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| **COUNCIL ASSESSMENT BRIEFING REPORT TO PANEL**Choose an item. PLANNING PANEL  |

|  |  |
| --- | --- |
| PANEL REFERENCE & DA NUMBER | [Panel Ref Number] – [DA#]  |
| PROPOSAL  | [brief description](as described in Schedule 1) |
| ADDRESS | Lot ## DP ## [Street Address] |
| APPLICANT |  |
| OWNER |  |
| DA LODGEMENT DATE |  |
| APPLICATION TYPE  | [Development Application (Designated/Integrated)/Concept Development Application/CROWN DA] |
| REGIONALLY SIGNIFICANT CRITERIA | Section 2.19(1) and Clause ## of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021*  declares the proposal regionally significant development as: [Insert development type]  |
| CIV | $#### (excluding GST) |
| CLAUSE 4.6 REQUESTS  | [Nominate the relevant LEP/SEPP Clause to be varied and zoning] |
| LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT) | * *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
* *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
* *State Environmental Planning Policy (Housing) 2021*
* *State Environmental Planning Policy (Industry and Employment) 2021*
* *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*
* *State Environmental Planning Policy (Planning Systems) 2021*
* *State Environmental Planning Policy (Precincts—Central River City) 2021*
* *State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021*
* *State Environmental Planning Policy (Precincts—Regional) 2021*
* *State Environmental Planning Policy (Precincts—Western Parkland City) 2021*
* *State Environmental Planning Policy (Primary Production) 2021*
* *State Environmental Planning Policy (Resilience and Hazards) 2021*
* *State Environmental Planning Policy (Resources and Energy) 2021*
* *State Environmental Planning Policy (Transport and Infrastructure) 2021*
* *Draft [XXXX] Local Environmental Plan [YYYY];*
* *Draft Remediation of Land SEPP;*
* *Draft Design and Place SEPP;*
* *Draft SEPP (Environment);*
* *[NAME] Local Environmental Plan [YEAR];*
* *[NAME] Development Control plan [YEAR].*
 |
| AGENCY REFERRALS |  |
| TOTAL & UNIQUE SUBMISSIONS  |  |
| KEY ISSUES |  |
| DOCUMENTS SUBMITTED FOR CONSIDERATION | [Plans, reports, Clause 4.6] |
| PREVIOUS BRIEFINGS | Select Date Or N/A  |
| PLAN VERSION | Select Date Version No  |
| ASSESSMENT STATUS | [Awaiting amended plans/information] [on notification] [Awaiting agency referrals] etc  |
| PREPARED BY | [Council Officer ] |
| DATE OF REPORT | Select Date |

**[Red text – complete and/or delete]**

**[Green text – examples for reference; delete once completed]**

1. **THE SITE AND LOCALITY**
	1. **The Site**
* dimensions (including site area), topography, orientation, vegetation, existing development, adjoining development, street frontages etc
* Special features – heritage, environmental, distance from town centre,
* Significant site constraints – flooding, bushfire, ASS
* Insert Location map
* Insert Aerial photograph of site and photos of site

* 1. **The Locality** [brief outline]
* Type and scale of existing adjoining and surrounding development
* The context of the site – a low density residential area, town centre location, industrial, rural??
* Other similar developments in the area
* Close to services and/or public transport
1. **THE PROPOSAL AND BACKGROUND**
	1. **The Proposal**

The proposal seeks consent for [INSERT GENERAL DESCRIPTION].

Specifically, the proposal involves:

* Demolition…..
* Construction of……
* Subdivision…
* Tree removal, excavation, stormwater infrastructure

The key development data is provided in **Table 1**.

**Table 1: Key Development Data**

|  |  |
| --- | --- |
| **Control**  | **Proposal** |
| Site area |  |
| GFA |  |
| FSR (retail/residential) |  |
| Clause 4.6 Requests | Yes/No – specify  |
| No of apartments |  |
| Max Height |  |
| Landscaped area |  |
| Car Parking spaces |  |
| Setbacks |  |
| [insert other key data] |  |

* Provide a key plan/diagrams/perspective to show the general outline of the proposal and include other plans in Annexures.
	1. **Background**

The development application was lodged on **Select Date**. A chronology of the development application since lodgement is outlined in **Table 2**.

**Table 2: Chronology of the DA**

|  |  |
| --- | --- |
| **Date** | **Event** |
| Select Date | Exhibition of the application  |
| Select Date | DA referred to external agencies  |
| Select Date | Request for Information from Council to applicant  |
| Select Date | Panel briefing  |
| Select Date | Amended plans lodged [outline main change and discuss outside table if needed) dated Select Date accepted by Council under Cl 38 of the 2021 EP&A Regulation on Select Date.  |
|  |  |
|  |  |
|  |  |

* 1. **Site History (if relevant and only brief – anything the Panel should know)**
* Has the site been the subject of a previous/ numerous development proposals?
* Are there any concurrent applications currently being considered?
* Any other important points on site or application history
* Any other relevant information on context of the site e.g., adjacent approvals / applications that the Panel should be made aware of.
1. **PLANNING CONTROLS**

The site is located within the [INSERT ZONING] pursuant to Clause 2.3 of the [INSERT RELEVANT LEP] (Figure ##) [insert zoning map extract]. The proposal [is/is not] permissible in the zone with consent. The proposal is [consistent/inconsistent] with the zone objectives.

INSERT ZONING MAP

A summary of the key matters for consideration and non-compliances arising from the relevant EPIs are outlined in **Table 3**. The pre-conditions to the grant of consent have been considered and are outlined in bold.

**Table 3: Summary of Key Matters in the Relevant EPIs**

|  |  |  |
| --- | --- | --- |
| **EPI** | **Matters for Consideration***(Brief summary)* | **Comply (Y/N)** |
| State Environmental Planning Policy (Biodiversity & Conservation) 2021  | Chapter 2: Vegetation in non-rural areasChapter 3: Koala Habitat Protection 2020Chapter 4: Koala Habitat Protection 2021Chapter 5: River Murray Lands Chapter 6: Bushland in Urban AreasChapter 8: Sydney Drinking Water CatchmentChapter 9: Hawkesbury-Nepean RiverChapter 10: Sydney Harbour CatchmentChapter 11: Georges River CatchmentChapter 12: Willandra Lakes Region World Heritage Area | Y/N |
| BASIX SEPP | No compliance issues identified subject to imposition of conditions on any consent granted.  | Y/N |
| State Environmental Planning Policy (Housing) 2021 | Chapter 2: Affordable HousingInfill affordable housing, boarding houses, boarding houses – Land and Housing Corporation, supportive accommodation, Residential flat buildings—social housing providers, public authorities and joint ventures, Residential development—Land and Housing CorporationChapter 3: Diverse HousingSecondary dwellings, Group Homes, Co-living housing, build-to-rent housing, Housing for Seniors and people with a disability, short-term rental accommodation, manufactured home estates and caravan parks.  | Y/N |
| State Environmental Planning Policy (Industry and Employment) 2021 | Chapter 2: Western Sydney Employment AreaChapter 3: Advertising and Signage* Section 3.6 – granting consent to signage
* Section 3.11(1) – matters for consideration
 | Y/N |
| SEPP 65 | * Clause 30(2) - Design Quality Principles - The proposal is consistent/contrary to the design quality principles and the proposal is consistent/contrary to the ADG requirements for car parking, communal open space….
 | Y/N |
| State Environmental Planning Policy (Planning Systems) 2021 | Chapter 2: State and Regional Development * Section 2.19(1) declares the proposal regionally significant development pursuant to Clause # of Schedule 6.

Chapter 3: Aboriginal Land (where applicable)* Section 3.8 – consent authority must have regard to matters in section 3.7(2) that are included in a development delivery plan that is applicable to land to which this Chapter applies when determining an application for development consent to carry out development on that land.
* Section 3.10 – declaration as regionally significant development
 | Y/N |
| State Environmental Planning Policy (Precincts—Central River City) 2021State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021State Environmental Planning Policy (Precincts—Regional) 2021State Environmental Planning Policy (Precincts—Western Parkland City) 2021 | * Chapter 2: State Significant Precincts
* Other relevant chapters based on location
 | Y/N |
| State Environmental Planning Policy (Primary Production) 2021 | * Chapter 2: Primary Production and rural development
* Chapter 3: Central Coast Plateau Areas
 | Y/N |
| SEPP (Resilience & Hazards)  | Chapter 2: Coastal Management * Section 2.7(4) – certain development in coastal wetlands or littoral rainforest on the *Coastal Wetlands and Littoral Rainforests Area Map*
* Section 2.8(1) -Development on land in proximity to coastal wetlands or littoral rainforest
* Section 2.10(1) & (2) - Development on land within the coastal environment area
* Section 2.11(1) - Development on land within the coastal use area
* Section 2.12 - Development in coastal zone generally —development not to increase risk of coastal hazards.
* Section 2.13 - Development in coastal zone generally - coastal management programs to be considered.

Chapter 4: Remediation of Land* Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.
 | Y/N |
| State Environmental Planning Policy (Resources and Energy) 2021 | * Chapter 2: Mining, petroleum production and extractive industries
* Chapter 3: Extractive industries in Sydney Area
 | Y/N |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | Chapter 2: Infrastructure* Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions.
* Section 2.118(2) - Development with frontage to classified road
* Section 2.119(2)   Impact of road noise or vibration on non-road development
* Section 2.121(4) - Traffic-generating development

Chapter 3: Educational Establishments* Section 3.23 - Centre-based childcare facility—matters for consideration by consent authorities

Chapter 4: Major Infrastructure CorridorsChapter 5: Three Ports – Port Botany, Port Kembla and Newcastle | Y/N |
| Proposed Instruments  | No compliance issues identified. | Yes |
| LEP | * Clause 2.3 – Permissibility and zone objectives
* Clause ? - Urban release areas/satisfactory arrangements clauses
 | Y/N |
| DCP  |  | Y/N |

1. **REFERRALS AND SUBMISSIONS**
	1. **Agency Referrals and Concurrence**

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 4**.

**Table 4: Concurrence and Referrals to agencies**

|  |  |  |  |
| --- | --- | --- | --- |
| **Agency** | **Concurrence/****referral trigger** | **Comments** **(Issue, resolution, conditions)** | **Resolved** |
| Concurrence Requirements (s4.13 of EP&A Act) (if none – N/A – to show consideration) |
| Environment, Energy & Science Group within DPIE | S7.12(2) - *Biodiversity Conservation Act 2016* | The proposal is likely to significantly affect threatened species and accordingly, the proposal has provided a biodiversity development assessment report. This report concluded…… Concurrence has not/has been granted.  | Y/N |
|  |  |  |  |
| Referral/Consultation Agencies (if none – N/A – to show consideration) |
| RFS | S4.14 – EP&A ActDevelopment on bushfire prone land |  | Y/N |
|  |  |  |  |
| Integrated Development (S 4.46 of the EP&A Act) (if none – N/A – to show consideration) |
| RFS | S100B - *Rural Fires Act 1997*bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes |  | Y/N |
| Transport for NSW  | S138 - Roads Act 1993 for works in the road reserve. |  | Y/N |
| Heritage NSW | S58 of the Heritage Act 1977 for demolition or works etc to an item listed on State Heritage Register or with an interim heritage order.  |  | Y/N |
|  |  |  |  |

* 1. **Council Referrals**

The development application has been referred to various Council officers for technical review as outlined **Table 5.**

**Table 5: Consideration of Council Referrals**

|  |  |  |
| --- | --- | --- |
| **Officer** | **Comments** | **Resolved**  |
| Engineering  | Council’s Engineering Officer reviewed the stormwater concept plan and considered the proposed stormwater management arrangements are unsatisfactory and require amended and/or additional information to be provided from the applicant. Refer to the Key Issues section. | No |
| Traffic  | Council’s Traffic Engineering Officer reviewed the proposal and raised concerns in relation to traffic generation and car parking. These issues are considered in more detail in the Key Issues section of this report.  | Refer to key Issues |
| Building | No objections subject to recommended conditions | Yes(conditions) |
| Health |  | Y/N |
| Waste |  | Y/N |
| Public Domain/Assets |  | Y/N |
| Subdivision Engineer |  | Y/N |
| Heritage  |   | Y/N |
| [INSERT OTHER] |  |  |

* 1. **Community Consultation**

The proposal was notified in accordance with the DCP/Council’s Community Participation Plan from Select Date until Select Date. A total of ### unique submissions, comprising ## objections and ## submissions in favour of the proposal, were received.

The issues raised in these submissions included the following [indicate whether they form key issues or can be resolved through conditions]:

* Issue
* Issue
* Issue

1. **KEY ISSUES**

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

* Bulk and Scale
* Urban design
* Building height
* Permissibility
* Servicing
* Subdivision design and layout
* Consistency with planning controls
* Noise
* Biodiversity
1. **RECOMMENDATION**

Following a preliminary assessment of the development application in relation to the development controls, taking into account the issues raised in submissions from the community, Council officers and agencies, the Council considers:

that a request for information letter should be sent to the applicant, requesting the following issues to be further addressed:

**OR**

The Council considers that the proposal can be supported in its current form and can proceed to prepare a final determination report within [INSERT No of weeks].

1. **ATTACHMENTS**

The following attachments are provided:

* Attachment A: Locality/Context Plan
* Attachment B: Architectural Plans
* Attachment C: Clause 4.6 Request