

Development Control Plan 2016



Wollondilly
Shire Council

Development Control Plan 2016

Volume 1 – General



Wollondilly
Shire Council

Revision History

Volume	Current Version
Volume 1	1
Volume 2	1
Volume 3	1
Volume 4	1
Volume 5	1
Volume 6	1
Volume 7	1
Volume 8	1

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PART 1 – PRELIMINARY

1.1 Introduction

The name of this plan is “Wollondilly Development Control Plan 2016”. This plan is made in 8 volumes. It applies to all land to which Wollondilly Local Environmental Plan 2011 applies.

1.2 Objective

1. To assist in the realisation of the aims of Wollondilly Local Environmental Plan, 2011.
2. The specific controls and volumes of this plan each have objectives as detailed throughout this plan.

1.3 Interpretation

In this plan, unless the context clearly indicates otherwise, words have meaning as defined in this section, Wollondilly Local Environmental Plan, 2011, and State Environmental Planning Policy (Exempt and Complying Development Codes), 2008. Where there is an inconsistency between the definitions, the definitions in this section of the plan shall prevail to the extent of the inconsistency but only for the purposes of interpreting this plan.

Term	Meaning
Access Handle	A corridor of land used to provide access for vehicles from the public road network to or through an allotment that would otherwise be inaccessible for vehicles.
Adaptable Dwelling	A dwelling that is designed to facilitate its future conversion to comply with disabilities access standards without structural modification to the building in accordance with AS4299 Adaptable Housing.
Ancillary Buildings	A building (that is not a dwelling) on a residential or rural allotment that is used by the residents of the allotment as a part of their domestic occupation of the land and includes a detached garage but excludes an attached garage.
Any Subdivision	The subdivision of land by Torrens and/or Community Title and/or subdivision by Strata. This definition extends beyond the term “Subdivision of Land” as defined in the Environmental Planning and Assessment Act, 1979.
Blank Wall	A stretch of wall that is a straight wall and does not have any windows or doors.
Building Line	Means the closest point of a wall of a building to a defined boundary (excluding any allowable encroachments).
Dormer window	A window set into the structural element of a building that protrudes from the plane of a sloping roof surface. Dormers are used, either in original construction or as later additions, to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows.
Dormitory Room	A room that provides sleeping accommodation for 3 or more adults.
EEC	An Endangered Ecological Community declared by the NSW Government.

Term	Meaning
Environmental Asset	<p>A contiguous area of land greater than 5000m² this is substantially composed of one or more of the following:</p> <ul style="list-style-type: none"> ▪ An EEC; ▪ Threatened flora; ▪ Habitat occupied by threatened fauna or nearby land likely to be required by that fauna for foraging, nesting, mating or other similar needs; ▪ Wildlife Corridors; and ▪ A natural wetland, groundwater dependant ecosystem or similar. <p>This definition includes (without limitation): an area of land that would, but for the carrying out of unauthorised works, meet one or more of the above criteria; and an area of land that is partially located on land not included within a planning proposal.</p>
Environmental Landscape	A precinct or area that contains dispersed environmental land or that otherwise forms part of a landscape that has a strongly defined character that the Council considers desirable for retention and enhancement.
Event	A use of land for recreational purposes for a period of no more than 5 consecutive days (or up to 10 days inclusive of related setup and pack up activities) and no more than a total of 52 days in a year.
Fanlight casement window	A pane of glass installed over a door or window.
Finished Floor Level	Refers to the numerical difference (in metres) between the natural ground level and the floor level of a building at the completion of a development.
Flood Planning Level	The 1% AEP flood level + 0.5m.
Formal Landscaping	A garden bed that has fixed edging, a mulched or rock covered surface and planting with ground covers and/or shrubs and/or trees.
French doors	A twin set of doors which are hinged on one of its vertical edges so as to open inwards or outwards.
Front Façade	The front of a building that addresses a public road or a private road in a community title scheme.
Hour of solar access	Exposure for a period of 1 hour to direct sunlight between the hours of 9:00am and 3:00pm on 21 June.
Large Subdivision	Any subdivision that creates more than 100 allotments.
Medium Density Development	Means any development that results in 3 or more dwellings on an allotment of land.
Medium Subdivision	Any subdivision that creates more than 10 allotments but no more than 100 allotments.

Term	Meaning
Minor Subdivision	<p>Any subdivision that:</p> <ul style="list-style-type: none"> • Does not create any additional dwelling opportunities (excluding an additional opportunity for a secondary dwelling); and • Does not, by its scale and nature, have any plausible adverse social, environmental or economic impacts; and • Does not involve any allotment on which an item of environmental heritage is situated; and • Does not involve any allotment located within a heritage conservation area; and • Does not result in more than 4 new allotments. <p>This definition is not intended to be applied to the interpretation of exempt or complying development provisions or to a subdivision carried out under clause 4.2 of Wollondilly Local Environmental Plan 2011.</p>
Mirror Reversed	A building that substantially appears to have a vertical axis of symmetry in or about the centre of a Front Façade.
Natural Ground Level	The ground level of a location that would have existed when the subject allotment was registered.
Panelled door	A door with sunk panels set between its frame.
Primary Front Façade	Refers to the front of a building which addresses the primary street frontage on a corner lot.
Public Realm	Refers to land in public ownership and/or privately owned land designed and intended to be accessible to the public.
Repeated Façade	A section of a Front Façade that is repeated or is substantially similar to another section of that Front Façade but not in cases where the section does not contain a door (be it a personal access door or a garage door).
Residential Battle-Axe Allotment	A residential small lot, Standard Residential Lot or residential large lot which only has vehicular access by an access handle.
Residential Large Lot	An allotment of land with an area of between 1500m ² and 3999m ² (inclusive) on which a dwelling may be lawfully constructed.
Residential Small Lot	An allotment of land with an area of between 450m ² and 699m ² (inclusive) on which a dwelling may be lawfully constructed.
Rural Lifestyle Lot	An allotment of land with an area between 4000m ² and 2 hectares on which a dwelling may be lawfully constructed.
Rural Lot	An allotment of land with an area greater than or equal to 2 hectares on which a dwelling may be lawfully constructed.
Secondary Front Façade	Refers to the front of a building which addresses the secondary frontage on a corner lot.

Term	Meaning
Site Coverage	Means the proportion of a site covered by buildings. However, the following are not included for the purpose of calculating site coverage: a) any basement; b) Porticos that service a door entry; c) any eaves; d) unenclosed balconies above the ground floor of a building.
Small Subdivision	Any subdivision that creates no more than 10 allotments except for a Minor Subdivision .
Standard Residential Lot	An allotment of land with an area of between 700m ² and 1499m ² on which a dwelling may be lawfully constructed.
Straight Wall	A stretch of wall that continues in a linear fashion without any change to its direction or any articulation.
Suspected flood affected land	Land that is located on the part of a flood plain and that could reasonably be expected to be inundated in a probable maximum flood.
Temporary Markets	A use of land for retail purposes for a period of no more than 2 consecutive days (or up to 4 days inclusive of related setup and pack up activities) and no more than 12 times per year.
Town Centre Residential Lot	An allotment of land with an area less than 450m ² on which a dwelling may be lawfully constructed.
Wet bars	Any room that contains a sink and is not a kitchen, bathroom or laundry.

1.4 Application of the volumes of this plan

This volume applies to all development requiring development consent on, in or over land within the Wollondilly Local Government Area.

The volumes of this plan each identify the contexts in which they apply. Developments may be subject to more than one volume of this plan. If there is an inconsistency between the volumes of this plan then the earlier volume shall prevail over the later volume. For example, if there is an inconsistency between Volumes 2 and 5, Volume 2 would prevail because it is found earlier in this plan.

PART 2 – General considerations for all development

2.1 Objectives

1. To ensure that developments are undertaken with due regard to human safety.
2. To ensure that developments do not unreasonably impact on their surrounds.
3. To ensure that developments achieve a satisfactory level of social equity.

2.2 Controls

1. The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:
 - a) Road and traffic hazards;
 - b) Bushfire threat;
 - c) Flood risk;
 - d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;
 - e) Exposure to electricity transmission systems;
 - f) Exposure to radiation from telecommunications infrastructure;
 - g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;
 - h) Hazards from vehicles within car parking areas; and
 - i) Hazard from potential contamination of the land.
2. The consent authority shall consider the suitability of the road network in the vicinity in assessing a development application under this volume.
3. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.
4. The consent authority must not grant consent to a development application for development subject to this volume on land unless it has considered the impact of the development on any system for the management of wastewater present on that land.
5. The consent authority must not consent to the carrying out of development within a drinking water catchment area unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality.

PART 3 – Variations to this plan

There may be situations where the strict application of the controls in this plan is inappropriate. In such cases Council may vary the controls in the plan. The controls in this part apply where a development application proposes to vary a control in this plan.

3.1 Controls

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:

- Identify the control being varied
- Outline the non-compliance with the relevant control
- Include reasons and justification for the non-compliance
- Outline why compliance with the control is unreasonable or unnecessary in the case of their development

Council may require additional supporting information to justify the request for variation.

2. Council must be satisfied that the variation meets at least one of the following principles before issuing consent for the development:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose of the control would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable;
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.

PART 4 – Community engagement

The purpose of this part is to ensure that members of the public potentially affected by a proposed development have 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

Table 1 below identifies types of developments in which Council may grant consent without the need to carry out notification and/or advertising of the application. The development type must meet the criteria in the right hand column to be excluded from requiring notification. Any development type that does not meet the exemptions in the table provided below must be notified (and advertised if required by section 4.3 of this plan).

NOTE: Any development type that does not meet the exemptions in the table provided below requires notification. The exemptions below do not apply to any development to which any one of the following criteria applies:

- The development is proposed on any land within a heritage conservation area; or
- The development is proposed on land which contains a heritage item; or
- The development is proposed on any land that immediately adjoins a heritage item; or
- The development is proposed on land that is mapped as flood prone land; or
- The development is a type that is not required to be advertised under this plan;
- The development is inconsistent with any restriction on the title of the land in relation to a building envelope or building setback requirement;

Table 1

Type of Development	Criteria which excludes the development from requiring notification
Single storey dwelling houses (including alterations and additions)	<ul style="list-style-type: none"> ▪ Have no other dwelling house located on the same allotment ▪ Have finished floor levels no greater than 1m above or below the natural ground level ▪ Must comply with Council's building line setbacks prescribed in this Plan ▪ Have no walls less than a metre from the boundary ▪ Have a total area less than 430m² ▪ If it includes an attached garage have no more than 2 garage doors visible from the street.

Type of Development	Criteria which excludes the development from requiring notification
Two storey dwelling houses (including alterations and additions)	<ul style="list-style-type: none"> ▪ Have no other dwelling house located on the same allotment ▪ Complies with the maximum height of buildings as indicated on the Height of Buildings Map ▪ Must comply with Council's building line setbacks prescribed in this Plan ▪ Have a total area less than 430m² ▪ Are setback at least 10.0m from side boundaries ▪ If it includes an attached garage have no more than 2 garage doors visible from the street.
Carports (residential)	<ul style="list-style-type: none"> ▪ Relate to a residential use of the land ▪ Must comply with Council's building line setbacks prescribed in this volume ▪ Be no less than 1m from the side boundaries ▪ Be no taller than 4m above ground level (existing)
Awnings and Pergolas (residential)	<ul style="list-style-type: none"> ▪ Relate to a residential use of the land ▪ Must comply with Council's building line setbacks prescribed in this plan ▪ Be no less than 1m from the side boundaries ▪ Be no taller than 4m above ground level (existing)
Gazebos (residential)	<ul style="list-style-type: none"> ▪ Relate to a residential use of the land ▪ Must comply with Council's building line setbacks prescribed in this volume ▪ Be no less than 1m from the side boundaries ▪ Be no taller than 4m above ground level (existing)
Retaining walls (residential)	<ul style="list-style-type: none"> ▪ Relate to a residential use of the land ▪ Be no more than 0.6m high ▪ Be no less than 2.5m from the side and rear boundaries ▪ Be located beside or behind the dwelling
Swimming pools (residential)	<ul style="list-style-type: none"> ▪ Relate to a residential use of the land ▪ Are more than 1 metre from any boundary ▪ Are located in the rear yard or on a corner lot behind the front and secondary street setbacks of the dwelling ▪ Not have any coping or decking that is more than 0.5m above ground level (existing).
Decks and Balconies (residential)	<ul style="list-style-type: none"> ▪ Relate to a residential use of the land ▪ Be no more than 0.5m above ground level (existing) ▪ Are located at least 10m from any boundary

Type of Development	Criteria which excludes the development from requiring notification
Residential Outbuildings	<ul style="list-style-type: none"> Relate to a residential use of the land Comply with the building line setbacks contained within this volume Be located within a residential zone (other than R5) Are no less than 900mm from each boundary Are no higher than 3.5 metres above the natural ground level Can accommodate a maximum of two car parking spaces Have a floor area less than 50m²
Rural Outbuildings	<ul style="list-style-type: none"> Relate to a residential use of the land Be located within zones R5, RU1, RU2, RU4 or E4 Comply with the building line setbacks contained within this Plan Are no less than 10m from any boundary Are no higher than 5.0 metres above natural ground level Have a floor area less than 100m²
Telecommunications Facilities	<ul style="list-style-type: none"> Be “low impact facilities” as defined by the legislation of the Commonwealth.
Tree removal (residential)	<ul style="list-style-type: none"> All cases that result in the removal of less than 10 trees Be located in any residential “R” zone
Tree removal (rural)	<ul style="list-style-type: none"> All cases that result in the removal of less than 10m² of vegetation Be located in any rural “RU” zone
Tree removal (agricultural)	<ul style="list-style-type: none"> Be located in a RU1 or RU2 Be for the purposes of agriculture
Demolition	<ul style="list-style-type: none"> Be for the demolition of a building that would have been subject to another exemption in this clause if it were being proposed as a new building.
Septic Tanks	<ul style="list-style-type: none"> No further restrictions
Rain Water Tanks	<ul style="list-style-type: none"> No further restrictions
Strata subdivision of existing buildings	<ul style="list-style-type: none"> The existing building is lawful and complies with the Building Code of Australia.
Subdivision of existing dual occupancy	<ul style="list-style-type: none"> Be located in Zones R2, R3 or B4 The existing building(s) is/are lawful
Health Services Facility	<ul style="list-style-type: none"> Located within Zones B1, B2 or B5 Be located wholly within an existing commercial building
Kiosk	<ul style="list-style-type: none"> Be located within Zones B1, B2 or RE2

4.2 Requirements for notification

Development applications that require notification under this plan shall be notified in accordance with the requirements for a “written notice” under Part 6 Division 7 of the Environmental Planning and Assessment Regulations, 2000.

In cases where the owners address recorded in Council’s rating database for a notified property is different to the street address of that property, a “written notice” shall also be sent to “the occupier” at the street address.

Where the notification of a development application is required under this plan the Council must provide a written notice of the application to any person who owns or occupies land adjoining the land to which the application relates. Land that is considered to be adjoining the development site is identified in the diagram below:

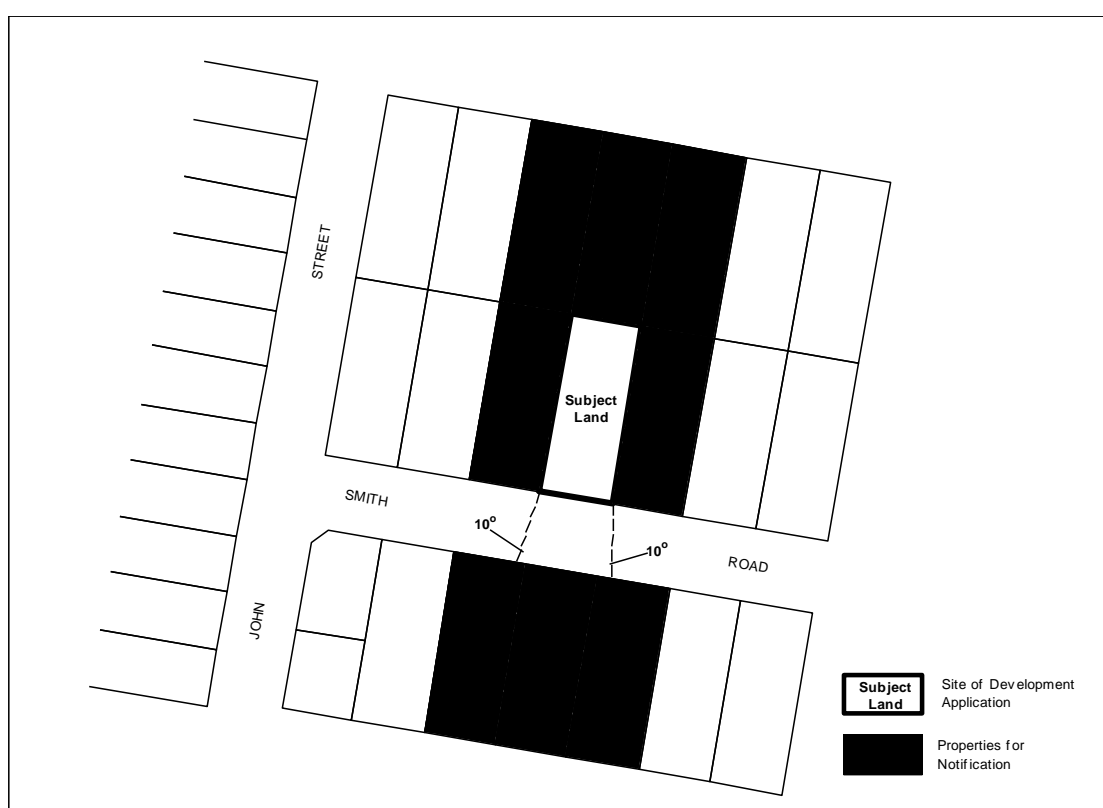


Figure 1

Council may elect to provide a written notification to owners or occupiers of land beyond those adjoining the development site if Council considers that the nature and scale of the development requires the notification of a broader area.

Where land is held in a strata or community title, the written notice must be forwarded to:

- The manager or secretary of the body corporate (under the Strata Titles Act, 1973 or the Strata Titles (Leasehold) Development Act, 1986) or the Association (under the Community Land Development Act, 1989), and
- The lessor of the leasehold strata scheme concerned and to the owners corporation (if the land is not a lot within the meaning of the Strata Schemes (Leasehold Development) Act, 1986) is taken to

be written notice to the owner or occupier of each lot within the Strata Scheme (in accordance with the Environmental Planning and Assessment Regulations); and

- Each individual strata or community title owner, meeting the adjoining land criteria above.

Note: Where Council has not been provided with contact details for the association under the Community Land Development Act, 1989 then the association will not be notified.

4.3 Development applications to be advertised

Development for any of the following purposes is advertised development under Clause 5 of the Environmental Planning and Assessment Regulations, 2000:

- Air transport facilities
- Animal Boarding or Training Establishments
- Any bottle shop, pub, licensed club or hotel requiring a license under the Liquor Act, 2008
- Caravan Parks, Camping Grounds
- Cemeteries, Crematoria, Mortuaries, Funeral Homes
- Child care centres with capacity for 40 or more enrolments
- Correctional centres
- Drive through restaurants
- Electricity generating works (excluding solar panels for domestic use)
- Forestry
- Function Centres
- Heavy industrial storage establishments
- Hostels containing 5 or more boarding rooms
- Intensive livestock agriculture
- Intensive plant agriculture
- Livestock processing industries
- Multi dwelling housing, Seniors housing, Shop top housing and residential flat buildings comprising 5 or more dwellings
- Offensive, hazardous, extractive and heavy industries
- Places of public worship with a capacity greater than 100 people
- Recreation facilities (major), Recreation facilities (outdoor)
- Restricted premises
- Service stations
- Sewerage systems servicing or intending to service more than 2 dwellings
- Sex services premises and brothels
- Subdivision creating 5 or more lots (except for subdivision described in an exemption in Clause 4.1 of this plan),
- Transport Depots, Truck Depots, Depots, Freight Transport Facilities, Passenger Transport Facilities
- Sewerage systems servicing or intending to service more than 2 dwellings
- Tourist and visitor accommodation comprising more than 5 guest rooms
- Any other development that, in the opinion of the consent authority, is likely to have impacts beyond the immediate locality in which it is situated.

Development which constitutes any of the following may also be advertised for the purposes of this plan:

- State Significant Development;
- Nominated Integrated Development;
- Threatened Species Development;
- Class 1 Aquaculture Development;
- Any development that is identified as advertised development under by an environmental planning instrument.

4.4 Requirements for advertising

Development applications that require advertising under this plan shall be advertised in accordance with the requirements for a published notice of Part 6 Division 7 of the Environmental Planning and Assessment Regulations, 2000.

In cases where the owners address recorded in Council's rating database for a notified property is different to the street address of that property, a "written notice" shall also be sent to "the occupier" at the street address.

In the case of any development that requires advertising, a written notification shall also be sent to the any person who owns or occupies land adjoining the land to which the application relates in the manner prescribed in section 4.2 of this part.

4.5 Development applications altered prior to determination

Where a development application is altered prior to being determined, any community engagement required by this plan (be it notification or 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:

- do not increase the size or height of any building associated with the development;
- do not reduce the setbacks of any buildings associated with the development;
- do not impact on solar access achieved by adjoining lands;
- do not result in the change of location of any access driveway or proposed public road;
- 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;
- Do not result in any additional structures or uses that would form part of the development;
- Would not significantly change the appearance or nature of the development;

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.

4.6 Applications to modify a development consent

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. Council's requirements in relation to notification of an application to modify a development consent are as follows:

- 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;

- 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;
- 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;
- 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 landowners and previous submitters;

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.

4.7 Requests for the review of a determination

Any request for a review of the determination of a development application under Section 82A of the Environmental Planning and Assessment Act, 1979 shall be subject to the community engagement requirements of this plan (be it notification or advertising) as though it were a new application unless it is identical to the original application or any modifications are minor only. Council must also notify all previous submitters in accordance with the requirements of this plan where a request for a review of determination is made..

PART 5 – Colonial Heritage (General)**5.1 Objectives**

The objectives of heritage conservation are:

- (a) To establish good design principles to guide development to and around heritage items,
- (b) To ensure development is sympathetic to the overall heritage values and characteristics of the area,
- (c) To identify local heritage character and heritage elements of the built environment, and
- (d) To ensure the retention and management of heritage values identified for each conservation area and specific precinct.

5.2 General Controls

1. Development of heritage items and development on land within heritage conservation areas shall demonstrate consistency with the NSW Guidelines for Development in Conservation Areas '*Design in Context*'. In particular the impact of the following aspects of a development should be considered:
 - **Height and scale** - must respect the predominant scale (building height, bulk, density and massing) of the heritage buildings in the vicinity in order to retain the prevailing scale of the Conservation Area. The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing.
 - **View corridors** - must be retained to and from significant features within the Conservation Area.
 - **Architectural style and form** - must be compatible with the existing heritage buildings in the vicinity.
 - **Materials, detailing and colour schemes** - must respect the materials of the existing heritage buildings in the vicinity.
 - **Siting** - must respect existing patterns of building setbacks of heritage buildings from property boundaries, which contribute to the harmony of the streetscape.
 - **Cumulative impact** - must be considered to ensure that the characteristic features of the conservation area that give harmony and cohesiveness to streetscapes and individual buildings are not eroded.

5.3 Controls for particular development types**1. Advertising and Signage**

The following requirements apply to advertising and signage where proposed on a listed heritage item building or on land which contains a heritage item or on land within a heritage conservation area.

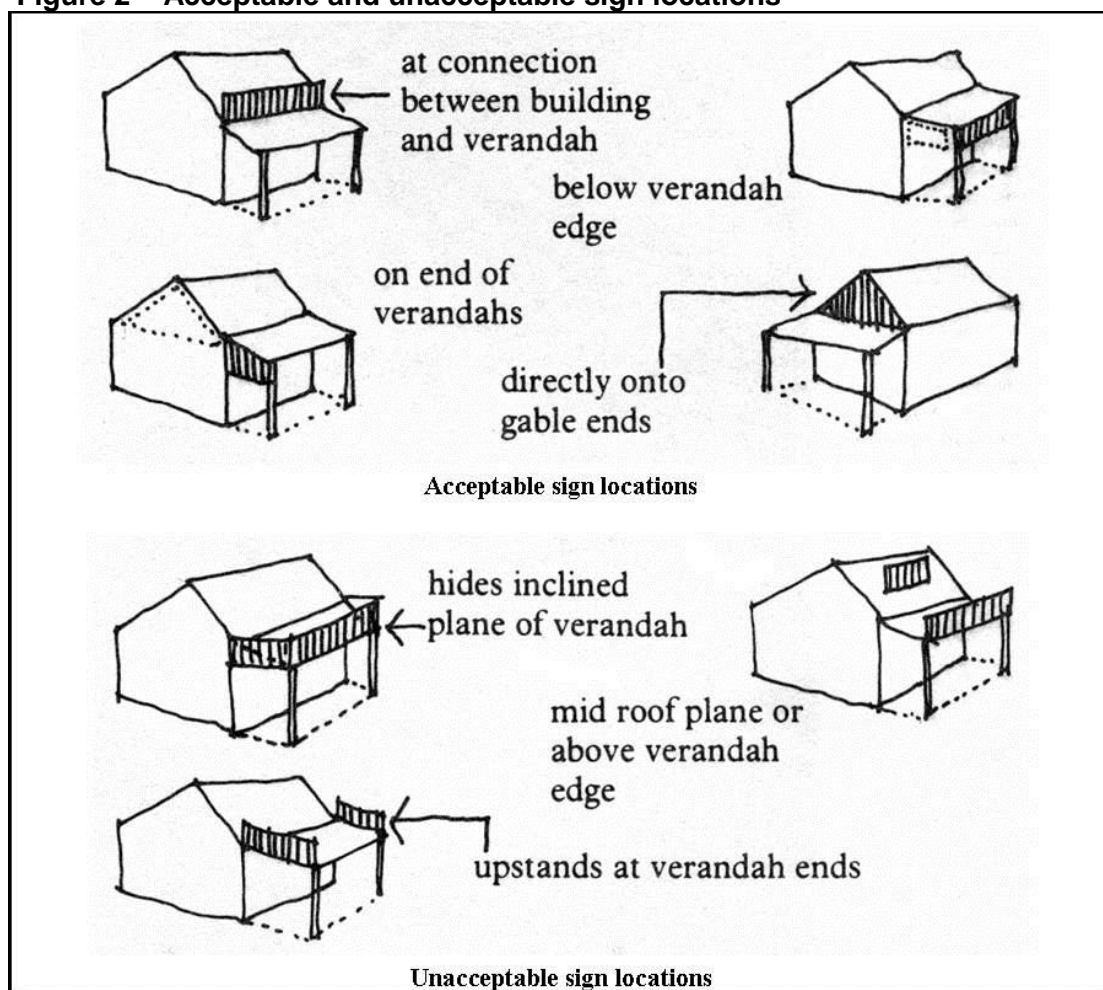
1. Advertising and business signage must be designed to complement the heritage quality of the building.
2. Signage is not to compete with architectural features of the building or to dominate the streetscape.
3. Signs (which may include the wording content and lettering styles) that would have an adverse impact on the heritage character of buildings will not be supported.
4. The location of signage must be consistent with the historic setting.

Note: Refer to Figure 1 for an example picture of acceptable sign location and Figure 2 representing acceptable and unacceptable sign locations

Figure 1 – Photographic representation of an acceptable sign location



Figure 2 – Acceptable and unacceptable sign locations



2. Additions, Alterations and Ancillary Development

1. Architectural treatments must be consistent with the existing form of building (in the case of development of a heritage listed building) and the built form of the conservation area (in the case of a development within a conservation area). Consideration shall be given of the elements

of building design such as the scale, plan, roof form, verandahs, walls, fenestration, building materials and colour, and existing outbuildings.

2. For renovation or restoration, significant exterior elements of heritage buildings and/or buildings that contribute to the heritage character of a conservation area must be retained.
3. The roof pitch of any addition or extension must be complementary to the existing roof pitch of the heritage building (if altering a heritage building) and/or of the pitch established in the character of the heritage conservation area (if altering a building in a heritage conservation area).
4. Additions or extensions must not overwhelm the any heritage listed building being extended or located in the vicinity in a heritage conservation area.
5. Front setback areas of heritage buildings and/or buildings that contribute to the heritage character of a conservation area must be retained.
6. The front facades of individual heritage items must not be significantly altered from their original form, as viewed from primary and secondary street frontages.
7. Where possible, existing fences, gates and retaining walls and other ancillary structures should be retained where in style with the heritage item.

3. Demolition of Heritage Items

1. Heritage Items subject to this volume will not be permitted to be demolished unless there exists exceptional circumstances what warrant the demolition. In considering if there are exemption circumstances the consent authority shall consider:
 1. If the building can reasonably be expected to be used for a permissible use within the zone if it were to remain (including the likelihood that any required repairs could reasonably be expected to be undertaken); and
 2. The extent of the impact on the broader community and future generations of the loss of the item.

4. Subdivision of land containing a heritage item and/or land within a heritage conservation area

1. Must not compromise or adversely affect any historic layout of the subject lot and heritage significance of the original lot pattern.
2. Must not compromise the curtilage of any heritage item or significant complimentary building, garden, driveway or other relic.
3. Where a heritage impact assessment is required, it must consider the likely location of future buildings and/or building envelopes.

5. Colours and built form on sites containing heritage items and within heritage conservation areas

1. Works must use only the colours identified in Figure 3.
2. Existing weatherboard walls are to be maintained in situ or may only be replaced with timber weatherboards. Lightweight over-cladding in imitation weatherboards (e.g. plastic, fibrous cement or metal) is prohibited.
3. Roofs may only be corrugated, galvanised, clay tiled, clay slate or stone slate. Square profile or "cliplock" corrugated roofing is not permitted.
4. Roof drainage may only be exposed gutters of quad, ogee or half-round profile in galvanised finish, with round downpipes in galvanised finish. Square profile or "cliplock" roofing is not permitted.
5. Window and glazed door framing may only be timber framed except in commercial shopfronts where a metal frame size approximating timber (such as Vantage Magnum) may be considered.
6. Windows and glazed doors must be vertically proportioned to match the best historic examples in the conservation area or vicinity. Windows should be double-hung or casement sash types (not sliders or hopper windows over a fixed sash).
7. Original front verandahs are to be retained in all new work and restoration must match original proportions and details.
8. Chimneys must not be removed unless they are structurally unsound and unable to be restored.

-
9. Commercial development car parking must be provided behind the main building alignment. Parking areas and access driveways should be visually discreet and must be accessed via a rear lane where available.
 10. Verandahs must not be enclosed. Ground floor verandahs should not be enclosed by balustrades unless required under the BCA.
 11. Original unpainted brickwork and stonework should remain unpainted.
 12. Paint schemes should be simple. Applied finishes to external walls should be of subtle, earthy tones that complement the streetscape. Typically, this would be one color for the body of the building and one or two colors for the trim.
 13. Plant species types and landscaping formations found in and around the Heritage Conservation area should be featured in new developments.

Figure 3 – Palette of acceptable colours

Note: Creams to be used for walls. Dark colours for timber joinery only. Close equivalents from other manufacturer's colour ranges may be considered. French Grey was an interior colour only (Source: Pascol Heritage Colour Chart c1980).



5.4 Adaptive reuse proposals for Heritage items

1. Any proposal involving the adaptive reuse of a heritage item must demonstrate that:
 1. The new use requires minimal alterations to significant fabric and building elements, and that any changes to these are reversible or have minimal impact on the heritage significance of the item.
 2. Any internal changes where visible from a public street do not compromise the external heritage significance of the building.
 3. Alterations and/or additions must meet the requirements for alterations and additions as provided in this section and the adaptive re-use must maintain the understanding of the building's original use.

PART 6 – Heritage (Specific Locations)**6.1 Objectives**

The objectives of heritage conservation are:

- (a) To provide specific guidance and controls for development of key conservation areas in Wollondilly.

6.2 Application

These controls apply in addition to the controls contained in Part 6 of this volume. Where there is an inconsistency between Parts 5 and 6 of this volume Part 6 shall prevail to the extent of the inconsistency.

6.3 Heritage Conservation Area - Menangle**Character Description**

Menangle Village, created in the 1850's and 1860's, is unique in that it has remained essentially contained within the settlement boundaries formed by village development by the second decade of the 20th century. It was established by the Macarthur family for their estate workers and was centred on St James' Church, then later the school and the general store.

The town has had a strong association with the dairy industry, which developed following the opening of the railway after construction of the railway bridge over the Nepean River in 1863. The railway line became the commercial focus of the village and the growing dairy industry and the historic character of the village, as we see it today, is largely a reflection of the railway-related development that took place in the late 19th and early 20th centuries.

Further evidence of the association with the dairy industry includes buildings such as the Camden Estate Central Creamery (1910) and Rotolactor (1952) and worker cottages for the nearby Camden Park Estate (1870's to 1920's). The Macarthurs of nearby Camden Park Estate patronised the Village and were directly responsible for many of the fine buildings in Menangle, which assisted the village to grow and gives its character. They paid for St James's church (including Horbury Hunt's nave in 1876 and Sulman's chancel and steeple in 1898) and in circa 1904 they built the present General Store (used by the Estate as its buying agent for all provisions, stores, seeds fuel etc),

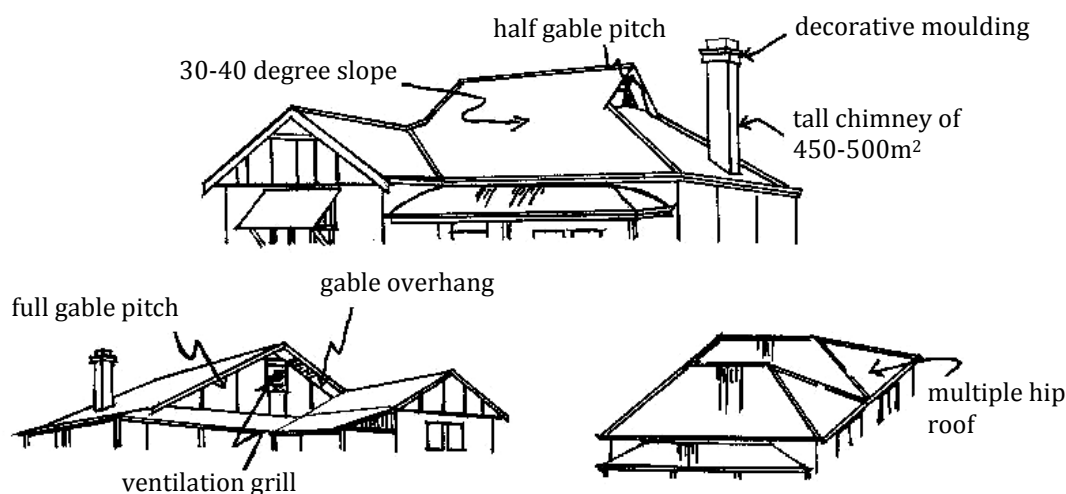
Objectives

- (a) To ensure development is sympathetic to the heritage character of the Menangle heritage conservation area,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of Menangle, and
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements.

Controls

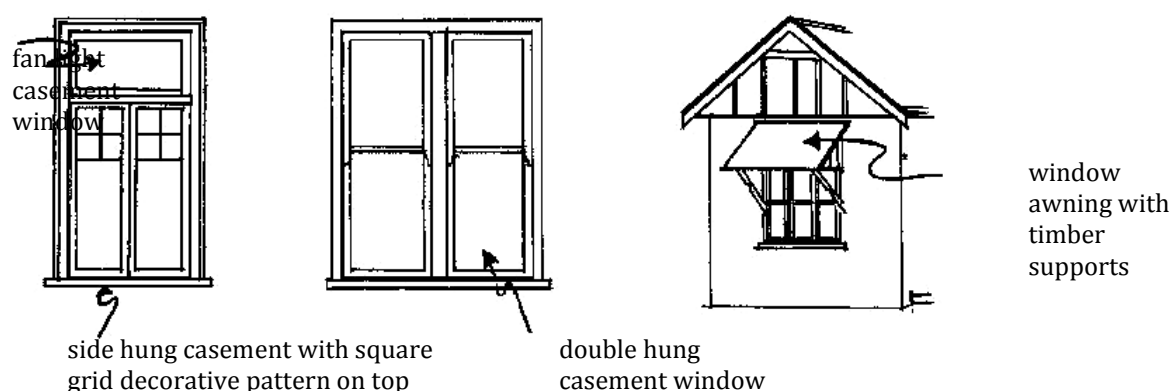
1. New development must have a minimum front building set back of 6 metres.
2. Maximum allotment width of 25 metres where located within a residential or commercial zone along Menangle Road within the Heritage Conservation Area.
3. All dwellings must have a front building façade width of between 7.5 and 10.5 metres.
4. The height of a new dwelling is not to exceed one storey in height.
5. The pitch of new roofs must generally match the slope of existing earlier dwellings which average 30 to 40 degrees in slope. To provide contrast and variety to roof forms, gable overhangs, eaves, half gables and ventilation grills are encouraged to be used as devices to give a visual interest and help new developments relate sympathetically to the architectural character of the existing buildings. Dwelling roofs should have a corrugated finish. Roofs can be either painted or be colorbond. Colours should be similar to those found elsewhere in Menangle.

Figure 1 – Examples of Traditional Roof Forms



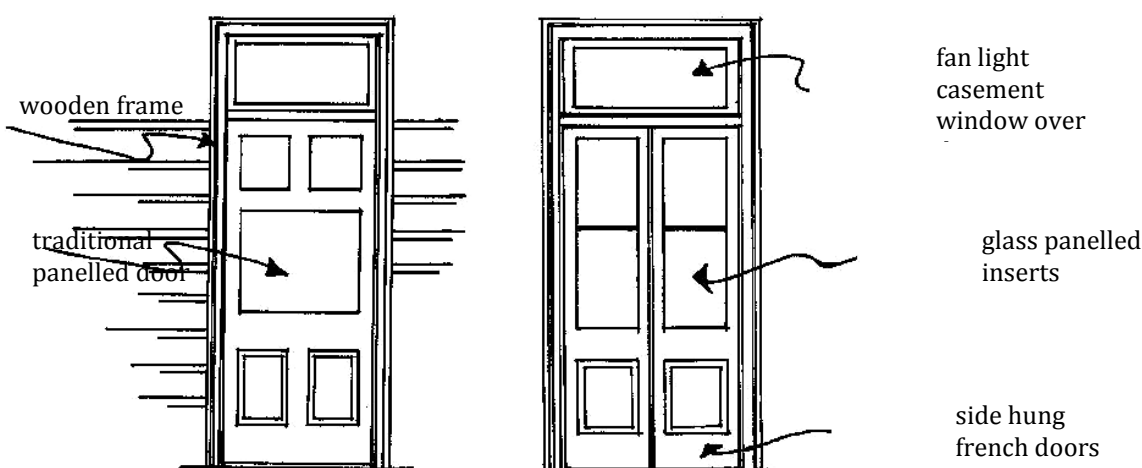
6. Chimneys are a prominent aspect of many roofs in Menangle, most of the existing chimneys have a single flue and are approximately 450 to 500 square millimetres and located at the back or side elevations. The incorporation of chimneys in the design of new dwellings should achieve a similar dimension and scale to those earlier dwellings. The decoration of new chimneys should also be in the form undertaken on the earlier dwellings.
7. Windows must be timber framed. They are to reflect examples used in early cottages within the village. Vertically proportioned timber frame side hung easements and double hung sash windows must be used. Fanlight casement windows can be used above windows and doors for extra glazing and light.
8. Window awnings, roofed with corrugated galvanised iron, flat sheet steel, ripple iron or timber shingles with timber supports may be used where appropriate to the design of the dwelling. Square profile or “cliplock” roofing is not permitted.

Figure 2 – Examples of Window Styles and Use of Awning Hoods



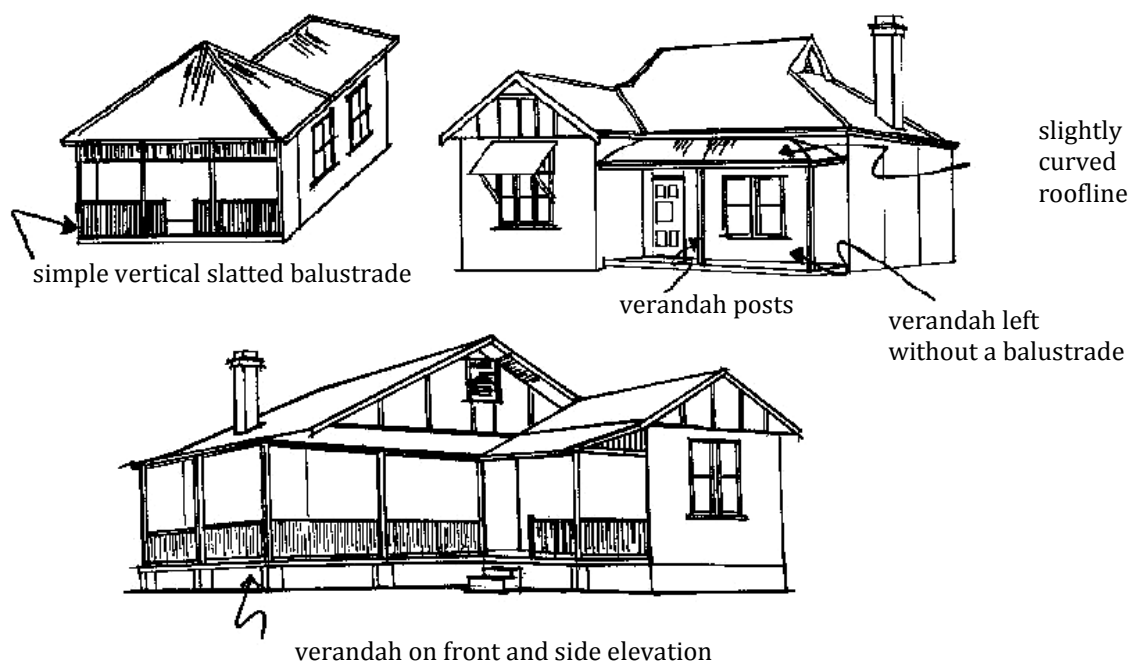
9. Doors must reflect the examples used in early cottages within the village. External doors on major elevations must be timber consisting of up to five panels with the top two or three panels of which may be glazed.
10. French doors can be used on front and/or side elevations opening onto a verandah, following the general design character of traditional village examples. French doors must be of timber frame and panelled base sections, narrow vertical proportions and 1 to 3 panes of glass.

Figure 3 – Doors used in Early 20th Century Dwellings



11. Verandahs contribute to a house's Heritage character. The predominant shape of verandahs within the village consists of a slightly curved verandah roof of a convex profile. Bullnosed and concave profile verandah roofs are not considered to be appropriate forms for Menangle and therefore are not encouraged. Verandahs should be constructed of the same or similar materials used for the residence as a whole. Timber shall be used for verandah framing and balustrades as well as for decorative detailing. Verandahs can also be left without a balustrade, or may be fitted with simple vertical slatted balustrades. Cast iron or pre-cast concrete verandah posts and balustrades are acceptable, so long as they are characteristic of existing styles and forms used on earlier cottages.

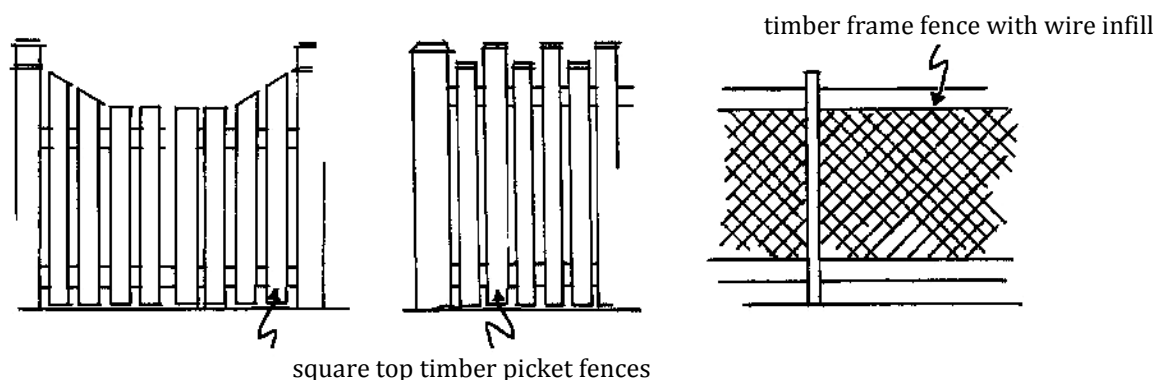
Figure 4 – Examples of Verandah Styles & Forms in Menangle



12. External walls may be only timber weatherboard, bagged or rendered brick, or face brick to match the colour and texture of the bungalow at 106 Menangle Road.
13. Driveways may only be gravel, brick drive strips, clay brick unit pavers, asphalt, 8% black oxide coloured concrete (to match asphalt) in broom finish.
14. Fences
- A. Front fences must be constructed to a height of 1.2 metres (*as per Housing Code*). Front fences must be constructed of wooden picket, wooden post and rail, or wire mesh enclosed by wooden post and rails. Timber paling fences are the preferred option for side and rear boundary fences.

- B. Except for hedges, all fencing in front of the main elevation of the house must be able to be seen through (i.e. not a solid wall).
- C. Fence types must only be one of the following and consistent with the style of building being fenced:
 - woven wire with steel posts and rails in timber sizes,
 - wire with timber strainer posts,
 - mesh with timber strainer posts,
 - timber post and rail,
 - timber picket or timber paling.
- D. All front fences and boundary fences to the road must be constructed to a maximum height of 1.2 metres above natural ground level.
- E. All present and future front boundary hedges shall be maintained at a maximum height of 1200 mm above natural ground level.
- F. Fencing along boundaries to public open spaces, where installed, shall be either of wire or wire mesh utilising timber straining posts or of timber post and rail design to a maximum height of 1400 mm.
- G. Hedges, trees and shrubs may be planted for privacy.
- H. Internal boundary fences including those between lots, where installed, shall match the fencing along boundaries to public open spaces OR be stone or timber paling construction to a maximum height of 1600 mm not extending forward of the building line.
- I. Neighbours may plant hedges, trees or shrubs in addition to or instead of fencing.
- J. Hollow section metal picket and metal sheet fencing are not permitted.

Figure 5 – Traditional Fence Construction Used in Menangle



- 15. Landscaping should utilise species of trees appropriate to Menangle including brushbox, silky oaks, pepper trees, monterey cypress, poplars and canary island palms, jacaranda and various eucalypt species. Slightly smaller trees and hedge planting should also be used for screen planting. Appropriate species include camellias, crepe myrtles and common olive. Vines on trellises and low shrub planting and flowering perennials in traditional cottage garden plans are encouraged

6.4 Heritage Conservation Area - Picton

Picton Heritage Conservation Precincts

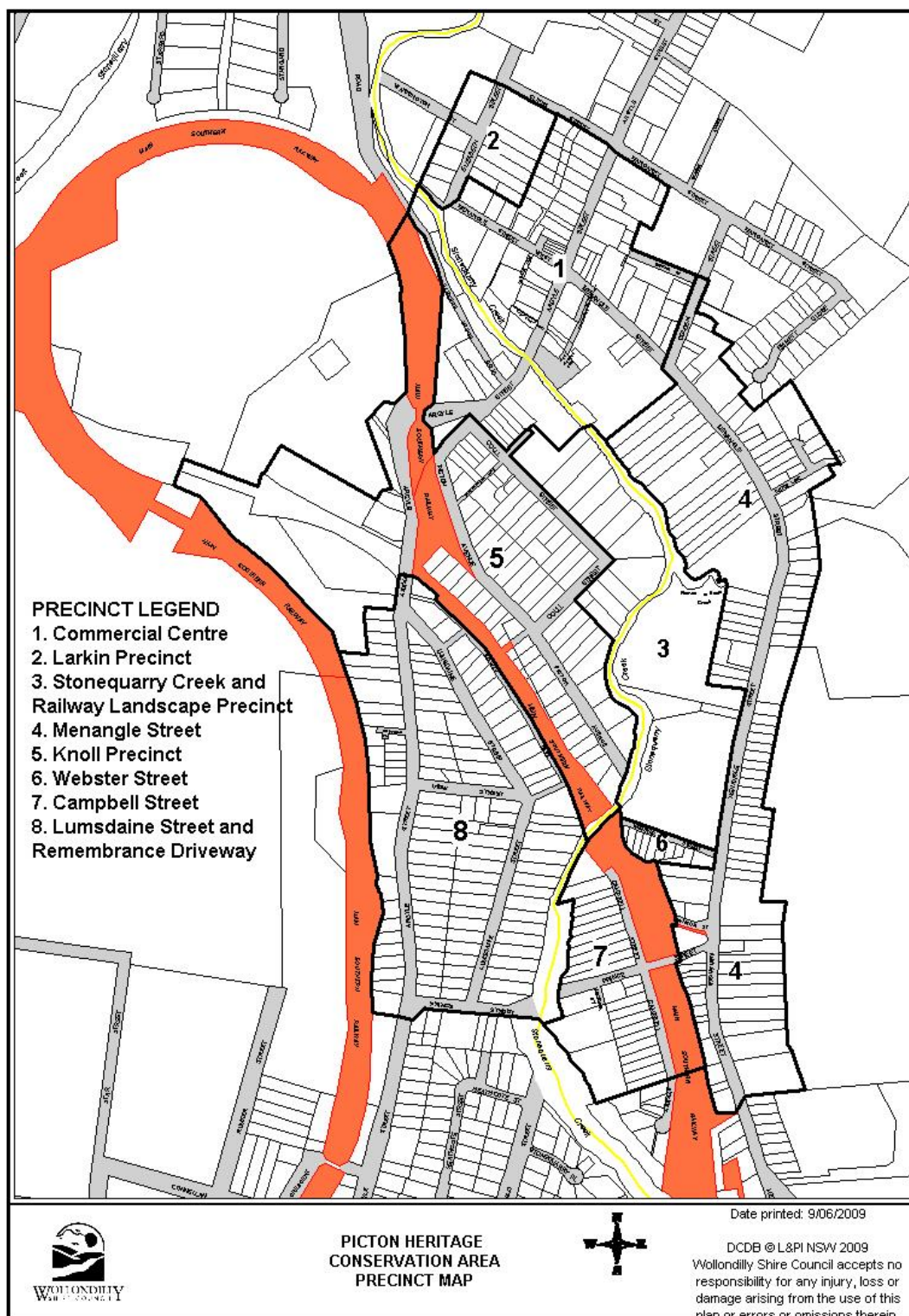
Distinct precincts are identifiable within the heritage conservation areas in the Picton town centre, namely:

- 1. Commercial Centre.
- 2. Larkin Precinct.
- 3. Stonequarry Creek and Railway Landscape Precinct.
- 4. Menangle Street.
- 5. The Knoll Precinct.
- 6. Webster Street.
- 7. Campbell Street.
- 8. Lumsdaine Street and Remembrance Driveway

Specific character description, development objectives and controls are provided for each precinct within the Picton Heritage conservation Area that reflects their unique character and contribution towards the overall heritage significance of the town.

These precincts are shown on Map 1 below.

MAP 1 – PICTON HERITAGE CONSERVATION AREA PRECINCTS



Precinct 1 – Commercial Centre**Character Description**

The commercial centre precinct forms a part of the private town of Picton subdivided on Major Antill's Estate Jarvisfield in 1841. Key historic buildings within the precinct include the Picton Lockup and Court House (1865), the former CBC Bank and Coach House (1882), the former Post Office (1892), the George IV Inn (1839) located on the southern banks of Stonequarry Creek and the adjacent Stonequarry Creek Bridge Piers (1899). There are also a number of shops dating from the late 19th and early 20th centuries. The former Wollondilly Shire Hall (1915) in Menangle Street demonstrates the historic importance of the town as the municipal and administrative centre of the Shire in the early 20th century.

There is a cluster of significant buildings and associated railway infrastructure extending from Stonequarry Creek up the rise south along Argyle Street, starting with the former railway hotel (circa 1880), Anglican rectory (circa 1860) and finishing the commercial precinct with the railway bridge or 'hole in the wall' (1918) which merges into Precinct 5 – The Knoll Precinct.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Commercial Centre Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Commercial Centre Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To encourage the retention of significant shop fronts,
- (e) To promote the retention and reinstatement of original and characteristic shop front elements, and
- (f) To ensure that alteration, additions and the construction of new buildings do not compromise the integrity and consistency of the commercial centre.

Precinct 2 – Larkin Precinct**Character Description**

The Larkin Precinct is characterised by low lying flood prone land adjacent to Stonequarry Creek, containing examples of early detached cottages built by Thomas Larkin who constructed the first steam mill in the region. Key historic buildings include the St Marks Anglican Church (1857), and associated pioneer cemetery and gardens and cottages in Elizabeth Street (circa 1830) built by Thomas Larkin. Unfortunately there are unsympathetic residential buildings constructed within the precinct which detract from the overall heritage significance of the area.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Larkin Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Larkin Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To ensure development reflects the traditional architectural design and form of the existing cottages in the precinct, and
- (e) To encourage re-vegetation and weed eradication of the Stonequarry Creek riparian zone as part of future development activities.

Controls

- 1. The architectural form of new dwellings must be designed in sympathy with the simple character of existing Larkin cottages in Elizabeth Street and must utilise traditional building elements and design.
- 2. Fences must be constructed of wire mesh with wooden support posts.
- 3. New dwellings must have a gable roof pitch with a minimum 30 degree angle.
- 4. Development in this Precinct must be constructed in accordance with the flood controls contained in this Volume.

Precinct 3 - Stonequarry Creek Precinct**Character Description**

This precinct is characterised by Stonequarry Creek, its associated floodplain and vegetated riparian buffers. In conjunction with Victoria Park, enclosed by a group of significant exotic trees of heritage value and the surrounding playing fields on the Picton Show lands, the precinct forms a unique vegetated and semi-rural backdrop to Picton. Due to the presence of the floodplain there are a limited number of buildings within the precinct.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Stonequarry Creek Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Stonequarry Creek Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To retain the semi-rural and relatively undeveloped open feel of the Precinct, and
- (e) To encourage re-vegetation and weed eradication of the Stonequarry Creek riparian zone as a requirement of future development activities.

Controls

- 1. Development in this precinct must be constructed in accordance with the flood controls contained in this Volume.
- 2. Development must maintain the visual landscape character of Victoria Oval.
- 3. Development on or adjoining Victoria Oval must ensure minimum impact on existing old cattle yards and the existing bunya pine.

Precinct 4 – Menangle Street**Character Description**

The Menangle Street Precinct provides an aesthetic heritage gateway into Picton, which is due to the number of 19th and early 20th century buildings appearing at intervals along the road. Key historic buildings include the Imperial (former Terminus) Hotel (1863), Wendover House (1886), and the former Great Southern Hotel (circa 1885). The development of the railway yards and associated infrastructure in the 1890s led to the development of a small commercial area near the railway station.

Key historic buildings in the Precinct include the Jarvisfield Store (1863), Stationmasters House (1877) and Railway Station (1863), former Furrier's factory (1920) and the former railway turntable and inspection pit for the Great Southern Railway Line.

The well established landscaping along the street incorporates a mix of introduced deciduous and native trees adding to the visual context and overall gateway feel of the Menangle Street approach into Picton. Unfortunately there have been unsympathetic residential flat buildings constructed along Menangle Street which detract from the overall heritage character of the precinct.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Menangle Street Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Menangle Street Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To recognise the heritage significance of Menangle Street in providing the historic gateway to the town of Picton,
- (e) To ensure medium density infill development is undertaken to be sympathetic to the heritage and gateway character of the Precinct, and
- (f) To encourage re-vegetation and weed eradication of the Stonequarry Creek riparian zone.

Controls

1. New development, including infill, must have regard to the importance of Menangle Street as the historic gateway to Picton and reflect the architectural characteristics of existing buildings.
2. New development is to maintain existing historic sandstone kerb and guttering in-situ. (Note: listed as a heritage item under Schedule 5 of the LEP)
3. Fences must be constructed of wire mesh with wooden support posts.
4. Development in this Precinct must be constructed in accordance with flood controls in this Volume.
5. Any proposed new development on allotments backing onto Stonequarry Creek must consider revegetation and weed eradication measures as part of any landscape plan.

Precinct 5 – The Knoll Precinct

Character Description

The Knoll Precinct is characterised by a number of significant one and two storey heritage buildings which provide it with a sense of place and denote its contribution towards the development of Picton. The precinct can be divided; firstly into railway infrastructure and associated buildings along Argyle Street and secondly, residential cottages on the northern side of the main southern railway line.

The railway bridge or 'hole in the wall' (1918) begins at the rise into the hill with the former main line railway tunnel, commonly known as the mushroom tunnel (circa 1860). The significant area to the north of the main southern railway line is residential in character with significant weatherboard and brick cottages along Picton Avenue built in the early 20th century, which feature the railway line as a backdrop and have significant views over Picton towards Antill.

A significant structure in the Precinct is the railway viaduct over Stonequarry Creek, constructed between 1863 and 1867, located adjacent to the park and the old Picton swimming pool at the end of Picton Avenue.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Precinct, and
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements.

Precinct 6 – Webster Street**Character Description**

The small cottages of Webster Street are thought to have been built for railway workers, mainly in the 1890s. They tend to show similar design character and style, particularly evident from complementary rooflines and front verandahs although most have been extended at the rear elevation. From the street, the significant cottages of Webster Street show evidence that their original form is still intact, and provide an historic link to the development of the railway in Picton.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Webster Street Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Webster Street Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To maintain the existing view corridor across Victoria Park towards Antill,
- (e) To maintain the historic significance of the single row of weatherboard cottages purpose built to house railway workers, and
- (f) To encourage in-fill development that reflects the simple design character of the existing railway cottages.

Controls

- 1. Renovation, maintenance and restoration must be simple in architectural design and be sympathetic with the modest character of the existing cottages in the precinct.

Precinct 7 – Campbell Street**Character Description**

The Campbell Street cottages have local significance as evidence of the town's early residential development along the railway line, associated with the Jarvisfield subdivision initiated by Antill. More generally, it is also significant because of its contribution to the important stock of early buildings and townscape features of the town as a whole and the Picton Heritage Conservation Area. Its proximity to the railway station and relative consistency of style, form and materials strengthens this contribution. The group also has local aesthetic and streetscape significance as a typical representative group of modest Federation period (c1890 to c1915) cottages.

As documented in historic photographs taken c1900, the original Campbell Street railway workers' cottages were built mainly by the 1890s. Most of the cottages were of a simple colonial style, with timber weatherboard walls and a steep pitched hipped, tin roof over the original cottage, sometimes with a skillion roof addition at the rear. Two are later Arts and Crafts style influenced cottages, built c1915. Two cottages, one at each end of the street were more substantially built brick wall structures thought to have been built for more senior railway officers. Historic photographs dating from circa 1900 show most of the backyards as being open and used for garden, vegetable and tree planting. By 2007 a few of the cottages had been extended and a few newer cottages had been built in the street. Overall, Campbell Street is the most significantly intact colonial period streetscape in the Shire.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Campbell Street Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Campbell Street Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To maintain the aesthetic and architectural character design of the Campbell Street Precinct as intact row of purpose built railway cottages, and
- (e) To encourage the restoration of existing cottages and maintain the visual continuity of the Precinct from the Campbell Street frontage.

Controls

1. Development must be designed in sympathy with the best characteristics of this historic late Victorian period streetscape.

Precinct 8 – Lumsdaine Street and Remembrance Driveway

Character Description

The precinct is of heritage significance in that it represents a transitional area of development between lower Picton, now the main town centre, and upper Picton, formerly known as Redbank. Lumsdaine Street contains a highly intact grouping of late 19th century residences representing the boom period of Picton's growth (circa 1860 – 1910) built facing the railway line that have significant view lines of, Stonequarry Creek, the Prince Street Bridge and the main southern railway line.

The stretch of Remembrance Drive contains a number of significant homes built in the 19th and early 20th centuries, which are generally grouped together in three or four adjoining properties. Well established landscaped gardens and mature trees add to the character of the precinct. Homes of particular significance include Fairview (circa 1900) and the former gatehouse and toll keeper's cottage (1867) built adjacent to the former level crossing site of the Picton – Mittagong Railway Line.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To ensure that alterations and extensions to existing buildings are sympathetic in design maintaining / restoring the original architectural features, and
- (e) To maintain significant view lines to the main southern railway line, Stonequarry Creek and the Prince Street Bridge for any new development in Lumsdaine Street.

6.5 Heritage Conservation Area - Thirlmere

Character Description

The Conservation Area contains local significance as a village centre and a relatively intact late 19th century streetscape relating to the construction of the southern railway line. Many of the residences particularly along Thirlmere Way, relate directly to the construction of the line and the commercial buildings in the main street generally reflect the railway village character of Thirlmere. Thirlmere is known to railway enthusiasts as the home of the NSW Rail Transport Museum (otherwise identified as Thirlmere Rail Heritage Centre).

Further significant themes contributing towards the heritage of Thirlmere include the timber industry, early pastoralist and agricultural pursuits in the surrounding district, the building of the Queen Victoria Hospital for sufferers of tuberculosis in 1886, and the post World War I and II migration of Estonians who settled west of the village and were significant contributors towards the development of poultry production in the Shire.

The first major impetus to development was the 1882 subdivision of Creighton's 1850 grant and a total of three main subdivisions completed during the 1880s, which formed the basis of Thirlmere's settlement pattern today. This minor land boom led to the construction of several substantial buildings including shops, the Welcome Inn, the public school (1888) and the railway station. Thirlmere railway station, originally called Redbank was opened in 1883.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Thirlmere Heritage Conservation Area,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Thirlmere Heritage Conservation Area,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To encourage the development of new commercial buildings that are sympathetic in design to existing heritage buildings incorporating skillion verandahs to the edge of the street, and
- (e) To retain the historic association of Thirlmere and the former great southern railway line with any new development.

Controls

1. New Commercial Buildings must incorporate skillion verandahs that extend over the footpath to the street edge.

6.6 Heritage Conservation Area - Warragamba

Character Description

The township of Warragamba is significant through its direct association with the development of the Metropolitan Water Supply System in NSW. Although originally built as temporary accommodation for workers constructing Warragamba Dam, the township is unique in that it has survived as opposed to other purpose built accommodation towns for the construction of the Metropolitan and Snowy Mountains Dams, which are no longer intact.

The conservation area is significant in its design, with a central park featuring established trees and the town hall which has significant views west to the Greater Blue Mountains World Heritage Area. The town centre incorporates commercial buildings, the church and the school.

The existing commercial strip within the Warragamba town centre forms the boundaries of the heritage conservation area. This area has been identified due to its significant history and potential for redevelopment which recognises past historic connections and to encourage development which is attractive to the tourism industry and does not detract from the visual setting of the area. It is recognised that existing buildings within the heritage conservation area are generally non-contributory elements which

in some cases are in bad disrepair and could benefit from a revitalisation in line with the heritage character of the Warragamba township.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the Warragamba Heritage Conservation Area and the town itself,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Warragamba Heritage Conservation Area,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To encourage the redevelopment of commercial zoned land in Warragamba,
- (e) To encourage the simple, post WWII architectural design character features for new buildings within the conservation area,
- (f) To maintain the existing view corridor from the conservation area west to the Blue Mountains World Heritage Area, and
- (g) To ensure new development maintains the historic significance and association of the town with the construction of Warragamba Dam.

Controls

1. New building design must be sympathetic to and reflect the simple, post WWII architectural design character of original buildings within the Warragamba village.
2. New commercial buildings must maintain significant view lines west to the Blue Mountains World Heritage Area where present.
3. Simple designed skillion verandahs that extend over the footpath are encouraged when designing new commercial buildings within the precinct.

6.7 Heritage Conservation Area - Yerranderie**Character Description**

The Yerranderie Conservation Area is a partially intact mining town located in the far west portion of the Shire, west of Lake Burragorang within the greater Blue Mountains World Heritage Conservation Area. The settlement is encompassed on three sides by precipitous cliffs.

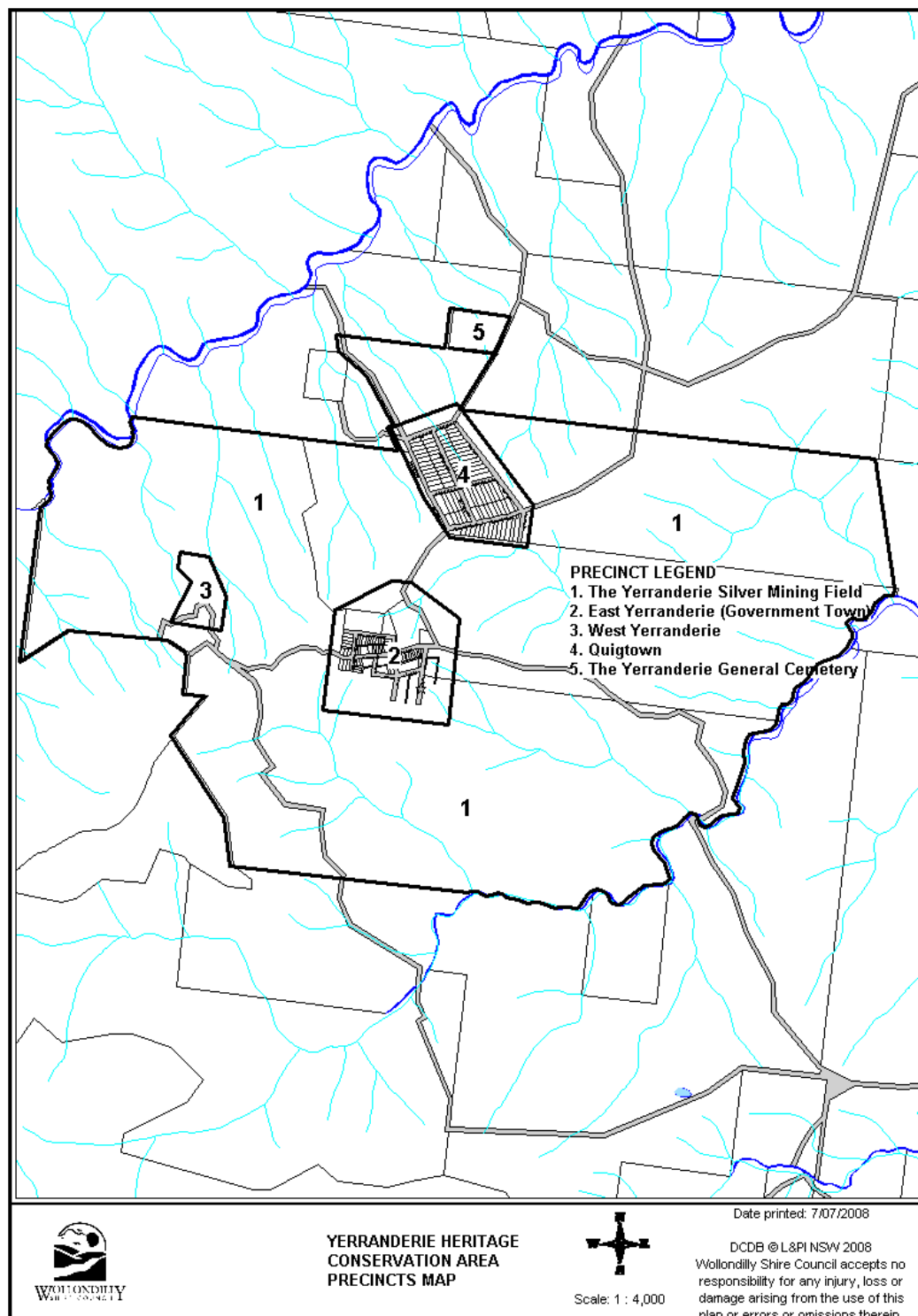
European activity within the area commenced in the early 1800's and prospered in the 1890's following the discovery of silver ore in the area. The population reached a peak of 2000 in 1911. The Depression, industrial disputes, transport difficulties and poor market conditions contributed towards the decline in mining operations, most of which had ceased by the mid 1930's. The area was further isolated by the flooding of the Burragorang Valley which cut direct access from Camden and Picton in 1960. The isolation and location factors contribute towards Yerranderie's heritage significance and representation of an early 1900's mining settlement.

There are five main precincts of the Yerranderie Heritage Conservation Area namely:

1. Yerranderie Silver Mine Field and General Cemetery
2. East Yerranderie (Government Town)
3. West Yerranderie
4. Quigtown
5. The Yerranderie General Cemetery

For the purposes of this DCP, the Yerranderie Heritage Conservation Area has been divided into these precincts that comprise the conservation area. These are shown on Map 2 below.

MAP 2 – YERRANDERIE HERITAGE CONSERVATION AREA PRECINCTS



Precinct 1 - The Yerranderie Silver Mining Field

Character description

The Yerranderie Silver Mining Field is comprised of five mines containing a rich assemblage of large and small mining equipment of the 1910' to 1920's period. Significant former mines include the Boreblock Mine 1904 (Silver Peak Mine consisting of crushers and mine shafts) and Bartlett's Mine 1898 (a diagonal shaft). The site also contains the Silver King Mine and Wollondilly Mine (consisting of steam winding engines). The Yerranderie Silver Mining Field is often the collective term used to describe the whole area identified as the Yerranderie Heritage Conservation Area, as it was the major elements contributing to the development of the Yerranderie Settlement.

Objectives

- (a) To retain physical evidence of Yerranderie's past settlement and mining activities,
- (b) To actively conserve a full range of evidence representing the history of development of the area as a silver mining town,
- (c) To reinforce and promote the character and identity of the Yerranderie Silver Mining Field recognising its contribution towards the development of the area and sense of place,
- (d) To promote understanding and appreciation of Yerranderie's cultural heritage resources to encourage appropriate conservation activities by private owners, visitors and resource managers,
- (e) To present and interpret the historic evidence of the silver mining field for the enjoyment and education of people associated with early mining activities and visitors of the area, and
- (f) To protect remaining graves and fencepost remains in-situ from disturbance and regeneration of vegetation within the vicinity of the general cemetery.

Controls

1. Visible remains, graves, ruins, and structures associated with the mining fields must be conserved and retained in situ. Any development within the vicinity of such items requires an archaeological survey.
2. Any new development must assist in the interpretation of the former silver mining fields as an educational resource.

Precinct 2 - East Yerranderie (Government Town)

Character description

The East Yerranderie Group consists of a mixture of original buildings, a number of sites, remains, ruins and several new dwellings. Significant original buildings include the former Police Station (1896), Courthouse (1906/07), St Senan Catholic Church (1907) and Deacon's cottage.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the East Yerranderie Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the East Yerranderie Precinct,
- (c) To retain in situ and protect all remaining archaeological evidence of the role of East Yerranderie including the clearly visible remains, ruins and areas of previous social activity in the town,
- (d) To retain the historic layout where it has not been disturbed by the airstrip and new residences,
- (e) To minimise the impact of new development by encouraging development of appropriate scale, materials and alignment,
- (f) To maintain the views to surrounding bushland and escarpments and retain the open character of the settlement,
- (g) To interpret both the individual sites and the East Yerranderie Group as a whole, and
- (h) To undertake further documentation and archaeological survey of the settlement.

Controls

1. Visible remains, ruins, and structures such as Bud Singh's shop, various houses, the Silver Mines Hotel, must be conserved and retained in situ. Any development within the vicinity of such items requires an archaeological survey.
2. The sites of the former social activities namely the roller skating rink, cricket ground and racecourse must be conserved and retained in situ.
3. New development must retain the historic layout and setbacks of the town where it has not been disturbed by the airstrip and new residences.
4. New buildings must be designed and constructed to reflect the scale of existing heritage items within the town, utilising matching building materials, architectural form, historic building alignment and setback.
5. Building height is restricted to a maximum of one storey.
6. Any modification or restoration of existing heritage buildings must incorporate interpretative signage to be located at the primary street boundary.

Precinct 3 - West Yerranderie

Character description

The West Yerranderie Group consists of eight original buildings and several sites and remains of original structures. The remaining structures used for both domestic and commercial activities. Significant buildings remaining include Mrs. Barnes Boarding House (built prior to 1907), the former post office (circa 1907) and general store.

Objectives

- (a) To ensure development is sympathetic to the heritage character of the West Yerranderie Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the West Yerranderie Precinct,
- (c) To retain the original town layout, historic building alignments and setbacks for any new development,
- (e) To retain in situ, protect and to encourage the ongoing documentation of remaining archaeological sites,
- (f) To encourage the use of similar materials and a vernacular style of new buildings and garden plantings to reflect the original character of the settlement,
- (g) To maintain key views to the peak and surrounding escarpments,
- (h) To continue to interpret the role of West Yerranderie as part of the original broader settlement and mining fields with its range of residential, commercial, religious and recreational activities which can be understood through the location of various sites, remains, ruins and existing structures, and
- (i) To utilise the opportunities for the future use of West Yerranderie as an educational resource.

Controls

1. The Methodist Church, the Oddfellows Hall, the butcher's shop, the tennis court, Bartlett House and prior mining field archaeological sites must be retained in situ.
2. New buildings must be constructed of a combination of galvanised iron and timber sympathetic to the character of existing buildings.
3. Building height is restricted to a maximum of one storey.
4. Any modification or restoration of existing heritage buildings must incorporate interpretative signage to be located at the primary street boundary.

Precinct 4 - Quigtown

Character description

Quigtown has no original buildings remaining and is covered by vegetation regrowth. Despite this, Quigtown is a rich collection of sites and remains and ruins from the original development offer archaeological potential. It was noted in the 1992 Heritage Survey, three streets that form part of the original subdivision - Yerranderie, Hilder and Dobson Streets - remain visible and that several new dwellings had been constructed on the southern side of Yerranderie Street.

Objectives

- (a) To conserve the entire Quigtown area as an archaeological site to retain its layout and remains that encapsulate the residential activities which developed this part of the Yerranderie settlement,
- (b) To protect fragile elements such as garden edgings, original plantings, bases of fireplaces, dwellings water tanks and fence posts in situ from disturbance, removal, and reuse and from regeneration of vegetation, and
- (c) To encourage further archaeological survey and documentation of Quigtown.

Controls

- 1. Archaeological surveys are required for all new development.
- 2. New buildings must match the scale, architectural features and historic setbacks of the settlements original buildings.
- 3. Retain remnant garden plantings with any re-development.
- 4. Visible remains, ruins, and structures associated with early settlement must be conserved and retained in situ.

Precinct 5 - The Yerranderie General Cemetery**Character description**

The Yerranderie General Cemetery is located to the north of Quigtown. The area dedicated for the cemetery is 4.5 hectares and is split into four denominations. There is 0.3 hectares of the site utilised containing approximately 39 burial sites. The oldest noted burial site is dated 23/5/1908, however there may be earlier graves that are unmarked. The site is covered by native vegetation re-growth and there are tangible remains of an early post and rail fence along the western boundary.

Objectives

- (a) To present and interpret the historic evidence of the general cemetery as an educational resource demonstrating the social conditions and fabric of Yerranderie's early inhabitants,
- (b) To protect remaining graves, fencepost remains and other fragile elements in-situ from disturbance and regeneration of vegetation, and
- (c) To encourage ongoing maintenance of the general cemetery area.

Controls

- 1. New burials must be consistent in style and alignment to the existing graves.

6.8 The Greater Blue Mountains World Heritage Area

The Greater Blue Mountains was inscribed on the World Heritage List in 2000. The World Heritage criteria against which the Greater Blue Mountains was listed remain the formal criteria for this area, which may be revised periodically.

The Greater Blue Mountains World Heritage Area covers 10,000 square kilometres of wild bushland. The eight connected conservation areas of Wollemi, Yengo, Gardens of Stone, Blue Mountains, Kanangra-Boyd, Nattai and Thirlmere Lakes National Parks and Jenolan Karst Conservation Reserve make up Australia's most accessible World Heritage Area. It extends 220 km from the Southern Highlands to the Hunter Valley, and from western Sydney to the farming tablelands of the Great Divide.

The Area has a complex border, in part defined by the distribution of privately owned areas of adjacent land, and is the primary catchment for Sydney's water supply with Lake Burragorang the main holding facility. The region is also an important tourist destination for residents and visitors, supported by increasing levels of urban development and road networks.

The Greater Blue Mountains provides outstanding examples representing on-going ecological and biological processes significant in the evolution of Australia's highly diverse ecosystems and communities of plants and animals, particularly eucalypt-dominated ecosystems.

Six Aboriginal language groups treasure connections with the Country of the Greater Blue Mountains that reach back into ancient time. They are the Dharawal and Gundungurra people (in the south), the Wiradjuri (in the west and north-west), and the Wanaruah, Darkinjung, and Darug (in the north-east).

The Greater Blue Mountains World Heritage Area Strategic Plan provides the broad management principles for the area, and establishes the framework for the integrated management, protection, interpretation and monitoring of the values of the eight reserves that comprise the GBMWhA. Land management of the area is carried out by the National Parks and Wildlife Service, which is part of the NSW Office of Environment and Heritage, with additional resources provided by the Australian Federal Government through the Department of the Environment, Water, Heritage and the Arts.

Source: Website for the Department of Environment and Climate Change

PART 7 – Aboriginal Heritage**7.1 Objectives**

- (a) To achieve appropriate means of **conservation**, management and protection for archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.
- (b) To achieve compliance with the requirements of the National Parks and Wildlife Act, 1974 and associated Regulations and guidelines with respect to **Aboriginal objects and Aboriginal places of heritage significance**.
- (c) To consider and manage Aboriginal objects and Aboriginal places of heritage significance at the earliest practical stages in the land development process.

7.2 Controls

An indigenous heritage and archaeological report must be prepared for any development application on land which contains a known Aboriginal object or Aboriginal place of heritage significance. The report must be prepared by a suitably qualified archaeologist. The report must be prepared in accordance with the Code of Practice for Archaeological Investigation of Aboriginal objects in NSW. A report may also be required at the discretion of the assessing officer where:

- 1. There is impact or disturbance to the content, or within the immediate vicinity (100 metres) of a known Aboriginal object or Aboriginal place of heritage significance;
- 2. There is impact or disturbance to, or within the immediate vicinity (100 metres) of a previously recorded or known Aboriginal object or Aboriginal place of heritage significance and can include a cultural landscape, an existing or former ceremonial ground, a burial ground or cemetery, a story place or mythological site, a former Aboriginal reserve or historic encampment, or an archaeological site of high significance;
- 3. A proposal (including subdivision) which affects primarily undeveloped land (irrespective of land size) and has the following site features:
 - river frontage
 - creek line
 - sandstone exposures at ground level larger than 5m²
 - sandstone cliff line or isolated boulder higher than 2m
 - disturbance to the roots, trunk, branches, of old growth trees, which are native to the Wollondilly Shire and greater than 150 years of age.
- 4. Ensure that all works cease in the vicinity of any previously unidentified Aboriginal objects or places identified during excavation and construction and that the following be notified
 - a) The Office of Environment and Heritage NSW (OEH)
 - b) A qualified archaeologist
 - c) Aboriginal stakeholders.
- 5. Ensure that should human skeletal remains be discovered that the following process will be undertaken:
 - a) The remains will be reported to the police and the state coroner.
 - b) Wollondilly Shire Council and the land owner will be notified of the find.
 - c) Aboriginal stakeholders will be notified of the find.
 - d) OEH NSW will be notified.
- 6. If the skeletal remains are of Aboriginal ancestral origin an appropriate management strategy will be developed in consultation with the Aboriginal stakeholders.
- 7. The find will be recorded in accordance with the National Parks and Wildlife Act 1974 (NSW) and the NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit.
- 8. The findings will be incorporated into any proposed Aboriginal Heritage Plan's management regime.

PART 8 – Flooding**8.1 Objective**

To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.

8.2 Controls

There are a number of areas in Wollondilly Shire which are subject to inundation by flooding or overland stormwater flows. If Council has any doubts as to whether an area is flood prone or subject to stormwater inundation it will require a report as to the extent of flooding from a suitably qualified Engineer or Surveyor. Controls for flood affected land are identified in Table C and applied based on the combination of land use category (refer to Table A) and flood risk precinct for the site (refer table B or further information may be available from Council via an application for flood information).

Table C and the associated Key provides development controls which apply to flood affected land including overland flow flooding unless a Current Floodplain Risk Management Plan provides site specific controls.

Table A – Land use Category Definitions

LAND USE CATEGORY DEFINITIONS							
Essential Community Facilities	Critical Utilities and Uses	Subdivision	Residential	Commercial/Industrial	Tourist or Rural Related Development	Recreation and Non-Urban	Concessional Development
<ul style="list-style-type: none"> Community facilities and Information and education facilities which may provide an important contribution to the notification of the evacuation of the community during flood events Emergency services facilities Hospitals 	<ul style="list-style-type: none"> Child care centres Educational establishments Electricity generating works Liquid fuel depots Offensive or hazardous industries Public utility undertakings (including generating works which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events Research stations Seniors living Telecommunication facilities and networks 	<ul style="list-style-type: none"> Subdivision of land which involves the creation of new allotments, with potential for further development 	<ul style="list-style-type: none"> Caravan parks – long term sites only Exhibition homes and villages Home business, Home occupations, Home-based child care Residential accommodation Tourist and visitor accommodation Additions or alterations to dwellings to create greater than 30m² additional habitable floor area Garages or outbuildings with a minimum floor area of 40m² 	<ul style="list-style-type: none"> Air transport facilities Amusement centres Bulky goods premises Business premises Car parks Depots Entertainment facilities Freight transport facilities Function centres Funeral chapels Health services facilities (other than Hospitals) Highway service centres Industries Industry retail outlets Landscapes and garden supplies Nightclubs Office premises Passenger transport facilities Places of public entertainment Places of public worship Public administration buildings Registered clubs Restricted premises Retail premises Rural industries Rural supplies Service stations Sex services premises Storage premises Timber and building supplies Transport depots Vehicle body repair workshops Vehicle repair stations Vehicle sales or hire premises 	<ul style="list-style-type: none"> Agriculture Environmental facilities Extractive industries Farm buildings Recreation areas and minor ancillary structures (e.g. toilet blocks or kiosks); Restriction facilities Roadside stalls Utility installations (other than critical utilities) 	<ul style="list-style-type: none"> Caravan parks – short term sites only Recreation areas Recreation facilities 	<p><u>Residential accommodation:</u></p> <ul style="list-style-type: none"> Additions and alterations to an existing dwelling up to 30m² of additional habitable floor area (once only). No structures are permitted in floodway Garages or outbuildings with maximum floor area of 40m² (medium risk) or 20m² (high risk) Redevelopment for the purposes of substantially reducing the extent of flood affectation to the existing building. <p><u>All Other development:</u></p> <ul style="list-style-type: none"> Additions or alterations to an existing building of not more than 20% of the floor area or 150m² whichever is the lesser (once only). No structures are permitted in floodway. Redevelopment for the purposes of substantially reducing the extent of flood affectation to the existing building

Note: the land uses described in this table are defined under *Wollondilly Local Environmental Plan 2011*

Table B – Flood Risk Precinct Definitions

High Flood Risk Precinct

In the absence of a detailed assessment with a Floodplain Risk Management Plan (that takes precedence over this definition), the following definition applies. The High Hazard Flood Risk Precinct has been defined as the area within the envelope of land subject to a high hydraulic hazard (as defined with the provisional criteria outlined in the Floodplain Development Manual and must be deemed to include the transition zone without a comprehensive study) in a 1% AEP (1 in 100 year ARI) flood event.

Medium Flood Risk Precinct

In the absence of a detailed assessment with a Floodplain Risk Management Plan (that takes precedence over this definition), the following definition applies. The Medium Hazard Flood Risk Precinct has been defined as land below the 1:100 year ARI flood level plus 0.5m freeboard (Flood Planning Level) that is not within the High Flood Risk Precinct.

Low Flood Risk Precinct

In the absence of a detailed assessment with a Floodplain Risk Management Plan (that takes precedence over this definition), the following definition applies. The Low Hazard Flood Risk Precinct has been defined as all other land within the floodplain (ie; within the extent of the Probable Maximum Flood or PMF) but not identified within either the High Flood Risk or the Medium Flood Risk Precinct where risk of damages are low for most land uses.

Table C – Controls (Refer to Key to Table C)

Planning Consideration				Land Use Categories (Refer Table A)							
				Essential Community Facilities	Critical Utilities and Uses	Subdivision	Residential	Commercial/ Industrial	Rural related Development	Recreation & Non-Urban	Concessional Development
Flood Risk Precinct (Refer Definitions)	Low Risk	FL	Floor Level	FL5	FL5						
		BC	Building Components								
		SS	Structural Soundness	SS3	SS3						
		HY	Flood Affectation								
		EV	Evacuation								
		MD	Management & Design			MD3	MD3	MD3	MD3	MD3	MD3
	Medium Risk	FL	Floor Level	Unsuitable	Unsuitable		FL1 or FL4	FL2 or FL3	FL2 or FL3	FL1 and/or FL2	FL1 or FL2 or FL3 or FL4
		BC	Building Components	Unsuitable	Unsuitable		BC1	BC1	BC1	BC1	BC1
		SS	Structural Soundness	Unsuitable	Unsuitable	SS2	SS1 SS2	SS1 SS2	SS1 SS2	SS1 SS2	SS1 SS2
		HY	Flood Affectation	Unsuitable	Unsuitable	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5
		EV	Evacuation	Unsuitable	Unsuitable		EV1 EV2	EV1 EV2	EV1 EV2	EV1 EV2	EV1 EV2
		MD	Management & Design	Unsuitable	Unsuitable	MD1					MD2
	High Risk	FL	Floor Level	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	FL1 and/or FL2	FL1 or FL2 or FL3 or FL4
		BC	Building Components	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	SS1	SS1
		SS	Structural Soundness	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable		
		HY	Flood Affectation	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	HY1 HY2 HY6	HY1 HY2 HY6
		EV	Evacuation	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable		
		MD	Management & Design	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable		MD2

Key to Table C – Controls

FL Floor Level

- FL1 Any habitable floor of a permitted structure must not be less than the applicable Flood Planning Level. The submission of a surveyor's certificate must be required on forming up of the structure, certifying that floor is not less than the required level.
- FL2 The floor level of a permitted structure must give due consideration to the flood damages associated with over floor flooding and complete an economic analysis if a floor level below the flood planning level is proposed.
- FL3 Minor extensions may be permitted without raising floor levels, provided Council is satisfied that the cumulative effect of such extensions is not significant.
- FL4 Council may permit an existing dwelling to be extended at the level of the existing ground floor level, such extension to be not more than 30% of the area of the ground floor of the existing building on a once only basis
- FL5 The floor of any development must be above the Probable Maximum Flood Level. The submission of a surveyor's certificate must be required on forming up of the structure, certifying that floor is not less than the required level.

BC Building Components

- BC1 Any portion of a permitted structure below the Flood Planning Level must be constructed of flood compatible (flood damage resistant) materials.

SS Structural Soundness

- SS1 Any permitted structure (including foundations and support) must require information to be provided by a competent engineer indicating that the structure can withstand the likely conditions experienced during the 1% AEP Flood without suffering significant damage.
- SS2 Any permitted structure (including foundations and support) must require information to be provided by a competent engineer indicating that the structure can withstand the likely conditions experienced during the PMF without suffering Structural Failure.
- SS3 Any permitted structure (including foundations and support) must require information to be provided by a competent engineer indicating that the structure can withstand the likely conditions experienced during the PMF Flood without suffering significant damage.

HY Flood Affection

- HY1 Filling or otherwise obstructing floodways must not be permitted.
- HY2 Fencing must be compatible with the nature of flooding and be designed to pass flood flows during flood events up to the Flood Planning Level.
- HY3 Any permitted development must require adequate information to be provided by a competent engineer indicating that the proposed development will be unlikely to significantly increase the 5% AEP and 1% AEP flood levels or peak flood flow velocities on adjacent properties
- HY4 Any permitted filling of land in Floodway areas must require compensatory works such as excavated floodways to be provided to ensure that there is no adverse affect on flood levels.
- HY5 Subdivision of land in Floodway areas must not be permitted unless the applicant is able to demonstrate that a significantly better outcome in terms of flood risk is achieved.
- HY6 Council will only consider development in High Hazard Floodway areas that does not alter flood behaviour and is compatible with the high hazard rating.

EV Evacuation

- EV1 The applicant must satisfactorily demonstrate that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure the timely, orderly and safe evacuation of people in the event of a flood
- EV2 Development in High Hazard areas must be designed to allow easy evacuation.

MD Management and Design

-
- MD1 Subdivision of land within the extent of the Designated Flood is undesirable, however, subdivision may be permitted provided the applicant demonstrates that the proposed subdivision:
- (a) Fully complies with all relevant provisions of this Policy
 - (b) Contains permanent, maintenance-free and fail-safe provisions for evacuation such as continuously rising roads linking with high ground.
 - (c) Does not incorporate proposals for high-risk land uses such as hospitals, nursing homes or aged accommodation.
- MD2 A notation will be included on the development consent for non-habitable additions or alterations, outbuildings and swimming pools; stating that the land is subject to flooding and that the building may be inundated by flood waters from time to time.
- MD3 Applicants proposing subdivision or rezoning will be required to satisfactorily demonstrate that their proposal minimises the flood hazard to occupants and provides for flood evacuation by measures such as roadways rising continuously towards high ground.

PART 9 – Environmental protection

9.1 Objectives

1. To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.
2. To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.
3. To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.

9.2 Interpretation

The following definitions are used in this part:

Avoid In the first instance the applicant must make all reasonable attempts to avoid any impact on environmentally sensitive land. This involves relocating the development or changing the design of the proposal to prevent any works associated with the development occurring within environmentally sensitive areas.

Minimise Where it is not possible to “avoid” any areas of environmentally sensitive land, every attempt shall be made to “minimise impacts”. In this part minimise means designing and constructing the development so that any impact on environmentally sensitive land is of a minor scale and significance only.

Mitigate Where it is not possible to “avoid” or “minimise” any impact on environmentally sensitive land, any impacts must be “mitigated”. In this part “mitigate” means taking all reasonable steps to relieve any impacts associated with works in environmentally sensitive land such as rehabilitation or re-establishment of affected areas.

Native Vegetation

Means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any shrub);
- (b) understorey plants;
- (c) groundcover (being any type of herbaceous vegetation);
- (d) plants occurring in a wetland.

Vegetation is indigenous if it is a species of vegetation, or if it comprises species of vegetation, that existed in the state before European settlement.

9.3 Controls

1. Development carried out on areas mapped as ‘sensitive land’ on the Natural Resources – Biodiversity Map and the Natural Resources Water Map under Wollondilly Local Environmental Plan, 2011 shall occur so as to either avoid, minimise or mitigate any adverse impact as detailed in Clause 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011.
2. If a development is not able to avoid, minimise or mitigate an adverse impact on sensitive land mapped on the Natural Resources Biodiversity Map, the vegetation shall not be cleared or

otherwise disturbed unless the impacts are offset through biobanking or a similar conservation arrangement.

3. The consent authority shall not grant consent to any development that would result in the clearing or other disturbance of an environmental asset unless it is satisfied that any adverse impacts will be offset through bio banking or a similar environmental conservation arrangement.
4. 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. It should be noted that the LEP maps are indicative and based on watercourse centre lines. These maps do not identify the location of the top of banks of watercourses as it is not the intent of the map to show this and the position of watercourse centre lines shown is only approximate. The map seeks to identify what buffer distance is to be applied to each watercourse and not the extent of that buffer on the ground.
5. All stormwater generated from any development shall be treated to an acceptable standard to maintain water quality. In determining the “acceptable standard” the consent authority shall be mindful of the relevant guidelines of the State and Federal Governments. This treatment must be undertaken outside any areas mapped as sensitive land in the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011.
6. Nothing in this section prevents minor works on environmental land for the purposes of providing infrastructure.
7. Where a development is proposed on sites which do not contain areas mapped on the Natural Resources Water or Natural Resources Biodiversity maps and contain native vegetation, the development shall be located in accordance with the following (in order of preference):
 - i) on cleared parts of the site wherever possible; or
 - ii) in locations where the least amount of vegetation removal would be required (e.g. close to roads) if the development is not able to be located wholly in a cleared area; or
 - iii) If the development is not able to be located wholly in a cleared area, then the development should be located on parts of the site in which the vegetation is determined as being of the least significance and recovery potential.

This includes consideration of vegetation removal for any main buildings, ancillary buildings, asset protection zones, effluent disposal areas and access driveways that may be required for the development.

8. In cases where native vegetation removal is required a flora and fauna report from an appropriately qualified ecologist may be required to satisfy compliance with any of the controls listed above.

Note: Compliance with the above controls does not guarantee that consent would be granted for the development; the requirements of the *Threatened Species Act, 1995*, *Native Vegetation Act, 2003* and the *Environmental Protection and Biodiversity Conservation Act, 1999* would need to be satisfied if approval is required under those acts of legislation.

PART 10 – Tree removal**10.1 Objectives**

The objectives of this part are as follows:

1. Identify trees and other native vegetation for the purpose of clause 5.9(3) of Wollondilly Local Environmental Plan 2011 which states the following:

“(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

(a) development consent; or

(b) a permit granted by the Council”

2. Identify trees and other native vegetation that:

- may be removed without a permit or development consent
- may be removed with a permit
- may be removed only with development consent

10.2 Interpretation

In this section a reference to removing a tree is a reference to the full range of activities described in Clause 5.9 (3) of Wollondilly Local Environmental Plan, 2011. That is, the ringbarking, cutting down, topping, lopping, removing, injuring or wilfully destroying of any tree.

In this section Native Vegetation means:

Any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any shrub);
- (b) understorey plants;
- (c) groundcover (being any type of herbaceous vegetation);
- (d) plants occurring in a wetland.

Vegetation is indigenous if it is a species of vegetation, or if it comprises species of vegetation, that existed in the state before European settlement.

In this section a tree is considered to be a tree or shrub which meets one of the following:

- a) is greater than 3 metres in height; or
- b) The trunk has a circumference of 450mm at 1 metre above ground level; or
- c) has a branch span of greater than 3 metres.

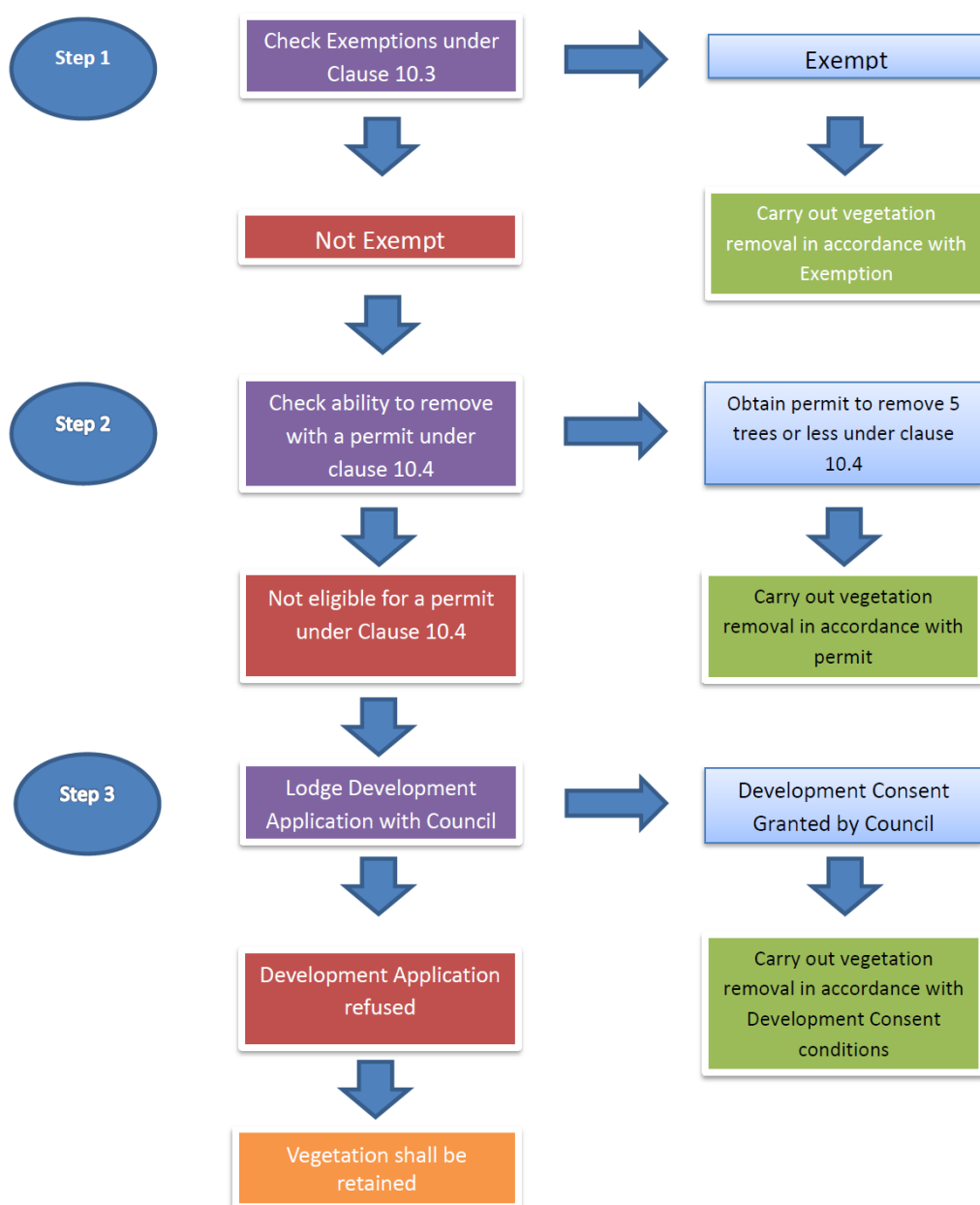
In this section a Development Consent refers to a consent that is issued by Council under the Environmental Planning and Assessment Act, 1979 authorising the removal of more than five trees or 50m²

of other native vegetation. A Complying Development Certificate is NOT taken to be a development consent.

In this section a Permit refers to a permit that is issued by Council that authorises the removal of 5 trees or less, or less than 50m² of other native vegetation.

In this section Exempt Tree/Vegetation Removal refers to native vegetation that may be removed without the need for a permit or development consent (or any other approval from Council).

Applicants should refer to the flowchart below in determining the necessary approvals required:



10.3 Trees/other native vegetation that may be removed without consent and without a permit (i.e. exempt)

Any of the following tree removal activities may be carried out without the need to obtain either a tree removal permit or development consent from Council:

1. Removal of a tree or other vegetation species that is a declared noxious weed by the NSW Government under the *Noxious Weeds Act, 1993* or that is a species of tree identified below, regardless of size (unless the tree is listed as a heritage item):
 1. African Olive (*Olea europaea*)
 2. Bamboo (*Phyllostachys spp. bambusa spp, Aundanaria*)
 3. Black locust (*Robinia pseudoacacia spp*)
 4. Box Elder (*Acer negundo*)
 5. Camphor Laurel <20 metres in height only (*Cinnamomum camphora*)
 6. Canary Island Date Palm (*Phoenix canariensis*)
 7. Cassia (*Senna pendula*)
 8. Chinese Celtis (*Celtis sinensis*)
 9. Cocos palm/queen palm (*Syagrus romanzoffiana*)
 10. Leighton's green Pine (*Cupressocyparis x leylandii*)
 11. Cootamundra wattle (*Acacia baileyana*)
 12. Coral Tree (*Erythrina x sykesii*)
 13. Cotoneaster (*Cotoneaster spp.*)
 14. Date Palm (*Phoenix dactylifera*)
 15. Evergreen Alder (*Alnus jorulensis*)
 16. Evergreen Ash (*Fraxinus griffithii*)
 17. Golden wreath wattle (*Acacia saligna*)
 18. Honey Locust (*Gleditsia triacanthos*)
 19. Ice cream bean (*Inga edulis*)
 20. Privet (*Ligustrum spp*)
 21. Oleander (*Nerium oleander*)
 22. Peppercorn (*Schinus spp*)
 23. Radiata Pine <20 metres in height only (*Pinus Radiata*)
 24. Poplar <20 metres in height only (*Populus spp.*)
 25. Queensland Silver Wattle (*Acacia podalyriifolia*)
 26. Rhus (*Toxicodendron succedaneum*)
 27. Rubber Tree (*Ficus elastica*)
 28. Silky Oak (*Grevillea robusta*)
 29. Slash Pine (*Pinus elliottii*)
 30. Sweet Pittosporum (*Pittosporum undulatum*)
 31. Tree Lucern (*Tagasaste Chamaecytisus palmensis*)
 32. Tree of Heaven (*Ailanthus altissima*)
 33. Umbrella Tree (*Schefflera actinophylla*)
 34. Wild Tobacco Tree (*Solanum mauritianum*)
 35. Willow (*Salix spp.*)
 36. Yellow Bells (*Tecoma stans*).
2. Removal of a tree or other form of vegetation that is located within 3 metres of an existing lawfully constructed building or access driveway. (In this control, a tree is to be measured from the external part of the trunk to the building).
3. Removal of a tree or other form of native vegetation that is located within 3 metres of a building or access driveway authorised by a development consent. (In this control a tree is to be measured from the external part of the trunk to the building). For the purposes of this exemption a complying development certificate is NOT a development consent.
4. Removal of any tree or other form of native vegetation that Council is satisfied is dying or dead and is not required as the habitat of native fauna. The owner of the land (or persons acting on their behalf) on which the tree or vegetation exists must provide to Council written justification, including

photographs, from an arborist or other suitably qualified person. Works must not be undertaken until Council has provided written advice that it is satisfied that the tree or vegetation is dying or dead.

5. Removal of a tree or other form of native vegetation that Council is satisfied is a significant imminent risk to human life or property. Works must not be undertaken until Council has provided written advice that it is satisfied that the tree or vegetation poses an immediate danger to people or property.
6. Removal of a tree or other form of vegetation being carried out under the following legislation:
 - a) Action required, or authorised to be carried out under the *Electricity Supply Act 1995*, the *Roads Act, 1993* or the *Surveying and Spatial Information Act 2002*.
 - b) The Clearing of Native Vegetation that is authorised by a development consent or a Property Vegetation Plan under the *Native Vegetation Act, 2003*.
 - c) Functions as required to protect persons from dangers to their safety and health, and to protect property from destruction or damage, arising from floods and storms under the *State Emergency Services Act, 1989*.
 - d) Works for which an order or permit has been issued by the NSW Rural Fire Services under the *Rural Fires Act, 1997*.
 - e) Any removal authorised for removal from the NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice for NSW.
 - f) Removal carried out in accordance with a license, permit, authority or approval under the *Water Act, 1912* or the *Water Management Act, 2000*.
 - g) Removal for the purpose of the construction, operation and maintenance of infrastructure by Water NSW in the exercise of its land management activities within SP2 zones, including roads, tracks, viewing platforms, signs and recreation facilities.
 - h) Removal on Crown Lands within the meaning of the *Crown Lands Act, 1993* or on crown public roads within the meaning of the *Roads Act, 1993*, where removal is being undertaken or authorised by the Department of Lands.
 - i) Any clearing carried out in accordance with an order under the *Trees (Disputes between Neighbours) Act, 2006* or other like Neighbourhood Dispute legislation.
7. Trees or other form of vegetation to be pruned as part of routine pruning of fruit trees, or commercial horticulture or forestry operations.
8. Amenity Pruning within Australian Standards.

10.4 Trees/other native vegetation that may be removed without development consent but require a permit

1. The Council may issue a permit for the removal of no more than 5 trees provided that:
 - a) The tree does not form part of a heritage is within a heritage conservation area, or that forms part of an aboriginal object or that is within an aboriginal place of heritage significance; and
 - b) The retention of the tree is not required by a development consent condition or a section 88B restriction as to user that prohibits tree clearing or removal of the tree in question; and

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- c) The tree has not been identified as containing tree hollows or significant habitat or food source; and
 - d) The tree is not located within a Natural Resources Biodiversity Area or that is within the Natural Resources – Water layer under clauses 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011; and
 - e) Must not form part of a vegetation community which has been identified as an endangered ecological community or threatened ecological community under any Act of legislation.
 - f) Council has not issued a permit to remove trees or other native vegetation under this clause in the previous 2 years for the subject property.
2. The Council may issue a permit for the removal of no greater than 50m² of native vegetation (other than a tree) under this section provided that no permit to remove trees or other native vegetation under this section has been issued in the previous 2 years for the subject property.

Note: Council has the ability to refuse a permit for the removal of no greater than 50m² of native vegetation if the vegetation is affected by controls 1(a) to 1(f) above and Council considers that greater assessment is required. In this regard a development application is required for the vegetation removal.

10.5 Trees/other native vegetation that may be removed only with development consent

1. Any tree or other native vegetation removal which cannot be carried out as exempt development under clause 10.3 of this volume or by obtaining a permit under clause 10.4 of this volume may only be removed with development consent.

Note: In cases where the tree and/or native vegetation removal is required in association with a development requiring consent under Part 4 of the *Environmental Planning and Assessment Act, 1979*, the removal of vegetation will also require consent and may require assessment under part 5A of the Act.

PART 11 – Landscaping

11.1 Objectives

1. To encourage the planting of endemic species in landscaping.
2. To reduce the impact of landscaping on the environment, infrastructure and human safety.
3. To create a landscape character that is defined by native vegetation and not introduced species.

11.2 Recommended Species

Tabulated below are the recommended plant species for the various localities in the Shire.

Table 1: Recommended Groundcover and Small Shrub Species (under 1 metre) for the Shire

Botanic name	Common Name	Comments
<i>Acacia myrtifolia</i>	Myrtle Wattle	Most well drained soils
<i>Clematis glycinoides</i>	Old Man's Beard	Well drained soils
<i>Dillwynia retorta</i>	Healthy Parrot Pea	Sandy and clay soils
<i>Hardenbergia violaceae</i>	Purple Twining-pea	sandy, clay and rocky soils
<i>Indigophora australis</i>	Native Indigo	Grows on shale and rocky slopes
<i>Kennedia rubicunda</i>	Dusky Coral Pea	Tolerates dry conditions
<i>Lomandra logifolia</i>	Spiny-head Mat Rush	Requires moist soil
<i>Patersonia sericea</i>	Silky Purple Flag	Sandy soils
<i>Pimelia linifolia</i>	Rice Flower	Tolerates dry soils
<i>Rubus parvifolius</i>	Native Raspberry	Very hardy, most soils
<i>Stypandra glauca</i>	Nodding Blue Lily	Most soils, good drainage
<i>Viola hederaceae</i>	Native Violet	Needs moist soil

Table 2: Recommended Shrub Species (1 to 5 metres) for the Shire

Botanic name	Common Name	Comments
<i>Acacia binervata</i>	Two-veined Hickory	Favours moist sites
<i>Acacia floribunda</i>	White Sallow or Sally Wattle	Sandy alluvial soil
<i>Acacia linifolia</i>	Flax-leaved Wattle	Sandy, clay soils
<i>Acacia longifolia</i>	Sydney Golden Wattle	Sandy soils
<i>Acacia terminalis</i>	Sunshine Wattle	Well drained soils
<i>Banksia serrata</i>	Old Man Banksia	Prefers sandy, well drained soil
<i>Banksia spinulosa</i>	Hairpin Banksia	Light to moderately heavy soils
<i>Bursaria spinosa</i>	Blackthorn	Dry to wet sclerophyll forest
<i>Callistemon salignus</i>	Willow Bottlebrush	Tolerates wet conditions
<i>Grevillea mucronulata</i>	Green Spider-flower	Sandy to clay soils
<i>Grevillea sericea</i>	Pink Spider-flower	Sandy soils
<i>Hakea dactyloides</i>	Finger Hakea	Mostly sandy soils
<i>Kunzea ambigua</i>	Tick Bush	Well drained soils
<i>Leptospermum polygalifolium</i>	Yellow Tea-tree	Frost hardy, well drained soils
<i>Ozothamnus diosmifolius</i>	Everlasting Paper Daisy	Variety of soils
<i>Persoonia levis</i>	Broad-leaf Geebung	Well drained soils
<i>Persoonia pinifolia</i>	Pine-leaf Geebung	Hardy, most well drained soils

Table 3: Additional Shrub Species: Oakdale, Werombi and Theresa Park area

Botanic name	Common Name	Comments
<i>Callistemon citrinus</i>	Crimson Bottlebrush	Most soils
<i>Dodonaea triquetra</i>	Common Hop bush	Well drained sandy soils

<i>Hakea sericea</i>	Silky Hakea	Well drained soils
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Table 4: Additional Shrub Species: Douglas Park, Wilton and Appin area

Botanic name	Common Name	Comments
<i>Hakea sericea</i>	Silky Hakea	Well drained soils

Recommended Tree Species by locality

Table 5: Southern Area: Bargo, Buxton, Tahmoor and Thirlmere:

Botanic name	Common Name	Comments
<i>Acacia elata</i>	Cedar Wattle	Sand, loam or clay soils
<i>Acacia mearnsii</i>	Black Wattle	Does not tolerate dry or poor soils
<i>Angophora floribunda</i>	Rough-barked Apple	Tolerates most soil types
<i>Angophora subvelutina</i>	Broad-leaved Apple	Woodland tree
<i>Casuarina cunninghamiana</i>	River She-oak	Will survive heavy clay or sandy soils
<i>Allocasuarina littoralis</i>	Black She-oak	Woodland tree
<i>Eucalyptus baueriana</i>	Blue Box	Prefers well drained soil
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark	Shallow and sandy soils
<i>Eucalyptus globoidea</i>	White Stringybark	Well watered sandy or alluvial soils
<i>Eucalyptus haemastoma</i>	Scribbly Gum	Skeletal sandstone soils
<i>Eucalyptus moluccana</i>	Grey Box	Loamy soils
<i>Eucalyptus punctata</i>	Grey Gum	Soils of low to medium fertility
<i>Eucalyptus tereticornis</i>	Forest Red Gum	Soils of medium to high fertility
<i>Eucalyptus viminalis</i>	Ribbon or Manna Gum	Fertile loamy soils
<i>Melaleuca lineariifolia</i>	'Snow in summer'	Very hardy, clay or shale soils
<i>Melaleuca styphelioides</i>	Prickly leaved Paperbark	Drought tolerant, sandstone and shale soils

Table 6: Central Area: Douglas Park, Appin, Wilton, Picton, The Oaks, Razorback, Mt Hunter Cawdor and Menangle

Botanic name	Common Name	Comments
<i>Acacia decurrens</i>	Sydney Green Wattle	Heavy soils
<i>Acacia elata</i>	Cedar Wattle	Sand, loam or clay soils
<i>Acacia mearnsii</i>	Black Wattle	Does not tolerate dry or poor soils
<i>Acacia parramattensis</i>	Parramatta Wattle	Very frost hardy
<i>Angophora floribunda</i>	Rough-barked Apple	Tolerates most soil types
<i>Angophora subvelutina</i>	Broad-leaved Apple	Woodland tree
<i>Brachyciton populneus</i>	Bottle tree	Needs good drainage
<i>Casuarina cunninghamiana</i>	River She-oak	Will survive heavy clay or sandy soils
<i>Allocasuarina littoralis</i>	Black She-oak	Woodland tree
<i>Eucalyptus amplifolia</i>	Cabbage Gum	Loamy soils
<i>Eucalyptus creba</i>	Narrow-leaved Ironbark	Shallow and sandy soils
<i>Eucalyptus eugenoides</i>	Thin-leaved Stringybark	Clay soils
<i>Eucalyptus globoidea</i>	White Stringybark	Well watered sandy or alluvial soils
<i>Eucalyptus haemastoma</i>	Scribbly Gum	Skeletal sandstone soils
<i>Eucalyptus maculata</i>	Spotted Gum	Sandy and clay soils
<i>Eucalyptus moluccana</i>	Grey Box	Loamy soils
<i>Eucalyptus punctata</i>	Grey Gum	Soils of low to medium fertility

<i>Eucalyptus tereticornis</i>	Forest Red Gum	Soils of medium to high fertility
<i>Melaleuca lineariifolia</i>	'Snow in summer'	Very hardy, clay or shale soils
<i>Melaleuca stypheloides</i>	Prickly-leaved Paperbark	Drought tolerant, sandstone and shale soils

Table 7: Northern Area: Oakdale, Werombi, Theresa Park, Warragamba and Silverdale

Botanic name	Common Name	Comments
<i>Acacia parramattensis</i>	Parramatta Wattle	Very frost hardy
<i>Angophora costata</i>	Smooth-barked Apple	Sandy soils
<i>Callitris rhomboidea</i>	Port Jackson Pine	Drought tolerant
<i>Allocasuarina torulosa</i>	Forest Oak	Well drained soils
<i>Eucalyptus creba</i>	Narrow-leaved Ironbark	Shallow and sandy soils
<i>Eucalyptus eximia</i>	Yellow Bloodwood	Drought tolerant
<i>Eucalyptus longifolia</i>	Woollybutt	Heavy moist soils
<i>Eucalyptus maculata</i>	Spotted Gum	Sandy and clay soils
<i>Eucalyptus moluccana</i>	Grey Box	Loamy soils
<i>Eucalyptus pilularis</i>	Blackbutt	Clay and sandy soils
<i>Eucalyptus punctata</i>	Grey Gum	Soils of low to medium fertility
<i>Eucalyptus tereticornis</i>	Forest Red Gum	Soils of medium to high fertility
<i>Melaleuca lineariifolia</i>	'Snow in summer'	Very hardy, clay or shale soils
<i>Melaleuca lineariifolia</i>	'Snow in summer'	Very hardy, clay or shale soils
<i>Syncarpia glomulifera</i>	Turpentine	Most soils

11.3 Banned Species

The following species are not to be used in landscaping within Wollondilly:

- Conifers,
- Species specified in Clause 10.3(1)(a) of this volume,
- Species identified as Noxious Weeds under the Noxious Weeds Act,
- Species identified as a weed under any adopted policy of Council.

11.4 Street Trees

Street tree planting must comply with the Council's Tree Risk Management Plan.

PART 12 – Signage

12.1 Objectives

1. To provide controls for the implementation of the Advertising structures in commercial or industrial zones section of Schedule 2 of Wollondilly Local Environmental Plan, 2011.
2. To ensure signage that is exempt development does not have adverse impacts on traffic safety and pedestrian amenity.
3. To ensure signage that is carried out as exempt development does not significantly detract from the amenity of the commercial and industrial built environments.

12.2 Signage as exempt development

1. To be an exempt advertising structures under Schedule 2 of Wollondilly Local Environmental Plan, 2011, the structure must:
 - a. Not be located within a road reserve; and
 - b. Be a fixed sign; and
 - c. In the case of a sign attached to a building have no part of the sign higher than the part of the building on which it is attached; and
 - d. Not be located within 100m of a heritage item or a heritage conservation area
 - e. No be located within 100m of a classified road; and
 - f. Be designed and installed in accordance with the requirements of a professional engineer; and
 - g. Not be used for the promotion or advertising of any product or business other than a business operation from the site on which the structure is located; and
 - h. Not be used for the promotion or advertising of any sex services premises, brothel or restricted premises; and
 - i. Must not be illuminated; and
 - j. Be the one and only advertising structure on the lot constructed as exempt development under this schedule.