

# **Development Control Plan 2016**

Volume 3 – Subdivision of Land



**Wollondilly**  
Shire Council

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## **PART 1 – PRELIMINARY**

### **1.1 Introduction**

This Volume provides controls for development for the subdivision of land by Torrens, Community and Strata Title.

### **1.2 Objectives**

The object of this volume is to ensure that the subdivision of land is undertaken in a way that achieves positive planning outcomes.

### **1.3 Parts of this DCP**

The requirements contained within Part 2 of this volume apply to all land to which this plan applies.

Part 3 applies only to specific locations.

## PART 2 – GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

### 2.1 Traffic and Transport

#### Objectives

1. To ensure that new allotments created by the subdivision of land are provided with adequate public roads.
2. To ensure that the subdivision of land is only undertaken in locations where the road network is able to provide, or be made capable of providing adequate servicing.
3. To ensure new roads are safe and efficient.
4. To ensure access points for rural subdivisions are located at safe locations within the road network.
5. To ensure pedestrian and cycle paths are provided where required to maximise the uptake of healthy and sustainable transport options.
6. To ensure splay corners are dedicated at intersections so that intersections can be maintained to maximise sight distances and to maximise flexibility to upgrade intersections in the long term.

#### Controls

1. All new public roads must comply with Council's design specifications including kerb and guttering, drainage pedestrian paths and street lighting.
2. All access handles must comply with the following minimum widths:

| Description  | Minimum width of access handle                    | Minimum Pavement Width |
|--|---|------------------------|
| Residential (R1, R2 or R3) servicing only 1 allotment  | 5m  | 3m                     |
| Residential (R1, R2 or R3) servicing 2 or 3 allotments   | 6m  | 4m                     |
| Residential (R1, R2 or R3) servicing more than 3 allotments                                    | Not Permitted.                                    |                        |
| Large Lot Residential Zones (R5) servicing 1, 2 or 3 allotments                                | 10m-15m   | 4m                     |
| Rural (All RU zones, E3 and E4) servicing 1,2 or 3 allotments                                  | 15m   | 4m                     |
| Rural and Large Lot Residential (All RU zones, E3, E4 and R5) servicing more than 3 allotments | New public road to council's design specification |                        |
| Employment (All IN, B and RE zones)  | 10m   | 8m                     |

3. In the case of an access handle servicing one allotment the access handle must wholly be part of the allotment it is servicing.
4. In the case of an access handle servicing more than one allotment the access handle must be part of each of the allotments it is servicing with reciprocal rights of carriageway provided.

5. Road infrastructure enhancement shall be provided to existing roads in accordance with the following table unless the improvements are already present:

| <b>Zone</b> | <b>Small Subdivision Requirements (&lt;10 Lots)</b>  | <b>Medium Subdivision Requirements (10 – 100 Lots)</b>  | <b>Large Subdivision Requirements (&gt;100 Lots)</b>   |
|-------------|--|---|--|
| <b>RU1</b>  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.   | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  |
| <b>RU2</b>  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.   | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  |
| <b>RU4</b>  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.   | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  |
| <b>R1</b>   | Road, kerb and gutter, drainage for all frontages.<br>Install street lighting.<br>Install pedestrian footpaths as required in Council's design specifications.       | Road, kerb and gutter, drainage for all frontages.<br>Install street lighting.<br>Install footpaths/ sharepaths/cycleways as required in Council's design specifications.                                   | Road, kerb and gutter, drainage for all frontages.<br>Install street lighting.<br>Install footpaths/ sharepaths/cycleways as required in Council's design specifications to the nearest available network connection to the village centre.  |
| <b>R2</b>   | Road, kerb and gutter, drainage for all frontages.<br>Install street lighting.<br>Install pedestrian footpaths as required in Council's design specifications.       | Road, kerb and gutter, drainage for all frontages.<br>Install street lighting.<br>Install footpaths/ sharepaths/cycleways as required in Council's design specifications.                                   | Road, kerb and gutter, drainage for all frontages.<br>Install street lighting.<br>Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to the nearest available network connection to the village centre. |
| <b>R3</b>   | Road, kerb and gutter, drainage for all frontages.<br>Install pedestrian footpaths as required in Council's design specifications to all road frontages of the site. | Road, kerb and gutter, drainage for all frontages.<br>Install street lighting.<br>Install footpaths/ sharepaths/cycleways as required in Council's design specifications to all road frontages of the site. | Road, kerb and gutter, drainage for all frontages.<br>Install street lighting.<br>Install footpaths/ sharepaths/cycleways as required in Council's design specifications to the nearest available network connection to the village centre.  |

| <b>Zone</b> | <b>Small Subdivision Requirements (&lt;10 Lots)</b>  | <b>Medium Subdivision Requirements (10 – 100 Lots)</b>   | <b>Large Subdivision Requirements (&gt;100 Lots)</b>   |
|-------------|--|--|--|
| <b>R5</b>   | Road, drainage for all frontages.<br><br>Kerb and Gutter or Grass Swale as appropriate.  | Road, drainage for all frontages.<br>Install street lighting.<br>Install footpaths/ sharepaths/cycleways as required in Council's design specifications.<br><br>Kerb and Gutter or Grass Swale as appropriate. | Road, drainage for all frontages.<br>Install street lighting.<br>Install footpaths/ sharepaths/cycleways as required in Council's design specifications to the nearest available network connection to the village centre.<br><br>Kerb and Gutter or Grass Swale as appropriate. |
| <b>B1</b>   | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways.                               | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways.   |
| <b>B2</b>   | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways.                               | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways.   |
| <b>B4</b>   | As for R2 zone if subdivision is intended for residential development and as for B1 if intended for commercial development.  | As for R2 zone if subdivision is intended for residential development and as for B1 if intended for commercial development.  | As for R2 zone if subdivision is intended for residential development and as for B1 if intended for commercial development.  |
| <b>B5</b>   | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways.                               | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways.   |
| <b>IN1</b>  | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways.                               | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways.   |

| <b>Zone</b> | <b>Small Subdivision Requirements (&lt;10 Lots)</b>  | <b>Medium Subdivision Requirements (10 – 100 Lots)</b>   | <b>Large Subdivision Requirements (&gt;100 Lots)</b>   |
|-------------|--|--|--|
| <b>IN2</b>  | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. |
| <b>IN3</b>  | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. |
| <b>RE1</b>  | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. |
| <b>RE2</b>  | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. | All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, drainage, lighting, footpaths, car parking, signage, sharepaths, and cycleways. |
| <b>E2</b>   | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  |
| <b>E3</b>   | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  |
| <b>E4</b>   | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  | Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.  |

6. All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.
7. New street lighting must use only LED type lights.
8. Access handles servicing more than 1 allotment in a rural, residential or environmental zone must be provided with a streetlight within a reasonable proximity (to be determined by Council and imposed as a condition of development consent) to the point where the access handle connects to the public road. Where existing street lighting in the vicinity of the site is deemed to be adequate by Council this condition does not apply.
9. Splay corners shall be provided for newly created corner lots with the following sizes:

| <b>Zone</b>                | <b>Splay Size</b> |
|----------------------------|-------------------|
| <b>Rural Zones</b>         | 10m by 10m        |
| <b>Residential Zones</b>   | 4m by 4m          |
| <b>Business Zones</b>      | 4m by 4m          |
| <b>Industrial Zones</b>    | 10m by 10m        |
| <b>Recreation Zones</b>    | 4m by 4m          |
| <b>Environmental Zones</b> | 10m by 10m        |

## 2.2 Wastewater

### Objectives

1. To ensure wastewater generated by development can be managed without harm to the natural environment or human health.
2. To encourage sustainability in wastewater disposal by preventing the use of pump out systems which require significant energy inputs for the transport of waste.
3. To ensure development within the Sydney Drinking Water Catchment has a neutral or beneficial effect on water quality.

### Controls

1. All lots created must have access to one or more of the following:
  - a. A reticulated sewage scheme operated by the relevant statutory sewage authority; or
  - b. A private reticulated sewage scheme operated by person licensed under relevant legislation; or
  - c. Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot.
2. A “pump out” system is not a satisfactory method of wastewater disposal for the purposes of Control 1.
3. Any subdivision that is carried out on unsewered land (i.e. carried out under control 1(c) above) must meet the requirements of Council’s “On-site Sewage Management System and Grey Water re-use Policy”.

## 2.3 Stormwater

### Objectives

1. To ensure stormwater is appropriately managed to prevent environmental harm and to reduce the risk of damage to property and human life.
2. To ensure stormwater is appropriately managed to minimise long term flooding impacts on and from developments.



3. To ensure that development within the Sydney drinking water catchment has a neutral or beneficial effect on water quality.

**Controls**

1. Development involving the subdivision of land must demonstrate that stormwater management arrangements will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.
2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report (a Water Cycle Management Study or Similar) to be submitted with the development application which must include modelling of both water quantity and quality and must also include a short and long term maintenance management plan.

## 2.4 Lot Size and Shape

### Objectives

1. To ensure regular and practical allotments that will encourage the orderly and economic use of land.

### Controls

1. Lots (other than lots in residential zones) shall have the following minimum dimensions:

| Zone        | Minimum Lot Width  | Minimum Lot Width (Corner allotment) | Minimum Lot Depth |
|-------------|--|--------------------------------------|-------------------|
| RU1         | 50m  | 50m                                  | 50m               |
| RU2         | 50m  | 50m                                  | 50m               |
| RU4         | 30m  | 30m                                  | 50m               |
| E3          | 30m  | 30m                                  | 50m               |
| E4          | 30m  | 30m                                  | 50m               |
| Other Zones | N/A  | N/A                                  | N/A               |
| B5          | In the case of a subdivision intended for residential development refer to control 2. There are no minimum dimensions for subdivision intended for commercial development. |                                      |                   |

2. Lots in residential zones shall have the following minimum dimensions:

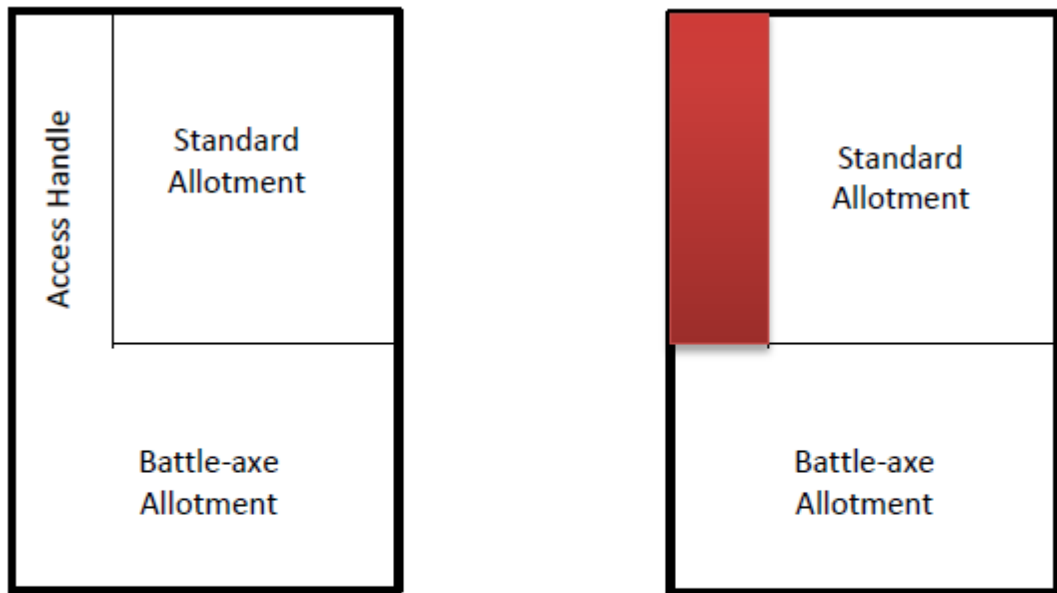
| Area   | Minimum Lot Width | Minimum Lot Width (Corner allotment) | Minimum Lot Depth |
|--|-------------------|--------------------------------------|-------------------|
| Less than 450m <sup>2</sup>                                  | 12m               | 12m                                  | 20m               |
| Between 450m <sup>2</sup> and 650m <sup>2</sup> (inclusive)  | 13m               | 15m                                  | 20m               |
| Between 650m <sup>2</sup> and 1500m <sup>2</sup> (exclusive) | 15m               | 20m                                  | 25m               |
| 1500m <sup>2</sup> or Greater                                | 20m               | 30m                                  | 30m               |


3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:
  - a. The subdivision of a dual occupancy or medium density development that is existing and lawful; or
  - b. The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2015.
4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.
5. Lots that are irregularly shaped because of their location in the road network and/or because of constraints of the site may proceed in spite of a non-compliance with controls 1 and 2 if the consent authority is satisfied that the lots, when developed, will be capable of supporting:
  - a dwelling with a footprint of at least 150m<sup>2</sup> ; and
  - Any required asset protection zone wholly within the proposed lot boundaries
  - If the subdivision occurs on unsewered land that the site can adequately accommodate any effluent disposal area that is required;

and the resulting character of that development would be consistent with the character of the area.

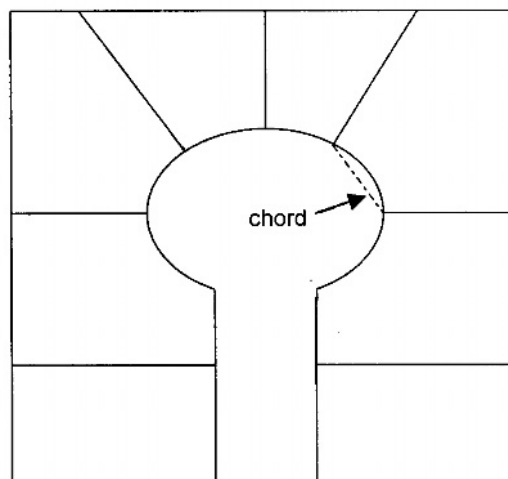
Council may require the submission of specialist studies to justify development carried out under this control.

6. For the purposes of calculating minimum lot size for land within an R1, R2 or R3 zone, the area of the battle-axe handle is not included in the calculation of the area of a lot which it services. This is shown in the diagram below:



 Indicates area not to be included in lot size

7. Proposed lots which face onto a cul-de-sac head shall achieve a minimum “chord” width of 10 metres. The area considered to be the chord of the cul-de-sac is demonstrated in the diagram below.



The width of any lot at the front building line shall be in accordance with the table above in control 2.

## **2.5 Landscape and Character**

### **Objectives**

1. To ensure subdivisions are designed in a way that maintains or enhances the landscape character of the surrounding area.

### **Controls**

1. The subdivision of land in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.
2. The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary.
3. Access handles to lots in residential zones (excluding R5 Large Lot Residential zones) must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas.
4. Landscaping required by control 2.5(3) shall be provided with:
  - a. An automatic watering system; and
  - b. A mix of ground covers and shrubs that are appropriate for the width of the handle; and
  - c. A mulched or rocked garden bed with permanent edging.
5. Landscaping for access handles shall not obscure the buildings at the rear of the handle.
6. The subdivision of land that proposes the opening of a new public road must include embellishment of the new road verges in accordance with Council's Street Tree Risk Plan.

## **2.6 Corner Allotments**

### **Objectives**

1. To plan corner allotments at the subdivision stage to ensure safe vehicular access and maximum amenity for the streetscape.

### **Controls**

1. Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks.
2. Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection.
3. These controls do not apply to proposed corner allotments on which a dwelling is already constructed.

## **2.7 Building Envelopes**

### **Objectives**

1. To identify the constraints on rural and environmental land at the subdivision stage.
2. To ensure integrated housing lots are provided with adequate covenants for a future zero lot line.

### **Controls**

1. Each lot created by subdivision of land within rural and environmental zones shall be provided within a building envelope that includes all developable land and excludes the following land:
  - a. Land that is moderate or higher risk of geotechnical instability; and
  - b. Land that is within a setback identified in Volume 4 of this DCP; and
  - c. Land that is within 40 metres of the top of bank of a watercourse; and
  - d. Land that contains significant native vegetation; and
  - e. Land that has been identified as being subject to the 1% AEP flood extent; and
  - f. Land that is required for an asset protection zone under a Bushfire Safety Authority; and
  - g. Land that is subject to a transmission line or other utility service easement; and
  - h. Land that is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area.
2. Town Centre Residential Lots and residential small lots may be created where a building envelope allows for one boundary as a zero lot line boundary. If such a boundary is to be created then satisfactory easements must be provided on the adjoining lot for eave overhang, drainage, maintenance and any other relevant matter. The subject easement must be registered as a restriction on the title of the burdened lot prior to the issue of any Subdivision Certificate for the land.

## **2.8 Environmental Protection**

### **Objectives**

1. To ensure significant native vegetation and other environmental assets are not lost in the provision of asset protection zones.

### **Controls**

1. The subdivision of land that comprises significant stands of native vegetation must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision.
2. The layout of any proposed subdivision must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on steep and constrained lands.

## **2.9 Non-Residential Development**

### **Objectives**

1. To ensure that the subdivision of land is carried out with due regard to other forms of existing non-residential development in the locality.

### **Controls**

1. When the subdivision of land is proposed in an area where an existing nearby non-residential use may impact on future residents, the consent authority must be satisfied that the new development would not restrict the ability of the existing development to meet amenity requirements in relation to issues such as noise, odour and the like in accordance with the principles established in the case of *Inghams Enterprises vs Kira Holdings*.

## **2.10 Agricultural Subdivision**

### **Objectives**

1. To ensure agricultural land is not fragmented and degraded by inappropriate subdivision.

**Controls**

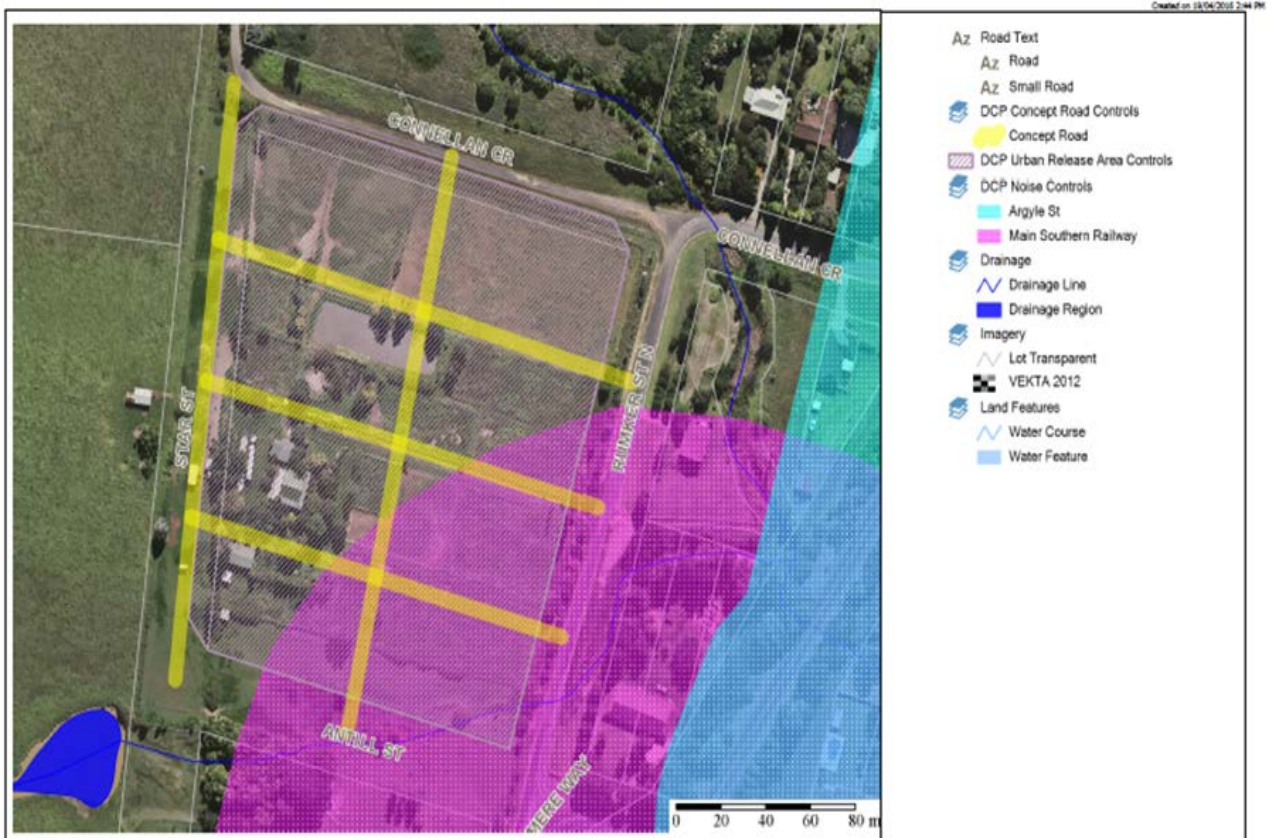
1. These controls relate to the subdivision of land carried out under Clause 4.2 of Wollondilly Local Environmental Plan, 2011.
2. Any development application for the subdivision of land under this clause must include a Total Farm Management Assessment which identifies the following:
  - Details of the most suitable agricultural uses for the site taking into account soil type, agricultural land classification, slope, pasture/grass type, drainage characteristics of the site, microclimate and proximity to dwellings on adjoining lands; and
  - The agricultural use to be undertaken on each proposed lot; and
  - The nomination of an agricultural envelope within each lot which demonstrates that sufficient land is available for the nominated agricultural use for that lot. The agricultural envelope shall exclude areas of the site required for boundary setbacks, services (including on-site wastewater disposal), drainage and other infrastructure and the like; and
  - Provide evidence that the lots are large enough to prevent the onset of rural land use conflict by way of odour, spray drift etc from the proposed agricultural use; and
  - Indicate the source of water supply for the use; and
  - Provide an Economic Feasibility Assessment of the intended agricultural uses on each of the lots.
  - That the use of the land, including storage of equipment, will be satisfactory from a security perspective if the lots do not have a dwelling to provide supervision.
3. A restriction shall be placed on the title of each lot created under clause 4.2 of Wollondilly Local Environmental Plan stating that the lot shall only be used for the purposes identified in the Total Farm Management Assessment endorsed by Council and that the lot(s) shall no dwelling shall be erected on the lot burdened.

**PART 3 – CONTROLS FOR SPECIFIC LOCATIONS**

**3.1 Picton West and Star Street Former Road Reserve**

**Application**

1. This section applies to land identified on the structure plan and map below which is part of an Urban Release Area (refer to Volume 2, Section 2.3):



**Objectives**

1. To ensure roads and pathways in future subdivision of the land provides direct connections to the internal and external road network.
2. To ensure that contaminated land is suitably assessed and remediated prior to residential development.
3. To ensure that satisfactory road access is provided for land owners using the right of carriageway across the site to access their properties.

**Controls**

1. Roads and pathways shall be provided generally in accordance with the structure plan above.
2. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55- Remediation of Land, Lot 1 DP 1182837 is taken to contain potentially contaminated land

and shall require further assessment and remediation prior to any development consent being granted for subdivision.

3. Satisfactory road access shall be provided to properties benefiting from the right of carriageway applying to Lot 1 DP 1182837 prior to construction of any future subdivision of the site.
4. The unformed road reserve named Connellan Crescent shall be constructed prior to the release of the Subdivision Certificate for the site.



**3.2 Thirlmere East**

**Application**

1. This section applies to the land identified on the structure plan below which is part of an Urban Release Area (refer to Volume 2, Section 2.3):



**Objectives**

1. To ensure future subdivision of the land is provided with direct connections to the external and internal road network.
2. To ensure the protection of significant natural waterways and vegetation.
3. To provide infrastructure to support the provision of public transport.

**Controls**

1. All land within 30 metres of the top of bank of Redbank Creek shall be protected by the establishment of a covenant on the land restricting development on that part of the site to only vegetation management for environmental outcomes. The covenant shall also require, as a positive covenant, the land to be managed in accordance with a vegetation management plan approved by Council or the NSW Office of Environment and Heritage.
2. Roads and pathways shall enable direct links to existing roads and areas within the site identified on the structure plan.
3. The habitat tree identified on the structure plan shall be retained with a suitable environmental curtilage. The tree and associated curtilage shall be retained wholly within one lot. A restriction as to user shall be placed on the title of the lot where the habitat tree and curtilage are situated which requires the habitat tree and its nominated curtilage to be retained for environmental purposes.
4. Staged construction of a pathway from the site along Rita Street and Turner Street to the existing bus shelter in Thirlmere Way shall be undertaken as part of any subdivision application and staging of the pathway shall be proportional based on the number of lots generated.

**3.3 Thirlmere South**

**Application**

1. This section applies to the land identified on the structure plan map below which is part of an Urban Release Area (refer to Volume 2, Section 2.3):



**Objectives**

1. To ensure that roads and pathways in future subdivision of the land are suitably connected to the external and internal road network.
2. To provide infrastructure to support the provision of public transport.

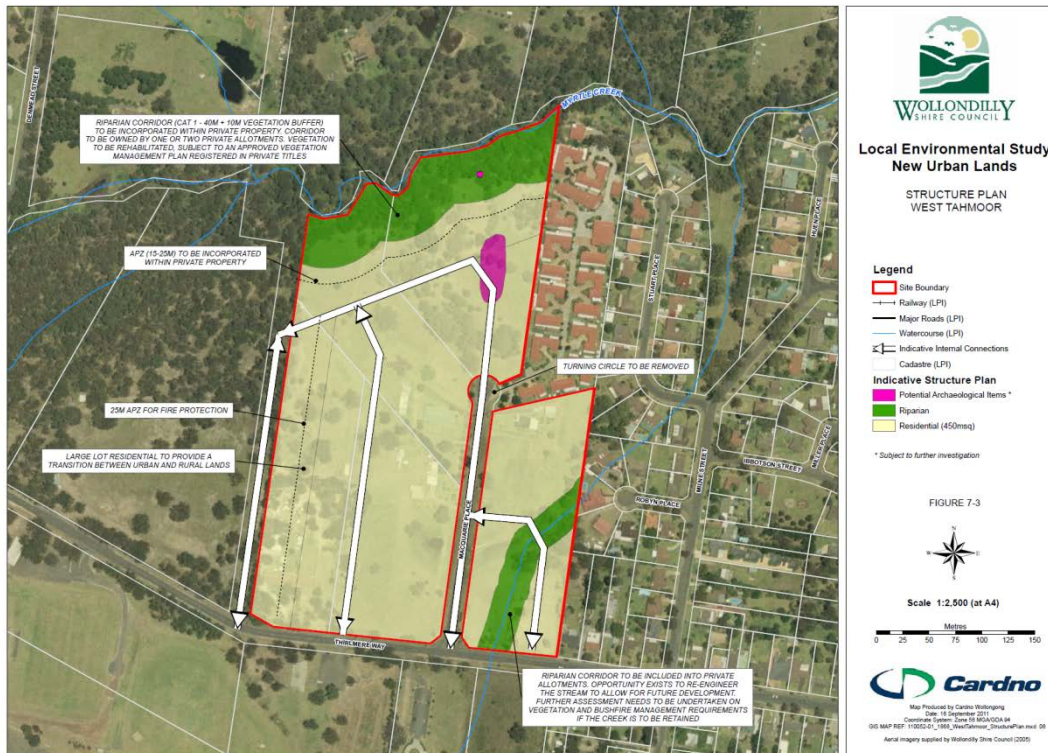
**Controls**

1. Each existing lot shall fully construct and upgrade the public road for any part of its existing road frontages that have not been constructed to the standard specified in Council's Design Specification. The roads shall be completed prior to the release of any subdivision certificate for any allotment with an area less than 2Ha to be created from the existing lot.
2. The *recommended connection between Antill and Dennis Streets* identified on the structure plan shall be incorporated into the road network for the development of each existing lot within the precinct.
3. A bus stop with shelter shall be provided along the existing bus route in Thirlmere Way and linked through the precinct via a shared pathway along the *recommended connection between Antill and Dennis Streets*.
4. The subdivision of land identified as *Potential Heritage Item* shall not proceed prior to a heritage assessment being prepared to the satisfaction of the consent authority. A subdivision proposal for this land may not proceed unless it is consistent with the recommendations of such an assessment.
5. Roads and pathways shall be provided generally in accordance with the structure plan and enable direct links to the road network and area within the site identified on the structure plan.

**3.4 Tahmoor West**

**Application**

1. This section applies to the land identified on the structure plan map below:



**Objectives**

1. To ensure roads and pathways within future subdivision of the land are provided with direct links to the road network.
2. To ensure the protection of significant natural waterways and vegetation.
3. To provide infrastructure to support the provision of public transport.
4. To provide for a transition in lot sizes appropriate to the visual character of the locality.
5. To ensure aboriginal heritage is protected.

**Controls**

1. All land within 50 metres of the top of bank of Myrtle Creek shall be protected by the establishment of a covenant on the land which provides the following:
  - i. Restrict development to only vegetation management for environmental outcomes.
  - ii. prohibit the fencing of this land
  - iii. require the land to be managed in accordance with a vegetation management plan approved by Council or the NSW Office of Environment and Heritage.
2. The land identified as *potential archaeological items* shall be assessed in accordance with Clause 5.10 of Wollondilly Local Environmental Plan, 2011.
3. The subdivision shall provide larger allotments along Thirlmere Way and the western edge of the precinct.
4. Roads and pathways shall be provided generally in accordance with the structure plan and enable direct links to the road network and area within the site identified on the structure plan.

- A bus stop with shelter to be provided along the existing bus route in Thirlmere Way.

### 3.5 Tahmoor South

#### Application

- This section applies to the land identified on the structure plan map below which is part of an Urban Release Area (Refer to Volume 2, Section 2.3):



#### Objectives

- To ensure roads and pathways within future subdivision of the land are provided with direct links to the road network.
- To provide infrastructure to support the provision of public transport.
- To mitigate adverse impacts of the adjoining rail corridor on future residential development.
- To mitigate the risks of development on Aboriginal artefacts and sacred sites.
- To ensure the protection of significant vegetation.
- To provide for a transition in lot sizes appropriate to the visual character of the locality.

#### Controls

- All land within 30 metres of the top of bank of the watercourses identified on the structure plan shall be protected by the establishment of a covenant on the land which provides the following:
  - restricts development on that part of the site to only vegetation management for environmental outcomes;
  - prohibits the fencing of this land;
  - requires, as a positive covenant, the land to be managed in accordance with a vegetation management plan approved by Council or the NSW Office of Environment and Heritage.
- The habitat tree identified on the structure plan shall be retained with a suitable environmental curtilage. The tree and associated curtilage shall be retained wholly within

one lot. A restriction as to user shall be placed on the title of the lot where the habitat tree and curtilage are situated which requires the habitat tree and its nominated curtilage to be retained for environmental purposes.

3. Developments shall provide larger allotments along the southern and western edges of the precinct.
4. Roads and footpaths shall be provided generally in accordance with the structure plan to enable direct links to the existing road network and within the site identified on the structure plan.
5. A bus stop with shelter to be provided along the existing bus route in Byron Road.
6. Any identified archaeological items on the site shall be assessed in accordance with the requirements of Volume 1 Part 7 of this DCP.
7. Staged construction of a pathway from the north east corner of the site to Thirlmere Way along Pitt Street shall be undertaken as part of any subdivision application and staging of the pathway shall be proportional based on the number of lots generated.

#### **Notes**

1. Part of this precinct was not rezoned by the Wollondilly Local Environmental Plan Amendment Number 3, 2014 (the LEP amendment). This plan has been prepared on the basis of the entire site having been rezoned. As development for the purposes of **Road** is permissible across the entire precinct before and after the LEP amendment it is anticipated that the development of the residentially zoned part of the site can be undertaken in accordance with these controls.
2. It is anticipated that the remainder of the site will be rezoned as part of a future amendment to Wollondilly Local Environmental Plan, 2011. These provisions are applied to the entire site in anticipation of it being wholly rezoned in the long term.

### 3.6 Tahmoor East

#### Application

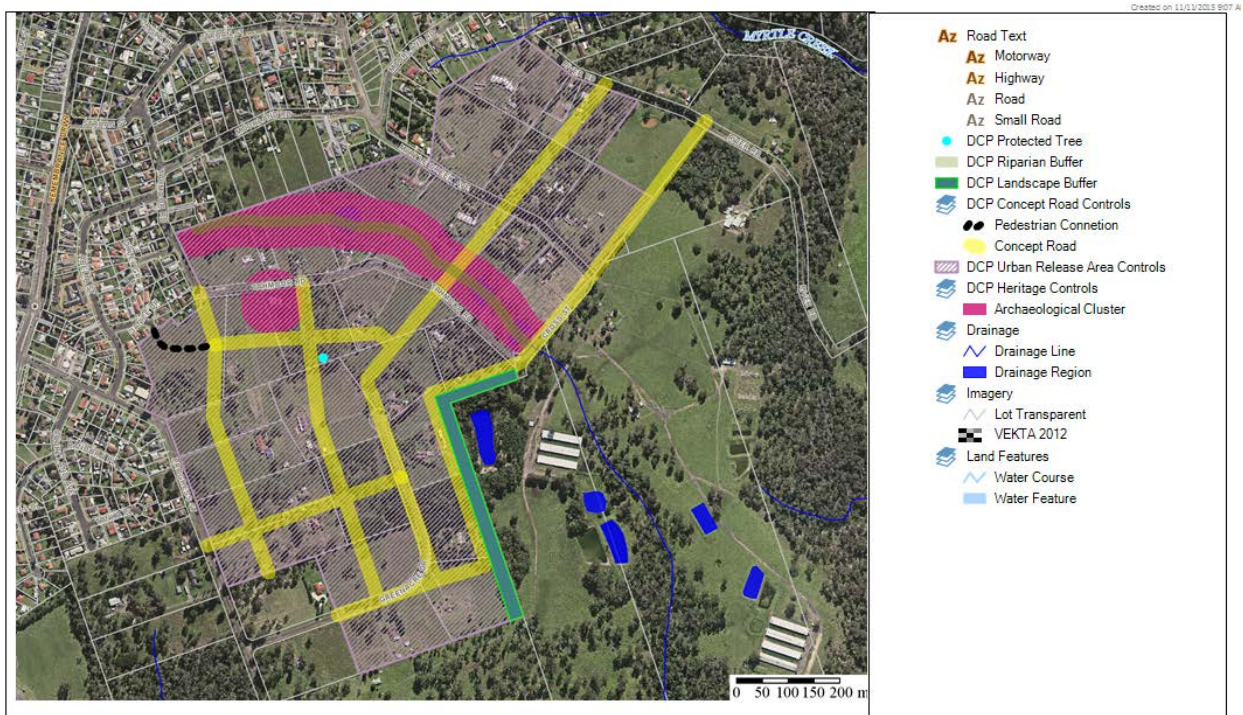
1. This section applies to the land identified on the structure plan map below which is part of an Urban Release Area (Refer to Volume 2, Section 2.3):

#### Objectives

1. To ensure roads and pathways within future subdivision of the land are provided with direct links to the road network.
2. To provide infrastructure to support the provision of public transport.
3. To mitigate the risks of development on Aboriginal artefacts and sacred sites.
4. To ensure the protection of significant natural waterways and vegetation.

#### Controls

1. The habitat trees identified on the structure plan shall be retained with a suitable environmental curtilage. A restriction as to user shall be placed on the title of the lot where the habitat tree and curtilage are situated which requires the habitat tree and its nominated curtilage to be retained for environmental purposes.
2. The subdivision of land identified as *Potential Heritage Item* shall not proceed prior to a heritage assessment being prepared to the satisfaction of the consent authority. A subdivision proposal for this land may not proceed unless it is consistent with the recommendations of such an assessment.
3. Roads and pathways shall be provided generally in accordance with the structure plan and enable direct links to the external road network and area within the site identified on the structure plan.
4. Any identified archaeological items on the site shall be assessed in accordance with the requirements of Volume 1 Part 7 of this DCP.



### Notes

1. Part of this precinct was not rezoned by the Wollondilly Local Environmental Plan Amendment Number 3, 2014 (the LEP amendment). This plan has been prepared on the basis of the entire site having been rezoned. As development for the purposes of **Road** is permissible across the entire precinct before and after the LEP amendment it is anticipated that the development of the residentially zoned part of the site can be undertaken in accordance with these controls.
2. It is anticipated that the majority of the remainder of the site will be rezoned as part of a future amendment to Wollondilly Local Environmental Plan, 2011. These provisions are applied to the entire site in anticipation of it being wholly rezoned in the long term.

### 3.7 Avon Dam and Hawthorne Roads, Bargo

#### Application

1. This section applies to the following allotments:
  - a. 67 Avon Dam Road (Lot 9 DP 877774)
  - b. 77 Avon Dam Road (Lot 132 DP 851807)
  - c. 214 Hawthorne Road (Lot 8 DP 877774)
  - d. 218 Hawthorne Road (Lot 7 DP 877774)
  - e. 235 Hawthorne Road (Lot 1 DP 877774)
  - f. 245 Hawthorne Road (Lot 2 DP 877774)

#### Objectives

1. To encourage alternative modes of transport to the site.
2. To ensure hazards such as flooding are managed effectively.
3. To ensure riparian land is protected.
4. To ensure native vegetation is maintained and improved.
5. To provide a convenient vehicular and shared pathway route for future residents to local amenities.
6. To reduce the number of lots fronting Avon Dam Road.
7. To reduce the number of lots potentially impacted by road traffic and rail noise.
8. To ensure that contaminated land is suitably assessed and remediated prior to residential development.
9. To ensure that required infrastructure is provided if development is staged.
10. To ensure water quality is maintained and improved.

#### Controls

1. Any future subdivision of Lot 8 DP 877774 requires the submission of a Phase 2 Contaminated Site Assessment in order to satisfy the requirements of Clause 7(1) of State Environmental Planning Policy 55 – Remediation of Land.
2. An east-west road link which incorporates a shared pathway route on the northern side of this road shall be provided between Hawthorne Road and Avon Dam Road.
3. The lot layout shall ensure that where possible lots between Avon Dam Road and Hawthorne Road front the east-west road link.
4. A shared pathway shall be constructed along the full length of the frontage of the site on the eastern side of Avon Dam Road and along the frontage of properties within the site on the south western side of Hawthorne Road.
5. For the purposes of Volume 1 of this plan, the site is to be regarded as being at risk of flood.

6. The existing culvert in Hawthorne Road shall be replaced with a culvert which has capacity to manage a 1% AEP (100yr) flood level and this shall be installed prior to release of the first Subdivision Certificate.
7. A Vegetation Management Plan (VMP) for all restored or reconstructed riparian areas of the site shall be submitted with each development application for lots containing NRW mapped areas and shall be based on the document Controlled activities - Guidelines for Vegetation Management Plans by DECCW (2010).
8. Existing mature Cumberland Plain Woodland (CPW) species shall be maintained and the mapped NRW area around the watercourse shall be revegetated using indigenous CPW species.
9. The watercourse shall be protected and rehabilitated to mimic a natural creek system and this work shall be completed prior to release of the Subdivision Certificate for the land on which the watercourse is located.
10. A Section 88B instrument with a Restriction on the Title to require the ongoing restoration and maintenance of riparian corridors shall be registered on the title for those lots containing NRW mapped land.

**Notes**

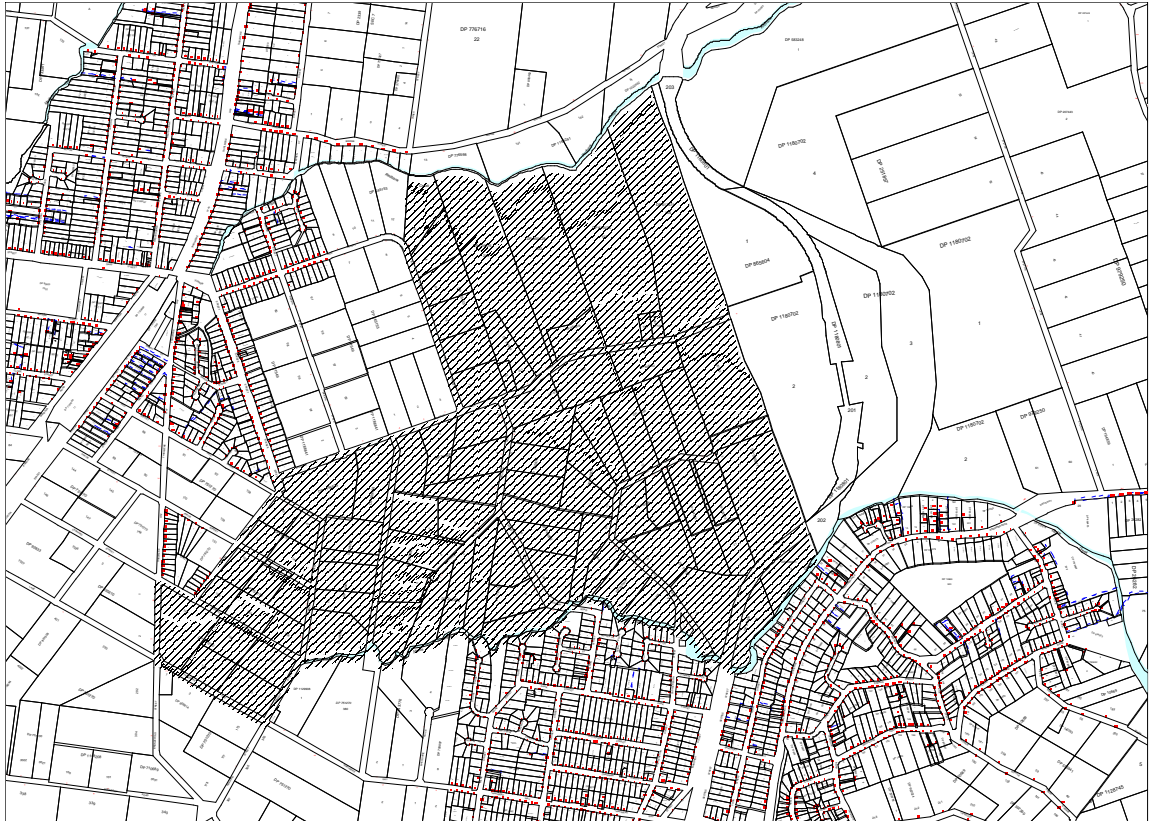
1. For further detail on the location of flood prone land refer to Appendix C in the Flood Study prepared by SEEC (March 2011).



**3.8 Land Between Picton, Tahmoor and Thirlmere (commonly known as PTTAG)**

**Application**

1. This section applies to the land identified on the map below:



**Objectives**

1. To ensure future subdivision of the land has regard to the capacity of downstream stormwater infrastructure.
2. To ensure aboriginal heritage is appropriately considered in the assessment of subdivisions in the PTTAG precinct.

**Controls**

1. Prior to the grant of consent for any subdivision of land to which this clause applies must demonstrate that all downstream stormwater infrastructure, including culverts, are adequate for post development flows or can and will be upgraded to accommodate such flows.
2. The consent authority shall consult with local aboriginal groups as a part of the assessment for any subdivision application within the PTTAG precinct and may require additional archaeological assessment on a site by site basis.

### 3.9 Montpelier Drive Residential Land (The Oaks)

#### Application

1. This section applies to the land identified on the map below:



#### Objectives

1. To minimise the impacts on the scenic and cultural qualities of the rural and heritage landscape.
2. To improve road efficiency and permeability between residential areas.
3. To minimise rural land use conflict.
4. To maintain water quality in the drinking water catchment.
5. To reduce Council's maintenance burden.
6. To minimise the potential risk to life and property, and mitigate noise, from use of the nearby airfield.
7. To ensure habitable buildings are not impacted by potential "dam failure" from the large dam located on the adjoining property to the south.
8. To ensure that contaminated land is suitably assessed and remediated prior to residential development.

#### Controls

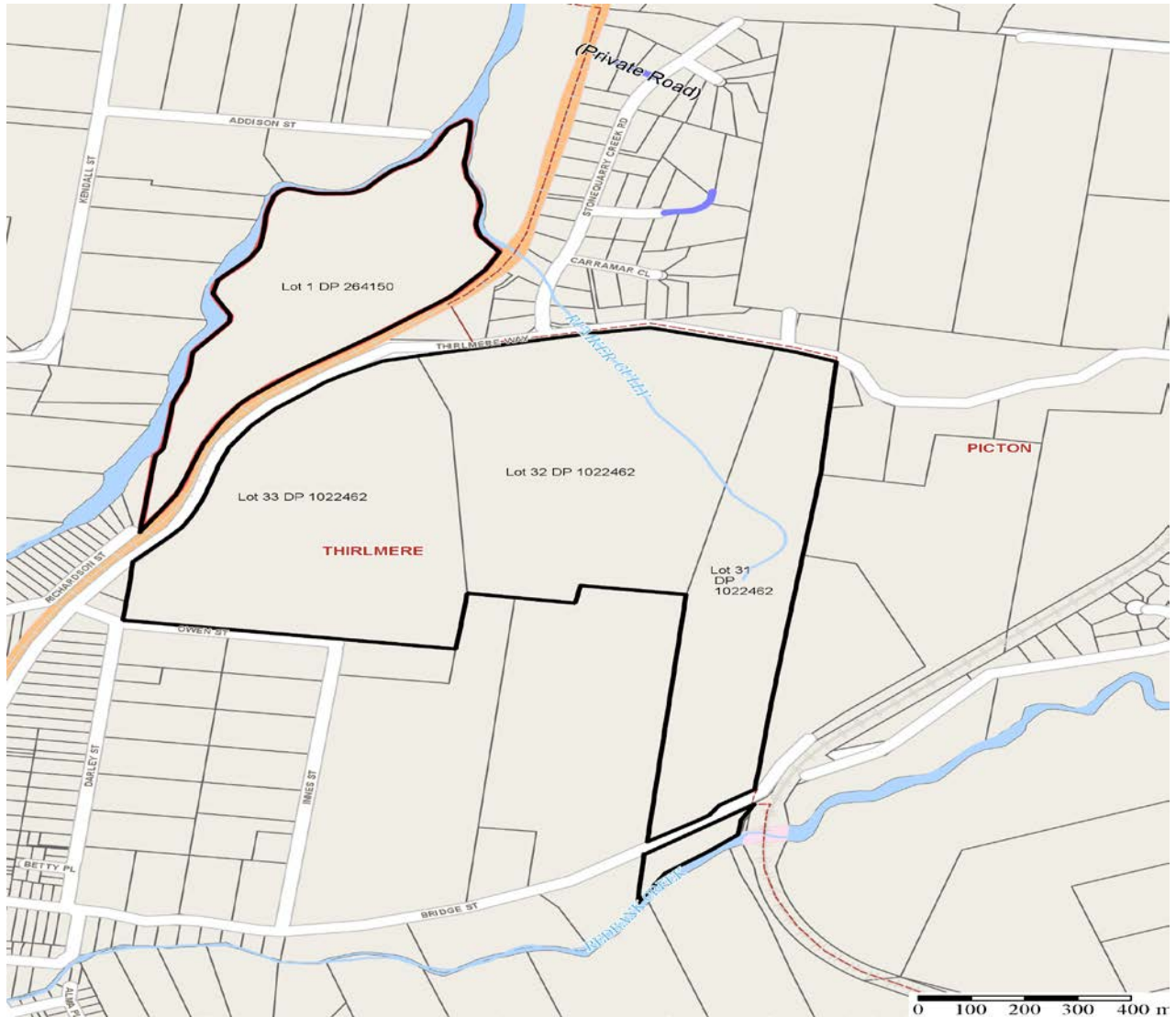
1. Prior to construction of any subdivision a Historical Archaeological Assessment should be undertaken by an appropriately experienced and qualified Historical Archaeologist. Should the assessment find that the proposed works are likely to discover, expose, move damage or destroy any archaeological relics an excavation permit under Section 139 of the Heritage Act 1977 is to be submitted for the approval of the Heritage Council.
2. Any subdivision layout shall achieve an overall density of 9 lots per hectare with a graduating range from 10 lots per hectare at the northern end decreasing to 8 lots per hectare at the southern end of the site.

3. Lots shall be orientated to Montpelier Drive and the main access road and fenced with open style rural fencing.
4. The main access to the site shall be from Montpelier Drive via the unformed public road reserve adjoining the southern end of the site. This access road shall be constructed in accordance with Council design requirements and align with Jooriland Road on the western side of Montpelier Drive.
5. Vehicular access to Hardwicke Street will only be allowed during emergencies.
6. Internal road and shared pathway links shall be provided to the adjoining northern residential area.
7. The main access road shall be landscaped on its southern boundary with suitable vegetation prior to release of any subdivision certificate to achieve a suitable buffer from noise and dust associated with rural activities on adjoining land.
8. All stormwater treatment systems shall be maintained and monitored by the developer for a period of 5 years after construction of the subdivision is completed for the whole site and these systems shall be demonstrated to be functioning effectively before being handed over to Council. Note: The letter of offer by the landowner on 26 August 2014 to enter into a planning agreement at the development application stage to provide additional funds for maintenance of these systems beyond the 5 year period.
9. The height of any new structure or tree shall be restricted to below the maximum permissible height as detailed in Figure 4 Height Limitations of the *Aviation Risk Assessment* by Rehbein Airport Consulting, 31 March 2014. Details of this restriction shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all lots.
10. A noise assessment shall accompany all development applications for dwellings and detail design features to achieve an Aircraft Noise Reduction goal of approximately 20dBA in accordance with AS 2021. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots.
11. Uses such as hospitals, schools, child care centres and seniors living developments although permissible in the R2 Low Density Zone are not recommended for this site due to the potential risk from aircraft using the nearby east-west runway. Council shall only consider a proposal for such uses if an assessment indicates that these risks can be mitigated effectively.
12. All habitable buildings shall be constructed above the PMF flood level and to achieve this, building envelopes on affected lots shall be detailed on plans lodged as part of any development application for subdivision. Details of this building restriction on affected lots shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all such lots.
13. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55 – Remediation of Land the site is taken to contain potentially contaminated land and shall require further assessment and remediation prior to any development consent being granted for subdivision.
14. A minimum clearance zone of 3 metres shall be provided for development around mature trees fronting Montpelier Drive and throughout the site. Details of this building restriction shall be included within a Section 88B instrument to be lodged with any application for a subdivision certificate and shall be registered on the title of all lots.

**3.10 Queen Victoria Memorial Home Planning Proposal Site**

**Application**

1. This section applies to the land identified on the map below:



**Land Contamination**

**Objectives**

- (a) To ensure remediation measures are undertaken to address any potential contaminants to enable the land to be used for residential purposes.

**Controls**

1. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55 – Remediation of Land, the site has been identified as containing areas of environmental concern and shall require further assessment and remediation prior to any development consent being granted for seniors housing.

## **Biodiversity**

The following requirements apply to all land identified on the Natural Resources Biodiversity Map

### **Objectives**

- (a) To protect and improve environmentally sensitive land identified on the site.

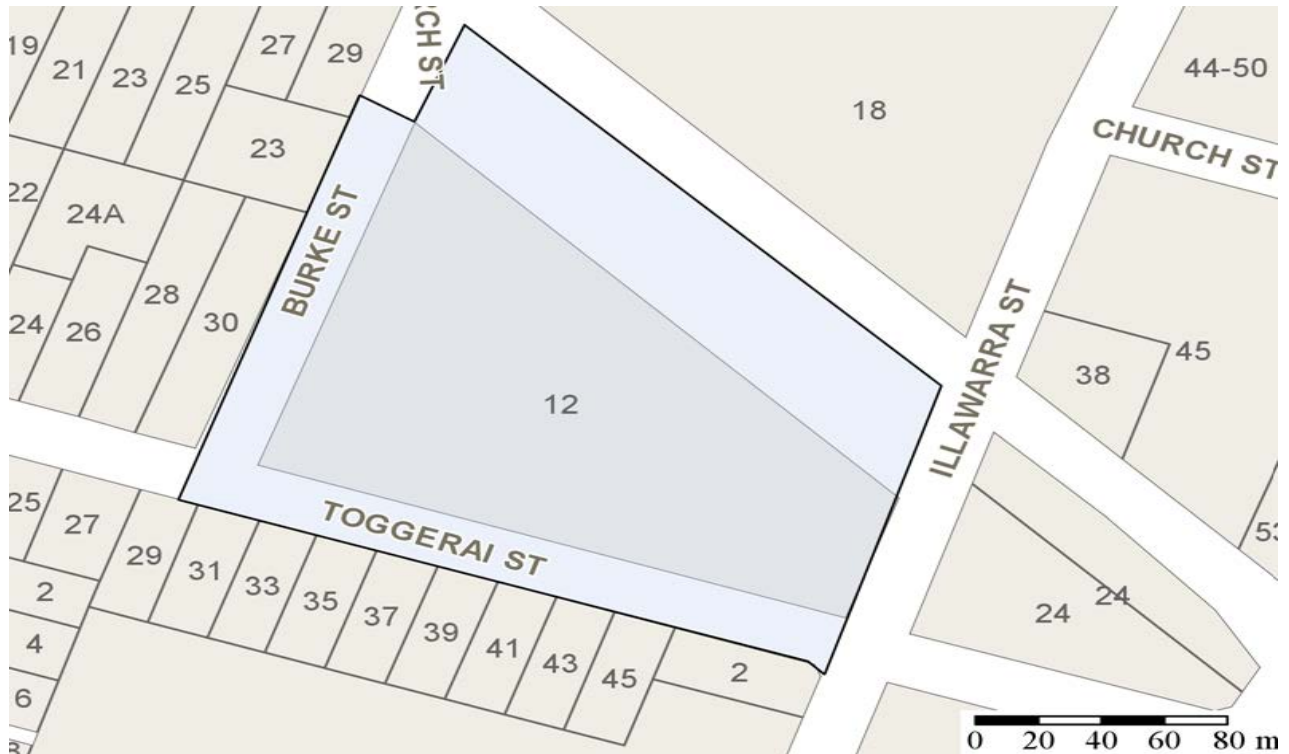
### **Controls**

1. A Bushland Management Plan shall be prepared and submitted with any application for seniors housing in accordance with the Requirements for the Bushland Plan of Management prepared by Wollondilly Shire Council's Environment Section TRIM Ref: 6399#583
2. A Restriction on the Title shall be registered on the title of all lots containing environmentally sensitive land mapped on the Natural Resources Biodiversity Map and include the following measures:
  - a. Requirement to implement the Bushland Management Plan
  - b. Detail that Asset Protection Zones shall be located outside environmentally sensitive land
  - c. Detail that environmentally sensitive land cannot be cleared
    - for the purpose of fencing of allotment boundaries or
    - for the provision of infrastructure, utilities or driveways.

**3.11 Bulli Appin Road Planning Proposal Site**

**Application**

1. This section applies to the land identified on the map below:



**Subdivision Plan**

**Objectives**

- a) To establish an aesthetically pleasing streetscape on the prominent eastern gateway into the village.
- b) To ensure the rural character of Appin is maintained and enhanced.
- c) To retain existing native vegetation and reduce the impact of climate change.

**Controls**

1. The subdivision shall be designed to maximise building frontages orientated to and accessed by pedestrians to existing streets particularly Bulli Appin Road and Illawarra Street.
2. Lots adjacent to Bulli Appin Road will share a similar width and alignment to existing lots on Church Street.
3. Residential lots fronting Bulli Appin Road will have a front orientated towards Bulli Appin Road.
4. The lots shall be orientated to ensure that no future fencing, other than corner lots, adjoin an access road.
5. A vegetation buffer using existing native trees along Bulli Appin Road shall be retained within the road reserve or an adjoining service road and further landscaping shall be provided. This landscaping shall include mid and understory plants which are typical of SSTF high sandstone influence.

6. Details of restrictions relating to all controls in Volume 4, Part 4.3(1) and Part 4.3 (2) will be noted on an 88B instrument and must be lodged with the application for subdivision certificate and registered on the title of all lots.

## **Road Transport Infrastructure and Pedestrian Access**

### **Objectives**

- a) To provide adequate and safe vehicular access.
- b) To provide good pedestrian access.
- c) To ensure infrastructure is delivered prior to the completion of housing.
- d) To reduce the impact of additional traffic caused by the development onto Bulli Appin Road.
- e) To maximise walkability and connectivity for future residents.
- f) To promote the site as a prominent eastern gateway into the village.

### **Controls**

1. The development shall not result in any additional road access points directly onto Bulli Appin Road.
2. Works to open south Burke Street to be completed prior to the release of the Subdivision certificate.
3. Vehicular access into properties adjacent to Bulli Appin Road shall be from a service road to the front of the property.
4. With the exception of service roads, Cul-de-sacs are to be avoided.
5. Other than corner lots, lots with dual frontages are to be avoided.
6. Shared pathways shall be provided along Appin Bulli Road from east to west and will be linked to any future roads within the development and to Kennedy Creek Cycleway.
7. Residential lots adjacent to Bulli Appin Road will have direct pedestrian access to Bulli Appin Road from the front of the lots.
8. All roads and infrastructure to be provided in accordance with Council's Design and Construction Specifications.

## **Noise and contamination**

- a) To promote positive amenity and address noise and dust from Bulli Appin Road and Appin Colliery.
- b) To protect the health of future residents.

### **Controls**

1. For the purpose of Clause 7(4) of State Environmental Planning Policy No. 55- Remediation of Land, the site is taken to contain potentially contaminated land and shall require further assessment and remediation prior to any development consent being granted for subdivision.
2. An acoustic and vibration study is required to consider noise and vibration from Bulli Appin Road and The Appin Colliery. A copy of this report must be made available to all future land owners and be submitted as part of any Development Application.
3. The acoustic report shall demonstrate that the noise criteria in Development Near Rail Corridors and Busy Roads- Interim Guideline (Department of Planning 2008), or updated document, has been addressed.

4. Subdivision design on land impacted by noise shall implement measures to attenuate noise within dwellings and in external areas that are classified as Principle Private Open Space.
5. Physical noise barriers (i.e. Noise walls or solid fencing) are not generally supported, and measures to attenuate noise through subdivision layout, such as service roads, setbacks, building orientation, building envelopes and building design and materials selection shall be implemented to achieve appropriate internal noise standards.
6. Details of building restrictions and residential building design treatments for road and mining noise shall be included within a Section 88B instrument to be lodged with the application for subdivision certificate and registered on the title of all lots.