a heritage item.	N/A
Section 20. Car Parking and Access	Provisions relating to Car Parking and Access.	No additional parking required.	Complies.

Development Control	Provision	Comment	Complies
Section 21. Subdivision of Land and Buildings	Provisions relating to the subdivision of land.	No subdivision proposed.	N/A
Section 22. Energy Conservation	Provision relating to energy conservation.	The proposal relates to demolition only and does not require heating or cooling or generate greenhouse gases.	Complies.
Section 23. Reflectivity	To restrict the reflection of sunlight from buildings to surrounding areas and buildings.	Only applies to new building and facades.	N/A
Section 24. Landfill	Provision relating to cut and fill.	Cut and fill is not proposed.	N/A
Section 25. Waste Disposal and Re-use Facilities	Provisions relating to waste management during construction and on-going waste.	Waste Management conditions of consent are provided.	Complies with conditions
Section 26. Outdoor Advertising and Signage	Provisions relating to signage.	No signage proposed.	N/A
Section 27. Social Impact Assessment	Provisions relating to social impact.	Social impact commentary is not required.	N/A
Section 28. Shopping Trolleys	This section applies to any development that will provide shopping trolleys for customers.	Proposal does not provide shopping trolleys.	N/A
Section 29. Safety and Security.	Submit a 'Safer by Design' assessment in accordance with the CPTED principles from a qualified consultant for retail and commercial development with a gross floor area of more than 5000sqm.	The proposal is not for retail and commercial development with a gross floor area of more than 5000sqm.	N/A
Section 30. Additional Uses	Provisions relating to additional uses.	The proposal is not identified in this section of the DCP.	N/A

REPORT ATTACHMENT 2 – PLANS OF THE PROPOSAL



Site Survey



Site Plan



Existing Plan



Demolition Plan

ATTACHMENT 3 – CONDITIONS OF APPROVAL

Council has imposed the following conditions under the relevant planning instruments and policies.

A. THE DEVELOPMENT

Approved plans and supporting documentation

1. Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.
- 2.

Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
CNC-06	-	SITE PLAN - EXISTING (AERIAL)	BENSON MCCORMACK ARCHITECTURE	-
CNC-07	-	SITE PLAN - EXISTING	BENSON MCCORMACK ARCHITECTURE	-
CNC-08	-	SITE PLAN - DEMOLITION	BENSON MCCORMACK ARCHITECTURE	-
CNC-09	-	SITE PLAN - LANDSCAPING	BENSON MCCORMACK ARCHITECTURE	-

Approved documents			
Document title	Version number	Prepared by	Date of document
EROSION AND SEDIMENT CONTROL PLAN	-	Essence Project Management Pty. Ltd.	-
PRELIMINARY SITE INVESTIGATION	123686S	Prensa Pty Ltd	July 2024
ASBESTOS RISK ASSESSMENT	AWL-002	Greencap	May 2018
STATEMENT OF ENVIRONMENTAL EFFECTS	WTJ23-588	Willowtree Planning Pty Ltd	26 March 2024
DEMOLITION WASTE MANAGEMENT PRINCIPLES	-	Essence Project Management Pty. Ltd.	-

In the event of any inconsistency between the approved plans and documents, the approved Plans / Documents prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Comply with EP&A Act

3. The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2021*, must be fully complied with at all times.

Failure to comply with these legislative requirements is an offence and may result in the commencement of legal proceedings, issuing of 'on-the-spot' penalty infringements or service of a notice and order by Council.

Shoring and adequacy of adjoining property

4. This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
5. It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
 - a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
 - b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
6. This section does not apply if—
 - a) the person having the benefit of the development consent owns the adjoining land, or
 - b) the owner of the adjoining land gives written consent to the condition not applying.

Works at no cost to Council

7. All roadworks, drainage works and dedications, required to effect the consented development shall be undertaken at no cost to Liverpool City Council.

Erection of signs

8. This section applies to a development consent for development involving building work, subdivision work or demolition work.
9. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - a) showing the name, address and telephone number of the principal certifier for the work, and
 - b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

10. The sign must be—
 - a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - b) removed when the work has been completed.
11. This section does not apply in relation to—
 - a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

B. PRIOR TO WORKS COMMENCING

The following conditions are to be complied with or addressed prior to works commencing on the subject site/s:

Demolition Works

Demolition works shall be carried out in accordance with the following:

12. Prior to the commencement of any works on the land, a detailed demolition work plan designed in accordance with the Australian Standard AS 2601-2001 – The Demolition of Structures, prepared by a suitably qualified person with suitable expertise or experience, shall be submitted to and approved by Council and shall include the identification of any hazardous materials, method of demolition, precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
13. Prior to commencement of any works on the land, the demolition Contractor(s) licence details must be provided to Council.
The handling or removal of any asbestos product from the building/site must be carried out by a SafeWork NSW licensed contractor irrespective of the size or nature of the works. Under no circumstances shall any asbestos on site be handled or removed by a non-licensed person. The licensed contractor shall carry out all works in accordance with SafeWork NSW requirements.

Disconnection of services before demolition work

14. Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.

Site Facilities

15. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Erosion and sediment controls in place

16. Before any site work commences, the principal certifier or Council (where a principal certifier is not required), must be satisfied the erosion and sediment controls in the

erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).

Prescribed Condition

17. In accordance with section 4.16(11) of the *Environmental Planning & Assessment Act 1979* and clause 69 of the *Environmental Planning & Assessment Regulation 2021*, it is a prescribed condition that all building work must be carried out in accordance with the applicable Performance Requirements of the National Construction Code. Compliance with the Performance Requirements can only be achieved by:
 - a) Complying with the Deemed to Satisfy Provisions; or
 - b) Formulating an Alternative Solution, which complies with the Performance Requirements or is shown to be at least equivalent to the Deemed to Satisfy Provision, or a combination of (a) and (b).

Notification

18. The certifying authority must advise Council, in writing of:
 - a) The name and contractor licence number of the licensee who has contracted to do or intends to do the work, or
 - b) The name and permit of the owner-builder who intends to do the work.

If these arrangements are changed, or if a contract is entered into for the work to be done by a different licensee, Council must be immediately informed.

Products banned under the Building Products (Safety) Act 2017

19. No building products that are banned, or products that are subject to a ban if used in a particular way under the *Building Products (Safety) Act 2017* are to be used in the construction of the development.

“DIAL BEFORE YOU DIG”

20. Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Environmental Management

21. Adequate soil and sediment control measures shall be installed and maintained. Furthermore, suitable site practices shall be adopted to ensure that only clean and unpolluted waters are permitted to enter Council's stormwater drainage system during construction/demolition. Measures must include, as a minimum:
- a) Siltation fencing;
 - b) Protection of the public stormwater system; and
 - c) Site entry construction to prevent vehicles that enter and leave the site from tracking loose material onto the adjoining public place.

Hazardous Materials

22. In accordance with the recommendations made in the Asbestos Risk Assessment, prior to demolition/refurbishment works, a destructive hazardous materials survey of the premises is to be undertaken as per the requirements of AS 2601: 2001 The Demolition of Structures, Part 1.6.1 and Demolition Work Code of Practice (Safe Work Australia, Feb 2016).

C. DURING WORKS

The following conditions are to be complied with or addressed during works:

Construction Requirements

23. The applicant/builder shall be responsible to report to the Council any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site. The damage shall be reported to Council as soon as the damage becomes apparent to the builder/ site manager. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to the public way until permanent restoration and repair can be organised with Council.

Hours of Work

24. Site work must only be carried out between the following times –
25. For work/civil work/demolition work, including delivery of materials is only permitted on the site from 7:00am to 6:00pm on Monday to Friday
26. For work/civil work/demolition work, including delivery of materials is only permitted on the site from 8:00am to 1:00pm on Saturday
27. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.

General Site Works – Sediment

28. The development, including construction, shall not result in any increase in sediment deposition into any water body, wetland, bushland or environmentally significant land.

Refuse Disposal

29. Adequate refuse disposal methods and builders storage facilities shall be installed on the site. Builders' wastes, materials or sheds are not to be placed on any property other than that which this approval relates to.

Security Fence

30. A temporary security fence to WorkCover Authority requirements is to be provided to the property during the course of construction.

Note. Fencing is not to be located on Council's reserve area.

Notification of Damage

31. The applicant/ builder shall be responsible to report to the Council of any damage to Council's footpath and road carriageway as a consequence of demolition or excavation or building activities or delivery/ departure of materials associated with this site and maintained the area until completion of the construction activities. Arrangements to the satisfaction of Council are to be made for making safe by temporary repairs to Council's footpath and road carriageway until permanent restoration and repair can be organised with Council at the applicant's cost.

Demolition Inspections

The following inspections are required to be undertaken by Council in relation to approved demolition works:

- a. immediately prior to the commencement of the demolition work, or handling of any building or structure that contains asbestos. The applicant shall also notify the occupants of the adjoining premises and Workcover NSW prior to the commencement of any works, Please note that demolition works are not permitted to commence on site until such time as a satisfactory inspection result is obtained from Council, and
- b. immediately following completion of the demolition. Please note that proof of appropriate disposal of demolition materials (including asbestos) may be required at this time in accordance with the approved Waste Management Plan.
- c. To book an inspection with Council, please call 1300 362 170.

Removal of dangerous and/or hazardous waste

32. All dangerous and/or hazardous material must be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material must be carried out in accordance with the requirements of SafeWork NSW and the material must be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

Removal of Dangerous and/or Hazardous Waste

33. All dangerous and/or hazardous material shall be removed by a suitably qualified and experienced contractor licensed by SafeWork NSW. The removal of such material shall be carried out in accordance with the requirements of SafeWork NSW and the material shall be transported and disposed of in accordance with NSW Environment Protection Authority requirements.

Waste Management

34. While site work is being carried out:
- a) all waste management must be undertaken in accordance with the waste management plan, and
 - b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifier, detailing the following:
 - i) The contact details of the person(s) who removed the waste
 - ii) The waste carrier vehicle registration
 - iii) The date and time of waste collection
 - iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill
 - v) The address of the disposal location(s) where the waste was taken
 - vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

Discovery of relics and Aboriginal objects

While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:

35. the work in the area of the discovery must cease immediately;
36. the following must be notified
- a. for a relic – the Heritage Council; or
 - b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.
37. Site work may recommence at a time confirmed in writing by:
- a. for a relic – the Heritage Council; or
 - b. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.

Vegetation - Tree Removal

38. No trees are to be removed without the prior approval of Council.

Vegetation - Existing Vegetation

39. All existing trees and areas of native vegetation not identified for removal on approved plans of the proposed development shall be protected from damage during site works. This protection shall consist of 1800mm high protective fencing, securely installed beneath the outer canopy of any tree to be retained. Trees may be fenced off in clusters where it is not practical to fence off individual trees. There shall be no storing materials, washing machinery or changes to existing soil levels within the fenced areas.

Contamination

40. The development, including all civil works and demolition, must comply with the requirements of the *Contaminated Land Management Act 1997*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, and *Managing Land Contamination – Planning Guidelines (Planning NSW/EPA 1998)*.

Unidentified Contamination

41. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately after discovery.

A Section 4.55 Application under the EP&A Act shall be made for any proposed works outside the scope of the approved development consent.

Air Quality

42. During construction where operations involve excavation, filling or grading of land, or removal of vegetation, including ground cover, the consent holder is to ensure dust is suppressed by regular watering until such time as the soil is stabilised to prevent airborne dust transport. Where wind velocity exceeds five knots the Principal Certifier may direct that work is not to proceed.

Erosion Control Stabilisation

43. All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for a period of greater than 14 days.

Implementation of the site management plans

44. While site work is being carried out:
- a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and
 - b) a copy of these plans must be kept on site at all times and made available to council officers upon request.

Erosion Control Maintenance

45. Sediment and erosion control measures are to be adequately maintained during the works until the establishment of grass.

Erosion Control

46. Vehicular access to the site shall be controlled through the installation of wash down bays or shaker ramps to prevent tracking of sediment or dirt onto adjoining roadways. Where any sediment is deposited on adjoining roadways is shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.

Aboriginal Heritage

47. As required by the *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977*, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the Heritage Division of the Office of Environment and Heritage (OEH) must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Division of the OEH.

Note: The *National Parks and Wildlife Service Act 1974* and the *Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

48. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

Protection of Adjoining Sites

49. In the event that proposed works damages any adjoining land or building on adjoining land, any rectification works are the responsibility of the developer.

Waste Management

50. The Waste Management Plan submitted to and approved by Council and as amended by conditions of consent, must be adhered to at all times throughout all stages of the development. Supporting documentation (receipts/dockets) of waste/recycling/disposal methods carried out, is to be kept and must be produced upon the request of Council or any other authorised officer.

Note: Any non-compliance with this requirement will result in penalties being issued.

51. All solid and liquid waste is to be removed from the site by a registered waste contractor.

52. All waste materials generated as a result of the development are to be disposed at a facility licensed to receive such waste.
53. All solid waste stored on site is to be covered at all times.
54. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's site bins and/or skips. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.
55. All lightweight or granular demolition, excavation or construction waste, e.g. wrapping, packaging materials, bags, insulation, sand, soil etc., must be kept fully enclosed at all times to prevent it from becoming displaced by the wind in strong wind conditions or from washing into sewers, storm drains or creeks, or onto adjacent properties or public land during wet weather.

Water Quality

56. During construction the consent holder is to ensure all topsoil, sand, aggregate, spoil or any other material that can be moved by water is stored clear of any drainage line, easement, water body, stormwater drain, footpath, kerb or road surface.

Pollution Control - Truck Movements

57. The loading and unloading of all vehicles associated with the development must be undertaken within the property boundary of the premises subject to this consent.
58. Measures must be implemented to prevent tracking of sediment by vehicles onto roads.
59. Vehicle loads must be covered when entering and exiting the site with material.

Pollution Control Site Operations

60. During construction, building operations including but not limited to brick cutting, mixing mortar and the washing of tools, paint brushes, form-work, concrete trucks and the like must not be performed on the public footway or any other locations which may lead to the discharge of materials into Council's stormwater drainage system.

Construction Noise and Vibration

61. Noise and vibration associated with excavation, demolition and construction activities shall comply with the management levels detailed within the 'Interim Construction Noise Guideline' published by the Department of Environment and Climate Change NSW (DECC 2009/265) dated July 2009 and acceptable vibration values prescribed within the Environmental Noise Management Assessing Vibration: A Technical Guideline (Department of Environment and Conservation, 2006).

All feasible and reasonable noise and vibration mitigation measures shall be implemented and any activities which may exceed the construction noise management levels and vibration criteria shall be identified and managed accordingly.

Skeletal Remains

62. In the event that skeletal remains are uncovered, work must cease immediately in that area and the area secured. NSW Police must be contacted and no further action taken

until written advice has been provided by the NSW Police. If the remains are determined to be of Aboriginal origin, the Office of Environment and Heritage must be notified by ringing the Enviroline 131 555 and a management plan prior to works re-commencing must be developed in consultation with relevant Aboriginal stakeholders.

Correct waste separation and removal

63. All demolition, excavation and construction wastes must be separated as they are generated and kept in separate spoil piles, bays, builder's skips and/or site bins. No wastes other than those noted on the approved waste management plan as being re-used on site, are to be left on site after the completion of the works.

D. ADVISORY

- (a) Section 4.53 of the EP&A Act provides that unless otherwise stated by a condition of this consent, this consent will lapse if development is not physically commenced within five years of the date of this notice.
- (b) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- (c) Section 8.7 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.
- (d) Section 8.8 of the EP&A Act provides that an objector who is dissatisfied with the determination of the consent authority to grant consent to a Development Application for Designated Development (including any State significant development that would be designated development but for Section 4.10(2) of the EP&A Act), may, within 28 days after the date on which the application is taken to have been determined, appeal to the Land and Environment Court, against the determination.
- (e) The Commonwealth Disability Discrimination Act 1992 may apply to this proposal. Approval of this application does not imply or infer compliance with this Act. Applicants and owners are required to satisfy themselves as to compliance and make their own enquiries to the Human Rights and Equal Opportunity Commission. Attention is also drawn to the provisions of Australian Standard 1428 – Design for Access and Mobility.
- (f) The requirements of all authorities including the Environmental Protection Authority and the Work Cover Authority shall be met in regard to the operation of the building.
- (g) "DIAL BEFORE YOU DIG"

Underground assets may exist in the area that is subject to your application. In the interest of health and safety and in order to protect damage to third party assets please contact Dial before you dig at www.1100.com.au or telephone 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contact the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

(h) TELECOMMUNICATIONS ACT 1997 (COMMONWEALTH)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

- (i) The Liverpool City Council Local Government area soils and ground water may be subject to varying levels of Salinity. Whilst Council may require applicants to obtain Salinity reports relating to some developments, no assessment has been made by Council. Soil and ground water salinity levels can change over time due to varying factors. It is recommended that all applicants make their own independent inquiries as to appropriate protection against the current and future potential affect of Salinity to ensure the ongoing structural integrity of any work undertaken. Liverpool City Council will not accept any liability for damage occurring to any construction of any type affected by soil and or ground water Salinity.
- (j) Care shall be taken by the applicant and the applicant's agents to prevent any damage to adjoining properties. The applicant or applicant's agents may be liable to pay compensation to any adjoining owner if, due to construction works, damage is caused to such an adjoining property.
- (k) Letter boxes must be provided in accordance with the requirements of Australia Post. In this regard, the developer is required to obtain approval from Australia Post for letter box positioning and dimensions.
- (l) The cost of any necessary adjustments to utility mains and services shall be borne by the applicant.

Item Number:	2
Application Number:	DA-13/2024
Proposed Development:	Proposed two-lot Torrens Title subdivision with the construction of two attached Dual Occupancies and home-based childcare.
Property Address	76 Pleasure Point Road, Pleasure Point
Legal Description:	Lot 74 DP1134477
Applicant:	Linea Verde Design Pty Ltd
Land Owner:	A S Investment Company Pty Ltd
Cost of Works:	\$2,200,000.00
Recommendation:	Refusal
Assessing Officer:	Emily Lawson

1. EXECUTIVE SUMMARY

Council has received a Development Application (DA-13/2024) seeking consent for proposed two lot Torrens title subdivision with the construction of two (2) attached Dual Occupancies and home-based childcare at Lot 74 DP 1134477, also known as 76 Pleasure Point Road, Pleasure Point.

The site is zoned R5 Rural and C2 Conservation Zone pursuant to Liverpool Local Environmental Plan 2008 (LEP). The key issues associated with the proposal relate to noncompliance under the LEP in particular to Clause 4.1 Minimum Lot Size. The proposal seeks to vary the minimum lot size:

Lot B

The proposed lot will contain two zones, in which two minimum lot sizes apply to proposed Lot B. In this regard, the C2 portion of the proposed lot exhibits a lot size of approximately 820sqm which does not comply with the required 1ha (10,000sqm) pursuant to Clause 4.1 of the LEP. This noncompliance equates to 91.8% variation.

The variation sought and the number of unresolved inconsistencies with relevant environmental planning instruments (EPI's) including the amount of noncompliance with the Liverpool Development Control Plan 2008 (LDCP), raise significant and fundamental concerns for the proposed development and whether it could be supported.

The applicant has not provided any suitable justification for such variations, furthermore, pursuant to Clause 4.6 (6) of the LEP strictly prohibits the subdivision of land within the R5 and C2 land which exhibits a lot size of less than 90% of the prescribed minimum. In this case, proposed Lot B, in particular the C2 portion of land, exhibits a lot size which is only 8.2% of the minimum. This is substantially less than the required 90% prescribed within

subclause 6 of Cl 4.6. In this regard, Council is unable to support this development application.

Clause 4.6 (6) of the LEP specifies the following:

- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—*
 - (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

The development application was notified for a period of 14 days from 01 February to 16 February 2024 in accordance with Liverpool Community Participation Plan 2022. No submissions were received during the public consultation period.

The application is referred to the Liverpool Local Planning Panel (LLPP) in accordance with the Local Planning Panels Direction – Development Applications and Applications to Modify Development Consent, endorsed by the Minister for Planning and Public Spaces on 30 June 2020, as the development falls in the category of:

Departure from Development Standards

Development that contravenes a development standard imposed by an Environmental Planning Instrument (EPI) by more than 10% or non-numerical development standards.

The application has been assessed pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Based on the assessment of the application, it is recommended the application be **refused**.

2. SITE DESCRIPTION AND LOCALITY

2.1. The site

The site is identified as Lot 74 in DP 1134478 and is located at 76 Pleasure Point Road, Pleasure Point. The site is almost rectangular in shape, with an area of 17,850sqm and a frontage to Pleasure Point Road of 20 meters.

The subject lot, as well as its adjoining lots, were created through the approved subdivision (DA-1914/2005) of Lot 7 DP 239468 to create four residential lots.

Currently the subject site is vacant with significant vegetation in the environmental conservation zone, there is extensive dumping on the site which has been raised through Council's Compliance team. The land to the east of the site is densely vegetated and the land to the west has been developed for residential purposes.

2.2. The locality

The area is predominantly characterised by low-density residential development and is zoned R5 Large Lot Residential, C2 Environmental Conservation, R2 Low Density Residential, and SP2 Defence.

The adjoining properties to the development site are detailed in the following table.

East (front)	Typology of low-density development (Lot 73 DP1134477)
West (rear)	Defence with significant vegetation (Lot 7 DP825745)
South (side)	Vegetation adjacent to a classified road, Heathcote Road (Lot 7 DP825745)
North (side)	Low density residential and vegetation (Lot 78 DP1134478)



Figure 1: Locality Surrounding the Proposed Development (Source: Geocortex)



Figure 2: Aerial view of the site (Source: Geocortex)

3. BACKGROUND/HISTORY

The following provides an overview of the development history of the site:

- DA-1471/2012 - Proposed Community Title Subdivision and erection of six (6) dwelling – Withdrawn
- Pre-DA PL-23/2023 for proposed Subdivision into four (4) Lots
- DA-724/2016 – Proposed Three (3) lot subdivision. Refused and Appeal dismissed
- DA-438/2019 – Proposed retrospective approval of unauthorised garage – Withdrawn
- DA-336/2023 - Proposed subdivision into six (6) lots. Rejected
- DA-13/2024 - Proposed subdivision and construction of dual occupancies and home-based childcare.

3.1. History of Development Application

- The application was lodged on 9 January 2024
- The application was notified on 1 February to 16 February 2024
- The application was referred to internal departments and externally to Sydney Water and RFS.
- An RFI was issued to the applicant on 22 February in regard to outstanding information, in particular:
 - Planning
 - Environmental Health
 - Biodiversity
 - Traffic
 - Engineering
 - Cost of Works
- A meeting was held with the applicant and Council's internal officers on 28 February.

- An extension was granted to the applicant to provide the requested information to 22 March with a final extension granted to 29 March.
- Additional Information was provided on 3 April.
- RFS and Sydney Water requested further information, this was provided to the applicant on the 11 March 2024. No response in the add information was provided by the applicant in relation to the request from RFS/Sydney Water.
- The information was re-referred to Councils internal officers with comments finalised by the end of April.
- The application was deferred by Councils internal officers noting, information provided had not addressed the previously requested.
- The applicant provided further information on 6 June in the forms of a PSI report.
- This was referred to Council's EHO team, in which the application was deferred again.
- Council finalised assessment and placed a recommendation for the application to be refused, in which, the application will proceed to the Liverpool Local Planning Panel for determination in September 2024.
- The applicant submitted additional information pertaining to Bushfire on 28 August 2024, which Council rejected pursuant to Clause 38 of the *Environmental Planning and Assessment Regulations 2021* (EP&A Regulations)
- The applicant further submitted information on 2 September 2024 which was further rejected by Council pursuant to Clause 38 of the EP& A Regulation 2021.

4. DETAILS OF THE PROPOSAL

The proposed development consists of the following:

- Torrens Title Subdivision of One (1) Lot into Two (2).
- Creation of Lot A exhibiting a site area of 15,219.50sqm and is proposed to consist of the following:
 - Construction of an attached dual occupancy with attached home-based childcare
 - Dual occupancy to include:
 - Building A
 - Four Bedrooms located on the First Floor
 - Two bathrooms
 - Double garage
 - Kitchen and Walk-in Pantry
 - Living and Dining
 - Alfresco Area
 - Laundry
 - Lounge Room
 - Balcony at the front of the Master Bedroom
 - Building B
 - Ground Floor bedroom with ensuite
 - Four Bedrooms located on the First Floor
 - Double garage

- Kitchen
 - Living and Dining
 - Alfresco Area
 - Balcony at the front of the Master Bedroom
 - Balcony off the rear bedroom
 - Two bathrooms
- Home-based childcare to be constructed within a separate structure attached to Building A.
 - Ground Floor area of 119sqm
 - First Floor area of 97.5sqm
 - Total GFA = 216.5sqm
 - Three (3) bathrooms
 - Food preparation area on the ground floor
 - First floor with:
 - Two offices,
 - Staff room,
 - Kitchen,
 - bathroom and laundry.
- Hardstand area to be utilised for parking area for homebased childcare.
- Creation of Lot B exhibiting a site area of 2,630.50sqm consisting of the following:
 - Construction of an attached dual occupancy:
 - Building A
 - Four Bedrooms located on First Floor with a proposed void
 - Double car garage
 - Kitchen
 - Living and Dining
 - Laundry
 - Lounge
 - One bathroom and one ensuite on the first floor
 - Alfresco Area
 - Balcony at the front of the Master Bedroom
 - Building B
 - Four Bedrooms located on First Floor with a proposed void
 - Double car garage
 - Laundry
 - Kitchen
 - Living and Dining
 - Lounge
 - One bathroom and one ensuite on the first floor
 - Alfresco Area
 - Balcony at the front of the Master Bedroom

- The proposal also includes the relocation of Right of Carriage Way over the site from NSW Rural Fire Service, whilst also providing an additional right of carriage way for Lot B over Lot A to access the dual occupancies.

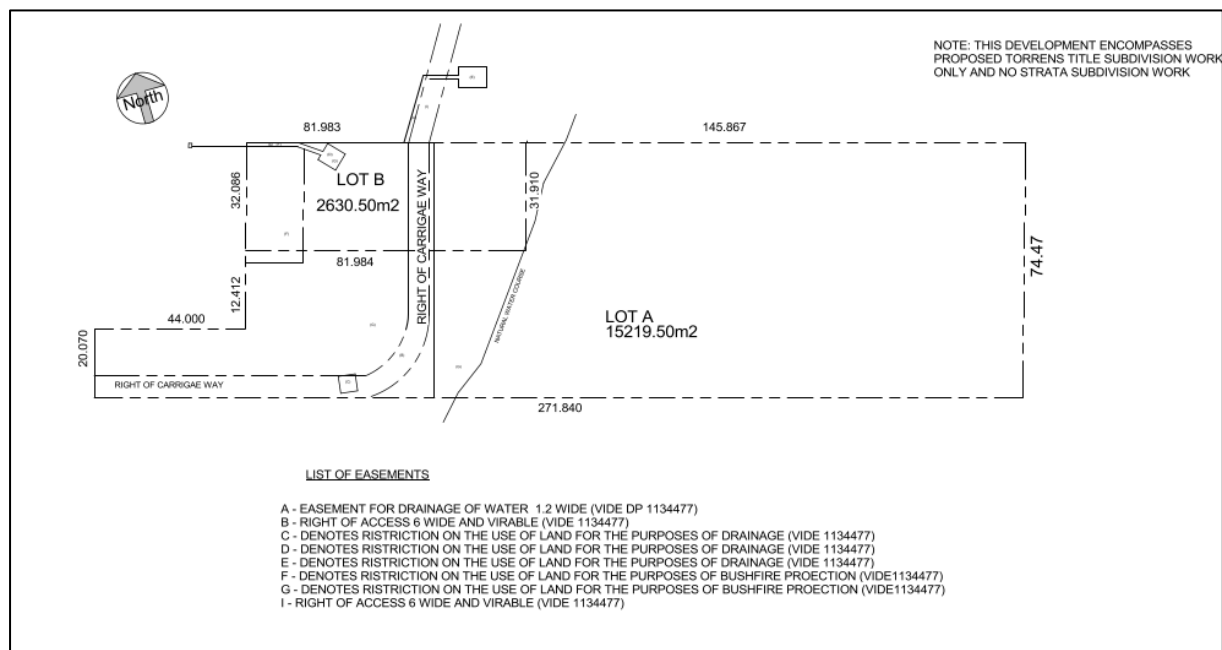


Figure 3: Proposed Subdivision Plan



Figure 4: Elevation Plan of Lot A

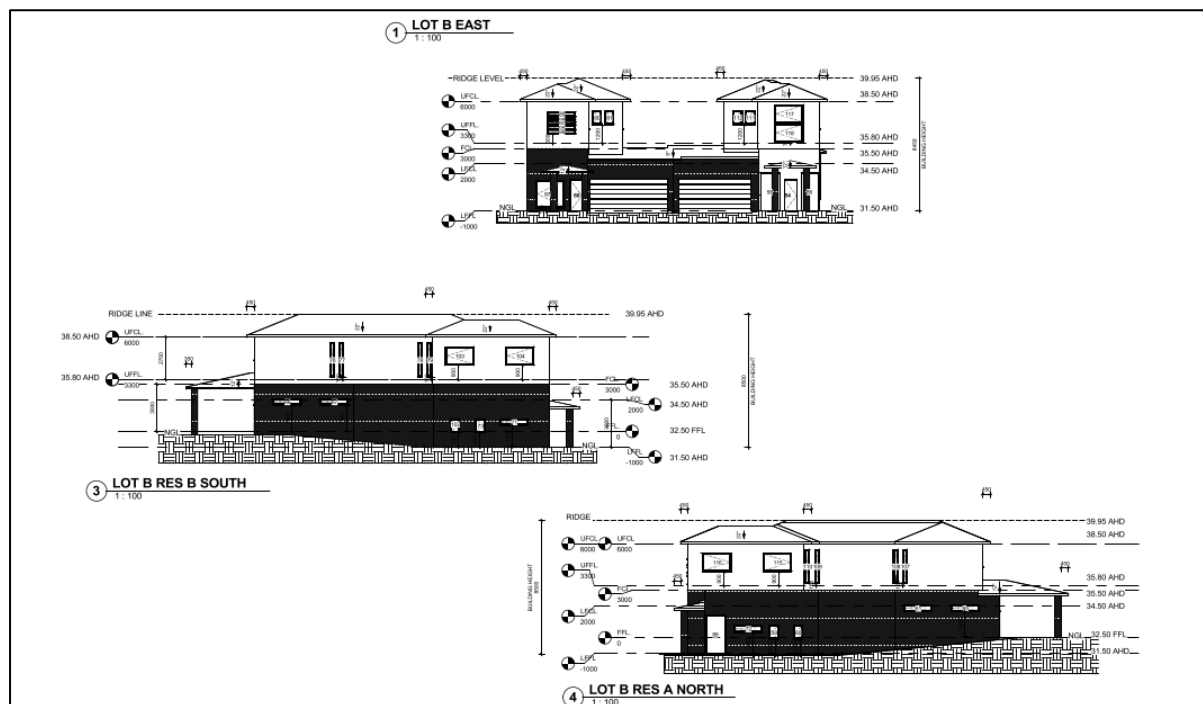


Figure 5: Elevation Plan of Lot B.

5. STATUTORY CONSIDERATIONS

5.1. Relevant matters for consideration

The relevant Environmental Planning Instruments (EPI's) applicable to the proposed development are as follows:

- *Rural Fires Act 1997*
- *Biodiversity Conservation Act 2016*
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- Liverpool Local Environmental Plan (LLEP) 2008.
- Liverpool Development Control Plan (LDCP) 2008.
 - Part 1: General Controls for All Development.
 - Part 2.13 Land subdivision in Pleasure Point and
 - Part 3.1 Dwellings in the R5 Zone

6. ASSESSMENT

The development application has been assessed in accordance with the relevant matters of consideration prescribed by Section 4.15 Evaluation of the EP&A 1979 and the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation), as follows:

6.1. Section 4.15(1)(a)(i) – Any Environmental Planning Instrument**(a) Rural Fires Act 1997**

The Rural Fires Act 1997 (RF Act) sets out requirements to ensure bushfire prone land has been considered and appropriate management and evacuation procedures are put in place. The site is affected by Bush Fire Hazard Category 1 and Vegetation Buffer and is thus subject to the provisions of Planning for Bush Fire Protection 2019 (PBP).

The application was referred to the NSW Rural Fire Service for concurrence pursuant to 100B of the RF Act. This has not been received due to insufficient information from the Applicant. The Applicant was provided the Request for Information from NSW RFS on 22 March 2024, in which the applicant did not provide a response with their submitted information on the 3 April, 8 May, and 6 June. The applicant submitted a Bushfire Report on 28 August 2024 in which was rejected pursuant to Clause 38 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) noting it was submitted outside the prescribed timeframe.

Furthermore, the applicant is proposing to relocate the current restriction on title burdening the site and benefiting RFS for the existing Fire Trail, which has not been adequately addressed by the applicant.

(b) Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) sets out requirements to maintain a healthy, productive, and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The application was referred to Councils Biodiversity Officer which required the applicant to submit a Flora and Fauna Assessment that considered the Act, specifically Part 6 - Biodiversity Offsets Scheme and, if a Biodiversity Development Assessment Report (BDAR) under Part 7 Biodiversity Assessment and approvals under Planning Act would be required.

The submitted report has not addressed the appropriate legislation including whether a BDAR was required and addressed the provision of the BC Act appropriately. It is therefore concluded the proposal is inconsistent with the provision of the BC Act.

(c) State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to Clause 7 of SEPP (Resilience and Hazards) 2021, a consent authority is unable to grant development consent unless it has considered whether the land is contaminated and, if so, whether the consent authority is satisfied the land is suitable in its contaminated state, or can be remediated to be made suitable for the purposes for which the development is proposed to be carried out.

Given the site has a history of illegal dumping occurring, Council must consider this and the likelihood of any contamination on-site and the possible impacts which may arise from any works associated with this proposal.

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

- *to provide for a statewide planning approach to the remediation of contaminated land.*
- *to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.*

Clause 7 - Contamination and remediation to be considered in determining development application	Comment
(1) A consent authority must not consent to the carrying out of any development on land unless:	
(a) it has considered whether the land is contaminated, and	It is likely the land is contaminated as existing and previous site history contains extensive illegal dumping cross the site.
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	The land is not suitable for the proposed works because the site is likely contaminated, based on Council records and the illegal dumping currently occurring on site.
(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.	Insufficient information has been submitted in terms of the PSI report prepared by Tristan Bonython and reviewed by Steven Wallace for Sydney Environmental Group Pty Ltd dated 29th April 2024. The report has not specified whether the illegal construction of the road has been illegally cleared and made. It is highly recommended a Detailed Site Investigation (DSI) be prepared on the site to confirm whether the site requires remediation or not given the site history of illegal dumping.

The applicant submitted a Preliminary Site Investigation (PSI) and Councils Environmental Health team reviewed the report and recommended a (DSI) Report is required given the significant history of onsite dumping and potential contamination to rule out the requirements for a Remediation Action Plan (RAP).

Since the submission of the PSI, it has been identified that there has been additional dumping occurring on the site, which may negate the findings under the PSI.

Based on the above assessment, the proposal is considered to not satisfy the relevant objectives and provisions of SEPP Resilience and Hazards, therefore, it is considered the subject site is not suitable for the proposed development.

(d) State Environmental Planning Policy (Sustainable Buildings) 2022

In accordance with Chapter 2, Standards for Residential Development - BASIX all new residential dwellings and those seeking alterations and additions as identified under this policy require a BASIX certificate that measures the Building Sustainability Index to ensure dwellings are designed to use less potable water and are responsible for fewer greenhouse gas emissions by setting energy and water reduction targets for houses and units.

A BASIX Certificate has been submitted for the proposed development. The proposal is considered to be satisfactory with regard to water and energy efficiency and thermal comfort.

(e) State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity SEPP aims to consider the impacts of development on existing biodiversity values and water tributaries in terms of ensuring the impacts of future land uses and development, in general, are considered in a regional context.

Chapter 2 Vegetation in non-rural areas applies to the site noting the site contains environmentally sensitive land within the C2 Environmental Conservation Zone. The applicant submitted a Flora and Fauna Assessment which has been found to be deficient in addressing the key area of Chapter 2 in relation to the proposal removal of trees on the southern border to make way for the relocated right of carriageway, whilst also protecting the existing vegetation located within the C2 portion of land.

Chapter 2	
Part 2.2 Clearing of Vegetation in non-rural areas	
Provisions	Comment
2.6 Clearing that requires permit or approval (1) A person must not clear vegetation in a non-rural area of the State to which Part 2.3 applies without the authority conferred by a permit granted by the council under that Part. (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. (3) Subsection (2) does not apply to clearing on biodiversity certified land under the Biodiversity Conservation Act 2016, Part 8. (4) Clearing of vegetation is not authorised under this section unless the conditions to which the authorisation is subject are complied with. (5) 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. (6) 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 <i>carried out in accordance with the permit or approval</i>.	The proposed development has not assessed the provision of Clause 2.6 appropriately within their Flora and Fauna report. The applicant has failed to consider the relocation of the fire trail and whether any proposed tree removal will occur within the conservation zone.
Part 2.3 Council permits for clearing of vegetation in non-rural areas	
Clause 2.10 Council may issue permit for clearing of vegetation (1) A council may issue a permit to a landholder to clear vegetation to which this Part applies in any non-rural area of the State. (2) A permit cannot be granted to clear native vegetation in any non-rural area of the State that exceeds the biodiversity offsets scheme threshold. (3) A permit under this Part cannot allow the clearing of vegetation—	The applicant was requested to amend and provide an updated Flora and Fauna Assessment which assessed the application with the relevant provision of the Biodiversity SEPP and the Biodiversity offset scheme thresholds. Council's Biodiversity Officer has reviewed this report and noted this has not occurred. Therefore, the Council cannot support the application in relation to the potential of clearing vegetation without the appropriate information.

(a) that is or forms part of a heritage item or that is within a heritage conservation area, or (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance, unless the council is satisfied that the proposed activity— (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area. (4) A permit may be granted under this Part subject to any conditions specified in the permit.	
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Chapter 4 Koala Habitat Protection 2021 applies to the site, as it is identified as containing Koala Feed Trees. The applicant was requested to prepare and submitted a Koala Assessment Report which has not been submitted to Council for Assessment.

Chapter 4	
Part 4.2 Development control of Koala Habitats	
Provisions	Comment
4.8 Development assessment process – approved koala plan of management for land	
(1) This section applies to land to which this Chapter applies and to which an approved koala plan of management applies. (2) The council's determination of the development application must be consistent with the approved koala plan of management that applies to the land.	The applicant has not submitted an assessment against the provisions of Chapter 4 as requested by Council's Biodiversity Officer noting the site is identified as containing Koala Feed Trees. Noting this, the council cannot support the application until an assessment has been conducted by a suitable qualified ecologist.
4.9 Development assessment process – no approved koala plan of management	
(1) This section applies to land to which this Chapter applies if the land— (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. (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. (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. (4) If the council is satisfied that the development is	The applicant has not provided an assessment of the land in terms of Koala Management. The site is identified as containing Koala Feed Trees and therefore requires an appropriate assessment to be undertaken as requested by Councils Biodiversity Officer, which has not been done by the applicant. The applicant has not satisfactorily assessed the impact on the trees and potential habitat and therefore consent cannot be granted. A Koala Assessment Report has not been

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. (5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council— (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application— (i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or (ii) is not core koala habitat, or (b) information the council is satisfied demonstrates that the land subject of the development application— (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or (ii) includes only horticultural or agricultural plantations. (6) In this section— 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.	prepared as requested, and therefore it cannot be satisfied that the proposed development would not have any impact on the habitat to the rear of the site. No information or assessment has been provided by a suitably qualified or experienced person. Noted.
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The subject land is located within the Georges River Catchment and as such Chapter 6 applies within the Biodiversity SEPP.

The relevant parts of the SEPP are:

Chapter 6	
Part 6.1 Preliminary	
Provisions	Comment
6.1 Land to which this chapter applies	
This Chapter applies to land in the following catchments— (d) the Hawkesbury-Nepean Catchment	The subject site is identified as being within the Georges River Catchment.
Part 6.2 Development in regulated catchments	
6.6 Water quality and quantity (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway, (b) whether the development will have an adverse impact on water flow in a natural waterbody,	Water flow and run-off will be appropriately managed and that impact on water quality and quantity will be appropriately minimised.

(c) whether the development will increase the amount of stormwater run-off from a site, (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse, (e) the impact of the development on the level and quality of the water table, (f) the cumulative environmental impact of the development on the regulated catchment, (g) whether the development makes adequate provision to protect the quality and quantity of ground water.	
6.7 Aquatic ecology (1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation, (b) whether the development involves the clearing of riparian vegetation and, if so, whether the development will require— a controlled activity approval under the <i>Water Management Act 2000</i>, or (ii) a permit under the <i>Fisheries Management Act 1994</i>, (c) whether the development will minimise or avoid— (i) the erosion of land abutting a natural waterbody, or (ii) the sedimentation of a natural waterbody, (d) whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area, (e) whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology, (f) if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.	Subject to conditions of consent the impact on terrestrial, aquatic, or migratory animals or vegetation will be minimised. N/A Erosion and Sediment Controls have been considered and are suitably addressed by the applicant. Development is not identified as being in proximity to wetlands or littoral rainforest areas. Impacts on the Georges River Catchment have been considered suitable given the locality of the development. The impact on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and the impacts on water quality will be minimised.
6.8 Flooding (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. (2) Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not— (a) if there is a flood, result in a release of pollutants	The subject property is not flood affected.

that may have an adverse impact on the water quality of a natural waterbody, or (b) have an adverse impact on the natural recession of floodwaters into wetlands and other riverine ecosystems.	
6.9 Recreation and public access	The development is not considered to impact public access to recreational land. Noted the site is not adjacent to recreation land or foreshores.
6.10 Total catchment management	The development is not anticipated to impact on total catchment management.

The submitted information has been assessed and has demonstrated the proposed development would achieve the stormwater and water quality design requirements of Liverpool City Council in respect to Chapter 6. The development has been reviewed by Council's Land Development Engineering section which is supportive of the application subject to conditions.

It is considered the proposal can satisfy the provisions of Chapter 6 of the Biodiversity SEPP and the consent authority can be satisfied the proposed development demonstrates potential impacts on the water quality and quantity and aquatic ecology is reasonable as expressed within the provisions.

It is noted, that the proposal lacks information in relation to the provisions under Chapter 2 and Chapter 4 of the Biodiversity SEPP. In this regard, Council cannot support the application due to the lack of information and assessment provided by the applicant.

(f) Liverpool Local Environmental Plan 2008

(i) Zoning

The subject site is zoned R5 Large Lot Residential and C2 Environmental Conservation pursuant to the LEP 2008. An extract of the zoning map is provided in Figure 6 below.

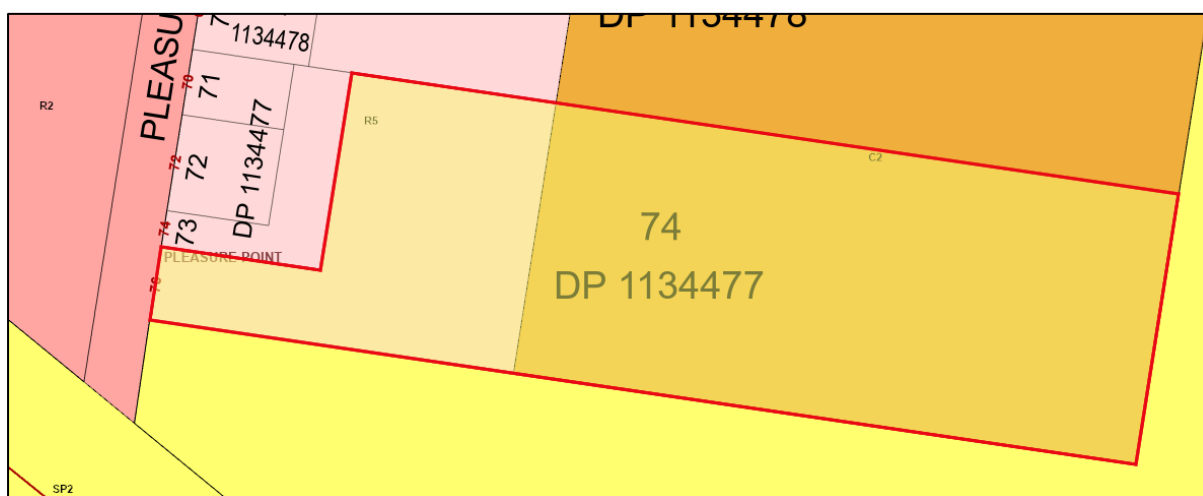


Figure 6: Zoning Map (source: Geocortex)

The R5 Zone occupies approximately 5,109.67sqm of the site, with the remaining 12,741sqm being occupied by the C2 Zone.

(ii) Permissibility

The proposed development is defined by applicant as the following:

Dual Occupancy

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other but does not include a secondary dwelling.

Note—

Dual occupancies (attached) are a type of dual occupancy—see the definition of that term in this Dictionary

Home based Childcare

*means a **family day care residence** (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) at which the education and care service is provided at any one time to no more than 7 children (including any child of the person providing the service) all of whom are under the age of 13 years and no more than 4 of whom are children who do not ordinarily attend school.*

Family day care residence is defined under the *Children (Education and Care Services) National Law (NSW)* as:

family day care residence means a residence at which a family day care educator educates and cares for children as part of a family day care service;

A **Residence** is defined under the *Children (Education and Care Services) National Law (NSW)* as:

residence means the habitable areas of a dwelling

Whilst the applicant has identified the *home-based childcare* is permitted within the R5 Zone, it should be noted the proposal includes a separate built form for the *homebased childcare* which exhibits a total gross floor area of 216sqm and a separate hardstand area to accommodate for five (5) carparking spaces. The function of the homebased childcare proposed on site is to be integrated within habitable area of the dwelling house and operate as an ancillary use to the dwelling. It does not contemplate a separate built form or use on the same land as the dwelling. The proposed built form is not considered to operate or be located within a habitable area of a dwelling house; therefore, the proposal does not meet the definition of a home-based childcare facility.

In this regard, the proposal is not consistent with the definition of a *centre based childcare facility* which is defined as:

centre-based childcare facility means—

(a) a building or place used for the education and care of children that provides any one or more of the following—

(i) long day care,

- (ii) occasional childcare,
- (iii) out-of-school-hours care (including vacation care),
- (iv) preschool care, or
- (b) an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),

Note—

An approved family day care venue is a place, other than a residence, where an approved family day care service (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)) is provided.

but does not include—

- (c) a building or place used for home-based childcare or school-based childcare, or
- (d) an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or
- (e) a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
- (f) a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or
- (g) a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or
- (h) a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.

It is therefore deduced, there is a mischaracterisation of the proposal in terms of a Centre based childcare centre on site, in which it is prohibited development within the R5 and C2 Zone pursuant to the Liverpool LEP.

(iii) Objectives of the zone

The objectives of the **R5 Large Lot Residential** zone are as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, 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 ensure that a high level of residential amenity is achieved and maintained.*
- *To provide for complementary uses that are of low impact and do not unreasonably increase the demand for public services or public facilities.*

The proposal is considered to be inconsistent with the objectives of the zone in that:

- The proposed dual occupancies do not maintain a rural residential setting, preserving and minimising impacts to the adjoining environmental sensitive land to the rear of the site.

- The built form does not achieve a suitable residential amenity.
- The proposed uses are not considered to achieve a low impact on the neighbouring properties.
- The proposed use of a homebased childcare is considered to be mischaracterisation and would create a significant demand and impact on neighbouring amenity in terms of built form and potential acoustic impacts to neighbouring properties.

The objectives of the **C2 Environmental Conservation** zone are as follows:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*
- *To enable the recreational enjoyment, cultural interpretation or scientific study of the natural environment.*

The proposal is considered to be inconsistent with the objectives of the zone in that:

- The proposal includes the installation of a rainwater tank within the C2 portion of land, which may cause impacts on the ecological values of the zone, in particular, given the application does not have an appropriate Flora and Fauna Assessment as requested by Council.
- The site has a history of removing existing vegetation, and the proposal has not addressed the removal of the trees and unauthorised earthworks in terms of the C2 zoning.

(iv) Principal Development Standards

LLEP 2008 contains a number of principal development standards which are relevant to the proposal, as detailed below.

Clause	Requirement	Proposed
4.1 Minimum Subdivision Lot Size	R5 Zone has a minimum lot size of 600sqm and the C2 Zone one has a minimum lot size of 1ha.	Does not Comply <u>Lot A</u> R5 portion of the land exhibits an approximate size of 3,259sqm whilst the C2 Portion exhibits a lot size of approximately 12,057sqm. <u>Lot B</u> The R5 Portion of Lot B exhibits a site area of approximately 1,810sqm which complies with the minimum lot size of 600sqm, the C2 portion of the lot exhibits a lot size of approximately 820sqm which does not comply with the required 1ha pursuant to Clause 4.1. The applicant has not submitted a Clause 4.6 to justify this noncompliance which equates to 91.8%. Clause 4.6 (6) does not permit subdivision of land less than the minimum area specified, in which Lot B exhibits a lot area less the 90% of the minimum required.
4.3 Height of Buildings	Prescribed Maximum Building height of 8.5m	Insufficient Information Lot A – Building A – 8.43m Building B – 8.5m Lot B Building A – 8.5m Building B - 8.5m

		The submitted architectural plans do not appear to adequately provide the proposed height of buildings across each elevation, noting the height changes across the elevations. Furthermore, the elevations do not contain the existing natural ground level, only the proposal natural ground level.
4.4 Floor Space Ratio	R5 Zone Land – 0.5:1 C2 Zone Land - - 0.01:1	Complies Lot A: R5 – 0.20:1 Lot B R5 – 0.20:1
4.6 Exceptions to Development Standards	The objectives of this clause are as follows— (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental	The applicant has not provided a variation request pertaining to the noncompliance under Cl.4.1 minimum lot size of the LEP. Nonetheless, Clause (6) states development consent must not be granted should the subdivision result in one of the lots less than the 90% of the minimum area specified, in which Lot B portion of land under the C2 zoning only provides a lot size of approximately 820sqm or 8.2% which is significantly less than the 90% required under the minimum lot size of 10,000sqm. In this regard, a Clause 4.6 request under Clause 4.1 would not be considered, as subclause 6 strictly prohibits development consent being granted for subdivision, should the residual lot be less than the 90% required under Clause 4.1.

	Living if— (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.	
5.16 Subdivision of, or Dwellings on, Land in Certain Rural, Residential or Conservation Zones	The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses). (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	Does not Comply The proposed development is not considered to be suitable in terms of development and the impact it will have on neighbouring properties and the conservation zone. The applicant has not provided suitable mitigation measures to minimise any impacts upon the C2 zone. The existing and approved uses within the vicinity of the site are low-density single dwellings. The proposal will increase traffic movements, as well as potential noise to the neighbouring properties. The predominate land uses are that of single dwellings of a low-density nature, in which, the proposal includes the construction of four (4) dwellings. No appropriate mitigation measures have been proposed by the applicant.

	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 proposed development is incompatible with the surrounding context, noting the inclusion of a childcare facility which is prohibited within the zone and the increase the operations will have on existing neighbouring properties. The applicant has not provided any suitable mitigation measure to limit the impacts to neighbouring properties. It is considered the proposal is an overdevelopment of the site given the sites zoning, location and biodiversity values.
7.6 Environmental Significant Land	(1) The objectives of this clause are as follows— (a) to maintain bushland, wetlands and wildlife corridors of high conservation value, (b) to identify areas of significance for revegetation to connect to or buffer bushland, wetlands and wildlife corridors, (c) to protect rare and threatened native flora and native fauna, (d) to ensure consideration of the significance of vegetation, the sensitivity of the land and the impact of development on the environment prior to the giving of any development consent.	Does not Comply The C2 portion of the site is identified as being environmentally significant land, in which, the submitted Flora and Fauna Assessment was referred to Councils Biodiversity Officer and has been found to be deficient in terms addressing the relevant EPI as well as the provision of Clause 7.6 under the LEP.
7.31 Earthworks	The objectives of this clause are as follows— (a) to ensure that earthworks for which development consent is required will not	Does not Comply The applicant has not provided a cut and fill plan to determine the extent of cut and fill across the site, in particular as it relates to the proposed development and

	have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, (b) to allow earthworks of a minor nature without requiring separate development consent. (2) Development consent is required for earthworks unless— (a) the work is exempt development under this Plan or another applicable environmental planning instrument, or (b) the work is ancillary to other development for which development consent has been given. (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 the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely	ecological values. The proposed works are not exempt development. Insufficient information has been provided to Council to ascertain the extent of proposed earthworks across the site, in particular to the C2 zone.
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	amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive are	
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As demonstrated in the above compliance table, the proposed development is inconsistent with the provisions of LLEP 2008 with respect to several Clauses, those being:

- Clause 4.1 Minimum Lot Size
- Clause 4.6 Variation Request
- Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones
- Clause 7.6 Environmentally significant land
- Clause 7.31 Earthworks

In this regard, the proposal cannot be supported and therefore is recommended for refusal.

6.2. Section 4.15(1)(a)(ii) - Any Draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments which apply to the development.

6.3. Section 4.15(1)(a)(iii) - Any Development Control Plan

(a) Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly Part 1 General Controls for all Development, Part 2.13 Land Subdivision in Pleasure Point and Part 3.1 Dwellings in the R5 Zone.

Part 1 – General Controls		
Control	Requirement	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	Does not Comply The proposal has significant vegetation across the site. The report submitted was referred to Councils Biodiversity Officer who noted the report was prepared by a Microbiologist and not an Ecologist and therefore has not addressed the appropriate legislation or requirements under the DCP.
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	Does not Comply The proposal includes the removal of trees along the proposed relocated vehicular access and right of carriageway. Given the site contains existing native vegetation, the appropriate legislation has not been addressed nor has the incorporation of the existing native trees on the southern boundary been considered.
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Does not Comply The flora and fauna assessment provided with the application has not satisfactorily addressed the required EPIs as well as the existing native vegetation on the site as identified by Councils Biodiversity Officer.
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Does not Comply The application was accompanied by Bushfire Report, however, RFS requested additional information in which was not provided by the applicant, within the specified timeframes.
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Insufficient Information Insufficient information has been

		provided in the form of a sediment control plan.
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Does not Comply The applicant submitted a PSI; however, additional illegal dumping has occurred on site since the lodgement of the PSI. Furthermore, Councils EHO team are not satisfied with the provided PSI and request a DSI to satisfy the provision of SEPP Hazards and Section 10 of the DCP.
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Insufficient Information Sydney Water has confirmed the site is currently not serviced. The applicant may need to consider an OSMS in which this has not been provided.
Section 21 – Subdivision of land and buildings	21.3 Rual Zone and Residential Zone R5 Minimum lot sizes Refer to <i>Liverpool LEP 2008</i> written statement and the maps for the minimum allotment sizes in the RU2 and R5 zones. Note that this varies depending on the location. Minimum Lot Width The minimum lot width in the RU2 and R5 zone is 24m. Street widths All new streets shall be a minimum 20m wide, unless specified elsewhere in a Locality Part of the DCP. Kerb & Gutter 1. Development involving the creation of new streets in RU2 and R5 zones shall require kerb and guttering and underground stormwater drainage where specified in Council's standards. 2. Concrete lined table drains shall be required where scour velocities are exceeded and/or the soils are susceptible to erosion from stormwater. Sewerage 1. Effluent disposal will normally be by way of appropriate on-site disposal. 2. Where the development is in near proximity to an existing sewer area or where, in the opinion of the NSW	Does not Comply The proposal does not comply with the minimum lot size under the LEP. The proposal complies with the minimum lot width of 24m. Insufficient information has been provided in terms of the right of carriageway. The site is not currently serviced by Sydney Water, and Sydney Water has confirmed there may not be any servicing for the subdivision for wastewater.

	Department of Health or Council, the land is unsuitable for site disposal of effluent, connection to sewerage will be required. 3. A geotechnical report to support sewerage treatment proposals is to accompany an application for onsite sewage management this type of the development. Natural Features 1. The configuration of the subdivision is to have consideration for natural features such as rivers, creeks, topography of the land, tree groupings and prominent natural features. 2. The design should also consider buffers for conflicting land uses, watercourses, etc. Street signage 1. Street name and information signs shall be provided to facilitate accessibility and mobility. 2. Approval for the naming of all new streets shall be obtained from Council prior to the erection of any new street signage. Streetlights Street lighting is to be provided in accordance with AS1158.	The subdivision pattern has considered the C2 zone on site in terms of an orderly pattern. N/A N/A
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Part 2.13 Land Subdivision in Pleasure Point

Control	Requirement	Comment
2.6 Bushfire Protection	1. A 25 metre setback applies to the rear boundary of all lots adjacent to DP 239468 (see Figure 8) a. Within the 25 metre rear setback area: i. Any above ground structures are to be limited to a 15 square metre footprint and constructed of non-combustible material. ii. Landscaping is to include fire resistant species. iii. Fixed water systems are to be installed. b. For properties directly adjoining DP 239468 the rear fence shall be: i. 1.8m high	Does not Comply The applicant is proposed to relocate the existing fire trail, which is not supported, nor has a suitable fence the trail been provided in terms Bushfire Protection.

	ii. Consist of see through construction e.g. cyclone wire 2. A fire trail parallel to Pleasure Point Road shall be provided as part of any development of lots 4 - 7 DP 239468. The trail shall link to Pleasure Point Road through lots 4 - 7 and meet the requirements of section 4.3.3 of Planning for Bushfire Protection 2006. 3. This track is to be located as shown on Figure 9. Gates must be provided in side boundary fences to allow passage of fire trucks and equipment along the trail in the event of fire. 4. Any area west of the bushfire trail is to be treated as a fuel reduced zone.	
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Part 3.1 Dwellings in the R5 Zone		
Control	Requirement	Comment
1. Site Planning	The dwelling layout must be designed around the site attributes such as slope, existing vegetation, land capability and / or solar access.	Insufficient Information The submitted shadow diagrams do not adequately illustrate the impacts of solar access to the site.
	Stormwater drained satisfactorily.	The proposed development was referred to Council's Development Engineer in which no objections were raised in relation to stormwater drainage.
	The site analysis plan must also show whether any bushland is to be removed as part of the development and show the justification for this.	Does not Comply The development application accompanied a Flora and Fauna Assessment report; however, it was found to be deficient in addressing the relevant information and applicable bushfire controls to the existing native vegetation.
2. Setbacks	5m from the side boundaries and a minimum of 12m from the rear boundary.	Does not comply Lot A Building A does not have a compliant side setback, as the architectural plans and landscape plans depict two varying side setbacks. The architectural set illustrate two conflicting setbacks on of 5.47m and the other at 4.93m, whilst the landscape plan illustrates 4.6m. The conflicting setbacks makes it hard to Council to take on face value the true location of the built form in terms of compliance with the required setbacks.

		Lot B building B has a compliance setback of 7.8m from the side boundary. Lot B building A side boundary is inconsistent with that provided under the Architectural Plans and Landscape Plans.
3. Landscaping and Private Open Space	Min 75% site to be landscaped.	Does not comply As stated in Part 3.1 of the LDCP 2008, landscaping for this subject lot must be assessed based on merit. Whilst Lot A may be considered a suitable in terms of landscaping, it relies heavily on the C2 portion of land to comply. In this regard, the required 75% of area required to be landscaped for the R5 portion of land is Lot A – 1357.5sqm = the required 75% Lot B – 2444.25 sqm = the required 75% The proposal provides the following Lot A –1310sqm = 72.5% of the required 75%. Lot B – 877.39sqm = only reaches 15% of the required 75%. In this regard the proposal does not comply with the required 75% landscaped area for Lot B.
	Minimum 75% of front setback to be landscaped.	Inconclusive Whilst Lot A and Lot B both do not achieve the required 75% of the front setback to be landscaped. The proposal technically does not have a front setback as it does not front Pleasure Point Road and fronts the internal battleaxe handles and C2 Zone.
4. Cut and Fill, Building Design, Streetscape and Layout	Max cut 600mm.	Insufficient Information The applicant has not provided a cut and fill plan to determine the level of Cut/Fill across the proposed dwellings.
	All retaining walls masonry construction.	Insufficient Information The applicant has not provided a suitable earthworks plan which details the level of works proposed onsite and whether retaining walls are proposed. Conditions of consent would have been imposed if the development was supportable.
	The front building facades shall be articulated, this articulation may	Does not Comply

	include front porches, entries, wall indents, windows, changes in finishes, balconies and/or verandahs.	The building design provide very little articulation, in which the proposed garages dominate the façade.
	Eave overhang must provide for sun shading and protect windows and doors. Eaves should have a minimum overhang of 400mm and be provided to a minimum of 70% of the dwelling.	Does not comply The proposed eaves do not appear to reach the minimum 400mm of the proposed dwellings.
	The side walls shall be articulated if the wall has a continuous length of over 14 m.	Does not Comply. The built form does not provide suitable articulation due to the extensive 14m in length for both allotments.
	Garages and carports must be designed to be the minor element of the façade. Garage roofs shall be incorporated into the roof design of the house. Separate roofs for garages are discouraged, unless actually separated from the dwelling.	Does not comply The design of the garages dominates the façade which provides very little relief for the built form.
	All dwellings shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.	Does not Comply The proposed dwellings on Lot B have voids on the first floor which provide limited active surveillance from the first floor which is not considered suitable. The design of the dwellings can be improved to ensure small built forms are not proposed on large lots.
	Living rooms should take advantage of northern aspects	Does not Comply Building A on Lot B and Building A on Lot A are the only dwelling's which activate receives suitable sunlight to the living room from a northern aspect.
5. Landscaping and Fencing	The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8m height at maturity within the front and rear setback areas.	Insufficient Information The submitted landscape plan provides little to no landscape treatments for the proposed development. Three (3) trees are proposed which are evergreen trees, however, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	Not Supported Proposed dwarf trees are to be provided against the proposed vehicular access to the dwellings, not is not supported given little detail has been provided on the species type and height maturity of the trees and the impact they may have on the sightlines for the driveway.
	The development must be designed	Not Supported

	around significant vegetation on the site. Note: It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	Very little to no landscaping has been proposed to consider the conversation zone to the east of the site. Grass has been proposed within the C2 zone which is not supported.
	At least one tree shall be planted in the landscaped areas. The tree must reach a mature height of over 8m.	Insufficient Information The submitted landscape plan provides little to no landscape treatments for the proposed development. Three (3) trees are proposed which are evergreen trees, however, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry.	Insufficient Information The Landscape Plan does not illustrate the proposed trees provided on site and whether they will granted both summer shade and winter sun.
	Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	Does not Comply The location of the tree on Lot A Building B is 2m from the building and does not provide a suitable Tree Protection Zone to ensure the built form would not impact upon the roots and tree itself.
	The maximum height of a front fence is 1.5m.	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas.	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	The front fence must be 30% transparent.	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.

	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling.	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	The front fence may exceed 1.5m (to a maximum of 1.8m) only if: - The fence is 50% transparent; and - The fence is articulated by 1m and has landscaping in front of the fence; and - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
6. Amenity and Environmental Impact	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least: - One living room, rumpus room or the like. - 50% of the private open space	Insufficient Information The submitted shadow diagrams to not accurately encapsulate the full extent of the shadow impacts on site
	Building siting, window location, balconies and fencing must consider the importance of the privacy of onsite and adjoining buildings and private open spaces	Does not Comply Rear balconies are proposed on Lot A building B which is not supported given the will overlook the adjoining properties on Lot B.
9. Site Services	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council	To be confirmed. To be conditioned if consent were granted
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	To be confirmed. To be conditioned if consent were granted.
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.	To be confirmed. To be conditioned if consent were granted.
10. Additional Requirements – Dual Occupancies in R5 Zone	Mirror reversed or replica dwelling design dual occupancies are not supported	Not considered appropriate Very little changes have occurred on the façade profiles of the dwellings except for the provision of material changes. The design should be amended to consider all of the controls applicable to ensure mirror reversed design are not provided and individually designed domiciles respond to the controls and zoning associated with the site.

	Attached Dual Occupancy development shall be physically attached under the same roofline and have the general appearance of a large single dwelling house when viewed from the primary street frontage. Structures such as carports, skillion roofs, pergolas, covered awnings and the like are not acceptable as a mode of attachment	Does not Comply The proposed dual occupancies are attached by the garage and not under the same roofline as stipulated within the control. The appearance does not exhibit that of a single dwelling house but of two separate domiciles which is considered inappropriate for the zone.
	Dwellings must be located to minimise the removal of any existing vegetation.	Insufficient Information Noting the history of the site and illegal removal of trees within the C2 Zone, the proposed location of the dual occupancies are considered acceptable, however, further information is required in relation to an updated Landscape Plan and Flora and Fauna Assessment which assesses the application on the correct EPI's as requested by Councils Biodiversity Officer.
	Dwellings must be located to minimise the removal of any existing vegetation.	Insufficient Information The applicant has not provided a cut and fill plan to determine the extent of earth works across the site.

Overall, the proposal does not comply with the key controls outlined in the LDCP 2008. It is therefore recommended the proposal is refused.

6.4. Section 4.15(1)(a) (iiia) - Planning Agreements

There are no Planning Agreements which apply to the development.

6.5. Section 4.15(1)(a)(iv) - The Regulations

The EP&A Regulation requires the consent authority to consider the provisions of the NCC. Accordingly, if the proposal was supportable, appropriate conditions of consent will be imposed.

Furthermore, the applicant was requested to submit an amended cost of works in relation to the proposed works on site by a qualified builder, as the initial cost of work was considerably light on. The lodged cost of works was \$2,200,000, with the amended cost of work submitted by the applicant \$1,290,455.00 which is considerably lower than originally lodged with Council.

Council can therefore not be certain the proposed development is not considered acceptable in terms of Clause 251 of the EP&A Regulation, in which the lodged cost of work is inconsistent with the amended cost of works submitted, and therefore raises fundamental concerns the proposal costs is not genuine or accurate.

6.6. Section 4.15(1)(b) - The Likely Impacts of the Development

(a) Natural and Built Environment

The proposed development is likely to create a detrimental impact on the natural environment surrounding the subject site due to the intensification of the site with the proposed four (4) dwellings and childcare facility. The applicant has not provided suitable environmental planning grounds to support the proposal given the significant number of non-compliances and variation proposed under multiple EPI's.

The proposed development is undesirable in character, both in the existing low density residential environment and conservation zone which would likely result in significant adverse impacts on the residential amenity of adjoining private land through visual amenity, design, bulk and scale in terms of the interface with the conservation zone including the site's layout and extent of site coverage, is considered an overdevelopment.

The proposed use of the site is not conducive to the character of the R5 and C2 Zones, in particular the proposed prohibited development of the childcare centre, which is considered impractical for the site.

(b) Social Impacts and Economic Impacts

The proposed development lacks an aesthetic which could with a better design contribute to the social fabric of the locality as is required by development within the zone, and the detrimental material impacts on adjoining land would set an undesirable precedent and would likely undermine the intent of zone objectives in maintaining residential amenity.

The proposed intensification of the R5 and C2 lot is not considered suitable, in particular the proposed homebased childcare, which has been identified as a mischaracterisation of the development, raises fundamental concerns for the overall social impacts to neighbouring developments.

6.7. Section 4.15(1)(c) - The Suitability of the Site for the Development

The proposal does not comply with the relevant planning controls and therefore the site is considered not to be suitable for the proposed development.

6.8. Section 4.15(1)(d) - Any submissions made in accordance with the Act or the Regulations

(a) Internal Referrals

The following comments have been received from Council's Internal Departments:

DEPARTMENT	COMMENTS
Development Engineer	Approval subject to conditions of consent.
Landscape Officer	Objection to the proposal: <i>The proposed landscape plan is deeply disappointing considering the zoning and location of the proposed development. The plan is lacking in detail and appears</i>

	generally non-compliant with most of the relevant landscape controls. It has no new canopy trees proposed for planting and a significant lack of biodiversity. None of the plant species proposed to be installed as part of the development are native, let alone endemic to the region. The three species proposed to be planted are magnolias, dwarf magnolias, and lawn turf. The proposed landscaping treatment in the front and rear of the proposed dwellings consists primarily of large expanses of turf with isolated exotic feature trees. Section 6.2 of Part 3.1 of Liverpool's DCP 2008 states that 'landscape planting should be principally comprised of native species' and that 'species selected in environmentally sensitive areas should be indigenous to the locality'. <i>Magnolia grandiflora</i> and the nursery cultivar <i>Magnolia grandiflora</i> 'Little Gem' are native to the southeastern parts of North America. The applicant appears to have claimed compliance with this control on Page 21 of their Statement of Environmental Effects. The proposed landscaping plan incorporates the retention of nine mature grey gums, however, there has been no corresponding arborists' report (inclusive of an AIA and TMP) submitted. Any development proposing to retain trees should have assessed and included the required tree protection zones as per Section 3.1 of Part 1 of the Liverpool DCP 2008, and in alignment with AS 4970 - 2009 Protection of Trees on Development Sites. Furthermore, the Statement of Environmental Effects submitted as part of this application alleges compliance with Section 3. Alongside the relevant control on Page 13 the applicant has noted 'No existing trees within the development site. Landscape plan provided.' However, on the accompanying landscape plan there are existing trees within the development site that have been marked for retention, included on the proposed plant schedule and are apparently contributing to landscape compliance for the development. Landscape feels that it is disingenuous to include existing vegetation on site in the proposed plant schedule. Landscape notes that the recommendations for maintaining the APZ for bushfire protection have been included on the landscape plan in lieu of landscape maintenance recommendations, planting specifications, mulch and topsoil specifications, etc. This does not appear to be the correct or appropriate place for this information to be included. Any landscape plan submitted as part of a Development Application should be prepared by a qualified landscape designer or architect. The landscape plan should include the outline of the proposed building, existing trees (height and location) and the associated TPZ, trees to be removed (if any),
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	proposed planting (quantity, species, and expected mature height), proposed street tree planting, paths and paving (locations and materials), the method of planting and the proposed maintenance program, and details of lighting, fencing, seating and paving, where relevant. The landscaping should be of a scale that will match the scale of the development. Landscaping should be designed to complement and enhance the development, and, where applicable, screen such features such as open storage areas, carparks, loading docks and garbage storage areas.
Traffic Engineer	Approval subject to conditions of consent
Environmental Health	Objection to the proposal: Stage 1 - Preliminary Site Investigation – OUTSTANDING The proposed development may be impacted by contaminated soils. The State Environmental Planning Policy (Resilience and Hazards) 2021 Clause 4.6 requires a consent authority when assessing a development application to consider whether the land is contaminated, it is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, and/or if the land requires remediation, it is satisfied the land will be remediated before the land is used for that purpose. A suitably qualified and experienced contaminated land consultant is to prepare a Stage 1 - preliminary investigation for the property. The preliminary site investigation is to comply with guidelines made or approved by the NSW EPA under the Contaminated Land management Act 1997 and identify all past and present potentially contaminating activities; identify potential contamination types; discuss the site condition; provide a preliminary assessment of site contamination; and assess the need for further investigations. If contaminating activities are suspected or known to have occurred, or if the site history is incomplete it may be necessary to prepare a Stage 2 – Detailed Site Investigation. This investigation shall give regard to the potential effects of any contaminants on public health, the environment and building structures and shall meet the sampling density outlined in the NSW EPA Contaminated Sites Sampling Design Guidelines (1995). Where the Stage 2-Detailed Site Investigation indicates that the site poses unacceptable risks to human health or the environment, a Remedial Action Plan (RAP) shall be prepared by a suitably qualified and experienced Contaminated Land Consultant in accordance with applicable guidelines made or approved by the NSW EPA under the Contaminated Land Management Act 1997. In these circumstances, the Remedial Action Plan shall be referred to Liverpool City Council for

	review. <i>Note: 'Suitably qualified and experienced contaminated land consultant' means someone who is certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) Scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) Scheme.</i> <i>The report's cover or title page of the document shall include a personalised electronic seal for either the CEnvP(SC) or CPSS CSAM scheme.</i> <i>Council is unable to recommend specific consultants or auditors.</i> Acoustic Assessment <i>The application is supported with a document titled "Acoustical Report for Development Application Proposed Residential Subdivision with a Childcare Centre No. 76 Pleasure Point Road, Pleasure Point NSW" (Ref: 6174 Rev: v1) prepared by James Tsevremenzis for Koikas Acoustics Pty Ltd dated 4th April 2024. The report is prepared by a suitably qualified acoustic consultant who possesses Australian Acoustical Society membership.</i> <i>The report specifies that the development comprises of 4 semi attached double storey dwellings and that the double storey childcare centre involves:</i> • <i>At grade car parking with 5 parking spaces.</i> • <i>2 classrooms, 2 offices, kitchen, laundry, staff room, retreat and amenities.</i> • <i>Undercover outdoor play area.</i> <i>Th proposed operating hours are 6am - 6pm Monday – Friday. Staff numbers are not specified in the acoustic assessment. The centre will have 28 children broken into the following age categories:</i> • <i>9 children (0-2 years)</i> • <i>9 children (2-3 years)</i> • <i>10 children (3-5 years)</i> <i>The report has assessed the following:</i> • <i>Noise emissions from the childcare centre on surrounding residential properties including indoor and outdoor play areas, parking, mechanical plant and equipment, deliveries, waste collection and traffic generation.</i> • <i>Noise impacts on the residential and childcare</i>
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	components of the development from Heathcote Road (Classified Road). • <i>BCA compliance regarding construction requirements for noise attenuation purposes.</i> <i>The report specifies that the outdoor play area may only be utilised as follows:</i> • <i>Group 1 - 9 children aged 0-2 and 9 children aged 2-3 may use the outdoor play area at one time for a maximum period of 2 total hours each day.</i> • <i>Group 2 - 10 children aged 3-5 years may use the outdoor play area at one time for a separate maximum period of 2 total hours each day.</i> • <i>Group 1 and group 2 must not use the outdoor play area at the same time.</i> • <i>The outdoor play area must not be used for more 4 hours each day.</i> • <i>A 1.8m high solid noise barrier is required along the rear adjoining residential boundary as depicted in figure 18 of the report.</i> <i>An increase to traffic noise of 0.9db has been predicted as a result of the proposed development which is within the permissible 2dB increase outlined in the EPA's Road Noise Policy</i> <i>The report specifies that a noise reduction of 19dB is required to comply with conservative specified requirements for sleeping rooms at the childcare centre. This is proposed to be achieved through the proposed façade finishes for the space. However, it is noted that no babies cot rooms or children's sleeping area has been specified on the floor plans or architectural plans.</i> <i>The proposed development is capable of meeting internal noise requirements without the requirement for additional mechanical ventilation to allow for windows and doors to remain closed for acoustic purposes.</i> <i>It is specified that mechanical plant and equipment have not been selected at this stage and therefore the report represents limits set for this equipment only, specifically 2x air conditioning units and 1 kitchen exhaust. All mechanical plant and equipment would be required to be selected in consultation with a suitably qualified acoustic who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm to ensure it will meets the specifications outlined in this report should consent be granted.</i>
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	<i>The report concludes that acceptable acoustic amenity is maintained in accordance with requirements for future occupants of the development as well surrounding residences provided that the recommendations specified in the report (summarised in section 8.4) are fully implemented.</i> <i>However, the acoustic report has failed to assess sleep disturbance to surrounding properties and the residential dwellings of the proposed development, which is required due to the proposed operational hours of the childcare centre commencing at 6am. This falls into the sensitive nighttime period and sleep disturbance from including but not limited to vehicle noise, staff arrivals, talking and the car park must be assessed and addressed in the report. Alternatively, the proposed operational hours could be adjusted to 7am with no staff arriving prior to this time. All supporting documentation would require adjusting to reflect this amendment if the applicant were to pursue this.</i> Noise Management Plan <i>The Application shall be supported by a detailed Noise Management Plan prepared under the supervision of a suitably qualified acoustic consultant. The Noise Management Plan must identify and implement strategies to minimise noise from the proposed development and incorporate: approaches for promoting noise awareness by patrons and staff; training procedures; a complaint lodgement procedure to ensure that members of the public and local residents are able to report noise issues; an ongoing review process and a plan for responding to noise complaints. The Noise Management Plan shall clearly specify the responsibilities of site personnel in managing noise and include a detailed list of steps taken to manage potential noise impacts. The Noise Management Plan by a suitably qualified consultant may be incorporated into the Plan of Management for the child care centre.</i> <i>The Noise Management Plan in the existing Plan of Management is insufficient. The Noise Management Plan must also incorporate the outdoor play area specifications of permissible age groups and timeframes as specified in the Acoustic Report.</i> <i>Note: 'Suitably qualified acoustic consultant' means a consultant who possesses Australian Acoustical Society membership or are employed by an Association of Australasian Acoustical Consultants (AAAC) member firm.</i> <i>The report's cover or title page must confirm membership details or include a watermark for the relevant certification body.</i>
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	<i>Council is unable to recommend specific consultants or auditors.</i> Plan of Management Centre Based Child Care Facility <i>The application is supported with a document titled "Plan of Management 76 Pleasure Point Road, Pleasure Point NSW 2172 Home based Child Care" (Rev: 1.0) prepared by Auswide Consulting dated April 2024.</i> <i>The POM specifies that the childcare centre will have 5 staff members. It is noted that there are only 5 parking spaces allowed for at the centre.</i> <i>It specifies that there will be 14 places at the childcare centre for children aged 6 months to 5 years. This is inconsistent with the numbers specified in the acoustic assessment which states 28 children. Both the POM and the acoustic assessment must reflect the accurate number of placements sought under the application.</i> <i>The Noise Management Plan in the existing Plan of Management is insufficient (see Noise Management Plan section above). The Noise Management Plan must also incorporate the outdoor play area specifications of permissible age groups and timeframes as specified in the Acoustic Report.</i> Construction Details – Childcare Facility <i>There is an insufficient level of detail provided to the most recent architectural plans (105913.2024). It is noted that the upstairs kitchen floor plan is generally compliant with requirements. Clarification is sought as to what food preparation will occur in the lower kitchen area which does not comply with requirements unless it is intended for bottle preparation only, in which case a dishwasher or extra equipment wash sink shall be required unless bottles will be cleaned and sanitised as required in the upstairs kitchen.</i> <i>To ensure compliance with the relevant standards and requirements, the following details are to be submitted for approval. Detailed floor and section plans of a suitable scale (e.g. 1:50) for all kitchens, bottle preparation areas, nappy change areas, bathrooms and laundries demonstrating the proposed floor layout as well as compliance with:</i> • AS4674-2004 – Design, construction and fit-out of food premises • Food Standards Code (Australia) • Building Code of Australia • Education and Care Services National Regulation 2011
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	<i>In this regard, the submitted plans shall make provisions for the following, with outstanding items in addition to the matters raised above highlighted in yellow:</i> <i>a) Construction details/finishes for the floors (including coving), walls, ceiling, fixtures and fittings in the food preparation area of the premises;</i> <i>b) Location and construction details of all light fittings and any floor wastes within the food preparation area;</i> <i>c) A designated hand washing facility, accessible and no further than 5 metres, except for toilet hand basins, from any place where food handlers are handling open food, fitted with a single spout capable of delivering a supply of warm running water via a hands-free mechanism;</i> <i>d) A double-bowl wash sink suitable for cleaning and sanitising food contact surfaces and equipment;</i> <i>e) A designated food preparation sink</i> <i>f) Details of proposed cooking appliances and mechanical ventilation system. Please note: In addition to the requirements of AS/NZS 1668.1 and AS 1668.2, an extraction system shall be provided where there is any dishwasher and other washing and sanitising equipment that vents steam into the area to the extent that there is, or is likely to be, condensation collecting on walls and ceilings;</i> <i>g) A cleaner's sink for disposal of liquid waste (which is not to be located in areas where open food is handled);</i> <i>h) Details of storage facilities for cleaning equipment and staff personal belongings.</i> <i>i) Any cool room and/or freezer room floor must be finished with a smooth even surface and graded to the door. A sanitary floor waste must be located outside of the cool room and freezer adjacent to the door. All metal work and shelving in the cool room and freezer room must be treated to resist corrosion;</i> <i>j) Condensation from cool rooms and refrigerator motors must discharge to sewer via a tundish with air gap separation in accordance with Sydney Water requirements;</i> <i>k) Details regarding whether the premises will require a grease trap in accordance with Sydney Water requirements. If required, details regarding the proposed capacity and location of the system shall be provided.</i> <i>l) A designated toilet with appropriate hand washing facilities for the use of staff who handle food</i> <i>m) A designated hand washing facility fitted with a single spout capable of delivering a supply of warm running water via a hands free mechanism, preparation/rinse sink and dishwasher to each bottle preparation area.</i>
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	<i>This shall be in addition to any craft sinks.</i> <i>n) A designated hand washing facility fitted with a single spout capable of delivering a supply of warm running water via a hands free mechanism provided within the immediate vicinity of each nappy changing area and a bench type baby bath within one metre from the nappy change bench.</i> <i>Adequate, developmentally, and age-appropriate toilet, washing and drying facilities must be provided. It is important to consider the age and number of children who will require access to the bathroom facilities and whether there are sufficient toilets and hand basins to ensure minimal delay for children requiring their use. Easy access from all indoor and outdoor play areas shall be provided. Also refer to the Building Code of Australia for requirements for new buildings in relation to the number and size of toilet pans and basins.</i> <i>Information regarding babies cot rooms for sleeping shall also be demonstrated on the plans.</i> Sydney Water Sewerage Infrastructure <i>The statement of Environmental Effects (Trim 108121.2021) states that the property is connected to sewer. It is noted that there does not appear to be any evidence from Sydney Water supporting the application to confirm that this is the case.</i>
Biodiversity Officer	Objection to the Proposal: <i>Previous comments regarding impacts to biodiversity mapped land have not been addressed. Various plans indicate that there will be impacts within land identified on the NSW Department Climate Change Energy, Environment and Water BV Map. The storm water management plan indicates that the storm water piping will impact BV Map Land (Page 2) therefore, triggering the Biodiversity Offset Scheme (BOS). Furthermore, the landscaping plan indicates that eastern portion of the site is to be impacted by the proposed turfing within BV mapped areas (page 1) therefore, triggering the BOS.</i> <i>If any of the triggers for the Biodiversity Offsets Scheme apply, a Biodiversity Development Assessment Report (BDAR) is required. All impacts associated with the development (both construction and operation stages) should be considered when determining whether the Biodiversity Offsets Scheme would apply. This encompasses all buildings, structures, and ancillary requirements (including, but not limited to, access roads and driveways, infrastructure, wastewater treatment, fences, asset protection zones, and landscaping).</i> <i>An updated soil and erosion plan was not submitted as per the</i>

	<i>previous referral request.</i>
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(b) External Referrals

The following comments have been received from external Agencies:

DEPARTMENT	COMMENTS
RFS	Objection to the proposal: Additional Information has not been provided for RFS to support the application. The information requested the following: • Preliminary assessment of the site and surrounds have identified effective slopes in the 0-5° range as compared to upslope in the east direction. Steeper effective slopes in the 0-5° have been identified in the NE direction. As such further information such as a survey plan prepared by a registered surveyor shall be provided to support the slope assessment undertaken in the submitted bush fire report. • In the North East direction, the adjoining lot comprises of C2: Environmental Conservation zoned area within which management of land for life of the development cannot be guaranteed for purposes of Asset Protection Zones (APZs) without an 88b easement. As such, the hazard assessment must be revised to identify the APZs measured from the C2 zoned land and must be wholly located within the subject property unless justified with additional information meeting the requirements of section 3.2.5 of Planning for Bush Fire Protection (PBP) 2019. • The current assessment recommends APZs within the C2 zoned land which is considered contrary to the objectives of the zone as per the Liverpool Local Environmental Plan 2008. Further information shall be provided, showing council's support for clearing within C2 zone for the purpose of establishing APZs. • The modelling undertaken in the submitted report uses Sydney Coastal Dry Sclerophyll Forest (DSF), however, Sydney Hinterland DSF (21.3/27.42) is identified to be providing the greater hazard and therefore, shall be used for the purpose of modelling unless justified with a report prepared by a suitably qualified ecologist supporting the hazard formation as Sydney Coastal DSF.

Sydney Water	Objection to the proposal: • We have not allocated any system capacity to your proposal from the investigation into this Feasibility advice. • Applicant must construct a wastewater main extension to serve the proposed development. The terms of the Deed define this extension as 'Major Works'.
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(c) Community Consultation

The proposal was notified for a period of 14 days from 1st of February to the 16th of February in accordance with Liverpool Community Participation Plan 2022. No submissions were received in response to the public consultation process.

6.9. Section 4.15(1)(e) - The Public Interest

The proposed development is considered to not be in the public interest.

7. DEVELOPMENT CONTRIBUTIONS

A Section 7.11 Development Contributions is applicable to the proposed development in accordance with Liverpool Contributions Plan 2009. Given the proposal is recommended for refusal, contributions are not imposed.

8. RECOMMENDATION

The application has been assessed having regard to the provisions of Section 4.15 of the EP&A Act 1979, and the Environmental Planning Instruments, including the applicable State Environmental Planning Policies, Liverpool LEP 2008, and the LDCP 2008, and the relevant policies of Council.

The proposal includes a number of significant noncompliance's under the LEP and DCP which are unwarranted and not supported given the lack of information and environmental planning grounds justification from the applicant.

The proposed development is likely to result in any adverse impact on neighbouring properties and the locality.

Based on the assessment of the application in accordance with Section 5.14(1) of the EP& A Act, it is recommended that DA-13/2024 be refused.

9. RECOMMENDATION

That Development Application DA-13/2024 be **refused**.

ATTACHMENTS

1. Draft Notice of Determination (Refusal Notice)
2. Statement of Environmental Effects
3. Architectural Plans
4. Liverpool Development Control Plan
5. Landscape Plans
6. Biodiversity Assessment Report
7. Cost Estimate Report
8. Updated Cost estimate Report
9. Survey plan

Attachment 1 – Draft Notice of Determination

REASONS FOR REFUSAL

1. The proposed development is not considered acceptable in terms of Clause 251 of the Environmental Planning and Assessment Regulations 2021, in which the lodged cost of work is inconsistent with the amended cost of works submitted, and therefore raises fundamental concerns the proposal costs is not genuine or accurate.
2. The proposed development is not considered acceptable in terms of receiving concurrence from Rural Fire Service (RFS) pursuant to Clause 100b of the Rural Fires Act 1997. Pursuant to Section 4.47(4) of the EP&A Act 1979, if the approval body informs the consent authority it will not grant an approval which is required in order for the development to be lawfully carried out, the consent authority must refuse consent to the application.
3. The proposed development is not considered acceptable in terms of the submitted Flora and Fauna Report in respect to the principles of ecologically sustainable development, Part 6 Biodiversity Offset Scheme and Part 7 Biodiversity assessment and approvals under Planning Act pursuant to the Biodiversity Conservation Act 2016.
4. The proposed development is inconsistent with the objectives of the R5 Large Lot Residential Zone of the Liverpool Local Environmental Plan 2008, due to the mischaracterisation of the development and impact the proposed built form will have pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
5. The proposed development is inconsistent with the objectives of the C2 Environmental Conservation Zone of the Liverpool Local Environmental Plan 2008, as the applicant has not satisfactorily considered the impacts of the built form on the zone, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
6. The proposed development does not comply with Clause 4.1 Minimum Lot Size pursuant to the Liverpool Local Environmental Plan 2008, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
7. The proposed development is inconsistent with Clause 4.6 Exceptions to development standards, in particular subclause (6) which prohibits subdivision of land less than the required 90% of the minimum, pursuant to the Liverpool Local Environmental Plan 2008, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.



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8. The proposed development is inconsistent with Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones of the Liverpool Local Environmental Plan 2008, the applicant has not provide suitable mitigation measure to respect the C2 Zone, whilst also the proposals impact to neighbouring properties is not appropriate, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
9. The proposed development is inconsistent with Clause 7.6 Environmentally significant land of the Liverpool Local Environmental Plan 2008, the applicant has not submitted an appropriate Flora and Fauna Report to assess the environmental significant land and bushfire land, pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
10. The proposed development is inconsistent with Clause 7.31 Earthworks pursuant to the Liverpool Local Environmental Plan 2008, insufficient information has been provided to determine the extent of earthworks proposed pursuant to Section 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
11. The proposed development is inconsistent with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 in that insufficient evidence has been submitted to satisfy the consent authority the land is free from contamination as the development is required to have Stage 2 Detailed Site Investigation Report and a potential Remediation Action Plan to determine whether the site will be suitable for the proposed use, pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
12. The proposed development fails to demonstrate compliance with and does not satisfy Chapter 2 Vegetation in Non-rural areas of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
13. The proposed development fails to demonstrate compliance with and does not satisfy Chapter 4 Koala Habita Protection 2021 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 pursuant to Sections 4.15(1)(a)(i), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
14. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 1 – General Controls for all Development, pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:



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- a. Section 2 – Tree Preservation
- b. Section 3 – Landscaping and Incorporation of Existing Trees
- c. Section 4 – Bushland and Habitat Preservation
- d. Section 5- Bushfire Risk
- e. Section 8 Erosion and Sediment Control
- f. Section 10- Contaminated Land Risk.
- g. Section 15 – Onsite Sewage Disposal
- h. Section 20: Car Parking and Access.
- i. Section 21 Subdivision of land and buildings

15. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 2.13 Land Subdivision in Pleasure Point pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:

- a. Section 2.6 Bushfire Protection

16. The proposed development does not achieve satisfactory compliance with the controls stipulated in the Liverpool Development Control Plan 2008, Part 3.1 – Dwellings in the R5 Zone –pursuant to Section 4.15(1)(a)(iii), 4.15(1)(b) and 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, in terms of the following sections:

- a. 2.Site Planning
- b. 3. Setbacks
- c. 4. Landscaping and Private Open Space
- d. 5. Cut and Fill, building design, streetscape and layout
- e. 6. Landscaping and Fencing
- f. 8. Amenity and Environment
- g. 10. Additional Requirements – Dual Occupancies in R5 Zone

17. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposed development has not adequately demonstrated the likely impacts of the development, and otherwise, based on the information submitted, is likely to have an adverse impact in terms of the following:

- a) Natural Environment - the applicant has not demonstrated the proposed development would not create a detrimental impact on the natural environment, primarily to the conservation zone which dominates the site.
- b) Built Environment - the proposed development is undesirable in character, both in the existing low density residential environment would likely result in significant adverse impacts on the residential amenity of adjoining private land through visual amenity, design, bulk and scale in terms of the interface with the



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conservation zone including the site's layout and extent of site coverage, is considered an overdevelopment.

- c) Social Impact - the proposal lacks an aesthetic which could with a better design contribute to the social fabric of the locality as is required by development within the zone, and the detrimental material impacts on adjoining land would set an undesirable precedent and would likely undermine the intent of zone objectives in maintaining residential amenity.

18. Pursuant to Section 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered to be an ill-conceived design, has not adequately demonstrated the suitability of the site for the development.

19. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposal is not considered to be in the public interest, having regard to the above reasons of refusal, and that undermining the zone objectives and surrounding character and context in such a way would risk allowing an undesirable precedent for other poorly designed development within the locality, in the future.

ADVISORY NOTES

- a) Section 8.2 of the EP&A Act provides that an applicant may request, within six (6) months of the date of the determination of the Development Application, that Council review its determination (this does not relate to designated development or Crown development).

An application under Section 8.2 of the EP&A Act cannot be reviewed/determined after 6 months of the date of determination. Therefore, the submission of a Section 8.2 Application must allow sufficient time for Council to complete its review within the prescribed timeframe, including the statutory requirement for public notification.

- b) Section 8.7 and 8.9 of the EP&A Act provides that an applicant who is dissatisfied with the determination of a Development Application, may appeal to the Land and Environment Court within six (6) months of the date of determination, or as otherwise prescribed by the EP&A Act.

If you have any further enquiries, please contact Emily Lawson on the abovementioned contact details.

Yours faithfully



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STATEMENT OF ENVIRONMENTAL EFFECTS

76 Pleasure Point Road, Pleasure Point NSW 2172

*Torrens Title Subdivision, construction of 2x dual occupancies,
1x home based child care and right of carriage way*

Prepared for:	Linea Verde Design
Date Prepared:	April 2024
Revision:	1.0
Liverpool Development Application #:	TBA

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Introduction	4
Background and Existing Conditions.....	5
Figure 1. Location of the Subject Property	5
Figure 2. Local Zoning Plan of the Subject Property	6
Development Proposal	7
Figure 3. Proposed site plan.....	8
Figure 4. Proposed subdivision plan.....	9
Figure 5. Proposed Lot A Elevations	9
Figure 6. Propsoed Lot B Elevations	10
Figure 7. Propsoed Right of Carriage Way and Parking	10
Environmental Assessment	11
Section 4.15 (1)(a)(i) Environmental Planning Instruments	11
Liverpool Local Environmental Plan 2008	12
Section 4.15 (1)(a)(iii) Development Control Plans	13
Liverpool Development Control Plan 2008 (LDCP).....	13
Section 4.15 (1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.....	30
Section 4.15 (1)(c) Suitability of the Site for the Development.....	31
Section 4.15 (1)(d) Any submissions made in accordance with this Act or the regulations	31
Section 4.15 (1)(e) Public Interest.....	31
Conclusion	32



Introduction

This Statement of Environmental Effects has been prepared to accompany a development application for the Torrens title subdivision of the site into two lots, construction of 2x dual occupancies, 1x home based child care centre and right of carriage way at 76 Pleasure Pont Road, Pleasure Point.

The proposed development is defined as 'dual occupancy' and 'home-based child care' are permissible forms of development with consent in the R5 Large Lot Residential Zone whilst 'environmental protection works' are permitted under the C2 Environmental conservation Zone under the provisions of the *Liverpool Local Environmental Plan 2008*.

The Development Application is supported by this Statement of Environmental Effects and is to be assessed in conjunction with the following plans/documentation:

- Architectural plans prepared by Linea Verde Design, Drawing No: ABSUTAB001, dated 01.12.23.
- Plan of Management prepared by Auswide Consulting, dated April 2024
- Traffic Impact Assessment prepared by Wongala Consulting Engineers, dated March 2024

This Statement has been prepared pursuant to Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2000. The purpose of this document is to detail the proposed development, review the applicable planning regime relating to the works, assess the degree of compliance and examine the environmental effects of the development when measured against the Evaluation Criteria prescribed under Section 4.15 of the Environmental Planning and Assessment Act, 1979. In respect of the assessment of the proposal, where impacts are identified, measures proposed to mitigate any harm to environmental amenity have been addressed in this report.

The design of the proposed development has considered the character of the locality in respect to height, size, bulk, scale, setbacks, materials, and finishes. The proposal is sympathetic to the amenity of adjoining dwellings in respect to privacy, solar access, acoustic privacy, and visual impact.

As the assessment of the proposal has not identified any significant environmental or amenity impacts it is concluded that the development is acceptable and worthy of the support of Liverpool Council.



Background and Existing Conditions

The subject property is located within the Liverpool Local Government Area (LGA) and may also be identified as Lot 74 DP 1134477.

The property is rectangular in shape and is a battle axe allotment. The site has an area of 1.785ha and is accessed by a fire access track by the NSW Rural Fire Service.

The western portion of the site is currently vacant and is relatively flat. The remainder of the site is occupied by trees and vegetation. The site is classified as environmentally sensitive land and as bushfire prone land.



Figure 1: Location of the Subject Property

Source: NSW Planning Portal (April 2024)

URL Ref: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>



The property is located within and subject to the planning policies of the Liverpool Local Environmental Plan 2008 and the R5 Large Lot Residential zone and C2 Environmental Conservation. Surrounding the properties are similar land uses in low density residential lots and various recreational areas.

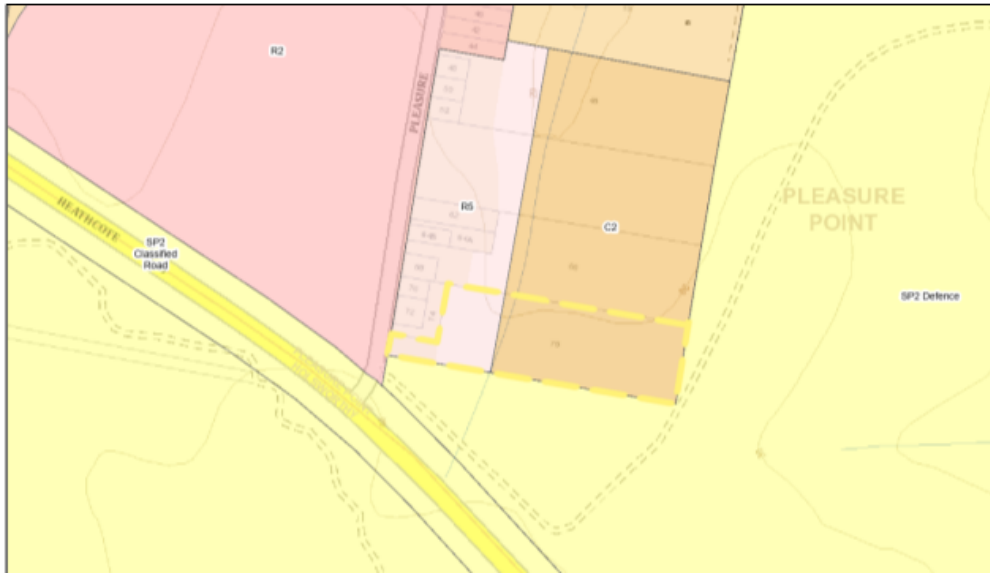


Figure 2: Local Zoning Plan of the Subject Property

Source: NSW Planning Portal (April 2024)

URL Ref: <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>



Development Proposal

The proposal primarily seeks the Torrens title subdivision, construction of 2x dual occupancies, 1x home-based child care and right of carriageway. The development specifically consists of the following:

Torrens Title Subdivision

- Lot A: 15219.5m²
- Lot B: 2630.5m²

Lot A – Dual Occupancy with 1x homes-based child care

Child Care	Residence A	Residence B
<u>Ground Floor</u>	<u>Ground Floor</u>	<u>Ground Floor</u>
Class room A	Porch	Double attached garage
Class room B	Double attached garage	Kitchen with walk in pantry
2x was closet	Kitchen with walk in pantry	Bedroom
Ambulant	Lounge room	Living room
Entry	Living room	Dining room
Access stairs	Dining room	Laundry
5 car parking spaces	Laundry	Wash closet
	Wash closet	Access stairs
	Access stairs	
<u>First floor</u>	<u>First Floor</u>	<u>First Floor</u>
2x Office room	Master Bedroom with ensuite and walk in robe and balcony	Master Bedroom with ensuite and walk in robe and balcony
Retreat	3 additional bedrooms	3 additional bedrooms
Kitchen	Bathroom	Bathroom
Bathroom	Access stairs	Access stairs
Laundry		Rear balcony
Staff room		
Access stairs		

Home based child care

Please refer to Plan of Management for further details of operation of the child care.



Lot B – Dual Occupancy

Residence A	Residence B
<u>Ground Floor</u>	<u>Ground Floor</u>
Porch	Porch
Double attached garage	Double attached garage
Kitchen with walk in pantry	Kitchen with walk in pantry
Lounge room	Lounge room
Living room	Living room
Dining room	Dining room
Laundry	Laundry
Alfresco	Alfresco
<u>First Floor</u>	<u>First Floor</u>
Master Bedroom with ensuite and walk in robe	Master Bedroom with ensuite and walk in robe
3 additional bedrooms	3 additional bedrooms
Bathroom	Bathroom
Access stairs	Access stairs

Right of Carriage Way

A proposed right of carriage way will form the main form of vehicular and pedestrian access to the proposed development. All driveways will connect to the carriage way. The right of carriageway will also to be used as a fire access track for the NSW Rural Fire Service.

The proposed works are shown in the following plans.

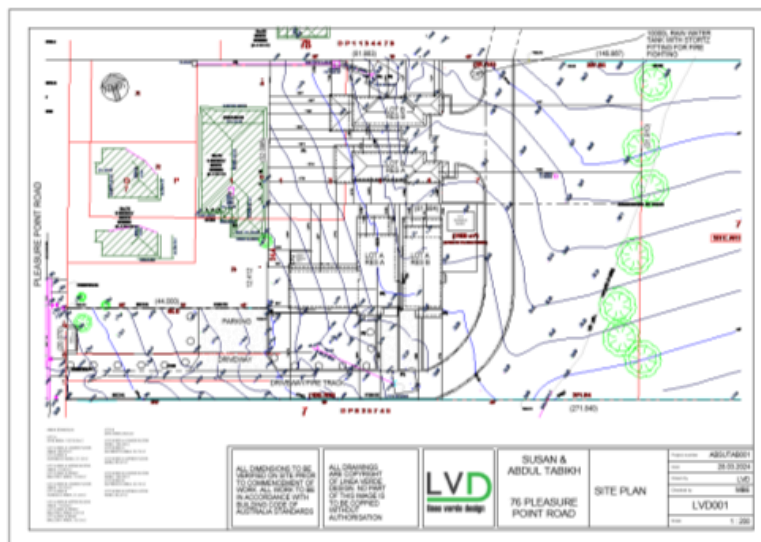


Figure 3: Proposed site plan

Source: Linea Verde Design (December 2023)

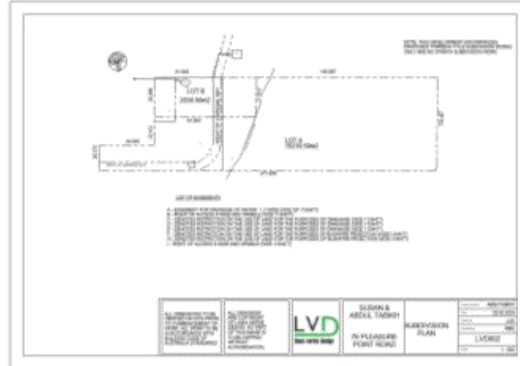


Figure 4: Proposed subdivision plan

Source: Linea Verde Design (December 2023)

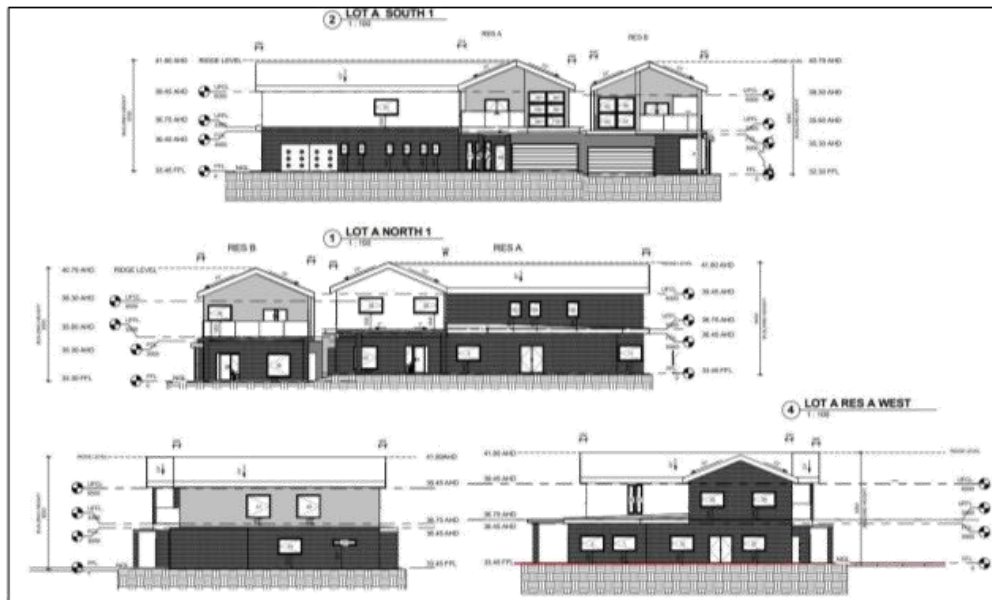


Figure 5: Proposed Lot A Elevations

Source: Linea Verde Design (December 2023)

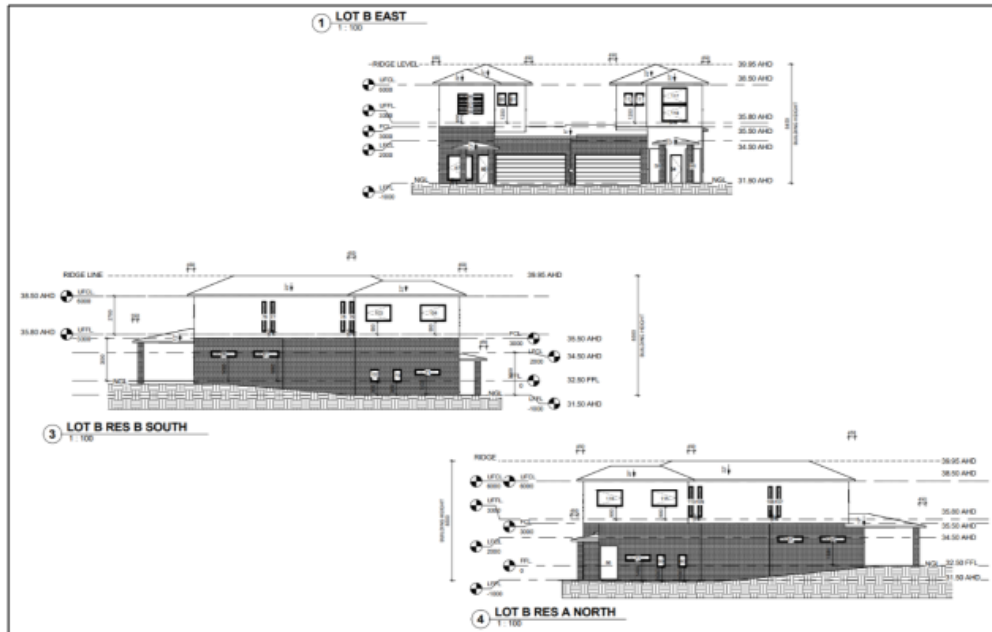


Figure 6: Proposed Lot B Elevations

Source: Linea Verde Design (December 2023)

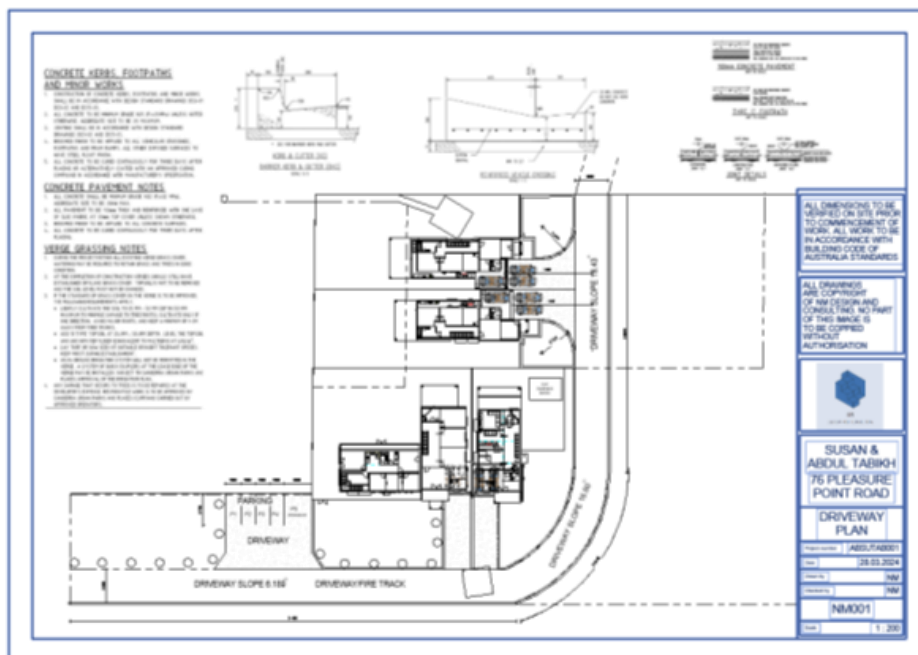


Figure 7: Proposed Right of Carriage Way and Parking

Source: Linea Verde Design (December 2023)



Environmental Assessment

The proposal has been assessed under Section 4.15 (1) of the *Environmental Planning and Assessment Amendment Act, 1979*.

The following planning instruments and controls are relevant to the assessment of this proposal:

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;*
- *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- *Liverpool Local Environmental Plan 2008; and*
- *Liverpool Development Control Plan 2008*

Section 4.15 (1)(a)(i) Environmental Planning Instruments

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application has been assessed against the requirements of the Policy and includes a BASIX Certificate for the proposed dwellings.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 requires that consent must not be granted to the carrying out of any development on land unless Council has considered whether the land is contaminated or requires remediation for the proposed use.

Considering vacant nature of the development site with no obvious site contamination evident a land contamination assessment is not considered necessary.

Liverpool Local Environmental Plan 2008

R5 Large Lot Residential

1 Objectives of zone

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, 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 ensure that a high level of residential amenity is achieved and maintained.*
- *To provide for complementary uses that are of low impact and do not unreasonably increase the demand for public services or public facilities.*



2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Flood mitigation works; Helipads; Home businesses; Home industries; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Public administration buildings; Recreation areas; Roads; Tank-based aquaculture; Veterinary hospitals

4 Prohibited

Any other development not specified in item 2 or 3

Response:

The proposed development is permissible as 'home-based child care' and 'dual occupancies' under the R5 zone and environmental protection works under the C2 zone of the Liverpool LEP 2008. Regarding the zone objectives - the proposal is considered to provide residential housing in a rural setting while preserving and minimising impacts on, environmentally sensitive locations and scenic quality, it does not unreasonably increase the demand for public services or facilities and provides a high level of residential amenity.

There is expected to be minimal impact on the local built and natural environment. The development will be carried out using best practices, sustainable design methodology and constructed using high quality materials.

Liverpool Local Environmental Plan 2008

Relevant provisions of the Liverpool LEP 2008 are considered below:

Development Provision	Requirement	Comment
4.1 Minimum subdivision lot size	Minimum lot size permitted: R5 zone - 600m ² C2 zone – 1 ha	Lot A: 15219.5m ² Lot B: 2630.5m ² Complies.
4.3 Height of Buildings	Maximum height permitted: 8.5m	Complies. Maximum height of buildings proposed is below 8.5m.
4.4 Floor Space Ratio (FSR)	Maximum FSR permitted: R5 zone - 0.5:1 C2 zone – 0.01:1	Both dual occupancies fall below the 0.5:1 FSR. Complies.
5.10 Heritage conservation	Site is not a heritage listed item or within a heritage conservation area.	N/A



5.11 Bush fire hazard reduction	Site is bushfire prone.	Bushfire Assessment Report provided, development will be designed and constructed accordingly.
6.5 Public Utility Infrastructure	Public utility infrastructure must be available	Complies. The site has access to existing public utility infrastructure.
7.7 Acid sulfate soils	Class 5	Minimal excavation works proposed.
7.10A Minimum lot size for dual occupancies (detached) in Zone R5	Dual occupancies are not proposed to be detached.	N/A
7.13 Minimum Lot Width in Zones R1, R2, R3 and R4	N/A as site is zoned R5	N/A
7.31 Earthworks	Council to consider matters listed (a)-(g)	Minimal earthworks proposed.

Section 4.15 (1)(a)(iii) Development Control Plans

Liverpool Development Control Plan 2008 (LDCP)

Relevant provisions of the Liverpool DCP 2008 are considered below:

LDCP 2008 Part 1. General Controls for all Development		
Control	Required	Complies
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	No tree removal proposed.
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	No existing trees within the development site. Landscape plan provided.
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Flora and fauna report provided. Minimal impact is envisaged.
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Bushfire Assessment report provided. Development has been designed in accordance with the results of the assessment with an Asset Protection zone plan also provided.
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	Complies. Appropriate stormwater drainage



		management proposed. See stormwater plans.
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	Minimal impact envisaged.
Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Complies. Erosion and sediment control measures to be utilised.
Section 9 – Flooding Risk	Flood affection of property to considered	N/A the property is not flood prone.
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Complies. Existing and historical residential use does not warrant a land contamination assessment.
Section 11 – Salinity Risk	Salinity Management response required for affected properties	N/A
Section 12 – Acid Sulfate Soils Risk	Affected properties to consider impact of development on soils	Class 5, minimal excavation proposed.
Section 13 – Weeds	Noxious weeds to be removed as part of development where applicable	N/A
Section 14 – Demolition of Existing Development	All demolition work must comply with the Australian standard AS2601 – 1991, The Demolition of Structures.	N/A no demolition proposed.
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Complies. Property is connected to sewer.
Section 16 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	N/A as no known items of aboriginal archaeology are present on the subject property.
Section 17 – Heritage and Archaeology	Consideration of the impact on the heritage significance on any heritage buildings, sites, streetscapes or areas.	N/A as no known items of aboriginal archaeology are present on the subject property.
Section 20 – Car Parking and Access	2 car parking spaces per dwelling	Complies. Both dwellings proposed 2 car parking spaces through single garages and hardstand.
Section 21 – subdivision of land buildings	Lot size in accordance with LEP Min width allowed: 24m <u>Kerb & Gutter</u>	Complies. Lot widths are larger than 24m.



	Development involving the creation of new streets in RU2 and R5 zones shall require kerb and guttering and underground stormwater drainage where specified in Council's standards. Concrete lined table drains shall be required where scour velocities are exceeded and/or the soils are susceptible to erosion from stormwater. <u>Sewerage</u> Effluent disposal will normally be by way of appropriate on-site disposal. Where the development is in near proximity to an existing sewerage area or where, in the opinion of the NSW Department of Health or Council, the land is unsuitable for site disposal of effluent, connection to sewerage will be required. A geotechnical report to support sewerage treatment proposals is to accompany an application for onsite sewage management this type of the development	Noted, to comply. Noted, to comply.
LDCP 2008 Part 2.13 Pleasure Point		
Control	Required	Complies
2.4 Open Space	Land identified for open space under Liverpool LEP 2008 shall be dedicated to Council in conjunction with the subdivision of adjoining residential land. Direct vehicle and pedestrian connection shall be provided between the land identified as RE1 along the Foreshore and with future residential subdivision of the adjoining land via a public road.	N/A
2.5 Views and View Sharing	Lots should be designed as per Figure 7 to maximise view sharing. Higher density lots should be located at potential view point areas.	Site is a battle axe lot and not views are impacted.



2.6 Bushfire Protection	A 25 metre setback applies to the rear boundary of all lots adjacent to DP 239468 (see Figure 8) a. Within the 25 metre rear setback area: i. Any above ground structures are to be limited to a 15 square metre footprint and constructed of non-combustible material. ii. Landscaping is to include fire resistant species. iii. Fixed water systems are to be installed. b. For properties directly adjoining DP 239468 the rear fence shall be: i. 1.8m high ii. Consist of see through construction e.g. cyclone wire A fire trail parallel to Pleasure Point Road shall be provided as part of any development of lots 4 - 7 DP 239468. The trail shall link to Pleasure Point Road through lots 4 - 7 and meet the requirements of section 4.3.3 of Planning for Bushfire Protection 2006. 3. This track is to be located as shown on Figure 9. Gates must be provided in side boundary fences to allow passage of fire trucks and equipment along the trail in the event of fire. 4. Any area west of the bushfire trail is to be treated as a fuel reduced zone.	N/A
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2.7 Creek Corridors	Provide for the protection of the creek environment, including water quality, soil stability and creek bed habitat. Bush fire asset protection zones are to be incorporated into boundary road design and outside the conservation areas and creek zones. Avoid the removal of existing trees in the following zones: - RE1 - Recreation - Public - W1 – Natural Waterways - E3 – Environmental Management 4. Service utilities can only be provided within Creek Corridors if no other practical or feasible opportunity exists to cross the corridor at designated crossing points, such as streets and pedestrian crossings.	N/A Bushfire asset protection zone proposed, see bushfire report. N/A
LDCP 2008 Part 3.1 Dwellings in the R5 zone		
Control	Required	Complies
Site Planning	The dwelling layout must be designed around the site attributes such as slope, existing vegetation, land capability and/or solar access. There must be a direct link from at least one living area to the principal private open space. The siting of windows of habitable rooms on the first floor shall minimise overlooking to the private open space of neighbouring properties. Stormwater from the site must be able to be drained satisfactorily. Where the site falls away from the street, it may be necessary to obtain an easement over adjoining property to drain water satisfactorily to a Council stormwater system. Where stormwater drains directly to the	Complies. The dual occupancies are designed around the site attributes. All occupancies propose a direct link to their respective principal private open space from the family area. All occupancies are designed to maximise the privacy of adjoining properties and minimise and overlooking impacts. Stormwater discharge is proposed to be drained appropriately to Council's stormwater system, see stormwater plans.



	street, there may also be a need to incorporate on-site detention of stormwater where street drainage is inadequate. Refer to Water cycle management in Part 1. The Site analysis Plan must show the development area, and any areas of remnant or otherwise bushland on site. The site analysis plan must also show whether any bushland is to be removed as part of the development, and show the justification for this.	Site analysis plans provided.
Front Setback	Dwelling houses and any other buildings shall be setback between 12 and 25m from all streets for the front and secondary setback. Verandahs, balconies, eaves and other sun control devices may encroach on the minimum front and secondary setback by up to 1m.	Front setback not applicable as dwelling does not face street.
Garage Setback	Garages must be set back a minimum of 1m behind the main face of the dwelling house	All garages are setback 1m behind Complies.
Side and Rear Setback	Dwelling houses and any other buildings shall be setback a minimum of 5m from the side boundaries and a minimum of 12m from the rear boundary.	Lot A provides 5m side setbacks and rear setbacks over 12m. Lot B acts like a corner allotment and provides appropriate set backs.
Landscaped Area	A minimum of 75% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas. A minimum of 75% of the front setback area shall be Landscaped Area.	Both lots have the capacity to have 75% of the site area as landscaped area.
Private Open Space (POS)	Each dwelling must provide a minimum of 100sqm of Private Open Space Areas less than 2.5 m in width does not qualify as Private Open Space.	All occupancies will have a minimum POS of 100sqm and dimension of 4 x 6m that is directly accessible to a living space. Complies.



	Private open space areas are not permitted within the primary street setbacks. The Private Open Space shall include a Principal Private Open Space area, which is directly accessible from the main living area of a dwelling with a minimum dimension of 4 x 6m.	
Cut and Fill of Land	The maximum cut on a site must not exceed 600mm. All retaining wall structures shall be masonry construction and designed by a suitably qualified person, or constructed as specified by the manufacture of the product. The retaining wall shall be constructed wholly inside (within) the boundary of the site. All slab constructions for dwellings that are above natural ground level are to be constructed using dropped edge beams to retain fill. The maximum fill within the confines of the slab must not exceed 1m. All fill must be contained within the dwelling footprint. Contaminated fill, either imported or found on site is not permitted. Note: In the event of approval being granted to the erection of retaining wall(s) to contain proposed cut, Council will require the completion of such retaining wall(s) PRIOR TO the release of the occupation certificate. Where an applicant considers that an allotment has characteristics which warrant exemption from this policy, an application for exemption may be made by the submission of a development application to Council for consideration. In addition to normal requirements the submission should include: A plan showing existing contours (at 0.5m	Noted, to comply.



	intervals) of the subject site and all adjoining sites; ii. A plan showing future contours (after proposed cut and fill) of the subject site and all adjoining sites; and iii. Full details of any proposed retaining wall(s).	
Building Design and Appearance	All dwelling houses are to be orientated to the street. The front pedestrian entrance must be visible from the street. The front building facades shall be articulated, this articulation may include front porches, entries, wall indents, windows, changes in finishes, balconies and/or verandahs. Eave overhang must provide for sun shading and protect windows and doors. Eaves should have a minimum overhang of 400mm and be provided to a minimum of 70% of the dwelling. Dwelling houses that face two street frontages or a street and public space shall address both frontages by the use of verandahs, balconies, windows or similar modulating elements. The side walls shall be articulated if the wall has a continuous length of over 14 m.	As the existing lot is a battle axe lots, the lot itself does not orientate to the street. The lots will orientate to the proposed right of carriageway. All dual occupancies building facades are articulated through porches, changes in finishes and balconies. 438mm-450mm eaves are provided. Side walls are articulated through recessing and use of windows and changes in finishes.
Garages	Garages and carports must be designed to be the minor element of the façade Garage roofs shall be incorporated into the roof design of the house. Separate roofs for garages are discouraged, unless actually separated from the dwelling.	All proposed garages are designed as the minor element of the façade. All garage roofs are incorporated into the roof design of their respective dwellings. All garages are compatible with the building design.



	Garages and carports are to be compatible with the building design in terms of height, roof form, detail, materials and colours.	Complies.
Internal Design	All dwellings shall have habitable rooms located to the front of the dwelling for security and surveillance to the street. Living rooms should take advantage of northern aspects. Access to private open space must be from at least one living room. The internal layout of the dwelling is encouraged to incorporate cross ventilation. Bathrooms, ensuites, laundries and walk in wardrobes should be located to the side or rear of the dwelling. Each dwelling must provide a minimum storage area of 8m³. Locate active use rooms or habitable rooms with windows overlooking communal/public areas (e.g. playgrounds, gardens).	All propose first floor bedrooms located to the front of the dwelling enabling security and surveillance to the street. Some bedrooms and living spaces for both dual occupancies have northern aspects. Private open space is accessible from the living area of all occupancies. All occupancies incorporate cross ventilation. All bathrooms, ensuites, walk in wardrobes and laundries are located to the sides of the dwelling, for both dwellings. Sufficient storage is provided to both dwellings through the multiple storage vicinities proposed in each dwelling. Complies.
Landscaping	The setback areas of development are to be utilised for canopy tree planting. The landscape design for all development must include canopy trees that will achieve a minimum 8 m height at maturity within the front and rear setback areas. Landscape planting should be principally comprised of native species to maintain the character of Liverpool and provide an integrated streetscape appearance. Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will	Noted to comply.



	consider the use of deciduous trees in small private open space areas such as courtyards for control of local microclimate and to improve solar access. Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians. Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development. The development must be designed around significant vegetation on the site. Note: It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings. At least one tree shall be planted in the landscaped areas. The tree must reach a mature height of over 8 m. Trees adjacent to private open space areas and living rooms should provide summer shade and allow winter sun entry. Any tree with a mature height over 8m should be planted a minimum distance of 3m from the building or utility services.	Noted. To comply.
Fencing	Wall finishes must have low reflectivity. Where noise insulation is required, consider the installation of double-glazing or other noise attenuation measures at the front of the building rather than construction of a high solid form fence.	Noted. To comply.



	Primary and Secondary Frontage: The maximum height of a front fence is 1.5m. Fences should not prevent surveillance by the dwelling's occupants of the street or communal areas. The front fence must be 30% transparent. Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the dwelling. The front fence may exceed 1.5m (to a maximum of 1.8m) only if: - The fence is 50% transparent; and - The fence is articulated by 1m and has landscaping in front of the fence; and - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site. Boundary Fences The maximum height of side boundary fencing within the setback to the street is 1.5m.	
Car parking	Two car parking spaces shall be provided for each dwelling. At least one car parking space must be provided behind the front setback. A car parking space is to have a minimum dimension of 2.5 x 5.5m. A single garage is to be a minimum of 3m wide internally and unobstructed.	Two spaces are provided for each occupancy through double garages.
Access	The location of access driveways should consider the natural features, topography and existing vegetation of the site. Access driveways should follow the topography and landscaping onsite (See Figure 4).	Noted, to comply.



	Access driveways should be located where they are easily visible on the street. Avoid placing driveways at bends or where the road creates visibility problems for access points. Development on sites located on Classified roads may be required to provide a deceleration lane to ensure that the flow of traffic is not impeded.	
Overshadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least: - One living room, rumpus room or the like. - 50% of the private open space.	Complies. See shadow diagrams.
Privacy	Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling. Habitable room windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m, except where they face a street or public open space. Building siting, window location, balconies and fencing must consider the importance of the privacy of on site and adjoining buildings and private open spaces. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Complies. The design of the development through building siting and window location poses minimal privacy impacts to adjoining properties. Windows facing the side boundaries and properties are highlight windows all within sill height at a minimum of 1.5m. No habitable room windows are proposed facing the side boundaries.
Acoustic Privacy	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings. Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building	Noted, to comply.



	materials and design, orientation of the buildings and location of sleeping and recreation areas. Where party walls are provided they must be carried to the underside of the roof and be constructed in accordance with Part F5 of the Building Code of Australia. The proposed buildings must comply with the Environment Protection Authority criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	
Site Services	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council. Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure. Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.	Noted, to comply
Additional requirements – dual occupancies in the R5 zone	Building Appearance, Streetscape and Layout An extension or alteration, which creates attached dual occupancy housing, is to ensure that design features complement the existing dwelling house. An attached dual occupancy shall be compatible with the design features of the existing dwelling in terms of cladding, colour, building materials, windows, verandahs, roof form and pitch.	N/A as dual occupancies are to be newly constructed and not an extension or alteration.



	The front building line of the second dwelling is to be located behind the building line of the existing dwelling house. In the event two dwellings are constructed at the same time, one dwelling shall be sited to present as the principal dwelling with the second dwelling to be subservient in scale. Mirror reversed or replica dwelling design dual occupancies are not supported. Attached Dual Occupancy development shall be physically attached under the same roofline and have the general appearance of a large single dwelling house when viewed from the primary street frontage. Structures such as carports, skillion roofs, pergolas, covered awnings and the like are not acceptable as a mode of attachment. In the case of Detached Dual Occupancy, both dwellings shall possess compatible architectural treatments and building materials. Dwellings must be located to minimise the removal of any existing vegetation. Buildings should complement the characteristics of the landform. Cut and Fill must be kept to a minimum. The roofline of all buildings should reflect the land profile within the vicinity of the development. Car Parking and Access Car parking areas, internal driveways and access driveways shall be constructed of hard standing, all weather material.	Both dual occupancies are not mirror reversed. The dual occupancies are not built under the same roofline and therefore do not appear as a large single dwelling house. As the site does not face the street, this will not disrupt the existing streetscape. N/A Complies. Complies. Complies. Noted, to comply.
Part 3.8 Non Residential Development in Residential Zones		
2. Child Care Centres		
Control	Required	Complies



Licence Requirements	In order to operate a child care centre, the applicant needs to obtain the following: 1. Development consent from Council under the Environmental Planning and Assessment Act 1979. A licence to operate from the NSW Department of Community Services (DOCS) under the Children and Young Persons (Care and Protection) Act 1998 and the Children's Services Regulation 2004.	To comply.
Lot Sizes	The maximum number of children in any centre cannot exceed 45 for 0-5 year olds; however Council may consider a maximum number of 60 children per centre of which 30% must be aged between 0-2. The proposed child care centre must comply with open space requirements as set out in the Children Services Regulation 2004.	Complies.
Site Planning	Child care is home-based.	N/A
Setbacks	Front setback: 5.5m Secondary setback: 4m Side setback: 1.2m Rear Setback 4m	Complies.
Landscaped Area	A minimum of 25% of the site area shall consist of Landscaped Area, this may include lawn, deep rooted trees, garden beds and mulched areas. There must be an unencumbered area of 5 x 6m in the rear setback for the opportunity to accommodate the planting of deep rooted trees. A minimum of 50% of the front setback area shall be landscaped area. There must be an unencumbered area of 3 x 5m in the front setback for the opportunity to accommodate deep rooted trees.	Complies.
Open Space	A proposed Child Care Centre must comply with open space	Complies.



	requirements as set out in the Children Services Regulation 2004. Outdoor open space is to be located behind the childcare centre i.e. away from roads/streets.	
Building Appearance	Where large glass areas cannot be avoided appropriate shade devices shall be incorporated into the design. The roof design shall be compatible with surrounding properties with respect to height, pitch, building materials and colour. The building shall be designed so that it is in character with the surrounding residential area in terms of bulk, scale, size and height. The front pedestrian entrance must be visible from the street. The front building facades shall be articulated. This articulation may include front porches, entries, wall indents, changes in finishes, balconies and/or verandahs. For two storey developments, the side walls shall be articulated if the wall has a continuous length of over 10m. Buildings that face two street frontages or a street and public space must address both frontages by the use of verandahs, balconies, windows or similar modulating elements.	Noted. Complies. Complies. Visible from right of carriage way. Complies. Complies. N/A
Security	Entrances to buildings should be orientated towards the front of the site facing the street. Blank walls addressing the street frontage and other public places must be avoided.	Entrance orientated to right of carriageway.
Landscaping	A landscape plan must be submitted to Council with the development	Complies.



	application. Refer to Part 1 of the DCP. Areas of grass are to be limited to play areas. Other landscaped areas are to be planted.	
Site Access	All vehicles shall enter and leave the site in a forward direction. Dead end streets or cul-de-sacs present traffic movement and parking problems and are inappropriate locations for Child Care Centres or facilities.	Complies.
Overshadowing	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least: - one living, rumpus room or the like and/or - 50% of the private open space.	Complies.
Privacy	Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling. Habitable room windows on the first floor that face the side boundary are to avoid unreasonable overlooking by having a minimum sill height of 1.5m, except where they face a street or public open space. Building siting, window location, balconies and fencing must consider the importance of the privacy of on-site and adjoining buildings and private open spaces. 4. Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Complies.
Acoustic Privacy	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings. Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design	Noted, to comply.



	in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas. The proposed buildings must comply with the Department of Environment and Climate Change criteria and the current relevant Australian Standards for noise and vibration and quality assurance.	
Waste Management	Waste disposal facilities shall be provided for development. These shall be located adjacent to the driveway entrance to the site. Any structure involving waste disposal facilities shall be located as follows: - Setback 1m from the front boundary to the street. - Landscaped between the structure and the front boundary and adjoining areas to minimise the impact on the streetscape. - Not be located adjacent to an adjoining residential property	To comply.

Section 4.15 (1)(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

It is considered that the proposed development will have minimal environmental impact onto the natural and built environment of the subject site and its surrounding neighbouring properties. The proposed torrens title subdivision, dual occupancies, home based child care centre and right of carriageway is intended to benefit the subject site, the owners of the property and compliment the streetscape with minimal impact onto adjoining properties.

During construction, noise and building impacts will be minimised through observance of the requirements of the Environmental Protection Authority and Local Authorities. All noise emissions will comply with Australian Standards. As such the proposed development poses minimal detrimental impacts on both the natural and built environments.



Section 4.15 (1)(c) Suitability of the Site for the Development

The site is considered to remain suitable for the proposed development, owing largely to:

- The proposed development is a permissible form of development which meets the objectives of the zone R5 Large Lot Residential and C2 Environmental Conservation;
- The proposal is consistent with the objectives and relevant development standards of the Liverpool Local Environment Plan 2008;
- The proposal meets the requirements and objectives of the Liverpool Development Control Plan 2008; and
- The development will have minimal significant environmental, social or economic impacts onto adjoining properties.

Section 4.15 (1)(d) Any submissions made in accordance with this Act or the regulations

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners. Any submissions will be reviewed by the applicant and Council during the assessment process, and duly considered.

Section 4.15 (1)(e) Public Interest

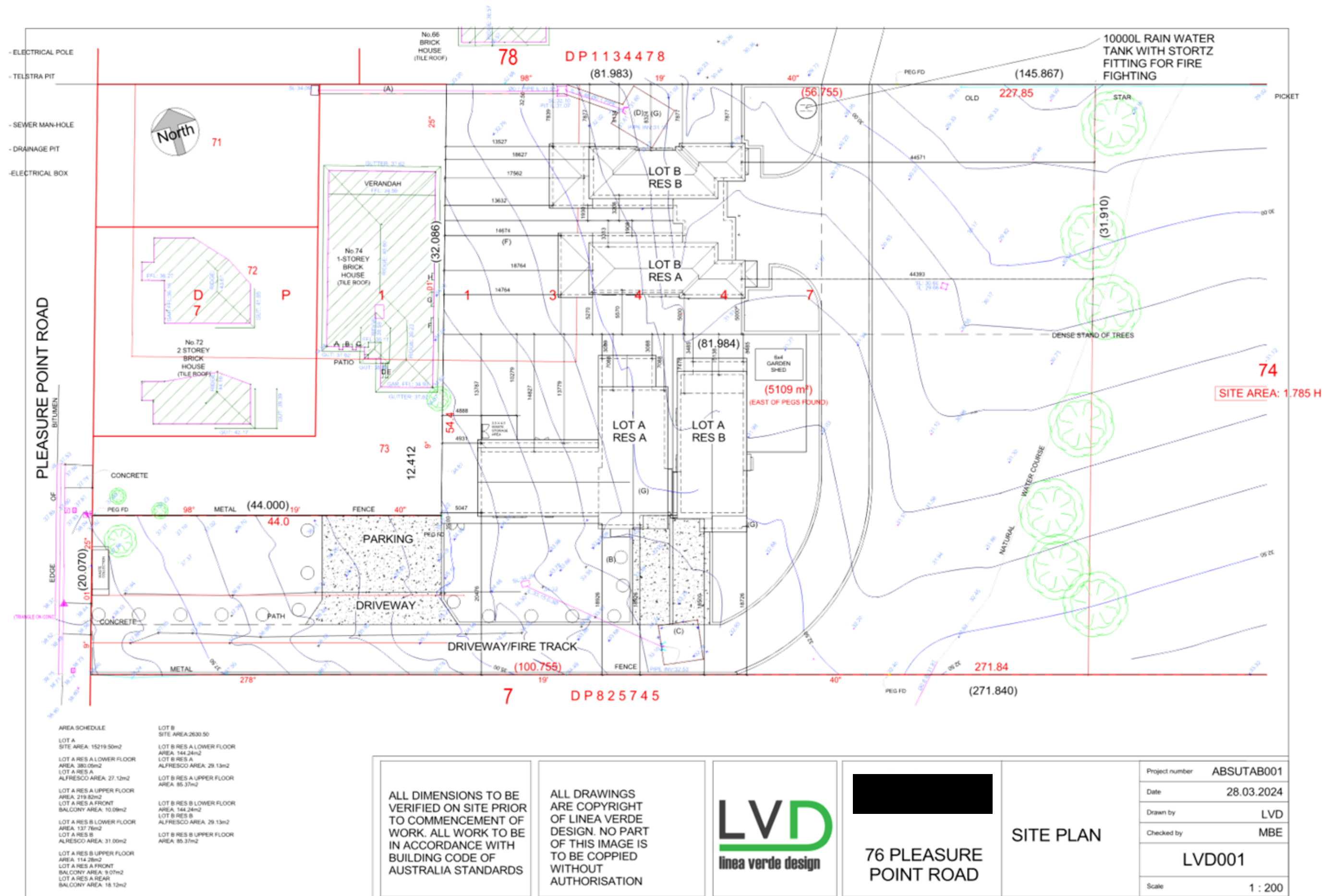
Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case, particularly noting the predominantly compliant and minor nature of the proposal.

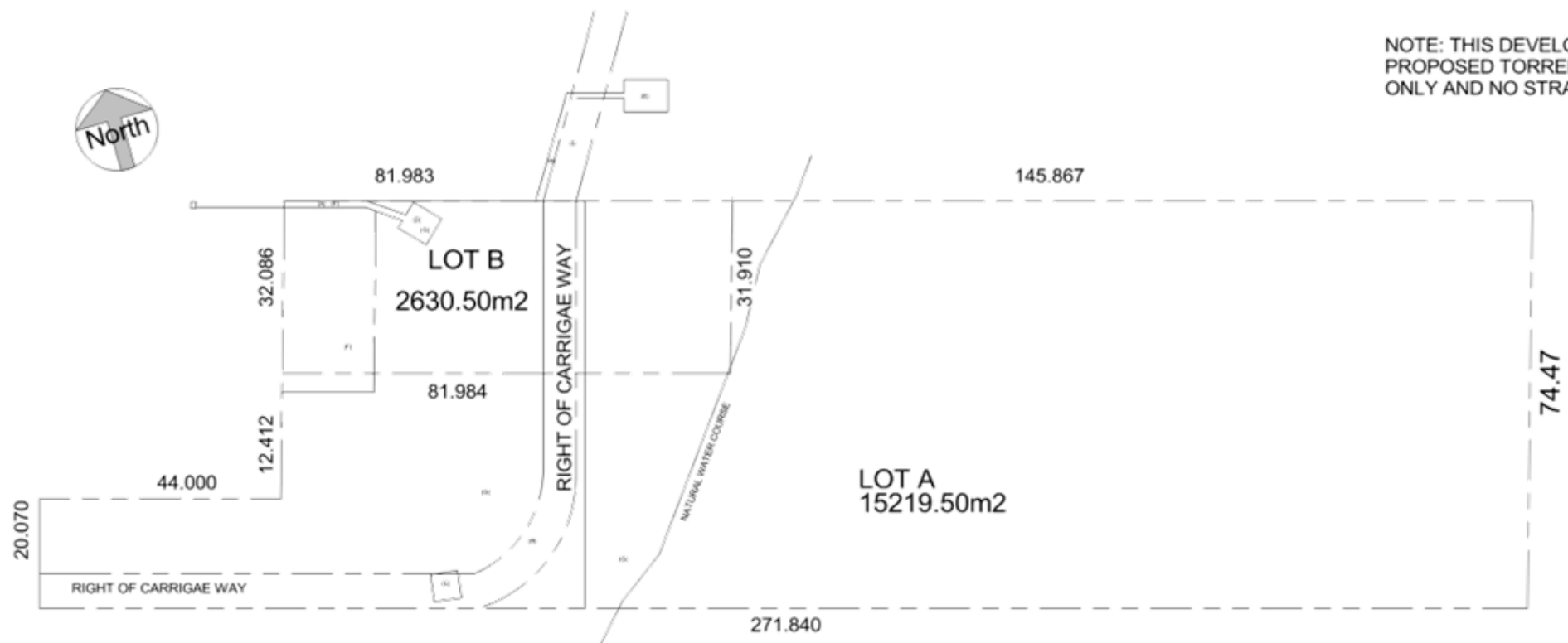


Conclusion

It is concluded that the development proposal to seek council approval, for the proposed Torrens title subdivision, dual occupancies, home based child care centre and right of carriageway at 76 Pleasure Point Road, Pleasure Point. The proposal is supported on the following grounds:

- A Development Application is submitted to the Liverpool City Council containing necessary drawings and reports. All associated documents referenced in this statement are to be provided with the Application;
- The proposal is suitable for the R5 Large Lot Residential and C2 Environmental Conservation zones and meets the current zoning objectives;
- The proposal meets the requirements of the Liverpool Local Environment Plan 2008 and the Liverpool Development Control Plan 2008;
- There will be minimal adverse social, economic or environmental impacts;
- Impacts to the amenity and character of the surrounding established area are negligible; and
- The proposal is considered acceptable in terms of Section 4.15 of the *Environmental Planning and Assessment Act 1979*.





LIST OF EASEMENTS

- A - EASEMENT FOR DRAINAGE OF WATER 1.2 WIDE (VIDE DP 1134477)
- B - RIGHT OF ACCESS 6 WIDE AND VIRABLE (VIDE 1134477)
- C - DENOTES RISTRITION ON THE USE OF LAND FOR THE PURPOSES OF DRAINAGE (VIDE 1134477)
- D - DENOTES RISTRITION ON THE USE OF LAND FOR THE PURPOSES OF DRAINAGE (VIDE 1134477)
- E - DENOTES RISTRITION ON THE USE OF LAND FOR THE PURPOSES OF DRAINAGE (VIDE 1134477)
- F - DENOTES RISTRITION ON THE USE OF LAND FOR THE PURPOSES OF BUSHFIRE PROECTION (VIDE1134477)
- G - DENOTES RISTRITION ON THE USE OF LAND FOR THE PURPOSES OF BUSHFIRE PROECTION (VIDE1134477)
- I - RIGHT OF ACCESS 6 WIDE AND VIRABLE (VIDE 1134477)

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76 PLEASURE
POINT ROAD

SUBDIVISION
PLAN

Project number	ABSUTAB001
Date	28.03.2024
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LVD002	
Scale	1 : 500



3 LOT A RES A EAST
1 : 100

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76 PLEASURE
POINT ROAD

ELEVATIONS
1

Project number	ABSUTAB001
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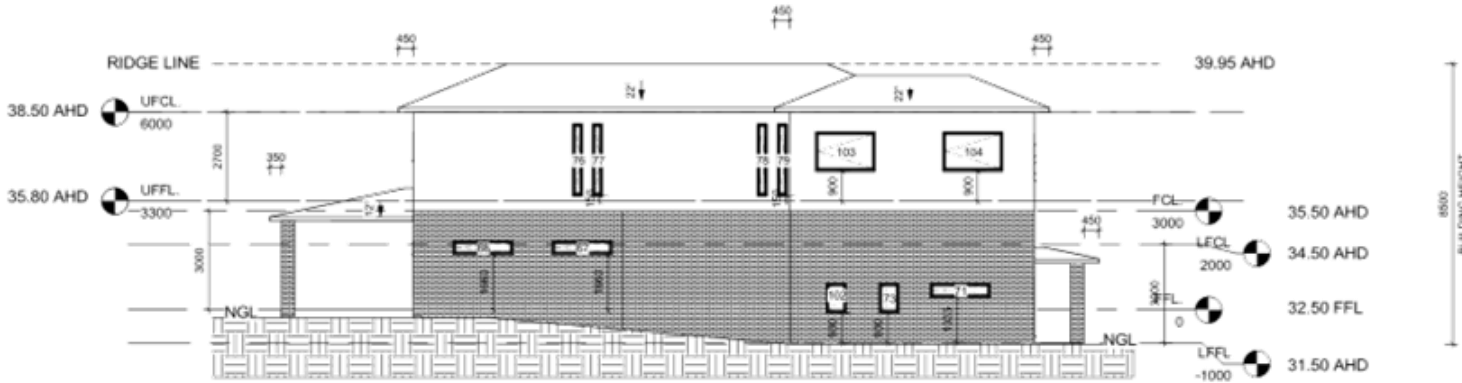
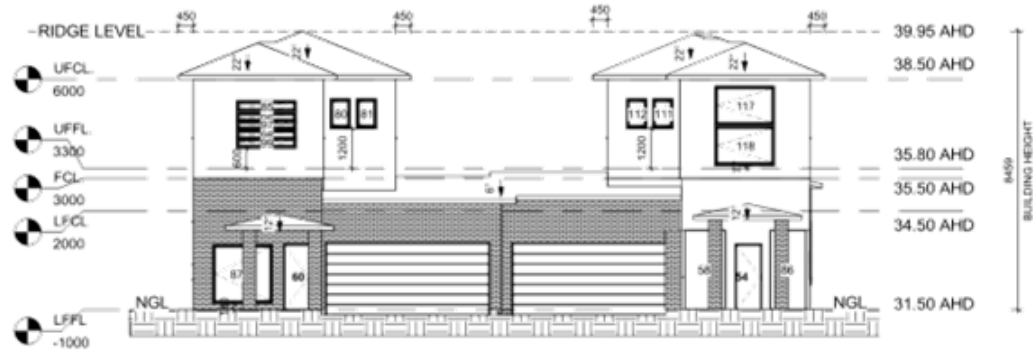


76 PLEASURE
POINT ROAD

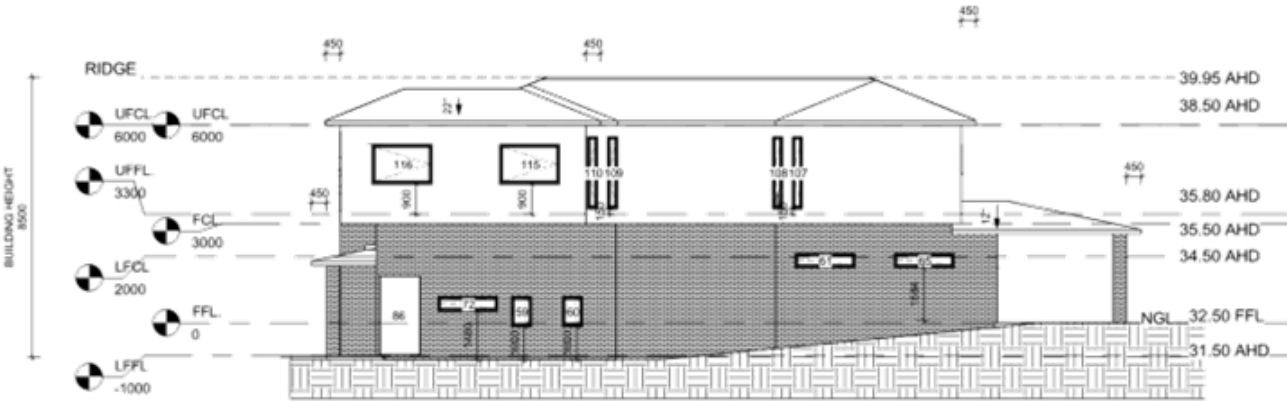
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LVD009	
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1 LOT B EAST
1 : 100



3 LOT B RES B SOUTH
1 : 100



4 LOT B RES A NORTH
1 : 100

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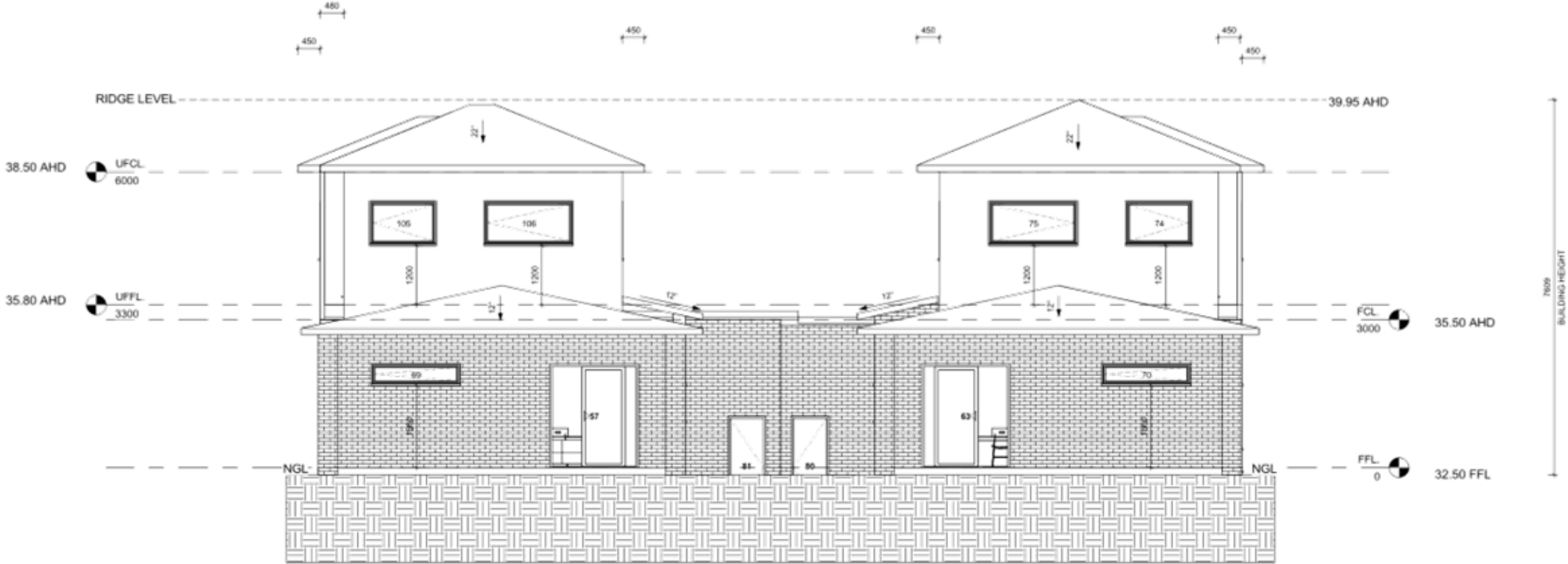
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76 PLEASURE
POINT ROAD

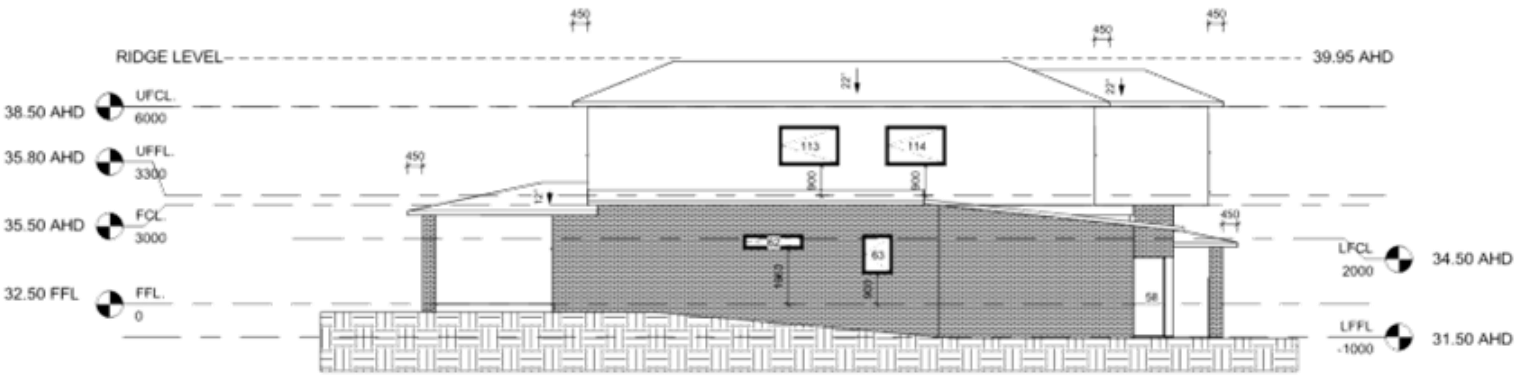
ELEVATIONS
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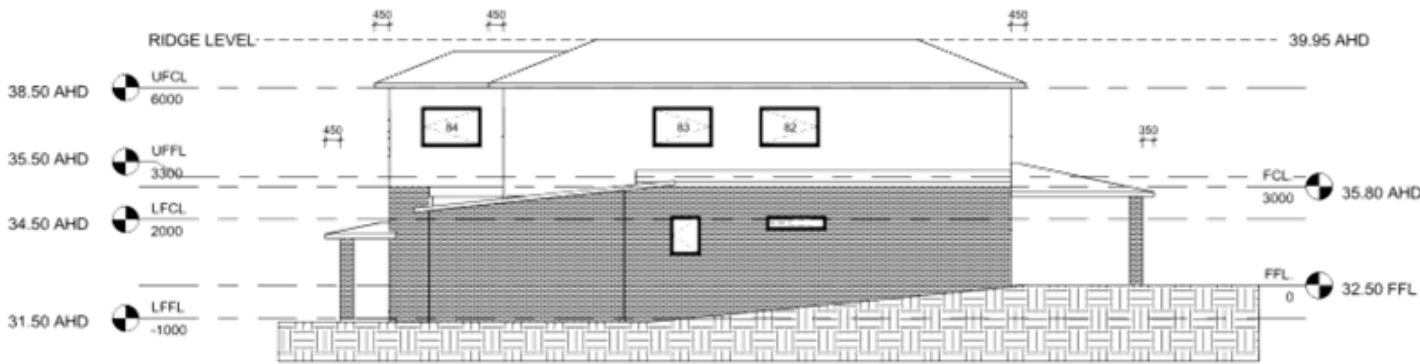


2 LOT B WEST
1 : 50

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					Scale	1 : 50



1 LOT B RES A SOUTH
1 : 100



2 LOT B RES B NORTH
1 : 100

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TO COMMENCEMENT OF
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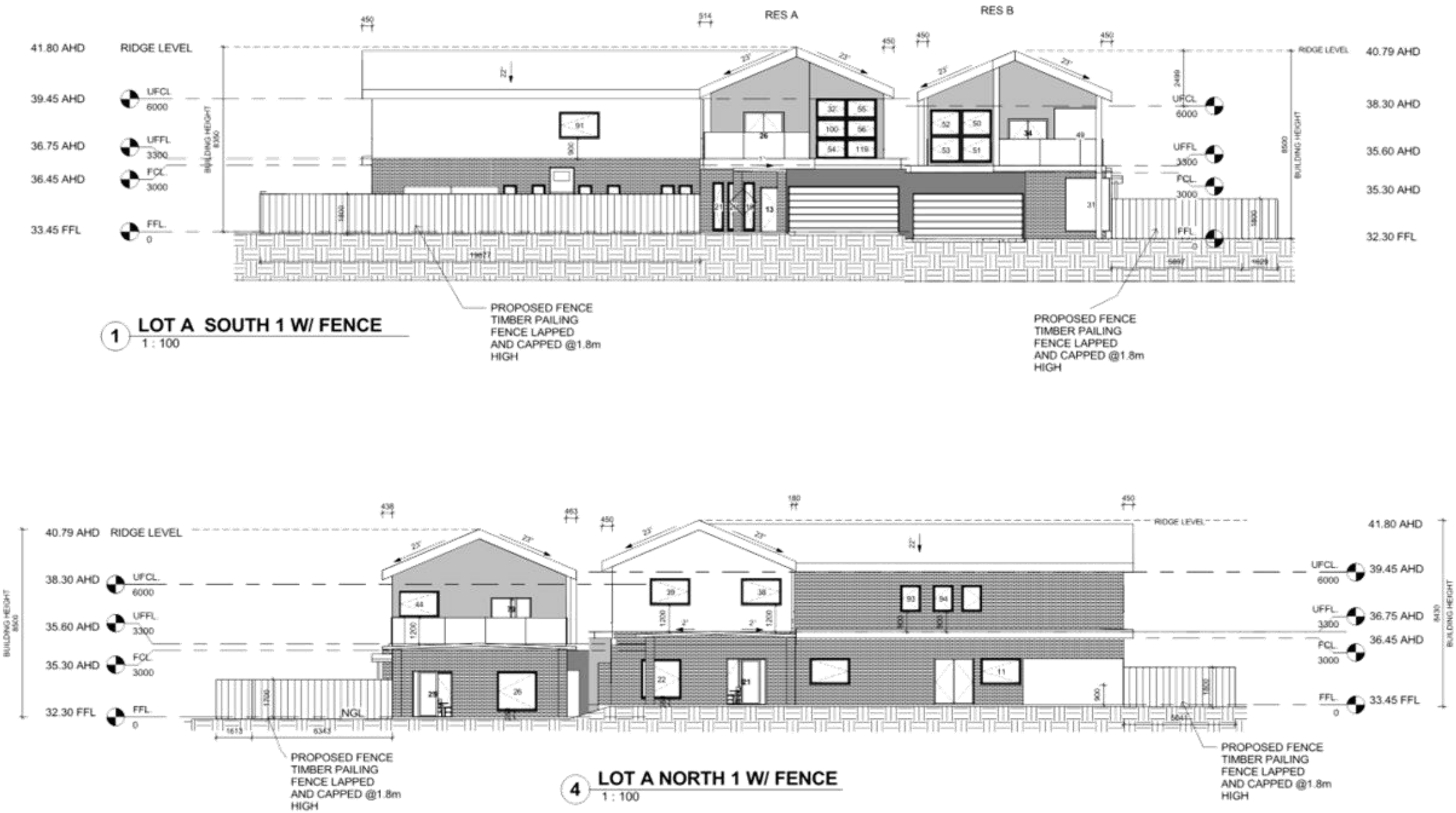
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76 PLEASURE
POINT ROAD

ELEVATIONS
5

Project number	ABSUTAB001
Date	28.03.2024
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LVD012	
Scale	1 : 100



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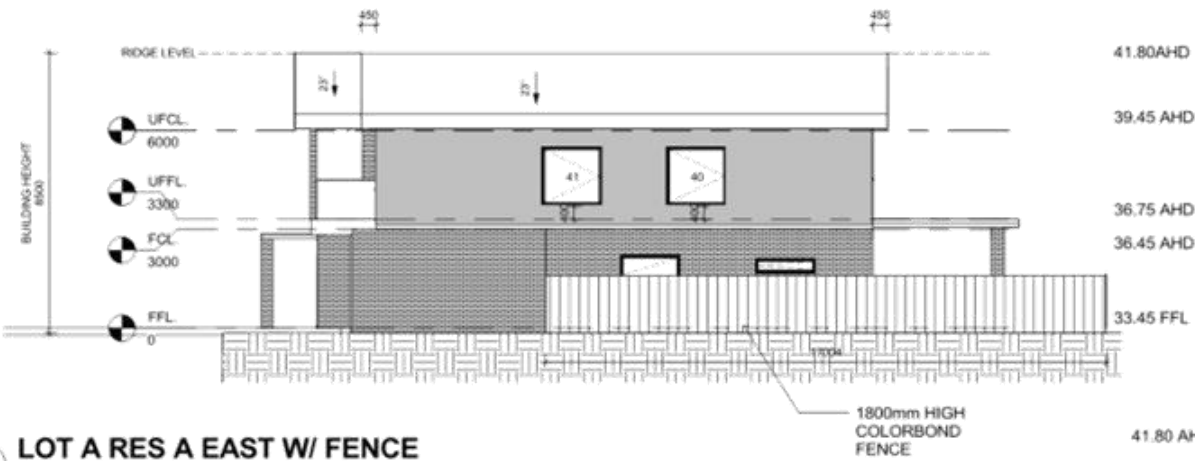
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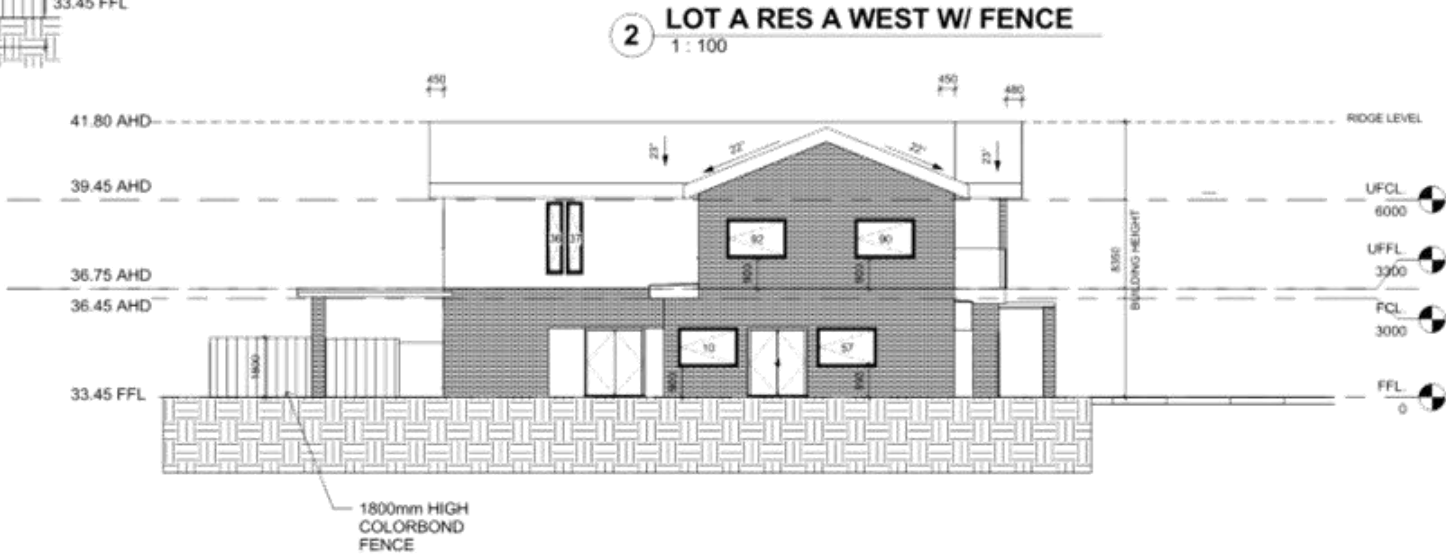
76 PLEASURE
POINT ROAD

ELEVATIONS
6

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD013	
Scale	1 : 100



1 LOT A RES A EAST W/ FENCE
1 : 100



2 LOT A RES A WEST W/ FENCE
1 : 100



3 LOT A RES B EAST W/ FENCE
1 : 100

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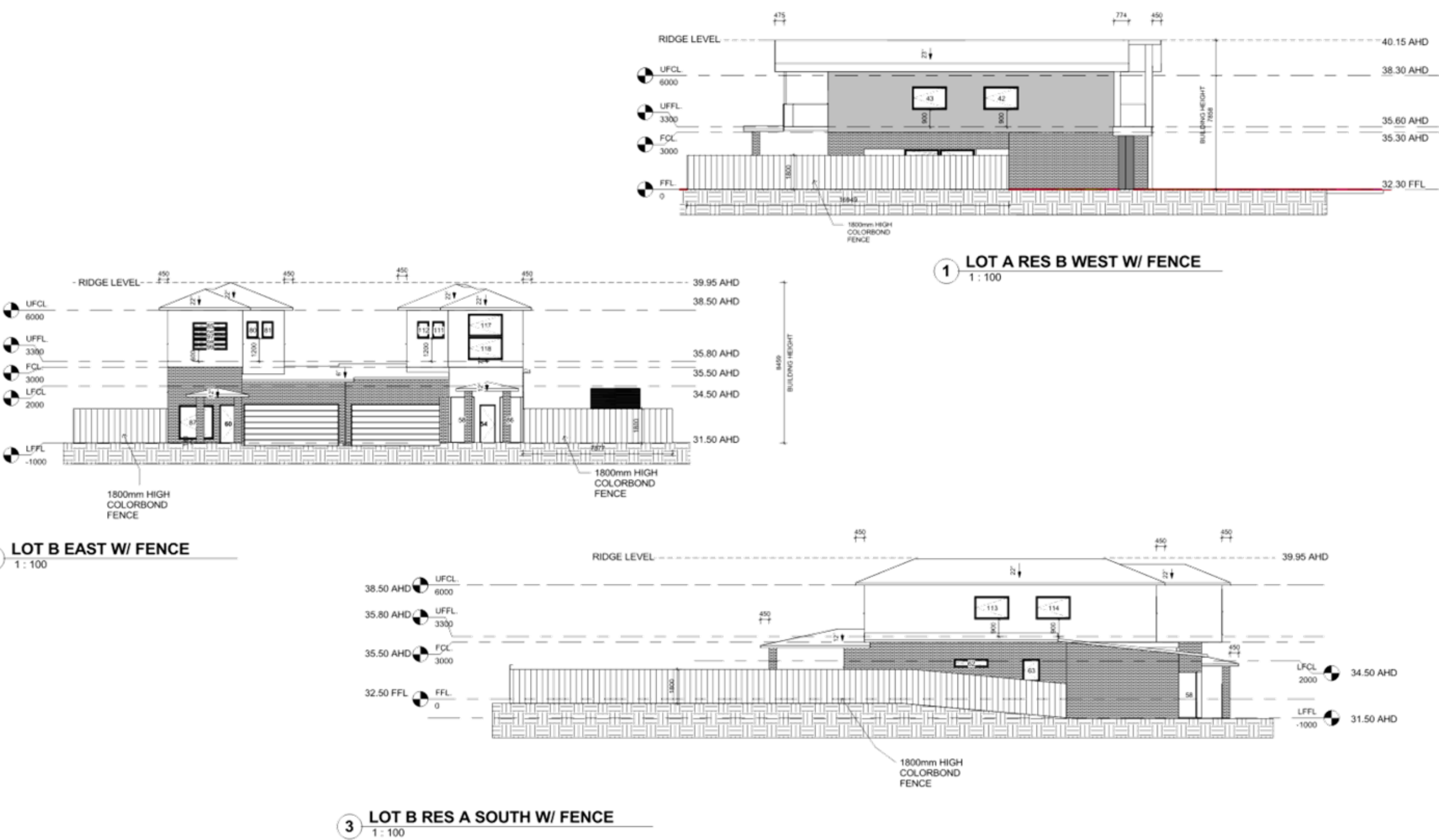
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76 PLEASURE
POINT ROAD

ELEVATIONS
7

Project number	ABSUTAB001
Date	28.03.2024
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Checked by	Checker
LVD014	
Scale	1 : 100



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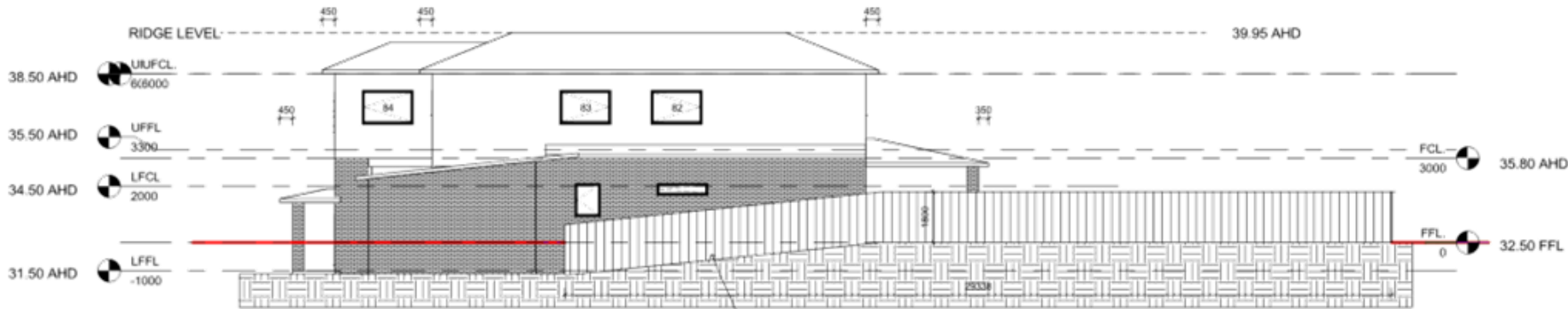
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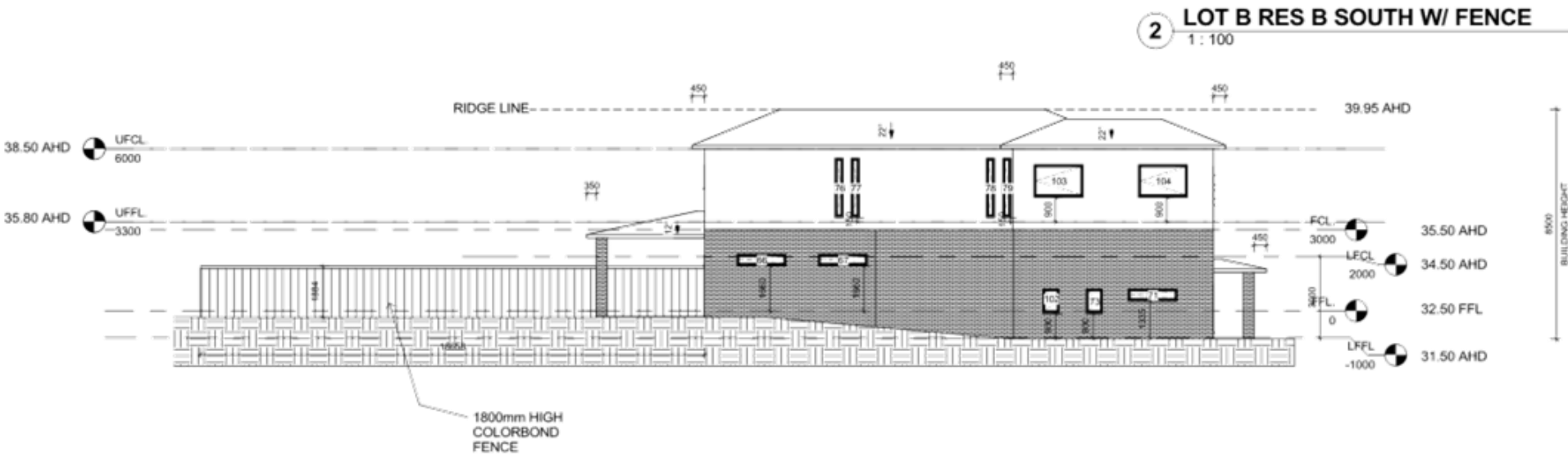
76 PLEASURE
POINT ROAD

ELEVATIONS
8

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD015	
Scale	1 : 100



1 LOT B RES B NORTH W/ FENCE
1 : 100



2 LOT B RES B SOUTH W/ FENCE
1 : 100

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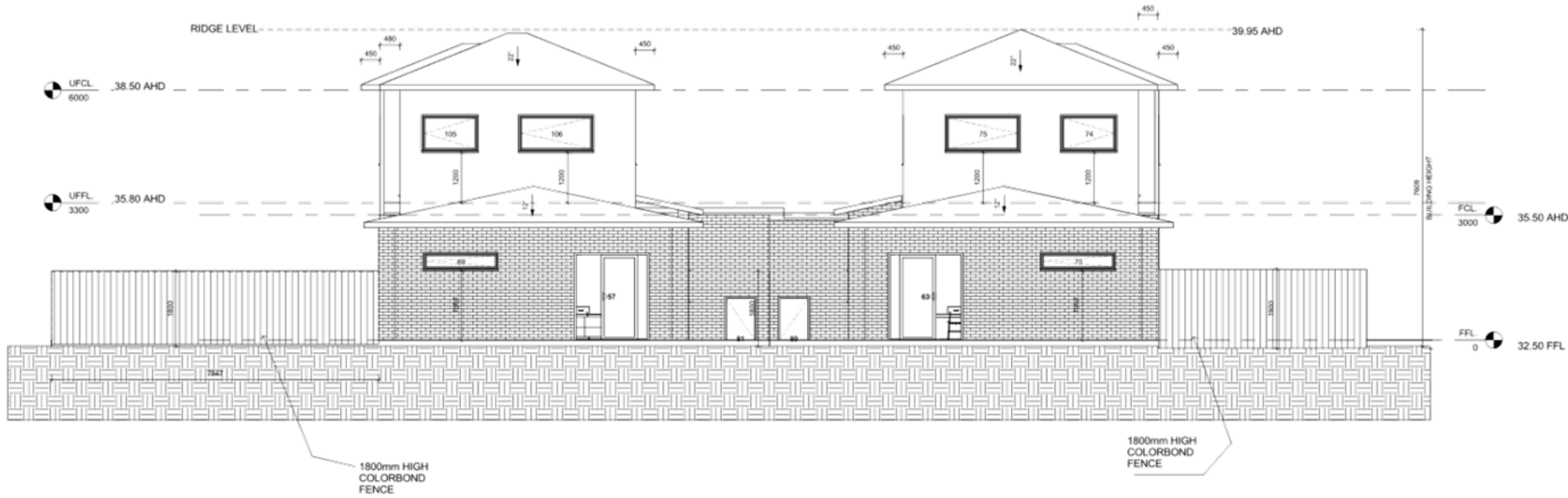
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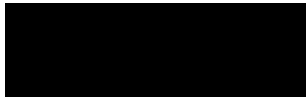
76 PLEASURE
POINT ROAD

ELEVATIONS
9

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD017	
Scale	1 : 100

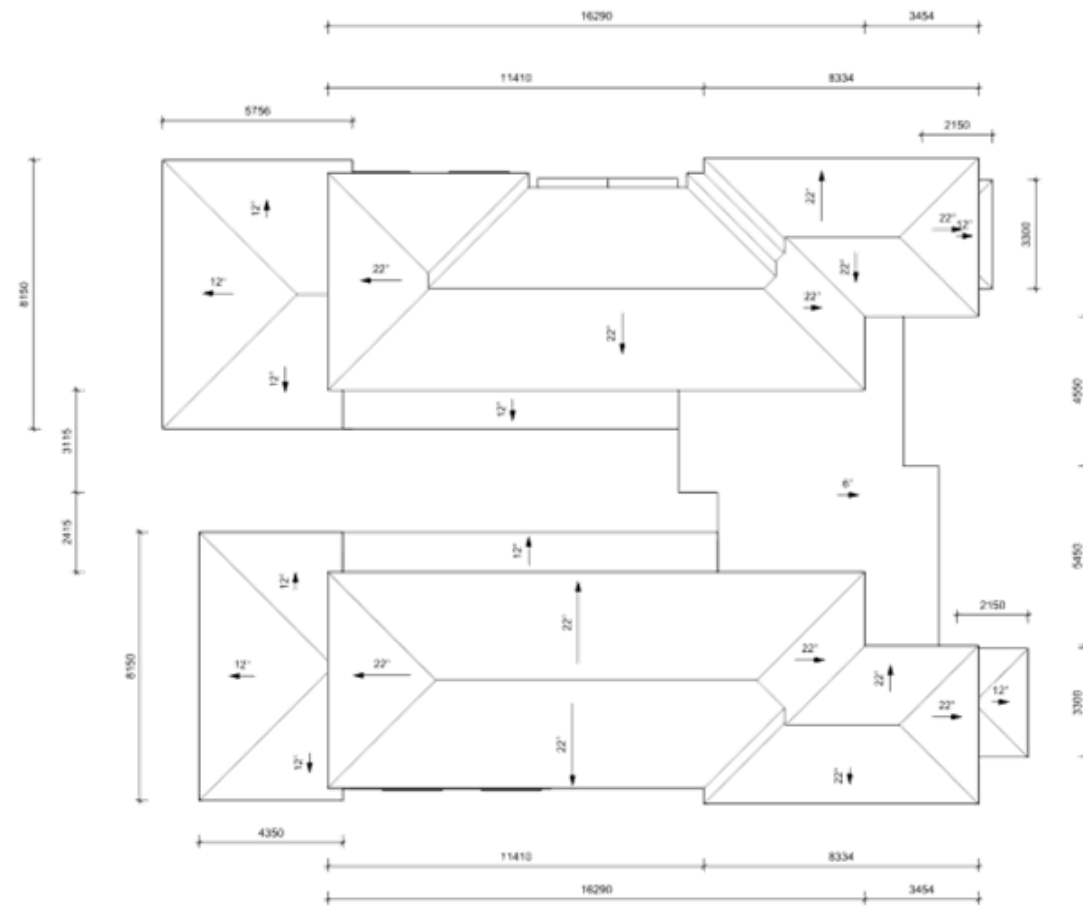


1 LOT B WEST W/ FENCE
1 : 50

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					Date	28.03.2024
					Drawn by	LVD
					Checked by	MBE
					LVD018	
					Scale	1 : 50



Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD019	
Scale	1 : 100



LVD
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ROOF PLAN
LOT B

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD020	
Scale	1 : 100



ROOF:
ALL STRUCTURAL TRUSS SYSTEM TO BE INSTALLED/MAINTAINED WITH CURRENT AUSTRALIAN STANDARDS
NEW INDOOR SECTION TO HAVE CEILING RE-WATERPROOFED TO AVIOD WATER DAMAGE
NEW INDOOR SECTION TO BE PROVIDED WTH ROOF LIGHTS AND VENTILATION THAT IS TO COMPLY WITH CURRENT BCA
MIN R5 WITH SARKING AND WALL R2 WITH SARKING

TIMBER STUD WORK:
ALL NEW TIMBER STUD WORK IS TO COMPLY WITH CURRENT BCA, LEGISLATION AND THE REQUIREMENTS OF AS 1684.2 - 1999 "RESIDENTIAL TIMBER FRAMED CONSTRUCTION"
90X35MM PINE PLATE AND NOGGING - PROVIDE SECOND 90X45 MM TOP PLATE TO ALL LOAD BEARING WALLS IS MANDITORY
90X35 PINE STUDS AT 450MM CENTERS TO ALL LOAD BEARING WALLS AND AT 600MM CENTERS TO NON LOAD BEARING WALLS
PROVIDE 90X45 F8 STUDS TO BOTH SIDES OF OPENINGS
F8 TIMBER TO ALL WALLS SUPPORTING TRUSSES THAT SPAN GREATER THAN 6.0M
50X38 CEILING BATTENS AT 450MM

FOOTINGS:
ALL CONCRETE FOOTINGS AND SLABS TO BE IN ACCORDANCE WITH S.A.A CODE 2870.1
SPECIFICATIONS TO BE PROVIDED BY ENGINEER
CONTINUOUS DAMPPROOF MEMBRANE UNDER SLAP

WALLS:
EXTERNAL WALLS TO BE MADE OF FC BOARD - SPECIFICATIONS TO BE IN ACCORDANCE WITH RESIDENTIAL BUILDING SPECIFICATIONS CHECKLIST
INTERNAL WALLS TO BE MADE OF GYPSUM BOARD - SPECIFICATIONS TO BE IN ACCORDANCE WITH RESIDENTIAL BUILDING SPECIFICATIONS CHECKLIST
WATER PROOFING TO BE PROVIDED ON ALL WET AREAS PRIOR TO FINISH

INSULATION SCHEDULE
UVAL 4.80 SHGC 0.51
EXTERNAL WALLS TO HAVE R2.5 PLUS SARKING
CEILING TO HAVE R5
ROOF TO HAVE R1
WAFFLE SLAB
R2 BETWEEN GARAGE WALL AND LIVING AREA
GARAGE CEILING TO HAVE R4

CONTRACTOR/BUILDER SHALL VERIFY ALL DIMENSIONS PRIOR TO COMMENCEMENT OF WORK

WINDOWS
UVAL 4.80 SHGC 0.51
EXTERNAL WALLS TO HAVE R2.5 PLUS SARKING
CEILING TO HAVE R5
ROOF TO HAVE R1
BEARERS AND JOIST
R2 BETWEEN GARAGE WALL AND LIVING AREA
GARAGE CEILING TO HAVE R4

NOTE: ALL MATERIALS TO BE BAL 29 AS 3959-1999 APPROVED

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76 PLEASURE POINT ROAD

LOT A SECTION

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD021	
Scale	1 : 50



TIMBER STUD WORK:

FOOTINGS:

WALLS:

INSULATION SCHEDULE

WINDOWS

NOTE: ALL
MATERIALS TO
BE BAL 29 AS
3959-1999
APPROVED

LOT B
SECTION

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD022	
Scale	1 : 50

LOT A

ITEM	BRAND	STYLE	COLOUR	IMAGE
LOWER FLOOR BRICK	PHG BRICKS	BOTANICALS RANGE	SAGE	
UPPER FLOOR CLADDING	JAMES HARDIE	MATRIX CLADDING	WHITE	
ROOF FINISH	COLORBOND	CLASSIC	BLUEGUM	
GUTTERS AND DOWN PIPE	COLORBOND	CLASSIC	BLUEGUM	
WINDOW FRAMES	STEGBAR	POWDERCOAT	BLUEGUM	

LOT B RES A

ITEM	BRAND	STYLE	COLOUR	IMAGE
LOWER FLOOR BRICK	PHG BRICKS	ALFRESCO RANGE	URBAN BLUE	
UPPER FLOOR CLADDING	JAMES HARDIE	EASY LAP	GREY	
GARAGE CLADDING	JAMES HARDIE	STRIA	BLACK	
ROOF FINISH	COLORBOND	CLASSIC	WLOODLAND GREY	
GUTTERS AND DOWN PIPE	COLORBOND	CLASSIC	WLOODLAND GREY	
WINDOW FRAMES	STEGBAR	POWDERCOAT	WLOODLAND GREY	

LOT B RES B

ITEM	BRAND	STYLE	COLOUR	IMAGE
LOWER FLOOR BRICK	PHG BRICKS	ALFRESCO RANGE	ESPRESSO	
UPPER FLOOR CLADDING	JAMES HARDIE	MATRIX	WHITE	
GARAGE CLADDING	JAMES HARDIE	TEX BASE SHEET	LIGHT GREY	
ROOF FINISH	COLORBOND	CLASSIC	DOVER WHITE	
GUTTERS AND DOWN PIPE	COLORBOND	CLASSIC	DOVER WHITE	
WINDOW FRAMES	STEGBAR	POWDERCOAT	DOVER WHITE	

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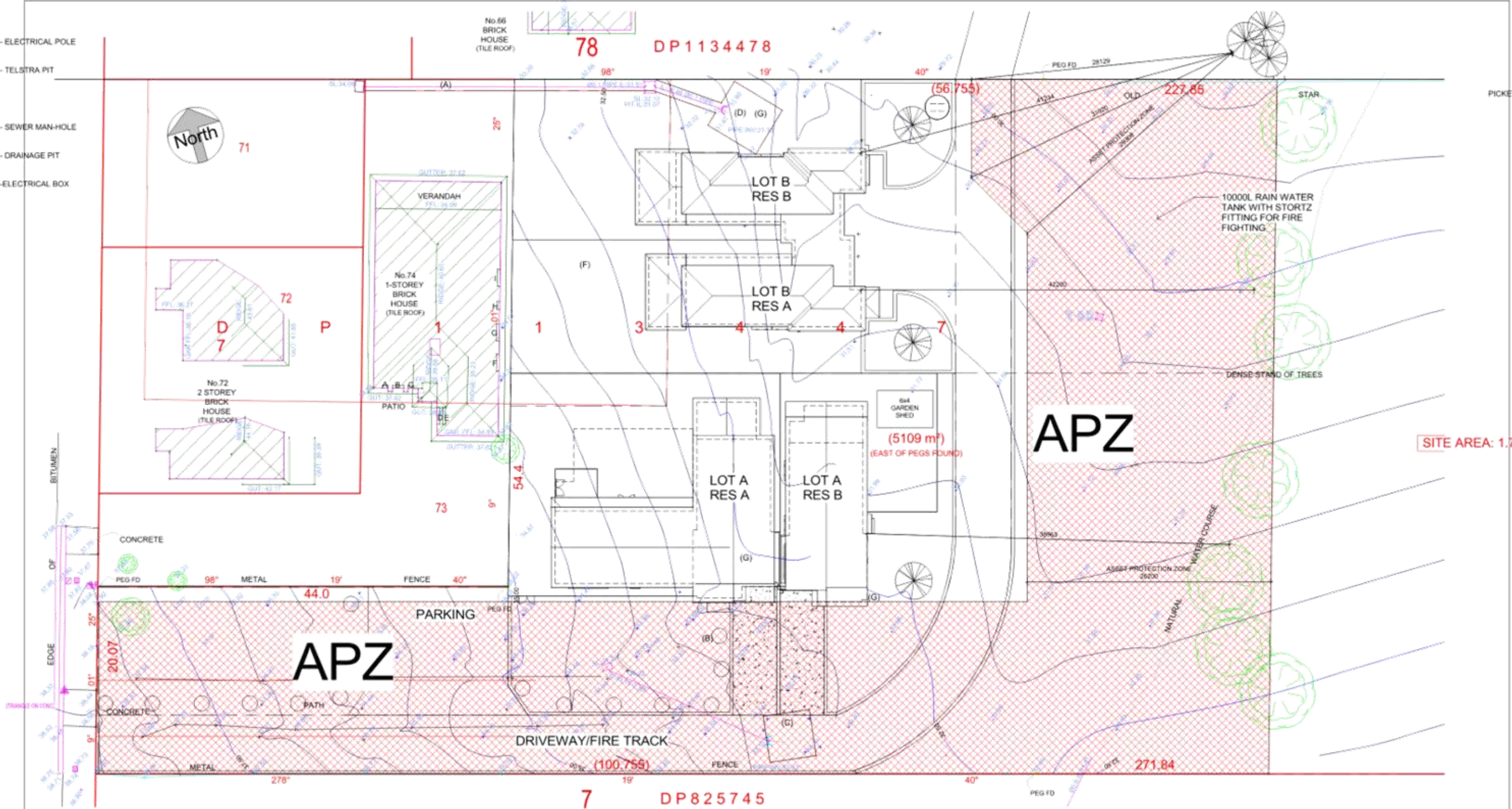
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76 PLEASURE
POINT ROAD

EXTERNAL
FINISHES

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD023	
Scale	



NOTE: THE ASSET PROTECTION ZONE
DEPICTED IN THIS PLAN IS BASED ON THE
BUSHFIRE REPORT PREPARED BY
BUSHFIRE CONSULTANCY AUSTRALIA BASED
ON THE MINIMUM REQUIRED APZ AS PER
METHOD 2 OF AS3959 2018

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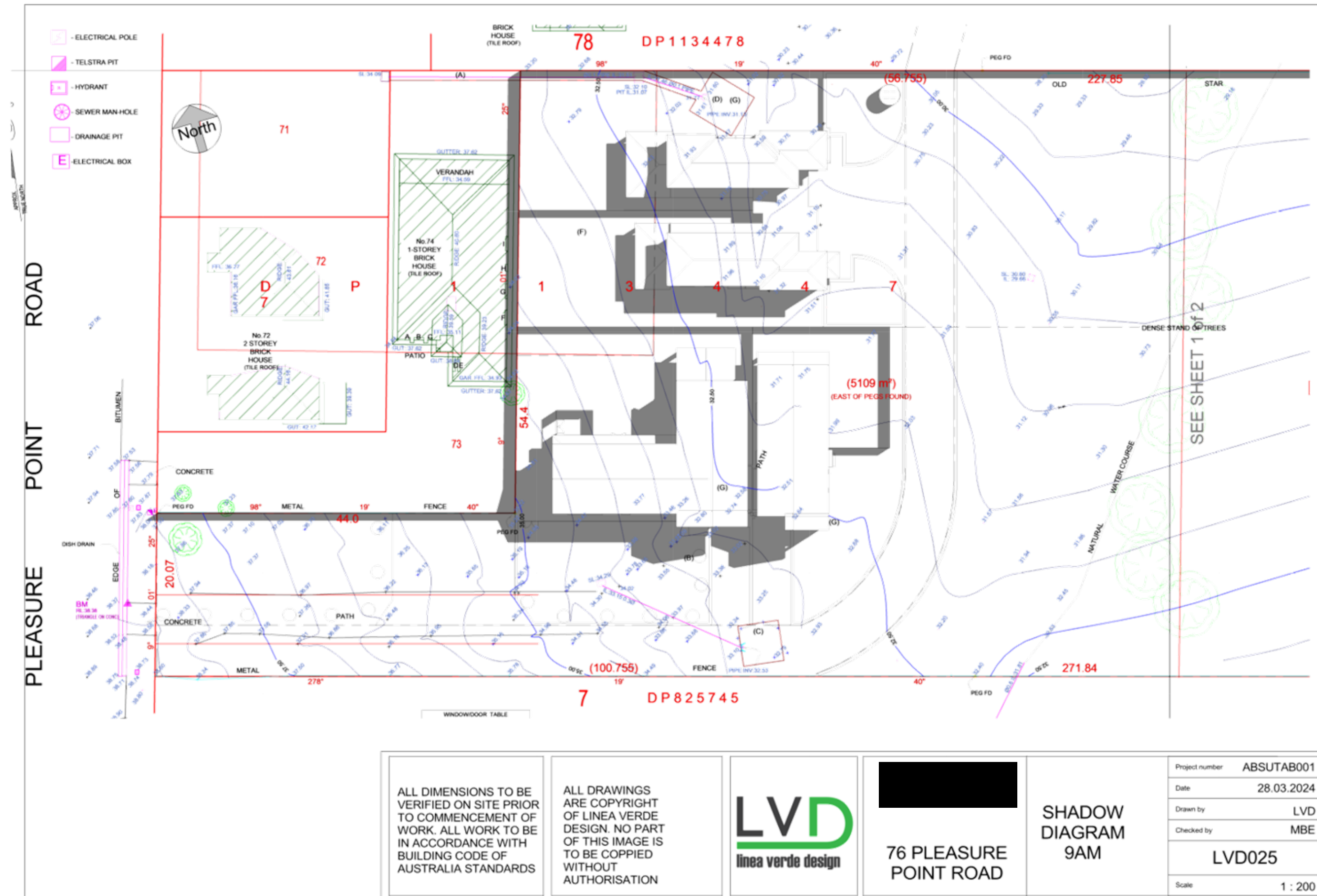
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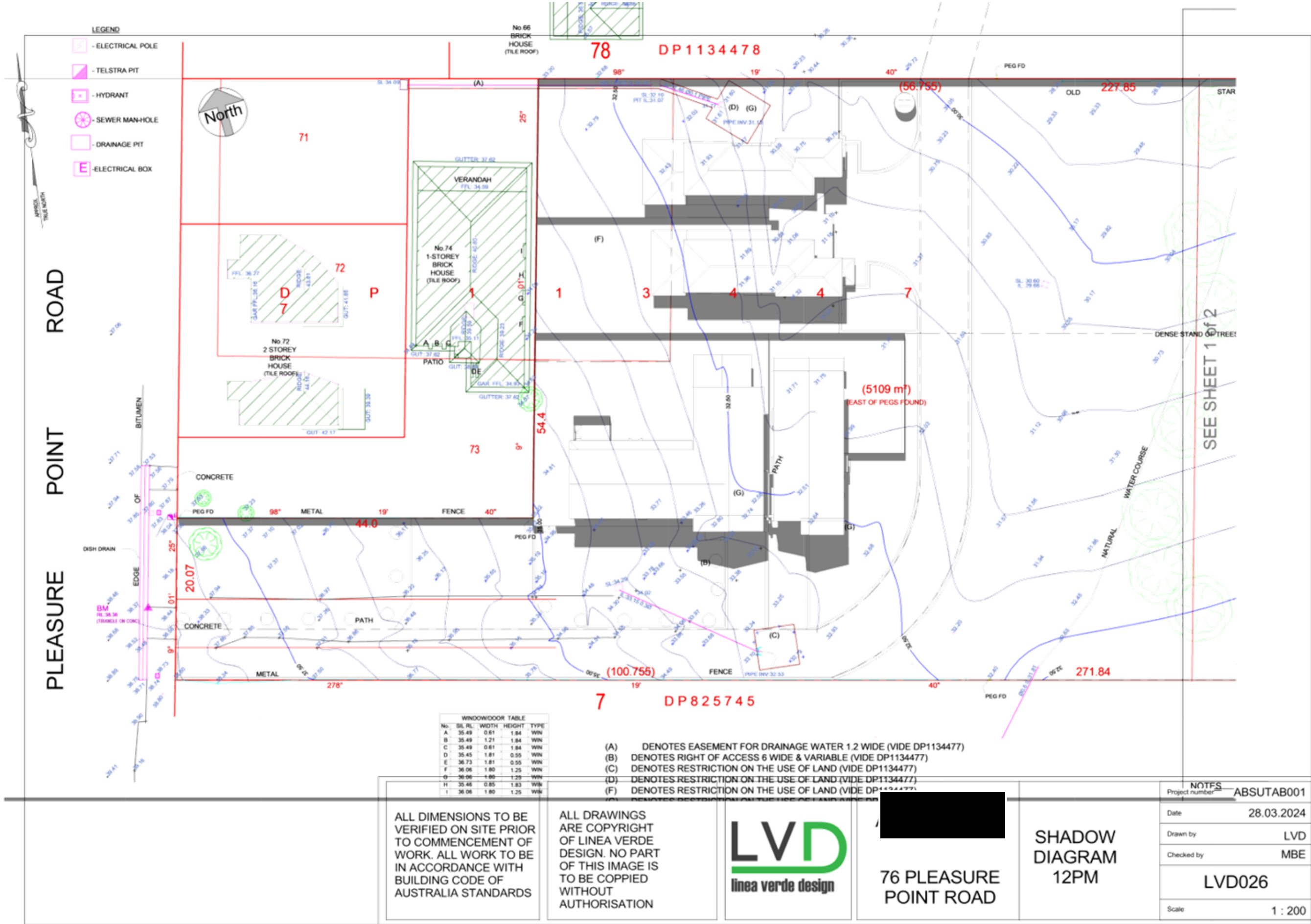


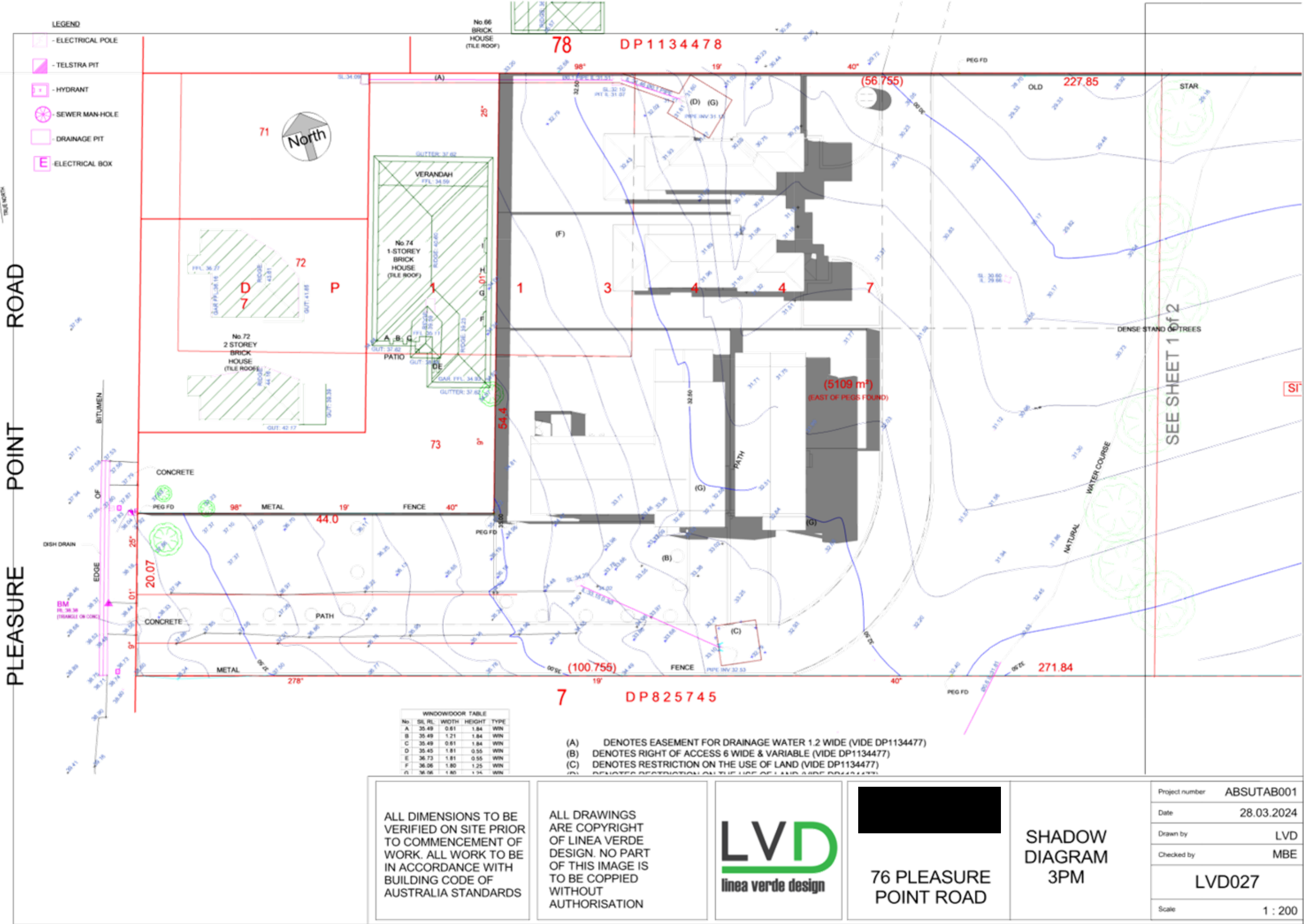
76 PLEASURE
POINT ROAD

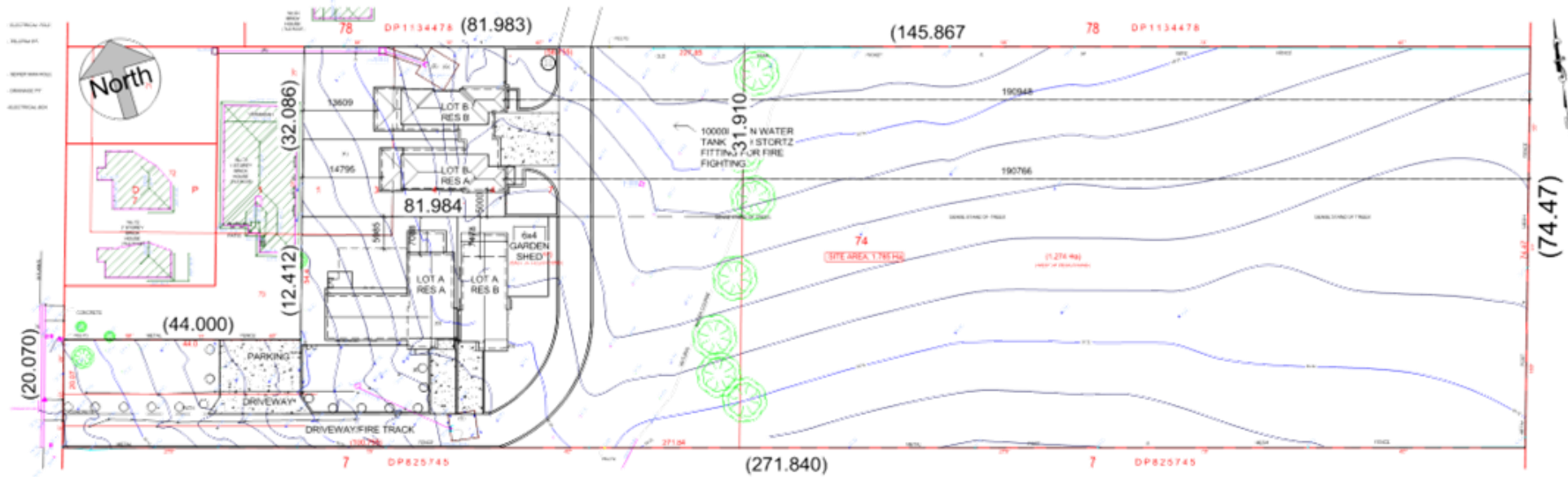
ASSES
PROTECTION
ZONE

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD024	
Scale	1 : 200









AREA SCHEDULE	
LOT A	LOT B
SITE AREA: 15219.50m ²	SITE AREA: 2630.50
LOT A RES A LOWER FLOOR	LOT B RES A LOWER FLOOR
AREA: 380.05m ²	AREA: 144.24m ²
LOT A RES A	LOT B RES A
ALFRESCO AREA: 27.12m ²	ALFRESCO AREA: 29.13m ²
LOT A RES A UPPER FLOOR	LOT B RES A UPPER FLOOR
AREA: 219.52m ²	AREA: 85.37m ²
LOT A RES A FRONT	LOT B RES B LOWER FLOOR
BALCONY AREA: 10.09m ²	AREA: 144.24m ²
LOT A RES B LOWER FLOOR	LOT B RES B
AREA: 137.75m ²	ALFRESCO AREA: 29.13m ²
LOT A RES B	LOT B RES B UPPER FLOOR
ALFRESCO AREA: 31.00m ²	AREA: 85.37m ²
LOT A RES B UPPER FLOOR	
AREA: 114.28m ²	
LOT A RES A FRONT	
BALCONY AREA: 9.07m ²	
LOT A RES A REAR	
BALCONY AREA: 18.12m ²	

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76 PLEASURE
POINT ROAD

SITE PLAN
FULL SITE

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD028	
Scale	1 : 500

Window Schedule			
Mark	Height	Width	
4	910	610	
5	910	610	
6	910	610	
7	910	610	
8	910	610	
9	910	610	
10	1210	1810	
11	1210	1810	
13	910	610	
14	910	610	
15	910	610	
16	910	610	
17	910	610	
18	910	610	
19	2200	500	
20	2200	500	
21	2200	500	
22	1800	1810	
23	1210	1800	
24	1210	1800	
25	450	1810	
26	1800	1810	
27	450	1810	
28	450	1810	
29	910	610	
30	910	610	
31	2400	2000	
32	910	1360	
33	1800	1810	
34	2200	500	
35	2200	500	
36	2200	500	
37	2200	500	
38	1210	1810	
39	1210	1810	
40	1800	1810	
41	1800	1810	
42	1210	1810	
43	1210	1810	
44	1210	1810	
45	2200	500	
46	2200	500	
47	2200	500	
48	2200	500	
49	2400	2000	
50	1210	1360	
51	1210	1360	
52	1210	1360	
53	1210	1360	
54	910	1360	
55	910	1360	
56	910	1360	
57	1210	1810	
58	2400	1100	
59	910	610	
60	910	610	
61	450	1810	
62	450	1810	
63	1210	910	
64	1210	910	
65	450	1810	
66	450	1810	
67	450	1810	
68	450	1810	
69	450	1810	
70	450	1810	
71	450	1810	
72	450	1810	
73	910	610	
74	910	1360	
75	910	1810	
76	2200	300	
77	2200	300	
78	2200	300	
79	2200	300	
80	910	610	
81	910	610	
82	1210	1810	
83	1210	1810	
84	1210	1810	
85	350	1810	
86	2400	1100	
87	1810	1810	
88	1210	1810	
89	1210	1810	
90	1210	1810	
91	1210	1810	
92	1210	1810	
93	1210	910	
94	1210	910	
96	350	1810	
97	350	1810	
98	350	1810	
99	910	1360	
100	910	1360	
106	910	1810	
107	2200	300	
108	2200	300	
109	2200	300	
110	2200	300	
111	910	610	
112	910	610	
113	1210	1810	
114	1210	1810	
115	1210	1810	
116	1210	1810	
117	1210	1810	
118	1210	1810	
119	910	1360	
120	1210	1810	
121	910	610	
122	910	610	
123	1210	910	

Door Schedule			
Mark	Height	Width	
1	2010	820	
2	2010	820	
4	2110	1810	
5	2010	820	
12	2134	711	
13	2010	820	
14	2110	1510	
15	2010	820	
17	2134	711	
19	2134	711	
20	2100	1800	
21	2100	1800	
22	2134	711	
23	2010	820	
24	2010	1800	
25	2100	1800	
26	2110	1810	
27	2010	820	
28	2010	820	
29	2010	820	
30	2010	820	
31	2010	820	
32	2010	820	
33	2010	820	
34	2110	1810	
35	2010	820	
36	2010	820	
37	2010	820	
38	2010	820	
39	2010	820	
40	2010	820	
41	2010	820	
54	2010	820	
55	2010	820	
56	2134	711	
57	2100	1800	
61	2010	820	
62	2134	711	
63	2100	1800	
64	2110	1510	
72	2010	820	
73	2010	820	
74	2010	820	
75	2010	820	
76	2010	820	
77	2010	820	
78	2010	820	
79	2100	1800	
80	2040	760	
81	2040	760	
83	2040	760	
84	2040	760	
85	2040	760	
86	2010	820	
88	2010	820	
89	2134	711	
90	2010	820	
91	2134	711	
92	2010	820	
93	2010	820	
94	2010	820	
95	2010	820	
96	2010	820	
97	2010	820	
98	2010	820	
99	2010	820	
100	2110	1810	
102	2010	820	
103	2010	820	
104	2010	820	
106	2110	1810	
107	2010	820	

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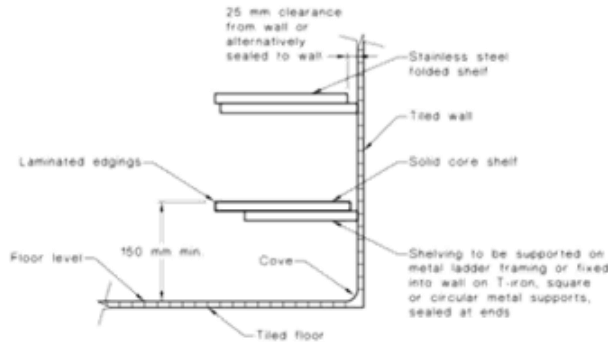
76 PLEASURE
POINT ROAD

SCHEDULES

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	LVD
Checked by	MBE
LVD029	
Scale	

NOTE:
KITCHEN ON GROUND FLOOR TO BE
PREMISES FOR HANDLING OF PRE PACKAGED FOOD AND
DRINK AND/OR UN CUT FRUIT AND VEGETABLES ONLY
NO COOKING OR CLEANING TO BE COMPLETED ON
GROUND FLOOR KITCHEN

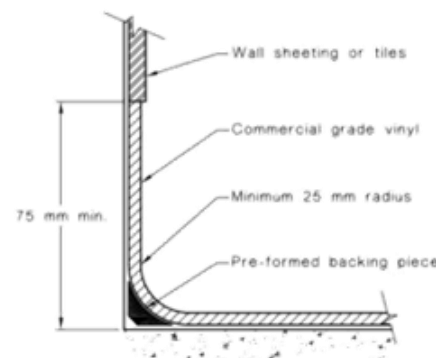
NOTE:
ALL SURFACES SHALL BE SMOOTH, DURABLE, IMPERVIOUS AND FREE FROM CRACKS,
CREVICES AND CAVITIES
THE UNDERSIDE SHALL HAVE AN IMPERVIOUS FINISH
WINDOW DISPLAYS FOR WET FOODS, E.G., MEAT, FISH SHALL BE COVERED AT ALL
INTERSECTIONS AND INSTALLED IN ACCORDANCE WITH AS/NZS 3500.2.2
NOTE: KITCHEN TO BE CONSTRUCTED IN THE FOLLOWING MANNER:
EQUIPMENT SHALL BE—
(A) MOVEABLE FOR CLEANING;
(B) BUILT INTO WALLS WITH THE ENCLOSURE COMPLETELY VERMIN PROOFED;
(C) BUTTED AGAINST WALLS OR OTHER EQUIPMENT AND THE JOINTS SEALED;
(D) INSTALLED AT THE CLEARANCE SPECIFIED IN FIGURE 4.4; OR
(E) IF INSTALLED ON A PLINTH, INSTALLED SUCH THAT IT OVERHANGS THE PLINTH.
WHERE EQUIPMENT CANNOT BE MOVED EASILY, CLEARANCE SPACE SHALL BE PROVIDED
(SEE
FIGURE 3.1) SO THAT THE AREA SURROUNDING THE EQUIPMENT AND THAT BENEATH CAN
BE CLEANED
WITHOUT MOVING IT.



NOTE: ALL KITCHEN MATERIALS TO COMPLY WITH THE BELOW:

Materials	Application	Comments
Stainless steel of grade appropriate to use	To be used where the surface is in direct contact with food	Durable Withstands chemicals and contact with food
Iron and mild steel	To be used where the surface does not come into direct contact with food	Very susceptible to corrosion although this can be partially controlled by painting Galvanised iron not recommended for equipment since zinc is toxic, soluble in fruit acids and in both acidic and alkali detergents Zinc wears off and exposed iron corrodes
Copper and alloys (brass, bronze)	Unsuitable for general use in contact with food unless coated with tin	Fully resistant to corrosion and good heat conductor
Aluminium	Suitable for cooking equipment where not in contact with corrosive acids or alkalis	Wide variety of types and uses
Plastics	Suitable for a wide variety of uses	More easily abraded than metals
Laminates	Laminated chipboard or other laminated absorbent materials are not to be used for shelving or surfaces where they may be affected by water	Wooden chopping boards and benches suitable under specific circumstances for example butchery, some bread-making operations and some cheese processing
Sealed wood	Only to be used if sealed to be impervious to moisture and grease. Not to be used in contact with food or in areas cleaned frequently using water	

NOTE: ALL FOOD AND BATHROOMS SHALL COMPLY WITH THE BELOW COVING DETAIL IN COMPLIANCE WITH AS4674-2004 – DESIGN, CONSTRUCTION AND FIT-OUT OF FOOD PREMISES



NOTE:
HANDBASINS SHALL BE PROVIDED IN ALL PARTS OF THE PREMISES—
(A) WHERE OPEN FOOD (SEE CLAUSE 1.3.1) IS HANDLED;
(B) IN UTENSIL/EQUIPMENT WASHING AREAS; AND
(C) IN TOILET CUBICLES OR IMMEDIATELY ADJACENT TO TOILETS.
NOTE: HANDBASINS SHOULD BE LOCATED AT THE STAFF ENTRANCE TO AREAS WHERE OPEN FOOD IS HANDLED;
THAT IS, THE ENTRANCE USED BY STAFF RETURNING TO THE FOOD HANDLING AREA (SEE FIGURE 3.3).
HANDBASINS SHALL BE LOCATED AND INSTALLED SO THAT THEY ARE—
(D) NOT OBSTRUCTED;
(E) ARE AT BENCH HEIGHT EITHER PERMANENTLY FIXED TO THE WALL, TO A SUPPORTING FRAME (FREESTANDING HANDBASINS) OR SET IN A BENCH TOP; AND
(F) ACCESSIBLE AND NO FURTHER THAN 5 M, EXCEPT FOR TOILET HANDBASINS, FROM ANY PLACE WHERE FOOD HANDLERS ARE HANDLING OPEN FOOD (SEE CLAUSE 1.3.1).

NOTE:
TOILET FACILITIES
PROVISION OF SANITARY FACILITIES SHALL BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA.
WHERE TOILETS ARE PROVIDED ON THE FOOD PREMISES, TOILET CUBICLES SHALL BE—
(A) SEPARATED FROM AREAS WHERE OPEN FOOD IS HANDLED, DISPLAYED OR STORED BY AN INTERVENING VENTILATED SPACE FITTED WITH SELF-CLOSING DOORS; OR
(B) PROVIDED WITH SELF-CLOSING DOORS AND MECHANICAL EXHAUST SYSTEM THAT OPERATE WHEN THE SANITARY COMPARTMENT IS IN USE AND FOR AT LEAST 30 S AFTER THE CUBICLE IS VACATED.
FOOD PREMISES SHOULD BE PROVIDED WITH TOILETS FOR STAFF ON THE PREMISES. SEPARATE TOILETS, INCLUDING HANDWASHING FACILITIES, SHOULD BE PROVIDED FOR PUBLIC/CUSTOMERS, AS PER THE REQUIREMENTS AT CLAUSE 4.4.

NOTE:
ALL FOOD PREMISES SHALL HAVE NATURAL OR ARTIFICIAL LIGHTING IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING CODE OF AUSTRALIA (BCA), WITH THE FOLLOWING EXCEPTIONS: (A) WHERE NATURAL LIGHTING IS PROVIDED THE LIGHTING LEVELS SHALL BE EQUIVALENT TO THE LEVELS FOR ARTIFICIAL LIGHTING. (B) WHERE ARTIFICIAL LIGHTING IS PROVIDED THE LIGHTING SHALL ALSO COMPLY WITH THE REQUIREMENTS OF AS 1680.1 AND AS/NZS 1680.2.4.
SUBDUED LIGHTING MAY BE PROVIDED IN DINING AND DRINKING AREAS, PROVIDED THAT THERE IS LIGHTING AVAILABLE THAT COMPLIES WITH THE ABOVE REQUIREMENTS DURING CLEANING AND INSPECTION OPERATIONS.
LIGHT FITTINGS, WHETHER INTENDED TO PROVIDE LIGHT OR HEAT, THAT ARE PART OF EQUIPMENT USED TO PROCESS OR DISPLAY OPEN FOOD SHALL COMPLY WITH THE REQUIREMENTS FOR LIGHT FITTINGS ABOVE.

ALL DIMENSIONS TO BE
VERIFIED ON SITE PRIOR
TO COMMENCEMENT OF
WORK. ALL WORK TO BE
IN ACCORDANCE WITH
BUILDING CODE OF
AUSTRALIA STANDARDS

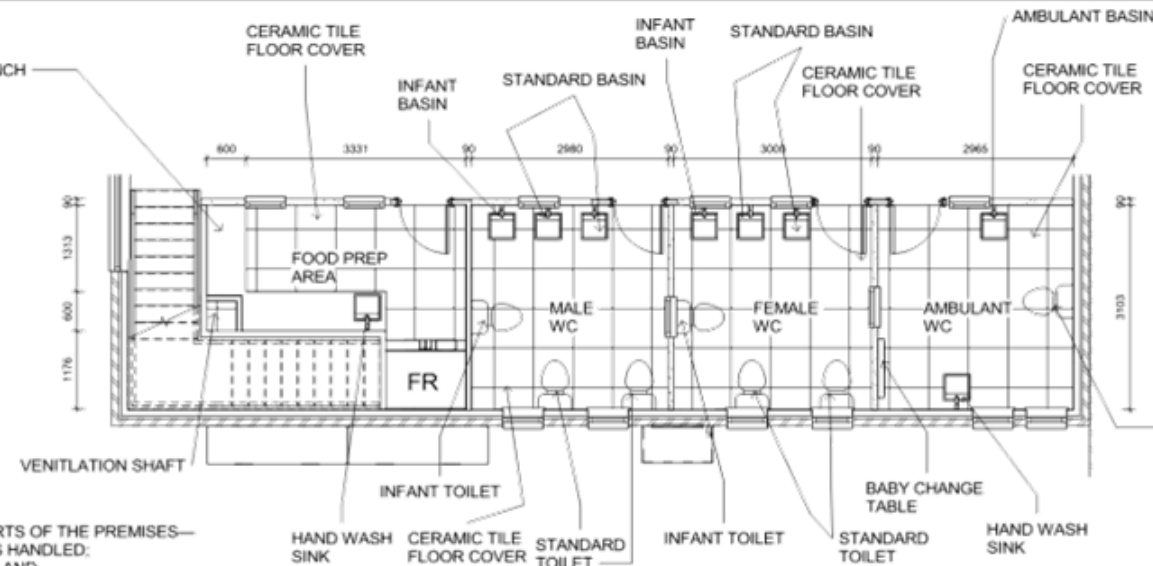
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76 PLEASURE
POINT ROAD

CHILD
CARE
DETAIL
GROUND
FLOOR

Project number	ABSUTAB001
Date	28.03.2024
Drawn by	MBE
Checked by	MBE
	LVD030
Scale	1 : 50



1 FFL CHILD CARE
1 : 50

NOTE: TOILET TO HAVE A
DESIGNATED HAND WASHING
FACILITY FITTED WITH A SINGLE
SPOUT CAPABLE OF DELIVERING A
SUPPLY OF WARM RUNNING WATER
VIA A HANDS FREE MECHANISM
PROVIDED WITHIN THE IMMEDIATE
VICINITY OF EACH NAPPY CHANGING
AREA AND A BENCH TYPE BABY
BATH WITHIN ONE METRE FROM THE
NAPPY CHANGE BENCH



NOTE:
WALLS IN FOOD PREPARATION AREAS SHALL BE FINISHED WITH ONE OR A
COMBINATION OF THE FOLLOWING MATERIALS:
(A) GLAZED TILES.
(B) STAINLESS STEEL OR ALUMINIUM SHEETING.
(C) LAMINATED THERMOSETTING PLASTIC SHEETING.
(D) POLYVINYL SHEETING WITH WELDED SEAMS.
THE FINISHING MATERIALS OF THE WALL SURFACES SHALL PROVIDE A
SMOOTH EVEN SURFACE, FREE OF
BUCKLES OR LEDGES, FIXING SCREWS, PICTURE RAILS, OPEN JOINT SPACES,
CRACKS OR CREVICES.
NOTE: THIS IS TO ENSURE THAT DIRT, GREASE AND OTHER CONTAMINANTS DO
NOT ACCUMULATE IN THE WALL SURFACE AND TO FACILITATE PROPER
CLEANING
NOTE: ALL KITCHEN AND BATHROOM WALLS SHALL COMPLY WITH THE BELOW
TABLE:

TABLE 3.2
SUITABILITY OF WALL FINISHES FOR FOOD PREMISES AREAS
(see also Clause 3.2.4)

Finish	Wet washed areas	Food preparation	Vegetable preparation	Servicing	Child/teen areas	Bin stores	Killing areas	Comments
Stainless steel	•	•	•	•	•	•	•	Welded joints Waterproof screw covers
Ceramic tiles	•	•	•	•	•	•	•	Epoxy grout
Vinyl sheet	•	•	•	•	•	•	•	Heat-welded joints
Painted plaster								Smooth finish
Feature brick								
Aluminium sheet	•	•	•	•	•	•	•	Welded or sealed joints
Steel sheet								Welded or sealed joints
Trowelled cement	•	•	•	•	•	•	•	Polished surface
Wood panelling								Wood sealed
Painted brickwork								Flush joints and solid surfaces
Concrete								Sealed smooth finish
Pre-formed panels	•	•	•	•	•	•	•	If bars joints must be sealed. In wet areas/food preparation shall be integrated into a dwarf wall or set on plinth

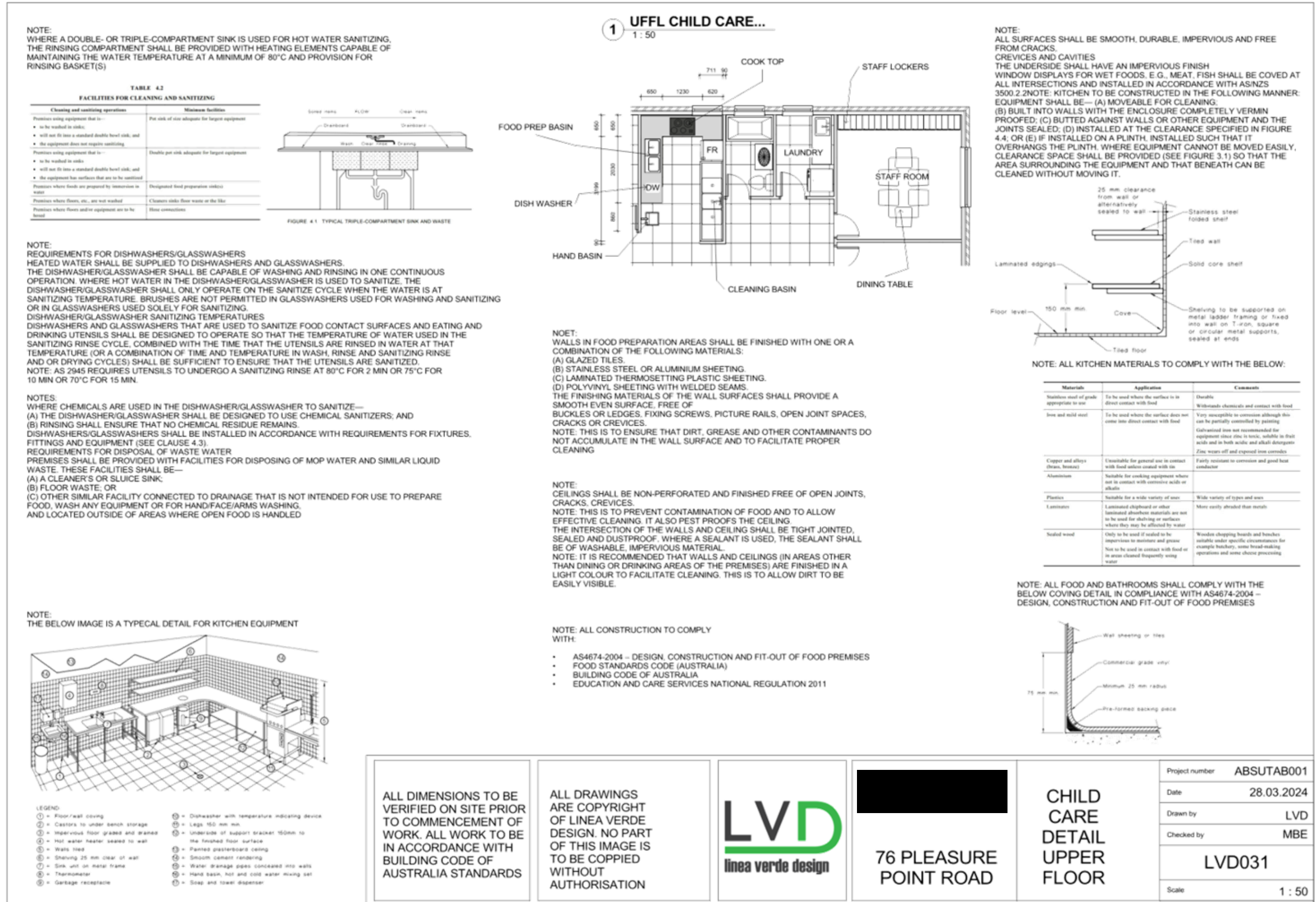
NOTE: Finishes may be used in combination.

TABLE 3.3
SUITABILITY OF CEILING FINISHES FOR FOOD PREMISES AREAS

Finish	Wet areas	Vegetable preparation	Servicing	Serve room	Child/teen areas	Bin stores	Killing areas	Comments
Painted plaster	•	•	•	•	•	•	•	Smooth finish
Steel sheet	•	•	•	•	•	•	•	
Trowelled cement	•	•	•	•	•	•	•	Polished surface
Wood panelling								Sealed surfaces
Concrete	•	•	•	•	•	•	•	Sealed smooth finish
Pre-formed panels	•	•	•	•	•	•	•	
Acoustic panels								Suspended T-bars
Decorative panels								

NOTE: ALL CONSTRUCTION TO COMPLY
WITH:

- AS4674-2004 – DESIGN, CONSTRUCTION AND FIT-OUT OF FOOD PREMISES
- FOOD STANDARDS CODE (AUSTRALIA)
- BUILDING CODE OF AUSTRALIA
- EDUCATION AND CARE SERVICES NATIONAL REGULATION 2011



Attachment 4 - Liverpool Development Control Plan (LDCP) 2008

The application has also been assessed against the relevant controls of the LDCP 2008, particularly Part 1 General Controls for all Development, Part 2.13 Land Subdivision in Pleasure Point and Part 3.1 Dwellings in the R5 Zone.

Part 1 – General Controls		
Control	Requirement	Comment
Section 2 – Tree Preservation	Consider impact of development on existing vegetation	Does not Comply The proposal has significant vegetation across the site; however, the report was referred to Councils Biodiversity Officer who noted the report was prepared by a Microbiologist and not an Ecologist and therefore has not addressed the appropriate legislation or requirements under the DCP.
Section 3 – Landscaping and Incorporation of Existing Trees	Incorporation of existing trees into development where appropriate	Does not Comply The proposal includes the removal of trees along the proposed relocated vehicular access and right of carriageway. Given the site contains existing native vegetation, the appropriate legislation has not been addressed nor has the incorporation of the existing native trees on the southern boundary been considered.
Section 4 – Bushland and Habitat Preservation	Consider impact of development on bushland and habitats	Does not Comply The flora and fauna assessment provided with the application has not satisfactorily address the required EPI as well as the existing native vegetation of the site as identified by Councils Biodiversity Officer on review.
Section 5 – Bushfire Risk	Land on or adjacent to bushfire prone land to comply with RFS requirements	Does not Comply The application was accompanied by Bushfire Report, however, RFS requested additional information in which was not provided by the applicant within the specified timeframes.
Section 6 – Water Cycle Management	Consideration of stormwater and drainage	The proposed development was referred to Council's Development Engineer in which no objections were raised in relation to stormwater drainage.
Section 7 – Development Near a Watercourse	Consideration of impact to riparian corridors	N/A The applicant does not reside near a watercourse.

Section 8 – Erosion and Sediment Control	Sediment Control Plan or Soil and Water Management Plan required	Insufficient Information Insufficient information has been provided in the terms of a sediment control plan.
Section 9 – Flooding Risk	Flood affectation of property to considered	N/A The site is not mapped as Flood Risk.
Section 10 – Contaminated Land Risk	Previous use to be considered in assessing risk	Does not Comply The applicant submitted a PSI; however, Councils notes additional illegal dumping has occurred on site since the lodgement of the PSI. Furthermore, Councils EHO team are not satisfied with the provided PSI and request a DSI to satisfy the provision of SEPP Hazards and Section 10 of the DCP.
Section 11 – Salinity Risk	Salinity Management response required for affected properties	Complies The site is mapped as being low salinity. Conditions of consent would have been imposed if the development was supportable.
Section 12 – Acid Sulphate Soils Risk	Affected properties to consider impact of development on soils	Complies The site is mapped as being class 5 acid sulphate soils. Conditions of consent would have been imposed if the development was supportable.
Section 13 - Weeds	Noxious weeds to be removed as part of development where applicable	N/A The site is not identified to contain noxious weeds. Conditions of consent would have been imposed if the development was supportable.
Section 14 – Demolition of Existing Development	Appropriate measures proposed	N/A No demolition is proposed as not built form currently resides on site.
Section 15 – Onsite Sewage Disposal	S68 Application required where connection to sewer not available	Insufficient Information Sydney Water has confirmed the site is currently not serviced. The applicant may need to consider an OSMS in which this has not been provided.
Section 16 & 17 – Aboriginal Archaeology	AHIA required where items of aboriginal archaeology exist	N/a The site is not mapped as containing aboriginal archaeology. Conditions of consent would have been imposed if the development was supportable
Section 20 – Car parking and access	2 spaces dwelling houses	Complies Whilst the proposal provides two car spaces for each of the dual occupancies, the proposal also provides five (5) spaces for the proposed homebased childcare centre, however, noting it is mischaracterised the additional five (5) spaces have not been found to be appropriately

		calculated in terms of the required childcare parking requirements. Further information is required to determine the number of staff and children on site to determine the appropriate parking rates.
Section 21 – Subdivision of land and buildings	21.3 Rual Zone and Residential Zone R5 Minimum lot sizes Refer to <i>Liverpool LEP 2008</i> written statement and the maps for the minimum allotment sizes in the RU2 and R5 zones. Note that this varies depending on the location. Minimum Lot Width The minimum lot width in the RU2 and R5 zone is 24m. Street widths All new streets shall be a minimum 20m wide, unless specified elsewhere in a Locality Part of the DCP. Kerb & Gutter 1. Development involving the creation of new streets in RU2 and R5 zones shall require kerb and guttering and underground stormwater <u>drainage</u> where specified in <u>Council</u>'s standards. 2. Concrete lined table drains shall be required where scour velocities are exceeded and/or the soils are susceptible to erosion from stormwater. Sewerage 1. Effluent disposal will normally be by way of appropriate on-site disposal. 2. Where the development is in near proximity to an existing sewerage area or where, in the opinion of the NSW Department of Health or <u>Council</u>, the land is unsuitable for site disposal of effluent, connection to sewerage will be required. 3. A geotechnical report to support sewerage treatment proposals is to accompany an application for onsite sewage management this type of the development.	Does not Comply The proposal does not comply with the minimum lot size under the LEP. The proposal complies with the minimum lot width of 24m. Insufficient information has been provided in terms of the right of carriageway. The site is not currently serviced by Sydney Water, and Sydney Water has confirmed there may not be any servicing for the subdivision for wastewater.

	Natural Features 1. The configuration of the subdivision is to have consideration for natural features such as rivers, creeks, topography of the land, tree groupings and prominent natural features. 2. The design should also consider buffers for conflicting land uses, watercourses, etc. Street signage 1. Street name and information signs shall be provided to facilitate accessibility and mobility. 2. Approval for the naming of all new streets shall be obtained from Council prior to the erection of any new street signage. Streetlights Street lighting is to be provided in accordance with AS1158.	The subdivision pattern has considered the C2 zone on site in terms of an orderly pattern. N/A N/A
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Part 2.13 Land Subdivision in Pleasure Point		
Control	Requirement	Comment
2.4 Open Space	1. Land identified for open space under Liverpool LEP 2008 shall be dedicated to Council in conjunction with the subdivision of adjoining residential land. 2. Direct vehicle and pedestrian connection shall be provided between the land identified as RE1 along the Foreshore and with future residential subdivision of the adjoining land via a public road. 3. The street network should be designed to avoid removal of large stands of existing trees. 4. The street network should be designed to preserve mature trees within the verge of the road reservation. 5. Public roads should be located between private allotments and open space areas. 6. Open Space is to be designed in accordance with Planning for Bushfire Protection 2006 to minimise potential impacts of bushfire on life and property.	Complies The existing lot is a battleaxe handle which is being maintained in terms of existing vehicular access.

	7. To create visually interesting streetscapes through the use of native plantings and street plantings.	
2.6 Bushfire Protection	1. A 25 metre setback applies to the rear boundary of all lots adjacent to DP 239468 (see Figure 8) a. Within the 25 metre rear setback area: i. Any above ground structures are to be limited to a 15 square metre footprint and constructed of non-combustible material. ii. Landscaping is to include fire resistant species. iii. Fixed water systems are to be installed. b. For properties directly adjoining DP 239468 the rear fence shall be: i. 1.8m high ii. Consist of see through construction e.g. cyclone wire 2. A fire trail parallel to Pleasure Point Road shall be provided as part of any development of lots 4 - 7 DP 239468. The trail shall link to Pleasure Point Road through lots 4 - 7 and meet the requirements of section 4.3.3 of Planning for Bushfire Protection 2006. 3. This track is to be located as shown on Figure 9. Gates must be provided in side boundary fences to allow passage of fire trucks and equipment along the trail in the event of fire. 4. Any area west of the bushfire trail is to be treated as a fuel reduced zone.	Does not Comply The applicant is proposed to relocate the existing fire trail, which is not supported, whilst also the applicant has not provided a suitable fence to fence the trail in terms Bushfire Protection.

Part 3.1 Dwellings in the R5 Zone		
Control	Requirement	Comment
2. Site Planning	The dwelling layout must be designed around the site attributes such as slope, existing vegetation, land capability and / or solar access.	Insufficient Information, The submitted shadow diagrams do not adequately illustrate the impacts of the solar access to the site.
	Direct link from living area to POS	Complies
	Minimise overlooking from first floor windows to POS of neighbours.	Complies
	Stormwater drained satisfactorily	The proposed development was referred to Council's Development Engineer in which no objections were raised in relation to stormwater drainage.
	The site analysis plan must also show whether any bushland is to be removed as part of the development and show the justification for this.	Does not Comply The development application accompanied a Flora and Fauna Assessment report; however, it was found to be deficient in addressing the relevant information and applicable bushfire controls to the existing native vegetation.
3. Setbacks	12m and 25m from all streets for the front and secondary setback respectively.	N/A The proposal is a battleaxe handle, in which the existing site
	Garages must be set back a minimum of 1m behind the main face of the dwelling.	Complies
	5m from the side boundaries and a minimum of 12m from the rear boundary.	Does not comply Lot A Building A does not have a compliant side setback, as the architectural plans and landscape plans depict two varying side setbacks. The architectural set illustrate two conflicting setbacks on of 5.47m and the other at 4.93m, whilst the landscape plan illustrates 4.6m. The conflicting

		setbacks makes it hard to Council to take on face value the true location of the built form in terms of compliance with the required setbacks. Lot B building B has a compliance setback of 7.8m from the side boundary. Lot B building A side boundary is inconsistent with that provided under the Architectural Plans and Landscape Plans.
4. Landscaping and Private Open Space	Min 75% site to be landscaped.	Does not comply As stated in Part 3.1 of the LDCP 2008, landscaping for this subject lot must be assessed based on merit. Whilst Lot A may be considered a suitable in terms of landscaping, it relies heavily on the C2 portion of land to comply. In this regard, the required 75% of area required to be landscaped for the R5 portion of land is Lot A – 1357.5sqm = the required 75% Lot B – 2444.25 sqm = the required 75% The proposal provides the following Lot A – 1310sqm = 72.5% of the required 75%. Lot B – 877.39sqm = only reaches 15% of the required 75%. In this regard the proposal does not comply with the required 75% landscaped area for Lot B.
	Minimum 75% of front setback to be landscaped.	Inconclusive Whilst Lot A and Lot B both do not achieve the required 75% of the front setback to be landscaped. The proposal technically does not have a front setback as it does not front Pleasure Point Road and fronts the internal battleaxe handles and C2 Zone
	At least one tree shall be planted in the landscaped areas. The tree must reach a mature height of over 8 m.	Complies The submitted landscape plan illustrates a tree to be located within the front setback of Lot A Building B, and Lot B building A and B.

	Each dwelling must provide a minimum of 100sqm	Complies Both allotments do provide a minimum 100sqm of private open space for each dwelling proposed. Lot A Building A provides 353 sqm which is shared with the proposed childcare. Lot A Building B provides 136sqm. Lot B building A provides 322sqm Lot B Building B provides 414sqm
	Directly accessible from the main living area of a dwelling with a minimum dimension of 4 x 6m.	Complies
5.Cut and Fill, Building Design, Streetscape and Layout	Max cut 600mm	Insufficient Information The applicant has not provided a cut and fill plan to determine the level of Cut/Fill across the proposed dwellings.
	All retaining walls masonry construction	Insufficient Information The applicant has not provided a suitable earthworks plan which details the level of works proposed onsite and whether retaining walls are proposed. Conditions of consent would have been imposed if the development was supportable.
	All dwelling houses are to be orientated to the street.	N/A The site is a battleaxe handle in which the dwelling faces the Conservation Zone.
	The front pedestrian entrance must be visible from the street.	N/A The site is a battleaxe handle in which the dwelling faces the Conservation Zone.
	The front building facades shall be articulated, this articulation may include front porches, entries, wall indents, windows, changes in finishes, balconies and/or verandahs.	Does not Comply The building design provide very little articulation, in which the proposed garages dominate the façade.

	Eave overhang must provide for sun shading and protect windows and doors. Eaves should have a minimum overhang of 400mm and be provided to a minimum of 70% of the dwelling.	Does not comply The proposed eaves do not appear to reach the minimum 400mm of the proposed dwellings.
	The side walls shall be articulated if the wall has a continuous length of over 14 m.	Does not Comply. The built form does not provide suitable articulation due to the extensive 14m in length for both allotments.
	Garages and carports must be designed to be the minor element of the façade. Garage roofs shall be incorporated into the roof design of the house. Separate roofs for garages are discouraged, unless actually separated from the dwelling.	Does not comply The design of the garages dominates the façade which provides very little relief for the built form.
	All dwellings shall have habitable rooms located to the front of the dwelling for security and surveillance to the street.	Does not Comply The proposed dwellings on Lot B have voids on the first floor which provide limited active surveillance from the first floor which is not considered suitable. The design of the dwellings can be improved to ensure small built forms are not proposed on large lots
	Living rooms should take advantage of northern aspects.	Does not Comply Building A on Lot B and Building A on Lot A are the only dwelling's which activate receives suitable sunlight to the living room from a northern aspect.
	Access to private open space must be from at least one living room.	Complies
	The internal layout of the dwelling is encouraged to incorporate cross ventilation.	Complies
6. Landscaping and Fencing	The <u>setback</u> areas of development are to be utilised for <u>canopy</u> tree planting. The landscape design for all development must include <u>canopy</u> trees that will achieve a minimum 8 m height at maturity within the front and rear <u>setback</u> areas.	Insufficient Information The submitted landscape plan provides little to no landscape treatments for the proposed development. Three (3) trees are proposed which are evergreen trees, however, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	Landscape planting should be principally comprised of native species to maintain the <u>character</u> of Liverpool and provide an integrated streetscape appearance.	Insufficient Information.

Species selected in environmentally sensitive areas should be indigenous to the locality. However, Council will consider the use of deciduous trees in small <u>private open space</u> areas such as courtyards for control of local microclimate and to improve solar access.	The submitted landscape Plan does not provide information on the proposed native species to be utilised on site. This could be conditioned if consent were granted
Landscaping in the vicinity of a driveway entrance should not obstruct visibility for the safe ingress and egress of vehicles and pedestrians.	Not Supported Proposed dwarf trees are to be provided against the proposed vehicular access to the dwellings, not is not supported given little detail has been provided on the species type and height maturity of the trees and the impact they may have on the sightlines for the driveway.
Landscaping on any podium level or planter box shall be appropriately designed and irrigated. Landscaping on podium levels and planter boxes should be accessible from habitable areas of dwellings or elsewhere as appropriate for gardener access in other forms of development.	N/A No landscaping on podium levels is proposed.
The development must be designed around significant vegetation on the site. Note: It is important to retain significant vegetation to maintain an existing streetscape and enhance the visual appearance of new dwellings.	Not Supported Very little to no landscaping has been proposed to consider the conversation zone to the east of the site. Grass has been proposed within the C2 zone which is not supported.
At least one tree shall be planted in the landscaped areas. The tree must reach a mature <u>height</u> of over 8 <u>m</u> .	Insufficient Information The submitted landscape plan provides little to no landscape treatments for the proposed development. Three (3) trees are proposed which are evergreen trees, however, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
Trees adjacent to <u>private open space</u> areas and living rooms should provide summer shade and allow winter sun entry.	Insufficient Information The Landscape Plan does not illustrate the proposed trees provided on site and whether they will grant both summer shade and winter sun.
Any tree with a mature <u>height</u> over 8 <u>m</u> should be planted a minimum distance of 3 <u>m</u> from the <u>building</u> or utility services.	Does not Comply The location of the tree on Lot A Building B is 2m from the building and does not provide a suitable Tree Protection Zone to ensure the built form would not impact upon the roots and tree itself.
The maximum <u>height</u> of a front fence is 1.5 <u>m</u> .	Insufficient Information

		No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	Fences should not prevent surveillance by the <u>dwelling</u> 's occupants of the street or communal areas.	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	The front fence must be 30% transparent.	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	Front fences shall be constructed in masonry, timber, metal pickets and/or vegetation and must be compatible with the proposed design of the <u>dwelling</u> .	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
	The front fence may exceed 1.5m (to a maximum of 1.8m) only if: - The fence is 50% transparent; and - The fence is articulated by 1m and has landscaping in front of the fence; and - The fence does not impede safe sight lines from the street and from vehicles entering and exiting the site.	Insufficient Information No information has been provided on the type or height of fencing proposed. However, have not stipulated the type of tree or maturity height. Nonetheless, this could be conditioned if consent were granted.
7. Car Parking and Access	Two car parking spaces shall be provided for each dwelling.	Complies
	Access driveways should follow the topography and landscaping onsite	Complies
8. Amenity and Environmental Impact	Adjoining properties must receive a minimum of three hours of sunlight between 9am and 3pm on 21 June to at least: - One living room, rumpus room or the like. - 50% of the private open space	Insufficient Information The submitted shadow diagrams to not accurately encapsulate the full extent of the shadow impacts on site.
	Habitable room windows facing side boundaries are to be offset by at least 1m from any habitable room windows in an adjoining dwelling	Complies
	Habitable room windows on the first floor that face the side boundary are to avoid unreasonable overlooking by	Complies

	having a minimum sill height of 1.5m, except where they face a street or public open space.	
	Building siting, window location, balconies and fencing must consider the importance of the privacy of onsite and adjoining buildings and private open spaces	Does not Comply Rear balconies are proposed on Lot A building B which is not supported given the will overlook the adjoining properties on Lot B.
	Landscaping should be used where possible to increase visual privacy between dwellings and adjoining properties.	Complies
	Noise attenuation measures should be incorporated into building design to ensure acoustic privacy between on-site and adjoining buildings.	Complies
	Developments in areas adversely impacted upon by rail or traffic related noises must incorporate the appropriate noise and vibration mitigation measures into the design in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.	As the Traffic Noise Report concludes the noise criteria of the SEPP it is considered that the development meets these controls.
9. Site Services	Where a footpath, road shoulder or new or enlarged access driveway is required to be provided this shall be provided at no cost to Council	To be conditioned if consent were granted.
	Council must be notified of any works that may threaten Council assets. Council must give approval for any works involving Council infrastructure.	To be conditioned if consent were granted.
	Where there are no existing street trees in front of the site and contributions have not been collected for street tree planting it may be a condition of consent that street trees be provided in the footpath area immediately in front of the site.	To be conditioned if consent were granted.
10. Additional Requirements – Dual Occupancies in R5 Zone.	An extension or alteration, which creates attached <u>dual occupancy</u> housing, is to ensure that design features complement the existing <u>dwelling house</u> .	N/A The proposal is for the construction of two (2) new dual occupancies.
	An attached <u>dual occupancy</u> shall be compatible with the design features of the existing <u>dwelling</u> in terms of cladding, colour, <u>building</u> materials, windows, verandahs, roof <u>form</u> and pitch.	N/A No existing dwellings are located on site.

	The front <u>building</u> line of the second <u>dwelling</u> is to be located behind the <u>building</u> line of the existing <u>dwelling house</u> . In the event two dwellings are constructed at the same time, one <u>dwelling</u> shall be sited to present as the principal <u>dwelling</u> with the second <u>dwelling</u> to be subservient in <u>scale</u> .	N/A No existing dwellings are located on site
	Mirror reversed or replica <u>dwelling</u> design dual occupancies are not supported.	Not considered appropriate Very little changes have occurred on the façade profiles of the dwellings except for the provision of material changes. The design should be amended to consider all the controls applicable to ensure mirror reversed design are not provided and individually designed domiciles respond to the controls and zoning associated with the site.
	Attached <u>Dual Occupancy</u> development shall be physically attached under the same roofline and have the general appearance of a large single <u>dwelling house</u> when viewed from the primary street <u>frontage</u> . Structures such as carports, skillion roofs, pergolas, covered awnings and the like are not acceptable as a mode of attachment.	Does not Comply The proposed dual occupancies are attached by the garage and not under the same roofline as stipulated within the control The appearance does not exhibit that of a single dwelling house but of two separate domiciles which is considered inappropriate for the zone.
	In the case of Detached <u>Dual Occupancy</u> , both dwellings shall possess compatible architectural treatments and <u>building</u> materials.	N/A The proposal is for attached dual occupancies.
	Dwellings must be located to minimise the removal of any existing vegetation.	Insufficient Information Noting the history of the site and illegal removal of trees within the C2 Zone, the proposed location of the dual occupancies is considered acceptable, however, further information is required in relation to an updated Landscape Plan and Flora and Fauna Assessment which assesses the application on the correct EPI's as requested by Councils Biodiversity Officer.
	Buildings should complement the characteristics of the landform. Cut and <u>Fill</u> must be kept to a minimum.	Insufficient Information The applicant has not provided a cut and fill plan to determine the extent of earth works across the site.
	The roofline of all buildings should reflect the land profile within the vicinity of the development.	Complies

NOTE: PLEASE REFER TO
ADDITIONAL PAGES FOR
DETAILED DIMENSIONS
AND LEGEND

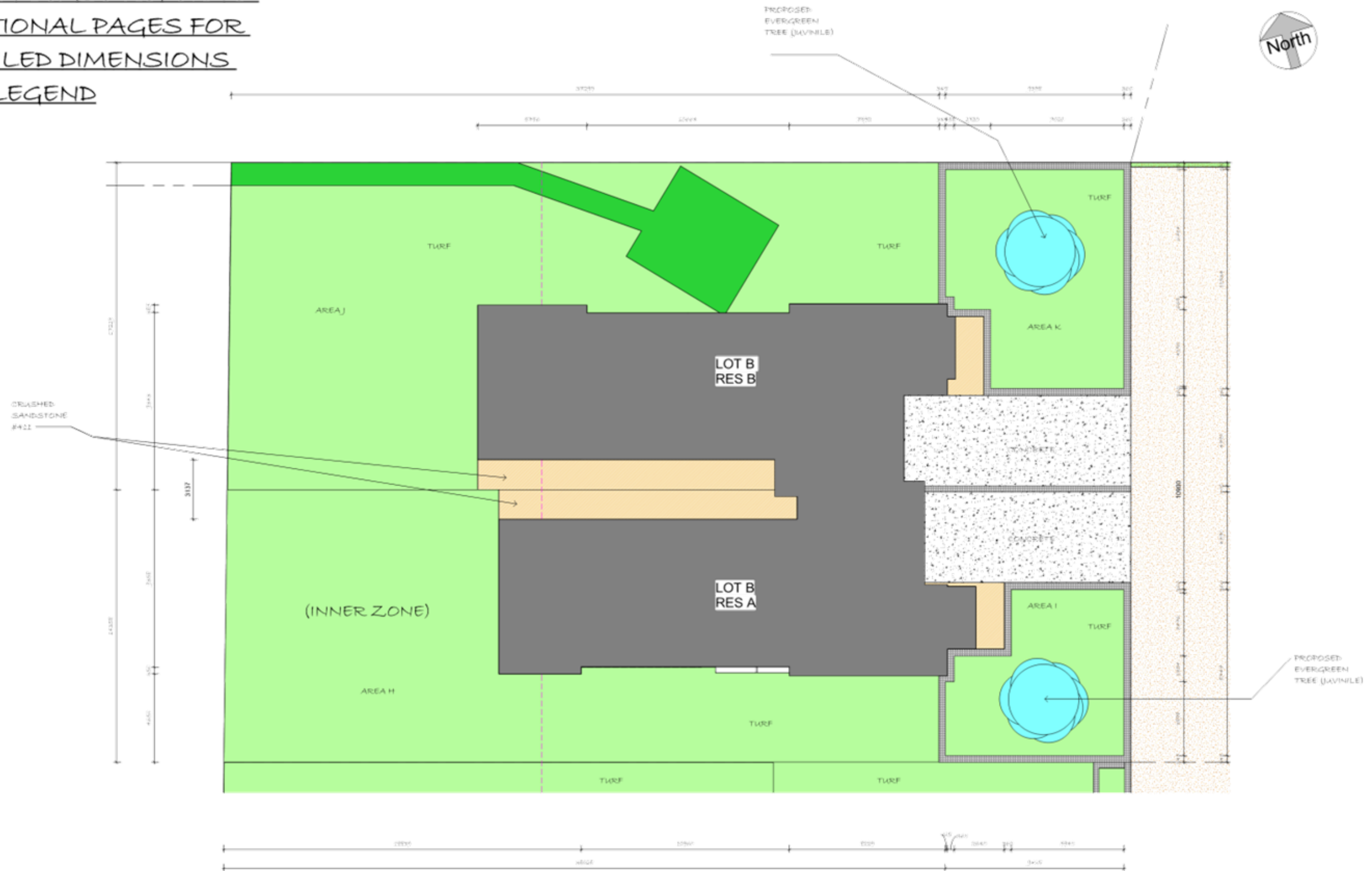
DCP COMPLIANCE TABLE

LOT A	LOT B
SITE AREA: 15213.50m ²	SITE AREA: 2630.50m ²
REQUIRED LANDSCAPE AREA: 75% OF 15213.50m ²	REQUIRED LANDSCAPE AREA: 75% OF 2630.50m ²
REQUIRED = 11410.12m ²	REQUIRED = 1972.87m ²
PROPOSED LANDSCAPE AREA: 12121m ²	PROPOSED LANDSCAPE AREA: 1979.02m ²
REQUIRED 75% OF THE FRONT SETBACK AREA (776m ²) IS TO BE LANDSCAPED	REQUIRED 75% OF THE FRONT SETBACK AREA (1245m ²) IS TO BE LANDSCAPED
AREA REQUIRED = 152m ²	AREA REQUIRED = 933.75m ²
PROPOSED LANDSCAPED AREA IN THE FRONT SETBACK: 555.21m ²	PROPOSED LANDSCAPED AREA IN THE FRONT SETBACK: 955.09m ²





NOTE: PLEASE REFER TO
ADDITIONAL PAGES FOR
DETAILED DIMENSIONS
AND LEGEND





GROUND COVER LEGEND

SYMBOL	TYPE	DEPTH	IMAGE
	BUFFALO GRASS	SOIL DEPTH 200mm GRASS SHOULD BE KEPT AT A MAXIMUM OF 100mm IN HEIGHT	
	BLACKTRAP ROCK	100mm IN ALL AREAS	
	PEA GRAVEL	200mm IN ALL TRAFFICABLE AREAS AND 100mm IN ALL PEDESTRIAN AREAS	
	CONCRETE	ALL DRIVEWAYS TO BE 100mm IN DEPTH	
	CRUSHED STONE #411	ALL AREAS TO BE A DEPTH OF 100mm	

NOTES:

-ALL TREES ARE TO HAVE A MINIMUM OF 2m² OF DEEP SOIL ZONES WITH A MINIMUM DEPTH OF 1000mm

- ALL BLACKTRAP GARDEN BEDS TO HAVE DRAINAGE POINTS INTO STORM WATER MANAGEMENT LINES AND DRAIN INTO NATURAL WATER COURSE

NOTE: PLEASE REFER TO ADDITIONAL PAGES FOR DETAILED DIMENSIONS

PLANTING LEGEND

#	SYMBOL	TYPE	SCIENTIFIC NAME	HEIGHT	POT SIZE	IMAGE
8		EXISTING Grey Gum	EUCALYPTUS PUNCTATA	MATURITY HEIGHT OF 35m	100-300lt	
3		PROPOSED EVERGREEN TREE (JUVINILE)	MAGNOLIA GRANDIFLORA	MATURITY HEIGHT OF 4m - 6m	15cm = 20cm	
15		PROPOSED DWARF TREE (JUVINILE)	MAGNOLIA LITTLE GEM	MATURITY HEIGHT OF 2m - 4m	18cm = 40cm	

INNER ZONE SPECIFICATIONS

Trees

- > tree canopy cover should be less than 15% at maturity;
- > trees at maturity should not touch or overhang the building;
- > lower limbs should be removed up to a height of 2m above the ground;
- > tree canopies should be separated by 2 to 5m; and
- > preference should be given to smooth barked and evergreen trees.

Shrubs

- > create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
- > shrubs should not be located under trees;
- > shrubs should not form more than 10% ground cover; and
- > clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

Grass

- > grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- > leaves and vegetation debris should be removed.

OUTER ZONE SPECIFICATIONS

Trees

- > tree canopy cover should be less than 30%; and
- > canopies should be separated by 2 to 5m.

Shrubs

- > shrubs should not form a continuous canopy; and
- > shrubs should form no more than 20% of ground cover.

Grass

- > grass should be kept mown to a height of less than 100mm; and
- > leaf and other debris should be removed.

An APZ should be maintained in perpetuity to ensure ongoing protection from the impact of bush fires. Maintenance of the IPA and OPA as described above should be undertaken regularly, particularly in advance of the bush fire season.

Joy Hafey Environmental Consultant

Trading as
Joy Hafey Environmental
Consultants Pty Ltd
ABN(14 603 683 503)

Fauna & Flora Assessment
Lot 74 DP 1134477
Pleasure Point Road
Pleasure Point



March 2024 Revised

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

CERTIFICATION

Fauna & Flora Assessment: Assessments of Significance, Shale Sandstone Transition Forest (SSTF), Castlereagh Ironbark Forest (CIF): *Acacia pubescens* (Downy Wattle). *Pascolarctos cinereus* (Koala) Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Prepared by :-

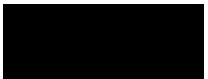
Name : Joy Hafey

Qualifications : B.Sc. Ecology & Molecular Biology

I hereby certify that I have prepared the contents of this assessment

And to the best of my knowledge, it is true in all material particulars

And does not, by its presentation or omission of information, materially mislead

Signature..  **.....**

Name...Joy Hafey.....

Date...24th March 2024.....

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Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Executive Summary

Joy Hafey was engaged by Mrs Susan Tabikh to provide a Fauna and Flora assessment on the property, Lot 74 (DP 1134477) Pleasure Point Road, Pleasure Point. The assessment forms a part of a development application to Liverpool City Council for a two lot subdivision.

A literature review of the site found, NPWS Vegetation Communities Map indicates that the subject site contains vegetation classified as Shale Sandstone Transition Forest (SSTF), a Critically Endangered Ecological Community. SSTF is listed under the NSW Biodiversity Conservation Act 2016 (BC Act) and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Vegetation mapping, Tozer 2010, State Vegetation Type SEED 2022 found Castlereagh Ironbark Forest occurs in the area.

The review found that the Commonwealth Protected Matters Search Tool and OEH NPWS Wildlife Atlas listed forty three (43) threatened fauna, twenty four (24) threatened flora, and nine EEC/ CEEC, as occurring within 5km of the subject site.

The ecological assessment was undertaken, in June, July and August 2017 to identify fauna and flora occurring on the subject site, in particular threatened species. Following this, a further three days was spent in survey work in 2024. The site provides habitat for one hundred and fifty five (155) flora species (102 native and 53 exotic) and twenty four (24) fauna species. The Critically Endangered Ecological Community of the Shale Sandstone Transition Forest (SSTF) was noted on the subject site. This community grades into the Castlereagh Ironbark Forest (CIF) on the eastern boundary. The survey found that the subject site supports four general vegetation communities. All are ecologically degraded.

1. Modified Disturbed Grassland Community
2. Riparian community
3. Shale Sandstone Transition Forest
4. Castlereagh Ironbark Forest

The threatened species *Acacia pubescens* (Downy Wattle) was noted on the subject site. Habitat for *Phascolarctos cinereus* (Koala) occurs on the subject site.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

It is considered that the likely impacts of the development will occur in an area that is close to existing development and is ecologically degraded. The SSTF/ CIF area is degraded and as part of the development process, regeneration and conservation would be in line with Recovery Plan for the Cumberland Plain Vegetation Communities

While an Assessment of Significance concluded that there would be no significant impact on the ecological community of SSTF/ CIF or the threatened species, *Acacia pubescens* and *Phascolarctos cinereus*, ameliorating measure designed to preserve and enhance the vegetation community and to remove the threat of extinction, were recommended. This is in line with the purpose of the BC Act 2016, the EPBC Act 1999, the Recovery Plan for the CPW, the Recovery Plan for *Acacia pubescens* and the Recovery Plan for *Phascolarctos cinereus*.

Ameliorating measures associated with the proposed development are as follows:

- Removal of noxious and environmental weed species on site. Weeds are a Key Threatening Process (KTP) impacting on threatened ecological communities and threatened species. Weed control must be a priority.
- Regeneration and management of the SSTF/ CIF on the site
- Protection and management of the *Acacia pubescens*. on the site
- Protection and management of *Phascolarctos cinereus* habitat on the site.
- Regeneration and management of a riparian corridor. Under the NSW Office of Water, 2012, the designated stream across the site, is a first order stream, which requires a 10m vegetation buffer either side of the line.

The above actions are in line with the Recovery Plan for the Cumberland Plain Vegetation Communities and address Section 4, Bushland and Fauna Habitat Protection, Liverpool Development Control Plan 2008.

In conclusion, it is considered that there would be no constraints to the proposed development under the EPBC Act or the BC Act. It is considered that the likely impacts of the development will occur in an area that is close to existing development and is significantly degraded.

It is considered that the proposed development will not trigger the Biodiversity Offset Scheme as no native vegetation is to be removed and the development area is outside the land designated as high biodiversity land.

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***List of Abbreviations and Acronyms**

ASL	Above Sea Level
BC Act	Biodiversity Conservation Act 2016
BE	Building Envelope
CEEC	Critically Endangered Ecological Community
CIF	Castlereagh Ironbark Forest
CMP	Conservation Management Plan
CRA	Conservation Risk Assessment
DEC	Department of Environment and Conservation
DECCW NSW	Department of Environment, Climate Change and Water NSW
EEC	Endangered Ecological Community
EIS	Environmental Impact Statement
EMP	Environmental Management Plan
EPA Act	EP&A Act Environmental Planning and Assessment Act 1979
EP&A Reg	Environmental Planning and Assessment Regulation 2000
EPBC Act	Environmental Protection and Biodiversity Conservation Act 1999
KTP	Key Threatening Process
LEP	Local Environmental Plan
LLEP	Liverpool Local Environment Plan 2008
NES	National Environmental Significance
NPW Act	National Parks and Wildlife Act 1974
NP&W Reg	National Parks and Wildlife Regulation 2009
NPWS	National Parks & Wildlife Service
NW Act	Noxious Weed Act 1993
REP	Regional Environmental Plan
RF Act	Rural Fires Act 1994
ROTAP	Rare Or Threatened Australian Plant
SEPP	State Environmental Planning Policy
SIS	Species Impact Statement
SSTF	Shale Sandstone Transition Forest
WONS	Weed of National Significance

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Table of Contents

1.	Introduction	8
2.	Site Description	11
	2.1 Location	
	2.2 Landform	
	2.3 Geology & Soil	
	2.4 Climate	
3.	Methodology of Survey	12
	3.1 Flora Methodology	
	3.2 Fauna Methodology	
4.	Results	14
	4.1 Flora	
	4.2 Fauna	
	4.3 Discussion of Fauna/Flora Results	
5	Habitat & Wildlife Corridor Potential	24
6	Statutory Requirements	26
7	Assessments of Significance	30
	7.1 SSTF/ CIF BC Act EPBC Act	
	7.2 <i>Phascolarctos cinereus</i> BC Act EPBC Act	
	7.3 <i>Acacia pubescens</i> BC Act EPBC Act	
8.	Impacts of the Development	42
9.	Discussion and Recommendations to Ameliorate Impact	43
	Figure 1 Aerial View	8
	Figure 2 a)b) Proposed Development	10
	Figure 3 Zoning of the Subject Site	12
	Figure 4 Topography of the Subject Site	12
	Figure 5 Topography and Survey Effort	14
	Figure 6 Vegetation Communities NPWS 2002	15
	Figure 7 Vegetation Communities Tozer 2010	16
	Figure 8 Biodiversity Values Map	17
	Figure 9 State Vegetation Community Type SEED	17
	Figure 10 Current Vegetation Community Map	22
	Figure 11 Wildlife Corridor	25
	Figure 12 Koala Sightings locally	29
	Figure 13 KTP	31
	Appendix 1 Threatened Fauna & Flora of the Region	
	Appendix 2 Flora Noted on the Survey Site	
	Appendix 3 Fauna & Avifauna Noted	
	Appendix 4 Habitat Definition	
	Appendix 5 Koala Habitat Protection	
	Appendix 6 References	
	Appendix 7 Protected Matters Search Tool	
	Plates 1-5 Views of the Subject Site	
	Front Cover View of the CIF	

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***1.0 Introduction**

Joy Hafey was engaged by Mrs Susan Tabikh to undertake a Fauna and Flora Assessment on the property 76 being, Lot 74 (DP 1134477, Pleasure Point Road, Pleasure Point. In this report, the property is referred to as the subject site. An aerial overview is provided in Figure 1. The Plan forms a part of consent conditions relating to the approval of a Development Application to the Liverpool City Council Council (LCC). The DA was for the subdivision of the Lot 74 into two Lots, see Figure 1. A turning circle and access driveway is incorporated into the APZ associated with the two building envelopes, see Figure 2a). The northern building envelope encompasses an attached dual occupancy with the southern building envelope encompasses an attached dual occupancy and home based childcare centre, see Figure 2b).

Areas of the subject site within 40m of defined creek are considered 'Waterfront Land' in accordance with the 'Guidelines for Riparian Corridors on Waterfront land' (DPI, Office of Water, 2012), and as such, it is required that stakeholders (private owners or council where applicable) 'Seek to maintain or rehabilitate a riparian corridor with fully structured native vegetation' to a 10m distance either side of the tributary, a first order stream.

The aim of the flora and fauna study is to;

- 1) Identify the flora and fauna on the study site, with special emphasis placed on the identification of threatened species. By definition of the Biodiversity Conservation Act 2016, threatened species includes endangered species, vulnerable species, species presumed extinct and also threatened ecological communities Appendix 1 lists threatened species, noted as occurring within 5km of the subject site.
- 2) Identify habitat potential of the site and identify areas of high conservation significance that could be managed for biodiversity conservation. Identify the wildlife corridor potential of the site.
- 3) Ascertain any constraints on the site which may restrict development of the site. Identify mitigating measures to ameliorate any impacts likely to occur as a result of the proposed development.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

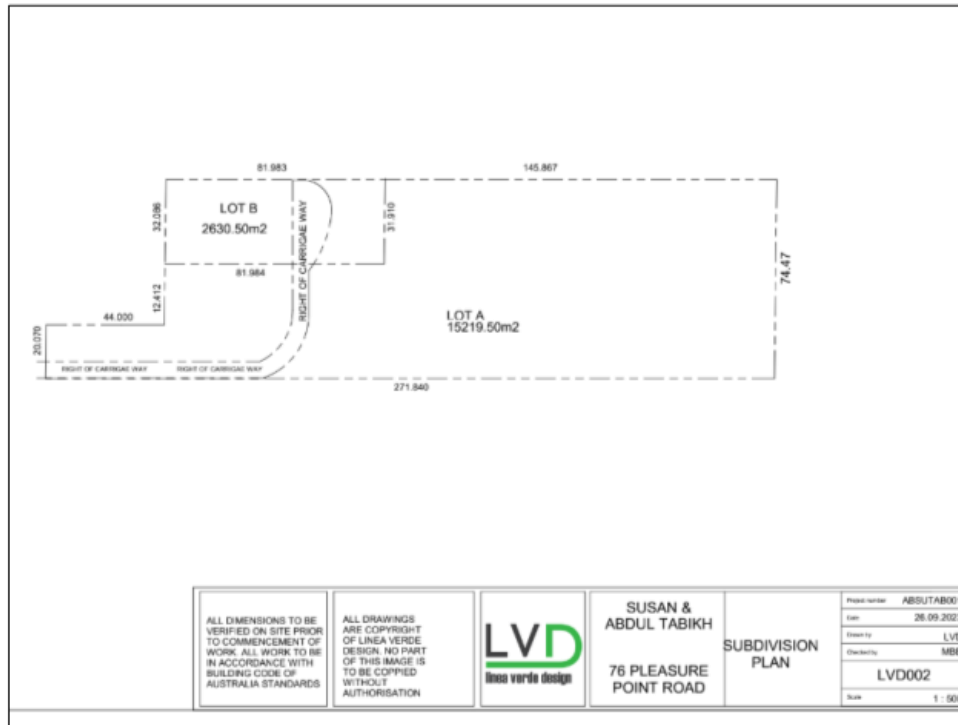
- 4) Identify issues relating to: Biodiversity Conservation Act 2016, Environmental Planning & Assessment Act (EP&A Act), Fisheries Management Act 1994, Environment Protection and Biodiversity Conservation Act 1999, Biosecurity Act 2015 Act and State Environment Planning Policy 2021 Potential Koala Habitat.
- 5) Address Liverpool Local Environment Plan 2008

▼ **Figure 1 Current Aerial View:** The highlighted subject site covers an area of approximately 1.78ha.



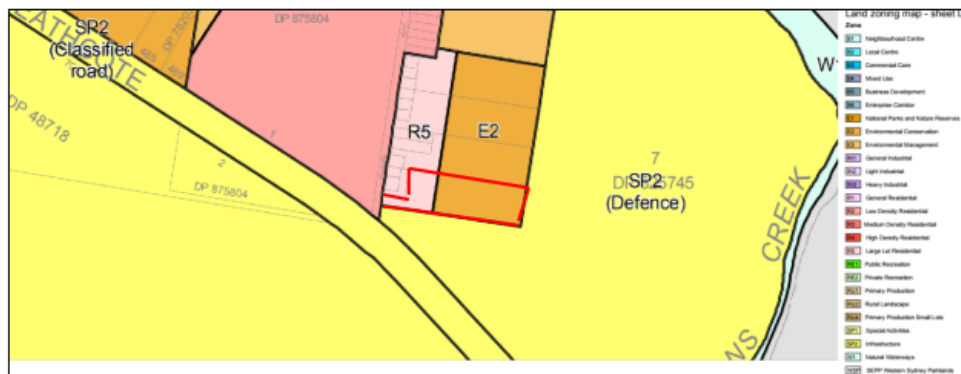
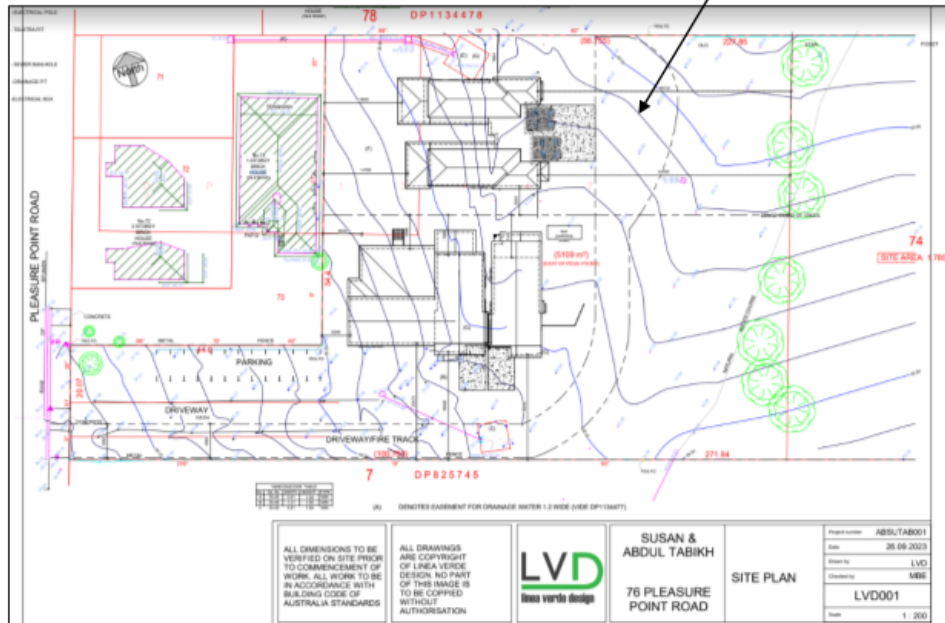
Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

▼ **Figure 2 a) Preliminary Development Plan on the Subject Site:** The development is for a two lot subdivision of the subject site with bushfire APZs indicated for proposed dwellings. Lot A covers an area of 15,219.50m², Lot B 2630.50m²



Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

▼ **Figure 2 b) Location and Layout of Dwellings:** Proposed turning head of right of way easement. Turning circle and access driveway is incorporated into APZ. The northern building envelope encompasses an attached dual occupancy. The southern building envelope encompasses an attached dual occupancy and a home based childcare facility.



▲ **Figure 3. Land Zoning Map.** Lot 74, outlined in red, has split zoning. The western portion of the land is zoned R5- Large Lot Residential. The eastern portion is zoned E2- Environmental Conservation.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

2.0 Site Description

Lot 74 Pleasure Point Road, is a rectangular shaped site with a battle-axe handle providing access to Pleasure Point Road. It is surrounded by a six foot hurricane steel fencing. The Defence Dept. adjoins the site to the south and east, with private property to the north and Pleasure Point Road to the west. A six foot high steel mesh fence surrounds the Defence land. The subject site has a split zoning R5 Large Lot Residential and E2 Environmental Conservation, see Figure 3. (LLEP 2008).

2.1 Location – The subject site is situated approximately 22km south west of the Sydney CBD in the Liverpool LGA. It lies 0.3km north of Heathcote Road and lies on the easterly side of Pleasure Point Road.

2.2 Landform- The site forms a part of the undulating rises associated with the Georges River. There is a gentle slope to the north east.

2.3 Soils – The geology of the region consists of sandstone and shale of the mid Triassic period with Wianamatta Group Shale overlaying Hawkesbury Sandstone. The subject site soils consist of fertile clayey podzols derived from Wianamatta Shales.

2.4 Climate - The climate of the area is temperate with mild summers (average max. 32.1° C) and cool to cold winters (average minimum 18.6°C) (Bureau of Meteorology). The mean annual rainfall for the area (Station no. 66190- Sackville St. Ingleburn) is approximately 748 mm per annum (BOM,).

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point



▲ Figure 4 Topographic Map of the Locality: The site slopes gently to the north east. The Georges River is the water catchment for the site.

3.0 Methodology

A literature review was carried out to ascertain the conservation significance of plant and animal species, plant communities and animal habitats in and near the study area.

The field survey was conducted by Joy Hafey, ecologist, over six days in 2017 and over three days in 2024. Temperature variation (diurnal) ranged from 20°C to 29°C.

The degree of disturbance to habitat and threats such as weed invasion and the presence of feral animals were noted.

This survey generally followed DEC Threatened Biodiversity Survey and Assessment Guidelines for Developments and Activities Nov 2004 (Draft), Threatened Species Survey and Assessment Guidelines OEH 2013 and Threatened Species Test of Significance Guidelines NSW OEH 2018.

3.1 Flora Methodology

The methodology for this study involved detailed field investigation of the study area. A random meander methodology was employed, transect lines were walked and the vegetation noted. Subjective visual inspections and assessment of vegetative biodiversity were noted. Topographic maps and aerial photographs were used to identify features of the vegetation for investigation during fieldwork.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Plant taxonomy follows Harden (2002). Vegetative communities are described in terms of dominant plant species and vegetation height and density. Quadrat analysis of communities was undertaken to ascertain the identity of the community. A series of six quadrats were undertaken to identify the vegetation communities, see Figure 5. Targeted surveys for threatened species were undertaken generakky using DECC guidelines.

3.2 Fauna Methodology

The following methods were employed during the fauna assessment:

Small Ground Animals were surveyed by trapping each night with 20 Elliott traps, baited with rolled oats/peanut butter and honey. Traps were set in the evening and retrieved the following morning, see Figure 5. Any captured animals were released at the point of capture. A total of 60 trap nights were undertaken.

Aboreal Animals were sampled by opportunistic sightings on visits to the site. Spotlighting using a hand held halogen globe torch was undertaken over two nights. The technique involved walking amongst trees and conducting searches of trees. A total of 1 hour observations were recorded each night. Observations of scats, scratchings, diggings etc, indicating the present of these animals, were noted and recorded.

Amphibians were noted by listening for calls during each visit and by searching in habitat areas, e.g. under timber and rocks. Playback tapes were utilises at night to illicit a response from threatened species, which may have been present on the study site. One night involved light rain.

Reptiles were sampled by opportunistic sightings and by turning over debris during each visit to the site

Avifauna were sampled by opportunistic sightings and listening for calls during each visit to the site. Playback tapes of owl species were utilised during night visits.

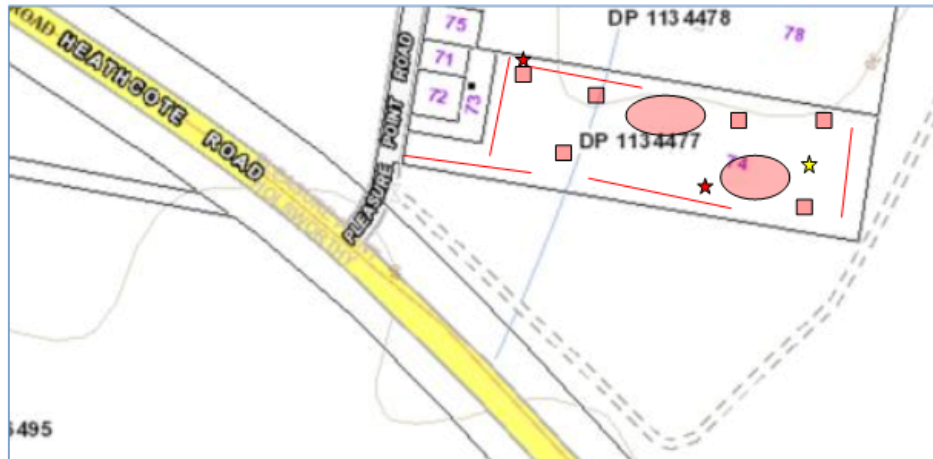
Bats were sampled by opportunistic sightings during night visits to the site.

Large ground animals were sampled by opportunistic sightings on all visits to the site. Observations of scats, scratchings, diggings etc. indicating the presence of these animals, were noted and recorded.

Two remote sensing cameras were set up to capture faunal movement on the site.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

▼ **Figure 5 Topography of the Subject Site and Survey Effort:** The site consists of open areas and areas of more dense vegetation. The following survey methodology was employed as indicated in the legend.



Legend

- Red lines indicate the location of trap lines
- Red squares indicate location of 20m square quadrat for vegetation analysis
- ★ Red stars the location of a remote sensing camera.
- The location of two SPOT koala surveys are indicated by red ovals.
- ★ Location of *Acacia pubescens*

4.0 Flora and Fauna Results.

A literature review, conducted to assess the potential diversity and abundance of flora and fauna species in area, included the following:

- OEH Bionet Wildlife Atlas Report 5km radius from the site
- Commonwealth EPBC Act Protected Matters Report 5km radius
- NSW NPWS Vegetation Maps of the Cumberland Plain 2002
- Tozer et al 2010 Vegetation Map
- State Vegetation Plant Community Map 2022 SEED
- Liverpool City Council Vegetation Mapping

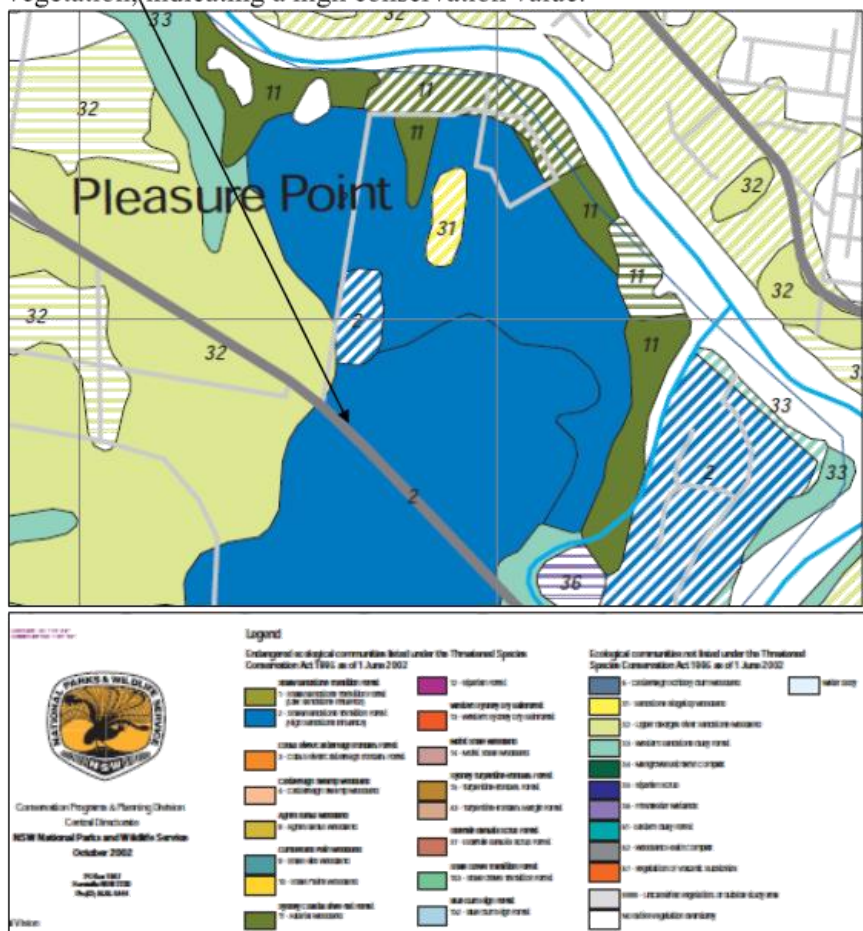
The literature review found that

- NPWS Vegetation Community Maps, 2002 indicate the subject site contains vegetation identified as SSTF, see Figure 6.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

- Tozer et al 2010 indicates SSTF, CIF, CSGW, SHTW and CSGW occurs in the area, Figure 7.
- The majority of the site contains a high biological diversity, Fig 8
- SEED Vegetation Mapping indicates SSTF and CIF occurs on site, Figure 9
- Nine (9) EECs or CEECs, 24 threatened flora species and 43 threatened fauna species occur within 5 km of the subject site.

▼ **Figure 6 NPWS Vegetation Communities Map:** The vegetation on the subject site is mapped as SSTF. The community is classified as A category vegetation, indicating a high conservation value.



Reference NSW NPWS 2002

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

▼ **Figure 8 Biodiversity Values Map:** Part of the subject site is recorded as containing a high level of biological value.



▼ **Figure 9 SEED Vegetation Mapping 2022:** Vegetation mapped on site is SSTF and CIF.



The field survey found that

- The site provides habitat for one hundred and fifty five (155) flora species (102 native). Appendix 2 and 3 list species noted. The most abundant flora species noted were SSTF characteristic species.
- A number of environmental and noxious weeds were noted and included, *Rubus fruticosus* (Blackberry), and *Eragrostis cuvulova* (African Love

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Grass). Weeds with a General Biosecurity Duty (GBD and Weeds of National Significance (WONS) are listed in Appendix 2.

- Remnant vegetation of the CEEC of SSTF occurs on the subject site. The remnant SSTF distribution occurs on site with a gradual cline to the east with Castlereagh Ironbark Forest occurring adjacent to the eastern boundary.
- One threatened flora species was noted on the subject site, *Acacia pubescens* is listed as Vulnerable under the NSW BC Act and the EPBC Act.

4.1 Flora Survey Results

As a result of past land practices the vegetation on site is modified to the original vegetation, both in species diversity and structural diversity. The more elevated areas of the subject site have been predominantly cleared in the past and development has occurred, with a building adjacent to Pleasure Point Road. Building materials and cars are stored on site.

The subject site supports four general vegetation communities (Figure 10).

- Modified Grassland Community Plate 1
- Riparian Vegetation Plate 2
- SSTF grading into CIF Plate 3
- CIF on the eastern boundary (front cover).

The Modified Grassland Community dominates the western sections of the subject site (Plate 1). The vegetation is predominantly dense exotic grasses and weeds eg *Setaria gracillis* (Slender Pigeon Grass), *Paspalum dilatatum* (Paspalum), *Cynodon dactylon* (Couch), *Senecio madagascariensis* (Fireweed), *Verbena bonariensis* (Purpletop) and *Conyza albida* (Fleabane). A view of this community is shown in Plate 1.

The structural diversity and biological diversity of this community is low with invasive exotic species the predominant vegetation. The ecological health of this community is low and it is considered that the resilience of the original native vegetation community to regenerate is low. The development occurs within this area.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

▲ Plate 1 View of the grassland in the North West Corner: The vegetation within this area is predominantly exotic grassland and weeds. Extensive building material and mechanical parts are being removed from this area. The proposed development will be located within this area.

2) Riparian Community

This community occurs in the drainage line and contains a small number of eucalypts, *Eucalyptus sclerophylla* (Scribbly Gum), *Corymbia gummifera* (Red Bloodwood) and *Eucalyptus punctata* (Grey Gum). The shrub layer is very sparse and includes *Leptospermum* species and *Callistemon* species. The ground cover is dominated by *Imperata cylindrical* (Blady Grass). Plate 2, in the mid ground, is a view of this community. SSTF is viewed in the foreground and the grassland community viewed in the background.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

▲ **Plate 2 View Across the Three Communities:** The vegetation in the foreground is SSTF. In the midground is the riparian community dominated by Blady Grass. In the background is the grassland community where the building development will occur. The APZ is located within this area.

3) SSTF Community:

This community has been significantly disturbed by understorey clearing, rubbish dumping and weed invasion. Building material, mechanical parts and rubbish have been removed from most of the bushland area. The northern boundary is still to be cleared, see Plate 3.

The SSTF canopy species varies in height to 20m with a canopy cover of between 15-20%. Species includes *Eucalyptus punctata* (Grey Gum), *Eucalyptus tereticornis* (Forest Red Gum), *Eucalyptus crebra* (Thin-leaved Ironbark), *Corymbia gummifera* (Red Bloodwood), *Eucalyptus sclerophylla* (Scribbly Gum) and *Eucalyptus fibrosa* (Broad-leaved Ironbark). There is a lower canopy (rejuvenating) of *Eucalypt* saplings with *Allocasuarina littoralis* (Black She Oak), and *Acacia decurrens* (Sydney Green Wattle) to 1m in height.

The understorey stratum is represented by juvenile recruitment to one meter, but usually averaging 0,5m. Species includes *Kunzia ambigua* (Tick Bush), *Banksia spinulosa* (Hairpin Banksia), *Pimelia linifolia* (Rice Flower), *Grevillea mucronulata* (Green Spider Flower), *Persoonia linearis* (Narrow-leaved Geebung) and *Bursaria spinosa* (Native Blackthorn)

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

The ground stratum is of moderate density to 0.75m in height and consists predominantly of grasses and forbs. Species includes, *Lomandra longifolia* (Mat Rush), *Themeda australis* (Kangaroo Grass) *Aristida vagans* (Three-awned Grass), *Microleana stipoides* (Weeping Grass) *Entolasia stricta* (Wire Grass), *Pratia purpurascens* (White Root), *Pomax umbellata*, *Glycine tabacina*, *Cheliantes seiberi* (Rock Fern), *Solanum prinophyllum* (Forest Nightshade) and *Leptosperma laterale* (Saw Sedge).

The health of this community varies over the site with some sections, for example old tracks are compacted and have little juvenile recruitment, while other sections are considered to have a high structural and high species diversity with prolific juvenile recruitment occurring. Weeds of National Significance (WONS), are a direct threat to this critically endangered ecological community of the SSTF community.



▲ **Plate 3 View of SSTF on the Northern Boundary:** Building and other materials litter the SSTF, beside the northern boundary track. Clean up of this area is occurring.

4) Castlereagh Ironbark Forest is a dry sclerophyll vegetation which forms a part of the Cumberland Plain Woodland vegetation, a critically endangered ecological community listed under the BC Act 2016 and the EPBC Act 1999. It is an open forest with open sclerophyllic shrubs in the understorey. On the subject site there is no clear delineation between the

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

disturbed communities of SSTF and CIF, however both communities are in an advanced state of regeneration, see Plate 4.

The canopy species of CIF includes *Eucalyptus crebra* (Narrow-leaved Ironbark), *Eucalyptus fibrosa* (Broad-leaved Ironbark), *Eucalyptus globoidea* (White Stringybark), Canopy height reaches to 20m with a cover of 20%. There is an emerging sparse lower canopy of juvenile, *Acacia falcata* (Falcate Wattle) and eucalypt saplings to 1m in height.

The understorey is of sparse density with an average height of 1.5m. It is dominated by *Maelaleuca nodosa* (Ball Honeymyrtle). These species become sparse as SSTF occurs. **The ground stratum** is of moderate density, comprising sedges, grasses, forbs and low shrubs. It includes *Themeda australis* (Kangaroo Grass), *Lomandra species*, *Entolasia stricta*, *Dianella revoluta* (Blue Flax Lily), and *Aristida vagans* (Three-awned Grass).

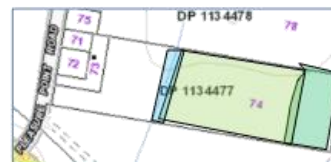
The health of the community varies and includes a small number of significant old growth trees. Prolific and abundant juvenile recruitment is occurring, Plate 4.



◀ **Plate 4 CIF Community:**

This CIF community is in advanced state of regeneration. Small juvenile recruitment is occurring. This area is dominated by *Eucalyptus crebra* and *Eucalyptus fibrosa*.

▼ Figure 10. The location of the CIF is indicated in green below, while SSTF is indicated in olive. The communities overlap



Plant species noted on the subject site are listed in Appendix 2 and 3

Note: The threatened plant species, *Acacia pubescens* was noted on the subject site, see Figure 5

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

4.2 Fauna Results

The habitat potential for native fauna within this area has already been limited with the past clearing of a substantial area of native vegetation. **In total** there were nine (9) faunal and twenty (20) avifaunal species noted on the subject site .

No small animals were caught or noted.

No bats were noted.

Other mammals were in evidence on and near the subject site.

- Rabbits were abundant as indicated by scats, scrapes and observations.
- Possums were heard during night searches, *Pseudocheirus perigrinis* (Common Ringtail Possum). Scats and scratches were found.
- *Macropus giganteus* (Eastern Grey Kangaroo) was observed adjacent
- *Wallabia bicolor* (Swamp Wallaby) was observed adjacent.
- *Tachyglossus aculeatus* (Echidna) was observed on site
- *Vulpes vulpes* (Red Fox) scats were noted on site.

Note: Food trees for Koalas, were identified on the subject site, with *Eucalyptus tereticornis*, *Eucalyptus crebra* and *Eucalyptus punctata* comprise more than 15% of the upper and lower canopy. The site is therefore Potential Koala Habitat.

Amphibians. Frog calls heard from the dams were identified as *Crinia signifera* (Eastern Froglet) and *Lymnodynastes peronii* (Striped Marsh Frog)

Reptiles noted were *Lampropholis guichenoti* (Common Garden Skink) and *Tiliqua scincoides scincoides* (Eastern Blue Tongue Lizard).

Avifauna: A total of 20 bird species were recorded, by observations or identification of calls on site visits. The abundance and diversity of avifauna reflected the species diversity associated with the surrounding vegetative assemblage. Birds noted included granivorous, nectivorous, frugivores and insectivorous species (Appendix 3)

Molluscs: No snails were noted on site

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

4.3 Discussion of Flora and Fauna Results and Survey Constraints

The constraints on the flora and fauna survey related to the fact that the survey was carried out over a short period of time in winter, spring and summer and sampling did not cover all seasonal variations or varying climatic conditions. The study does however provide a comprehensive assessment of the biodiversity on the study site.

In general, the habitat potential of the proposed development site has been considerably reduced. Ecosystem simplification and the addition of introduced flora and fauna has generally depleted natural resources such as food and shelter for native animals.

Regeneration in the bushland area will improve habitat potential.

5.0 Habitat , Wildlife Corridor Potential and Conservation Value

The site was surveyed for habitat potential to assess the likely occurrence or potential utilisation of the site by native fauna. The survey identified the diversity, structure and health of those habitats observed within the study area. The degree of disturbance to the site in the past is significant with invasive grasses covering large areas of the site. However the bushland areas of the site, provides a wealth of habitat niches. The following habitat features were noted:

- There is a high biological diversity within differing plant communities containing an abundant species diversity and structural diversity.
- Insectivorous birds were abundant on the site. Litter, rough-barked trees and abundant insects provides a rich food source for birds, mammals, reptiles and amphibians.
- There are spreading canopies with leaves, flowers, gum and rough bark.
- There are small and a few large hollows in trees in the bushland areas.
- There is an abundant ground litter and fallen logs present on the site.
- There is an ephemeral creek traversing the site.
- There are no rock ledges, caves, boulders and or broken cliff lines.
- There is connectivity to larger areas of bushland.

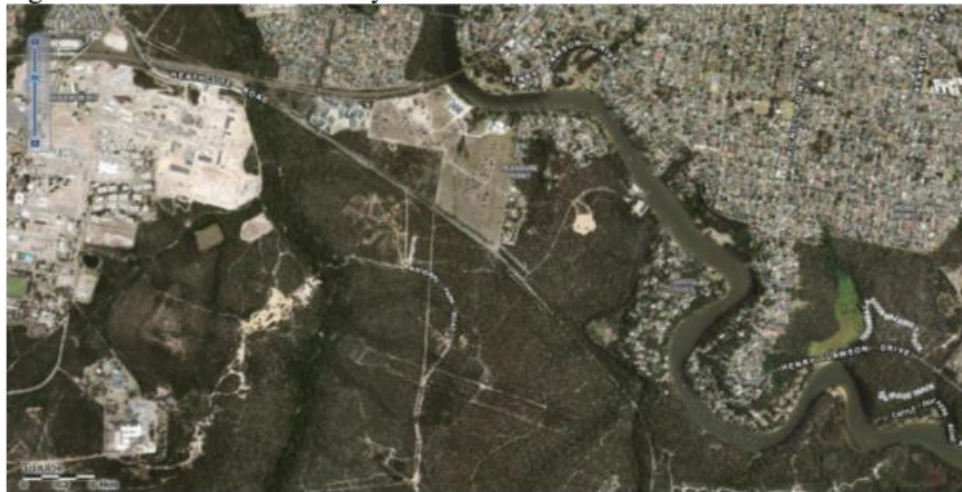
The subject site is considered to have a good habitat potential for fauna and flora. On a scale of 1 to 3 it is considered the habitat potential for faunal species on the subject site is 1 or good in bushland area and 3 or poor on the cleared western area. Appendix 4 defines habitat potential.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Weed invasion varies on the site as a feature of the disturbance regime and weed removal. There is moderate weed invasion in the western section.

Aerial photographs (Figure 11) were used in conjunction with cadastral maps at a 1: 25 000 scale to give an indication of the overall extent of native vegetation on the site and its continuity with other areas of native vegetation in the area

Habitat fragmentation has been occurring over a long period of time in the local area as a result of anthropogenic change eg land clearance for agriculture, forestry and infrastructure development. Wildlife corridors are therefore important throughout the area. This subject site does connect to further bushland through remnant vegetation to the east, north and south, see Figure 10. There is connectivity to bushland areas to the east and south



▲ **Figure 11 Wildlife Corridor:** The subject site connects to extensive areas to the east and south.

The conservation value of the subject site is reflected in the following

1. The vegetation on the site forms a part of the SSTF community.
2. The vegetation has connectivity to other areas of vegetation.
3. The vegetation has connectivity to vegetation in conservation reserves.
4. The subject site provides habitat for threatened species and regionally significant species.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

5. The sites “patch size” of the bushland, is significant as the larger a patch, the greater the integrity of the vegetation.
6. It is located in an area with cleared land.

Unfortunately the weed invasion currently operating on the site, is a Key Threatening Process to the threatened ecological community and threatened species.

6.0 Statutory Assessments

The fauna and flora assessment must comply with all Commonwealth legislation regarding threatened species and communities. Attention must also be paid to any government policies which may be applicable to the study site.

A number of statutory assessments are required to be considered. They are as follows:

***a) The Biodiversity Conservation Act (2016)** is a state legislative requirement that must be addressed in the assessment of fauna and flora matters. It requires consideration of the potential impacts on threatened species, populations and ecological communities.*

There are 24 flora and 43 fauna species, listed under the BC and EPBC Acts, occurring within the local area that need to be considered. These are addressed in Appendix 1 and the likelihood of occurrence addressed. Assessments of Significance (“5 part test”) are conducted below for the threatened species and threatened ecological communities.

***b) Section 5A of the Environmental Planning & Assessment Act (1979)** lists factors to be taken into account in deciding whether there is a significant effect on threatened species as a result of development. These factors are based on the “Five Part Test” or Test of Significance.*

Tests of Significance are conducted below for the threatened endangered species of *Phascogale cinereus* and the CEEC of SSTF.

***c) The Fisheries Management Act (1994)** provides a list of threatened aquatic species, which require consideration when addressing the potential impacts of developments.*

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

The ephemeral upper reaches are unlikely to provide suitable habitat for any threatened aquatic fauna or flora within the subject site, therefore this legislation does not need to be addressed.

d)The Environment Protection and Biodiversity Conservation Act 1999 is a national statutory requirement that requires that Commonwealth approval be sought for certain developments that may impact upon matters of national environmental significance. There are nine matters of national environmental significance under the EPBC Act 1999:

Matters of national environmental significance to be considered under the EPBC Act 1999 are as follows:

- *World Heritage properties*
- *National Heritage places*
- *Wetlands protected by the Ramsar Convention.*
- *Nationally listed threatened species and ecological communities.*
- *Nationally listed migratory species.*
- *Nuclear actions, including uranium mining.*
- *Great Barrier Reef Marine Park*
- *Protection of water resources from coal seam gas development and large coal mining development*
- *The Commonwealth marine environment*

The site does not contain any Ramsar wetlands, nor is the site involved with nuclear development. The site is not located within the Great Barrier Reef Marine Park, does not pose any potential impacts to the Commonwealth marine environment and is not associated with any coal seam gas development or large coal mining development. There are threatened flora and threatened fauna listed nationally and the CEEC of SSTF/CIF to be considered in the local area, see Appendix 1 and Section 7. These are considered below in section 7.

**e)State Environment Planning Policy 2021-Koala Habitat Protection.
Now Chapter 4 of the Biodiversity Conservation 2021 SEPP**

The aims of this legislation is “to encourage the conservation and management 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 the koala population decline” . A development application

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

affecting one hectare or more, in an identified local government area, must be assessed under SEPP 21.

An assessment under this legislation is based upon whether the land constitutes potential Koala habitat.

Potential Koala habitat is defined as the "number of eucalypt species present in Schedule 2 (Appendix 5) of SEPP 2021, constitute 15% or more in the upper and lower stratum of the tree component present on site".

If potential Koala habitat is present the area must be further assessed to determine if the site constitutes Core Koala Habitat.

Core Koala Habitat means

- a) "An area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat or
- b) An area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the last 18 years

On the basis of SEPP 2021 (Appendix 5) the site does constitute

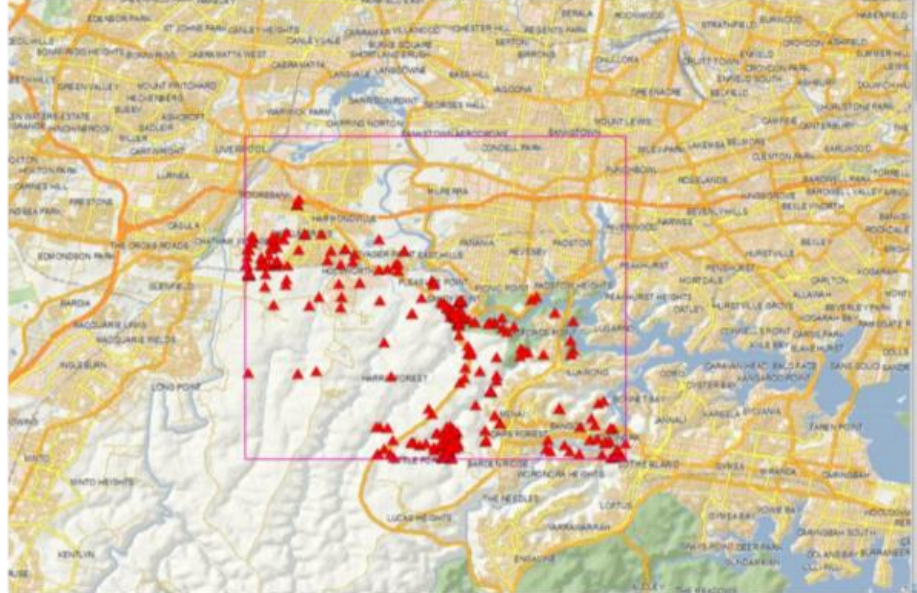
Potential Koala Habitat as koala use trees, constitutes more than 15% of the upper and lower canopy of tree species. Koala use trees on the subject site include, *Eucalyptus punctata*, *Eucalyptus tereticornis* and *Eucalyptus crebra*, All eucalypts on the site are Koala food trees.

Following guidelines set out by the Australian Koala Foundation 1995, and a **Spot Assessment Technique (SAT)**, as set out by the Phillips and Callaghan (2011), was carried out to determine if Koalas were active within the proposed development site. Koala pellet (scats) searches were conducted within one meter of the base of a koala food tree, see Figure 5. These trees were also searched for Koala scratches. Opportunistic observations were undertaken over the subject site for Koalas. Call back tapes were played to elicit a response from any koalas in the area. **Results of the survey** found no pellets, no scratches and no Koalas were observed. Tape recordings of Koala vocalisations were played without response.

In conclusion it is unlikely that Koalas are present on the subject site given the lack of evidence eg sightings, scratches or scats on the site. Koalas have been recorded within the LGA and local area, see Figures 12. The exclusion fencing around the develope land would most likely deter koalas visiting.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

▼ **Figure 12 Koala Sightings in Close Proximity:** Koalas, (indicated by ▲) have been noted historically within 2.5 klm of the subject site.



7.0 Assessment of Significance

An assessment of significance allows decision makers to assess whether a proposed development is likely to impact significantly, on a threatened species, its populations, habitats or on a threatened ecological community.

The stages of a threatened species assessment are

- preliminary assessment
- assessment of the nature of the development
- evaluation of significance
- administrative and legislative outcomes of the “ five part test”

The five part test applies a number of questions that need to be answered, so that determining and consent authorities may be able to gauge whether a proposed development is likely to have a significant affect on threatened species, populations or ecological communities.

Note: Endangered (E) species are defined as “taxa in serious risk of disappearing from the wild state within one or two decades if present land use and other factors continue to operate”.

Vulnerable (V) species are defined as taxa not presently endangered but at risk of disappearing from the wild over a longer period (20-25 years)

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

through continued depletion, or which largely occur on sites that are likely to experience changes in land use that would threaten the survival of the species in the wild” (Briggs and Leigh 1995)

7.1 Assessment of Significance Critically Endangered Ecological Community SSTF/CIF BC Act 2016

“5 Part Test of Significance” BC Act 2016 SSTF/CIF

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

The community is not a threatened species. The lifecycle of the individual species that make up this community are already significantly disrupted by previous land use practices eg clearing, land use and weed invasion.

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

Any proposed development will not require a significant area to be modified or removed. The area that would be modified or removed is considered to be significantly lacking in biodiversity and has significant weed invasion. The local occurrence of the SSTF community is unlikely to be placed at risk of extinction. Regeneration and removal of invasive noxious and environmental weeds from the land would protect the SSTF in the local area by removing a seed source of invasive weed species.

(c) in relation to the habitat of a threatened species or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

The subject site provides an area of approximately 1.78 ha of highly modified habitat with SSTF/CIF occurring in some areas, see Plate 4 and the front cover. The area for future development has already been modified and fragmented by past disturbance events, land use and weed invasion. As a result, this proposed development will not increase the fragmentation as any proposed development. The habitat availability will not be altered as a consequence of the proposed development.

The footprint the development has been sited in a degraded area. The local occurrence of the SSTF/CIF community is unlikely to be placed at risk of extinction. Regeneration and weed removal on the site would protect and enhance the SSTF/CIF community on site and in the local area. The limited proposed development is unlikely to impact on the long-term survival of any species, population or ecological community in the locality.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

There is no proximal area of outstanding biodiversity value that would be impacted by the proposed development either directly or indirectly.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

Future development would see the no destruction of habitat for the community of the SSTF. While clearing does constitute a key threatening process, it is not likely to result in the operation of, or increase the impact of, any key threatening process. The proposed development would occur in an area that has been substantially degraded and will not require the removal of any native vegetation.

In conclusion, in view of the current condition of the site and the type of current landuse, it is considered that future environmentally sustainable development would not have a significant effect on the SSTF/CIF or its habitat. Protection, conservation and improvement of SSTF/CIF can be achieved on the subject site. Several KTP are currently operating on the site, see Figure 13. As a condition of consent the area can be improved. A Species Impact Statement is not recommended.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

▼ **Figure 13 Key Threatening Processes EPBC;** The following threatening processes are currently impacting on the SSTF.

Key Threatening Processes

Key threatening processes under the NSW TSC Act and EPBC Act that are affecting Shale Sandstone Transition Forest are:

- Land clearance (EPBC Act); Clearing of native vegetation (NSW TSC Act)
- Loss and degradation of native plant and animal habitat by invasion of escaped garden plants, including aquatic plants (NSW TSC Act/EPBC Act); Invasion of native plant communities by exotic perennial grasses (NSW TSC Act); Invasion of native plant communities by African olive (NSW TSC Act)
- Competition and land degradation by rabbits (EPBC Act); Competition and grazing by the feral European Rabbit, *Oryctolagus cuniculus* (NSW TSC Act)
- Loss of hollow-bearing trees (NSW TSC Act)
- Removal of dead wood and dead trees (NSW TSC Act)
- Competition from feral honeybees (NSW TSC Act)
- Predation by European red fox (EPBC Act); Predation by the European red fox (*Vulpes vulpes*) (NSW TSC Act)
- Predation by feral cats (EPBC Act); Predation by the feral cat (*Felis catus*) (NSW TSC Act)
- Loss of terrestrial climatic habitat caused by anthropogenic emissions of greenhouse gases (EPBC Act); Anthropogenic climate change (NSW TSC Act)

Assessment of Shale Sandstone Transition Forest/ Castlereagh Ironbark Forest in the Sydney Basin Bioregion under the EPBC Act 1999

SSTF/CIF is listed as a CEEC under the EPBC Act 1999 and is considered in the assessment below: An action is likely to have a significant impact on a critically endangered or endangered ecological community if there is a real chance or possibility that it will;

Reduce the extent of an ecological community

The community of SSTF/CIF is not considered to be reduced by this development. It is planned that the extent of the community on the subject site will be increased through weed removal and revegetation.

Fragment or increase fragmentation of an ecological community for example by clearing vegetation for roads or transmission lines.

Development works will be undertaken in areas that have been previously fragmented.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Adversely affect habitat critical to the survival of an ecological community.

Development will occur in an area that has previously been disturbed.

Modify or destroy abiotic (non living) factors (such as water, nutrients or soil) necessary for an ecological communities survival, including reduction of groundwater levels, or substantial alteration of surface water drainage patterns.

A sewerage and wastewater plan, designed to mitigate any increased nutrient or hydrological problems in the area of the future development has been prepared to ensure will not impact on the CEEC.

Cause a substantial change in the species composition of an occurrence of an ecological community, including causing a decline or loss of functionally important species, for example through regular burning or flora or fauna harvesting.

It is unlikely that future proposed action will impact on the ecological function of the community on the subject site, such that keystone or important species of the ecological community are substantially affected or become extinct from the site. The development site is ecologically degraded. Regeneration on the tributary will restore function so that a substantial change will not occur.

Cause a substantial reduction in the quality or integrity of an occurrence of an ecological community, including but not limited to: assisting invasive species, that are harmful to the listed ecological community, to become established.

Development is limited to the area of the construction footprint and removal of invasive species will be undertaken within the subject site.

Or cause regular mobilisation of fertilisers, herbicides or other chemicals or pollutants into the ecological community which kill or inhibit the growth of species in the ecological community.

The hydrology of development would be designed to be maintained and to restrict the mobilisation of fertilisers, herbicides or other chemicals or

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

pollutants into the ecological community Therefore the proposed action is unlikely to have a significant impact on the ecological community.

Interfere with the recovery of an ecological community.

Previous disturbance has limited and modified the remnant SSTF/CIF on the subject site. The proposed action is unlikely to interfere with the recovery of the, SSTF/CIF. Inclusion of SSTF species in regeneration and landscaping is in keeping with any recovery plan that would be implemented.

In considering the above factors the section of the property where SSTF occurs, can be rehabilitated and conserved as a condition of consent. It is considered that the remnant patch of SSTF/CIF has a high biological diversity in the local area.

In conclusion it is considered that there will not be a significant impact on the CEEC or its habitat as a result of environmentally sustainable development and a referral to the federal minister is not recommended.

7.2 Assessment of Significance BC Act Phascolarctos cinereus (Koala)

The species was not noted on the site but has been noted in close proximity. See Figure 11 .

Species Outline: The koala is an arboreal marsupial with large furry ears and a vestigial tail. Its colour ranges from pale grey to grey brown and varies in size from 6.5 to 12 kg

Conservation Status: Endangered BC Act 2016 Endangered EPBC Act

Distribution: This species is distributed along the east Australia from north east Queensland to south east South Australia. There is a substantial colony of this species located to the east and west of the subject site

Habitat: It finds habitat in a wide range of Eucalypt woodland, forest and utilizes isolated paddock trees. Koala males can range over an area of 200 ha., while a female has a habitat range of 15-20 ha. (Close 1999).

Diet: This nocturnal marsupial feeds on a range of eucalypt leaves of various species. In NSW the Koala has been observed utilising the leaves of 66 eucalypt and 7 non eucalypt species (Phillips 2000b). This varies immensely, as a feature of, type and nutrient content of individual trees.

Koala food trees identified on the subject site are Eucalyptus cypellocarpa, E. piperita, E. radiata, E. punctata, E. sclerophylla, E. sieberi and E. globoides.

Breeding: Immature young are born after 35 days gestation with development continuing in the pouch. The young become independent at

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

approximately 12 months.

Threats to this species includes:

Fragmentation and loss of habitat through clearing for agriculture and urban development.

Eucalypt forest dieback associated with over abundant psyllids and bell minors.

Predation by feral and domestic animals eg. Dogs and foxes

Drowning in backyard swimming pools

Road kills, fire and disease.

“Five Part Test”

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

The proposed development would not require the removal of koala food trees, It is unlikely that the lifecycle of *Phascolarctos cinereus* will be disrupted, such that a viable local population, is likely to be placed at risk of extinction, as future development would be confined to a cleared degraded area in close proximity to other development and infrastructure.

It is unlikely that koalas utilize the site other than infrequently to pass through, as no scats or scratches were found, and no Koalas were observed. The retention of koala food trees would facilitate the movement of Koalas through the area. Figure 11 provides a view of the locations where Koalas have been sighted. All native trees within the subject site are food or shelter trees for Koalas.

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

The threatened species is not an endangered ecological community.

(c) in relation to the habitat of a threatened species or ecological community:

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

- (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

The area proposed for future development, has already been modified and fragmented by past clearing events. The proposed development will not increase this fragmentation as it is adjacent to existing development. The regeneration of trees in the southern area as part of the 20m vegetation buffer will provide habitat. The retention and propagation of koala food trees would facilitate the movement of Koalas through the area.

- (d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

There is no proximal area of outstanding biodiversity value that would be impacted by the proposed development either directly or indirectly.

- (e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

The proposed development site is significantly degraded and the development is not likely to result in the operation of, or increase the impact of, any key threatening process. A recovery plan for this species has been produced and one of the objectives of the plan is being addressed by linkage being retained in the retained vegetation on the site. Retention of vegetation outside the footprint of the development must be maintained.

In conclusion, a search for this species failed to identify them on the site and no scats or scratches indicating the presence of Koalas were found. It is likely that koalas may infrequently pass through the area accessing the large areas of habitat to the east and west. It is considered that the proposed development will not have a significant impact on the threatened species. A Species Impact Statement is not recommended

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

EPBC Act Assessment *Phascolarctos cinereus* (Koala)

a) Will the action lead to the long term decrease in the size of an important population of a species?

The proposed activity is unlikely to result in the long term decrease in the populations of *Phascolarctos cinereus*. The area of potential habitat for these species, that would be impacted upon by the development, is small and in a cleared degraded area close to existing development. It is not likely to lead to a long term decrease in the population size of these species. The species is highly mobile and able to access food resources in bushland areas on site. The regeneration of koala food trees on site will maintain habitat for the species.

b) Will the action reduce the area of occupancy of the species.

The proposed development will occur in an ecologically degraded area and is unlikely to reduce the area of occupancy of the species. The species is highly mobile and natural regeneration on site and the planting of koala food trees will improve habitat for the species.

c) Will the action fragment an existing population of two or more populations of the species?

The action is not likely to fragment an existing population of two or more populations of the species. No populations were noted. The proposed development is limited and in close proximity to existing development.

d) Will the action adversely affect habitat critical to the survival of a species?

The potential habitat for these species on site is not critical.

e) Will the action disrupt the breeding cycle of an important population?

As no extant breeding populations are anticipated to be impacted directly by the development it is unlikely that the action will disrupt the breeding cycle of a population.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

f) Will the action modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline?

The action will not remove food trees for *Phascolarctos cinereus*. Regeneration in the creek tributary will maintain habitat and facilitate movement of the species through the site.

g) Will the action result in invasive species that are harmful to a threatened species become established in the threaten species habitat?

The clearing of native vegetation has the potential to spread invasive species caused by carrying out the works. No clearing of native vegetation will occur, however existing weeds will be targeted to minimize invasion of weeds.

h) Will the action interfere substantially with the recovery of the species?

The threatened species were not recorded within the proposed development area and potential habitat for the species is small. Regeneration of koala food tree species will help with the recovery of these species.

Conclusion: The proposed development on the subject site is unlikely to cause a significant impact on the threatened species as determined by the assessment of significance. A referral of this action to Environment Australia is not recommended.

7.3 “Five Part Test” *Acacia pubescens* (Downy Wattle)

(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

The proposed development would not require the removal of any vegetation in the bushland area. It is unlikely that the lifecycle of *Acacia pubescens* will be disrupted, such that a viable local population, is likely to be placed at risk of extinction, as future development would be confined to a cleared degraded area in close proximity to other development and infrastructure.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:

- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or
- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

The threatened species is not an endangered ecological community.

(c) in relation to the habitat of a threatened species or ecological community:

- (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and
- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and
- (iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,

The area proposed for future development, has already been modified and fragmented by past clearing events. The proposed development will not increase this fragmentation as it is adjacent to existing development. The regeneration of bushland with removal of will provide habitat.

(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),

There is no proximal area of outstanding biodiversity value that would be impacted by the proposed development either directly or indirectly.

(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.

The proposed development site is significantly degraded and the development is not likely to result in the operation of, or increase the impact of, any key threatening process. A recovery plan for this species has been produced and one of the objectives of the plan is being addressed by linkage being retained in the retained vegetation on the site. Retention of vegetation outside the footprint of the development must be maintained.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

In conclusion, It is considered that the proposed development will not have a significant impact on the threatened species of *Acacia pubescens*. A Species Impact Statement is not recommended

EPBC Act Assessment *Acacia pubescens* (Downy Wattle)

a) Will the action lead to the long term decrease in the size of an important population of a species?

The proposed activity is unlikely to result in the long term decrease in the populations of *Acacia pubescens*. The area of potential habitat for these species, that would be impacted upon by the development, is small and in a cleared degraded area close to existing development. It is not likely to lead to a long term decrease in the population size of these species.

b) Will the action reduce the area of occupancy of the species.

The proposed development will occur in an ecologically degraded area and is unlikely to reduce the area of occupancy of the species.

c) Will the action fragment an existing population of two or more populations of the species?

The action is not likely to fragment an existing population of two or more populations of the species. One population was noted. The proposed development is limited and in close proximity to existing development.

d) Will the action adversely affect habitat critical to the survival of a species?

The potential habitat for these species on site is not critical.

e) Will the action disrupt the breeding cycle of an important population?

No populations are anticipated to be impacted directly by the development it is unlikely that the action will disrupt the breeding cycle of a population.

f) Will the action modify, destroy, remove or isolate or decrease the availability or quality of habitat to the extent that the species is likely to decline?

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

The action will not remove vegetation in the bushland where the species was found.

g) Will the action result in invasive species that are harmful to a threatened species become established in the threaten species habitat?

The clearing of native vegetation has the potential to spread invasive species caused by carrying out the works. No clearing of native vegetation will occur, however existing weeds will be targeted to minimize invasion of weeds.

h) Will the action interfere substantially with the recovery of the species?

The threatened species were not recorded within the proposed development area and potential habitat for the species is small. Regeneration of the bushland will help with the recovery of these species.

Conclusion: The proposed development on the subject site is unlikely to cause a significant impact on the threatened species, *Acacia pubescens* as determined by the assessment of significance. A referral of this action to Environment Australia is not recommended. .



▲ **Plate 5 *Acacia pubescens*:** A population of eleven plants of these vulnerable species were identified in the CIF. Figure 5 identifies the location. Its location should be marked with white pegs and signage erected to inform residents and visitors of its importance

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

8.0 Impact of the Development

Impact of the proposed development may be regarded as, direct, indirect and accumulative.

The most significant direct impact will be the removal of vegetation (pastureland with scattered trees) for construction. The proposal will result in the clearance of an area considered significantly degraded. No net loss of hollows will occur.

Run off and sedimentation pollution is unlikely to occur as a result of adherence to best practice methods of construction and operational process. All earth forming activities are to be supported by appropriate sediment control fencing

Noise and light pollution from the proposed activity is unlikely to significantly impact on the environment. The construction phase is transitory and the proposed activity is currently under operation in the adjoining property to the south, in close proximity to the subject site. The constant traffic on Pleasure Point Road currently produces noise and light pollution.

Nutrient and water increase is unlikely to occur as the sites hydrology will be maintained.

9.0 Recommendations and Conclusion

The survey conducted, indicated the following:-

- 1 The proposed development ensures that any disturbance or modification to the environment will occur in an area significantly ecologically degraded
- 2 The Section 5a "Five part test" concluded that there would be no significant impact on the critically endangered ecological communities and threatened species therefore no further investigation is required, ie a Species Impact Statement is not required.
- 3 Assessment under EPBS Act found that the proposed development is unlikely to have a significant impact on the critically endangered ecological communities and the threatened species of and a referral of this action to the minister is not required.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

To minimize any development impact on flora and fauna on/off site and to improve the biodiversity, the following mitigating and protective measures are recommended in line with recovery plans and Priority Action Statements.

Impacts of the proposed development are direct, indirect and cumulative. The major impact of the will be the removal of exotic vegetation from the site and the subsequent land forming to accommodate the development infrastructure. Erosion and sediment transportation can the mitigated by adhering to construction controls such as the erection of sediment fencing. Bushland areas in the vicinity are to be protected by using appropriate fencing to stop access to sensitive areas. Tree Asset Protection zones are to be established in accordance with Australian Standard 4970 (Protection of Trees on Construction Sites)

Landscaping of the development area with native plants to improve the biodiversity of the site, create habitat for native fauna and reduce the threat of salinity.

The removal of noxious weeds and environmental weeds and the regeneration of vegetation from the critically endangered ecological communities are in line with the Recovery Plan for Cumberland Plain Vegetation Communities. Gradual removal is recommended to allow natural regeneration of native understorey and ground cover.

A covenant banning cats from the site to protect birds, mammals, reptiles and amphibians.

In conclusion, it is considered that there would be no constraints to the proposed development under the EPBC Act or the BC Act It is considered that the likely impacts of the development will occur in an area that is substantially ecologically degraded and has a low resilience to natural regeneration. The approval of the proposed development in the long term, would result in the protection of remnant native vegetation of high conservation value.

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Appendix 1:Threatened Fauna and Flora Noted Within 5km*****a)Threatened Plant Species***

Scientific Name	Common Name	EPBC Act	BC Act	Habitat Preference Likelihood of Occurrence
<i>Acacia bynoeana</i>	Bynoe's Wattle	V	E	Decumbent shrub to 0.5m high. Habitat is mostly heath and dry sclerophyll forest in mainly sandy soils. Habitat present on proposed building envelope. Not noted, unlikely occurrence on small building envelope and area of clearance.
<i>Acacia pubescens</i>	Downy Wattle	V	V	Occurs on ridges hillsides and flat areas, at altitudes up to 650 m asl. It grows in gravelly clay or sandy soils on alluviums, shales and at the interface between shales and sandstones These soils contain ironstone, are usually low in nutrients and are well drained. Average annual rainfall is 700-1200 mm Grows in dry open sclerophyll forest, woodland and <i>Melaleuca</i> scrub. Habitat present on the subject site, and 11 plants of the species were observed in bushland near the eastern boundary.
<i>Allocasuarina diminuta</i> subsp. <i>mimica</i>		EP		<i>Allocasuarina diminuta</i> subsp. <i>mimica</i> occurs in eucalypt woodland and heath in association with <i>Eucalyptus sclerophylla</i> or <i>E. haemastoma</i> . The population of <i>Allocasuarina diminuta</i> subsp. <i>mimica</i> in the Sutherland and Liverpool local government areas occurs in localised patches in heath and open woodland of the Angophora <i>hispida</i> /Eucalyptus

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				haemastoma community in the area. Unlikely occurrence on small degraded development site
<i>Allocasuarina glareicola</i>		E	E	This species grows on tertiary alluvial gravels, with yellow clayey subsoil and lateritic soil. These soils are low in fertility and are strongly to very strongly acidic. Rainfall in the area is lower than surrounding regions. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Caesia parviflora minor</i>	Small Pale Grass Lily	E		Found in damp places in open forest on sandstone. Habitat not present on small building site unlikely occurrence.
<i>Cryptostylis hunteriana</i>	Leafless Tongue Orchid	V	V	Range of habitats, large populations usually occur in woodland dominated by <i>Eucalyptus sclerophylla</i> , <i>E sieberi</i> , <i>E gummifera</i> & <i>Allocasuarina littoralis</i> . Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Cynanchum elegans</i>	White flowering Wax Flower	E	E	Slender climber/ twiner. Habitat is dry vine thickets / littoral rainforest on fertile soils. Habitat present on the subject site, unlikely occurrence on small modified development site.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

<i>Dillwynia tenuifolia</i>		V	V	In western Sydney, may be locally abundant particularly within scrubby/dry heath areas within Castlereagh Ironbark Forest and Shale Gravel Transition Forest on tertiary alluvium or laterised clays. May also be common in transitional areas where these communities adjoin Castlereagh Scribbly Gum Woodland. Habitat present unlikely occurrence on degraded development site.
<i>Epacris purpurascens v purpurascens</i>			V	Found in a range of habitat types, most of which have a strong shale soil influence. Lifespan is recorded to be 5-20 years, requiring 2-4 years before seed is produced in the wild. Killed by fire and re-establishes from soil-stored seed. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Genoplesium baueri</i>	Bauer's Midge Orchid	E	E	Small terrestrial orchid to 15cm. Habitat is sandy dry eucalypt forest. Rarely seen except following fire. Habitat present on small subject site. Unlikely occurrence on small degraded development site.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

<i>Grevillea parviflora</i> ssp. <i>parviflora</i>	Small flowering Grevillea	V	V	Grows in sandy or light clay soils usually over thin shales in heath and shrubby woodland. Unlikely occurrence on small degraded development site
<i>Hibbertia puberula</i> ssp. <i>glabrescens</i>				Occurs in sandy tertiary alluvium with high silt content. Associated indicative species present on site include canopy species (which are rare) such as Rough-barked Apple (<i>Angophora floribunda</i>), Coast Banksia (<i>Banksia integrifolia</i>), Forest Red Gum (<i>Eucalyptus tereticornis</i>), Parramatta Red Gum (<i>E. parramattensis</i>) and <i>Melaleuca decora</i> . Understorey species include Sweet Wattle (<i>Acacia suaveolens</i>), <i>Aristida warburgii</i> , Pale Grass-Lily (<i>Caesia parviflora</i>), <i>Dianella longifolia</i> , <i>Goodenia hederacea</i> , Fan Flower (<i>G. paniculata</i>), Mat Guinea-flower (<i>Hibbertia diffusa</i>), White Kunzea (<i>Kunzea ambigua</i>), <i>Laxmannia gracilis</i> , <i>Leptospermum polygalifolia</i> , Slender Onion-orchid (<i>Microtis parviflora</i>), Kangaroo Grass (<i>Themeda australis</i>) and Slender Sun-orchid (<i>Thelymitra pauciflora</i>). Habitat present, Unlikely occurrence on small degraded development site
<i>Melaleuca deanii</i>	Deans Paperbark	V	V	Shrub to 2m in height. Habitat is lateritic, rocky or sandy ridges and adjacent to waterways. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Persoonia nutans</i>	Nodding Geebung	E	E	Found in range of sclerophyll forest and woodland communities on Aeolian and alluvial sediments. Habitat not present unlikely occurrence on degraded site.
<i>Persoonia hirsuta</i>	Hairy Geebung	E	E	The Hairy Geebung is found in sandy soils in dry sclerophyll open forest, woodland and heath on

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				sandstone. It is usually present as isolated individuals or very small populations. It is probably killed by fire (as other <i>Persoonia</i> species are) but will regenerate from seed. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Pimelea curviflora</i>		V	V	<i>Pimelea curviflora</i> var. <i>curviflora</i> occurs on ridge tops and upper slopes in open forest and woodland on sandy soil derived from sandstone on shaley/lateritic soils and shale/sandstone transition soils).. It often grows among dense grasses and sedges making it difficult to detect. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Pimelea spicata</i>	Spiked Rice Flower	E	E	Small shrub <0.5m tall Habitat is clay soils derived from Wianamatta Shales. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Pterostylus saxicola</i>	Sydney Plains Greenhood	E	E	Preference for growing in small pockets of shallow soils on sandstone rock shelves. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Pultanea glabra</i>	Smooth Bush Pea	V	V	Grows on swamp margins, hillslopes, gullies and creekbanks at 400-1000 m altitude, with an annual rainfall of 700-1400 mm. It grows in sandy loam on

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				sandstone, with low nutrients in dry sclerophyll forest, tall damp heath or in open forest and scrub, on protected slopes. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Rhodamnia rubescens</i>	Scrub Turpentine		CE	Found in littoral, warm temperate and subtropical rainforest and wet sclerophyll forest usually on volcanic and sedimentary soils. Habitat not present on the subject site, unlikely occurrence on small modified development site.
<i>Thesium australe</i>	Australian Toadflax	V	V	Small straggling herb to 40cm. Occurs in grassland or grassy woodland, often in association with <i>Themeda australis</i> . Habitat not present, unlikely occurrence on small degraded site.
<i>Syzygium paniculatum</i>	Magenta Lily Pilly	E	V	On the south coast the Magenta Lilly Pilly occurs on grey soils over sandstone, restricted mainly to remnant stands of littoral (coastal) rainforest. On the central coast Magenta Lilly Pilly occurs on gravels, sands, silts and clays in riverside gallery rainforests and remnant littoral rainforest communities. Habitat not present, occurrence unlikely.
<i>Wahlenbergia multicaulis</i>	Tadgell's Bluebell	EP		In Western Sydney most sites are closely aligned with the Villawood Soil Series, which is a poorly drained, yellow podsolic extensively permeated with fine, concretionary ironstone (laterite). However, the sites in Hornsby LGA are on the 'Hawkesbury' soil landscape. Found in disturbed sites and grows in a variety of habitats including forest, woodland, scrub, grassland and the edges of watercourses and wetlands. Typically occurs in

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				damp, disturbed sites (with natural or human disturbance of various forms), typically amongst other herbs rather than in the open. Habitat present, unlikely occurrence in degraded site.
<i>Wilsonia backhousei</i>	Narrow Leaved Wilsonia	V		This is a species of the margins of salt marshes and lakes. Habitat not present, occurrence unlikely.

Note: Targeted surveys were conducted for the above threatened on the proposed building envelope and surrounds. One threatened species was observed, *Acacia pubescens*.

b)Threatened Fauna Noted Within 5km of the Subject Site**Amphibians**

<i>Scientific Name</i>	Common Name	EPBC Act	BC Act	Preferred Habitat/ likelihood of occurrence
<i>Helioporus australiacus</i>	Giant Burrowing Frog	V	V	Restricted to sandstone areas, prefers woodland and heath. Habitat not present on the small building envelope and small area of clearance. Unlikely occurrence.
<i>Litoria aurea</i>	Green and Gold Frog	E	E	Habitat is permanent waterbodies. Habitat not present unlikely occurrence on development site.
<i>Litoria littlejoni</i>	Littlejohn's Tree Frog	V	V	Shelters on high ridges under rocks in summer but prefers the margins of wet forests for breeding. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Mixophyes balbus</i>	Stuttering Frog	V	E	Preferred habitat is permanent streams in moist and wet sclerophyll forest. Habitat not present unlikely occurrence.

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Mollusca**

<i>Scientific Name</i>	Common Name	EPBC Act	BC Act	Preferred Habitat/ likelihood of occurrence
<i>Pommerhelix duralensis</i>	Dural Land Snail	E	E	This species occurs in eucalypt woodland under logs and debris and around bases of trees or clumps of grass, burrowing into loose soil. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Meridolum corneovirens</i>	Cumberland Land Snail		E	Primarily inhabits Cumberland Plain Woodland (a critically endangered ecological community). This community is a grassy, open woodland with occasional dense patches of shrubs. It is also known from Shale Gravel Transition Forests, Castlereagh Swamp Woodlands and the margins of River-flat Eucalypt Forest, which are also listed communities. Lives under litter of bark, leaves and logs, or shelters in loose soil around grass clumps. Occasionally shelters under rubbish. Habitat present on the subject site, unlikely occurrence on small modified development site.

Reptiles

<i>Scientific Name</i>	Common Name	EPBC Act	BC Act	Preferred Habitat/ likelihood of occurrence
<i>Hoplocephalus bungaroides</i>	Broad-headed Snake	V	V	Restricted to sandstone areas, steep areas with exposed rocks, boulders & platforms. Habitat present on the subject site, unlikely occurrence on small modified development site.

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Insecta**

Scientific Name	Common Name	EPBC Act	BC Act	Preferred Habitat/ likelihood of occurrence
<i>Synemon plana</i>	Golden Sun Moth	CE	E	Suitable habitat for the Golden Sun Moth includes native temperate grassland and open grassy woodlands dominated by wallaby grass . While previous studies suggested that the species prefers grasslands which have a greater than 40% coverage of wallaby grass over a given area more recent studies show a broader tolerance for other species compositions, including degraded grasslands dominated by exotic Chilean Needlegrass. Density and quality of Wallaby Grass at a site may be of importance in Golden Sun Moth larval development, as a larva may need to feed on more than one Wallaby Grass tussock. Habitat present on the subject site, unlikely occurrence on small modified development site.

Mammals

Scientific Name	Common Name	EPBC Act	BC Act 2016	Preferred Habitat & Likelihood of Occurrence
<i>Chalinobus dwyeri</i>	Large Eared Pied Bat	V	V	Sandstone cliffs and fertile woodland valley habitat within close proximity of each other is habitat of importance to the Large-eared Pied Bat Habitat present on the subject site, unlikely occurrence on small modified development site.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

<i>Dasyurus maculatus</i>	Spotted Tailed Quoll	E	V	Inhabits tropical to temperate regions with open forest, savannah & scrubland. Prefers rocky country. Requires large un-fragmented ranges with little competition from foxes. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Micronomus norfolkensis</i>	Eastern Coastal Freetail Bat		V	Occur in dry sclerophyll forest, woodland, swamp forests and mangrove forests east of the Great Dividing Range. Roost mainly in tree hollows but will also roost under bark or in man-made structures. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Mormopterus norfolkensis</i>	Eastern Mastiff or Free-tail Bat		V	In habits temperate to subtropical, wet & dry sclerophyll forest & woodland. Roosts in tree hollows, caves and man-modified habitats. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Myotis macropus</i>	Southern Myotis		V	Roosts in caves & dense vegetation. It utilizes caves as maternity crèches. Forages over streams & water bodies. Habitat present, unlikely occurrence on small development site for this highly mobile species.
<i>Petauroides volans</i>	Greater Glider	E	E	Generally restricted to

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				expansive eucalypt forests (not found in rainforests). Patches of old growth must be at least 20 ha to sustain a population. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Petrogale penicillata</i>	Brush-tailed Rock Wallaby	E	E	Habitat is on steep sites with exposed rocks, rock overhangs and platforms. Habitat present on the subject site, unlikely occurrence on small modified development site. for this highly mobile species.
<i>Phascolarctus cinereus</i>	Koala	E	E	% of fodder trees establishes potential koala habitat. Noted as occurring in close proximity. Limited habitat is present on the development site. Scratches noted, possible infrequent occurrence on small site.
<i>Psuedomys novaehollandiae</i>	New Holland mouse	V	V	Deeper top soils and softer substrates being preferred for digging burrows. In Victoria, the species has been recorded on deep siliceous podsols, sandy clay, loamy sands, sand dunes and coastal dune. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Pteropus poliocephalus</i>	Grey-headed Flying Fox	V	V	Habitat includes a range of vegetation assemblages, forest, woodland, scrub, heath as well as residential

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				gardens and cultivated fruit crops. Habitat present on the subject site, possible occurrence on small modified development site. Large home range unlikely occurrence on small development site.
<i>Saccolaimus flaviventris</i>	Yellow Bellied Sheath Tail Bat		V	Roosts singly or in groups of up to six, in tree hollows and buildings; in treeless areas they are known to utilise mammal burrows. When foraging for insects, flies high and fast over the forest canopy, but lower in more open country. Forages in most habitats across its very wide range, with and without trees; appears to defend an aerial territory. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Scoteanax rueppellii</i>	Greater Broad Nosed Bat		V	Utilises a variety of habitats from woodland through to moist and dry eucalypt forest and rainforest, though it is most commonly found in tall wet forest. Although this species usually roosts in tree hollows, it has also been found in buildings. Forages after sunset, flying slowly and directly along creek and river corridors at an altitude of 3 - 6 m. Open woodland habitat and dry open forest suits the direct flight of this species as it searches for beetles

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				and other large, slow-flying insects; this species has been known to eat other bat species. Habitat present on the subject site, unlikely occurrence on small modified development site.
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Birds

Scientific Name	Common Name	EPBC Act	BC Act	Preferred Habitat & Likelihood of Occurrence
<i>Anthochaera phrygia</i>	Regent Honeyeater	CE	CE	The Regent Honeyeater is a flagship threatened woodland bird whose conservation will benefit a large suite of other threatened and declining woodland fauna. The species inhabits dry open forest and woodland, particularly Box-Ironbark woodland, and riparian forests of River Sheoak. Regent Honeyeaters inhabit woodlands that support a significantly high abundance and species richness of bird species. These woodlands have significantly large numbers of mature trees, high canopy cover and abundance of mistletoes. Every few years non-breeding flocks are seen foraging in flowering coastal Swamp Mahogany and Spotted Gum forests, particularly on the central coast and occasionally on the upper north coast. Birds are occasionally seen on the south coast. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Artamus cyanopterus</i>	Dusky Woodswallow	V	V	Habitat is open forest, woodland, paddocks and scrub. Habitat present on subject site, unlikely occurrence on small degraded development site..

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

<i>Botaurus poiciloptilus</i>	Australian Bitten	E	V	Reedbeds, swamps, rivers preferred habitat. Habitat not present unlikely occurrence
<i>Calidris ferruginea</i>	Curlew Sandpiper	CE		Mainly occur on intertidal mudflats in sheltered coastal areas such as estuaries, bays, inlets and lagoons and also around non-tidal swamps, lakes and lagoons near the coast. Habitat not present, occurrence unlikely.
<i>Callocephalon fimbriatum</i>	Gang Gang Cockatoo	E	E	Range of habitats, forest, woodlands as well as parks and gardens. Habitat present on the subject site but unlikely occurrence on the degraded development site.
<i>Calyptorhynchus lathami</i>	Glossy Black Cockatoo	V	V	Feeds almost exclusively on Casuarinas Habitat present on the subject site but unlikely occurrence on the degraded development site.
<i>Chthonicola sagittata</i>	Speckled Warbler		V	The Speckled Warbler lives in a wide range of <i>Eucalyptus</i> dominated communities that have a grassy understorey, often on rocky ridges or in gullies. Typical habitat would include scattered native tussock grasses, a sparse shrub layer, some eucalypt regrowth and an open canopy. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Climacteris picumnus</i>	Brown Treecreeper	V	V	Preferred habitat dry sclerophyll forest & woodland, particularly with fallen timber, rough barked trees and mature hollow bearing trees. Habitat present on the subject site but unlikely occurrence on the degraded development site..
<i>Daphoenositta chrysoptera</i>	Varied Sittella		V	Habitat forest, woodland, scrub, prefers rough barked trees. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Glossopsitta pusilla</i>	Little Lorikeet	V	V	Forages primarily in the canopy of open <i>Eucalyptus</i> forest and

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				woodland, yet also finds food in <i>Angophora</i>, <i>Melaleuca</i> and other tree species. Riparian habitats are particularly used, due to higher soil fertility and hence greater productivity. Isolated flowering trees in open country, e.g. paddocks, roadside remnants and urban trees also help sustain viable populations of the species. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Grantiella picta</i>	Painted Honeyeater	V	V	Found predominantly in woodlands and forests which with Eucalyptus and Acacia species. Their migration south-north is believed to be as a result of mistletoe berry availability at certain times of the year. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Haliaeetus leucogaster</i>	White bellied Sea Eagle	M	V	The White-bellied Sea-Eagle is found in coastal habitats (especially those close to the sea-shore) and around terrestrial wetlands in tropical and temperate regions of mainland Australia and its offshore islands. The habitats occupied by the sea-eagle are characterised by the presence of large areas of open water (larger rivers, swamps, lakes, the sea). Birds have been recorded in (or flying over) a variety of terrestrial habitats The species is mostly recorded in coastal lowlands, but can occupy habitats up to 1400 m above sea level on the Northern Tablelands of NSW and up to 800 m above sea level in Tasmania and South Australia). Birds have been recorded at or in the vicinity of freshwater swamps, lakes, reservoirs, billabongs,

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				saltmarsh and sewage ponds They also occur at sites near the sea or sea-shore, such as around bays and inlets, beaches, reefs, lagoons, estuaries and mangroves habitats include coastal dunes, tidal flats, grassland, heathland, woodland, forest (including rainforest) and even urban areas Habitat present on the subject site but unlikely occurrence on the degraded development site.
<i>Hirundapus caudacutus</i>	White throated Needle-Tail	V		In Australia, the White-throated Needletail is almost exclusively aerial, from heights of less than 1 m up to more than 1000 m above the ground . Because they are aerial, it has been stated that conventional habitat descriptions are inapplicable (but there are, nevertheless, certain preferences exhibited by the species. Although they occur over most types of habitat, they are probably recorded most often above wooded areas, including open forest and rainforest, and may also fly between trees or in clearings, below the canopy, but they are less commonly recorded flying above woodland also commonly occur over heathland but less often over treeless areas, such as grassland or swamps . Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Lathamus discolor</i>	Swift Parrot	CE	E	A migrant known to prefer feeding in Blue Gums, as well as Narrow-leaved Ironbarks of the Cumberland Plain and ridge-top shales. Requires winter flowering gums. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Melanodryas</i>	Hooded Robin		V	Prefers lightly wooded country, usually open eucalypt woodland,

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

<i>cucullata</i>				acacia scrub and mallee, often in or near clearings or open areas. Requires structurally diverse habitats featuring mature eucalypts, saplings, some small shrubs and a ground layer of moderately tall native grasses. Often perches on low dead stumps and fallen timber or on low-hanging branches, using a perch-and-pounce method of hunting insect prey. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Ninox connivens</i>	Barking Owl		V	Inhabits woodland and open forest, including fragmented remnants and partly cleared farmland. It is flexible in its habitat use, and hunting can extend in to closed forest and more open areas. Sometimes able to successfully breed along timbered watercourses in heavily cleared habitats (e.g. western NSW) due to the higher density of prey on these fertile riparian soils. Roost in shaded portions of tree canopies, including tall midstorey trees with dense foliage such as <i>Acacia</i> and <i>Casuarina</i> species. During nesting season, the male perches in a nearby tree overlooking the hollow entrance. Habitat present on the subject site, unlikely occurrence on small modified development site.
<i>Ninox strenua</i>	Powerful Owl		V	Roosts in dense forest, often along streams Home range of 400-1000 ha . unlikely occurrence on small development site
<i>Numenius madagascariensis</i>	Eastern Curlew	CE		It generally occupies coastal lakes, inlets, bays and estuarine habitats, and in New South Wales is mainly found in intertidal mudflats and sometimes saltmarsh of sheltered coasts. Occasionally, the species occurs on ocean

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				beaches (often near estuaries), and coral reefs, rock platforms, or rocky islets It forages in or at the edge of shallow water, occasionally on exposed algal mats or waterweed, or on banks of beach-cast seagrass or seaweed. It roosts on sandy spits and islets, especially on dry beach sand near the high-water mark, and among coastal vegetation including low saltmarsh or mangroves. May also roost on wooden oyster leases or other similar structures Habitat not present
<i>Petroica boodang</i>	Scarlet Robin		V	Habitat range of dry forest, woodland, mallee & scrubland. Habitat present on the subject site but unlikely occurrence on the degraded development site.
<i>Petroica phoenicea</i>	Flame Robin		V	Dry scrub and woodland Habitat present on the subject site but unlikely occurrence on the degraded development site.
<i>Rostratula australis</i>	Australian Painted Snipe	E	E	Habitat is predominantly fringes of swamps, dams, nearby marshy areas where there is a cover of grasses, lignum, low scrub or open woodland. Habitat present on the subject site but unlikely occurrence on the degraded development site.
<i>Tyto novohollandiae</i>	Masked Owl		V	Habitat is forest and woodland. Very large home range unlikely occurrence. Habitat present on the subject site but unlikely occurrence on the degraded development site.
<i>Tyto tenebricosa</i>	Sooty Owl		V	Occurs in rainforest, including dry rainforest, subtropical and warm temperate rainforest, as well as moist eucalypt forests. Roosts by day in the hollow of a tall forest tree or in heavy vegetation; hunts by night for small ground mammals or tree-dwelling mammals such as the Common Ringtail Possum (<i>Pseudocheirus peregrinus</i>) or Sugar Glider (<i>Petaurus breviceps</i>). Habitat present on the subject site, unlikely occurrence on small modified

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

				development site.
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References for habitat assessments NSW DECC, Threatened Species
Profiles NSW Scientific Committee,

E =Endangered.

V =Vulnerable

EP= Endangered Population

CE= Critically Endangered

References for habitat assessments NSW DECC, Threatened Species
Profiles NSW Scientific Committee,

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Appendix 2 Flora Noted on Survey Site****a) Native Flora**

Genus Name	Species Name	Common Name
<i>Acanthaceae</i>	<i>Pseudoanthemum variabilis</i>	<i>Pastel Flower</i>
<i>Adiantaceae</i>	<i>Cheliantes seiberi</i>	<i>Rock Fern</i>
<i>Apiaceae</i>	<i>Hydrocotyle laxiflora</i> <i>Platysace ericoides</i>	<i>Stinking Pennywort</i> <i>Heath Platysace</i>
<i>Asteraceae</i>	<i>Brachyscome angustifolium</i> <i>Cassinia aculeata</i> <i>Euchiton sphaericum</i> <i>Helichrysum scorpiodes</i> <i>Olearia microphylla</i> <i>Olearia viscidula</i> <i>Ozothamnus diosmifolius</i>	<i>Sticky Cassinia</i> <i>Cudweed</i> <i>Button Everlasting Daisy</i> <i>Bridal Bush</i> <i>Wallaby Bush</i> <i>White Pill Flower</i>
<i>Blechnaceae</i>	<i>Doodia aspera</i>	<i>Rasp Fern</i>
<i>Companulaceae</i>	<i>Wahlenbergia gracilis</i>	<i>Australian Bluebell</i>
<i>Casuarinaceae</i>	<i>Allocasuarina littoralis</i>	<i>Forest She Oak</i>
<i>Chenopodiaceae</i>	<i>Einadia hastata</i> <i>Einadia nutans</i>	<i>Saloop</i> <i>Berry Saltbush</i>
<i>Convolvulaceae</i>	<i>Dichondra repens</i>	<i>Kidney Weed</i>
<i>Cyperaceae</i>	<i>Carex sp.</i> <i>Cyperus gracilis</i> <i>Lepidosperma laterale</i>	<i>Slender Flat Sdge</i> <i>Variable Saw Sedge</i>
<i>Dilleniaceae</i>	<i>Hibbertia diffusa</i>	
<i>Epacridaceae</i>	<i>Leucopogon ericoides</i> <i>Leucopogon juniperinus</i>	
<i>Euphorbiaceae</i>	<i>Poranthera microphylla</i>	<i>Small Poranthera</i>
<i>Fabaceae</i>	<i>Dillwynia ramosissima</i> <i>Dillwynia retorta</i> <i>Glycine clandestina</i> <i>Hovea longifolia</i> <i>Indigophora australis</i> <i>Hardenbergia violacea</i>	<i>Bushy Prrot Pea</i> <i>Eggs and Bacon</i> <i>Twining Love Vine</i> <i>Indigophora</i> <i>False Sarsparilla</i>
<i>Geraniaceae</i>	<i>Geranium homeanum</i>	<i>Northern Cransbill</i>

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

	<i>Geranium solanderi</i> var <i>solanderi</i>	Cutleaf Cranesbill
<i>Goodeniaceae</i>	<i>Goodenia hederacea</i>	Ivy Goodenia
<i>Iridaceae</i>	<i>Patersonia sericea</i>	Silky Flag Iris
<i>Juncaceae</i>	<i>Juncus ursitatus</i>	Common Sedge
<i>Lamiaceae</i>	<i>Plectanthus parvifolius</i>	Cockspur
<i>Liliaceae</i>	<i>Dianella revoluta</i> <i>Dianella tasmaniensis</i>	Smooth Flax Lily
<i>Lobeliaceae</i>	<i>Pratia purpurescens</i>	White Root
<i>Mimosaceae</i>	<i>Acacia decurrens</i> <i>Acacia linifolia</i> <i>Acacia myrtifolia</i> <i>Acacia parramattensis</i> <i>Acacia pubescens</i> <i>Acacia terminanlis</i> <i>Acacia ulicifolia</i>	Sydney Green Wattle Flax-leaved Wattle Myrtle-leaved Wattle Parramatta Green Wattle Downy Wattle V Sunshine Wattle Prickly Moses
<i>Myrtaceae</i>	<i>Angophora bakeri</i> <i>Callistemon rigidus</i> <i>Corymbia gummifera</i> <i>Eucalyptus crebra</i> <i>Eucalyptus eugenoides</i> <i>Eucalyptus fibrosa</i> <i>Eucalyptus globoidea</i> <i>Eucalyptus punctata</i> <i>Eucalyptus sclerophylla</i> <i>Eucalyptus tereticornis</i> <i>Kunzea ambigua</i> <i>Leptospermum trinervium</i> <i>Melaleuca nodosa</i>	Narrow-leaved Apple Stiff Bottlebrush Red Bloodwood Narrow-leaved Ironbark Narrow-leaved Stringybark Broad-leaved Ironbark White Stringybark Grey Gum Scribbly Gum Forest Red Gum Tick Bush Tee Tree Ball Honeymyrtle
<i>Orchidaceae</i>	<i>Diuris aurea</i> <i>Glossidea minor</i>	Golden Doubletails Small Waxed-lip Orchid
<i>Oxalidaceae</i>	<i>Oxalis perennans</i>	Yellow Wood Sorrel
<i>Pittosporaceae</i>	<i>Bursaria spinosa</i> <i>Billardiera scandens</i>	Native Blackthorn Apple Dumplings
<i>Plantaginaceae</i>	<i>Plantago debilis</i>	Slender Plantago
<i>Poaceae</i>	<i>Aristida ramosa</i> <i>Aristida vagans</i> <i>Austrodanthonia racemosa</i> var. <i>racemosa</i> <i>Bothriochloa macra</i> <i>Chloris truncata</i> <i>Cymbopogon refractus</i> <i>Dichelachne micrantha</i> <i>Echinopogon caespitosus</i> <i>Entolasia stricta</i>	Three-awn SpearGrass Three-awn SpearGrass Red-leg Grass Windmill Grass Barbed Wire Grass Short-haired Plume Grass Hedgehog Grass Wiry Panic

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

	<i>Imperata cylindrica</i> <i>Microleana stipoides</i> <i>Oplismenus aemulus</i> <i>Panicum simile</i> <i>Sporobolus creber</i> <i>Poa sp</i> <i>Themeda australis</i>	<i>Blady Grass</i> <i>Weeping Grass</i> <i>Basket Grass</i> <i>Two colour Panic</i> <i>Slender Rat Tail Grass</i> <i>Poa</i> <i>Kangaroo Grass</i>
<i>Proteaceae</i>	<i>Grevillea mucronulata</i> <i>Grevillea sericea</i> <i>Hakea sericea</i> <i>Lomatia sialifolia</i> <i>Persoonia linearis</i> <i>Persoonia laurina</i>	<i>Green Grevillea</i> <i>Pink Spider Flower</i> <i>Needle Hakea</i> <i>Crinkle Bush</i> <i>Narrow-leaved Geebung</i> <i>Laurel-leaved Geebung</i>
<i>Ranunculaceae</i>	<i>Clematis glycinoides</i>	<i>Old Mans Beard</i>
<i>Rubiaceae</i>	<i>Asperula conferta</i> <i>Pomax umbellata</i>	<i>Common Woodruff</i> <i>Pomax</i>
<i>Santalaceae</i>	<i>Leptomeria acida</i>	<i>Native Current</i>
<i>Scrophulariaceae</i>	<i>Veronica plebeia</i>	
<i>Solanaceae</i>	<i>Solanum prinophyllum</i>	<i>Forest Nightshade</i>
<i>Xanthorrhoeaceae</i>	<i>Lomandra confertifolia ssp confertifolia</i> <i>Lomandra filliformis ssp filliformis</i> <i>Lomandra longifolia</i> <i>Lomandra multiflora ssp multiflora</i> <i>Lomandra obliqua</i> <i>Xanthorrhoea minor</i>	<i>Small Mat Rush</i> <i>Spiny-headed Mat Rush</i> <i>Many-flowered Mat Rush</i> <i>Fishbones</i> <i>Small Grass Tree</i>

Note: identification of species was difficult as a result of

- **some grasses had dropped their seed**
- **lack of floristic features**

Key

Sp = species

Ssp= subspecies

Var=variety

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

b) Exotic Flora Noted

<i>Genus Name</i>	<i>Species Name</i>	<i>Common Name</i>
<i>Apiaceae</i>	<i>Daucus carota</i>	Wild Carrot
<i>Asclepiadaceae</i>	<i>Araujia hortorum</i>	Moth Vine GBD
<i>Asparagaceae</i>	<i>Asparagus asparagoides</i> <i>Yucca aloifolia</i>	Fern Asparagus WONS GBD Spanish Bayonet
<i>Asteraceae</i>	<i>Ageratina riparia</i> <i>Biddons pilosa</i> <i>Cirsium vulgare</i> <i>Conyza bonariensis</i> <i>Hypochaeris glabra</i> <i>Hypochaeris radicata</i> <i>Sonchus oleaceus</i> <i>Senecio madagascariensis</i> <i>Osteospermum sp</i> <i>Taraxacum officinale</i>	Mist Flower GBD Farmers Friends Scotch Thistle GBD Fleabane GBD Smooth Catsear Catsear Sow Thistle Fireweed GBD WONS African Daisy Dandelion
<i>Brassicaceae</i>	<i>Brassica rapa</i>	
<i>Cactaceae</i>	<i>Opuntia species</i>	Prickly Pear GBD WONS
<i>Caryophyllaceae</i>	<i>Stellaria media</i> <i>Cerastium glomeratum</i>	Chickweed Mouse eared Chickweed
<i>Cyperaceae</i>	<i>Cyperus eragrostis</i>	Umbrella Sedge
<i>Euphorbiaceae</i>	<i>Euphorbia peplus</i>	Petty Spurge
<i>Fabaceae</i>	<i>Trifolium repens</i>	Clover
<i>Malvaceae</i>	<i>Sida rhombifolia</i> <i>Modiola carolinana</i>	Paddys Lucerne Red Flowered Mallow
<i>Oleaceae</i>	<i>Ligustrum lucidum</i> <i>Ligustrum sinense</i>	Large-leaved Privet GBD Small-leaved Privet GBD
<i>Phytolaccaceae</i>	<i>Phytolacca octandra</i>	Inkweed
<i>Plantaginaceae</i>	<i>Plantago lanceolata</i>	Lambs Tongue
<i>Poaceae</i>	<i>Andropogon virginicus</i> <i>Anthoxanthum odoratum</i> <i>Avena fatua</i> <i>Bambusa sp</i> <i>Briza maxima</i> <i>Bromus catharticus</i> <i>Chloris gayana</i>	Whisky Grass Sweet Vernal Grass Wild Oats Bamboo Quaking Grass Prairie Grass Rhodes Grass

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

	<i>Cynodon dactylon</i> <i>Dactylis glomerata</i> <i>Digitaria sanguinalis</i> <i>Ehrharta erecta</i> <i>Eragrostis curvulova</i> <i>Hordeum sp</i> <i>Lolium perenne</i> <i>Paspalum dilatatum</i> <i>Pennesetum clandestinum</i> <i>Phalaris minor</i> <i>Setaria gracilis</i> <i>Stenotaphrum secundatum</i>	Couch Cocksfoot Crab Grass Panic Veldt Grass African Love Grass GBD Barley Grass Perennial Rye Grass Paspalum Kikuyu Phalaris Slender Pigeon Grass Buffalo Grass
<i>Polygonaceae</i>	<i>Acetosella vulgaris</i>	
<i>Primulaceae</i>	<i>Analgallis avensis</i>	Scarlet pimpernal
<i>Rosaceae</i>	<i>Rubus fruticosa</i>	Blackberry WONS GBD
<i>Solanaceae</i>	<i>Solanum nigrum</i> <i>Solanum pseudocapsicum</i> <i>Solanum mauritianum</i>	Deadly Nightshade Jerusalem Cherry Wild Tobacco GBD
<i>Verbenaceae</i>	<i>Verbena bonariensis</i>	Purpletops

Key GBD : Plants with a General Biosecurity Duty

WONS: Weeds of National Significance

Note: Several of these weeds have been listed as Weeds of National Significance. e.g. Blackberry, constitute a Key Threatening Process (BC Act 2016) to the viability of the threatened ecological community of SSTF.

Note: The regeneration of the native vegetation on the subject site has provided habitat for a range of invertebrates, amphibians and reptiles. With the removal of weeds, it is considered that 3 -6 years is required to see the regeneration of the vegetation community to see the return of small mammals.

Weed density varies from very sparse to high within the subject site.

Noxious weeds lists declared for NSW and the LGA are provided in Table 3 with each category explained. Weeds with a General Biosecurity Duty noted on site include, *Asparagus asparagus*, *Senecio madagascariensis* (Fireweed), *Rubus fruticosa* (Blackberry), *Ligustrum sinense* and *L. lucidum* (Small and Large-leaved Privet).

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Appendix 3) Avifauna Noted on, or Near the Survey Site

COMMON NAME	SCIENTIFIC NAME
Australian Magpie	<i>Gymnorhina tibicen</i>
Australian Raven	<i>Corvus coronoides</i>
Australian Wood Duck	<i>Chenonetta jubata</i>
Cattle Egret	<i>Ardea ibis</i>
Common Bronzwing	<i>Phaps chalcoptera</i>
Common Blackbird	<i>Turdus merula</i> *
Common Myna	<i>Acridotheres tristis</i> *
Crested Pigeon	<i>Geophaps lophotes</i>
Crimson Rosella	<i>Platycerus elegans</i>
Grey Fantail	<i>Rhipidura fuliginosa</i>
Laughing Kookaburra	<i>Dacelo novaeguineae</i>
Noisy Minor	<i>Manorina melanocephala</i>
Silvereye	<i>Zosterops lateralis</i>
Sulphur Crested Cockatoo	<i>Cacatua galerita</i>
Superb Fairy Wren	<i>Malurus cyaneus</i>
Wattlebird Brush	<i>Anthochaera chrysoptera</i>
Whipbird	<i>Psophodes olivaceus</i>
Willy Wagtail	<i>Rhipidura leucophrys</i>
Yellow-tailed Cockatoo	<i>Calyptorhynchus funereus</i>
Yellow Thornbill	<i>Acanthiza nana</i>

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Appendix 4 Flora Fauna Habitat Potential Classification

Flora

Classification	Conditions
1 Good	High number of indigenous species ie species richness.
	Vegetation structure representative of the original layers of the vegetation community ie canopy, shrub and ground layers intact.
	No weed present or occurrence restricted to perimeter or track margins.
2 Moderate	Moderate number of indigenous species.
	One or more layers of the community structure modified, but largely intact.
	Moderate level of weed invasion with weeds in patches or scattered throughout.
3 Poor	Low number of indigenous species.
	One or more layers of the community structure highly modified, or one or more original vegetation layers missing.
	High level of weed invasion with weeds occurring in dense patches or scattered throughout.

Fauna

1 Good	High species richness and structural diversity of floral community with ground, log and litter layer intact. Breeding, nesting, roosting and feeding resources abundant. Few exotic fauna and flora, high number of native fauna.
2 Moderate	Moderate species richness and structural diversity of floral community with ground, log and litter layer moderately intact. Breeding, nesting, roosting and feeding resources moderate. Moderate diversity and abundance of native animals.
3 Poor	Low species richness and structural diversity of floral community with ground, log and litter layer degraded. Breeding, nesting, roosting and feeding resources low.
	Low diversity and abundance of native animals.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Appendix 5 SEPP Koala Habitat Protection 2021 (now Chapter 4 of the Biodiversity and Conservation SEPP 2021)



State Environmental Planning Policy (Koala Habitat Protection) 2021

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979*.

ROB STOKES, MP
Minister for Planning and Public Spaces

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point*State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Contents**Contents**

	Page
Part 1 Preliminary	
1 Name of Policy	3
2 Commencement	3
3 Aim of Policy	3
4 Definitions	3
5 Equivalent land use zones	4
6 Land to which Policy applies	4
7 Relationship with other environmental planning instruments	5
8 Exempt land	5
9 Maps	5
Part 2 Development control of koala habitats	
10 Development assessment process—approved koala plan of management for land	6
11 Development assessment process—no approved koala plan of management for land	6
12 Development assessment process—other land	6
Part 3 Koala plans of management	
13 Preparation of koala plans of management	7
14 Consultation on koala plans of management	7
15 Public exhibition of draft koala plans of management	7
16 Approval of koala plans of management	8
17 Subsequent koala plans of management	8
Part 4 Savings and transitional provisions	
18 Existing development applications	9
19 Documents taken to be koala plans of management	9
20 Documents submitted as plans of management	9
Schedule 1 Local government areas	10
Schedule 2 Koala use tree species	13
Schedule 3 Amendment of State Environmental Planning Policy (Koala Habitat Protection) 2020	22

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Part 1 Preliminary

State Environmental Planning Policy (Koala Habitat Protection) 2021

under the

Environmental Planning and Assessment Act 1979

Part 1 Preliminary

1 Name of Policy

This Policy is *State Environmental Planning Policy (Koala Habitat Protection) 2021*.

2 Commencement

This Policy commences on the day on which it is published on the NSW legislation website.

3 Aim of Policy

This Policy 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.

Editorial note. Guidelines are being made by the Planning Secretary with the agreement of the Secretary of Regional NSW for the purposes of Parts 2 and 3 of this Policy. When the Guidelines are made this Policy is to be amended to incorporate references to the Guidelines.

4 Definitions

(1) In this Policy—

approved koala plan of management, for land, means a koala plan of management for the land approved in accordance with clause 16.

core koala habitat means—

- (a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or
- (b) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.

equivalent land use zone—see clause 5.

former Koala SEPP, in relation to land to which this Policy applies, means the following—

- (a) *State Environmental Planning Policy No 44—Koala Habitat Protection*,
- (b) *State Environmental Planning Policy (Koala Habitat Protection) 2019*,
- (c) *State Environmental Planning Policy (Koala Habitat Protection) 2020*.

koala habitat means koala habitat however described in a plan of management under this Policy or a former Koala SEPP and includes core koala habitat.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Part 1 Preliminary

Planning for Bush Fire Protection means the document referred to in clause 272 of the *Environmental Planning and Assessment Regulation 2000*.

suitably qualified and experienced person means a person who has—

- (a) a tertiary qualification in ecology, environmental management, forestry or other equivalent qualifications, and
- (b) experience in flora and fauna identification, survey and management, including experience in conducting koala surveys.

the Act means the *Environmental Planning and Assessment Act 1979*.

Note. The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Policy.

- (2) Notes included in this Policy do not form part of this Policy.

5 Equivalent land use zones

- (1) A non-standard zone is an *equivalent land use zone* to 1 of the following land use zones (a *standard zone*) if the land uses specified for the standard zone are permitted in the non-standard zone—

Land use zone	Permitted land uses
RU1 Primary Production	Primary production, including agriculture and a diverse range of primary industry enterprises
RU2 Rural Landscape	Compatible rural land uses, including extensive agriculture
RU3 Forestry	Forestry land uses and other development compatible with forestry land uses

- (2) The Planning Secretary may declare, by order published in the Gazette, that a non-standard zone is equivalent to a standard zone.
- (3) The order is conclusive that the non-standard zone is an equivalent land use zone to the standard zone.
- (4) In this clause—
non-standard zone means a land use zone in a local environmental planning instrument that was not made in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

6 Land to which Policy applies

- (1) This Policy applies to each local government area listed in Schedule 1.
- (2) The whole of each local government area is—
 - (a) in the koala management area specified in Schedule 1 opposite the local government area, or
 - (b) if more than 1 koala management area is specified, in each of those koala management areas.
- (3) Despite subclause (1), this Policy does not apply to—
 - (a) land dedicated or reserved under the *National Parks and Wildlife Act 1974*, or acquired under Part 11 of that Act, or
 - (b) land dedicated under the *Forestry Act 2012* as a State forest or a flora reserve, or
 - (c) land on which biodiversity certification has been conferred, and is in force, under Part 8 of the *Biodiversity Conservation Act 2016*, or

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Part 1 Preliminary

- (d) land in the following land use zones, or an equivalent land use zone, unless the zone is in a local government area marked with an * in Schedule 1—
 - (i) Zone RU1 Primary Production,
 - (ii) Zone RU2 Rural Landscape,
 - (iii) Zone RU3 Forestry.

7 Relationship with other environmental planning instruments

In the event of an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.

8 Exempt land

- (1) The objective of this clause is to enable the clearing of koala use tree species to create an asset protection zone as part of the replacement of a lawfully erected dwelling house that has been damaged or destroyed by a bush fire.
- (2) This Policy does not apply to land forming part of an asset protection zone cleared for a dwelling house if—
 - (a) the dwelling house is replacing a lawfully erected dwelling house damaged or destroyed by a bush fire, and
 - (b) the development application for the replacement dwelling house is made to the consent authority no later than 5 years after the day the bush fire caused the damage or destruction, and
 - (c) the asset protection zone is cleared in accordance with Planning for Bush Fire Protection.

9 Maps

- (1) A reference in this Policy to a named map adopted by this Policy is a reference to a map by that name—
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the environmental planning instruments when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Policy to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Policy, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Policy are to be deposited in the head office of the Department of Planning, Industry and Environment and made available for public access.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Part 2 Development control of koala habitats

Part 2 Development control of koala habitats

- 10 Development assessment process—approved koala plan of management for land**
- (1) This clause applies to land to which this Policy applies and to which an approved koala plan of management applies.
 - (2) The council's determination of the development application must be consistent with the approved koala plan of management that applies to the land.
- 11 Development assessment process—no approved koala plan of management for land**
- (1) This clause applies to land to which this Policy applies if the land—
 - (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.
 - (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.
 - (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.
 - (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.
 - (5) However, despite subclauses (3) and (4), the council may grant development consent if the applicant provides to the council—
 - (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—
 - (i) does not include any trees belonging to the koala use tree species listed in Schedule 2 for the relevant koala management area, or
 - (ii) is not core koala habitat, or
 - (b) information the council is satisfied demonstrates that the land subject of the development application—
 - (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or
 - (ii) includes only horticultural or agricultural plantations.
 - (6) In this clause—
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.
- 12 Development assessment process—other land**
- A council is not prevented from granting consent to a development application for consent to carry out development on land if—
- (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.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Part 3 Koala plans of management

Part 3 Koala plans of management**13 Preparation of koala plans of management**

- (1) A koala plan of management may be prepared for—
 - (a) the whole of a local government area listed in Schedule 1, or
 - (b) a part of a local government area listed in Schedule 1.
- (2) A koala plan of management must be prepared—
 - (a) on behalf of a council by a suitably qualified and experienced person, and
 - (b) having regard to a survey of the land for core koala habitat conducted by a suitably qualified and experienced person.
- (3) A koala plan of management may—
 - (a) be a separate document or be part of another document, and
 - (b) provide for additional matters, whether or not the matters are directly related to the assessment of a development application by the council.
- (4) Land may be identified in a koala plan of management if—
 - (a) the land is identified on the Site Investigation Area for Koala Plans of Management Map as an area where this Policy applies, and
 - (b) the land is core koala habitat.
- (5) In this clause—
Site Investigation Area for Koala Plans of Management Map means the State Environmental Planning Policy (Koala Habitat Protection) 2021—Site Investigation Area for Koala Plans of Management Map.

14 Consultation on koala plans of management

In preparing a koala plan of management, a council, on behalf of which the plan of management has been prepared, must consult the Chief Executive Officer of Local Land Services and a Public Service employee designated by the Minister for Energy and Environment.

15 Public exhibition of draft koala plans of management

Following the preparation of a draft koala plan of management, the council—

- (a) must publicly exhibit the draft koala plan of management for a minimum period of 90 days, and
- (b) must give public notice on the council's website and in a local newspaper of the places, dates and times for inspection of the draft koala plan of management, and
- (c) must publicly exhibit a copy of the draft koala plan of management at the places, on the dates and during the times set out in the notice, and
- (d) must serve notice of the places, dates and times for inspection of the draft koala plan of management on landholders whose land is identified under clause 12(4) in the draft koala plan of management—
 - (i) by post, or
 - (ii) by email to an email address specified by the landholder for the service of notices by the council, and
- (e) must specify, in the notices referred to in paragraphs (b) and (d), the period during which submissions about the draft koala plan of management may be

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Part 3 Koala plans of management

made to the council (which must include the period during which the draft koala plan of management is being publicly exhibited).

16 Approval of koala plans of management

- (1) A koala plan of management prepared in accordance with clause 13 has no effect unless it is approved by the Planning Secretary.
- (2) The council on behalf of which the koala plan of management has been prepared must provide the following to the Planning Secretary—
 - (a) a report on submissions received as a result of the public consultation under clause 15,
 - (b) a report on the survey of the land made under clause 13(2)(b),
 - (c) any other documents that informed the preparation of the koala plan of management.
- (3) Before approving a koala plan of management, the Planning Secretary must provide the following to the Chief Executive Officer of Local Land Services and a Public Service employee designated by the Minister for Energy and Environment for comment—
 - (a) a copy of the draft koala plan of management,
 - (b) a copy of the report on submissions,
 - (c) a copy of the report on the survey of the land made under clause 13(2)(b),
 - (d) any other documents that informed the preparation of the koala plan of management.
- (4) Before approving a koala plan of management, the Planning Secretary must obtain the concurrence of the Secretary of Regional NSW.
- (5) Before approving a koala plan of management submitted for approval under this clause, the Planning Secretary may—
 - (a) request that amendments be made to the koala plan of management, and
 - (b) approve the koala plan of management conditional on the making of those amendments.
- (6) To avoid doubt, a koala plan of management conditionally approved under subclause (5)(b) is taken to be approved by the Planning Secretary on the making of those amendments.
- (7) A koala plan of management takes effect on—
 - (a) the day it is approved by the Planning Secretary, or
 - (b) if a later day is specified in the plan of management—the later day.

17 Subsequent koala plans of management

- (1) An approved koala plan of management may be amended or replaced by a subsequent koala plan of management prepared and approved in accordance with this Part.
- (2) The subsequent koala plan of management must be exhibited in accordance with this Part if the council is directed to do so by the Planning Secretary.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Part 4 Savings and transitional provisions

Part 4 Savings and transitional provisions**18 Existing development applications**

A development application made in relation to land, but not finally determined before this Policy applied to the land, must be determined as if this Policy had not commenced in its application to the land.

19 Documents taken to be koala plans of management

- (1) A plan of management approved under a former Koala SEPP in relation to the whole of a local government area or a part of a local government area and in force immediately before this Policy is taken to be an approved koala plan of management.
- (2) The following documents published on the NSW planning portal are taken to be approved koala plans of management and may be renamed accordingly—
 - (a) *Byron Shire Draft koala plan of management*,
 - (b) *Tweed Shire Draft koala plan of management*.
- (3) An approved koala plan of management under this clause applies to the land specified in the koala plan of management and accordingly clause 10 extends to apply to that land.

20 Documents submitted as plans of management

- (1) This clause applies to a document submitted to the Planning Secretary—
 - (a) for approval as a koala plan of management in relation to the whole of a local government area or a part of a local government area, and
 - (b) before this Policy applied to the local government area.
- (2) Before approving a koala plan of management submitted for approval under this clause, the Planning Secretary may—
 - (a) request that amendments be made to the koala plan of management, and
 - (b) approve the koala plan of management conditional on the making of those amendments.
- (3) To avoid doubt, a koala plan of management conditionally approved under subclause (2)(b) is taken to be approved by the Planning Secretary on the making of those amendments.
- (4) Despite clauses 13–16, the Planning Secretary may approve the document as a koala plan of management for the local government area or part of the local government area.
- (5) To avoid doubt, the Planning Secretary may approve the document as a koala plan of management despite the document not having been prepared in accordance with the provisions of a former Koala SEPP.
- (6) On approval, the document is taken to be an approved koala plan of management.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 1 Local government areas

Schedule 1 Local government areas

(Clauses 6(1), 13(1))

Local government area	Koala management area(s)
Armidale Regional	Northern Tablelands
Ballina	North Coast
Bathurst Regional	Central and Southern Tablelands
Bega Valley	South Coast
Bellingen	North Coast
Berrigan	Riverina
Blayney	Central and Southern Tablelands
City of Blue Mountains *	Central and Southern Tablelands Central Coast
Bourke	Darling Riverine Plains Far West
Brewarrina	Darling Riverine Plains Far West
Byron	North Coast
Cabonne	Central and Southern Tablelands
City of Campbelltown *	Central Coast
Central Coast *	Central Coast
Central Darling	Far West
City of Cessnock	Central Coast
Clarence Valley	North Coast
City of Coffs Harbour	North Coast
Coonamble	Darling Riverine Plains Northwest Slopes
Dungog	Central Coast
Edward River	Riverina
Eurobodalla	South Coast
Federation	Central and Southern Tablelands Far West Riverina
Forbes	Far West
Gulgandra	Northwest Slopes
Glen Innes Severn Shire	Northern Tablelands
Goulburn Mulwaree	Central and Southern Tablelands
Greater Hume Shire	Central and Southern Tablelands Far West Riverina

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 1 Local government areas

Local government area	Koala management area(s)
Gunnedah	Northwest Slopes
Gwydir	Northwest Slopes
City of Hawkesbury *	Central Coast
Hilltops	Central and Southern Tablelands
	Far West
Hornsby *	Central Coast
Inverell	Northern Tablelands
	Northwest Slopes
Kempsey	North Coast
Ku-ring-gai *	Central Coast
Kyogle	North Coast
City of Lake Macquarie	Central Coast
Leeton	Far West
	Riverina
City of Lismore	North Coast
City of Lithgow	Central and Southern Tablelands
City of Liverpool *	Central Coast
Liverpool Plains	Northwest Slopes
Lockhart	Central and Southern Tablelands
	Far West
City of Maitland	Central Coast
Mid-Coast	North Coast
Mid-Western Regional	Northwest Slopes
Moree Plains	Northwest Slopes
Murray River	Far West
	Riverina
Muswellbrook	Central Coast
Nambucca Valley	North Coast
Narrabri	Northwest Slopes
Narrandera	Far West
	Riverina
Narromine	Darling Riverine Plains
	Far West
City of Newcastle	Central Coast
Northern Beaches *	Central Coast
Oberon	Central and Southern Tablelands
Parkes	Far West
Port Macquarie-Hastings	North Coast
Port Stephens	Central Coast

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 1 Local government areas

Local government area	Koala management area(s)
Queanbeyan-Palerang Regional	Central and Southern Tablelands
Richmond Valley	North Coast
City of Shoalhaven	Central and Southern Tablelands South Coast
Singleton	Central Coast
Snowy Monaro Regional	Central and Southern Tablelands
Snowy Valleys	Central and Southern Tablelands
Tamworth Regional	Northern Tablelands
Tenterfield	Northern Tablelands
Tweed	North Coast
Upper Hunter Shire	Northwest Slopes
Upper Lachlan Shire	Central and Southern Tablelands
Uralla	Northern Tablelands
City of Wagga Wagga	Central and Southern Tablelands Far West
Walcha	Northern Tablelands
Walgett	Darling Riverine Plains Northwest Slopes
Warren	Darling Riverine Plains
Warrumbungle Shire	Northwest Slopes
Weddin	Central and Southern Tablelands Far West
Wentworth	Far West Riverina
Wingecambee	Central and Southern Tablelands Central Coast
Wollondilly *	Central and Southern Tablelands Central Coast
City of Wollongong	South Coast
Yass Valley	Central and Southern Tablelands

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Schedule 2 Koala use tree species

(Clause 11)

Central and Southern Tablelands koala management area

Scientific name	Common name(s)
<i>Eucalyptus agglomerata</i>	Blue-leaved Stringybark
<i>Eucalyptus albens</i>	White Box
<i>Eucalyptus amplifolia</i>	Cabbage Gum
<i>Eucalyptus blakeyi</i>	Blakely's Red Gum
<i>Eucalyptus bosistoana</i>	Coast Grey Box
<i>Eucalyptus bridgesiana</i>	Apple Box
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus conica</i>	Fuzzy Box
<i>Eucalyptus cyathocarpa</i>	Monkey Gum
<i>Eucalyptus dalrympleana</i>	Mountain Gum
<i>Eucalyptus dealbata</i>	Tumbledown Red Gum
<i>Eucalyptus dives</i>	Broad-leaved Peppermint
<i>Eucalyptus elata</i>	River Peppermint
<i>Eucalyptus eugenioides</i>	Narrow-leaved Stringybark
<i>Eucalyptus fibrosa</i>	Broad-leaved Red Ironbark
<i>Eucalyptus globosidea</i>	White Stringybark
<i>Eucalyptus goniacalix</i>	Bundy
<i>Eucalyptus macrorhyncha</i>	Red Stringybark
<i>Eucalyptus maidenii</i>	Maiden's Blue Gum
<i>Eucalyptus mannifera</i>	Brittle Gum
<i>Eucalyptus melliodora</i>	Yellow Box
<i>Eucalyptus microcarpa</i>	Western Grey Box
<i>Eucalyptus nortonii</i>	Large-flowered Bundy
<i>Eucalyptus obliqua</i>	Messmate
<i>Eucalyptus oblonga</i>	Stringybark
<i>Eucalyptus paniculata</i>	Grey Ironbark
<i>Eucalyptus pauciflora</i>	White Sally, Snow Gum
<i>Eucalyptus piperita</i>	Sydney Peppermint
<i>Eucalyptus polyanthemus</i>	Red Box
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus quadrangulata</i>	White-topped Box
<i>Eucalyptus radiata</i>	Narrow leaved Peppermint
<i>Eucalyptus roosei</i>	Inland Scribbly Gum
<i>Eucalyptus rubida</i>	Candlebark

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Scientific name	Common name(s)
<i>Eucalyptus sclerophylla</i>	Hard-leaved Scribbly Gum
<i>Eucalyptus sideroxylon</i>	Mugga Ironbark
<i>Eucalyptus zieheri</i>	Silvertop Ash
<i>Eucalyptus tereticornis</i>	Forest Red Gum
<i>Eucalyptus viminalis</i>	Ribbon Gum
Central Coast koala management area	
Scientific name	Common name(s)
<i>Allocasuarina littoralis</i>	Black She-oak
<i>Allocasuarina torulosa</i>	Forest Oak
<i>Angophora bakeri</i>	Narrow-leaved Apple
<i>Angophora costata</i>	Smooth-barked Apple
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Casuarina glauca</i>	Swamp Oak
<i>Corymbia eximia</i>	Yellow Bloodwood
<i>Corymbia gummifera</i>	Red Bloodwood
<i>Corymbia maculata</i>	Spotted Gum
<i>Eucalyptus acmenoides</i>	White Mahogany
<i>Eucalyptus agglomerata</i>	Blue-leaved Stringybark
<i>Eucalyptus albens</i>	White Box
<i>Eucalyptus amplifolia</i>	Cabbage Gum
<i>Eucalyptus beyeriana</i>	Beyer's Ironbark
<i>Eucalyptus blakeyi</i>	Blakely's Red Gum
<i>Eucalyptus bozzutoana</i>	Coast Grey Box
<i>Eucalyptus boryoides</i>	Bangalay
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus camfieldii</i>	Camfield's Stringybark
<i>Eucalyptus canaliculata</i>	Large-fruited Grey Gum
<i>Eucalyptus capitellata</i>	Brown Stringybark
<i>Eucalyptus carnea</i>	Thick-leaved Mahogany
<i>Eucalyptus consideniana</i>	Yertchuk
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark
<i>Eucalyptus cypellocarpa</i>	Monkey Gum
<i>Eucalyptus deanei</i>	Mountain Blue Gum
<i>Eucalyptus eugenioides</i>	Narrow-leaved Stringybark
<i>Eucalyptus fibrosa</i>	Broad-leaved Red Ironbark
<i>Eucalyptus glauca</i>	Slaty Red Gum
<i>Eucalyptus globoides</i>	White Stringybark

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Scientific name	Common name(s)
<i>Eucalyptus grandis</i>	Flooded Gum
<i>Eucalyptus haemastoma</i>	Broad-leaved Scribbly Gum
<i>Eucalyptus imitans</i>	Eucalyptus imitans
<i>Eucalyptus largeana</i>	Craven Grey Box
<i>Eucalyptus longifolia</i>	Woollybutt
<i>Eucalyptus macrorhyncha</i>	Red Stringybark
<i>Eucalyptus melliodora</i>	Yellow Box
<i>Eucalyptus michaeliana</i>	Brittle Gum
<i>Eucalyptus microcorys</i>	Tallowwood
<i>Eucalyptus moluccana</i>	Grey Box
<i>Eucalyptus oblonga</i>	Stringybark
<i>Eucalyptus paniculata</i>	Grey Ironbark
<i>Eucalyptus parramattensis</i>	Parramatta Red Gum
<i>Eucalyptus pilularis</i>	Blackbutt
<i>Eucalyptus piperita</i>	Sydney Peppermint
<i>Eucalyptus propinqua</i>	Small-fruited Grey Gum
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus quadrangulata</i>	White-topped Box
<i>Eucalyptus racemosa</i>	Narrow-leaved Scribbly Gum
<i>Eucalyptus resinifera</i>	Red Mahogany
<i>Eucalyptus robusta</i>	Swamp Mahogany
<i>Eucalyptus saligna</i>	Sydney Blue Gum
<i>Eucalyptus scias</i>	Large-fruited Red Mahogany
<i>Eucalyptus sclerophylla</i>	Hard-leaved Scribbly Gum
<i>Eucalyptus siderophloia</i>	Grey Ironbark
<i>Eucalyptus sideroxylon</i>	Mugga Ironbark
<i>Eucalyptus sieberi</i>	Silvertop Ash
<i>Eucalyptus signata</i>	Scribbly Gum
<i>Eucalyptus sparsifolia</i>	Narrow-leaved Stringybark
<i>Eucalyptus squamea</i>	Scaly Bark
<i>Eucalyptus tereticornis</i>	Forest Red Gum
<i>Eucalyptus umbra</i>	Bastard White Mahogany
<i>Eucalyptus viminalis</i>	Ribbon Gum
<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark
<i>Syncarpia glomulifera</i>	Turpentine

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Darling Riverine Plains koala management area

Scientific name	Common name(s)
<i>Callitris glaucophylla</i>	White Cypress Pine
<i>Eucalyptus albens</i>	White Box
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus chloroclada</i>	Dirty Gum
<i>Eucalyptus conica</i>	Fuzzy Box
<i>Eucalyptus coolabah</i>	Coolibah
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark
<i>Eucalyptus dealbata</i>	Tumbledown Red Gum
<i>Eucalyptus dwyeri</i>	Dwyer's Red Gum
<i>Eucalyptus largiflorens</i>	Black Box
<i>Eucalyptus melanophloia</i>	Silver-leaved Ironbark
<i>Eucalyptus melliodora</i>	Yellow Box
<i>Eucalyptus microcarpa</i>	Western Grey Box
<i>Eucalyptus pilligaensis</i>	Narrow-leaved Grey Box
<i>Eucalyptus populnea</i>	Bimble Box, Poplar Box
<i>Eucalyptus sideroxylon</i>	Mugga Ironbark

Far West koala management area

Scientific name	Common name(s)
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Callitris glaucophylla</i>	White Cypress Pine
<i>Casuarina cristata</i>	Belah
<i>Eucalyptus albens</i>	White Box
<i>Eucalyptus blakelyi</i>	Blakely's Red Gum
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus chloroclada</i>	Dirty Gum
<i>Eucalyptus coolabah</i>	Coolibah
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark
<i>Eucalyptus dealbata</i>	Tumbledown Red Gum
<i>Eucalyptus intertexta</i>	Gum Coolibah
<i>Eucalyptus largiflorens</i>	Black Box
<i>Eucalyptus melanophloia</i>	Silver-leaved Ironbark
<i>Eucalyptus melliodora</i>	Yellow Box
<i>Eucalyptus microcarpa</i>	Western Grey Box
<i>Eucalyptus moluccana</i>	Grey Box
<i>Eucalyptus pilligaensis</i>	Narrow-leaved Grey Box
<i>Eucalyptus populnea</i>	Bimble Box

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Scientific name	Common name(s)
<i>Eucalyptus sideroxylon</i>	Mugga Ironbark
<i>Geijera parviflora</i>	Wilga
North Coast koala management area	
Scientific name	Common name(s)
<i>Allocasuarina torulosa</i>	Forest Oak
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Corymbia gummifera</i>	Red Bloodwood
<i>Corymbia henryi</i>	Large-leaved Spotted Gum
<i>Corymbia intermedia</i>	Pink Bloodwood
<i>Corymbia maculata</i>	Spotted Gum
<i>Eucalyptus acmenoides</i>	White Mahogany
<i>Eucalyptus amplifolia</i>	Cabbage Gum
<i>Eucalyptus bancroftii</i>	Orange Gum
<i>Eucalyptus biturbinata</i>	Grey Gum
<i>Eucalyptus campanulata</i>	New England Blackbutt
<i>Eucalyptus canaliculata</i>	Large-fruited Grey Gum
<i>Eucalyptus carnea</i>	Thick-leaved Mahogany
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark
<i>Eucalyptus eugenoides</i>	Narrow-leaved stringybark
<i>Eucalyptus fibrosa</i>	Broad-leaved Red Ironbark
<i>Eucalyptus glauca</i>	Slaty Red Gum
<i>Eucalyptus globoides</i>	White Stringybark
<i>Eucalyptus grandis</i>	Flooded Gum
<i>Eucalyptus laevopinea</i>	Silver-top Stringybark
<i>Eucalyptus largeana</i>	Craven Grey Box
<i>Eucalyptus microcorys</i>	Tallowwood
<i>Eucalyptus moluccana</i>	Grey Box
<i>Eucalyptus nobilis</i>	Forest Ribbon Gum
<i>Eucalyptus pilularis</i>	Blackbutt
<i>Eucalyptus placita</i>	Grey Ironbark
<i>Eucalyptus planchoniana</i>	Bastard Tallowwood
<i>Eucalyptus propinqua</i>	Small-fruited Grey Gum
<i>Eucalyptus psammitica</i>	Bastard White Mahogany
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus resinifera</i>	Red Mahogany
<i>Eucalyptus robusta</i>	Swamp Mahogany
<i>Eucalyptus rummeri</i>	Steel Box

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Scientific name	Common name(s)
<i>Eucalyptus saligna</i>	Sydney Blue Gum
<i>Eucalyptus scias</i>	Large-fruited Red Mahogany
<i>Eucalyptus seaiana</i>	Narrow-leaved Red Gum
<i>Eucalyptus siderophloia</i>	Grey Ironbark
<i>Eucalyptus signata</i> / <i>Eucalyptus racemosa</i>	Scribbly Gum/Narrow-leaved Scribbly Gum
<i>Eucalyptus tereticornis</i>	Forest Red Gum
<i>Eucalyptus tindaliae</i>	Stringybark
<i>Eucalyptus umbra</i>	Bastard White Mahogany
<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark

Northwest Slopes koala management area

Scientific name	Common name(s)
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Callitris glaucophylla</i>	White Cypress Pine
<i>Casuarina cristata</i>	Belah
<i>Eucalyptus albens</i>	White Box
<i>Eucalyptus blakelyi</i>	Blakely's Red Gum
<i>Eucalyptus bridgesiana</i>	Apple Box
<i>Eucalyptus calyci</i>	Drooping Ironbark
<i>Eucalyptus caliginosa</i>	Broad-leaved Stringybark
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus canaliculata</i>	Large-fruited Grey Gum
<i>Eucalyptus chloroclada</i>	Dirty Gum
<i>Eucalyptus conica</i>	Fuzzy Box
<i>Eucalyptus coolabah</i>	Coolibah
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark
<i>Eucalyptus dalympheana</i>	Mountain Gum
<i>Eucalyptus dealbata</i>	Tumbledown Red Gum
<i>Eucalyptus dwyeri</i>	Dwyer's Red Gum
<i>Eucalyptus exserta</i>	Peppermint
<i>Eucalyptus fibrosa</i>	Broad-leaved Red Ironbark
<i>Eucalyptus goniocalyx</i>	Bundy
<i>Eucalyptus laevopinea</i>	Silver-top Stringybark
<i>Eucalyptus largiflorens</i>	Black Box
<i>Eucalyptus macrorhyncha</i>	Red Stringybark
<i>Eucalyptus mamifera</i>	Brittle Gum
<i>Eucalyptus melanophloia</i>	Silver-leaved Ironbark
<i>Eucalyptus melliodora</i>	Yellow Box

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Scientific name	Common name(s)
<i>Eucalyptus microcarpa</i>	Western Grey Box
<i>Eucalyptus moluccana</i>	Grey Box
<i>Eucalyptus nobilis</i>	Forest Ribbon Gum
<i>Eucalyptus parramattensis</i>	Parramatta Red Gum
<i>Eucalyptus pauciflora</i>	White Sally, Snow Gum
<i>Eucalyptus pilligaensis</i>	Narrow-leaved Grey Box
<i>Eucalyptus polyanthemus</i>	Red Box
<i>Eucalyptus populnea</i>	Bimble Box/Poplar Box
<i>Eucalyptus prava</i>	Orange Gum
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus quadrangulata</i>	White-topped Box
<i>Eucalyptus sideroxylon</i>	Mugga Ironbark
<i>Eucalyptus viminalis</i>	Ribbon Gum

Northern Tablelands koala management area

Scientific name	Common name(s)
<i>Allocasuarina littoralis</i>	Black She-oak
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Callitris glaucophylla</i>	White Cypress Pine
<i>Eucalyptus acatiformis</i>	Wattle-leaved Peppermint
<i>Eucalyptus albens</i>	White Box
<i>Eucalyptus amplifolia</i>	Cabbage Gum
<i>Eucalyptus binobinata</i>	Grey Gum
<i>Eucalyptus blakelyi</i>	Blakely's Red Gum
<i>Eucalyptus bridgesiana</i>	Apple Box
<i>Eucalyptus brunnea</i>	Mountain Blue Gum
<i>Eucalyptus caleyi</i>	Drooping Ironbark
<i>Eucalyptus caliginosa</i>	Broad-leaved Stringybark
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus campanulata</i>	New England Blackbutt
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark
<i>Eucalyptus dalympheana</i>	Mountain Gum
<i>Eucalyptus dealbata</i>	Tumbledown Red Gum
<i>Eucalyptus eugenioides</i>	Narrow-leaved Stringybark
<i>Eucalyptus laevopinea</i>	Silver-top Stringybark
<i>Eucalyptus macrorhyncha</i>	Red Stringybark
<i>Eucalyptus melanophloea</i>	Silver-leaved Ironbark
<i>Eucalyptus melliodora</i>	Yellow Box

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Scientific name	Common name(s)
<i>Eucalyptus michaeliana</i>	Brittle Gum
<i>Eucalyptus microcorys</i>	Tallowwood
<i>Eucalyptus moluccana</i>	Grey Box
<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint
<i>Eucalyptus nobilis</i>	Forest Ribbon Gum
<i>Eucalyptus nova-anglica</i>	New England Peppermint
<i>Eucalyptus obliqua</i>	Messmate
<i>Eucalyptus pauciflora</i>	White Sally, Snow Gum
<i>Eucalyptus prava</i>	Orange Gum
<i>Eucalyptus radiata</i>	Narrow leaved Peppermint
<i>Eucalyptus saligna</i>	Sydney Blue Gum
<i>Eucalyptus sideroxylon</i>	Mugga Ironbark
<i>Eucalyptus stellulata</i>	Black Sally
<i>Eucalyptus subvelutina</i>	Broad-leaved Apple
<i>Eucalyptus tereticornis</i>	Forest Red Gum
<i>Eucalyptus viminalis</i>	Ribbon Gum
<i>Eucalyptus williamsiana</i>	Eucalyptus williamsiana
<i>Eucalyptus youmanii</i>	Youman's Stringybark
Riverina koala management area	
Scientific name	Common name(s)
<i>Callitris glaucophylla</i>	White Cypress Pine
<i>Casuarina cristata</i>	Belah
<i>Eucalyptus albens</i>	White Box
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Eucalyptus intertexta</i>	Gum Coolibah
<i>Eucalyptus largiflorens</i>	Black Box
<i>Eucalyptus melliodora</i>	Yellow Box
<i>Eucalyptus microcarpa</i>	Western Grey Box
<i>Eucalyptus populnea</i>	Bumble Box
South Coast koala management area	
Scientific name	Common name(s)
<i>Allocasuarina littoralis</i>	Black She-oak
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Corymbia gummifera</i>	Red Bloodwood
<i>Corymbia maculata</i>	Spotted Gum
<i>Eucalyptus agglomerata</i>	Blue-leaved Stringybark

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 2 Koala use tree species

Scientific name	Common name(s)
<i>Eucalyptus baueriana</i>	Blue Box
<i>Eucalyptus bosistoana</i>	Coast Grey Box
<i>Eucalyptus consideniana</i>	Yertchuk
<i>Eucalyptus cyellocarpa</i>	Monkey Gum
<i>Eucalyptus elata</i>	River Peppermint
<i>Eucalyptus eugenioides</i>	Narrow-leaved Stringybark
<i>Eucalyptus fastigata</i>	Brown Barrel
<i>Eucalyptus globoides</i>	White Stringybark
<i>Eucalyptus longifolia</i>	Woollybutt
<i>Eucalyptus maidenii</i>	Maiden's Blue Gum
<i>Eucalyptus muelleriana</i>	Yellow Stringybark
<i>Eucalyptus obliqua</i>	Messmate
<i>Eucalyptus paniculata</i>	Grey Ironbark
<i>Eucalyptus pilularis</i>	Blackbutt
<i>Eucalyptus piperita</i>	Sydney Peppermint
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus saligna</i>	Sydney Blue Gum
<i>Eucalyptus sclerophylla</i>	Hard-leaved Scribbly Gum
<i>Eucalyptus sieberi</i>	Silvertop Ash
<i>Eucalyptus tereticornis</i>	Forest Red Gum
<i>Eucalyptus tricarpa</i>	Mugga (Red) Ironbark
<i>Eucalyptus viminalis</i>	Ribbon Gum

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

State Environmental Planning Policy (Koala Habitat Protection) 2021 [NSW]
Schedule 3 Amendment of State Environmental Planning Policy (Koala Habitat Protection) 2020

Schedule 3 Amendment of State Environmental Planning Policy (Koala Habitat Protection) 2020

[1] Clause 5

Omit the clause. Insert instead—

5 Land to which Policy applies

- (1) This Policy applies to land in the following land use zones, or an equivalent land use zone, in a local government area specified in Schedule 1 of *State Environmental Planning Policy (Koala Habitat Protection) 2021*, but not if the local government area is marked with an * in that Schedule—
 - (a) Zone RU1 Primary Production,
 - (b) Zone RU2 Rural Landscape,
 - (c) Zone RU3 Forestry.
- (2) In this clause—
equivalent land use zone has the same meaning as it has in *State Environmental Planning Policy (Koala Habitat Protection) 2021*.

[2] Clause 12 Preparation of plan of management

Omit clause 12(1). Insert instead—

- (1) A plan of management may be prepared for—
 - (a) all land to which this Policy applies in a local government area,
 - (b) a part of that land, including an area of land that is the subject of a development application.

[3] Clause 13 Consultation

Omit the clause.

[4] Clause 16 Surveys, environment protection zones and development control plans

Omit “listed in Schedule 1” from clause 16(1).

Insert instead “in which there is land to which this Policy applies”.

[5] Clause 16(1)(a)

Omit “within its area”.

[6] Schedule 1 Local government areas

Omit the Schedule.

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Chapter 4 Koala habitat protection 2021****Part 4.1 Preliminary****4.1 Aim of Chapter**

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.

Editorial note—

Guidelines are being made by the Planning Secretary with the agreement of the Secretary of Regional NSW for the purposes of Parts 4.2 and 4.3 of this Chapter. When the Guidelines are made this Chapter is to be amended to incorporate references to the Guidelines.

4.2 Definitions

(1) In this Chapter—

approved koala plan of management, for land, means a koala plan of management for the land approved in accordance with section 4.14.

core koala habitat means—

- (a) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas are recorded as being present at the time of assessment of the land as highly suitable koala habitat, or
- (b) an area of land which has been assessed by a suitably qualified and experienced person as being highly suitable koala habitat and where koalas have been recorded as being present in the previous 18 years.

equivalent land use zone—see section 4.3.

former Koala SEPP, in relation to land to which this Chapter applies, means the following—

- (a) *State Environmental Planning Policy No 44—Koala Habitat Protection*,
- (b) *State Environmental Planning Policy (Koala Habitat Protection) 2019*,
- (c) *State Environmental Planning Policy (Koala Habitat Protection) 2020*.

koala habitat means koala habitat however described in a plan of management under this Chapter or a former Koala SEPP and includes core koala habitat.

Planning for Bush Fire Protection means the document prescribed by the *Environmental Planning and Assessment Regulation 2021*, section 271.

suitably qualified and experienced person means a person who has—

- (a) a tertiary qualification in ecology, environmental management, forestry or other equivalent qualifications, and
- (b) experience in flora and fauna identification, survey and management, including experience in conducting koala surveys.

the Act means the *Environmental Planning and Assessment Act 1979*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Chapter.

(2) Notes included in this Chapter do not form part of this Chapter.

4.3 Equivalent land use zones

- (1) A non-standard zone is an **equivalent land use zone** to 1 of the following land use zones (a **standard zone**) if the land uses specified for the standard zone are permitted in the non-standard zone—

Land use zone	Permitted land uses
RU1 Primary Production	Primary production, including agriculture and a diverse range of primary industry enterprises
RU2 Rural Landscape	Compatible rural land uses, including extensive agriculture
RU3 Forestry	Forestry land uses and other development compatible with forestry land uses

- (2) The Planning Secretary may declare, by order published in the Gazette, that a non-standard zone is equivalent to a standard zone.
- (3) The order is conclusive that the non-standard zone is an equivalent land use zone to the standard zone.
- (4) In this section—

non-standard zone means a land use zone in a local environmental planning instrument that was not made in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***4.4 Land to which Chapter applies**

- (1) This Chapter applies to each local government area listed in Schedule 2.
- (2) The whole of each local government area is—
 - (a) in the koala management area specified in Schedule 2 opposite the local government area, or
 - (b) if more than 1 koala management area is specified, in each of those koala management areas.
- (3) Despite subsection (1), this Chapter does not apply to—
 - (a) land dedicated or reserved under the *National Parks and Wildlife Act 1974*, or acquired under Part 11 of that Act, or
 - (b) land dedicated under the *Forestry Act 2012* as a State forest or a flora reserve, or
 - (c) land on which biodiversity certification has been conferred, and is in force, under Part 8 of the *Biodiversity Conservation Act 2016*, or
 - (d) land in the following land use zones, or an equivalent land use zone, unless the zone is in a local government area marked with an * in Schedule 2—
 - (i) Zone RU1 Primary Production,
 - (ii) Zone RU2 Rural Landscape,
 - (iii) Zone RU3 Forestry.

4.5 Relationship with other environmental planning instruments

In the event of an inconsistency between this Chapter and another environmental planning instrument, whether made before or after the commencement of this Chapter, this Chapter prevails to the extent of the inconsistency.

4.6 Exempt land

- (1) The objective of this section is to enable the clearing of koala use tree species to create an asset protection zone as part of the replacement of a lawfully erected dwelling house that has been damaged or destroyed by a bush fire.
- (2) This Chapter does not apply to land forming part of an asset protection zone cleared for a dwelling house if—
 - (a) the dwelling house is replacing a lawfully erected dwelling house damaged or destroyed by a bush fire, and
 - (b) the development application for the replacement dwelling house is made to the consent authority no later than 5 years after the day the bush fire caused the damage or destruction, and
 - (c) the asset protection zone is cleared in accordance with Planning for Bush Fire Protection.

4.7 Maps

- (1) A reference in this Chapter to a named map adopted by this Chapter is a reference to a map by that name—
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the persons making the environmental planning instruments when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Chapter to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Chapter, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note—

The maps adopted by this Chapter are to be deposited in the head office of the Department of Planning, Industry and Environment and made available for public access.

Part 4.2 Development control of koala habitats**4.8 Development assessment process—approved koala plan of management for land**

- (1) This section applies to land to which this Chapter applies and to which an approved koala plan of management applies.
- (2) The council's determination of the development application must be consistent with the approved koala plan of management that applies to the land.

4.9 Development assessment process—no approved koala plan of management for land

- (1) This section applies to land to which this Chapter applies if the land—
 - (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.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

- (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.
- (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.
- (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.
- (5) However, despite subsections (3) and (4), the council may grant development consent if the applicant provides to the council—
 - (a) information, prepared by a suitably qualified and experienced person, the council is satisfied demonstrates that the land subject of the development application—
 - (i) does not include any trees belonging to the koala use tree species listed in Schedule 3 for the relevant koala management area, or
 - (ii) is not core koala habitat, or
 - (b) information the council is satisfied demonstrates that the land subject of the development application—
 - (i) does not include any trees with a diameter at breast height over bark of more than 10 centimetres, or
 - (ii) includes only horticultural or agricultural plantations.
- (6) In this section—

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.

4.10 Development assessment process—other land

A council is not prevented from granting consent to a development application for consent to carry out development on land if—

- (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.

Part 4.3 Koala plans of management

4.11 Preparation of koala plans of management

- (1) A koala plan of management may be prepared for—
 - (a) the whole of a local government area listed in Schedule 2, or
 - (b) a part of a local government area listed in Schedule 2.
- (2) A koala plan of management must be prepared—
 - (a) on behalf of a council by a suitably qualified and experienced person, and
 - (b) having regard to a survey of the land for core koala habitat conducted by a suitably qualified and experienced person.
- (3) A koala plan of management may—
 - (a) be a separate document or be part of another document, and
 - (b) provide for additional matters, whether or not the matters are directly related to the assessment of a development application by the council.
- (4) Land may be identified in a koala plan of management if—
 - (a) the land is identified on the *Site Investigation Area for Koala Plans of Management Map* as an area where this Chapter applies, and
 - (b) the land is core koala habitat.
- (5) In this section—

Site Investigation Area for Koala Plans of Management Map means the *State Environmental Planning Policy (Koala Habitat Protection) 2021—Site Investigation Area for Koala Plans of Management Map*.

4.12 Consultation on koala plans of management

In preparing a koala plan of management, a council, on behalf of which the plan of management has been prepared, must consult the Chief Executive Officer of Local Land Services and a Public Service employee designated by the Minister for Energy and Environment.

4.13 Public exhibition of draft koala plans of management

Following the preparation of a draft koala plan of management, the council—

- (a) must publicly exhibit the draft koala plan of management for a minimum period of 90 days, and
- (b) must give public notice on the council's website and in a local newspaper of the places, dates and times for inspection of the draft koala plan of management, and

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

- (c) must publicly exhibit a copy of the draft koala plan of management at the places, on the dates and during the times set out in the notice, and
- (d) must serve notice of the places, dates and times for inspection of the draft koala plan of management on landholders whose land is identified under clause 12(4) in the draft koala plan of management—
 - (i) by post, or
 - (ii) by email to an email address specified by the landholder for the service of notices by the council, and
- (e) must specify, in the notices referred to in paragraphs (b) and (d), the period during which submissions about the draft koala plan of management may be made to the council (which must include the period during which the draft koala plan of management is being publicly exhibited).

4.14 Approval of koala plans of management

- (1) A koala plan of management prepared in accordance with section 4.11 has no effect unless it is approved by the Planning Secretary.
- (2) The council on behalf of which the koala plan of management has been prepared must provide the following to the Planning Secretary—
 - (a) a report on submissions received as a result of the public consultation under section 4.13,
 - (b) a report on the survey of the land made under section 4.11(2)(b),
 - (c) any other documents that informed the preparation of the koala plan of management.
- (3) Before approving a koala plan of management, the Planning Secretary must provide the following to the Chief Executive Officer of Local Land Services and a Public Service employee designated by the Minister for Energy and Environment for comment—
 - (a) a copy of the draft koala plan of management,
 - (b) a copy of the report on submissions,
 - (c) a copy of the report on the survey of the land made under section 4.11(2)(b),
 - (d) any other documents that informed the preparation of the koala plan of management.
- (4) Before approving a koala plan of management, the Planning Secretary must obtain the concurrence of the Secretary of Regional NSW.
- (5) Before approving a koala plan of management submitted for approval under this section, the Planning Secretary may—
 - (a) request that amendments be made to the koala plan of management, and
 - (b) approve the koala plan of management conditional on the making of those amendments.
- (6) To avoid doubt, a koala plan of management conditionally approved under subsection (5)(b) is taken to be approved by the Planning Secretary on the making of those amendments.
- (7) A koala plan of management takes effect on—
 - (a) the day it is approved by the Planning Secretary, or
 - (b) if a later day is specified in the plan of management—the later day.

4.15 Subsequent koala plans of management

- (1) An approved koala plan of management may be amended or replaced by a subsequent koala plan of management prepared and approved in accordance with this Part.
- (2) The subsequent koala plan of management must be exhibited in accordance with this Part if the council is directed to do so by the Planning Secretary.

Part 4.4 Savings and transitional provisions**4.16 Existing development applications**

A development application made in relation to land, but not finally determined before this Chapter applied to the land, must be determined as if this Chapter had not commenced in its application to the land.

4.17 Documents taken to be koala plans of management

- (1) A plan of management approved under a former Koala SEPP in relation to the whole of a local government area or a part of a local government area and in force immediately before this Chapter is taken to be an approved koala plan of management.
- (2) The following documents published on the NSW planning portal are taken to be approved koala plans of management and may be renamed accordingly—
 - (a) *Byron Shire Draft koala plan of management*,
 - (b) *Tweed Shire Draft koala plan of management*.
- (3) An approved koala plan of management under this section applies to the land specified in the koala plan of management and accordingly section 4.8 extends to apply to that land.

4.18 Documents submitted as plans of management

- (1) This section applies to a document submitted to the Planning Secretary—

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

- (a) for approval as a koala plan of management in relation to the whole of a local government area or a part of a local government area, and
- (b) before this Chapter applied to the local government area.
- (2) Before approving a koala plan of management submitted for approval under this section, the Planning Secretary may—
 - (a) request that amendments be made to the koala plan of management, and
 - (b) approve the koala plan of management conditional on the making of those amendments.
- (3) To avoid doubt, a koala plan of management conditionally approved under subsection (2)(b) is taken to be approved by the Planning Secretary on the making of those amendments.
- (4) Despite sections 4.11–4.14, the Planning Secretary may approve the document as a koala plan of management for the local government area or part of the local government area.
- (5) To avoid doubt, the Planning Secretary may approve the document as a koala plan of management despite the document not having been prepared in accordance with the provisions of a former Koala SEPP.
- (6) On approval, the document is taken to be an approved koala plan of management.

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Appendix 6 References

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19. U.B.B.S. Urban Bushland Biodiversity Study (1997). National Parks and Wildlife Service, Hurstville Aust

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Appendix 7 PMST The 2017 with 52 threatened species report has been updated to reflect 2024 entries with 97 threatened species

No marine fauna are listed in Appendix 1.



Australian Government
Department of the Environment and Energy

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected.

Information on the coverage of this report and qualifications on data supporting this report are contained in the caveat at the end of the report.

Information is available about [Environment Assessments](#) and the EPBC Act including significance guidelines, forms and application process details.

Report created: 23/07/17 15:49:22

[Summary](#)

[Details](#)

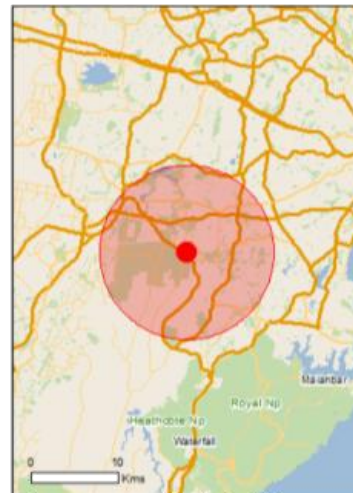
[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

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*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Summary****Matters of National Environmental Significance**

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance:	1
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	9
Listed Threatened Species:	72
Listed Migratory Species:	35

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <http://www.environment.gov.au/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Land:	15
Commonwealth Heritage Places:	4
Listed Marine Species:	48
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Commonwealth Reserves Marine:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have nominated.

State and Territory Reserves:	3
Regional Forest Agreements:	None
Invasive Species:	55
Nationally Important Wetlands:	2
Key Ecological Features (Marine)	None

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Details****Matters of National Environmental Significance**

Wetlands of International Importance (Ramsar)	[Resource Information]
Name	Proximity
Towra point nature reserve	Within 10km of Ramsar

Listed Threatened Ecological Communities	[Resource Information]
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For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Name	Status	Type of Presence
Castlereagh Scribbly Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion	Endangered	Community likely to occur within area
Coastal Upland Swamps in the Sydney Basin Bioregion	Endangered	Community likely to occur within area
Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion	Critically Endangered	Community likely to occur within area
Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest	Critically Endangered	Community likely to occur within area
Shale Sandstone Transition Forest of the Sydney Basin Bioregion	Critically Endangered	Community likely to occur within area
Subtropical and Temperate Coastal Saltmarsh	Vulnerable	Community likely to occur within area
Turpentine-Ironbark Forest of the Sydney Basin Bioregion	Critically Endangered	Community likely to occur within area
Upland Basalt Eucalypt Forests of the Sydney Basin Bioregion	Endangered	Community may occur within area
Western Sydney Dry Rainforest and Moist Woodland on Shale	Critically Endangered	Community may occur within area

Listed Threatened Species	[Resource Information]
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Name	Status	Type of Presence
Birds		
Anthochaera phrygia Regent Honeyeater [82338]	Critically Endangered	Species or species habitat known to occur within area
Botaurus poiciloptilus Australasian Bittern [1001]	Endangered	Species or species habitat known to occur within area
Calidris canutus Red Knot, Knot [855]	Endangered	Species or species habitat known to occur within area
Calidris ferruginea Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area
Dasyornis brachypterus Eastern Bristlebird [533]	Endangered	Species or species habitat likely to occur within area
Diomedea antipodensis Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Name	Status	Type of Presence
<u>Diomedea antipodensis gibsoni</u> Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
<u>Diomedea epomophora</u> Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
<u>Diomedea exulans</u> Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
<u>Diomedea sanfordi</u> Northern Royal Albatross [64456]	Endangered	Foraging, feeding or related behaviour likely to occur within area
<u>Grantiella picta</u> Painted Honeyeater [470]	Vulnerable	Species or species habitat may occur within area
<u>Lathamus discolor</u> Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area
<u>Macronectes giganteus</u> Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area
<u>Macronectes halli</u> Northern Giant Petrel [1061]	Vulnerable	Species or species habitat may occur within area
<u>Neophema chrysogaster</u> Orange-bellied Parrot [747]	Critically Endangered	Species or species habitat may occur within area
<u>Numenius madagascariensis</u> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area
<u>Pachyptila turtur subantarctica</u> Fairy Prion (southern) [64445]	Vulnerable	Species or species habitat known to occur within area
<u>Rostratula australis</u> Australian Painted Snipe [77037]	Endangered	Species or species habitat likely to occur within area
<u>Thalassarche bulleri</u> Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche bulleri platei</u> Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Species or species habitat may occur within area
<u>Thalassarche cauta cauta</u> Shy Albatross, Tasmanian Shy Albatross [82345]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Thalassarche cauta_steadii White-capped Albatross [82344]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Thalassarche eremita Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour likely to occur within area
Thalassarche impavida Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area
Name	Status	Type of Presence
Thalassarche melanophris Black-browed Albatross [66472]	Vulnerable	Species or species habitat may occur within area
Thalassarche salvini Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Fish		
Epinephelus daemeli Black Rockcod, Black Cod, Saddled Rockcod [68449]	Vulnerable	Species or species habitat likely to occur within area
Macquaria australasica Macquarie Perch [66632]	Endangered	Species or species habitat known to occur within area
Frogs		
Heleioporus australiacus Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat known to occur within area
Litoria aurea Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat known to occur within area
Litoria littlejohni Littlejohn's Tree Frog, Heath Frog [64733]	Vulnerable	Species or species habitat likely to occur within area
Litoria raniformis Growling Grass Frog, Southern Bell Frog, Green and Golden Frog, Warty Swamp Frog [1828]	Vulnerable	Species or species habitat may occur within area
Mixophyes balbus Stuttering Frog, Southern Barred Frog (in Victoria) [1942]	Vulnerable	Species or species habitat likely to occur within area
Mammals		
Chalinolobus dwyeri Large-eared Pied Bat, Large Pied Bat [183]	Vulnerable	Species or species habitat known to occur within area
Dasyurus maculatus_maculatus (SE mainland population) Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat known to occur within area
Isodon obesulus_obesulus Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south-eastern) [68050]	Endangered	Species or species habitat may occur within area
Petauroides volans Greater Glider [254]	Vulnerable	Species or species habitat known to occur within area
Petrogale penicillata Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat known to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point[Phascolarctos cinereus \(combined populations of Qld, NSW and the ACT\)](#)

Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Vulnerable	Species or species habitat known to occur within area
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[Pseudomys novaehollandiae](#)

New Holland Mouse, Pookila [96]	Vulnerable	Species or species habitat known to occur within area
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[Pteropus poliocephalus](#)

Grey-headed Flying-fox [186]	Vulnerable	Roosting known to occur within area
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Other

Name	Status	Type of Presence
<u>Pommerhelix duraiensis</u>		
Dural Land Snail [85268]	Endangered	Species or species habitat likely to occur within area

Plants

[Acacia bynoeana](#)

Bynoe's Wattle, Tiny Wattle [8575]	Vulnerable	Species or species habitat may occur within area
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[Acacia pubescens](#)

Downy Wattle, Hairy Stemmed Wattle [18800]	Vulnerable	Species or species habitat known to occur within area
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[Allocasuarina glauca](#)

[21932]	Endangered	Migration route known to occur within area
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[Asterolasia elegans](#)

[56780]	Endangered	Species or species habitat likely to occur within area
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[Caladenia tessellata](#)

Thick-lipped Spider-orchid, Daddy Long-legs [2119]	Vulnerable	Species or species habitat likely to occur within area
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[Cryptostylis hunteriana](#)

Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat may occur within area
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[Deyeuxia appressa](#)

[7438]	Endangered	Species or species habitat likely to occur within area
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[Eucalyptus camfieldii](#)

Camfield's Stringybark [15460]	Vulnerable	Species or species habitat likely to occur within area
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[Genoplesium baueri](#)

Yellow Gnat-orchid [7528]	Endangered	Species or species habitat known to occur within area
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[Grevillea parviflora subsp. parviflora](#)

Small-flower Grevillea [64910]	Vulnerable	Species or species habitat known to occur within area
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[Hibbertia puberula subsp. glabrescens](#)

[86645]	Critically Endangered	Species or species habitat known to occur within area
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[Leucopogon exolasius](#)

Woronora Beard-heath [14251]	Vulnerable	Species or species habitat likely to occur within area
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[Melaleuca biconvexa](#)

Biconvex Paperbark [5583]	Vulnerable	Species or species habitat may occur within area
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[Melaleuca deanei](#)

Deane's Melaleuca [5818]	Vulnerable	Species or species habitat likely to occur within area
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[Pelargonium sp. Striatellum \(G.W.Carr 10345\)](#)

Omeo Stork's-bill [84065]	Endangered	Species or species habitat may occur within area
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Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Persoonia hirsuta		
Hairy Geebung, Hairy Persoonia [19006]	Endangered	Species or species habitat likely to occur within area
Persoonia nutans		
Nodding Geebung [18119]	Endangered	Species or species habitat likely to occur within area
Name	Status	Type of Presence
Pimelea curviflora var. curviflora		
[4182]	Vulnerable	Species or species habitat likely to occur within area
Pimelea spicata		
Spiked Rice-flower [20834]	Endangered	Species or species habitat known to occur within area
Pterostylis gibbosa		
Illawarra Greenhood, Rufa Greenhood, Pouched Greenhood [4562]	Endangered	Species or species habitat known to occur within area
Pterostylis saxicola		
Sydney Plains Greenhood [64537]	Endangered	Species or species habitat known to occur within area
Syzygium paniculatum		
Magenta Lilly Pilly, Magenta Cherry, Daguba, Scrub Cherry, Creek Lilly Pilly, Brush Cherry [20307]	Vulnerable	Species or species habitat likely to occur within area
Thelymitra kangaloonica		
Kangaloon Sun Orchid [81861]	Critically Endangered	Species or species habitat may occur within area
Thesium australe		
Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat may occur within area
Reptiles		
Caretta caretta		
Loggerhead Turtle [1763]	Endangered	Species or species habitat likely to occur within area
Chelonia mydas		
Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area
Dermochelys coriacea		
Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Eretmochelys imbricata		
Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area
Hoplocephalus bungaroides		
Broad-headed Snake [1182]	Vulnerable	Species or species habitat known to occur within area
Natator depressus		
Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area
Listed Migratory Species [Resource Information]		
* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.		
Name	Threatened	Type of Presence
Migratory Marine Birds		
Anous stolidus		
Common Noddy [825]		Species or species habitat may occur within area
Apus pacificus		
Fork-tailed Swift [678]		Species or species habitat likely to occur within area
Diomedea epomophora		
Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea exulans		
Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely
Name	Threatened	Type of Presence
Fregata ariel		to occur within area
Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area
Fregata minor		
Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat may occur within area
Macronectes giganteus		
Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area
Macronectes halli		
Northern Giant Petrel [1061]	Vulnerable	Species or species habitat may occur within area
Thalassarche bulleri		
Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area
Thalassarche cauta		
Tasmanian Shy Albatross [89224]	Vulnerable*	Foraging, feeding or related behaviour likely to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Thalassarche melanophris Black-browed Albatross [66472]	Vulnerable	Species or species habitat may occur within area
Migratory Marine Species		
Caretta caretta Loggerhead Turtle [1763]	Endangered	Species or species habitat likely to occur within area
Chelonia mydas Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area
Dermochelys coriacea Leatherback Turtle, Leathery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area
Lamna nasus Porbeagle, Mackerel Shark [83288]		Species or species habitat likely to occur within area
Manta alfredi Reef Manta Ray, Coastal Manta Ray, Inshore Manta Ray, Prince Alfred's Ray, Resident Manta Ray [84994]		Species or species habitat may occur within area
Manta birostris Giant Manta Ray, Chevron Manta Ray, Pacific Manta Ray, Pelagic Manta Ray, Oceanic Manta Ray [84995]		Species or species habitat may occur within area
Natator depressus Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area
Migratory Terrestrial Species		
Cuculus optatus Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Name	Threatened	Type of Presence
Monarcha trivirgatus Spectacled Monarch [610]		habitat known to occur within area Species or species habitat may occur within area
Motacilla flava Yellow Wagtail [644]		 Species or species habitat likely to occur within area
Myiagra cyanoleuca Satin Flycatcher [612]		 Species or species habitat known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		 Species or species habitat known to occur within area
Migratory Wetlands Species		
Actitis hypoleucos Common Sandpiper [59309]		 Species or species habitat known to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point[Calidris acuminata](#)

Sharp-tailed Sandpiper [874]

Species or species habitat
known to occur within area[Calidris canutus](#)

Red Knot, Knot [855]

Endangered

Species or species habitat
known to occur within area[Calidris ferruginea](#)

Curlew Sandpiper [856]

Critically Endangered

Species or species habitat
likely to occur within area[Calidris melanotos](#)

Pectoral Sandpiper [858]

Species or species habitat
likely to occur within area[Gallinago hardwickii](#)

Latham's Snipe, Japanese Snipe [863]

Species or species habitat
may occur within area[Numenius madagascariensis](#)

Eastern Curlew, Far Eastern Curlew [847]

Critically Endangered

Species or species habitat
known to occur within area[Pandion haliaetus](#)

Osprey [952]

Species or species habitat
known to occur within area[Tringa nebularia](#)

Common Greenshank, Greenshank [832]

Species or species habitat
likely to occur within area

Other Matters Protected by the EPBC Act

Commonwealth Land

[\[Resource Information \]](#)

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Name

Commonwealth Land -

Commonwealth Land - Australian Nuclear Science & Technology Organisation

Commonwealth Land - Australian Postal Commission

Commonwealth Land - Australian Telecommunications Commission

Commonwealth Land - Australian Telecommunications Corporation

Commonwealth Land - Commonwealth Trading Bank of Australia

Commonwealth Land - Defence Housing Authority

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Name

Commonwealth Land - Defence Service Homes Corporation
 Commonwealth Land - Director of War Service Homes
 Commonwealth Land - Telstra Corporation Limited
 Defence - CAMP SAPPER-EAST HILLS (Lot 2) : CAMP SAPPER TRAINING AREA (Lot 1)
 Defence - EAST HILLS BARRACKS - OP SAFE HAVEN
 Defence - MOOREBANK AREA INC SME
 Defence - Suite 8, Library Plaza
 Defence - WET BRIDGING SITE - CASULA

Commonwealth Heritage Places

[Resource Information]

Name	State	Status
Indigenous		
Cubbitch Barta National Estate Area	NSW	Listed place
Historic		
Bankstown Airport Air Traffic Control Tower	NSW	Listed place
Defence National Storage and Distribution Centre	NSW	Listed place
Old Army / Internment Camp Group Holsworthy	NSW	Listed place

Listed Marine Species

[Resource Information]

* Species is listed under a different scientific name on the EPBC Act - Threatened Species list.

Name	Threatened	Type of Presence
Birds		
Actitis hypoleucos		Species or species habitat known to occur within area
Common Sandpiper [59309]		
Anous stolidus		Species or species habitat may occur within area
Common Noddy [825]		
Apus pacificus		Species or species habitat likely to occur within area
Fork-tailed Swift [678]		
Ardea alba		Species or species habitat known to occur within area
Great Egret, White Egret [59541]		
Ardea ibis		Species or species habitat may occur within area
Cattle Egret [59542]		
Calidris acuminata		Species or species habitat known to occur within area
Sharp-tailed Sandpiper [874]		
Calidris canutus	Endangered	Species or species habitat known to occur within area
Red Knot, Knot [855]		
Calidris ferruginea	Critically Endangered	Species or species habitat likely to occur within area
Curlew Sandpiper [856]		
Calidris melanotos		Species or species habitat likely to occur within area
Pectoral Sandpiper [858]		
Cuculus saturatus		Species or species habitat
Oriental Cuckoo, Himalayan Cuckoo [710]		

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point[Diomedea antipodensis](#)

Antipodean Albatross [64458]

Vulnerable

Foraging, feeding or related
behaviour likely to occur
within area[Diomedea epomophora](#)

Southern Royal Albatross [89221]

Vulnerable

Foraging, feeding or related
behaviour likely to occur
within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Name	Threatened	Type of Presence
Diomedea exulans Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Diomedea gibsoni Gibson's Albatross [64466]	Vulnerable*	Foraging, feeding or related behaviour likely to occur within area
Diomedea sanfordi Northern Royal Albatross [64456]	Endangered	Foraging, feeding or related behaviour likely to occur within area
Fregata ariel Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area
Fregata minor Great Frigatebird, Greater Frigatebird [1013]		Species or species habitat may occur within area
Gallinago hardwickii Latham's Snipe, Japanese Snipe [863]		Species or species habitat may occur within area
Haliaeetus leucogaster White-bellied Sea-Eagle [943]		Species or species habitat known to occur within area
Hirundapus caudacutus White-throated Needletail [682]		Species or species habitat known to occur within area
Lathamus discolor Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area
Macronectes giganteus Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area
Macronectes halli Northern Giant Petrel [1061]	Vulnerable	Species or species habitat may occur within area
Merops ornatus Rainbow Bee-eater [670]		Species or species habitat may occur within area
Monarcha melanopsis Black-faced Monarch [609]		Species or species habitat known to occur within area
Monarcha trivirgatus Spectacled Monarch [610]		Species or species habitat may occur within area
Motacilla flava Yellow Wagtail [644]		Species or species habitat likely to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point[Myiagra cyanoleuca](#)

Satin Flycatcher [612]

Species or species habitat
known to occur within area[Neophema chrysogaster](#)

Orange-bellied Parrot [747]

Critically Endangered

Species or species habitat
may occur within area[Numenius madagascariensis](#)

Eastern Curlew, Far Eastern Curlew [847]

Critically Endangered

Species or species habitat
known to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Name	Threatened	Type of Presence
Pachyptila turtur Fairy Prion [1066]		Species or species habitat known to occur within area
Pandion haliaetus Osprey [952]		Species or species habitat known to occur within area
Rhipidura rufifrons Rufous Fantail [592]		Species or species habitat known to occur within area
Rostratula benghalensis (sensu lato) Painted Snipe [889]	Endangered*	Species or species habitat likely to occur within area
Thalassarche bulleri Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area
Thalassarche cauta Tasmanian Shy Albatross [89224]	Vulnerable*	Foraging, feeding or related behaviour likely to occur within area
Thalassarche eremita Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour likely to occur within area
Thalassarche impavida Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area
Thalassarche melanophris Black-browed Albatross [66472]	Vulnerable	Species or species habitat may occur within area
Thalassarche salvini Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area
Thalassarche sp. nov. Pacific Albatross [66511]	Vulnerable*	Species or species habitat may occur within area
Thalassarche steadi White-capped Albatross [64462]	Vulnerable*	Foraging, feeding or related behaviour likely to occur within area
Tringa nebularia Common Greenshank, Greenshank [832]		Species or species habitat likely to occur within area

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Reptiles**[Caretta caretta](#)

Loggerhead Turtle [1763]

Endangered

Species or species habitat likely to occur within area

[Chelonia mydas](#)

Green Turtle [1765]

Vulnerable

Species or species habitat known to occur within area

[Dermochelys coriacea](#)

Leatherback Turtle, Leathery Turtle, Luth [1768]

Endangered

Species or species habitat known to occur within area

[Eretmochelys imbricata](#)

Hawksbill Turtle [1766]

Vulnerable

Species or species habitat known to occur within area

[Natator depressus](#)

Flatback Turtle [59257]

Vulnerable

Species or species habitat known to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Extra Information

State and Territory Reserves	[Resource Information]
Name	State
Gandangara	NSW
Georges River	NSW
Leacock	NSW

Invasive Species	[Resource Information]
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Weeds reported here are the 20 species of national significance (WoNS), along with other introduced plants that are considered by the States and Territories to pose a particularly significant threat to biodiversity. The following feral animals are reported: Goat, Red Fox, Cat, Rabbit, Pig, Water Buffalo and Cane Toad. Maps from Landscape Health Project, National Land and Water Resources Audit, 2001.

Name	Status	Type of Presence
Birds		
Acridotheres tristis Common Myna, Indian Myna [387]		Species or species habitat likely to occur within area
Alauda arvensis Skylark [656]		Species or species habitat likely to occur within area
Anas platyrhynchos Mallard [974]		Species or species habitat likely to occur within area
Carduelis carduelis European Goldfinch [403]		Species or species habitat likely to occur within area
Carduelis chloris European Greenfinch [404]		Species or species habitat likely to occur within area
Columba livia Rock Pigeon, Rock Dove, Domestic Pigeon [803]		Species or species habitat likely to occur within area
Lonchura punctulata Nutmeg Mannikin [399]		Species or species habitat likely to occur within area
Passer domesticus House Sparrow [405]		Species or species habitat likely to occur within area
Passer montanus Eurasian Tree Sparrow [406]		Species or species habitat likely to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Name	Status	Type of Presence
Pycnonotus jocosus Red-whiskered Bulbul [631]		Species or species habitat likely to occur within area
Streptopelia chinensis Spotted Turtle-Dove [780]		Species or species habitat likely to occur within area
Sturnus vulgaris Common Starling [389]		Species or species habitat likely to occur within area
Turdus merula Common Blackbird, Eurasian Blackbird [596]		Species or species habitat likely to occur within area
Frogs		
Rhinella marina Cane Toad [83218]		Species or species habitat likely to occur within area
Mammals		
Bos taurus Domestic Cattle [16]		Species or species habitat likely to occur within area
Canis lupus familiaris Domestic Dog [82654]		Species or species habitat likely to occur within area
Felis catus Cat, House Cat, Domestic Cat [19]		Species or species habitat likely to occur within area
Feral deer Feral deer species in Australia [85733]		Species or species habitat likely to occur within area
Lepus capensis Brown Hare [127]		Species or species habitat likely to occur within area
Mus musculus House Mouse [120]		Species or species habitat likely to occur within area
Oryctolagus cuniculus Rabbit, European Rabbit [128]		Species or species habitat likely to occur within area
Rattus norvegicus Brown Rat, Norway Rat [83]		Species or species habitat likely to occur within area
Rattus rattus Black Rat, Ship Rat [84]		Species or species habitat likely to occur within area
Vulpes vulpes Red Fox, Fox [18]		Species or species habitat likely to occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Plants		
Alternanthera philoxeroides		
Alligator Weed [11620]		Species or species habitat likely to occur within area
Anredera cordifolia		
Madeira Vine, Jalap, Lamb's-tail, Mignonette Vine, Anredera, Gulf Madeiravine, Heartleaf Madeiravine, Potato Vine [2643]		Species or species habitat likely to occur within area
Asparagus aethiopicus		
Asparagus Fern, Ground Asparagus, Basket Fern,		Species or species

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Name	Status	Type of Presence
Sprengi's Fern, Bushy Asparagus, Emerald Asparagus [62425]		habitat likely to occur within area
Asparagus asparagoides		
Bridal Creeper, Bridal Veil Creeper, Smilax, Florist's Smilax, Smilax Asparagus [22473]		Species or species habitat likely to occur within area
Asparagus plumosus		
Climbing Asparagus-fern [48993]		Species or species habitat likely to occur within area
Asparagus scandens		
Asparagus Fern, Climbing Asparagus Fern [23255]		Species or species habitat likely to occur within area
Cabomba caroliniana		
Cabomba, Fanwort, Carolina Watershield, Fish Grass, Washington Grass, Watershield, Carolina Fanwort, Common Cabomba [5171]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera		
Bitou Bush, Boneseed [18983]		Species or species habitat may occur within area
Chrysanthemoides monilifera subsp. monilifera		
Boneseed [16905]		Species or species habitat likely to occur within area
Chrysanthemoides monilifera subsp. rotundata		
Bitou Bush [16332]		Species or species habitat likely to occur within area
Cytisus scoparius		
Broom, English Broom, Scotch Broom, Common Broom, Scottish Broom, Spanish Broom [5934]		Species or species habitat likely to occur within area
Dolichandra unguis-cati		
Cat's Claw Vine, Yellow Trumpet Vine, Cat's Claw Creeper, Funnel Creeper [85119]		Species or species habitat likely to occur within area
Eichhornia crassipes		
Water Hyacinth, Water Orchid, Nile Lily [13466]		Species or species habitat likely to occur within area
Genista linifolia		
Flax-leaved Broom, Mediterranean Broom, Flax Broom [2800]		Species or species habitat likely to occur within area
Genista monspessulana		
Montpellier Broom, Cape Broom, Canary Broom, Common Broom, French Broom, Soft Broom [20126]		Species or species habitat likely to occur within area
Genista sp. X Genista monspessulana		
Broom [67538]		Species or species habitat may occur within area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Lantana camara Lantana, Common Lantana, Kamara Lantana, Large- leaf Lantana, Pink Flowered Lantana, Red Flowered Lantana, Red-Flowered Sage, White Sage, Wild Sage [10892]	Species or species habitat likely to occur within area
Lycium ferocissimum African Boxthorn, Boxthorn [19235]	Species or species habitat likely to occur within area
Nassella neesiana Chilean Needle grass [67699]	Species or species habitat likely to occur within area
Nassella trichotoma Serrated Tussock, Yass River Tussock, Yass Tussock, Nassella Tussock (NZ) [18884]	Species or species habitat likely to occur within area
Opuntia spp. Prickly Pears [82753]	Species or species

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Name	Status	Type of Presence
		habitat likely to occur within area
Pinus radiata Radiata Pine Monterey Pine, Insignis Pine, Wilding Pine [20780]		Species or species habitat may occur within area
Protasparagus densiflorus Asparagus Fern, Plume Asparagus [5015]		Species or species habitat likely to occur within area
Protasparagus plumosus Climbing Asparagus-fern, Ferny Asparagus [11747]		Species or species habitat likely to occur within area
Rubus fruticosus aggregate Blackberry, European Blackberry [68406]		Species or species habitat likely to occur within area
Sagittaria platyphylla Delta Arrowhead, Arrowhead, Slender Arrowhead [68483]		Species or species habitat likely to occur within area
Salix spp. except S.babylonica, S.x calodendron & S.x reichardtii Willows except Weeping Willow, Pussy Willow and Sterile Pussy Willow [68497]		Species or species habitat likely to occur within area
Salvinia molesta Salvinia, Giant Salvinia, Aquarium Watermoss, Kariba Weed [13665]		Species or species habitat likely to occur within area
Senecio madagascariensis Fireweed, Madagascar Ragwort, Madagascar Groundsel [2624]		Species or species habitat likely to occur within area
Ulex europaeus Gorse, Furze [7693]		Species or species habitat likely to occur within area
Reptiles		
Hemidactylus frenatus Asian House Gecko [1708]		Species or species habitat likely to occur within area
Nationally Important Wetlands		[Resource Information]
Name	State	
Liverpool Military Training Area	NSW	
Voyager Point	NSW	

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Caveat

The information presented in this report has been provided by a range of data sources as acknowledged at the end of the report.

This report is designed to assist in identifying the locations of places which may be relevant in determining obligations under the Environment Protection and Biodiversity Conservation Act 1999. It holds mapped locations of World and National Heritage properties, Wetlands of International and National Importance, Commonwealth and State/Territory reserves, listed threatened, migratory and marine species and listed threatened ecological communities. Mapping of Commonwealth land is not complete at this stage. Maps have been collated from a range of sources at various resolutions.

Not all species listed under the EPBC Act have been mapped (see below) and therefore a report is a general guide only. Where available data supports mapping, the type of presence that can be determined from the data is indicated in general terms. People using this information in making a referral may need to consider the qualifications below and may need to seek and consider other information sources.

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Threatened, migratory and marine species distributions have been derived through a variety of methods. Where distributions are well known and if time permits, maps are derived using either thematic spatial data (i.e. vegetation, soils, geology, elevation, aspect, terrain, etc) together with point locations and described habitat, or environmental modelling (MAXENT or BIOCLIM habitat modelling) using point locations and environmental data layers.

Where very little information is available for species or large number of maps are required in a short time-frame, maps are derived either from 0.04 or 0.02 decimal degree cells; by an automated process using polygon capture techniques (static two kilometre grid cells, alpha-hull and convex hull); or captured manually or by using topographic features (national park boundaries, islands, etc). In the early stages of the distribution mapping process (1999-early 2000s) distributions were defined by degree blocks, 100K or 250K map sheets to rapidly create distribution maps. More reliable distribution mapping methods are used to update these distributions as time permits.

Only selected species covered by the following provisions of the EPBC Act have been mapped:

- migratory and
- marine

The following species and ecological communities have not been mapped and do not appear in reports produced from this database:

- threatened species listed as extinct or considered as vagrants
- some species and ecological communities that have only recently been listed
- some terrestrial species that overfly the Commonwealth marine area
- migratory species that are very widespread, vagrant, or only occur in small numbers

The following groups have been mapped, but may not cover the complete distribution of the species:

- non-threatened seabirds which have only been mapped for recorded breeding sites
- seals which have only been mapped for breeding sites near the Australian continent

Such breeding sites may be important for the protection of the Commonwealth Marine environment.

Coordinates

-33.97275 150.98356

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Acknowledgements**

This database has been compiled from a range of data sources. The department acknowledges the following custodians who have contributed valuable data and advice:

- [-Office of Environment and Heritage, New South Wales](#)
- [-Department of Environment and Primary Industries, Victoria](#)
- [-Department of Primary Industries, Parks, Water and Environment, Tasmania](#)
- [-Department of Environment, Water and Natural Resources, South Australia](#)
- [-Department of Land and Resource Management, Northern Territory](#)
- [-Department of Environmental and Heritage Protection, Queensland](#)
- [-Department of Parks and Wildlife, Western Australia](#)
- [-Environment and Planning Directorate, ACT](#)
- [-Birdlife Australia](#)
- [-Australian Bird and Bat Banding Scheme](#)
- [-Australian National Wildlife Collection](#)
- [-Natural history museums of Australia](#)
- [-Museum Victoria](#)
- [-Australian Museum](#)
- [-South Australian Museum](#)
- [-Queensland Museum](#)
- [-Online Zoological Collections of Australian Museums](#)
- [-Queensland Herbarium](#)
- [-National Herbarium of NSW](#)
- [-Royal Botanic Gardens and National Herbarium of Victoria](#)
- [-Tasmanian Herbarium](#)
- [-State Herbarium of South Australia](#)
- [-Northern Territory Herbarium](#)
- [-Western Australian Herbarium](#)
- [-Australian National Herbarium, Canberra](#)
- [-University of New England](#)
- [-Ocean Biogeographic Information System](#)
- [-Australian Government, Department of Defence](#)
- [Forestry Corporation, NSW](#)
- [-Geoscience Australia](#)
- [-CSIRO](#)
- [-Australian Tropical Herbarium, Cairns](#)
- [-eBird Australia](#)
- [-Australian Government – Australian Antarctic Data Centre](#)
- [-Museum and Art Gallery of the Northern Territory](#)
- [-Australian Government National Environmental Science Program](#)
- [-Australian Institute of Marine Science](#)
- [-Reef Life Survey Australia](#)
- [-American Museum of Natural History](#)
- [-Queen Victoria Museum and Art Gallery, Inveresk, Tasmania](#)
- [-Tasmanian Museum and Art Gallery, Hobart, Tasmania](#)
- Other groups and individuals

The Department is extremely grateful to the many organisations and individuals who provided expert advice and information on numerous draft distributions.

Please feel free to provide feedback via the [Contact Us](#) page.

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Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point



Australian Government
Department of Climate Change, Energy,
the Environment and Water

EPBC Act Protected Matters Report

This report provides general guidance on matters of national environmental significance and other matters protected by the EPBC Act in the area you have selected. Please see the caveat for interpretation of information provided here.

Report created: 18-Mar-2024

[Summary](#)

[Details](#)

[Matters of NES](#)

[Other Matters Protected by the EPBC Act](#)

[Extra Information](#)

[Caveat](#)

[Acknowledgements](#)

*Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point***Matters of National Environment Significance**

This part of the report summarises the matters of national environmental significance that may occur in, or may relate to, the area you nominated. Further information is available in the detail part of the report, which can be accessed by scrolling or following the links below. If you are proposing to undertake an activity that may have a significant impact on one or more matters of national environmental significance then you should consider the [Administrative Guidelines on Significance](#).

World Heritage Properties:	None
National Heritage Places:	None
Wetlands of International Importance (Ramsar):	1
Great Barrier Reef Marine Park:	None
Commonwealth Marine Area:	None
Listed Threatened Ecological Communities:	12
Listed Threatened Species:	97
Listed Migratory Species:	43

Other Matters Protected by the EPBC Act

This part of the report summarises other matters protected under the Act that may relate to the area you nominated. Approval may be required for a proposed activity that significantly affects the environment on Commonwealth land, when the action is outside the Commonwealth land, or the environment anywhere when the action is taken on Commonwealth land. Approval may also be required for the Commonwealth or Commonwealth agencies proposing to take an action that is likely to have a significant impact on the environment anywhere.

The EPBC Act protects the environment on Commonwealth land, the environment from the actions taken on Commonwealth land, and the environment from actions taken by Commonwealth agencies. As heritage values of a place are part of the 'environment', these aspects of the EPBC Act protect the Commonwealth Heritage values of a Commonwealth Heritage place. Information on the new heritage laws can be found at <https://www.dcceew.gov.au/parks-heritage/heritage>

A [permit](#) may be required for activities in or on a Commonwealth area that may affect a member of a listed threatened species or ecological community, a member of a listed migratory species, whales and other cetaceans, or a member of a listed marine species.

Commonwealth Lands:	846
Commonwealth Heritage Places:	3
Listed Marine Species:	52
Whales and Other Cetaceans:	None
Critical Habitats:	None
Commonwealth Reserves Terrestrial:	None
Australian Marine Parks:	None
Habitat Critical to the Survival of Marine Turtles:	None

Extra Information

This part of the report provides information that may also be relevant to the area you have

State and Territory Reserves:	2
Regional Forest Agreements:	None
Nationally Important Wetlands:	2
EPBC Act Referrals:	23
Key Ecological Features (Marine):	None
Biologically Important Areas:	None
Bioregional Assessments:	None
Geological and Bioregional Assessments:	None

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Details

Matters of National Environmental Significance

Wetlands of International Importance (Ramsar Wetlands)

[Resource Information]

Ramsar Site Name	Proximity	Buffer Status
Toera point nature reserve	Within 10km of Ramsar site	In buffer area only

Listed Threatened Ecological Communities

[Resource Information]

For threatened ecological communities where the distribution is well known, maps are derived from recovery plans, State vegetation maps, remote sensing imagery and other sources. Where threatened ecological community distributions are less well known, existing vegetation maps and point location data are used to produce indicative distribution maps.

Status of Vulnerable, Endangered and Ineligible are not MNES under the EPBC Act.

Community Name	Threatened Category	Presence Text	Buffer Status
Castlereagh Scrubby Gum and Agnes Banks Woodlands of the Sydney Basin Bioregion	Endangered	Community likely to occur within area	In feature area
Coastal Swamp Oak (Casuarina glauca) Forest of New South Wales and South East Queensland ecological community	Endangered	Community likely to occur within area	In feature area
Coastal Swamp Sclerophyll Forest of New South Wales and South East Queensland	Endangered	Community likely to occur within area	In buffer area only
Coastal Upland Swamps in the Sydney Basin Bioregion	Endangered	Community may occur in buffer area only within area	In buffer area only
Cooks River/Castlereagh Ironbark Forest of the Sydney Basin Bioregion	Critically Endangered	Community likely to occur within area	In buffer area only
Cumberland Plain Shale Woodlands and Shale Gravel Transition Forest	Critically Endangered	Community likely to occur within area	In buffer area only
River flat eucalypt forest on coastal floodplains of southern New South Wales and eastern Victoria	Critically Endangered	Community likely to occur within area	In feature area
Shale Sandstone Transition Forest of the Sydney Basin Bioregion	Critically Endangered	Community likely to occur within area	In feature area
Subtropical and Temperate Coastal Saltmarsh	Vulnerable	Community likely to occur within area	In buffer area only
Turpentine Ironbark Forest of the Sydney Basin Bioregion	Critically Endangered	Community likely to occur within area	In buffer area only

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Community Name	Threatened Category	Presence Text	Buffer Status
Upland Breat Eucalypt Forests of the Sydney Basin Bioregion	Endangered	Community may occur in feature area within area	
Western Sydney Dry Rainforest and Moist Woodland on Shale	Critically Endangered	Community may occur in feature area within area	
Listed Threatened Species		[Resource Information]	
Status of Conservation Dependent and Extinct are not MNES under the EPBC Act.			
Number is the current name ID			
Scientific Name	Threatened Category	Presence Text	Buffer Status
BIRD			
Archaeopteryx phrygia			
Regent Honeyeater [82338]	Critically Endangered	Species or species habitat known to occur within area	In feature area
Arremonops leucostis			
Southern Whiteface [529]	Vulnerable	Species or species habitat may occur within area	In feature area
Arenaria grisea			
Sooty Shearwater [82651]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only
Botaurus poecilopus			
Australasian Bittern [1001]	Endangered	Species or species habitat known to occur within area	In feature area
Calidris acuminata			
Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat known to occur within area	In feature area
Calidris canutus			
Red Knot, Knot [855]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Calidris ferruginea			
Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Cathartus loricatus			
Gang-gang Cockatoo [768]	Endangered	Species or species habitat likely to occur within area	In feature area
Calyptodendron lathami lathami			
South-eastern Glossy Black-Cockatoo [67036]	Vulnerable	Species or species habitat known to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
<u>Charadrius leschenaulti</u> Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat may occur within area	In feature area
<u>Chondestes pacificus victorinus</u> Brown Treecreeper (south-eastern) [67062]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<u>Dasypops brachypterus</u> Eastern Bristlebird [533]	Endangered	Species or species habitat may occur within area	In feature area
<u>Diomedea antipodensis</u> Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<u>Diomedea antipodensis pilsbryi</u> Gibson's Albatross [82270]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<u>Diomedea epomophora</u> Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<u>Diomedea exulans</u> Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<u>Diomedea immutabilis</u> Northern Royal Albatross [64456]	Endangered	Species or species habitat may occur within area	In buffer area only
<u>Erythrotriorchis radiatus</u> Red Goshawk [942]	Endangered	Species or species habitat may occur within area	In feature area
<u>Falco hypoleucos</u> Grey Falcon [929]	Vulnerable	Species or species habitat likely to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Test	Buffer Status
<u>Gallinago hardwicki</u> Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat known to occur within area	In feature area
<u>Gractella picta</u> Painted Honeyeater [470]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<u>Hirundapus caudacutus</u> White-throated Needletail [662]	Vulnerable	Species or species habitat known to occur within area	In feature area
<u>Lathamus discolor</u> Swift Parrot [744]	Critically Endangered	Species or species habitat known to occur within area	In feature area
<u>Limosa lapponica borealis</u> Nunivak Bar-tailed Godwit, Western Alaskan Bar-tailed Godwit [86360]	Endangered	Species or species habitat may occur within area	In buffer area only
<u>Macronectes giganteus</u> Southern Giant Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area	In buffer area only
<u>Macronectes halli</u> Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
<u>Melanodryas cucullata cucullata</u> South-eastern Hooded Robin, Hooded Robin (south-eastern) [67063]	Endangered	Species or species habitat likely to occur within area	In feature area
<u>Neophema chrysogaster</u> Orange-bellied Parrot [747]	Critically Endangered	Species or species habitat may occur within area	In buffer area only
<u>Neophema chrysostoma</u> Blue-winged Parrot [726]	Vulnerable	Species or species habitat may occur within area	In feature area
<u>Numenius madagascariensis</u> Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Pachyptila turtur subantarctica Fairy Prion (southern) [64445]	Vulnerable	Species or species habitat known to occur within area	In feature area
Pycnonotus floccosus Piothead [525]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Rostratula australis Australian Painted Snipe [77037]	Endangered	Species or species habitat known to occur within area	In feature area
Steganopleura pacifica Diamond Firetail [59398]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Sternula nereis nereis Australian Fairy Tern [82950]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Thalassarche bulleri Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Thalassarche bulleri phaeo Northern Buller's Albatross, Pacific Albatross [82273]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Thalassarche caudata Shy Albatross [89224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarche eremita Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour may occur within area	In buffer area only
Thalassarche impendens Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Thalassarche melanochroa Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Thalassarcha adeliae Sahlin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarcha steadi White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In buffer area only
Tinga nebulosa Common Greenshank, Greenshank [832]	Endangered	Species or species habitat likely to occur within area	In feature area
FISH			
Epargyreus dorsalis Black Rockcod, Black Cod, Saddled Rockcod [68449]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only
Macquaria australasica Macquarie Perch [66632]	Endangered	Species or species habitat known to occur within area	In feature area
FROG			
Heleioporus australiacus Giant Burrowing Frog [1973]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Litoria aurea Green and Golden Bell Frog [1870]	Vulnerable	Species or species habitat known to occur within area	In feature area
Mixophyes baltes Stuttering Frog, Southern Banded Frog (in Victoria) [1942]	Vulnerable	Species or species habitat may occur within area	In buffer area only
MAMMAL			
Chalinorbus fagei Large-eared Pied Bat, Large Pied Bat [183]	Endangered	Species or species habitat known to occur within area	In feature area
Dasyurus maculatus maculatus (SE mainland population) Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population) [75184]	Endangered	Species or species habitat known to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Isodon chrysillus chrysillus Southern Brown Bandicoot (eastern), Southern Brown Bandicoot (south- eastern) [68050]	Endangered	Species or species habitat may occur within area	In buffer area only
Notamacropus parma Parma Wallaby [89289]	Vulnerable	Species or species habitat may occur within area	In feature area
Petauroides volans Greater Glider (southern and central) [254]	Endangered	Species or species habitat known to occur within area	In feature area
Petaurus australis australis Yellow-bellied Glider (south-eastern) [87600]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Petropala penicillata Brush-tailed Rock-wallaby [225]	Vulnerable	Species or species habitat may occur within area	In feature area
Phascolictes cinereus (combined populations of Qld, NSW and the ACT) Koala (combined populations of Queensland, New South Wales and the Australian Capital Territory) [85104]	Endangered	Species or species habitat known to occur within area	In feature area
Pseudomys novaehollandiae New Holland Mouse, Pookla [90]	Vulnerable	Species or species habitat known to occur within area	In feature area
Pteropus poliocephalus Grey-headed Flying-fox [186]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In feature area
PLANT			
Acacia baileyi subsp. aspera [18662]	Endangered	Species or species habitat may occur within area	In buffer area only
Acacia brysoniana Bryson's Wattle, Tiny Wattle [8575]	Vulnerable	Species or species habitat may occur within area	In feature area
Acacia pubescens Downy Wattle, Hairy Stemmed Wattle [18800]	Vulnerable	Species or species habitat known to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
<i>Acacia terminalis</i> subsp. <i>Eastern Sydney</i> (G.P. Phillips 126) listed as <i>Acacia terminalis</i> subsp. <i>terminalis</i> MS			In feature area
Sunshine Wattle (Sydney region) [91564]	Endangered	Species or species habitat may occur within area	
<i>Allocasuarina platensis</i> [21932]	Endangered	Migration route known in feature area to occur within area	
<i>Caladenia tessellata</i>			
Thick-lipped Spider-orchid, Daddy Long-legs [2119]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<i>Cryptostylis hunteriana</i>			
Leafless Tongue-orchid [19533]	Vulnerable	Species or species habitat likely to occur within area	In feature area
<i>Cynactrum elegans</i>			
White-flowered Wax Plant [12533]	Endangered	Species or species habitat likely to occur within area	In feature area
<i>Dryas acronotus</i> [7438]	Endangered	Species or species habitat likely to occur within area	In buffer area only
<i>Eucalyptus camfieldi</i>			
Camfield's Stringybark [15460]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
<i>Gongolium baueri</i>			
Yellow Gnat-orchid, Bauer's Midge Orchid, Bittle Midge Orchid [7528]	Endangered	Species or species habitat likely to occur within area	In feature area
<i>Grevillea parviflora</i> subsp. <i>parviflora</i>			
Small-flower Grevillea [64910]	Vulnerable	Species or species habitat known to occur within area	In feature area
<i>Hibbertia puberula</i> subsp. <i>platyacens</i> [86645]	Critically Endangered	Species or species habitat known to occur within area	In buffer area only
<i>Leucopogon exaltatus</i>			
Woronora Beard-heath [14251]	Vulnerable	Species or species habitat known to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Metaleuca bicolorata Biconvex Paperbark [5563]	Vulnerable	Species or species habitat may occur within area	In feature area
Metaleuca dealata Deane's Metaleuca [5816]	Vulnerable	Species or species habitat known to occur within area	In feature area
Persicaria elatior Knotweed, Tall Knotweed [5831]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Persoonia hirsuta Hairy Geebung, Hairy Persoonia [19006]	Endangered	Species or species habitat likely to occur within area	In feature area
Persoonia nutans Nodding Geebung [18119]	Endangered	Species or species habitat known to occur within area	In feature area
Pimelea curviflora var. curviflora [4182]	Vulnerable	Species or species habitat may occur within area	In feature area
Pimelea spicata Spiked Rice-flower [20634]	Endangered	Species or species habitat likely to occur within area	In buffer area only
Pomadouria brunnea Rufous Pomadouria, Brown Pomadouria [16645]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Pterostylis saxicola Sydney Plains Greenhood [64537]	Endangered	Species or species habitat known to occur within area	In feature area
Pylaeospora aristata [18062]	Vulnerable	Species or species habitat known to occur within area	In feature area
Rhizanthella slateri Eastern Underground Orchid [11766]	Endangered	Species or species habitat may occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Rhodomyrtos rubescens Scrub Turpentine, Brown Malletwood [15763]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Rhodomyrtos posidoides Native Guava [19162]	Critically Endangered	Species or species habitat may occur within area	In feature area
Strydomia paniculatum Magenta Lily Pilly, Magenta Cherry, Dagubia, Scrub Cherry, Creek Lily Pilly, Brush Cherry [20307]	Vulnerable	Species or species habitat likely to occur within area	In feature area
Thelymitra kangarooensis Kangaroo Sun Orchid [81861]	Critically Endangered	Species or species habitat may occur within area	In feature area
Treehyla australis Austral Toadflax, Toadflax [15202]	Vulnerable	Species or species habitat known to occur within area	In feature area
REPTILE			
Carolina carolina Loggerhead Turtle [1763]	Endangered	Species or species habitat likely to occur within area	In buffer area only
Chelonia mydas Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Diplura impar Striped Legless Lizard, Striped Snake- lizard [1549]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Dermochelys coriacea Leatherback Turtle, Lethery Turtle, Luth [1768]	Endangered	Species or species habitat known to occur within area	In buffer area only
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Hoplocephalus bungaroides Broad-headed Snake [1182]	Endangered	Species or species habitat likely to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Nabatator depressus Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
SHARK			
Sphyrna lewini Scalloped Hammerhead [85267]	Conservation Dependent	Species or species habitat likely to occur within area	In buffer area only
Listed Migratory Species		[Resource Information]	
Scientific Name	Threatened Category	Presence Text	Buffer Status
Migratory Marine Birds			
Anous stolidus Common Noddy [825]		Species or species habitat may occur within area	In buffer area only
Apus pacificus Fork-tailed Swift [678]		Species or species habitat likely to occur within area	In feature area
Ardenna grisea Sooty Shearwater [82651]	Vulnerable	Species or species habitat likely to occur within area	In buffer area only
Diomedea antipodensis Antipodean Albatross [64458]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea eximiosa Southern Royal Albatross [89221]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea exilis Wandering Albatross [89223]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Diomedea sanfordi Northern Royal Albatross [64456]	Endangered	Species or species habitat may occur within area	In buffer area only
Fregata ariel Lesser Frigatebird, Least Frigatebird [1012]		Species or species habitat likely to occur within area	In buffer area only

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Macronectes giganteus Southern Giant-Petrel, Southern Giant Petrel [1060]	Endangered	Species or species habitat may occur within area	In buffer area only
Macronectes halli Northern Giant Petrel [1061]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Phaethon lepturus White-tailed Tropicbird [1014]		Species or species habitat may occur within area	In buffer area only
Thalassarche bulleri Buller's Albatross, Pacific Albatross [64460]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Thalassarche cauta Shy Albatross [69224]	Endangered	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarche chelstoni Chatham Albatross [64457]	Endangered	Foraging, feeding or related behaviour may occur within area	In buffer area only
Thalassarche impatiens Campbell Albatross, Campbell Black-browed Albatross [64459]	Vulnerable	Species or species habitat may occur within area	In buffer area only
Thalassarche melanochroa Black-browed Albatross [66472]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In feature area
Thalassarche salvini Salvin's Albatross [64463]	Vulnerable	Foraging, feeding or related behaviour likely to occur within area	In buffer area only
Thalassarche steadi White-capped Albatross [64462]	Vulnerable	Foraging, feeding or related behaviour known to occur within area	In buffer area only
Migratory Marine Species			

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Caretta caretta Loggerhead Turtle [1763]	Endangered	Species or species habitat likely to occur within area	In buffer area only
Chelonia mydas Green Turtle [1765]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Dermochelys coriacea Leatherback Turtle, Leathery Turtle, Luth [1766]	Endangered	Species or species habitat known to occur within area	In buffer area only
Eretmochelys imbricata Hawksbill Turtle [1766]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Lamna nasus Porbeagle, Mackerel Shark [83288]		Species or species habitat likely to occur within area	In buffer area only
Mobula alfredi as Manta alfredi Reef Manta Ray, Coastal Manta Ray [90033]		Species or species habitat may occur within area	In buffer area only
Mobula birostris as Manta birostris Giant Manta Ray [90034]		Species or species habitat may occur within area	In buffer area only
Natator depressus Flatback Turtle [59257]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Migratory Terrestrial Species			
Cuculix rufellus Oriental Cuckoo, Horsfield's Cuckoo [86651]		Species or species habitat may occur within area	In feature area
Hirundapus caudacutus White-throated Needletail [582]	Vulnerable	Species or species habitat known to occur within area	In feature area
Monarcha melanops Black-faced Monarch [606]		Species or species habitat known to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Motacilla flava Yellow Wagtail [644]		Species or species habitat likely to occur within area	In feature area
Myiagra cyaneoleuca Satin Flycatcher [612]		Species or species habitat known to occur within area	In feature area
Rhipidura rubrifrons Rufous Fantail [592]		Species or species habitat known to occur within area	In feature area
Symplectes triaspilus or Monarcha triaspilus Speckled Monarch [63946]		Species or species habitat may occur within area	In buffer area only
Migratory Wetlands Species			
Actitis hypoleucos Common Sandpiper [59309]		Species or species habitat known to occur within area	In feature area
Calidris acuminata Sharp-tailed Sandpiper [874]	Vulnerable	Species or species habitat known to occur within area	In feature area
Calidris canutus Red Knot, Knot [856]	Vulnerable	Species or species habitat known to occur within area	In buffer area only
Calidris forbesiana Curlew Sandpiper [856]	Critically Endangered	Species or species habitat likely to occur within area	In feature area
Calidris melanotos Pectoral Sandpiper [858]		Species or species habitat likely to occur within area	In feature area
Charadrius leschenaulti Greater Sand Plover, Large Sand Plover [877]	Vulnerable	Species or species habitat may occur within area	In feature area
Gallinago hardwicki Latham's Snipe, Japanese Snipe [863]	Vulnerable	Species or species habitat known to occur within area	In feature area

Fauna & Flora Assessment Lot 74 DP 1134477 Pleasure Point Road, Pleasure Point

Scientific Name	Threatened Category	Presence Text	Buffer Status
Nectarinia madagascariensis Eastern Curlew, Far Eastern Curlew [847]	Critically Endangered	Species or species habitat known to occur within area	In feature area
Pardalinchus pectoratus Osprey [952]		Species or species habitat known to occur within area	In feature area
Tringa nebulosa Common Greenshank, Greenshank [832]	Endangered	Species or species habitat likely to occur within area	In feature area

Other Matters Protected by the EPBC Act

Commonwealth Lands

[Resource Information]

The Commonwealth area listed below may indicate the presence of Commonwealth land in this vicinity. Due to the unreliability of the data source, all proposals should be checked as to whether it impacts on a Commonwealth area, before making a definitive decision. Contact the State or Territory government land department for further information.

Commonwealth Land Name	State	Buffer Status
Communications, Information Technology and the Arts - Australian Postal Corporation		
Commonwealth Land - Australian Postal Commission [15695]	NSW	In buffer area only
Commonwealth Land - Australian Postal Commission [13845]	NSW	In buffer area only
Communications, Information Technology and the Arts - Telstra Corporation Limited		
Commonwealth Land - Australian Telecommunications Commission [15618]	NSW	In buffer area only
Commonwealth Land - Australian Telecommunications Commission [14485]	NSW	In buffer area only
Commonwealth Land - Australian Telecommunications Commission [14484]	NSW	In buffer area only
Commonwealth Land - Australian Telecommunications Corporation [13503]	NSW	In buffer area only
Defence		
Commonwealth Land - Defence Service Homes Corporation [13846]	NSW	In buffer area only
Defence - CAMP SAPPER-EAST HILLS (Lot 2) - CAMP SAPPER TRAINING AREA (Lot 1) [10236]	NSW	In feature area
Defence - CAMP SAPPER-EAST HILLS (Lot 2) - CAMP SAPPER TRAINING AREA (Lot 1) [10237]	NSW	In buffer area only
Defence - EAST HILLS BARRACKS - OP SAFE HAVEN [10191]	NSW	In buffer area only
Defence - MOOREBANK AREA INC SME [10205]	NSW	In buffer area only



ATTN: Liverpool City Council

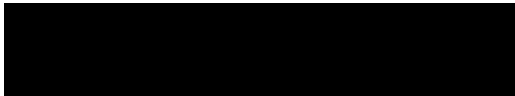
RE:76 Pleasure Point Road

To whom it may concern,

Please find this letter in relation to the cost estimate for the proposed development

The proposed residences have been estimated with a total value of development of \$2,200,000.00

Kind regards,



Moe El-Hassan
Head Designer
Linea Verde Design



ABN NO: 66 159 808 661

Date: 1 April 2024

QUOTATION NO: 2000

Company Details: AS Investment Company P/L
Job Address: 76 Pleasure Point Rd Pleasure Point

	Lot A	Lot B	Home Based Childcare
EARTHWORKS	5000	5000	5000
CONCRETE WORKS	25000	25000	25000
TERMITE CONTROL	2000	2000	1500
STRUCTURAL STEEL	8500	8500	8500
CARPENTRY	35000	35000	3000
STAIRCASE	8000	8000	8000
MASONRY	35000	35000	25000
ROOFING	18000	18000	14000
SKYLIGHTS	3000	3000	3000
ROOF VENT	1600	1600	750
PLUMBING	16000	16000	15000
ELECTRICAL	20000	20000	10000
AIR CONDITIONING & VENTILATION	20000	20000	10000
GARAGE DOORS	6000	4000	N/A

INSULATION		4000	4000	2000
TANKING AND WATERPROOFING		1000	10000	5000
ALUMINIUM WINDOWS & DOORS		15000	15000	10000
DOORS, FRAMES AND HARDWARE		10000	10000	7000
SKIRTNG		1500	1500	N/A
SHOWER SCREENS & MIRRORS		5500	5500	3000
SPLASHBACK		5000	5000	3000
JOINERY		20000	20000	10000
STONE		4000	4000	2100
PAINTING		12500	12500	10000
PLASTERBOARD		20000	20000	10000
TILING		20000	20000	10000
LANDSCAPING		8000	6000	8000
PRIME COST ITEMS		25000	25000	1500
SURVEYING		3500	3500	3000
PRELIMINARIES		20000	20000	10000
		378100	383100	223350
PLUS 10% GST		415910	421410	245685
WORKERS COMPENSATION	15000			
CONTRACT WORKS INSURANCE	15000			
HBCF INSURANCE	15000			
BUILDERS MARGIN	162,450			
TOTAL	207450			
TOTAL COSTS INVOLVED				
\$1,290,455.00				

