



# **Attachments Booklet**

## **Part 1**

**Ordinary Meeting of Council**

**Monday 21 August 2017**

---

Includes PE1, PE2, PE3 and PE4



# PE1 Attachments

1. Existing and proposed Lot layout.

**Monday 21 August 2017**

---

PE1 – Development Application No. 010.2016.00000323.001 Two (2) lot subdivision at 26 Wallaroo Road Buxton



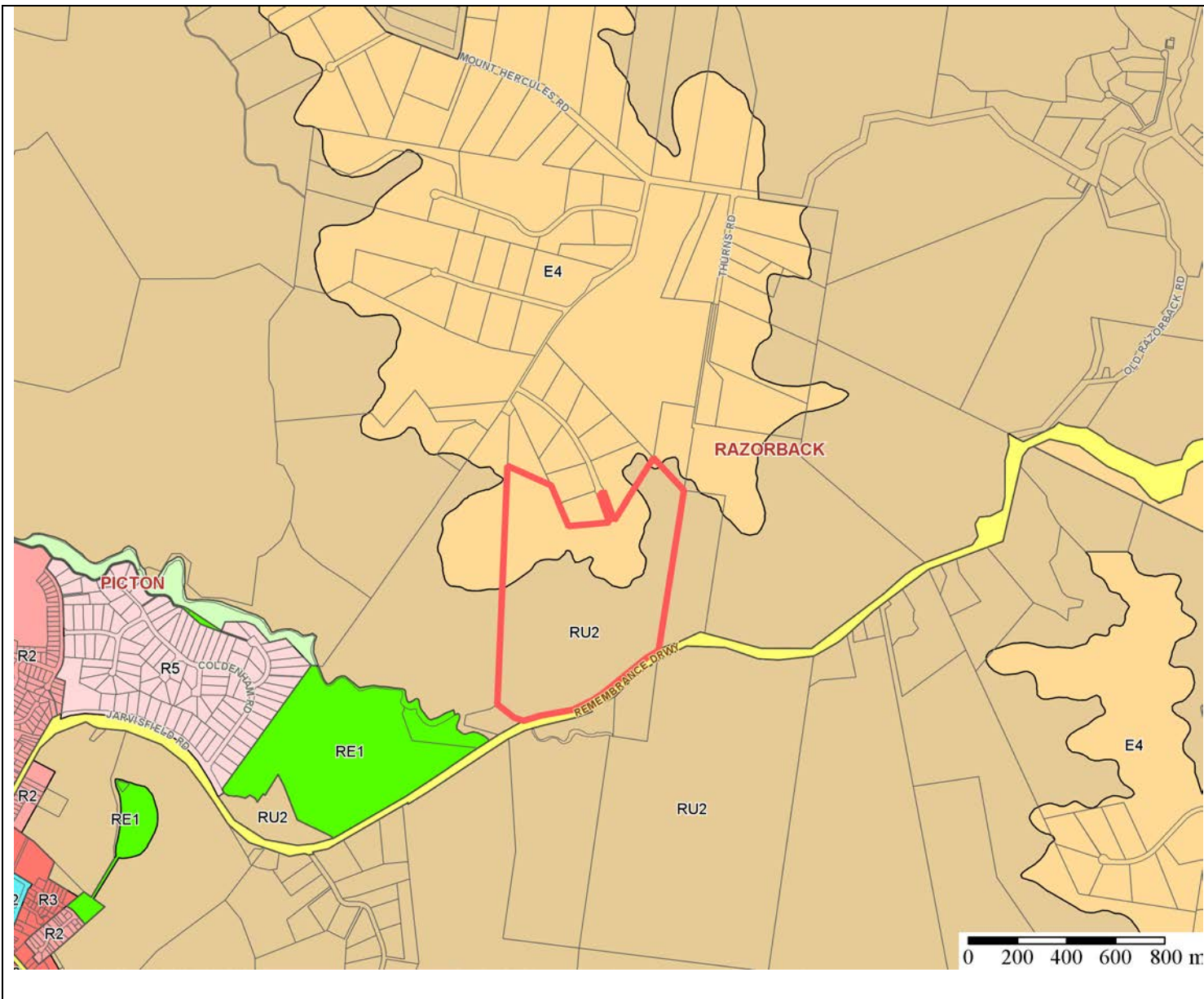
# PE2 Attachments

1. Map showing zoning of subject land
2. Map showing Original Holding Lot outlined in red
3. Assessment of the proposal against Wollondilly Growth Management Strategy 2011
4. Letter from the Proponent dated 30 May 2017

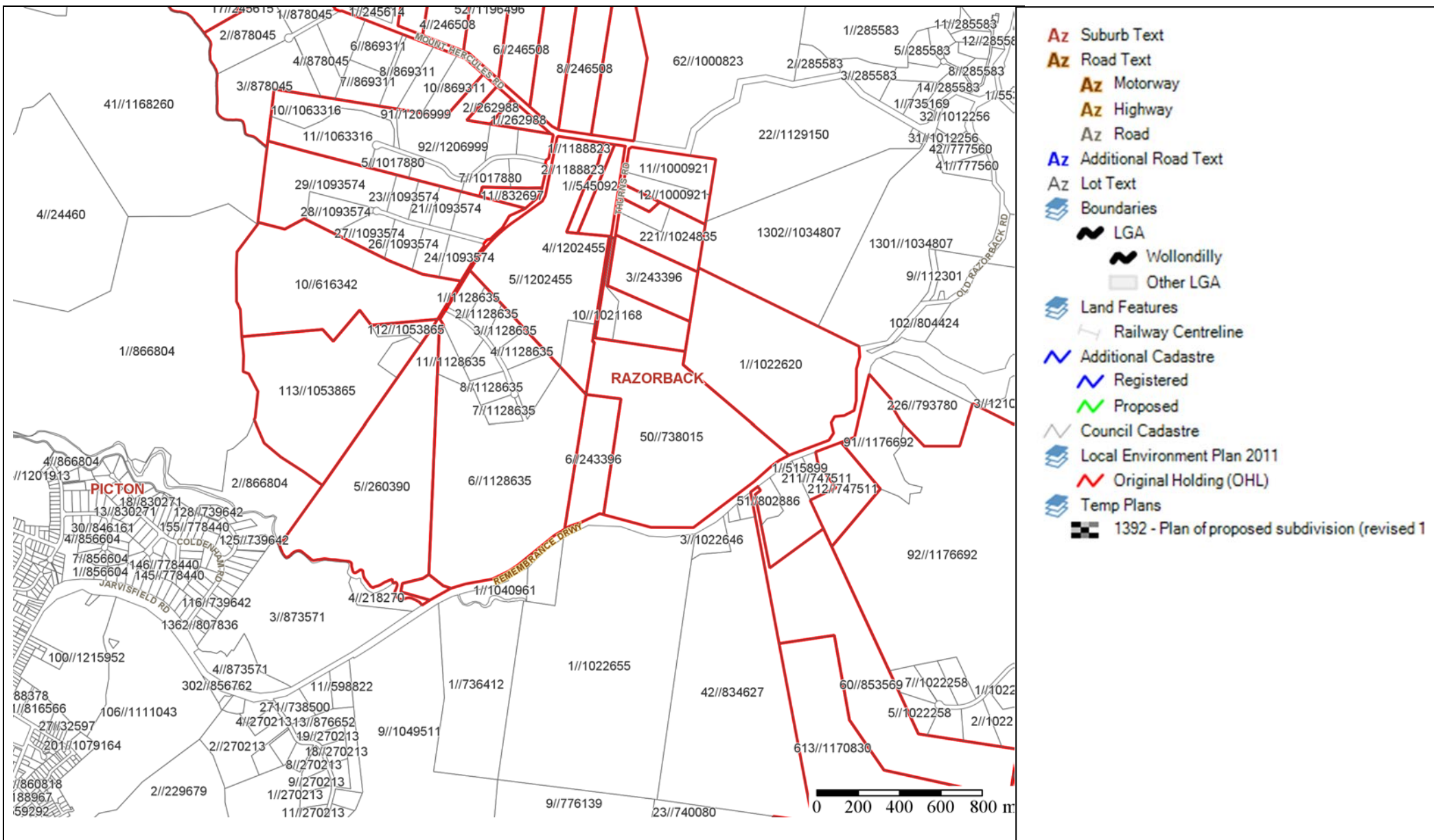
**Monday 21 August 2017**

---

**PE2 – Request for Council to prepare a Planning Proposal  
– 11 Westminster Place, Razorback**



- Az** Suburb Text
- Az** Road Text
- Az** Motorway
- Az** Highway
- Az** Road
- Az** Additional Road Text
- Boundaries**
  - LGA
  - Wollondilly
  - Other LGA
- Land Features**
  - Railway Centreline
- Additional Cadastre**
  - Registered
  - Proposed
  - Council Cadastre
- Local Environment Plan 2011**
  - Land Zoning (LZN)
    - B1 - Neighbourhood Centre
    - B2 - Local Centre
    - B4 - Mixed Use
    - B5 - Business Development
    - E1 - National Parks and Nature
    - E2 - Environmental Conservation
    - E3 - Environmental Management
    - E4 - Environmental Living
    - IN1 - General Industrial
    - IN2 - Light Industrial
    - IN3 - Heavy Industrial
    - R2 - Low Density Residential
    - R3 - Medium Density Residential
    - R5 - Large Lot Residential
    - RE1 - Public Recreation



Key Policy Direction	Comment
<b>General Policies</b>	
<p>P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.</p>	<p>The proposal would not be consistent with the key policy directions in the GMS, in particular the policy directions 5, 10, 19 and 22.</p>
<p><b>P2 All land use proposals need to be compatible with the concept and vision of “Rural Living” (defined in Chapter 2 of the GMS).</b></p>	<p><b>The proposal is to enable a five lot subdivision. The minimum lot size for the site is 4ha, so future lots will appear rural in nature; however it will not achieve the desired density and planned character of the locality.</b></p>
<p>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</p>	<p>The community has not yet been consulted with in regards to the Proposal to include a specific local provision to enable the subdivision of the site. Consultation would be undertaken in accordance with the Act if Council decided to pursue the Planning Proposal.</p> <p>It should be noted that all landowners were consulted with on the previous LEP Amendment which corrected the original holding mapping errors which ultimately led to the subdivision application being refused and no responses were received.</p>
<p>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>The personal financial circumstance of the landowner has not been given consideration in this process.</p>
<p>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).</p>	<p>It is considered that the proposal to enable a further five lot subdivision in this lot would be contrary to this policy direction and would be inconsistent with the desired character of the area that was identified in rural lands study.</p> <p>The proposal would enable 50% more environmental lots within the original holding than is enabled under the density clause in the LEP. The density clause is critical to shaping the built environment and landscape character of the area and it is considered that this should not be departed from for this site.</p>
<b>Housing Policies</b>	
<p>P6 Council will plan for adequate housing to accommodate the Shire’s natural growth forecast.</p>	<p>The proposal would provide for additional housing, however, the Razorback area is not one that has been identified for future growth beyond that currently enabled through compliance with the LEP Planning controls.</p>

Key Policy Direction	Comment
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The proposal would contribute to housing variety but only on a small scale. The possible provision of housing variety would not overcome the impact on rural character in the area.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the “rural fringe”).	The proposal would result in an increase in dwelling density than is desired in the area, however it would not occur within a town centre as desired by this policy direction.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The proposal would result in an increase in housing density on the site than what is currently enabled by the LEP controls. The proposal would result in the desired density for the site potentially being exceeded by 50%. As this growth would not be located adjacent to any town centre or village the proposal would not be consistent with this policy direction.
<b>Macarthur South Policies</b>	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	Not applicable.
<b>Employment Policies</b>	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	Not applicable.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	Not applicable.
<b>Integrating Growth and Infrastructure</b>	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire’s existing and future community.	It is likely that infrastructure and servicing demands at the site could support 5 additional lots.
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.	The proposal is not located near any existing population centre.
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The proposal would result in the growth occurring on a dispersed basis and not within any population centre.



<b>Key Policy Direction</b>	<b>Comment</b>
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	Not applicable.
<b>Rural and Resource Lands</b>	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The Rural Lands report acknowledges that land within the environmental zones across the shire including razorback are within a sensitive environment and that their character would be determined by the land being developed at a density of 1 lot per 4 hectares with a range of lot sizes to be provided.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The proposal would lead to incremental growth in the area which would be contrary to this policy objective.

30 May 2017  
Our Ref: 1372

The General Manager  
Wollondilly Council  
PO Box 21  
PICTON NSW 2571

Dear Mr Johnson

**Item PE4 – withdrawn from business paper for Council meeting 15 May 2017**  
**11 Westminster Place Razorback**

We refer to the above matter, which we understand was withdrawn from the business paper for the Council meeting last Monday 15 May 2017 at our request.

The report prepared by Council staff for this matter recommended that Council not proceed with the preparation of a Planning Proposal to enable the site to be subdivided into five (5) lots.

It is our view that, in the particular circumstances of this case, the request to proceed with the preparation of the Planning Proposal is reasonable and are requesting that Council review its recommendation.

It is noted that we met on two occasions with Council staff (including one meeting with the Regional Director of Department of Planning & Environment ('DPE')) to discuss options to deal fairly and equitably with this matter. There are two relevant issues for Council to consider in this matter. Firstly, there are the planning considerations, which will be addressed below. Secondly, there is the matter of Council's actions that, whilst most likely unintentional, have resulted in an outcome that is procedurally unfair for the landowner and is a denial of natural justice.

The following is a timeline of events in this situation.

<i>Date</i>	<i>Action</i>	<i>Comment</i>
19 October 2015	Integrated DA 10.2015.775.1 submitted to Council for a 5 lot subdivision	The proposed subdivision was lawful at the time of lodgment and subdivision

<i>Date</i>	<i>Action</i>	<i>Comment</i>
		required no variations to the LEP or DCP
22 October 2015	Flora and fauna assessment forwarded to Council which was missing from the original DA bundle	
23 October 2015	Request for additional information received from Council by applicant	
18 November 2015	Council commenced public exhibition of Amendment 21 to WLEP 2011	DA 10.2015.775.1 had been lodged with Council for one month before any notice was given to the public regarding proposed changes to the LEP.
16 December 2015	Public exhibition of Amendment 21 completed	
16 December 2015	Applicant satisfied request for additional information to Council	
1 February 2016	Council referred the integrated development application to RFS	Despite cl.66(2) EPA Regs requiring Council to refer the application to integrated approval bodies within <b>14 days</b> , it took Council <b>104 days</b> to refer this application to RFS
5 February 2016	Original LEC ruling in the <i>De Angelis v Wingecarribee Council</i>	The judgment confirmed that clause 1.8A WLEP could be applied to protect development applications from amendments to LEPs and not solely to the LEP commencement date
4 April 2016	Request for additional information received from Council by applicant (regarding RFS requirements)	
12 April 2016	Request for additional information received from Council by applicant (regarding MSB approval)	Council was required to refer the application to MSB within 14 days of receipt, but failed to do so
28 April 2016	Applicant's bushfire consultant re-issued report, revised to address RFS concerns	
16 May 2016	Council referred the integrated development to MSB	Despite cl.66(2) EPA Regs requiring Council to refer the application to integrated approval bodies within <b>14 days</b> , it took Council <b>209 days</b> to refer this application to MSB
27 May 2016	Amendment 21 to Wollondilly LEP 2011 was made	The making of Amendment 21 on this date, without a specific savings provision, effectively prohibited the proposed subdivision
1 August 2016	NSW Court of Appeal decision in <i>De Angelis v Wingecarribee Council</i>	This decision reversed the LEC decision and held that savings provisions " <i>deal with a precise point in time, namely the point at which a new legal instrument</i> "

<i>Date</i>	<i>Action</i>	<i>Comment</i>
		<i>commences” and did not change over time with subsequent LEP amendments</i>
<i>8 August 2016</i>	Request for additional information from Council (regarding RFS requirements)	
<i>12 August 2016</i>	Applicant’s bushfire consultant spoke directly with RFS to resolve outstanding issues	
<i>30 August 2016</i>	Applicant’s bushfire consultant emailed further revised report to Council (Daniel Lukic)	
<i>8 December 2016</i>	Notice of determination issued - refusal	

**TABLE 1** – Timeline of events

### **PLANNING CONSIDERATIONS**

The aforementioned report prepared by Council staff for Councillors to consider recommends that Council not proceed to prepare a Planning Proposal to enable the proposed subdivision. The Executive Summary identifies three (3) justifications for the proposed recommendation:

#### ***Unreasonable impact on the rural landscape character***

Westminster Place is a short culdesac road, running off Mount View Close. The entirety of Westminster Place, on both sides of the road, is characterized by 4ha lots. The only larger lot fronting Westminster Place is the subject lot, which extends down the escarpment to Remembrance Driveway. The rural landscape character of the area is largely characterized by clusters of 4ha lots and then a large residue. This characterization would remain if the proposed subdivision were to proceed.

The proposed subdivision simply utilizes part of the flat land at the top of the escarpment, whilst still retaining a large residue extending to Remembrance Driveway. Given the significant number of 4ha lots in the immediate vicinity and along the Razorback ridgeline, it is submitted that an additional four (4) x 4ha lots would be completely consistent with the rural landscape character of the area and would have no unreasonable impact on the rural landscape character.

It is also relevant to note that the Council planning officer’s original assessment report for the DA recommended approval. It was not until the draft report was submitted to the team leader that it was discovered there was no savings provision applicable. The original assessment report considered the merits of the proposal (including ‘...*impact on landscape*

*character*’) and concluded that such impacts were acceptable. The letter of refusal from Council refers **only** to non-compliance with cl.4.1B WLEP 2011. It is rather nonsensical to proffer that the proposal satisfied a merit assessment when the assessing officer assumed the savings provision would allow the subdivision to be approved, then claim it does not satisfy a merit assessment when it is discovered that the savings provision does not permit the subdivision, given that the savings provision is a legal device only and has nothing to do with a merit assessment.

### ***Unreasonable density of development on the site***

It must be remembered that, at the time this application was lodged, the proposal was compliant in all respects with the LEP and DCP. It is completely unreasonable for Council to effectively claim retrospectively that the proposed subdivision would result in an unreasonable density of development. This claim is based on the density controls contained in the previous LEP 1991, which was repealed in 2011. In the normal course of the assessment of a DA, it would be incorrect for Council to apply controls from a repealed LEP. Whilst it is acknowledged that density controls approximating those contained in WLEP 1991 were carried over into cl.4.1B of the WLEP 2011, the applicability of this clause relied on the subject land being identified on the original holdings map annexed to the WLEP 2011. The subject land was only included on the original holdings map over seven (7) months after the DA was lodged.

The statement in the Council report relating to the Review of Rural Lands Report, that it “...was also the foundation of the density control which is currently applied in WLEP 2011” is misleading insofar as the density control in question came into force on 27 May 2016, over 7 months after the subject DA was lodged with Council. Prior to this, at the time the DA was lodged, there was no specific density control that needed to be complied with.

Previous comments above referring to the Council planning officer’s original development application report are valid in relation to the density of development, therefore we will not repeat them here.

### ***Adverse precedent of a way to get around planning rules***

It is difficult to imagine what ‘*adverse precedent*’ Council is referring to here, because the subject DA was the only application lodged but not determined at the time of the making of Amendment 21. Therefore, it is only this subject application that was affected by Council’s actions. No precedent is created in this situation. This matter was considered in some detail in our original submission to Council and the report to Councillors appears to have largely ignored the uniqueness of the context of this proposal.

It is offensive for Council’s report to suggest this request is being made as ‘...*a way to get around planning rules*’. Council can be absolutely assured that there has never been any attempt by the proponent to ‘...*get around planning rules*’. It is reiterated that the

application, at the time it was lodged, was fully compliant with the planning rules. This request (for Council to prepare a Planning Proposal to enable the subdivision to proceed) is simply a mechanism to reverse an injustice that has occurred. This was made clear at the meetings held with Council staff prior to the request being submitted. It is inappropriate and unethical for the Council to read a duplicitous motive into this situation. If any party's motives are dubious in this case it would be Council, who failed to determine the DA until after it had become prohibited despite having some 220 days before the legislation changed.

It is also noted that Council's report attempts to undermine the strategic merit justification for the request by stating that '*...further subdivision of the land was only permissible through errors in the original holdings maps*'. Assuming that Council is correct in its assertion that the permissibility to subdivide the subject land arose through error, it should be noted that the supposed 'error' occurred in 2011 and Council (and DPE) would have been aware of it since that time. It took Council almost five (5) years to act to correct the supposed error. During that five (5) year period Council amended the LEP 18 times and at no point did it prioritise this matter. At any time during that period, the landowner would have been within his rights to lodge the same application and, based on the outcome of the recent application, it is likely it would have been approved. Indeed, at the time the application was lodged with Council the planning proposal to correct the supposed error was unknown outside of Council because it had not been placed on public exhibition and had no status in the development assessment process.

Council has not in any way acted with urgency to correct this supposed error, and this lack of urgency has resulted in landowner expectations that the omission of the subject land from the original holdings map was intentional, rather than an error. There was certainly no public campaign, to our knowledge, at any time during that five (5) years period of non-action by Council to draw the error to the attention of the landowners. It simply cannot be argued that that Council did not contribute, through its lack of urgency in dealing with this matter, to the landowner's expectation that he could subdivide lawfully and that this was the strategic intent of the LEP as it was written.

### **COUNCIL'S HANDLING OF THE DEVELOPMENT APPLICATION**

Council's assessment of the DA was far slower than industry best practice as reflected in the appeal provisions of the Act and the expectations of the NSW Department of Planning and Environment. The application was lodged on 19 October 2015, four (4) weeks prior to Amendment 21 being publicly exhibited.

The following observations/comments are made in this regard:

- 1) The Council officer handling Amendment 21 has confirmed verbally to the writer and in the aforementioned meetings that he was not aware the subject DA had been lodged with Council, either prior to the public exhibition of Amendment 21 or at any

time during the management and making of Amendment 21 in late May 2016. Logically, this means that the impact of Amendment 21 on the landowner's [lawfully lodged] DA was never given due consideration by Council. Further, Council is obliged to advise DPE if any DAs are lodged but not determined, prior to the matter being publicly exhibited. This was obviously not done by Council and therefore DPE did not have the appropriate information from Council in order to make its determination in relation to Amendment 21. This omission results in the Amendment 21 process being defective.

- 2) Council's report notes that the owner of the subject land was notified in relation to Amendment 21 and therefore he should have raised the issue during the exhibition period. This is a fallacious argument, for 5 reasons:
  - a) The notification was a general notification and did not spell out to the owner the implication of Amendment 21 would be that his current DA would be adversely affected; and
  - b) Even if the owner was aware of the general implications, it would have been reasonable for him to assume that the existing savings provision would have been sufficient to allow his DA to survive.
  - c) The owner would have reasonably expected his well advanced DA to be determined long before the amendment would be published.
  - d) The onus was on Council, and not the land owner, to advise the DPE of the outstanding DA that would be impacted by the proposal. Council had a responsibility to turn its mind to this question and had all of the necessary information at hand to form the view that DPE needed to be aware of this situation.
  - e) If the arguments in the Council report are reasonable (and we contend they are not) then even if the owner had raised the issue in the exhibition period Council would still have proceed with the proposal as it now stands. If Council contends that a submission in the exhibition period could have changed the outcome then why is a submission after the exhibition period not able to have the same effect.
  
- 3) The development application was lodged as integrated development. Pursuant to cl.66(2) EPA Reg's, Council is required to forward the application to relevant approval bodies within fourteen (14) days after the application is lodged. In this instance, the application was required to be referred to Mine Subsidence Board ('MSB') and Rural Fire Service ('RFS'). As noted in Table 1, Council held the application for **104 days** before it referred it to RFS and **209 days** before it referred it to MSB. These inexplicable delays contributed to the overall assessment time for the application being pushed beyond both the making of Amendment 21 (27 May 2016) and the Court of Appeal judgment in the *De Angelis* case (1 August 2016). Until the judgment in the *De Angelis* case, despite Amendment 21, Council could still have approved the DA, on the basis of the previous LEC judgment of the same case. Effectively, this means there was a window of about nine (9) months from the time

the DA was lodged with Council, where Council could have lawfully issued consent to the subdivision.

- 4) We accept the reality is simply that there was no internal cross-communication at Council between the development assessment planners and the strategic planners in relation to the subject land, the current DA and Amendment 21. We do not believe that there was any deliberate attempt by any Council staff to derail our lawful and meritorious development application. That being the case, it is perplexing that the Council staff are now unwilling to correct this situation through a planning proposal that has in principle support from DPE.

### **THE REQUEST FOR COUNCIL TO PREPARE A PLANNING PROPOSAL**

This request to Council is about fairness. A strategic merit argument has been made to Council. However, we believe Council should agree to prepare the planning proposal not just on planning merit alone, but to do the right thing by this landowner, who has been denied procedural fairness in this instance.

The request involves the inclusion of the land in Schedule 1 of WLEP 2011, to exclude it from the operation of cl.4.1B, which would enable the subdivision that has been denied the landowner. It does not seek to change the zone, or indeed the minimum lot size. It is unique to this landowner, for the reasons explained previously. In our view, the Council report appears to have been written without a full awareness of the background to our request. It ultimately suggests that this is an attempt to subvert proper planning principles and will set a precedent. This is demonstrably false in the light of a detailed understanding of its history. As outlined throughout this submission, we contend that its justifications for recommending refusal are weak, contradictory and ultimately misinformed. We are now requesting Council review its report with full consideration of the history of the site and change its recommendation to support the request.

We look forward to Council's response.

Yours faithfully

**PRECISE PLANNING**

---

**Jeff Bulfin**



# PE3 Attachments

1. Table summarising proposed Housekeeping changes to DCP 2016
2. Amended table outlining development that does not require neighbour notification.
3. Table outlining when an application to modify consent should be notified to adjoining landowners.
4. Amended list of development controls for Secondary Dwellings.
5. DCP variation statistics (May, 2016 to May, 2017).
6. Community Engagement Strategy.
7. Updated planning controls for Bingara Gorge.
8. East Tahmoor Structure Plan.

**Monday 21 August 2017**

---

**PE3 – Review of Wollondilly Development Control Plan  
2016 – Housekeeping Amendments**

**SUMMARY OF INTENDED CHANGES**

**Volume 1 General**

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 1.3 Interpretation	N/A	<p>Add definition of building setback as follows:</p> <p><i>Means the horizontal distance between the relevant boundary of the lot and the building line.</i></p> <p><i>Setback area means the area between the building line and the relevant boundary of the lot.</i></p>	There is currently no definition which outlines how to determine a front setback.
Part 3 Variations to the Plan (Control 1)	<p>This part set out the requirements that an applicant needs to satisfy if submitting a development application which does not comply with a control in the Plan and also sets out requirements for Council in supporting an application which does not comply with the control. This Part currently states the following:</p> <p><i>1. In cases where a variation to a control in this plan is sought, the applicant (or person acting on behalf of the applicant) must include in the development application a written request for Council to consider a variation to that control. The written request to vary a control in this plan must:</i></p>	<p>Amend this part to state the following (with changes coloured in red):</p> <p><i>1. In cases where a variation to a control in this plan is sought, the applicant (or person acting on behalf of the applicant) <b>should provide as part of a written request which outlines:</b></i></p> <ul style="list-style-type: none"> <li>• <i>Identify the control being varied</i></li> <li>• <i>Outline the non-compliance with the relevant control</i></li> <li>• <i>Include reasons and justification for the non-compliance</i></li> <li>• <i><b>How the development meets all of the relevant objectives of the DCP</b></i></li> </ul>	It may not always be necessary for the applicant to provide a written request to vary a control. The proposed amendment to this control would also negate the need for the applicant to provide variation requests for controls that do not apply which would improve the efficiency of the assessment process.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	<ul style="list-style-type: none"> <li>• <i>Identify the control being varied</i></li> <li>• <i>Outline the non-compliance with the relevant control</i></li> <li>• <i>Include reasons and justification for the non-compliance</i></li> <li>• <i>Outline why compliance with the control is unreasonable or unnecessary in the case of their development</i></li> </ul> <p><i>Council may require additional supporting information to justify the request for variation.</i></p>	<ul style="list-style-type: none"> <li>• <i>Outline why compliance with the control is unreasonable or unnecessary in the case of their development</i></li> <li>• <i>How the variation will not adversely affect impact on local amenity</i></li> </ul> <p><i>Council may require additional supporting information to justify the request for variation. It is in the applicant's best interest to provide Council with a written request.</i></p>	
Part 4.1 Development Applications to be Notified.	This clause sets out criteria which make certain types of development exempt from neighbour notification.	<p>It is proposed to add a variety of development types to the control which don't require neighbour notification should they meet a certain criteria. The development types to be added include:</p> <ul style="list-style-type: none"> <li>• <i>Home Occupations;</i></li> <li>• <i>Internal alterations to an existing building that do not affect the height, footprint or external appearance of the building;</i></li> <li>• <i>Minor commercial building alterations/additions (other than buildings which are a Heritage Item or within a Heritage Conservation Area);</i></li> <li>• <i>Change of use of an existing building from one type of commercial use to another type of commercial use within a business zone;</i></li> <li>• <i>Change of use from one type of light</i></li> </ul>	These types of development would often have minimal impact on adjoining landowners provided that they meet the criteria set out in attachment 2 and should be able to be determined without neighbour notification.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
		<p><i>industry to another type of light industry within an industrial zone provided that the land does not adjoin any residential, rural, environmental or open space zone;</i></p> <ul style="list-style-type: none"> <li>• <i>Secondary dwellings in rural and environmental zones (on lots greater than 2ha in area);</i></li> <li>• <i>Minor environmental protection works;</i></li> <li>• <i>Signage</i></li> <li>• <i>Works that are required in response to an emergency situation (such as a natural disaster event, e.g. a flood).</i></li> </ul>	
<p>4.1 Development Applications to be Notified</p>	<p>The control currently requires development on land which constitutes any of the following to be carried out, regardless of the type of development:</p> <ul style="list-style-type: none"> <li>• On land within a heritage conservation area;</li> <li>• Development on land which contains a heritage item;</li> <li>• Development on land that immediately adjoins a heritage item</li> <li>• Development on flood prone land;</li> <li>• Development that is inconsistent with any restriction on the title of the lot.</li> </ul>	<p>It is proposed to delete this part of the control.</p> <p>Certain types of development (for example single storey dwellings) would still require neighbour notification if within a heritage conservation area or on a lot containing a heritage item and this has been incorporated into the revised notification table in attachment 2 which sets out criteria that a development needs to meet in order to be exempt from notification.</p> <p>Some other types of development (for example rainwater tanks and home occupations) should not require neighbour notification regardless of the land based</p>	<p>In many cases, development in the area specified would not require notification if the development is minor and of minimal impact.</p> <p>There is no reason for minor development on flood prone land to trigger the need for neighbour notification.</p>

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 4.1 Development Applications to be Notified	N/A (it is proposed to insert a control).	<p>criteria in the left column.</p> <p>Insert the following control in relation to development applications to be notified:</p> <p><i>“2. Neighbour notification may not be required for a development application where, in Council’s considered opinion, the potential for adjoining or nearby land to be adversely impacted by the development is considered minimal in terms of the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Amenity (including noise, odour, hours of use);</i></li> <li>• <i>Suitability of the land for the proposed development;</i></li> <li>• <i>The siting of the proposed building in relation to the development of the site boundaries;</i></li> <li>• <i>The scale and bulk of the proposed development.</i></li> </ul> <p><i>Likewise, Council may require an application which would not require notification under the section above to be notified.”</i></p>	<p>There may be occasions where a type of development requiring advertising under this plan may require notification, but is of a very minor scale and nature and will have no impact on adjoining landowners and in these cases, Council should be capable of using its discretion as to whether neighbour notification is required.</p> <p>Alternatively, there may be occasions where a development not required to be advertised under this volume could have an impact on adjoining landowners and the relevant staff member will have the capacity under this clause to notify such an application.</p>
Part 4.2 Requirements for Notification	This section outlines the procedural requirements for Council when undertaking notification of development applications.	<p>It is proposed to insert the following control at the end of this section:</p> <p><i>Where, in Council’s opinion, an application may detrimentally affect property owners or</i></p>	The current DCP provides no procedures for notifying properties outside of the Local Government Area which adjoin or will be impacted by a development within

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
		<p><i>occupants of land outside Wollondilly Shire Council's Local Government Area (LGA), Council will contact the neighbouring Council to provide them with sufficient information to enable them to adequately inform such property owners.</i></p> <p><i>The notification of property owners outside Wollondilly Shire Local Government Area regarding any application is at the discretion of the neighbouring Council.</i></p>	<p>Wollondilly Local Government Area.</p> <p>This may improve efficiency when notifying development applications as there will be a clearer process.</p>
<p>Part 4.3 Development to be Advertised</p>	<p>The current control denotes types of development requiring advertising including:</p> <ul style="list-style-type: none"> <li>• <i>Subdivision creating 5 or more lots (except for subdivision described in an exemption in Clause 4.1 in this plan)</i></li> </ul>	<p>Amend the wording as follows:</p> <ul style="list-style-type: none"> <li>• <i>Subdivision <b>resulting</b> in 5 or more lots (except for subdivision described in clause 4.1 or 4.2 of this plan).</i></li> </ul>	<p>Clarify the number of lots within a subdivision which triggers the need for advertising.</p>
<p>4.3 Development to be Advertised</p>	<p>This section provides the types of development requiring advertising (i.e. in a local newspaper).</p>	<p>It is proposed to delete the following from development types to be advertised:</p> <ul style="list-style-type: none"> <li>• Function centres;</li> <li>• Sewerage systems servicing or intending to service more than 2 dwellings</li> </ul>	<p>Function centres should not be advertised development as they are only permitted in the business zones and the development would quite often be consistent with the area character.</p> <p>The current requirement to advertise sewerage systems only relates to sewerage systems for residential development and does not capture sewerage systems for</p>

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
			commercial development. it is considered that sewerage systems (unless Designated Development) should not require advertising.
Part 4.3 Development to be Advertised	This section provides the types of development requiring advertising (i.e. in a local newspaper).	Add the following control in respect of development applications requiring advertising:  <i>'In circumstances where a minor development (such as an awning) is proposed to an existing lawful and established facility listed above, Council may use its discretion not to advertise the application provided that it is of minimal impact'.</i>	The current control requires development for the purposes of any of the types listed to be advertised in accordance with the plan (regardless of whether the use is existing or proposed).  In many cases, if the facility is existing and a minor development is proposed (such as alterations to a building or an awning) then in most cases it should not require advertising and the addition of this clause will allow some flexibility in this area.
Part 4.5 Development Applications Altered Prior to Determination	This part outlines procedures for notification of development applications which are amended prior to determination (but after they have initially been subject to notification).  The control currently states:  <i>Where a development application is altered prior to being determined, any community engagement required by this plan (be it notification or</i>	It is proposed to amend the control as follows:  <i>Where a development application is altered prior to being determined (but after notification has been carried out), it must be re-notified where in Council's opinion, the amended development would have a greater impact as a result of the changes and it is in the public interest to do so.</i>	The current control is too narrow and does not enable enough flexibility in establishing whether applications need to be re-notified if changed prior to determination.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	<p>advertising) must be undertaken again prior to any granting of development consent unless the alterations are minor only. The notification of any such development must include writing to any prior submitters on the application. Minor changes involve changes that meet the following:</p> <p><input type="checkbox"/>do not increase the size or height of any building associated with the development;</p> <p><input type="checkbox"/>do not reduce the setbacks of any buildings associated with the development;</p> <p><input type="checkbox"/>do not impact on solar access achieved by adjoining lands;</p> <p><input type="checkbox"/>do not result in the change of location of any access driveway or proposed public road;</p> <p><input type="checkbox"/>In the case of a subdivision of land, where the building envelope is not being moved closer to a boundary that adjoins the development site;</p> <p><input type="checkbox"/>Do not result in any additional structures or uses that would form part of the development;</p> <p><input type="checkbox"/>Would not significantly change the appearance or nature of the development;</p> <p><b>NOTE: Council may undertake re-notification where changes are made where Council considers that notification of the changes is necessary and in the public interest to do so.</b></p>	<p>Where re-notification is required it must include writing to any prior submitters on the application.</p>	
Part 4.6 Applications to Modify a	<p>The control currently states:</p> <p><i>Any person may lodge an application to modify a</i></p>	<ul style="list-style-type: none"> <li>▪ It is proposed to retain the requirement which enables notification of any kind not to be carried out for a s96(1) application;</li> </ul>	<p>It is an unreasonable for Council to have to notify all s96(2) applications to adjoining landowners, as all</p>



DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Development Consent	<p><i>development consent under Section 96 of the Environmental Planning and Assessment Act, 1979 provided that the changes would result in substantially the same development as that originally approved. Council's requirements in relation to notification of an application to modify a development consent are as follows:</i></p> <ul style="list-style-type: none"> <li>▪ <i>Any application to modify a consent under section 96(1) of the Act (which involves the correction of minor errors, misdescriptions and miscalculations) does not require any notification to be carried out;</i></li> <li>▪ <i>An application to modify a consent under section 96(1A) of the Act (which involves changes that would have only a minimal environmental impact) would require as a minimum notification to any previous submitters;</i></li> <li>▪ <i>An application to modify a consent under Section 96(2) of the Act (which involves other changes) would require as a minimum notification to adjoining landowners and previous submitters;</i></li> <li>▪ <i>An application to modify a consent under Section 96(AB) of the Act (which involves modifications to development consents issued by the Land and Environment Court) would require as a minimum notification to adjoining</i></li> </ul>	<ul style="list-style-type: none"> <li>▪ It is proposed to retain the requirement to notify previous submitters for a s96(1a), s96(2) or s96(AB) application, however, the requirement to notify adjoining landowners of a modification under s96(2) has been removed.</li> </ul> <p>It is proposed to retain the following control:</p> <p><i>Council may determine <u>to</u> carry out additional notification or advertising of any application under 96(1A), 96(2) or 96(AB) depending on the nature of the changes and whether Council sees it in the public interest to do so.</i></p> <p>However, it is proposed to also add the following additional control:</p> <p><i>Council may also determine <u>not to</u> notify previous submitters if the amendments are minor and if the changes do not relate to any of the issues originally raised in their submission.</i></p> <p>Please see the table in attachment 3 which is proposed to be added to the Draft DCP which provides clearer guidance as to when and in what form neighbour notification must be carried out for an application to modify</p>	<p>applications to modify a consent need to be substantially the same development.</p> <p>A clause has been added to enable Council not to notify to previous submitters where the change is minor and does not affect issues raised in previous submissions. This would enable modifications such as re-staging or minor changes to a façade of a building to be processed without notification.</p> <p>The control has been retained which enables Council to undertake additional notification (such as to adjoining landowners if necessary).</p>

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	<p><i>landowners and previous submitters;</i></p> <p><i>NOTE: Council may determine to carry out additional notification or advertising of any application under 96(1A), 96(2) or 96(AB) depending on the nature of the changes and whether Council sees it in the public interest to do so.</i></p>	consent.	
Part 9 Environmental Protection <b>(Control 9.3)</b>	The control establishes that any development application on a site that includes sensitive land mapped on the Natural Resources – Water Map under Wollondilly Local Environmental Plan 2011 with a riparian buffer distance, must include an accurate survey of riparian buffer distances to determine the exact location of the buffer which is to be measured from the top of bank of each side of the watercourse.	<p>It is proposed to add the following text to the end of the control:</p> <p><i>In circumstances where the applicant can provide evidence to the satisfaction of Council, e.g. advice from the NSW Office of Water or a Hydrological Report detailing that the waterway is insufficiently defined this control will not apply.</i></p>	There have been sites where the watercourse is insufficiently defined to include a detailed survey of the riparian buffer distances and a variation to this control has been required.

## Volume 2 – Urban Release Areas

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment																
Part 2.1 (Bingara Gorge) <b>Control 2</b>	2. Prior to determining any application for subdivision the consent authority must be satisfied that the ultimate development of each precinct is carried out in accordance with the lot yields identified in Map 2: Precinct Allotment Allocation will ultimately result in a number of residential lots that is	<p>Amend the table within the map to state the following (amendments shown in red):</p> <table border="1"> <thead> <tr> <th colspan="2">Precinct</th> <th colspan="2">Yield</th> </tr> <tr> <th>No.</th> <th>Name</th> <th>Minimum Yield</th> <th>Maximum Yield</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Rural</td> <td>335</td> <td>390</td> </tr> <tr> <td>2</td> <td>Fairways West</td> <td>160</td> <td>195</td> </tr> </tbody> </table>	Precinct		Yield		No.	Name	Minimum Yield	Maximum Yield	1	Rural	335	390	2	Fairways West	160	195	The maximum number of lots within each precinct was revised as a result of the NSW Land and Environment Court Proceedings in 2016.
Precinct		Yield																	
No.	Name	Minimum Yield	Maximum Yield																
1	Rural	335	390																
2	Fairways West	160	195																

DCP Clause	Current Control	Proposed Amendment				Reason for Proposed Amendment																																																																									
	<p><i>between the maximum and minimum yields (inclusive) tabulated on that map.</i></p> <p>The number of lots currently tabulated on Map 2 are as follows:</p> <table border="1" data-bbox="400 531 875 986"> <thead> <tr> <th colspan="2">Precinct</th> <th colspan="2">Yield</th> </tr> <tr> <th>No.</th> <th>Name</th> <th>Minimum Yield</th> <th>Maximum Yield</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Rural</td> <td>100</td> <td>170</td> </tr> <tr> <td>2</td> <td>Fairways West</td> <td>50</td> <td>80</td> </tr> <tr> <td>3</td> <td>Fairways East</td> <td>230</td> <td>250</td> </tr> <tr> <td>4</td> <td>Highlands</td> <td>170</td> <td>190</td> </tr> <tr> <td>5</td> <td>Greenbridge</td> <td>180</td> <td>200</td> </tr> <tr> <td>6</td> <td>Pembroke</td> <td>160</td> <td>180</td> </tr> <tr> <td>7</td> <td>Bushland</td> <td>50</td> <td>80</td> </tr> <tr> <td>8</td> <td>Golftown</td> <td>50</td> <td>80</td> </tr> <tr> <td>9</td> <td>Greenbridge</td> <td>70</td> <td>125</td> </tr> <tr> <td colspan="2"><b>Total Yield: 1165 Lots</b></td> <td></td> <td></td> </tr> </tbody> </table>	Precinct		Yield		No.	Name	Minimum Yield	Maximum Yield	1	Rural	100	170	2	Fairways West	50	80	3	Fairways East	230	250	4	Highlands	170	190	5	Greenbridge	180	200	6	Pembroke	160	180	7	Bushland	50	80	8	Golftown	50	80	9	Greenbridge	70	125	<b>Total Yield: 1165 Lots</b>				<table border="1" data-bbox="902 280 1556 541"> <tbody> <tr> <td>3</td> <td>Fairways East</td> <td>235</td> <td>250</td> </tr> <tr> <td>4</td> <td>Highlands</td> <td>180</td> <td>190</td> </tr> <tr> <td>5</td> <td>Greenbridge</td> <td>210</td> <td>225</td> </tr> <tr> <td>6</td> <td>Pembroke</td> <td>160</td> <td>180</td> </tr> <tr> <td>7</td> <td>Bushland</td> <td>140</td> <td>175</td> </tr> <tr> <td>8</td> <td>Golftown</td> <td>140</td> <td>175</td> </tr> <tr> <td>9</td> <td>Greenbridge</td> <td>210</td> <td>225</td> </tr> </tbody> </table>	3	Fairways East	235	250	4	Highlands	180	190	5	Greenbridge	210	225	6	Pembroke	160	180	7	Bushland	140	175	8	Golftown	140	175	9	Greenbridge	210	225	
Precinct		Yield																																																																													
No.	Name	Minimum Yield	Maximum Yield																																																																												
1	Rural	100	170																																																																												
2	Fairways West	50	80																																																																												
3	Fairways East	230	250																																																																												
4	Highlands	170	190																																																																												
5	Greenbridge	180	200																																																																												
6	Pembroke	160	180																																																																												
7	Bushland	50	80																																																																												
8	Golftown	50	80																																																																												
9	Greenbridge	70	125																																																																												
<b>Total Yield: 1165 Lots</b>																																																																															
3	Fairways East	235	250																																																																												
4	Highlands	180	190																																																																												
5	Greenbridge	210	225																																																																												
6	Pembroke	160	180																																																																												
7	Bushland	140	175																																																																												
8	Golftown	140	175																																																																												
9	Greenbridge	210	225																																																																												
Part 2.1 (Bingara Gorge) <b>Control 3</b>	<p><i>3. Prior to determining any application for subdivision the consent authority must be satisfied that the ultimate development of this Urban Release Area will not result in more than <u>1165</u> residential lots.</i></p>	<p>Amend the control to state the following:</p> <p><i>Prior to determining any application for subdivision the consent authority must be satisfied that the ultimate development of this Urban Release Area will not result in more than <u>1800</u> residential lots.</i></p>	<p>The total number of lots in the Urban Release Area was revised from 1165 to 1800 as a result of the NSW Land and Environment Court Proceedings in 2016.</p>																																																																												
Part 2.1 (Bingara Gorge) <b>Control</b>	<p><i>10. The ecologically sensitive land contained in precinct 1 (identified in map 2 of this volume) must be retained</i></p>	<p><i>10. Any subdivision of land within the precinct must ensure that any stormwater that drains to Stringybark creek must be suitably treated to match pre-development flows.</i></p>	<p>The 2016 Land and Environment Court Judgement enabled the removal of some vegetation through</p>																																																																												

<b>DCP Clause</b>	<b>Current Control</b>	<b>Proposed Amendment</b>	<b>Reason for Proposed Amendment</b>
<b>10</b>	<i>and any development within this precinct must ensure that any stormwater that drains to Stringybark creek must be suitably treated to match pre-development flows.</i>		the Ecologically Sensitive Land through the construction of fire trails and pedestrian walkways and so the control needs to be modified to reflect the judgement. The ESL is suitably protected through the Biodiversity Layer within Council's LEP.
Part 2.1	Not applicable	Update section in the DCP relating to Bingara Gorge to reflect recent Court Case	To ensure that Controls are consistent with Land & Environment Court Judgment and prevent unnecessary variation requests.
Part 2.5 Clearview ( <b>all controls</b> )	Contains numerous controls for Clearview Planning Proposal site.	Delete whole part.	The Clearview Planning Proposal was refused by the NSW Greater Sydney Commission and will not be proceeding.

### Volume 3 – Subdivision

<b>DCP Clause</b>	<b>Current Control</b>	<b>Proposed Amendment</b>	<b>Reason for Proposed Amendment</b>
N/A	This volume does not currently contain a section specifically relating to the subdivision of an existing dual occupancy development.	Include a section in the DCP volume that relates specifically to the subdivision of an existing dual occupancy development.	The subdivision of an existing dual occupancy development is currently assessed under the general subdivision volume. This means that the subdivision of an existing dual occupancy is often required to comply with a number of controls which should not apply.

<b>DCP Clause</b>	<b>Current Control</b>	<b>Proposed Amendment</b>	<b>Reason for Proposed Amendment</b>
3.6 Tahmoor East ( <b>Control 1</b> )	<p>This section of the DCP relates to a large residential release area in East Tahmoor.</p> <p>The current control includes a structure plan with an indicative layout for roads, drainage etc which future subdivision applications must adhere to.</p>	It is proposed to amend the structure plan.	<p>The amended structure plan will reflect current approved subdivision applications and provide a more integrated road network.</p> <p>The revised plan will result in less variation requests as the road locations in future subdivision applications will be able to connect with the roads already approved in previous subdivision applications and have greater regard for the constraints of the land.</p>

#### **Volume 4 – Residential Development**

<b>DCP Clause</b>	<b>Current Control</b>	<b>Proposed Amendment</b>	<b>Reason for Proposed Amendment</b>
Contents Section	N/A	The table at the front of the volume which describes certain lot types relating to various size ranges should be included in the contents page.	Improve useability.
1.2 Objectives	<p>Objective 1.1:</p> <p><i>1.1 To ensure that in-fill development is</i></p>	<p>Amend wording to state the following:</p> <p><i>1.1 to ensure that infill development does not detract from</i></p>	Improve wording and useability of objective.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	<i>compatible with existing landscape characters.</i>	<i>the existing landscape character.</i>	
1.2 Objectives	Objective 1.2:  <i>1.2 To establish an aesthetically pleasing landscape character for residential areas.</i>	Amend wording to state the following:  <i>1.2 to enhance the landscape and streetscape character through considerate and attractive design.</i>	Improve wording and useability of objective.
1.2 Objectives	Objective 1.3:  <i>1.3 To create attractive streetscapes and ensure that development does not dominate the landscape by excess bulk, height or inappropriate scale.</i>	Amend wording to state the following:  <i>1.3 to create attractive streetscapes and landscapes through quality built form and by ensuring that development does not dominate through excessive bulk, height or inappropriate scale.</i>	Improve wording and useability of control.
1.2 Objectives	Objective 2.1:  <i>2.1 To ensure that dwellings have access to car parking that is practical for occupants.</i>	Amend wording to state the following:  <i>2.1 To ensure a clear path of travel between parking spaces and the dwelling.</i>	The current objective is unclear as to what is meant by practical for occupants.
1.2 Objectives	Objective 14.1:  14.1 to ensure that this plan is consistent with the framework established by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Amend to state the following:  14.1 to ensure that this plan is consistent with the framework established by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 <u>and the State Environmental Planning Policy (Affordable Rental Housing) 2009.</u>	Several controls (particularly those relating to Secondary Dwellings in residential zones and boarding houses) have been amended to improve consistency with the Affordable Housing SEPP and this should be reflected in the objective.
Part 2.2 Residential Development in the B4 Mixed Use	<i>2. Attached dual occupancies (including ancillary developments) in the B4 Mixed Use Zone shall be assessed as though it were undertaken in the R2 Low Density Residential Zone.</i>	<i>Attached <b>and detached dual</b> occupancies (including ancillary developments) in the B4 Mixed Use Zone shall be assessed as though it were undertaken in the R2 Low Density Residential Zone.</i>	There is an error in the current control. It only states attached dual occupancies in the B4 zone are to be assessed as though they are in the R2 zone, which means that there are

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Development Zone (Control 2)			no controls for detached dual occupancies in the B4 zone.
Part 2.9 Non-Residential Development	<p><b>2.9 Non-Residential Development</b></p> <p><b>Objectives</b></p> <p><i>1. To ensure that residential developments are undertaken with due regard to other forms of development in the vicinity.</i></p> <p><b>Controls</b></p> <p><i>1. Development subject to this volume must demonstrate that it will not result in unreasonable impacts on existing non-residential development in the vicinity including (without limitation):</i></p> <p><i>a. Agriculture</i></p> <p><i>b. Education Facilities</i></p> <p><i>c. Recreation Facilities</i></p> <p><i>d. Industries</i></p> <p><i>e. Business Undertakings.</i></p>	<p><b>2.9 Land Use Conflict</b></p> <p><b>Objective</b></p> <p><i>1. To reduce potential land use conflict with an existing adjoining land use.</i></p> <p><b>Controls</b></p> <p><i>1. Residential development shall not impede the operation of existing non-residential development in the vicinity including (without limitation):</i></p> <p><i>a. Agriculture</i></p> <p><i>b. Education Facilities</i></p> <p><i>c. Recreation Facilities</i></p> <p><i>d. Industries</i></p> <p><i>e. Business Undertakings.</i></p>	The control has been re-worded so that its intent is clearer.
2.10 Special Requirements for Parking Areas near Dwellings	<p><i>1. Where a door is provided which has direct access (within 3 metres) to a parking area, the door shall be consistent with the following requirements:</i></p> <p><i>a) The door leaf shall swing into the dwelling and not into the garage or parking area; and</i></p>	Delete Control	<p>There are several reasons for this control being deleted as follows:</p> <ul style="list-style-type: none"> <li>• There is no requirement for a dwelling that is completed as complying development under the Exempt and Complying Code to meet such a requirement;</li> </ul>

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	<p><i>b) No sliding or concertina door of any type shall be used; and</i></p> <p><i>c) The door leaf shall be fitted with a hydraulic self-closing fixture that is a minimum size 2 spring strength in accordance with AS4145.5.</i></p> <p><i>Note: In the case of unusually high or heavy doors, windy or draughty conditions, or special installations a larger power size of door closer should be used; and</i></p> <p><i>d) Any door latch or passage set shall be installed at a minimum of 1500mm above finished floor level; and</i></p> <p><i>e) Any bolt or function that could, in normal usage, render a door leaf non-self-latching shall not be incorporated.</i></p> <p><i>Note: A non-self-latching bolt (e.g. a dead bolt) will prevent the door from closing if left protruding while the door is open. Any electrically operated locking devices or bolts shall be self-latching in the event of power failure and any activation switches installed 1500mm above finished floor level; and</i></p> <p><i>f) If pairs of doors are used both leaves are to be self-closing and self-latching and shall include a selective sequence closing device.</i></p>		<ul style="list-style-type: none"> <li>• The Building Code of Australia has not included any requirements for child latches to residential development. The BCA does include child restriction devices for first floor windows, so there are conditions in there relating to child safety issues but no such requirement for a front door.</li> <li>• The control is unreasonable for a person building a house where children are not currently, or are unlikely to ever live in the house.</li> <li>• The control places an unreasonable cost and time constraint in people constructing a single dwelling on a site.</li> </ul>



DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	<p><b>Note:</b> For the purpose of this control a parking area includes, but is not limited to an attached or detached garage, car port or an open hardstand car parking space.</p>		
<p>3.7 Ancillary Buildings (Town Centre Residential Lots, Residential Small Lots and Standard Residential Lots) <b>Control 5.</b></p>	<p>Control 5: <i>Any façade visible from any public road must have no stretch of straight wall greater than 10.0 metres in length.</i></p>	<p>Delete Control.</p>	<p>The maximum floor area for an ancillary building on a town centre residential, residential small lot or standard residential lot is 120m<sup>2</sup>. It would be unreasonable in many cases to require articulation in the wall for a wall of around this length. A straight wall of this length would likely have minimal impact in residential zones.</p>
<p>3.7 Ancillary Buildings (Town Centre Residential Lots, Residential Small Lots and Standard Residential Lots) <b>Control 10.</b></p>	<p>Control 10 states the following: <i>Ancillary buildings shall be located no less than 1.0m behind the front building line of the dwelling on primary road frontages and the secondary front building line for secondary frontages.</i></p>	<p>Amend to state the following: <i>Ancillary buildings shall be located no less than 1.0m behind the front building line of the dwelling on the primary road frontage.</i> <i>Ancillary buildings shall be setback no less than 1.0 on the secondary street frontage on corner lots.</i></p>	<p>On smaller residential lots it is unreasonable in many cases to require a shed to be behind the frontage of the dwelling on the secondary street of a corner lot. Particularly in situations where the dwelling may be setback may be setback a substantial distance from the secondary street frontage.</p>
<p>3.7 Ancillary Buildings</p>	<p>Control 11 states the following:</p>	<p>Amend to state the following:</p>	<p>This control is amended to make it clear that the control applies to rear</p>

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
(Town Centre Residential Lots, Residential Small Lots and Standard Residential Lots) <b>Control 11.</b>	<i>Ancillary buildings shall be set back in accordance with the requirements of the Building Code of Australia.</i>	<i>Ancillary buildings shall be achieve a side and rear set back in accordance with the requirements of the Building Code of Australia.</i>	and side setbacks only and not front setbacks.
3.7, 3.8 and 3.8 Ancillary Buildings on all lots <b>(Maximum permissible floor area control).</b>	Each of these sections contains a control prescribing a maximum floor area.	It is proposed to amend this to roof area.	<p>The current application of floor area only applies to the enclosed area of a structure, which has resulted in applications proposing large awnings attached to the shed by which there are no controls.</p> <p>The floor area captures mezzanine areas within the shed, which is not the intent of the control. The intent of the control is to protect the appearance and visual impact of the structure.</p>
Part 3.8 Ancillary Buildings (Large Lot Residential Lots) <b>Control 5.</b>	Control 5 currently states:  <i>Any façade visible from any public road must have no stretch of straight wall greater than 10.0 metres in length.</i>	Delete Control.	The length of walls will likely be determined by the maximum floor area control. The likely length of the wall of an ancillary building that complies with the maximum floor area would be unlikely to require a break in the wall.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 3.9 (Rural Lifestyle and Rural Lots) <b>Control 7.</b>	Control 7:  <i>Ancillary buildings shall be located no less than 5.0m behind the front building line of the dwelling on primary road frontages.</i>	Amend to state the following:  Ancillary buildings shall be setback no less than 1.0m behind the front building line of the main dwelling on the primary road frontage.	On rural lifestyle and rural lots, the dwelling is often located a substantially distance from a Secondary Street boundary (and in many cases a primary street boundary as well). The requirement for an ancillary building (particularly a detached garage or minor structure) to be located behind both street frontages on a corner lot is too onerous.
3.9 (Rural Lifestyle and Rural Lots) <b>Control 8</b>	Control 8:  <i>Ancillary buildings shall be located no less than 1.0m behind the front building line of the secondary street frontage on corner lots.</i>	Replace with the following:  Ancillary buildings shall be located no less than 5.0m from the secondary street frontage on Rural Lifestyle Lots and 10.0m from the secondary street frontage on Rural Lots on corner lots.	The control requiring the secondary frontage setback on corner lots to be behind the building line of the dwelling is onerous, particularly in cases where the building line of the dwelling is a large distance.
3.9 (Rural Lifestyle and Rural Lots) <b>Control 9</b>	Control 9:  This control states the following:  <i>Ancillary buildings shall be set back no less than 5.0m from side and rear boundaries.</i>	Amend to state the following:  <i>Ancillary buildings shall be set back no less than 5.0m from side and rear boundaries. A side setback of 2.5m will be considered for narrow lots which are 25.0m or less in width.</i>	There are some lots in rural zones (particularly a section of rural zoned land in Douglas park) which incorporates long and narrow lots and a reduced setback for ancillary buildings on these sites is considered appropriate.
Part 3.10 (Single Dwellings on Battle axe allotments)	Control 8 currently states the following in regards to single dwellings on battle-axe lots:  <i>The minimum setback to the front and</i>	It is recommended that it be re-worded as follows:  <i>The minimum setback to the front and rear boundaries shall be 3.0m.</i>	Provide greater clarity of the control.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
<b>Control 8.</b>	<i>rear boundaries shall be 3.0 metres.</i>	<i>In this control the front boundary refers to the rear boundary of the lot immediately forward of the subject lot in a battle axe style subdivision.</i>	
Part 3.12 Car Ports <b>Control 5</b>	Control 5 states the following:  <i>Car Ports shall be setback a minimum of 1 metre behind the front building line of the dwelling or 5.5 metres from the front street boundary, whichever is greater.</i>	It is proposed to amend the control to state the following:  <i>Car Ports shall be setback a minimum of 1 metre behind the front building line of the dwelling.</i>	On smaller lots (for example town centre residential lots where the minimum setback for a dwelling is 3.0m), the 5.5m setback requirement for a carport is unreasonable. The car port still needs to be at least 1m behind the front building line of the house under the amended control.
Part 3.14 Secondary Dwellings <b>(Whole Part)</b>	Whole Section	See attachment 3	The following amendments have been made to the section relating to Secondary Dwellings: <ul style="list-style-type: none"> <li>• It has been split into two sections (one section for residential zones other than R5 and the other for rural, environmental and R5 zoned land);</li> <li>• The residential section has been made consistent with the State Environmental Planning Policy (Exempt and Complying Development Code) (with the exception of levels of cut that are allowed);</li> <li>• Several onerous controls have</li> </ul>

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
			<p>been removed.</p> <p>These amendments have been reflected in two new sections (Secondary Dwellings in Residential Zones other than R5 zones, and Secondary Dwellings in Rural and Environmental Zones) which are outlined in attachment 3.</p>
<p>Part 3.15 (Dual Occupancy Development in R2 and R3 zones) <b>Control 3</b></p>	<p>The control currently states:</p> <p><i>For proposed dual occupancy dwellings in which the configuration of the two dwellings would be side by side, the minimum frontage of the original lot shall be no less than 24 metres.</i></p>	<p>It is proposed to add the following additional text to the control:</p> <p><i>“... so that each dwelling shall be on a subdivided lot which has a minimum frontage of 12m”.</i></p>	<p>Provide greater clarity of control and when it applies.</p>
<p>Part 3.15 (Dual Occupancy Development in R2 and R3 zones) <b>Control 17</b></p>	<p><i>No more than 50% of the front façade shall be garage doors.</i></p>	<p>Amend to state as follows:</p> <p><i>No more than 50% of the front façade <b>for each dwelling</b> shall be garage doors.</i></p>	<p>Provide greater clarity of the control.</p>
<p>3.15 (Dual Occupancies in R2 and R3 zones) <b>Control 18</b></p>	<p>Control 18 currently states the following:</p> <p><i>The number of garage doors visible to the street shall be limited to 3. In this control a double garage door shall be counted as 2 doors.</i></p>	<p>Amend to state the following:</p> <p><i>The number of garage doors visible to the street <b>from the total development</b> shall be limited to 3. In this control a double garage door shall be counted as 2 doors.</i></p>	<p>Provide greater clarity of whether the control applies to each individual dual occupancy dwelling or the total development.</p>

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
		<i>This control does not apply to corner lots where each dwelling is facing onto alternate streets.</i>	
3.17 Medium Density Development <b>(Control 16)</b>	Control 16 states the following:  <i>16. Medium Density Developments must not:</i>  <ul style="list-style-type: none"> <li>• <i>Have a repeated façade;</i></li> </ul>	It is proposed to amend the control to the following:  <i>16. Medium Density Developments must not:</i>  <i>Have a repeated façade;</i>  <i>In medium density developments involving a large number of dwellings, repeated facades may be considered throughout the development provided that there are no repeated facades in a row of dwellings which face a public road.</i>	It may be reasonable for some dwellings in large medium density developments to have some dwellings with the same or a similar design provided that these do not face the street.
<i>Part 3.17 Medium Density Development (Controls 18-20)</i>	<i>Controls 18 through to 20 state the following:</i>  <i>18. Where there is a dwelling on each adjoining lot, the setback for the dwelling(s) fronting the primary road shall be the average setback of the existing adjoining dwellings plus or minus 10%. Such a setback shall be no less than 4.5m.</i>  <i>19. Where there is a dwelling on one adjoining lot the front setback for the dwelling(s) fronting the primary road shall be plus or minus 10% of the setback of the adjoining dwelling. Such a setback shall be</i>	It is proposed to replace these controls with the following:  <i>The minimum front setback for the dwelling closest to the street in a medium density development is 6.5 metres.</i>  <i>Minor ancillary structures such as bin storage enclosures, postal box facilities etc may be located within the front setback treatment. Council may require such structures to be screened through suitable landscape planting or other means.</i>	Medium Density Development in only permitted in the R3 Medium Density Zones across the Shire and most of these are located around existing, established townships.  The front setbacks of existing dwellings in these areas are typically quite deep, and if the front dwelling of a new medium density development is located within +/- 10% of the existing dwellings on adjoining lots then the additional dwellings in the medium density development in many cases would not be possible, which would be

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	<p><i>no less than 4.5m.</i></p> <p><i>20. Where there is no dwelling on an adjoining lot the front setback for the dwelling(s) facing the primary road shall be 4.5m for a lot with an area less than 900m<sup>2</sup> and 6.5m for other residential lots.</i></p>		contrary to the objectives of the R3 zone.
Part 3.20 <b>(Control 6)</b>	<p>The control currently states:</p> <p><i>Shop top housing must only be provided <u>with</u> 400m of an area of eligible public open space. In this clause <b>eligible public open spaces</b> means an area of public park with an area no less than 3,000m<sup>2</sup> and with children’s play equipment and restrooms. Nothing in this control prevents an applicant from proposing works to enhance a public park to make it an eligible public open space.</i></p>	Amend the word “with” to say “within”.	Amend grammatical error.

#### Volume 5 – Commercial and Community Uses

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 2.3 <b>(Control 7)</b>	<p>The current control states the following:</p> <p><i>Commercial developments must have</i></p>	It is proposed to amend the minimum glazing requirement to 50%.	The requirement for such a large portion of the front of a building to provide glazing is quite onerous and limits the ability for a façade to be

	<i>active frontages for the majority of the total frontage of the development to public spaces including roads and reserves. An active frontage must have a minimum of 75% glazing area which must be transparent.</i>		treated or activated by other measures. The requirement for 75% of a building frontage to be glazed is difficult to achieve for small commercial buildings and has been varied numerous times. 50% is considered more appropriate.
--	--	--	--

### Volume 6 – Tourism and Events

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 3.5 Events <b>(Objective 2)</b>	This objective states the following:  <i>2. To ensure markets don't have environmental impacts.</i>	It is proposed to delete the word “market” and replace with the word “event”.	Appears to be a typographical error.

### Volume 7 – Industry and Infrastructure Uses

No amendments proposed.

### Volume 8 – Primary Agricultural and Rural Uses

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 3.3 Intensive Livestock Agriculture (Section 3.3.1) <b>Control 2</b>	The current control states:  <i>Development must be in accordance with the “Blue Book” Code of Practice for animal care produced by the NSW Department of Primary Industries.</i>	It is proposed to amend the control to state the following:  <i>“Development must be in accordance with the relevant NSW Department of Primary Industry Codes of Practice.”</i>	There is currently no Blue Book Code of Practice for animal care. DPI has advised that they previously had a blue book called Animal Care that related to standard operating procedures for Departmental



			Officers using animals in research. It was never intended to use for general animal welfare matters.
--	--	--	--

**Proposed new Types of Development not requiring notification shown in RED.**

The purpose of this part is to ensure that members of the public potentially affected by a proposed development are informed and have an opportunity to input into the assessment process before a final decision is made on a development application. It outlines Council's notification and advertising procedure for development applications.

**4.1 Development Applications to be notified**

Notification of development applications will be required except where Council consider that the potential for adjoining and nearby land to be adversely affected by the development is minimal.

Notification is not required for the development types listed in Table 1 below so long as the criteria in the right hand column is met.

Development types where notification is not required:

Type of Development	Criteria which excludes the development from requiring notification
Single Storey Dwelling House (including alterations and additions)	<ul style="list-style-type: none"> <li>• No other Dwelling House located on the same allotment</li> <li>• Finished floor levels no greater than 1m above or below the natural ground level</li> <li>• Complies with Council's building line setbacks prescribed in this plan</li> <li>• For single storey dwellings - No walls less than a metre from the boundary</li> <li>• For two storey dwellings – be setback at least 10.0m from side boundaries.</li> <li>• Total floor area of less than 430m<sup>2</sup></li> <li>• No more than 2 garage doors visible from the street</li> <li>• Have no other dwelling house located on the same allotment</li> <li>• Not located on a lot containing a Heritage Item or within a Heritage Conservation Area.</li> </ul>
Carports (residential)	<ul style="list-style-type: none"> <li>• Relates to a residential use of the land;</li> <li>• Complies with Council's building line setbacks in this plan</li> <li>• Setback from side boundaries is no less than 1.0m</li> <li>• No taller than 4m above ground level (existing)</li> <li>• Not located on a lot containing a Heritage Item or within a Heritage Conservation Area.</li> </ul>
Awnings and Pergolas (residential)	<ul style="list-style-type: none"> <li>• Relates to a residential use of the land</li> <li>• Complies with Council's building line setbacks in this plan</li> <li>• Setbacks from side boundaries are no less than 1m</li> <li>• No taller than 4m above existing ground level</li> <li>• Not located on a lot containing a Heritage Item or within a Heritage Conservation Area.</li> </ul>
Gazebos (residential)	<ul style="list-style-type: none"> <li>• Relates to a residential use of the land</li> <li>• Complies with Council's building line setbacks in this plan</li> <li>• Setback from side boundaries no less than 1m</li> </ul>

	<ul style="list-style-type: none"> <li>• No taller than 4m above existing ground level</li> <li>• Not located on a lot containing a Heritage Item or within a Heritage Conservation Area.</li> </ul>
Retaining Walls (residential)	<ul style="list-style-type: none"> <li>• Relates to a residential use of the land</li> <li>• No more than 0.6m high</li> <li>• Setback from side and rear boundaries is no less than 2.5m</li> <li>• Located behind or beside the dwelling.</li> </ul>
Swimming Pools (Residential)	<ul style="list-style-type: none"> <li>• Relates to a residential use of the land</li> <li>• Setback from side and rear boundaries no less than 1m</li> <li>• Located in the rear yard or on a corner lot, behind the front and secondary street setbacks of the dwelling</li> <li>• No coping or decking more than 0.5m above ground level (existing).</li> </ul>
Decks and Balconies (Residential)	<ul style="list-style-type: none"> <li>• Relates to a residential use of the land</li> <li>• No more than 0.5m above ground level (existing)</li> <li>• Setback at least 10.0m from any boundary</li> </ul>
Residential Outbuildings	<ul style="list-style-type: none"> <li>• Relates to a residential use of the land</li> <li>• Complies with the building line setbacks in this plan</li> <li>• Located in a residential zone (other than R5 Large Lot Residential)</li> <li>• Setback from any boundary is no less than 900mm</li> <li>• No higher than 3.5 metres above the natural ground level</li> <li>• Can accommodate a maximum of two car parking spaces</li> <li>• Floor area less than 50m<sup>2</sup></li> </ul>
Rural Outbuildings	<ul style="list-style-type: none"> <li>• Relates to a residential use of the land</li> <li>• Located on land zoned R5, RU1, RU2, RU4 or E4</li> <li>• Complies with the building line setbacks contained within this plan</li> <li>• Setback from any boundary is no less than 10.0m</li> <li>• No higher than 5.0m above natural ground level</li> <li>• Floor area less than 100m<sup>2</sup></li> </ul>
Telecommunications Facilities	<ul style="list-style-type: none"> <li>• Low impact facilities as defined by the legislation of the Commonwealth</li> </ul>
Tree Removal (residential)	<ul style="list-style-type: none"> <li>• Removal of 10 trees or less</li> <li>• Located in Residential zoned land</li> </ul>
Tree Removal (Rural)	<ul style="list-style-type: none"> <li>• Removal of less than 10m<sup>2</sup> of vegetation</li> <li>• Located on rural zoned land</li> </ul>
Tree Removal (Agricultural)	<ul style="list-style-type: none"> <li>• Located on RU1 or RU2 zoned land</li> <li>• Removal required for the purposes of agriculture</li> </ul>
Demolition	<ul style="list-style-type: none"> <li>• Demolition of a building or structure that would have been subject to another exemption in this clause if it were being proposed as a new building.</li> </ul>
Septic Tanks	<ul style="list-style-type: none"> <li>• No notification required.</li> </ul>
Rainwater Tanks	<ul style="list-style-type: none"> <li>• No notification required.</li> </ul>
Strata Subdivision of Existing Buildings	<ul style="list-style-type: none"> <li>• Existing building is lawful and complies with the Building Code of Australia.</li> </ul>
Subdivision of existing dual occupancy	<ul style="list-style-type: none"> <li>• On land zoned R2, R3 or B4</li> <li>• Existing building(s) is/are lawful</li> </ul>

Health Services Facility	<ul style="list-style-type: none"> <li>• On land zoned B1, B2 or B5 and</li> <li>• Wholly located within an existing commercial building</li> </ul>
Kiosk	<ul style="list-style-type: none"> <li>• On land zoned B1, B2 or RE2</li> </ul>
Internal works to an existing building	<ul style="list-style-type: none"> <li>• Does not affect the height, footprint or external appearance of the building</li> </ul>
Home Occupations	<ul style="list-style-type: none"> <li>• Where in the responsible Council Officer's opinion the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation</li> </ul>
Minor Commercial external building Alterations/Additions	<ul style="list-style-type: none"> <li>• Works are not proposed to a Heritage Item or to a building within a Heritage Conservation Area.</li> <li>• Does not increase the height of the building.</li> <li>• Does not create additional shops/units.</li> </ul>
Change of use of an existing building from one type of commercial use	<ul style="list-style-type: none"> <li>• Proposed use is permissible in the zone</li> <li>• Adequate car parking is provided</li> <li>• Where in the responsible Council Officer's opinion the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation</li> <li>• In a business zone</li> <li>• Contained within an existing building</li> </ul>
Change of use from one type of light industry to another type of light industry	<ul style="list-style-type: none"> <li>• Proposed use is permissible in the zone</li> <li>• Adequate car parking is provided</li> <li>• Where in the responsible Council Officer's opinion the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation</li> <li>• In an industrial zone</li> <li>• Contained within an existing building</li> <li>• The land does not adjoin any residential, rural, environmental or open space zone;</li> </ul>
Secondary Dwellings	<ul style="list-style-type: none"> <li>• The lot is within a rural or environmental zone and is greater than 2 hectares</li> <li>• Will not result in any more dwellings than the principal dwelling and the secondary dwelling on the site.</li> <li>• Is consistent with the setback requirements for Secondary Dwellings in rural zones contained in Volume 4 of this Plan.</li> </ul>
Minor Environmental Protection Works	<ul style="list-style-type: none"> <li>• No notification required.</li> </ul>
Signage	<ul style="list-style-type: none"> <li>• Within a business or industrial zone</li> <li>• Does not require advertising under SEPP 64</li> <li>• Is not illuminated</li> <li>• Is not attached to a heritage item, on a lot containing a heritage item or within a heritage conservation area</li> <li>• Is not in association with a restricted premises</li> </ul>
Works that are required in response to an emergency situation (such as a natural disaster event, e.g. a flood).	<ul style="list-style-type: none"> <li>• No notification requirements.</li> </ul>

Any person may lodge an application to modify a development consent under Section 96 of the *Environmental Planning and Assessment Act, 1979* provided that the changes would result in substantially the same development as that originally approved.

The **minimum** notification requirements for applications to modify consent are summarised below.

Type of modification application (i.e. under what section of the Act)	Type of modification	Who is to be notified			
		No notification required	Adjoining owners/residents	Previous Submitters	Other
S 96(1)	correction of minor errors, <u>misdescriptions</u> and miscalculations	✓			
S 96(1A)	Changes that would have minimal environmental impact			✓	★
S 96(2)	Other changes		★	✓	★
S 96(AB)	Modifications to development consents issued by the Land and Environment Court		★	✓	★

★ Council may determine to carry out additional notification or advertising of any application under depending on the nature of the changes and whether Council sees it in the public interest to do so.

## Attachment 4 - Amended Controls for Secondary Dwellings

### Secondary Dwellings in Residential Zones (other than R5 Large Lot Residential Zones)

Control		Objectives (refer to clause 1.2)										
<b>Building Design</b>												
1	<p>The total portion of the site covered by buildings shall not exceed the following:</p> <table border="1"> <thead> <tr> <th>Lot size</th> <th>Site coverage</th> </tr> </thead> <tbody> <tr> <td>&lt;700</td> <td>60%</td> </tr> <tr> <td>700-1500</td> <td>50%</td> </tr> <tr> <td>1500-4000</td> <td>40%</td> </tr> <tr> <td>4000&gt;</td> <td>N/A</td> </tr> </tbody> </table>	Lot size	Site coverage	<700	60%	700-1500	50%	1500-4000	40%	4000>	N/A	1.2, 1.3, 3.1, 6.1 and 6.2
Lot size	Site coverage											
<700	60%											
700-1500	50%											
1500-4000	40%											
4000>	N/A											
2	<p>A Detached Secondary Dwelling shall have the clear visual character of either a shed or a small dwelling. A building that appears to be a hybrid of a shed and a dwelling is not permitted.</p> <p><b>However, any Secondary Dwelling that is located in front of the principal dwelling must have the clear visual character of a small dwelling and not a shed.</b></p>	1.2, 1.2, 1.3										
3	A Secondary Dwelling must not be in the form of a converted shipping container.	1.2, 1.3, 14.4 and 14.5										
4	<p>The Secondary Dwelling must include the following:</p> <ol style="list-style-type: none"> <li>1) A minimum of one habitable room; and</li> <li>2) Kitchen sink and facilities for the preparation and cooking of food; and</li> <li>3) A bath or shower;</li> <li>4) Clothes washing facilities, comprising at least one wash tub and space in the same room for a washing machine; and</li> <li>5) A closet pan (toilet) and wash basin.</li> </ol>	1.2, 1.3, 14.4 and 14.5										
5	External building materials and colours incorporated in the Secondary Dwelling must be compatible with the existing character of the locality.	1.2, 1.3										
6	Filling of land shall not increase the natural ground level by more than 1.0m	1.2, 1.3, 5.1 & 6.2										
7	Cut shall be limited to 1.0m below natural ground level for lots under 450m <sup>2</sup> and 2.0m below natural ground level for all other lot types.	1.2, 1.3, 4.1, 6.2 & 9.1										
8	<p>Where a Secondary Dwelling is visible from the street (i.e. it is not on a battle axe lot and is not obscured from view by the principal dwelling, fencing, or vegetation, it must achieve the following:</p> <ul style="list-style-type: none"> <li>• Any front façade must have no stretch of blank wall greater than 5.0 metres.</li> </ul>	1.2, 1.3, 4.2										

	<ul style="list-style-type: none"> <li>Any front façade must have no stretch of straight wall greater than 10.0 metres.</li> </ul>											
9	A side or rear façade must not have a stretch of blank wall greater than 10.0 metres.	1.2, 1.3										
10	A Secondary Dwelling on a Battle-Axe Lot shall be single storey.	5.1										
11	<p>If the Secondary Dwelling is located forward of the main dwelling, it shall achieve the following:</p> <ul style="list-style-type: none"> <li>The front façade is to be provided with at least one habitable room with a window looking onto a public road; and</li> <li>Have a personal access door on the front façade of the dwelling.</li> </ul>											
<b>Setbacks</b>												
	<b>NOTE: To assist in the use of control 13 and 14 please refer to part 2.5 to establish the adjoining lots.</b>											
13	<p><u>Front setback where there is a dwelling on each adjoining lot:</u></p> <ul style="list-style-type: none"> <li>Where there is a dwelling on each adjoining lot, the setback for the Secondary Dwelling from any primary road shall be the average setback of the existing adjoining dwellings plus or minus 10%; or</li> <li>Equal to or behind the front building line of the main dwelling on the site.</li> </ul>	1.1, 1.2, 1.3										
14	<p><u>Front setback where there is a dwelling on one adjoining lot:</u></p> <ul style="list-style-type: none"> <li>Where there is a dwelling on one adjoining lot, the setback for the Secondary Dwelling from any primary road shall be the average setback of the existing adjoining dwelling plus or minus 10%; or</li> <li>Equal to or behind the front building line of the main dwelling on the site.</li> </ul>	1.1, 1.2, 1.3										
15	<p><u>Front setback where there are no dwellings on either of the adjoining allotments:</u></p> <p>Where there are no dwellings on either adjoining lot the Secondary Dwelling shall adhere to the following minimum <b>front setbacks</b>:</p> <table border="1" data-bbox="300 1727 1007 1906"> <thead> <tr> <th>Lot Size</th> <th>Minimum Setback</th> </tr> </thead> <tbody> <tr> <td>&lt;300m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>300-900m<sup>2</sup></td> <td>4.5m</td> </tr> <tr> <td>900-1500m<sup>2</sup></td> <td>6.5m</td> </tr> <tr> <td>1500&gt;m<sup>2</sup></td> <td>10.0m</td> </tr> </tbody> </table>	Lot Size	Minimum Setback	<300m <sup>2</sup>	3m	300-900m <sup>2</sup>	4.5m	900-1500m <sup>2</sup>	6.5m	1500>m <sup>2</sup>	10.0m	1.1, 1.2, 1.3, 14.1
Lot Size	Minimum Setback											
<300m <sup>2</sup>	3m											
300-900m <sup>2</sup>	4.5m											
900-1500m <sup>2</sup>	6.5m											
1500>m <sup>2</sup>	10.0m											
16	<p>The minimum <b>side setback</b> shall be as follows:</p> <table border="1" data-bbox="300 1973 1007 2040"> <thead> <tr> <th>Lot Size</th> <th>Single Storey Dwelling</th> <th>Single Storey Dwelling</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Lot Size	Single Storey Dwelling	Single Storey Dwelling				1.1, 1.2, 1.3, 14.1				
Lot Size	Single Storey Dwelling	Single Storey Dwelling										

	<table border="1"> <tr> <td>&lt;900m<sup>2</sup></td> <td>0.9m</td> <td>0.9m + one quarter of the height greater than 3.8 metres</td> </tr> <tr> <td>900-1500m<sup>2</sup></td> <td>1.5m</td> <td>1.5m + one quarter of the height greater than 3.8 metres</td> </tr> <tr> <td>1500m<sup>2</sup></td> <td>2.5m</td> <td>2.5m + one quarter of the height greater than 3.8 metres</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	<900m <sup>2</sup>	0.9m	0.9m + one quarter of the height greater than 3.8 metres	900-1500m <sup>2</sup>	1.5m	1.5m + one quarter of the height greater than 3.8 metres	1500m <sup>2</sup>	2.5m	2.5m + one quarter of the height greater than 3.8 metres				
<900m <sup>2</sup>	0.9m	0.9m + one quarter of the height greater than 3.8 metres												
900-1500m <sup>2</sup>	1.5m	1.5m + one quarter of the height greater than 3.8 metres												
1500m <sup>2</sup>	2.5m	2.5m + one quarter of the height greater than 3.8 metres												
17	<p>The minimum <b>side setback requirement on corner lots</b> shall be as follows:</p> <table border="1"> <thead> <tr> <th>Lot size</th> <th>Minimum setback</th> </tr> </thead> <tbody> <tr> <td>&lt;600m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>600-1500m<sup>2</sup></td> <td>3m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>5 m</td> </tr> </tbody> </table> <p>For the purposes of this control, if a lot has contiguous boundaries with a road or road but is not a corner lot, the lot is taken to have a boundary only with a primary road.</p>	Lot size	Minimum setback	<600m <sup>2</sup>	2m	600-1500m <sup>2</sup>	3m	>1500m <sup>2</sup>	5 m	1.2, 1.3, 1.4				
Lot size	Minimum setback													
<600m <sup>2</sup>	2m													
600-1500m <sup>2</sup>	3m													
>1500m <sup>2</sup>	5 m													
18	<p>The minimum <b>rear setback</b> shall be as follows:</p> <table border="1"> <thead> <tr> <th>Lot Size</th> <th>Single Storey Dwelling</th> <th>Two Storey Dwelling</th> </tr> </thead> <tbody> <tr> <td>&lt;600m<sup>2</sup></td> <td>3m</td> <td>8m</td> </tr> <tr> <td>600-1500m<sup>2</sup></td> <td>5m</td> <td>12m</td> </tr> <tr> <td>&gt;1500m<sup>2</sup></td> <td>10m</td> <td>15m</td> </tr> </tbody> </table>	Lot Size	Single Storey Dwelling	Two Storey Dwelling	<600m <sup>2</sup>	3m	8m	600-1500m <sup>2</sup>	5m	12m	>1500m <sup>2</sup>	10m	15m	1.2, 1.4, 14.1
Lot Size	Single Storey Dwelling	Two Storey Dwelling												
<600m <sup>2</sup>	3m	8m												
600-1500m <sup>2</sup>	5m	12m												
>1500m <sup>2</sup>	10m	15m												
<b>Private Open Space</b>														
20	<p>The Secondary Dwelling must achieve a principal area of private open space at ground level with the following:</p> <ul style="list-style-type: none"> <li>• Gradient no steeper than 1:20 (Rise:Run)</li> <li>• Width no less than 3 metres in any direction</li> <li>• Must be directly accessible from and adjacent to a habitable room, other than a bedroom (i.e. a living area)</li> <li>• Have an area no less than 24 metres.</li> </ul>	3.1, 6.1												
<b>Privacy</b>														
21	<p>A Secondary Dwelling located on the first floor must not result in unreasonable overlooking into the private open space or windows of habitable rooms of adjoining dwellings.</p>	5.1, 5.2												
22	<p>A window that has a sill height of 1.7m or more above the floor level within the room is taken to have no potential for overlooking.</p>	5.1, 5.2												
<b>Waste Management</b>														
23	<p>The Secondary Dwelling shall be provided with a bin</p>	1.2, 1.3, 3.8, 8.1												



	storage area in a location clear of the private open space area.	
--	--	--

**Secondary Dwellings in R5 Large Lot Residential Zones, Environmental and rural zones.**

Control		Objectives (refer to clause 1.2)
<b>Building Design</b>		
1	A Detached Secondary Dwelling shall have the clear visual character of either a shed or a small dwelling. A building that appears to be a hybrid of a shed and a dwelling is not permitted.	1.1, 1.2, 1.3
2	A Secondary Dwelling must not be in the form of a converted shipping container.	1.2, 1.3, 14.4, 14.5
3	The Secondary Dwelling must include the following: <ul style="list-style-type: none"> <li>6) A minimum of one habitable room; and</li> <li>7) Kitchen sink and facilities for the preparation and cooking of food; and</li> <li>8) A bath or shower;</li> <li>9) Clothes washing facilities, comprising at least one wash tub and space in the same room for a washing machine; and</li> </ul> A closet pan (toilet) and wash basin.	1.2, 1.3, 14.4, 14.5
4	External building materials and colours incorporated in the Secondary Dwelling must be compatible with the existing character of the locality.	1.2, 1.3
5	Filling of land must not increase the natural ground level by more than 1.0m.	1.2, 1.3, 5.1, 6.2
6	Cut must be limited to 2.0 metres below natural ground level.	1.2, 1.3, 4.1, 6.2, 9.1
7	Any front façade must have no stretch of blank wall greater than 5.0 metres in length.	1.2, 1.3, 1.4
8	Any front façade must have no stretch of straight wall greater than 10.0 metres in length (other than those on rural lots)	1.2, 1.3
9	A side or rear façade must have no stretch of blank wall greater than 12 metres (other than those on rural lots)	1.2, 1.3
10	A Secondary Dwelling on a battle-axe lot shall be single storey (other than those on rural lots).	5.1
<b>Setbacks</b>		
11	The Secondary Dwelling must comply with the setback controls for single dwellings relevant to the size of the lot.	1.2, 1.3, 1.4

## DCP Variations Statistics (May 2016 to May 2017)

### Volume 1 - General

Type of development	Type of variation - summary	Clause	Number	Comment
Subdivision	Mapping of Riparian buffer	9.3.4	10	This related to one subdivision area. However it would affect a number of subdivisions. An additional control which allows the applicant to provide evidence eg Office of Water or a hydrologic report detailing that the waterway is insufficiently defined to allow determination of riparian distances.
<b>Total</b>			<b>10</b>	

### Volume 3 - Subdivision

Type of development	Type of variation - summary	Clause	Number	Comment
Subdivision	Access handles min width	2.1.2	4	Further investigation with engineering to determine if change to control is required.
	Road infrastructure	2.1.5	1	No change
	No 2 access handles	2.5.2	2	No change
	Landscaping on access handles	2.5.3	2	No change
Thirlmere East	Staged pathway	3.2.4	4	The control may need to be varied to allow individual subdivisions to construct pathways with consideration for inclusion in Wollondilly Contributions plan for any missing link part of the pathway
<b>Total</b>			<b>13</b>	

## Volume 4 – Residential development

Type of Development	Type of Variation - summary	Clause	No.	Comment	
Driveways	Sealing of Driveway	2.7	1	No change	
	Road access or access handle	2.7.4	2	No change	
<b>Total</b>			<b>3</b>	<b>1.9 % Residential variations</b>	
<b>Single dwellings</b>					
Single dwelling (small lot)	Cnr address St	3.2.8	1	Setbacks are the main issue for the various single dwellings and lot sizes. Variation is dependent on specific criteria for each development which needs to be assessed on merit. No change required	
	Fencing	3.2.10	1		
	Front setback	3.2.18	1		
	Second setback	3.2.23	1		
Single dwelling (standard lot)	Front setback	3.3.19	1		
	2 parking spaces	3.3.31	2		
Single dwelling (large lot)	Front setback	3.4.18	2		
	Rear setback	3.4.21	1		
Single dwelling (rural lots)	Filling of land	3.6.1	2		No change required.
	Cut	3.6.2	1		
	Height of buildings	3.6.8	1		
	Front setback	3.6.9	2		
<b>Total</b>			<b>16</b>	<b>10.13% Residential variations</b>	
<b>Ancillary Buildings</b>					
Ancillary buildings (upto standard lots)	Cut	3.7.3	1		
	Facade (blank wall)	3.7.6	1		
	Height of building	3.7.7	1		
	Setbacks	3.7.10	3		
Ancillary buildings ( large lots)	Height of buildings	3.8.7	1		
	Floor area	3.8.9	2		
	Setbacks	3.8.10	3		
Ancillary buildings (rural)	Filling	3.9.1	1		
	Facade (blank wall)	3.9.3	1		
	Height of buildings	3.9.4	6		
	Floor area	3.9.6	7		
	Front setback	3.9.7	17	May need review	
	Other setbacks	3.9.9	5		
<b>Total</b>			<b>49</b>	<b>31.01% Residential variations</b>	
<b>Battle-axe Single Storey Dwelling</b>					
	Side Setback	3.10.9	2		
<b>Total</b>			<b>2</b>		
<b>Carports</b>					
	Front setback	3.12.5	6		

Total			6	
<b>Secondary dwelling</b>				
	Cut	3.14.7	1	
	Front fac. Blank wall	3.14.8	4	
	Other setbacks	3.14.12	10	
	Other setbacks	3.14.13	2	
Secondary Dwellings	Front setback	3.14.14	1	
	Other setbacks	3.14.15	6	
	Front door	3.14.16	17	Proposed change
	Use same driveway	3.14.17	5	
	Fr. Fac. Straight wall	3.14.9	3	
<b>Total</b>			<b>49</b>	<b>31.01% Residential variations</b>
<b>Dual occupancy</b>				
Dual occupancy (residential)	Sewer connection	3.15.1	1	
	Lot Area	3.15.2	3	
	Lot width	3.15.3	2	
		3.15.6	1	
	50% Garage doors	3.15.17	1	
	No. of gar doors	3.15.18	5	
	Lot area	3.15.20	2	
	Front setback	3.15.23	3	
	Front setback	3.15.24	1	
	Rear setback	3.15.26	2	
	Solar access	3.15.39	1	
Rural dual occupancy	Integrated rooflines	3.16.13	1	
	Land fill	3.16.2	1	
	3 garage doors	3.16.7	1	
	Integrated rooflines	3.16.13	1	
	Appear as 1 dwelling	3.16.14	1	
<b>Total</b>			<b>27</b>	<b>17.09% Residential variations</b>
<b>Medium Density</b>				
	Traditional orientation	3.17.7	1	
	No mirror image etc	3.17.16	2	
	Front setback	3.17.18	1	
	Open space	3.17.29	1	
			5	
<b>Shop top housing</b>				
Shop top housing	Balcony/verandah open space	3.20.7	1	
<b>Total</b>			<b>1</b>	
<b>Total all residential</b>			<b>159</b>	

## Volume 5 – Commercial and Community Uses

Type of development	Type of variation - summary	Clause	Number	Comment
Commercial	Photovoltaic cell	2.1.7	1	No change
	Glazing on frontage	2.3.7	6	Further investigation to determine whether change is required.
	Facades & CPTED	2.3.8	3	No change
	Driveway crossing width	2.8.2	1	No change
	Kerb & gutter for on-street parking	2.8.3	3	No change – would depend on location.
	Separate service delivery	2.9.1	1	No change – would depend on location and size of development
	1 load/unload space	2.9.2	1	No change
	Bicycle racks	2.9.8	1	Requires review to ensure consistency
	Car parking	2.10.10	5	No change as various types of development
<b>Total</b>			<b>23</b>	

## Volume 8 – Primary Agricultural and Rural Uses

Type of Development	Type of variation - summary	Clause	Number	Comment
Boarding Kennel	Separation distances	3.1.1	1	No change
Intensive plant agric	All weather road	3.4.5.1	1	No change
	Landscaping	3.4.6.1	1	No change
Farm buildings	Max size of farm building	3.5.2.3	2	No change
<b>Total</b>			<b>5</b>	

### Table detailing variations for each volume

Volume	No of variations	Percentage %
1 - General	10	4.81
3 - Subdivisions	13	6.25
4 - Residential	158	75.97
5 - Commercial	22	10.58
6 – Primary agricultural	5	2.40
<b>Total</b>	<b>208</b>	<b>100.01</b>

# **Community Engagement Strategy**

## **Wollondilly Development Control Plan 2016**

### **1.1 Introduction**

A review of the Wollondilly Development Control Plan 2016 is being undertaken as a continuous improvement measure to improve overall efficiency of development in the Shire.

A development control plan (DCP) is a planning document that contains the detailed rules for development. A DCP is the planning document most used by developers and residents when undertaking development to their property and so it is important that the relevant stakeholders are consulted throughout the process.

This document specifies who will be consulted throughout this review and how this consultation will be undertaken.

As the review is aimed at improving efficiency it is not anticipated that it will result in any contentious changes to the WDCP 2016. This engagement strategy has been framed around this assumption.

### **1.2 Objectives**

1. To ensure all stakeholders have access to accurate and clear information about the DCP so that they can understand what it proposes and how it will affect them.
2. To ensure all stakeholders have sufficient time to provide feedback on the draft DCP.
3. To ensure that the community is generally aware of the DCP and have the opportunity to provide feedback.
4. To ensure Councillors are informed throughout the process.

### **1.3 Councillor engagement**

1. A newsletter will be sent to Councillors informing them of the review, the Council contact for the review, the timeline for the review and information on how the community will be consulted.
2. Following the public exhibition of any proposed changes to WDCP 2016, a report will be prepared for Council on the outcome.
3. If required at any time throughout the review a Councillor workshop and/or briefing session will be organised at the request of Council.

### **1.4 Presentation of information**

1. The DCP document will be available in the following formats:

a) Download from the website as a PDF (no charge)

b) Provided in printed form by post or at the front counter (\$122.50 for the entire document or \$17 for each volume for printing costs) (as per Council's advertised fees and charges 2016/17)

2. Council will also provide an explanatory note on the Council website that will include details on who to contact for further information.

3. Anyone who receives a written notification of the draft plan will be provided with information on how to download the document from Council's website.

### **1.5 Written notification**

Council will write to the following stakeholders:

- Any applicant that has submitted more than 5 development applications in Wollondilly in the last 3 years.
- Any stakeholder identified by planning staff through their work as potentially having interest in the review.
- Members of relevant Council committees and/or advisory groups
- The proponents for any current or recently made planning proposal

### **1.6 Advertisements**

Council will advertise the DCP exhibition for at least 28 consecutive days and will be advertised in a local newspaper. Information will also be placed on Council's website and on Council's Facebook page and copies of the proposed changes will be made available in Council's library and administration building.

### **1.7 External Stakeholders**

Council's Senior Strategic Planner and Manager of Strategic and Growth will organise to meet with the top six external consultants who have lodged the most development applications with Council in the last 12 months (May 2016 – May 2017). **Councillors and the Mayor will generally not be present at such meetings.**

### **1.8 External Stakeholders**

1. Internal stakeholder consultation has been incorporated into the project plan. Please refer to this document for more information.
2. A memo will be sent to all Council planners inviting their feedback during public consultation.

# Development Control Plan 2016

Volume 2 – Urban Release Areas



**Wollondilly**  
Shire Council



## Table of Contents

<b>TABLE OF CONTENTS</b> .....	<b>2</b>
<b>PART 1 – PRELIMINARY</b> .....	<b>3</b>
1.1 Introduction .....	3
1.2 Objectives .....	3
1.3 Parts of this Volume .....	3
<b>PART 2 – URBAN RELEASE AREAS</b> .....	<b>4</b>
2.1 Wilton Park, Wilton (Bingara Gorge) .....	4
2.2 Marsh Road, Silverdale (Former Lion Safari Park) .....	<b>Error! Bookmark not defined.</b>
2.3 Picton, Tahmoor, Thirlmere New Urban Lands (PTT).....	<b>Error! Bookmark not defined.</b>
2.4 Land Between Picton Tahmoor and Thirlmere (commonly known as PTTAG).....	<b>Error! Bookmark not defined.</b>
2.5 Clearview (664, 740 and 760 Thirlmere Way and 25 Star Street, Picton).....	<b>Error! Bookmark not defined.</b>

## **PART 1 – PRELIMINARY**

### **1.1 Introduction**

Clause 6.3 of Wollondilly Local Environmental Plan requires a development control plan to address certain matters prior to the grant of development consent for the development of land within an Urban Release Area. This volume details how this Development Control Plan satisfies the requirements of this clause across its volumes.

### **1.2 Objectives**

1. To satisfy the requirements of Clause 6.3 of Wollondilly Local Environmental Plan.
2. To achieve the objectives of Clause 6.3 of Wollondilly Local Environmental Plan.

### **1.3 Parts of this Volume**

This volume has two parts. The first being this introductory part and the second being the provisions relating to each Urban Release Area.

---

**PART 2 – Urban Release Areas**

**2.1 Wilton Park, Wilton (Bingara Gorge)**

**Objectives**











1. To minimise the risk to life, property and amenity as the result of underground mining activities (including aboveground supporting infrastructure).
2. To minimise the risk to life, property and amenity as the result of the underground gas pipeline that runs through the site.
3. To ensure development of this precinct has regard for the landscape features of the site and its surrounds.
4. To ensure the density of development is controlled so that suitable infrastructure can be provided during relevant stages of the development.
5. To limit the overall density of development to ensure that:
  - a) The precinct is developed in line with the agreed indicative range set out in Map 2: Precinct Allotment Allocation
  - b) The development does not compromise or overwhelm regional infrastructure
6. To ensure a consistent road network through the urban release area.
7. To promote connectivity with the existing Wilton Village.
8. To improve pedestrian access and connectivity between housing, open space networks, community facilities, public transport, local activity centres and schools.

**Maps**

Map 1: Master Plan

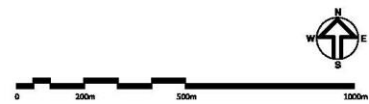


**LEGEND**

- |   |  |   |   |
|---|--|---|---|
|  | Land to which this volume applies                      |  | Country Club / Community Facilities           |
|  | Environmental Protection and Recreational Lands (EPRL) |  | Employment Lands                              |
|  | Golf Course  |  | Linear Parks (Existing & Indicative Location) |
|  | Residential Lands                                      |  | Main Spine Road (Collector Street)            |
|  | Village Centre / Residential                           |  | Open Space (Existing & Indicative Location)   |

**DRAWING TITLE**

**DCP Amendment**  
**Figure**  
**Indicative Masterplan**



July 2017





Map 2: Precinct Allotment Allocation



Map 3: Mining Infrastructure



LEGEND

-  Land to which this volume applies
-  Gas drainage boreholes and identification number
-  Gas drainage pipeline network
-  Mine air vent shaft

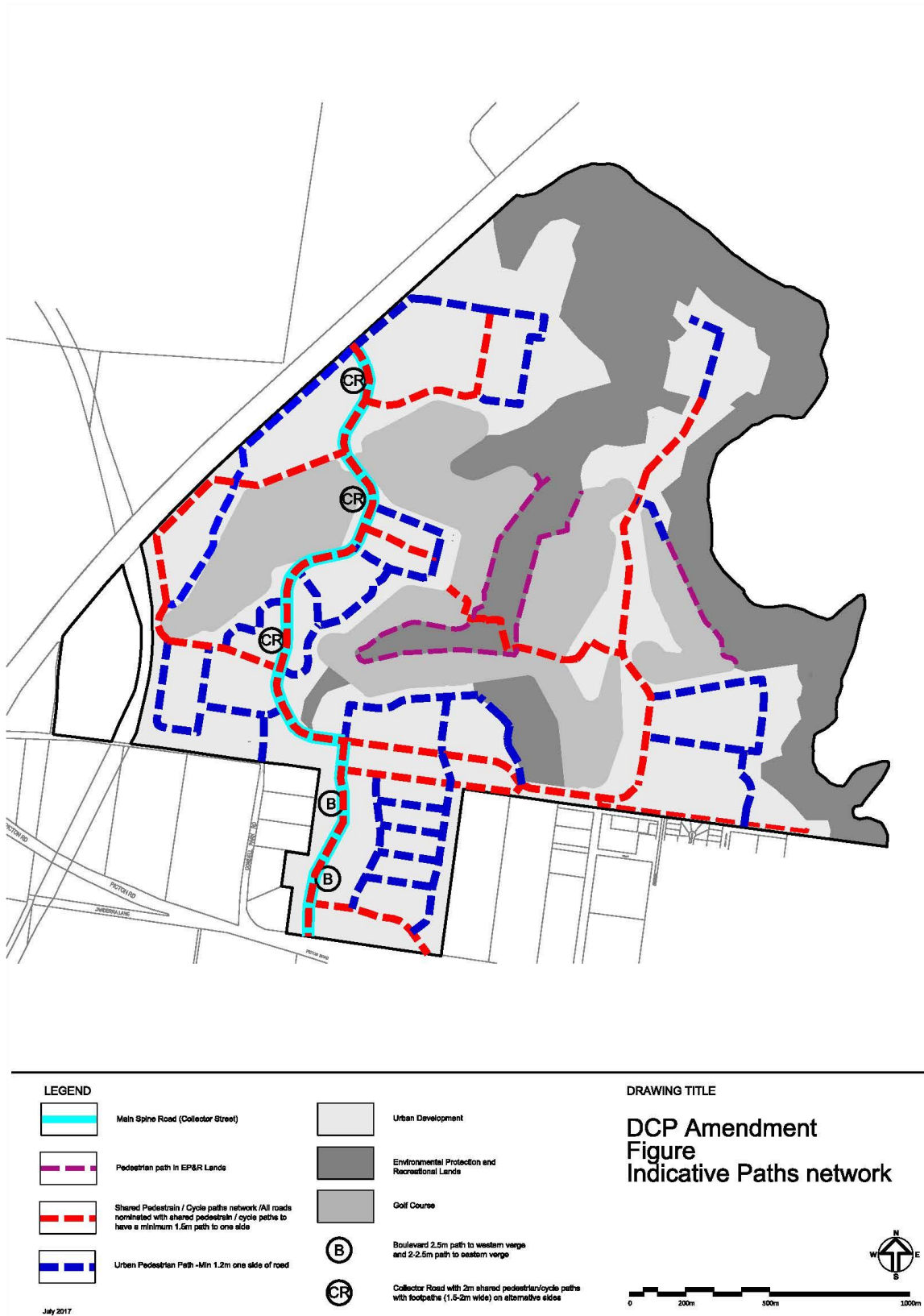
July 2017

DRAWING TITLE

**DCP Amendment**  
**Figure**  
**Coal Mining Infrastructure**  
**(Amended)**



Map 4: Cycleways and Pedestrian Linkages



## Controls

1. The development is to be generally undertaken in accordance with Map 1: Master Plan.
2. Prior to determining any application for subdivision the consent authority must be satisfied that the ultimate development of each precinct is carried out in accordance with the indicative yield outlined in Table 1.

**Table 1 Development Precinct Indicative Yields and Total Maximum Yield**

Precinct Number	Minimum Yield	Maximum Yield
1	335	390
2	160	195
3	235	250
4	180	190
5	210	225
6	160	180
7	140	175
8	140	175
9	210	225

Total maximum yield 1800

The above table is to be used for indicative purposes only. The distribution of residential allotments across the Development Precincts shall be on a progressive cumulative basis such that the overall lot yield will not exceed 1800 within all precincts.

3. Prior to determining any application for subdivision the consent authority must be satisfied that the ultimate development of this Urban Release Area will not result in more than 1,800 residential allotments.
4. In controls 2 and 3 a **residential allotment** means any lot that is intended to contain one or more dwellings.
5. The consent authority must have regard to the impact of a development on the potential future mining of the site prior to granting consent for that development. It must not grant such a consent unless it is satisfied that the surface development will not unreasonably impact on potential future or current underground mining.
6. Cycleways and footpaths shall be provided generally in accordance with Map 4: Cycleways and Pedestrian Linkages contained in this volume.
7. Prior to the issue of a relevant Construction Certificate for fire trails, detailed plans showing the location of all threatened species (state and federal) shall be provided.
8. Transport infrastructure shall be provided in accordance with the following table.



**Table 2 Road Category Design Specifications**

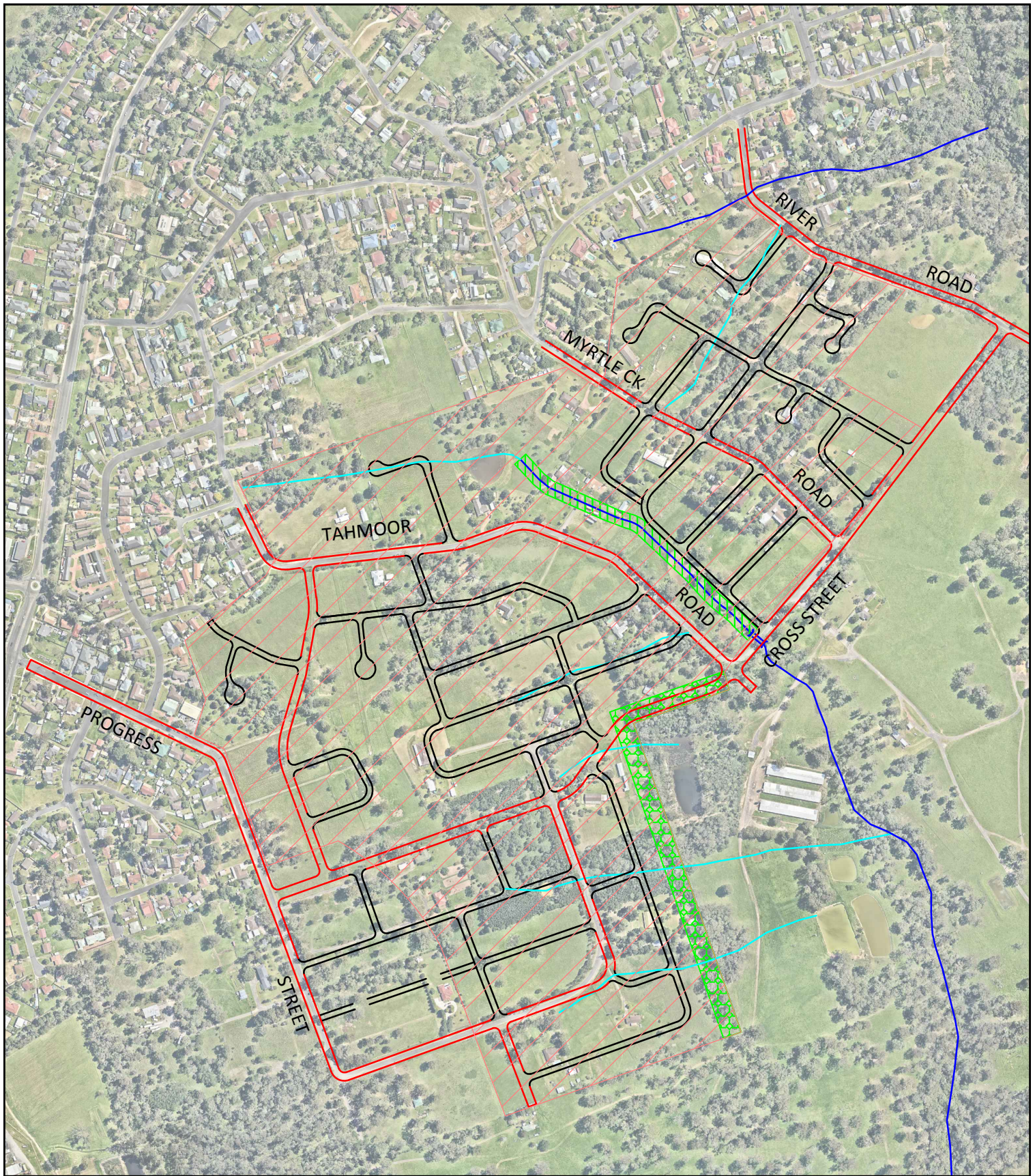
Road Category	Road Type	Design Speed (km/hr)	Max Daily Flow (veh/day)	Reservation Width (m)	Carriageway Width	Road Profile	Concrete Footpath	Other Criteria/Guidelines
A1	Main Entry Road	50	>6000	32	2 x 6 (with a 7m median)	6.5-6-7-6-6.5	Yes	<ul style="list-style-type: none"> <li>Road provides a main access to Wilton Parklands</li> <li>Footpaths on both sides of street</li> <li>Cyclists to be provided off carriageway</li> </ul>
A1(b)	Main Entry Road - Extension	50	>6000	27.5	2 x 6 (with a 2.5m median)	6.5-6-2.5-6-6.5	Yes	<ul style="list-style-type: none"> <li>Provide main access to Wilton Parklands – with narrower median</li> <li>Footpaths on both sides of the street</li> <li>Cyclists to be provided off carriageway</li> </ul>
A2	Main Spine Road – Road from Spine Road to Broughton Street (collector road)	50	6000	22	11	5.5-11-5.5	Yes	<ul style="list-style-type: none"> <li>Principle circulation road – geometry as per state deed</li> <li>Footpaths on both sides of the street</li> <li>Cyclists to be provided off carriageway</li> <li>Road geometry in excess of that minor collector road as defined by AMCORD</li> </ul>
A3	Hornby Street Deviation (minor collector road)	50	3000	19	11	3.5-11-4.5	Yes	<ul style="list-style-type: none"> <li>On street parking provided on both sides of the road</li> <li>Footpath on one side of street</li> <li>Cyclists to be provided off carriageway</li> <li>Road geometry in excess of that minor collector road as defined by AMCORD</li> </ul>
B1	Minor Collector Road	50	3000	16	8	4.0-8-4.0*	See criteria	<ul style="list-style-type: none"> <li>Apply to standard residential streets serving more than 50 lots</li> <li>Footpath on one side of street</li> <li>Cyclists to be provided on street, or off carriageway as per network to be approved by Council</li> <li>Road geometry in excess of that of minor collector road as defined by AMCORD</li> </ul>
B2	Local	40	1500	15	7	4.0-7-	See	<ul style="list-style-type: none"> <li>Apply to standard</li> </ul>

Road Category	Road Type	Design Speed (km/hr)	Max Daily Flow (veh/day)	Reservation Width (m)	Carriageway Width	Road Profile	Concrete Footpath	Other Criteria/Guidelines
	Street					4.0*	Criteria	<ul style="list-style-type: none"> <li>residential streets serving 50 lots or less</li> <li>• Footpath on one side of street when catchment to bus route or main pathway/cycleway exceeds 50 lots</li> <li>• Cyclists to be provided for on-street, or off carriageway where shown on Map 4.</li> <li>• Road geometry in excess of that of minor collector road as defined by AMCORD.</li> </ul>
C1	Cul-de-sac	25	300	14	7	3.5-7-3.5	No	<ul style="list-style-type: none"> <li>• Apply to Standard Cul-de-sacs</li> <li>• Cyclists to be provided for on-street as per network to be approved by Council</li> </ul>
D1	Residential Accessway	15	300	11.5	5.5	3.5-5.5-2.5	No	<ul style="list-style-type: none"> <li>• Restrict to servicing a maximum of 10 lots</li> <li>• Cyclists to be provided for on-street as per network to be approved by Council</li> </ul>
D2	Shareway/Laneway	15	100	10.5	4	4.0-4.9-2.5		<ul style="list-style-type: none"> <li>• Restrict to servicing 4 lots with 1 additional parking space per 2 dwellings</li> <li>• Cyclists to be provided for on street, as per network to be approved by Council</li> </ul>

\* Where a 2.0 metre wide shareway is located on a B1 or B2 street, the verge width can be varied to override a width of 3.5m one side and 4.5m the other side of the road carriageway.

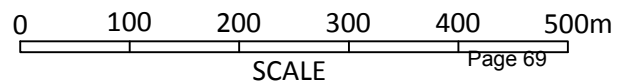
8. Prior to granting development consent for any subdivision of land within the urban release area the consent authority must be satisfied that all reasonable efforts have been made to ensure that:
  - a) The views of the parkland setting are maximised. This includes the open spaces, golf course, environmental lands and the Razorback Range.
  - b) The visual impact of the development on Picton Road and the Hume Highway have been minimised.
  - c) Where practical, existing high amenity features of the site will be protected, retained and incorporated into the development to maximise the amenity benefit of those features.
  
9. Development consent must not be granted for the development of any school, childcare centre, seniors living, health care facility or similar sensitive land use within 750 metres of the gas pipeline within the urban release area unless the consent authority is satisfied that the risks of that pipeline to human safety have been adequately mitigated.





## ROAD AND TRANSPORT LAYOUT PLAN FOR TAHMOOR EAST

- COLLECTOR ROAD  
BUS ROUTE 11-13m WIDE
- MINOR ROAD 8m WIDE
- FUTURE MINOR ROAD 8m WIDE
- CREEKS
- STORMWATER FLOW PATH
- WATERCOURSE BUFFER 20m WIDE



# PE4 Attachments

1. Report to Ordinary Meeting of Council November 2016
- 2A. Maps to illustrate Spatial Separation between towns – Context Map
- 2B. Maps to illustrate Spatial Separation between towns – Minimum Lot Size Context Map
3. Applicant's proposed land use zones for Stilton Lane Draft Planning Proposal
4. Planner's recommended zoning and approach for Stilton Lane Draft Planning Proposal

**Monday 21 August 2017**

---

PE4 – Stilton Lane Planning Proposal

WOLLONDILLY SHIRE COUNCIL

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2016

**PE3 - Stilton Lane Planning Proposal**

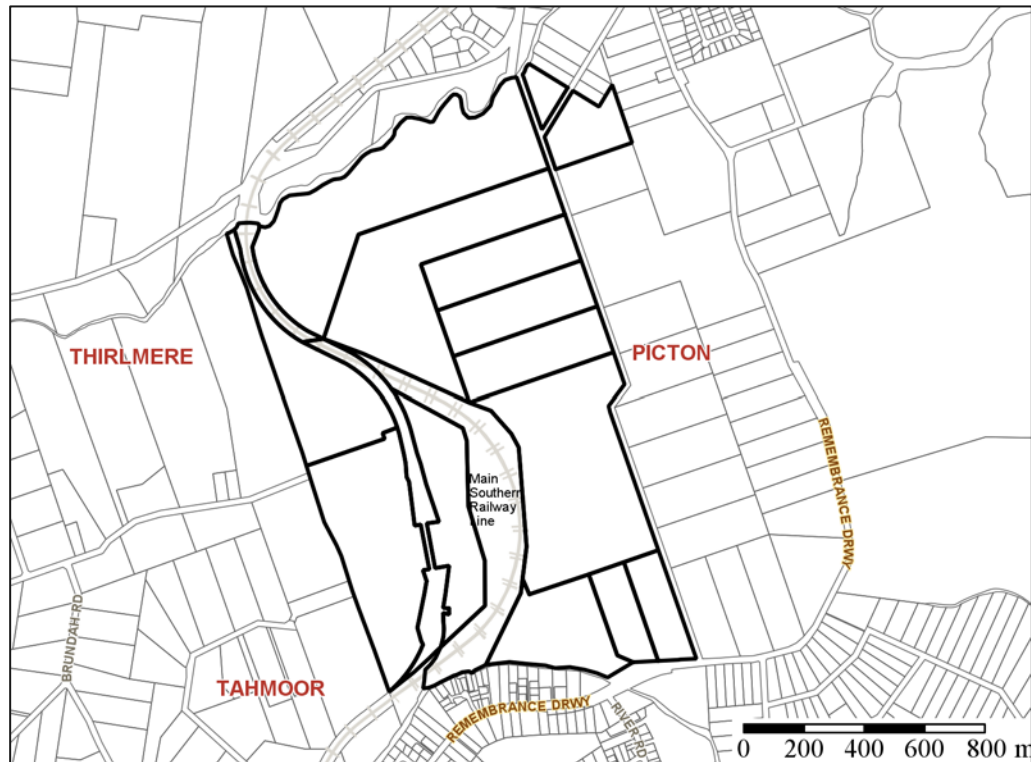
PE3

**Stilton Lane Planning Proposal**

41

TRIM 7142

**Applicant:** Fountindale Group  
**Owner:** A R Kent



© Wollondilly Shire Council. © LPI

↑  
**LOCATION MAP N**

Stage	Completed
Preliminary notification	8 June 2016 to 8 July 2016
Gateway Determination	Not yet completed
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

Planning & Economy

**PE3 - Stilton Lane Planning Proposal**

**EXECUTIVE SUMMARY**

- The purpose of this report is to seek Council's position on a Draft Planning Proposal for a landholding containing 13 properties at Stilton Lane, Picton.
- The proposal seeks changes to the Wollondilly Local Environmental Plan (WLEP), 2011 and aims to rezone rural land for residential, environmental, industrial and tourism purposes. Changes to the WLEP lot size, height of buildings and biodiversity maps are also proposed.
- The proposal has been subject to preliminary community consultation and there were 6 submissions in response, 2 in objection, 2 in support and 2 neutral.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
  - The planning proposal not be supported at this time due to concerns about the cumulative impact of residential growth on the road network, the access to the site through an industrial area, the relative isolation from town centres, lack of connectivity to adjoining residential areas, the bushfire hazard, limited access on the western part of the site, inconsistency with the Wollondilly Growth Management Strategy 2011 and the unknown quantity of employment lands required for Picton's future growth;
  - The planning proposal be reconsidered after an assessment by Council of the need for employment lands is undertaken;
  - The applicant and submitters are advised of Council's resolution.

**REPORT**

**BACKGROUND**

The original rezoning application for this site was received in 2009 and put on hold pending the endorsement by Council of the Growth Management Strategy which was adopted in February 2011.

A formal Draft Planning Proposal application was received in August 2013 and proposed a village style development comprising a commercial centre surrounded by residential terraces and lots ranging in size from 250sqm up to 2ha around the ridgelines. A total of 616 residential lots were proposed. The proposal also included potential sites for a school, reception conference centre and retirement village.



**PE3 - Stilton Lane Planning Proposal**

After an initial assessment informed by preliminary community consultation, concerns were raised with the proposed village concept separate to the nearby towns, the housing style and density, the location of the retirement village and school, the function centre and traffic impacts.

Since that time the applicant has met with Council staff a number of times to discuss alternative options for the site and an amended Draft Planning Proposal was submitted for consideration in May 2016 which is the subject of this report.

**1.1 SITE DESCRIPTION**

Stilton Lane is located on the south-western end of Picton Township at the end of Henry Street. The site is situated between the three towns of Picton Tahmoor and Thirlmere and is bounded by Redbank Creek to the north, Remembrance Drive to the south, Thirlmere to the west and Stilton Lane/Henry Street on the east. The landholding comprises 13 individual lots with a combined size of approximately 174 hectares.

Address	Cadastre – Lot//DP	Area in hectares
5 Stilton Lane	10//583245	1.522
10 Stilton Lane	1//583248	28.78
10A Stilton Lane	1//865604	11.88
15 Stilton Lane	2//583247	4.695
20 Stilton Lane	4//1180702	22.65
30 Stilton Lane	53//251857	8.905
40 Stilton Lane	54//251857	8.904
50 Stilton Lane	55//251857	8.907
60 Stilton Lane	1//1180702	24.27
2420 Remembrance Drive	60//979250	4.375
2430 Remembrance Drive	61//979250	3.886
2440 Remembrance Drive	2//1180702	39.76
2440A Remembrance Drive	201//1180801	4.994
<b>Total</b>		<b>173.528</b>

The site is currently used for beef cattle production and previously was a dairy farm. Smaller properties on the eastern side of Stilton Lane are mainly used for rural-residential and agricultural pursuits, including intensive horticulture (greenhouses). Henry Street and Bridge Street comprise a local industrial centre. Environmentally sensitive land is located along the Redbank Creek riparian corridor.

**PE3 - Stilton Lane Planning Proposal**

The Main Southern Railway line dissects the site and traverses the western portion of the site having been re-routed to avoid potential impact on railway infrastructure from mining subsidence. The northern and central part of the site is contained within a small valley with ridgelines defining the periphery. The area to the west of the railway line forms a separate part of the site while land fronting Remembrance Drive to the south is separated from the northern section by a relatively steep ridgeline running east-west across the centre of the site.

**1.2 DESCRIPTION OF PROPOSAL**

The draft planning proposal seeks to rezone most of the land from its current rural zone to enable development for approximately 700 residential lots, a tourism area for a conference and accommodation facility and land for industrial purposes.

Land proposed for community purposes is not required to be rezoned. Environmentally significant land would be conserved.

The planning proposal seeks to provide an integrated plan for the whole site which incorporates the following features:

**Residential land**

- Rezoning of around 50 ha of land for low density residential purposes with a 600 sqm minimum lot size within the northern portion of the site.
- Rezoning of around 60 ha of land for large lot residential purposes with a 2,000 sqm minimum lot size on the steeper slopes with building envelopes located away from the ridgelines. The ridgelines would be vegetated and managed under private ownership.

**Employment Lands**

- Rezoning of around 20 ha for tourism (with about half of this being cleared land suitable for development) on the highest part of the site (301m), described as Mount Stilton, to take advantage of views across the Shire and to the Blue Mountains.
- An area of around 22 ha of land adjacent to Remembrance Drive on the southern edge is not proposed to be rezoned (i.e. it will retain its current zone) but is proposed to have a minimum lot size of 4 ha. While the applicant has no specific proposal for this land, they consider that it would potentially be suitable for integrated education, hospital and/or for aged care facility type development. These would be permissible with consent under the current RU2 Rural Landscape zone.

**PE3 - Stilton Lane Planning Proposal**

Industrial Land

- Rezoning of around 3 ha industrial land with a 1,500 sqm minimum lot size immediately adjacent to the existing Henry Street industrial area. This land would be separated from the proposed residential area via a vegetated buffer and small park.

Environmental Conservation

- Rezoning of around 20 ha riparian land around Redbank Creek for environmental conservation.
- Environmentally sensitive land throughout the site will be mapped for its biodiversity value.

A copy of the Draft land Zoning Map forms Attachment No 1.

**CONSULTATION**

**2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT**

A preliminary assessment and site inspection were undertaken by Council staff and the following comments on the Planning Proposal were made:

▪ **Traffic and Transport**

Over the past few years there have been a significant number of planning proposals submitted and completed within the Picton, Tahmoor and Thirlmere areas. The cumulative impact of the additional traffic on the transport network from recent rezoning of land I for approximately 2,000 dwellings/lots and potentially a further 1600 dwellings/lots (including this proposal) in planning proposals currently being assessed in the Picton/Tahmoor/Thirlmere area is of major concern in terms of the adequacy and capacity of the transport network for servicing these areas.

The Picton Town Centre Transport Master Plan is currently underway and will review impacts on existing transport infrastructure and develop a framework for managing proposed developments and their impacts on the transport network in the short to medium term. It aims to identify requirements for transport infrastructure in the town centre and should be completed early 2017. Consideration of a Picton bypass is outside the scope of the investigation as this project is not achievable in the short to medium term.

To accommodate this rezoning proposal, Stilton Lane would require upgrading as it contains a very steep and severe alignment which would result in major safety issues for any future residential development.

**PE3 - Stilton Lane Planning Proposal**

It is considered that any support of the draft planning proposal would be premature until the findings of the Picton Town Centre Transport Master Plan are known.

It is also considered optimal that the strategic planning consideration for this site be informed by further consideration of a Picton By-pass.

▪ **Access and Connectivity**

The site is at the south western edge of Picton and relatively isolated from existing residential areas and shopping/community centres and is almost 3 kms from Picton Town Centre at its northern end and 1.6 kms Tahmoor Town Centre at its southern end. There is only one access road, Henry Street/Stilton Lane into the site and the surrounding hills and railway line limit the ability to achieve satisfactory road and shared pathway connections.

Access to a proposed residential area via the industrial area is not considered satisfactory and would potentially result in conflict and safety issues between industrial road use and residential/pedestrian road use.

This potential for conflict between residents and industrial users along Henry Street is also a concern with regard to future business viability of the industrial area as there appears to be minimal opportunity for separating the uses in terms of vehicular and pedestrian access.

The planning proposal has not satisfactorily addressed these concerns.

Options for shared pathway routes within and from the site are proposed and supported in principle although the proposed pathway along Redbank Creek at the rear of industrial properties along Henry Street outside of this site would require Council to negotiate with the landowners and acquire the land. This shared pathway is not currently in a Contributions Plan. These shared pathways are identified on the Structure Plan as walking trails provided at Attachment 2.

▪ **Employment Lands**

The planning proposal site adjoins the light industrial area centred on Henry and Bridge Streets and a small amount of industrial land providing around 6 industrial allotments is proposed.

The existing Bridge/Henry Street industrial area comprises relatively small properties but has proved a popular location for services and manufacturers and has a low vacancy rate in terms of available land. Many expanding industries are forced to leave this area and the Shire due to a lack of suitable larger industrial properties.

**PE3 - Stilton Lane Planning Proposal**

It is considered that the Stilton Lane site may have potential for development for industrial or other employment purposes because it has the following attributes:

- It contains a large amount of relatively flat land which is physically separate from urban residential areas.
- It is located near to and could complement the existing industrial area at Henry and Bridge Street with potential to link the site through to Bridge Street via Star Street unformed road.
- Its location near to a railway line adjoining with potential for freight access and movement - (similar to Flour mill site at Maldon)
- Future potentially direct access to Picton By-pass depending on its location.
- Potential for agri-business which requires large areas of flat land with access to a reliable water supply. The property is serviced by reticulated water.

The main constraint which would hinder use of this site for employment generating purposes would be poor transport links in the absence of a Picton Bypass or direct access to the F5 Motorway. Although it is noted that B Double trucks are allowed up to Bridge Street via F5 off/on ramps at Bargo.

The Growth Management Strategy 2011 identifies a need for more detailed research to determine which specific industry and commercial development types are needed in Wollondilly and within the region generally to achieve growth in employment opportunities both locally and regionally (Section 4.6 Driver of Change - Commercial and Industrial Development).

Given the sites strategic potential to provide employment lands for the area it is considered that a decision to support rezoning the site for residential development would be short-sighted and premature and should wait until a detailed employment lands strategy for the Shire prepared by Council.

The proponent is aware of this issue and in response has prepared an Employment Lands Review. The purpose of the Review is to demonstrate the rationale for the proposed site land use mix and to provide an overview of employment lands within the Shire with a view to demonstrating that there is ample opportunity to provide future employment opportunities within the Shire in addition to those proposed as part of the draft planning proposal.

While the Review is a useful document it is a high level desk top document prepared with a limited scope and timeframe (3 weeks). The Review acknowledges that it *“does not remove the requirement of a comprehensive employment lands study that looks at supply and demand issues across the entire Shire”*.

**PE3 - Stilton Lane Planning Proposal**

The Review considers employment lands from a very general perspective; however what is required is an employment lands strategy which considered industrial lands specifically. A key consideration of any study would need to consider the challenges facing the existing Bridge Street industrial area particularly in relation to the potential for a Picton By-pass. The Review does not do this.

▪ **Tourism Precinct**

The draft planning proposal includes a tourist zone at the site's highest point for the potential future development of a hotel/conference centre. However, such a proposal appears to be speculative as no firm proposal for such a use has been submitted to support this change to the WLEP.

While the steeper part of the site does have scenic and natural attributes, the bushfire hazard and single lane access across the railway line are considered to make it unsuitable for such a zone (see Bushfire Hazard section).

A tourist zone in this location also may not be suitable because of potential for noise issues impacting on the proposed residential land on the site and recently rezoned large lot residential land adjoining to the west.

▪ **Education, Health and Aged Care**

An area at the southern end of the site topographically separated from the northern end by a ridgeline has been identified by the proponent as having potential for a range of uses such as education, hospitals and aged care under the current RU2 Rural Landscape Zone.

Education

Picton High School has limited land to increase capacity for student numbers. A high school or a second campus for an existing school on the proposal site could service the Picton, Tahmoor, Thirlmere area.

However, a public school would require the support of the NSW Education Department. The minimum area required for a high school under NSW Education Department guidelines is 6 ha. On the southern end of the site there are currently two lots of around 4 ha each and land which is part of a larger allotment with an area of 9 ha. The draft proposal seeks to retain the current land use zone but reduce the minimum lot size for subdivision to 4 ha potentially resulting in 4 lots in this location. If the NSW Education Department is interested in this location they would then need to acquire 2 lots should the minimum lot size be changed to 4 ha.

Private schools have shown an interest in locating at Wilton New Town. The planning for Wilton also includes a K-12 public school and other primary schools.

**PE3 - Stilton Lane Planning Proposal**

Health

Council has advocated for a hospital for the local area for a number of years. Wilton New Town is more likely to be the preferred location for any such facility although state health agencies have not indicated that a hospital is required in the proposed new town.

Under the WLEP a "hospital" is a type of "health services facility" and is the only type of "health services facility" permissible in the RU2 Zone.

Aged Care

Additional aged care services in terms of nursing and hostel care are becoming more important as the population ages. This part of the site fronts Remembrance Drive and is accessible by a reasonable level of public transport (buses) during the day and early evening but is relatively isolated in terms of distance and walkability from either the Tahmoor or Picton town centre. Part of the land is also subject to bushfire hazard. For these reasons this part of the site is not considered an optimum location for either aged care services or for a hospital.

As with the tourism element of the draft proposal, the Aged Care element also appears to be speculative as no firm propositions for any future development of this land has been submitted at this stage.

It is noted that any such proposals if in accordance with the current zone and other requirements may not require any further change to Wollondilly LEP for the southern part of the site.

▪ **Bushfire Hazard**

The northern, western and southern parts of the site are impacted by bushfire hazard. The northern part of the site adjacent to Redbank Creek comprises areas of environmentally significant vegetation and most of this would need to be retained both because of its intrinsic biodiversity value and to protect the water quality and habitat of Redbank Creek. Provision of adequate Asset Protection Zones (APZs) and fire trails would be needed.

The limited access across the railway line to the west of the site is of concern because of the bushfire hazard and lack of alternative evacuation points for any future tourism and residential development in this location. There is single lane access on the railway bridge and this does not meet the two-way access requirements under the NSW Rural Fire Service Planning for Bushfire Protection (PFBP) guidelines. Tourism development is classified under PFBP as a Special Fire Protection Purpose development and one of the biggest challenges with bushfire is the evacuation of people who may have no comprehension of the danger or knowledge of the area in which they find themselves.

**PE3 - Stilton Lane Planning Proposal**

The applicant has indicated that options for improving access on the western side of the site will be investigated at a later date during the Development Control Plan preparation for the site. This is not considered a satisfactory approach to addressing the access issue. The applicant has indicated that there would be potential access into the site from the unformed Tickle Drive to the west. This access would be problematic given the steep topography and would also be located within the main bushfire hazard. Accordingly this approach would not be feasible either from a physical, cost or safety viewpoint. Another railway crossing may address this issue but the planning proposal has not suggested such an approach which is likely to be very costly.

The land at the southern end of the site is also impacted to a lesser extent by bushfire hazard. Hospitals, schools and housing for older people are also classed as Special Fire Protection Purposes requiring detailed consideration under PFBB guidelines.

▪ **Stormwater, Flooding and Water Quality**

The following matters were raised with regard to stormwater, flooding and water quality as detailed:

- Impact on the flooding extent of Redbank Creek.
- Potential impact on the railway drainage.
- Water quality throughout the site.
- Determine if the stormwater infrastructure and land is to be dedicated to Council at an early stage.
- A flood analysis is required on the site to determine any potential for localised flooding around the internal overland flowpaths and gullies.
- Identify any need to create riparian corridors or zones on the existing internal natural watercourses. The NSW Office of Water should be contacted to determine any watercourses considered waterfront land and that would need to remain as watercourse (with no potential for piping).
- Potential use of the formed basin on the northern end of the site for detention of water.

Specialist studies would be required with regard to stormwater management, flooding and water quality should a Gateway Determination to progress the planning proposal be received. The Office of Water would be contacted as part of government consultation.



**PE3 - Stilton Lane Planning Proposal**

▪ **Geotechnical**

The site generally appears to be at low risk of slope instability. The steeper land at the southern end and identified as large lot residential will need to be assessed for slope stability with the potential for building envelopes to be created on stable and lower parts of these potential lots.

Parts of the site on the northern side were filled during the reconstruction and realignment of the Main Southern Railway line. On the northern end a large basin has been formed from use of fill and this land would need to be tested. Consideration would also need to be given to the residential use of land adjoining this basin area with regard to safety as it has resulted in relatively steeply sloping land.

A Geotechnical assessment would be required should the planning proposal receive a positive Gateway Determination.

▪ **Infrastructure Provision**

The cumulative impact of this and other planning proposals contributes to the need for additional infrastructure.

The lack of space for additional classrooms limits capacity for growth in student numbers in the local Picton High School and Picton Primary School.

The proponent is seeking options to develop a portion of the site for provision of education, health and aged care facilities to assist in provision of required services and facilities in the area. However there are no definite proposals at this stage and such proposals are not dependant on rezoning.

Additional traffic infrastructure for managing traffic at the intersections of Henry Street/Remembrance Drive and Stilton Lane/Remembrance Drive would be required and need to be provided by the developer. Additional development contributions would be required for local transport infrastructure and local community facilities depending on the findings of specialist studies.

As the planning proposal has a significant number of proposed new housing lots, it should be placed on the Urban Release Area map which would ensure that any required contributions for provision of State infrastructure are met by the developer similar to other rezonings around Picton, Tahmoor or Thirlmere.

**PE3 - Stilton Lane Planning Proposal**

▪ **Biodiversity**

Vegetation around Redbank Creek provides an important habitat and riparian corridor which should be maintained and improved. There is currently a 30m wide riparian buffer identified on the Natural Resources Water Map of WLEP. Native grasses, Cumberland Plain Woodland and Shale Sandstone Transition Forest need protection on the site. The planning proposal includes an E2 Environmental Conservation zone (E2) of approximately 30m along Redbank Creek which widens to include vegetated land in the north-west corner. A 100m wide E2 zone along Redbank Creek is recommended to ensure that the existing vegetation is protected and to improve the potential habitat corridor that extends west along Redbank Creek. The NSW State Government's new approaches in terms of biodiversity aim to strengthen options to retain vegetation on-site rather than offset elsewhere.

A Flora and Fauna study would need to be undertaken should the planning proposal proceed. The proposed 600 sqm lot size adjacent to the Redbank Creek riparian corridor may not be large enough to enable this land to be protected adequately if they are to include E2 land with sufficient area for an Asset Protection Zone outside of the E2 land.

The ridgelines are proposed to be vegetated and these would be maintained in private ownership with a positive covenant so as to ensure that the land does not become a maintenance burden for Council. Further assessment is required to determine whether the proposed lot size along the ridgelines would be large enough to support a vegetation corridor and that the vegetation does not increase bushfire hazard and the need for APZs while also ensuring that housing development does not encroach on the ridgeline.

▪ **Separation of Picton and Tahmoor**

The proposal will result in the rural land between Picton and Tahmoor being lost which is inconsistent with Council's vision for 'rural living' and the desire to retain a separation between towns and villages.

There may be a loss of visual separation along the southern end of the site when viewed from Remembrance Drive. As detailed the proponent is investigating a range of options for this land including aged care, a hospital and a school which can occur without rezoning.

Ensuring there are adequate setbacks and landscaping for land fronting Remembrance Drive area would assist in maintaining the landscape character and visual separation. Existing rural and unbuilt land east of Stilton Lane along Remembrance Drive would continue to provide a visual landscape buffer between Picton and Tahmoor if this proposal proceeded.

**PE3 - Stilton Lane Planning Proposal**

▪ **Residential Land Supply**

There is a question as to whether there is a need for the rezoning of additional residential land because of the proposed new town at Wilton. In the current Growth Management Strategy 2011 (GMS) there are proposals for consolidated incremental growth around towns to assist in meeting local demand for housing as well as improving the viability of local town centres. The GMS has a housing target of 4,000 lots to 2036 for the Picton/Tahmoor Thirlmere area which has almost been met already assuming all current planning proposals including this one are finalised.

A concern has been raised as to whether landowners on the eastern side of Stilton Lane and north of the middle ridge of the site would be able to rezone their land for residential purposes. A decision on this would not be able to be made until the outcome of this planning proposal is known. There is no proposal to include their land in the current planning proposal.

Land fronting Remembrance Drive on the eastern side of Stilton Land to the south of the ridge across the middle of the site is proposed to retain the rural zone. Any future development on the site in this location would need to ensure there are adequate buffers to avoid potential land use conflict with small scale agricultural uses.

▪ **Specialist Studies**

Should the planning proposal proceed and receive a positive Gateway Determination the following specialist studies are recommended:

- Traffic and Transport
- Rail Noise and Vibration
- Stormwater Management and Water Quality
- Flooding
- Geotechnical
- Preliminary Contamination Assessment
- Flora and Fauna report
- Bushfire Management Assessment
- Community Needs Assessment
- European and Aboriginal Archaeological Heritage Study
- Land-Use conflict Assessment
- Visual Assessment.

**PE3 - Stilton Lane Planning Proposal**

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

Formal consultation with government agencies and infrastructure providers would be required should the planning proposal receive a positive Gateway Determination. It is considered that the following agencies and organisations should be consulted.

- NSW Department of Transport
- Roads and Maritime Services
- NSW Rural Fire Service
- Sydney Water Corporation
- NSW Fire & Rescue
- NSW Office of Environment and Heritage
- NSW Department of Primary Industries
- Office of Water
- NSW Education Department
- NSW Health - South Western Sydney Local Health District
- Australian Rail Track Corporation
- NSW Department of Industry - Resources & Energy
- Mine Subsidence Board
- Subsidence Advisory NSW.

The proponent has independently sought preliminary feedback from a number of service agencies and their responses are outlined below:

Sydney Water

Water - There is sufficient capacity to service the site with drinking water subject to extension and augmentation of existing infrastructure.

Sewer - There is no current capacity for servicing the site but this may change after the Picton Treatment Plant is expanded. The proponent has undertaken a Waste Water Investigation and provided a wastewater treatment strategy for providing on-site sewerage should Sydney Water not be able to service the site in the future.

Natural Gas

Jemena has indicated that existing gas infrastructure would have capacity to service the site.

Telecommunications

The site is not currently located within the area for NBN rollout so additional cost would be required to enable connection.

**PE3 - Stilton Lane Planning Proposal**

Electricity

Endeavour Energy's existing infrastructure has sufficient capacity to service the site.

Mining

The site is currently being undermined with completion expected in 2017. Proposed changes to the *Mine Compensation Act 1961* would pass the cost of subsidence impacts onto the mine operator and this may affect the response from Subsidence Advisory NSW with regard to the timing of this rezoning.

**2.3 COMMUNITY CONSULTATION**

In accordance with Council's notification policy, initial community consultation has been undertaken. The application was made available on Council's website and letters were sent to owners and occupiers of adjoining and potentially affected properties.

A total of 6 submissions were received and of these submissions; 2 objected, 2 supported and 2 submissions were neutral.

The issues raised in submissions that are relevant to the assessment of the application are summarised in the following table.

<b>Issue Raised</b>	<b>Assessment Comment</b>
Need for a railway station and car park due to population increases	Consultation with rail authorities would determine whether a railway station is able to be provided should the planning proposal proceed.
Planning proposal is unclear regarding future employment land.	The proponents have suggested a range of potential uses for land adjoining Remembrance Drive and are not proposing to change the RU2 Rural Landscape zone in this section of the site. No specific proposal has been received.
The increase in population of around 2,000 people would require a large investment in local services and infrastructure.	It is agreed there would be additional infrastructure requirements and additional information in this regard should be sought from government agencies if the planning proposal proceeds. An assessment of local services and facilities would also be required.
Traffic congestion through Argyle Street would require a bypass road via Maldon.	The potential traffic impact is a concern as outlined in the report. Options for a Picton bypass are a medium to long term project.  If the planning proposal proceeds a traffic study will be required.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2016

**PE3 - Stilton Lane Planning Proposal**

Issue Raised	Assessment Comment
The lack of spatial separation between Picton and Tahmoor is of concern and the report is contradictory as the land on Remembrance Drive is proposed for employment generating uses.	It is acknowledged that the proposal would join Picton and Tahmoor. Most of the site is not visible from Remembrance Drive being within a valley. Potential development along Remembrance Drive could occur under the current zone. Landscaping of the site and adequate setbacks would be required to soften any visual impact.
Concern with potential uses and noise from the proposed tourist zone.	There is a concern with the proposed tourist zone which would allow a range of uses that have potential for production of noise particularly with regard to impact on the proposed surrounding residential land. Any future proposal for development in the tourist zone would need to consider potential noise and amenity impacts on the nearby residential area as part of the development application process.

Planning & Economy

**2.4 PREPARATION OF A PLANNING PROPOSAL**

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the *Environmental Planning and Assessment Act, 1979* and guidelines published by the Department of Planning and Environment. The Planning Proposal is then forwarded to the Minister for Planning and Environment for a Gateway Determination.

In deciding to forward a Planning Proposal to the Gateway process, Council is endorsing the Planning Proposal and it is deemed to be *Council's* Planning Proposal.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 2.13 of this report). Matters can be more fully investigated and resolved with future specialist studies as determined by the Gateway process.

**PE3 - Stilton Lane Planning Proposal**

3. Resolve not to support a Planning Proposal for this site. The applicant can choose to apply for a Pre-Gateway Review as a result of this option.

Note that the application has been with Council for more than 90 days. The applicant can apply for a pre-Gateway review in accordance with the EP&A Regs, 2000 if Council fails to indicate support for the application within 90 days of receiving the application.

Option 3 is the recommendation of this report.

**2.6 A PLAN FOR GROWING SYDNEY**

The Plan has a vision for a city of housing choice with homes that meet our needs and lifestyle. The location and features of the site indicate that the site may be more suitable for employment generating lands rather than housing. Direction 1.9: "Support priority economic sectors" aims to support the growth of industry clusters by the provision of sufficient well-located and well-serviced land and it is considered that additional information on the need, type and location requirements of employment generating land to service the local area is required before a decision is made to rezone the land for residential purposes.

**2.7 SECTION 117 MINISTERIAL DIRECTIONS**

**Direction 4.4 Planning for Bushfire Protection**

The planning proposal is inconsistent with objective (a) of Direction 4.4 which is "(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas,' with regard to the proposed tourism zone and residential land on the western side of the railway line. In particular the planning proposal does not comply with section (6) (c) which requires that "a planning proposal must contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks."

It is considered that the planning proposal has the potential to be generally consistent with all other relevant ministerial directions subject to specialist studies addressing all directions satisfactorily.

**2.8 STATE ENVIRONMENTAL PLANNING POLICIES**

Specialist studies would address requirements outlined in relevant State Environmental Planning Policies. These would be required if the planning proposal progresses.

**PE3 - Stilton Lane Planning Proposal**

**2.9 AMENDMENT TO THE STATE ENVIRONMENTAL PLANNING POLICY (MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES) (COAL SEAM GAS EXCLUSION ZONES) 2013**

The site is located within 2km of a residential zone and therefore is within the coal seam gas exclusion zone.

**2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011 (GMS)**

The GMS includes Structure Plans which identify areas that are considered to have potential for growth. A part of the northern portion of the site adjoining Henry Street is identified on the Structure Plan for Picton. The site is not identified on the Structure Plan for Tahmoor and Thirlmere.

Key Policy Direction	Comment
<b>General Policies</b>	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	The draft planning proposal is not consistent with all the key Policy Directions and Assessment Criteria contained within the GMS.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	The planning proposal would reduce the separation between the urban areas of Picton Tahmoor and Thirlmere but the visual impact from the main road corridor (Remembrance Drive) would be limited. The site is not located near town centres and would result in a relatively isolated housing development with limited opportunities for connectivity with existing urban residential area.
P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.	Adjoining landowners that may be impacted by this proposal have been notified. Their comments have been summarised and discussed in this report.
P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.	No personal financial details of landowners have been made available and would not form a part of any consideration of this planning proposal.



**PE3 - Stilton Lane Planning Proposal**

<b>Key Policy Direction</b>	<b>Comment</b>
P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	There are concerns with both the relative isolation of this site from the established urban areas and with the tourism and residential purposes west of the main southern railway line, which are impacted by bushfire hazard. There is currently insufficient sewerage capacity to service the site and there are concerns with the potential impact of the development on the traffic and transport network.
<b>Housing Policies</b>	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	There has been an influx of planning proposals for the rezoning of rural land for residential purposes potentially resulting in housing and population increases well above the Shire's natural growth forecast.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	The proposed housing would provide lots of both standard and larger sizes that would provide for family style housing for those on middle to high incomes.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	This site is at the edge of the Picton township and provides for lower density development suited to this location.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	The site is at the edge of Picton, Tahmoor and Thirlmere but is relatively isolated from each of the town centres both in terms of distance and connectivity.
<b>Macarthur South Policies</b>	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	NA

**PE3 - Stilton Lane Planning Proposal**

Key Policy Direction	Comment
<b>Employment Policies</b>	
<p>P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.</p>	<p>It is proposed to rezone a small amount of land for industrial purposes. Community facilities and tourism uses are proposed but no specific or definite proposals have been submitted. There are bushfire hazard issues with the proposed tourism use. The site is located adjacent to an important industrial area servicing the Shire and has physical attributes that make it potentially suitable for industrial and agri-business pursuits and other types of employment lands yet to be determined.</p> <p>The Growth Management Strategy 2011 identifies a need for more detailed research to determine which specific industry and commercial development types are needed in Wollondilly and within the region generally to achieve growth in employment opportunities both locally and regionally.</p> <p>Given the sites strategic potential to provide employment lands for the area it is considered that a decision to support rezoning the site for residential development would be premature and should wait until an employment Lands strategy has been prepared for Wollondilly.</p>
<p>P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.</p>	<p>Land is proposed to be zoned for tourism purposes with a view to enabling development of the site for a motel and conference accommodation. However, due to the bushfire hazard and limited access these uses are not supported in this location.</p> <p>The current RU2 Zone permits a range of employment generating land uses already and this includes hospitals and educational establishments which the applicant has indicated are being pursued in terms of commercial viability and prospective clients/end users.</p>

**PE3 - Stilton Lane Planning Proposal**

Key Policy Direction	Comment
<b>Integrating Growth and Infrastructure</b>	
<p>P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.</p>	<p>There is a concern that development of the site for an additional 700 dwellings at this time may impose a burden on the transport network given the cumulative impact from the significant number of residential and commercial planning proposals currently under consideration by Council. In addition Picton High School and Picton Primary School have limited land for providing additional classrooms to cope with anticipated growth in student numbers..</p>
<p>P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating new housing in and around our existing population centres.</p>	<p>The site is not considered to be suitable in terms of supporting existing towns and villages as its location is relatively remote from, and its connectivity potential is particularly poor, with existing centres at Picton, Tahmoor and Thirlmere.</p> <p>There is limited, if any, potential for the site to make genuine connections with existing urban areas particularly as these would need to pass through an industrial area This is particularly challenging for establishing safe and inviting connections to foster community cohesion between newer and older areas and also in the ability to encourage incidental physical activity through creating safe and inviting paths.</p> <p>Future development at this location would more than likely result in a satellite community reliant on car use rather than a logical extension of an existing area.</p> <p>The development of residential land adjoining an industrial area may lead to conflict between residential and industrial uses and affect the sustainability of the industrial area.</p>

**PE3 - Stilton Lane Planning Proposal**

Key Policy Direction	Comment
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	The development of the site would not lead to dispersed population growth as it is near population centres but has poor connectivity to these centres.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	The site is at the edge of the PTT area and while a limited part of the site is indicated for residential growth on the Picton Structure Plan, the main access to the site through an industrial area is not supported. The site is not identified on the Structure Plan for Tahmoor-Thirlmere
<b>Rural and Resource Lands</b>	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	The planning proposal aims to augment environmental land adjoining Redbank Creek and to protect the ridgelines within the site from development by including a revegetation plan. Mineral resources underlying the site are currently being mined with completion expected in 2017.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	The site is not located in a dispersed rural area. This proposal aims to develop the site as a whole for range of residential, community, industrial, environmental and tourism purposes.

**PE3 - Stilton Lane Planning Proposal**

**2.11 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

Following consideration of responses from initial consultation and notification and a preliminary assessment of the application, it is not considered appropriate to amend the existing provisions of WLEP 2011 at this time for the following reasons:

- It is unclear that rezoning of the major portion of the site to a residential zone will achieve the best and highest use of the land.
- There appears to be a need for additional well located, large industrial, employment or agri/business land and a portion of the site could provide this.
- There is insufficient information regarding the specific need, type and optimum location for industrial/employment generating land in the Shire and this should be obtained before Council makes a decision on the rezoning of this landholding.
- The main access to the site via an industrial area is not ideal and will potentially create conflict between residential and industrial land uses which may both create safety issues and impact on the long-term viability of the industrial area.
- There is concern about the cumulative impact on the local road network from the additional traffic which would potentially be generated from this planning proposal.
- The site has poor connectivity with existing centres and adjoining residential areas and there are limited opportunities to provide additional connection routes due to the topography and railway line.
- There is potential for rural land use conflict from the agricultural land uses on adjoining land.
- The proposed tourist and residential development on the western side of the Main Southern Railway Line is not suitable due to limited access and bushfire hazard.
- The cumulative impact from recent rezoning and current planning proposals for residential land in the Picton, Tahmoor and Thirlmere will increase the strain on existing education, health and community facilities.
- The planning proposal has not provided evidence that the proposal for a hospital or school is a realistic possibility and therefore these facilities should not be considered a reason to support the proposed residential rezoning.
- The proposed location of aged care nursing and hostel care services is not supported as it is isolated from town centres and may be subject to bushfire hazard.

**PE3 - Stilton Lane Planning Proposal**

**2.11.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP, 2011)**

The proposed amendments to WLEP 2011 that may be considered are described below should the planning proposal be supported:

- Amend the Land Zoning Map from Zone RU2 Rural Landscape to Zones R2 Low Density Residential (R2), R5 Large Lot Residential (R5), IN2 Light Industrial (IN2) and E2 Environmental Conservation (E2) as shown in Attachment 1.
- Amend the Lot Size Map from a minimum lot size category of 16 hectares to a lot size to be determined for R2 and R5 land based on further assessment, 1,500 sqm for IN2, no minimum lot size for E2 and 4 ha for the residue RU2.
- Amend the Height of Buildings Map from a Maximum Building Height Category of no metres to a Maximum Building Height Category of 9 metres except for the residue RU2 Rural Landscape zone.
- Amendments are anticipated for the Natural Resources – Biodiversity Map. However, the details of the changes will not be known until specialist studies are completed.
- The Land Use Table would be amended to include the SP3 Tourist Zone and the land uses that may be added to those detailed in the Standard Instrument would be determined following further specialist studies.
- Amend the Urban Release Area Map to include this land.

These amendments would exclude part of Lot 2 DP 1180702 west of the Main Southern Railway Line which is considered unsuitable for tourism and residential uses because of the single lane access over the railway lane and bushfire hazard.

**2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016**

Amendments to Wollondilly Development Control Plan to provide site specific planning controls to guide future development on the site are likely to be required and will be determined after completion of specialist studies when details of changes will be apparent.

**PE3 - Stilton Lane Planning Proposal**

**VOLUNTARY PLANNING AGREEMENT**

At this stage no need has been identified for a voluntary planning agreement for the provision of any infrastructure or facilities has not been offered.

**FINANCIAL IMPLICATIONS**

Funding for this project to date has been achieved through the adopted Planning Proposal fees and charges.

Council has experienced a record increase in the number of Planning Proposals submitted in addition to the Wilton New Town project. Note that the Wilton New Town project is not a planning proposal but has had significant impact on Strategic Planning resources. All proposals which result in an increased intensity of land use within the Shire shall also lead to increased demand for Council services and facilities over time. Council will need to consider this in the adopted budget and forward estimates.

**ATTACHMENTS**

1. Draft Land Zoning Map.
2. Structure Plan.

**RECOMMENDATION**

1. That Council not support the preparation of a Planning Proposal for the Stilton Lane site which includes the following land being Lot 10 DP 583245 (5 Stilton Lane), Lot 1 DP 583248 (10 Stilton Lane), Lot 2 DP 583247 (15 Stilton Lane) Lot 4 DP 1180702, (20 Stilton Lane), Lot 53 DP 251857 (30 Stilton Lane), Lot 54 DP 251857 (40 Stilton Lane), Lot 55 DP 251857 (50 Stilton Lane), Lot 1 DP 1180702 (60 Stilton Lane), Lot 60 DP 979250 (2420 Remembrance Drive), Lot 61 DP 979250 (2430 Remembrance Drive), Lot 2 DP 1180702 (2440 Remembrance Drive) and Lot 201 DP 1180801 (2440A Remembrance Drive), Picton for the following reasons:
  - Support for the planning proposal is considered to be premature in the absence of an employment lands strategy and the outcome of the Picton Town Centre Transport Master Plan investigation is known.
  - The site is not an appropriate location for residential development housing limited connectivity.
  - The proposed tourist and residential development on the western side of the Main Southern Railway Line are not considered suitable due to bushfire and access constraints.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 21 November 2016

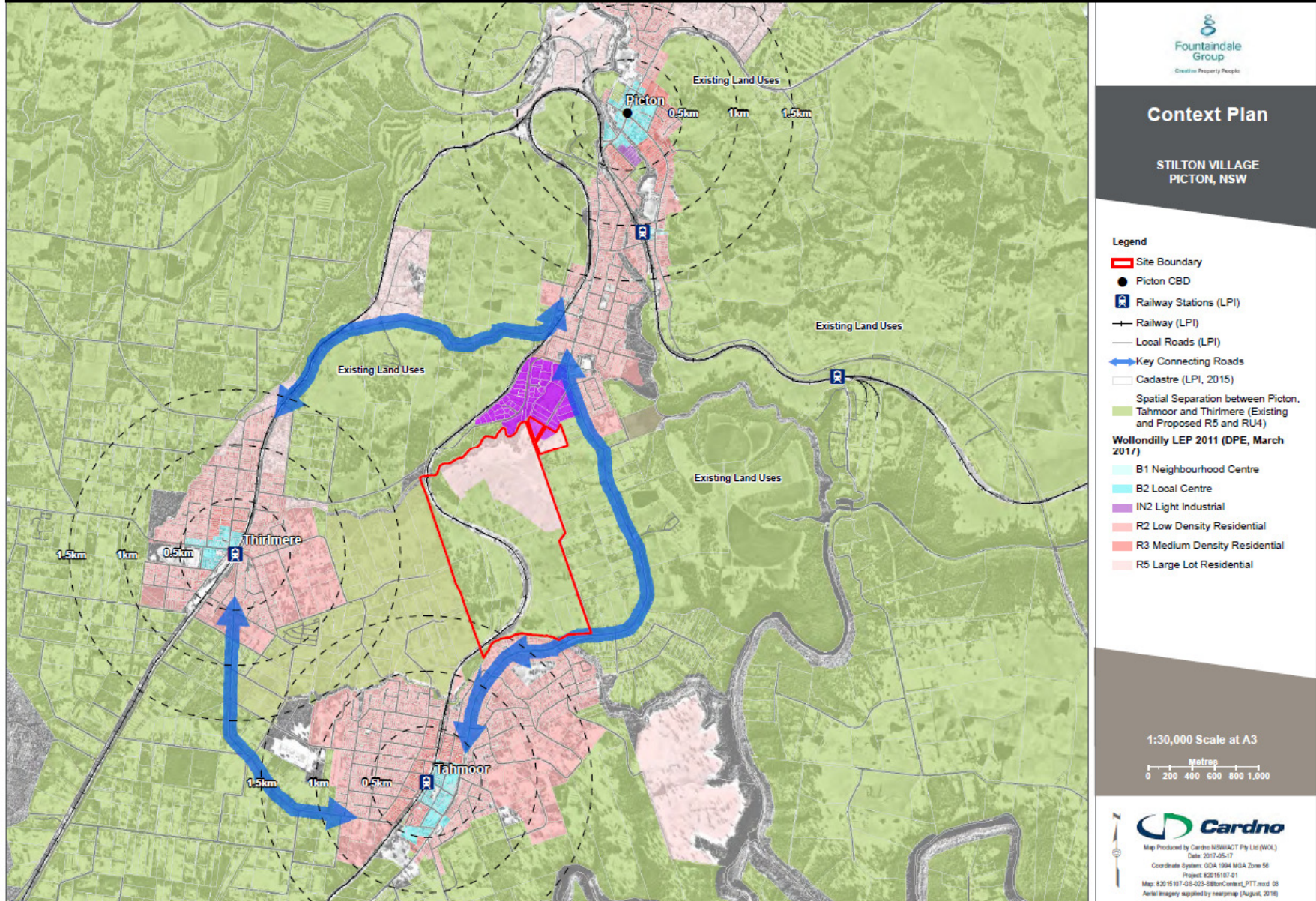
---

**PE3 - Stilton Lane Planning Proposal**

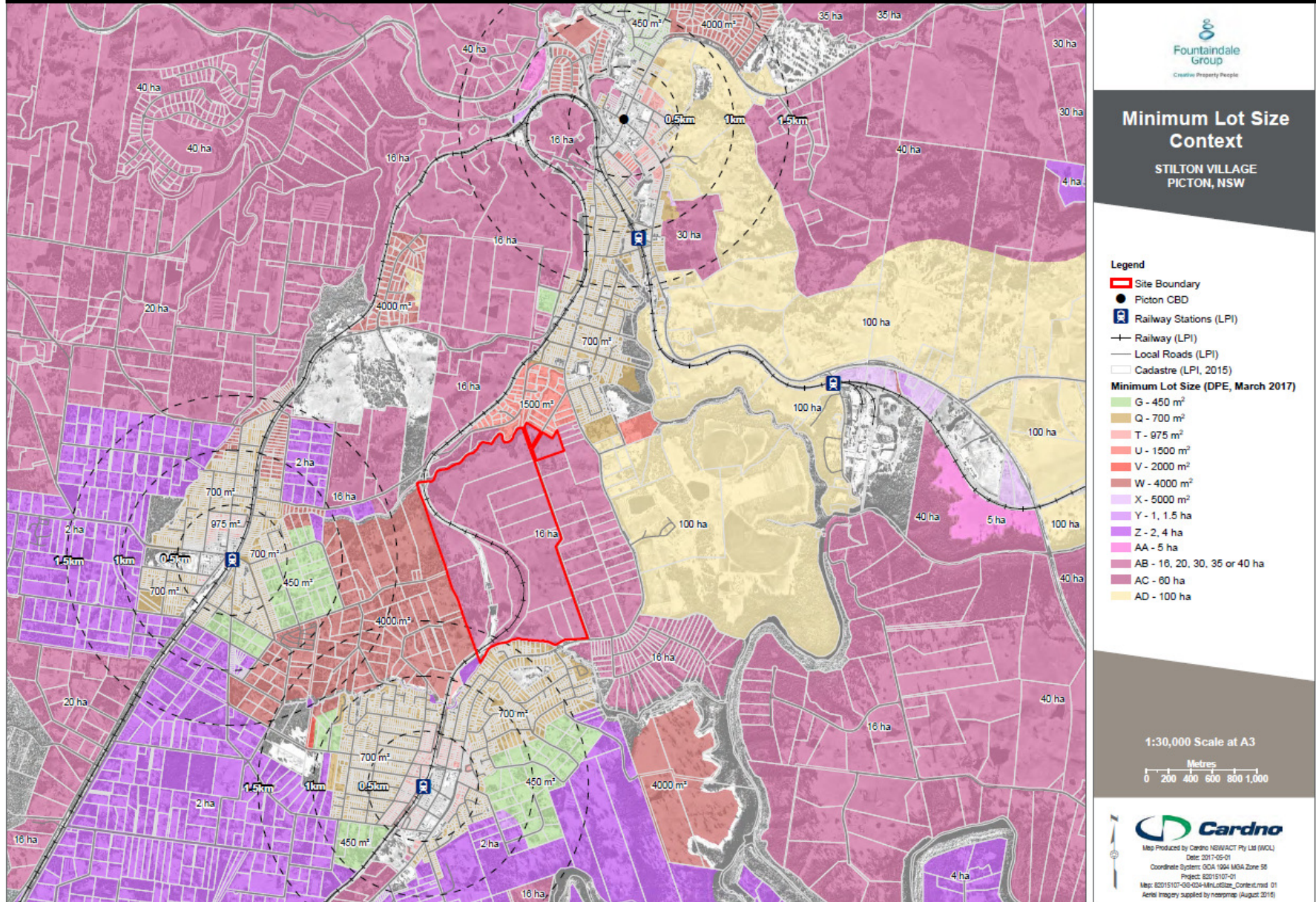
- There is insufficient information and certainty at present to support the changes required to enable the education and health components of the proposal. In addition, the principle of aged care nursing and hostel care services are not supported given the sites isolated location from town centres and potential bushfire constraints.
  - The proposal is largely inconsistent with the Wollondilly Growth Management Strategy, 2011.
2. That the planning proposal be reconsidered after an assessment by Council of the need for employment lands is undertaken.
  3. That the applicant and submitters be notified of Council's Resolution.

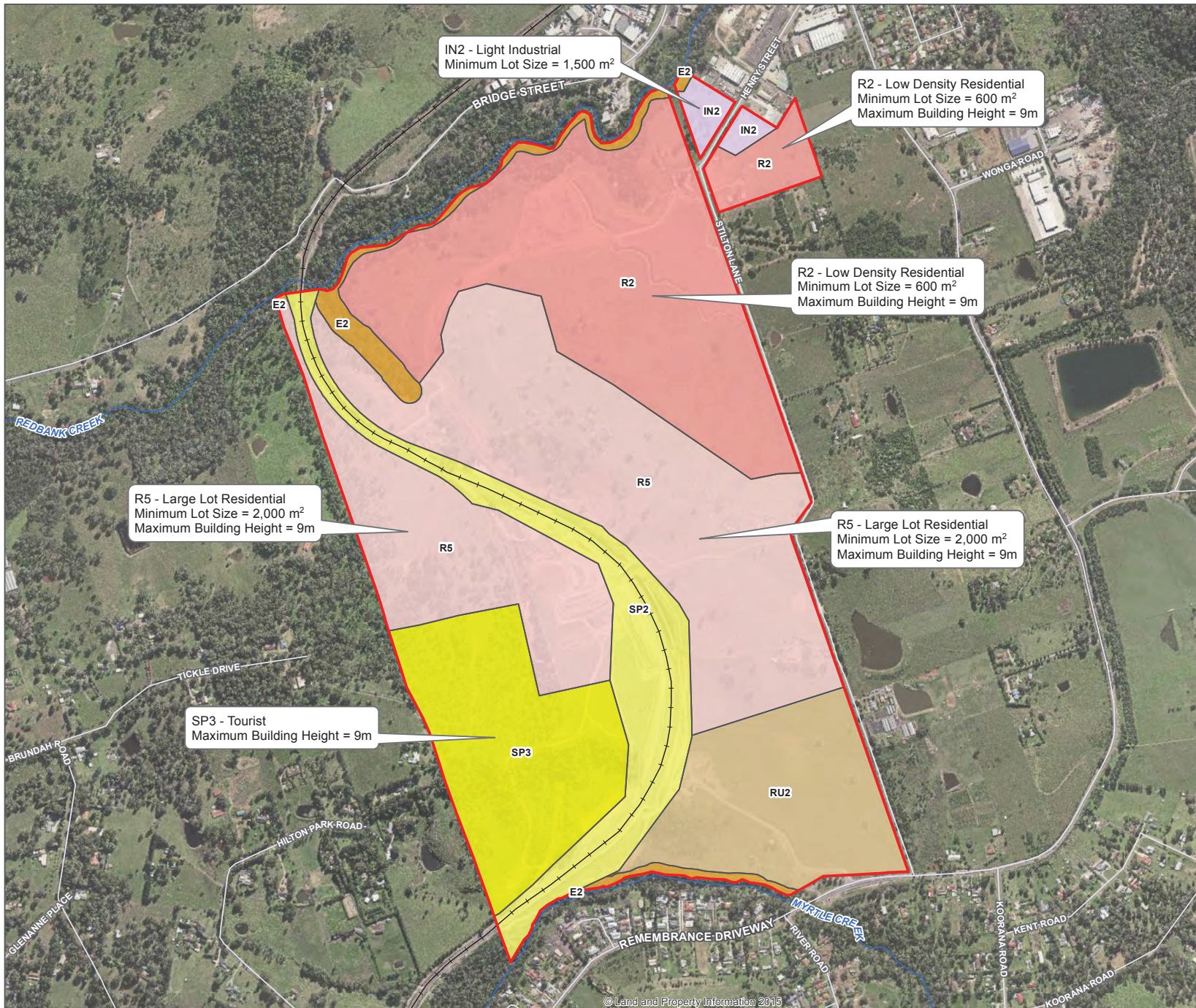


Attachment 2A: Map to illustrate Spatial Separation between towns – Context Map



**Attachment 2B: Map to illustrate Spatial Separation between towns – Minimum Lot Size Context**





## Proposed Zoning Plan (DRAFT)

STILTON VILLAGE  
PICTON, NSW

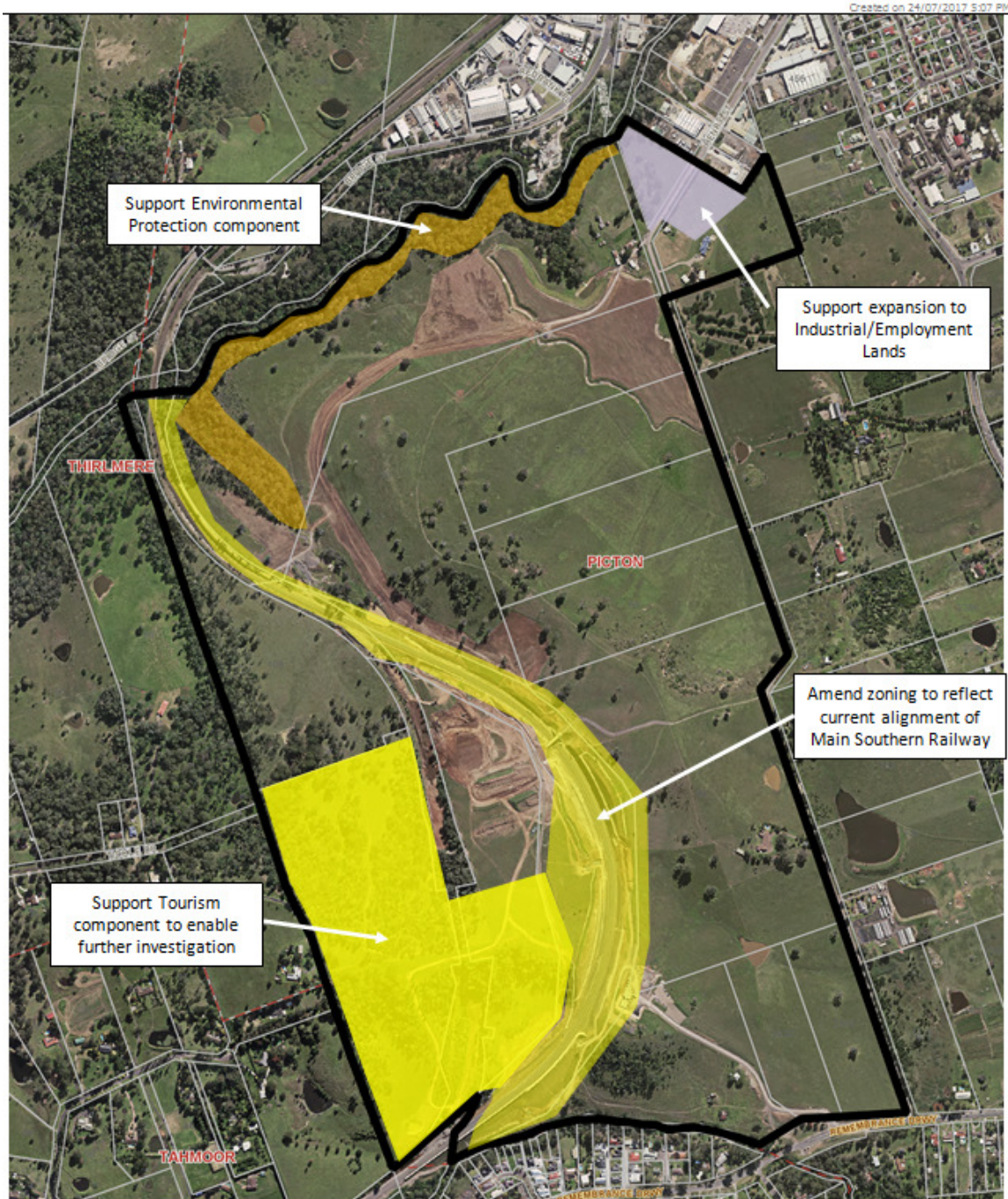
### Legend

- Site Boundary
- Roads (LPI)
- Railway (LPI)
- Watercourses (LPI)
- Proposed Zoning**
- E2 Environmental Conservation
- IN2 Light Industrial
- R2 Low Density Residential
- R5 Large Lot Residential
- RU2 Rural Landscape
- SP2 Infrastructure
- SP3 Tourist

1:9,000 Scale at A3



Map Produced by Cardno NSW/ACT Pty Ltd (WOL)  
Date: 2016-03-11  
Coordinate System: GDA 1994 MGA Zone 56  
Project: 82015107-02  
Map: 82015107-GS-011-PropZoning.mxd 03



## Proposed Approach for Stilton Lane Draft Planning Proposal

(Boundaries are estimates only and subject to further investigation and confirmation)