

# Attachment Booklet Part 1

### **Monday 11 December 2017**

GR1, GR2, GR3, GR4, GR6, GR7, GR8, GR9, GR10 & GR11

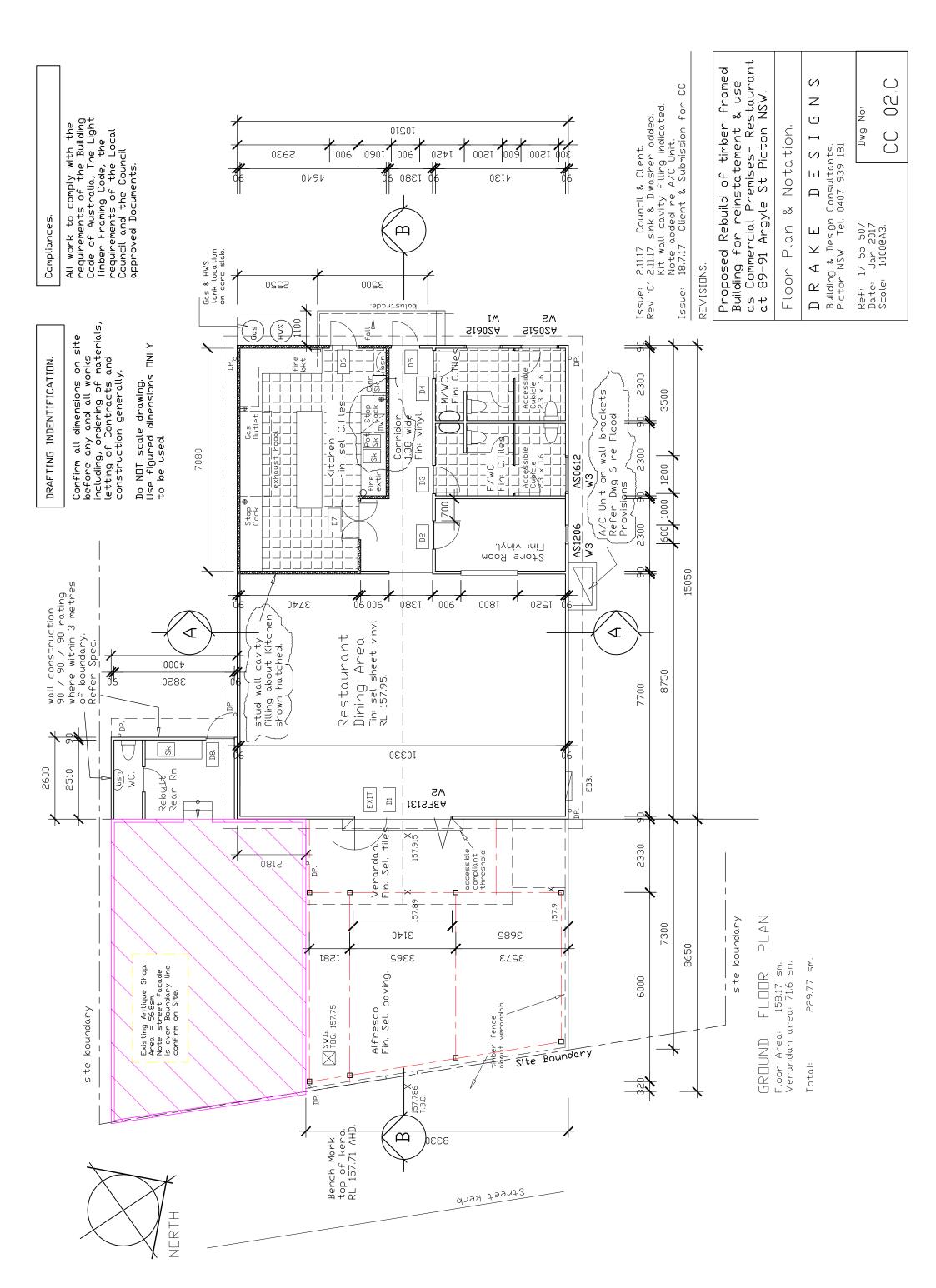


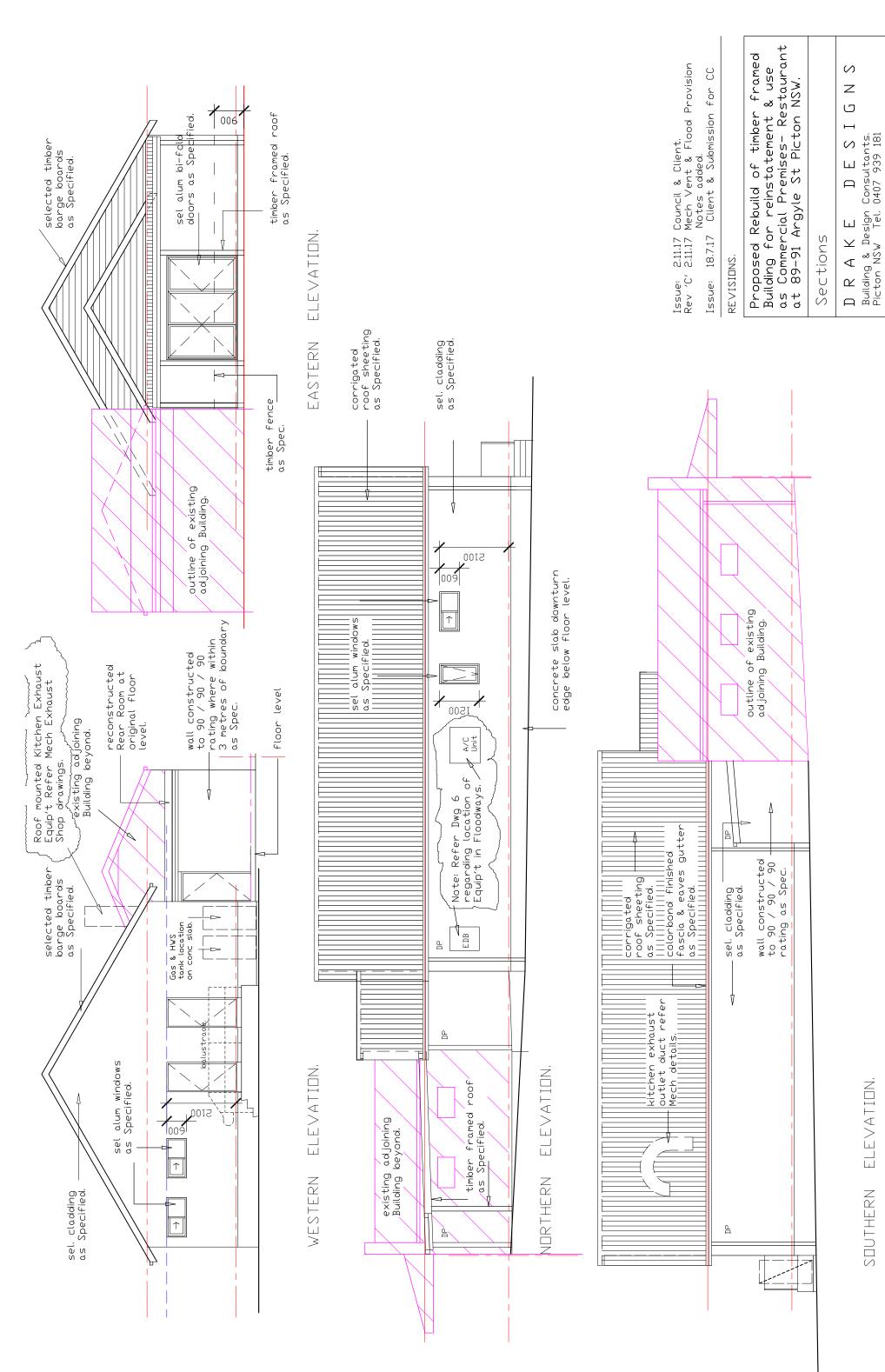
## **GR1 Attachments**

- 1. Amended Plans submitted on 2 November 2017
- 2. Amended Site Plan submitted on 8 November 2017
- 3. Economic Analysis Report

#### Monday 11 December 2017

GR1 – Development Application No.010.2017.00000678.001 for 89-91 Argyle Street, Picton - Rebuild of Commercial Building and use as Food and Drink Premises (Restaurant)



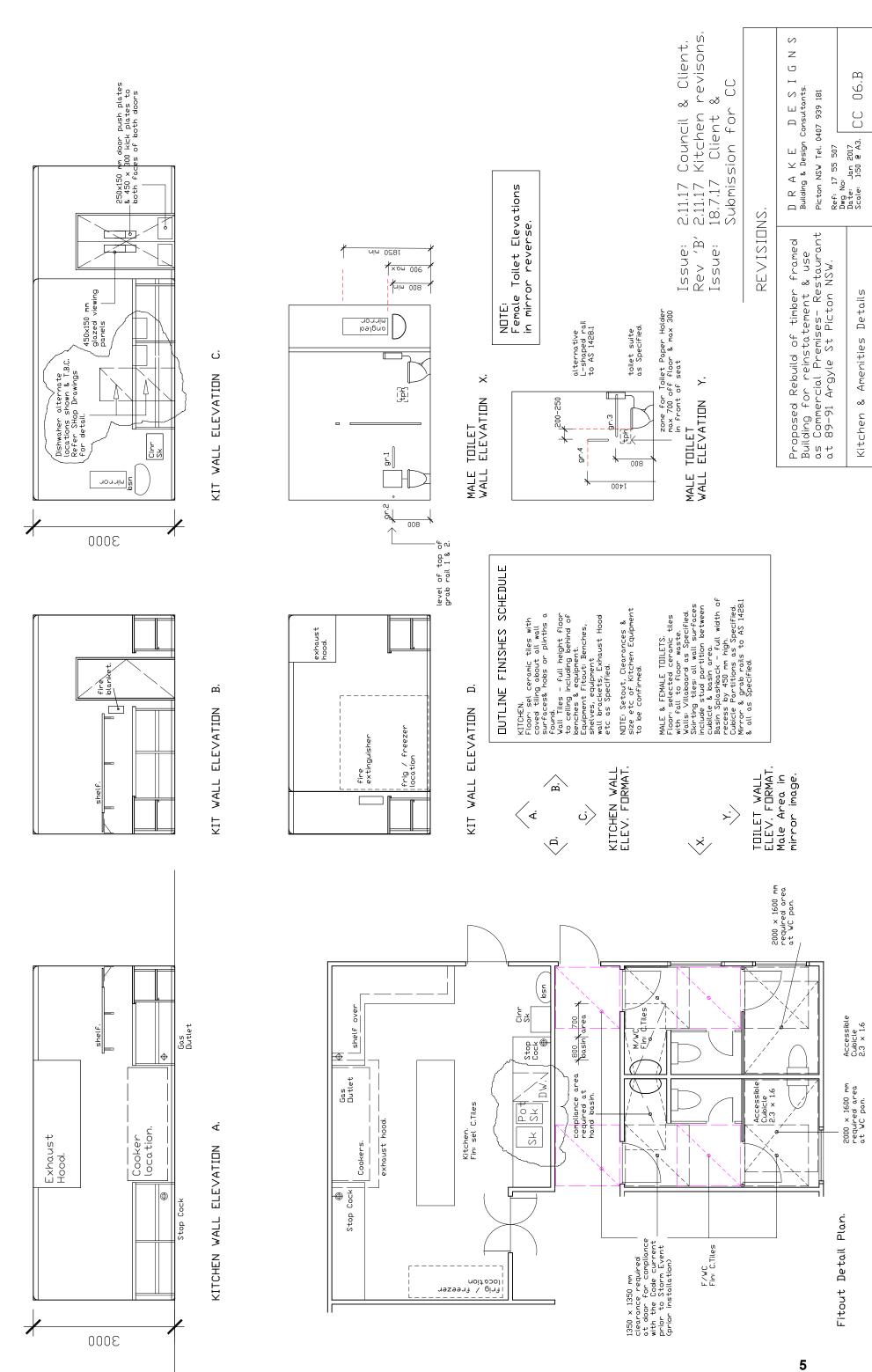


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Dwg No:

Ref: 17 55 507 Date: Jan 2017 Scale: 1:100@A3,



as Commercial Premises- Restaurant at 89-91 Argyle St Picton NSW,

S Building & Design Consultants. Picton NSW Tel. 0407 939 181 Electrical Diagram D D ш D R A K

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05,A Dwg 

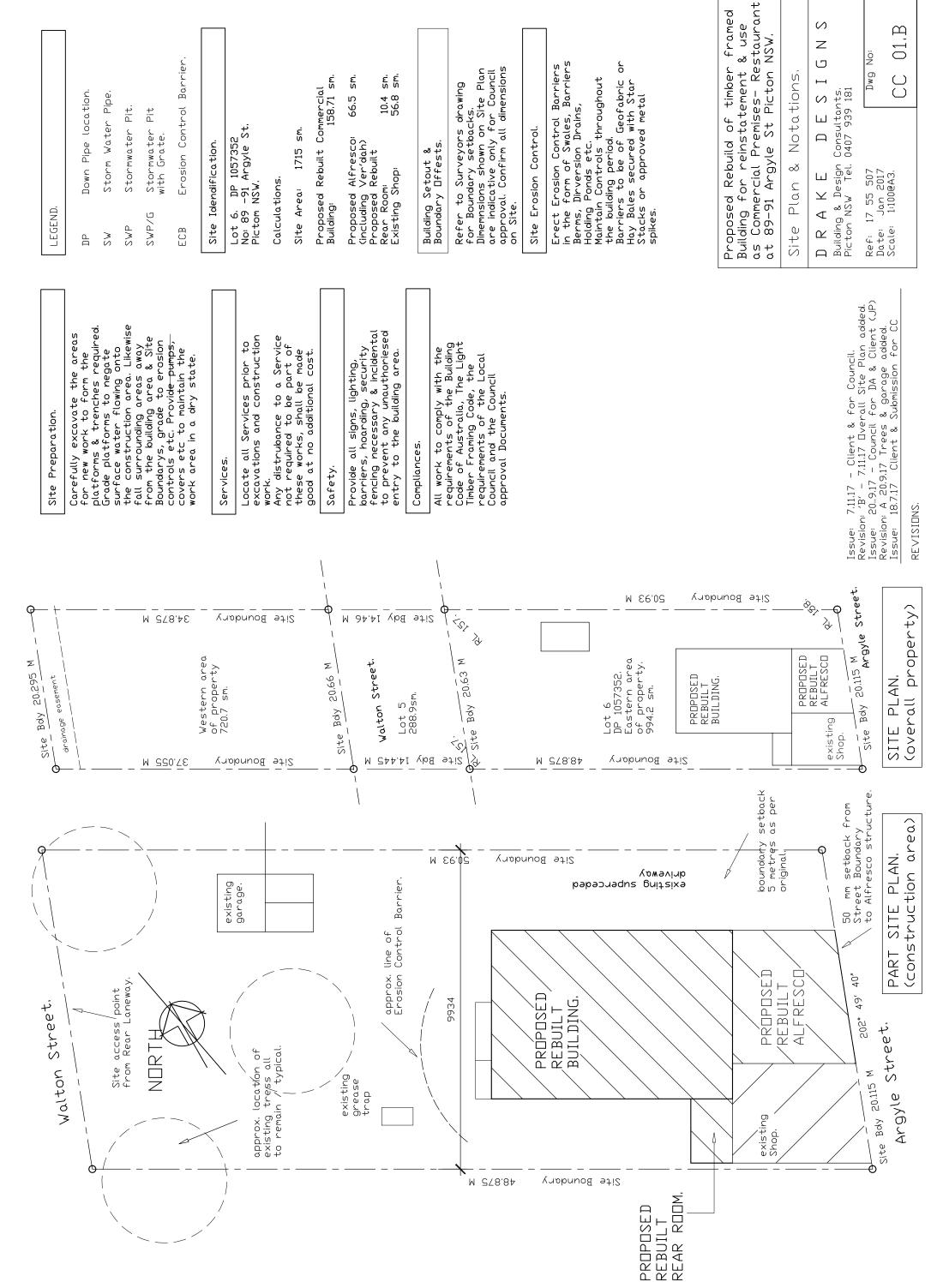
Ref: 17 55 507 Date: Jan 2017 Scale: 1:100@A3.

CC

Client & Submission for

18.7.17

REVISIONS



Studio 34 P/L t/s.

#### DRAKE DESIGNS

**Building and Design Consultants** 

Date:

Ref No: 17 55 507

9/11/17

104 Kent Road Picton NSW 2571. Email: geoffrey@drakedesigns.com.au Tel. 4681 9950 Mob: 0407 939 181

TRANSMITTAL

**Wollondilly Shire Council.** 

62 – 64 Menangle St. Picton.

E: natalie.knapp@wollondilly.nsw.gov.au

Attention: Ms Natalie Knapp.

**Re:** Proposed Re-construction of Timber Framed Commercial Building.

at 89 – 91 Argyle Street Picton. 2581 NSW

Application No: DD 010 2017 216.

#### **Economic Analysis Report**

Estimate of losses / costs due to flooding 'just over floor level': zero. Estimate of losses / costs due to flooding of 600 mm over floor level: \$40,000 Estimate for average loss / cost over 100 years would be calculated as follows: Zero +  $$40,000 / 2 = $20,000 \times 80$  (times in 100 years) = \$1,600,000. Therefore \$1,600,000 / 100 = \$16,000 average per year.

Yours Sincerely

Geoffrey. L. Drake

Director. Studio 34 Pty. Ltd. trading as Drake Designs.
CC: jpayn@johnslyng.com.au

Issued for your reference.

Design Style Proportion Efficient - Design Style Proportion Effici



### **GR2 Attachments**

1. Plans submitted with modification application.

#### Monday 11 December 2017

GR2 – Applications to Modify Development Consent No. 010.2005.00051506.005 and No. 010.2005.00051506.006 for a Seniors' Living Development to provide an Additional 3 Self Care Units, Managers' Residence, Maintenance Shed, Wellness Centre, Men's Shed, and to Relocate Approved Swimming Pool



Prestige Residential Design

Bluegum Lifestyle Resort

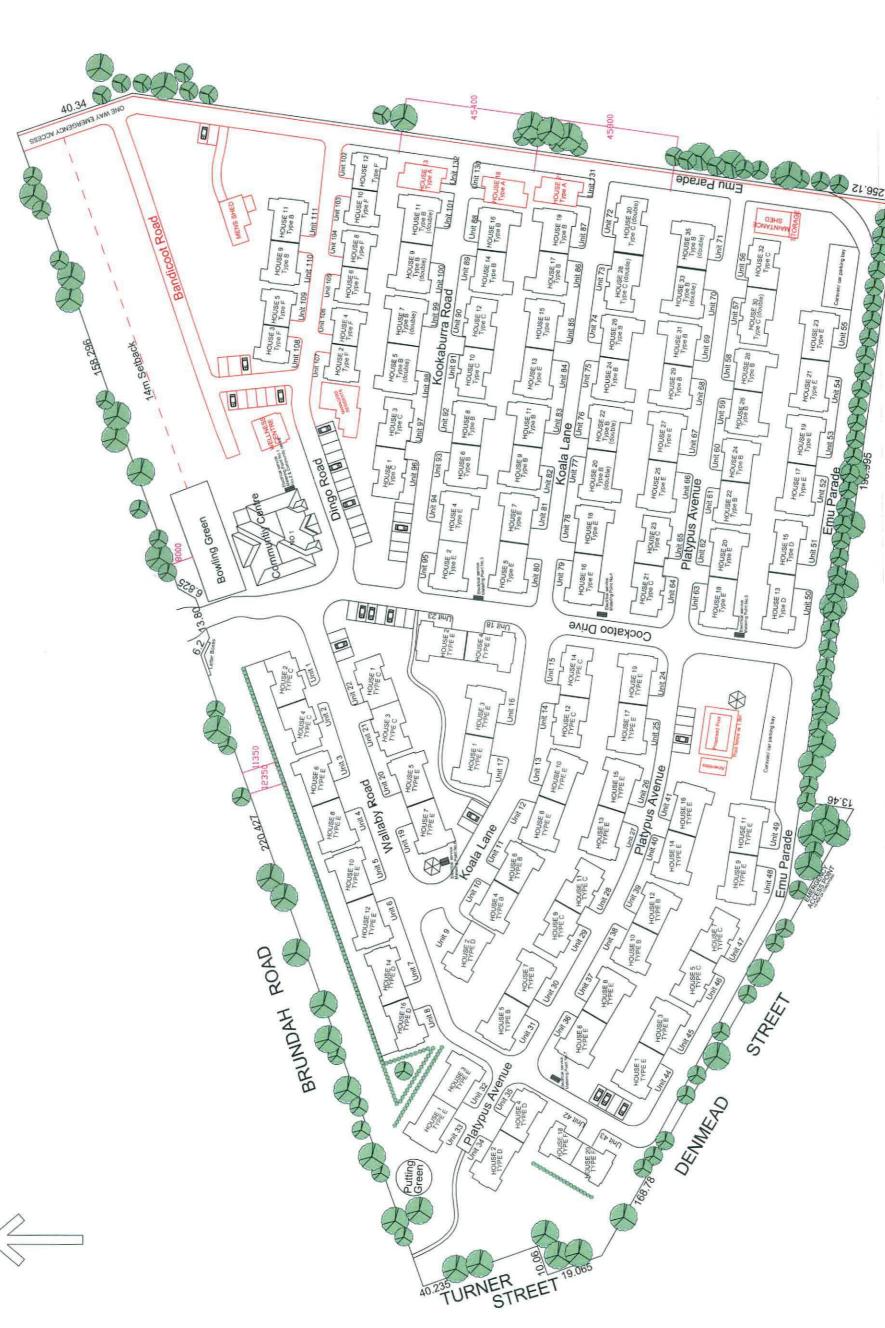
Lot: 1 DP: 1227417 10-30 Brundah Rd, Thirlmere 2572 NSW S96AA Modification of ID532-05

Sheet List	Sheet Name
	Sheet Number

	3
0.1	Cover Sheet
02	Revised Site Plan
03	Type A Modified Floor Plan
04	Type A Modified Elevations
05	Type A Modified Sections
90	Type A Landscape Plan
20	Managers Residence Floor Plan
80	Managers Residence Elevations
60	Managers Residence Elevations
10	Managers Residence Basixs Notes
11	Maintenance Shed Floor Plan
12	Maintenance Shed Elevations and Sections
13	Wellness Centre Floor Plan
14	Wellness Centre Elevations and Sections
15	Mens Shed Floor Plan
16	Mens Shed Elevations
17	Pool Plan
Attachment 1	Basixs - 18 Kookaburra Rd, Thirlmere
Attachment 2	Basixs 21 Koala lane & 13 Kookaburra Rd, Thirlmere
Attachment 3	Basixs - Managers Residence
Attachment 4	Access Report

Total - 17 Pages







Prestige Residential Design

Taylah Doosey 0437350233

taylah.doosey@gmail.com

Name: Bluegum Lifestyle

Resort

Project Address: Site

Lot: 1 DP: 1227417 10 - 30 Brundah Rd, Thirlmere 2572 NSW

All construction to comply with BCA & AS (australian standards)
 Windows sizes are nominal and

4. Levels shown are approx only and 3. DO NOT SCALE OFF DRAWING should be confirmed onsite prior to from Stegbar window schedule construction.

5 All dimensions to be checked by builder/owner prior to ANY

Weatherstrips to all external windows & doors. consturction.

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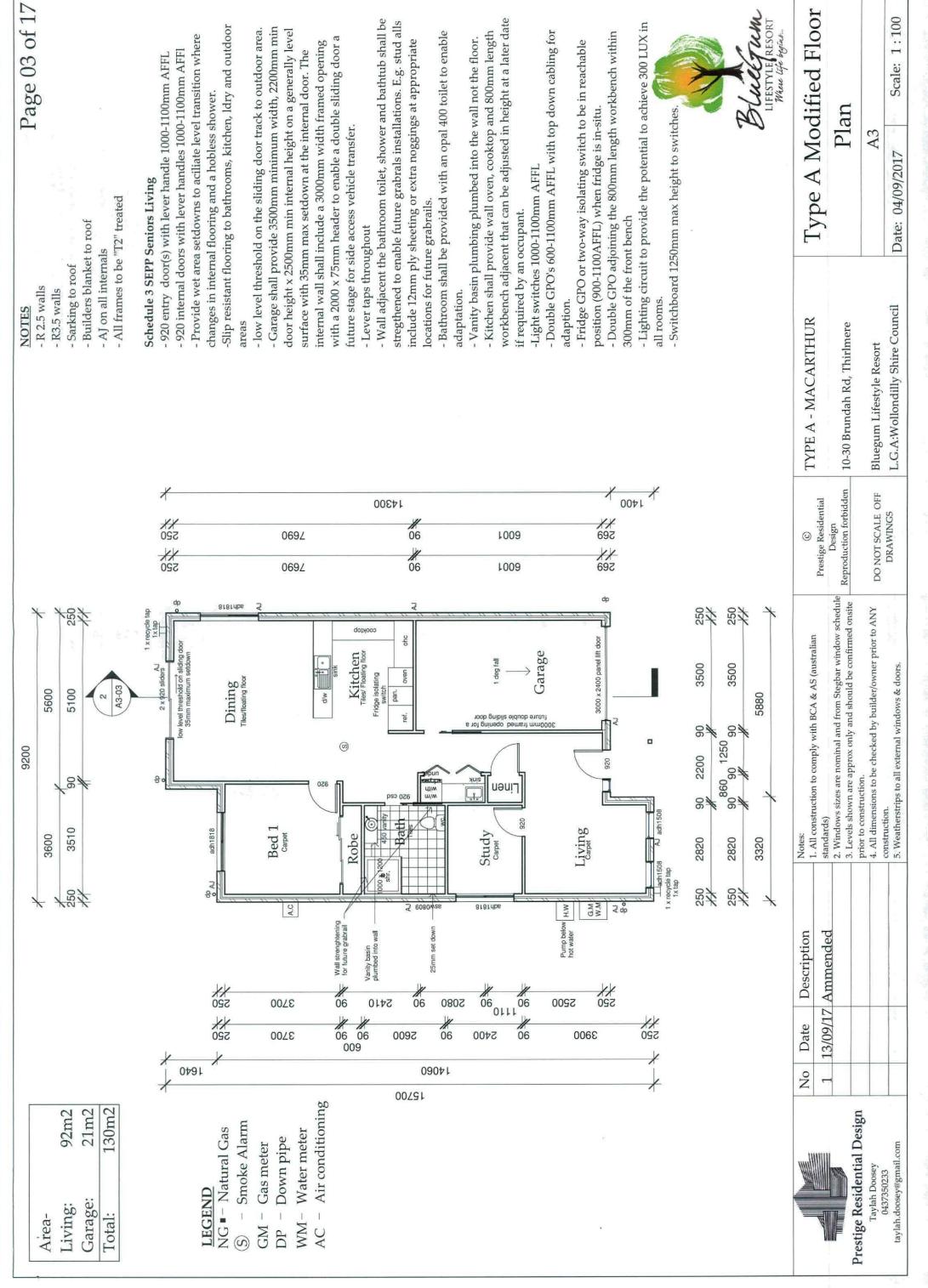
LIFESTYLE RESORT PROPOSED SITE PLAN BLUEGUM

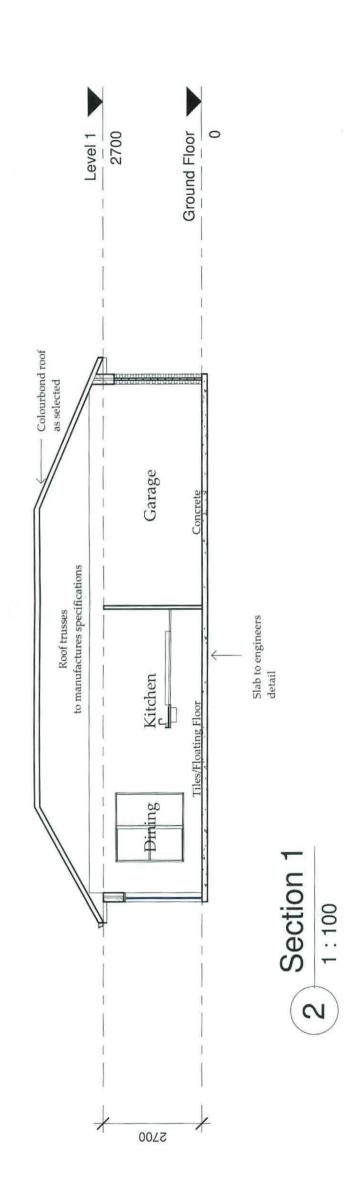
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A1-01

S96AA MODIFICATION OF ID532-05

PROPOSED SITE PLAN FOR





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TYPE A - MACARTHUR		10 30 Brundah Rd Thirlmore	10-50 Digitagi Na, Humilere	Bluegum Lifestyle Resort	L.G.A:Wollondilly Shire Council
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osey@gmail.com				5. Weatherstrips to all external windows & doors.	DRAWINGS	L.G.A:Wollondilly Shire Council	Date: 04/09/2017	Scale: 1:100

DETAILS

Cultivate to a depth of 100mm, so that soil can be worked freely. Apply Gypsum at manufacturer's rates to add in de-compaction of site and breakdown of day coloidis.
Spread 50mm layer of sandy floam topsoil blend. Rake over to form a smooth, even surface ready for lawn hartalletton.
New turf to all areas to be Buffalo. Lay with staggered and close-butted joints along contaurs, to prepared surface. Water immediately, top dress once established.

MULCH

Mulch shall be ANI. Re-mulch; which is best suited to the plant type and clients needs. Variation from this can only be made with consultation with the project manager. Be the consultation with the project Mulch shall be free of eal, weed growth or any other foreign matter. Street mulch evenly to a depth of 75mm over all garden beauth. Rake over mulch surface to create an even finish.

Gravel to be placed in designated areas as shown on plan. Install 20mm Nepean River Pebble at 100mm Maximum leasted. 20mm severy to spread gravel. Rake surfaces everly to spread gravel. Refer Hardscope Details.

Lawns. Repair lawns in all falled areas.

Disease and Pest Control. If pathological disease or insect pests appear, they are to be controlled using organic methods or pest and disease control. Falling this, chemical sprays may be used, at manufacturer's rates, with prior consent of client.

Replocament.

Defects including any dead or unhealthy borfers including any dead or treated within 3 years. Missing, dead or unhealthy plants are to reploced with plants of shrifts size and quality and identical species/variety, countiles as aubatitution has been approved by Council.

LYPE

HOUSE

Any Pruning must be carried out to mee Australian Standards AS4373 'Pruning of Amenity Trees and shall comply with Councils Tree Preservation Order.

Making Good. The contractor shall make good srasion of soil or subsidence which may occur, at no contract variation.

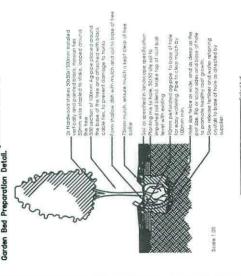
## PROTECTION OF EXISTING TREES

Existing trees are to be protected and maintained during the course of construction. The contractor is to abide by council regulations relating to any trees naminated in DA approval, which will require all anniet brees to be provided with a 1800mm high fully supported chainmesh to minimise disturbance to existing ground conditions within the compay fully lim for the durittion of construction works. Thee Protection Zone is to be attached to the protective fence.

Cultivate to a depth of 200mm so that soil can be worked fresh, Apply appearm at manufacturer's rates to add in de-compaction of site and breakdown of ady colicide.

Spread prenium bland garden bed mix to a depth of 200mm, when settled. Back filling shall be tampeared progressively to match existing soil compaction, to avoid later subsidence. Mound all garden beds to centre. Allow for depth of mulch to finished levels when installing soil mix. Refer to Garden Bed Preparation Detail. GARDENS BEDS

Concrete driveway



Rouths Maintenance. Provide routine maintenance for a period of six months after practical completion.

Program to helude but not limited to plant establishment, watering, moveling, fertillaing, weeding, stoking, pruning, mulching, pest and disease control and generally maintaining the site in a neat and tidy condition. The consolidation program shall include, but not limited to, the following items: MAINTENANCE SCHEDULE

Watering: Watering of plants and turf should be done in conjunction with current Sydney Water watering restrictions.

Fertilishg, Apply on appropriate lown fertiliser, of manufacturer's rates, after 8 weeks of installation. Ensure fertiliser is adequately watered and evenly dispersed for healthy even lown growth.

Mulch of garden beds must adhere to Australian Standard AS-4454.

75-100mm Their Eucahylau Mulen
20, 275mm Hit Reliab pile i Miner edge mr
20, 275mm Hit Reliab level of the Isin20mm Native Groden Ma
20mm Native Groden Ma
20,00mm Native Ma
20,00mm Nat

Secure with hardwood stakes and 140 x 100mm Sugie Head screws

All plants which have been declared, pursant to be about 7.8 of this Novicus Weed Act 1952, to be Novicus Weed Act 1952, to be Novicus Weeds within the area of Norms Municipal Novicus and the second with a page 1951. All ideas are to remain on plants and delivery reciepts or copies of plants purchases, stating the species, amount, and conditive sizes of plants, be made evaluable to Council a Construction Sevice or Private Certifier to facilitate certification that cardiacipe plan and conditions of consent have bimplemented.

A street number is to be placed on site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building. METAL POOL TYPE FENCE FENCE & GATE STREET NUMBER

To manufacturers specification. Refer architecturals for colour selection

PLANTING SCHEDULE

- turf area (sir waiter buffalo)

Screen Plants
Pg - Phothia glabra rubrens
Mp - Murraya paniculata
Ss - Syzglum "bush christmas"
Mp - Murraya paniculata

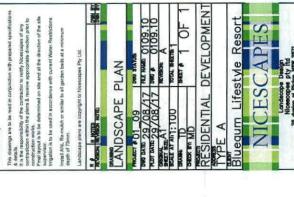
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CLOTHESLINE REMOVABLE RETRACTABLE CLOTHESLINE EXISTING BOUNDARY FENCE TO 1800mm. PROPOSED GARDEN WITH PAVER EDGE. MINIMUM DIMENSION REFER LABLE DRAINAGE PIT FINAL PLACEMENT BY CONTRACTOR ON SITE. PROPOSED GATE LAWN LAWN TO BE Buffalo TIMBER EDGE TOTAL BIN STORAGE LEGEND

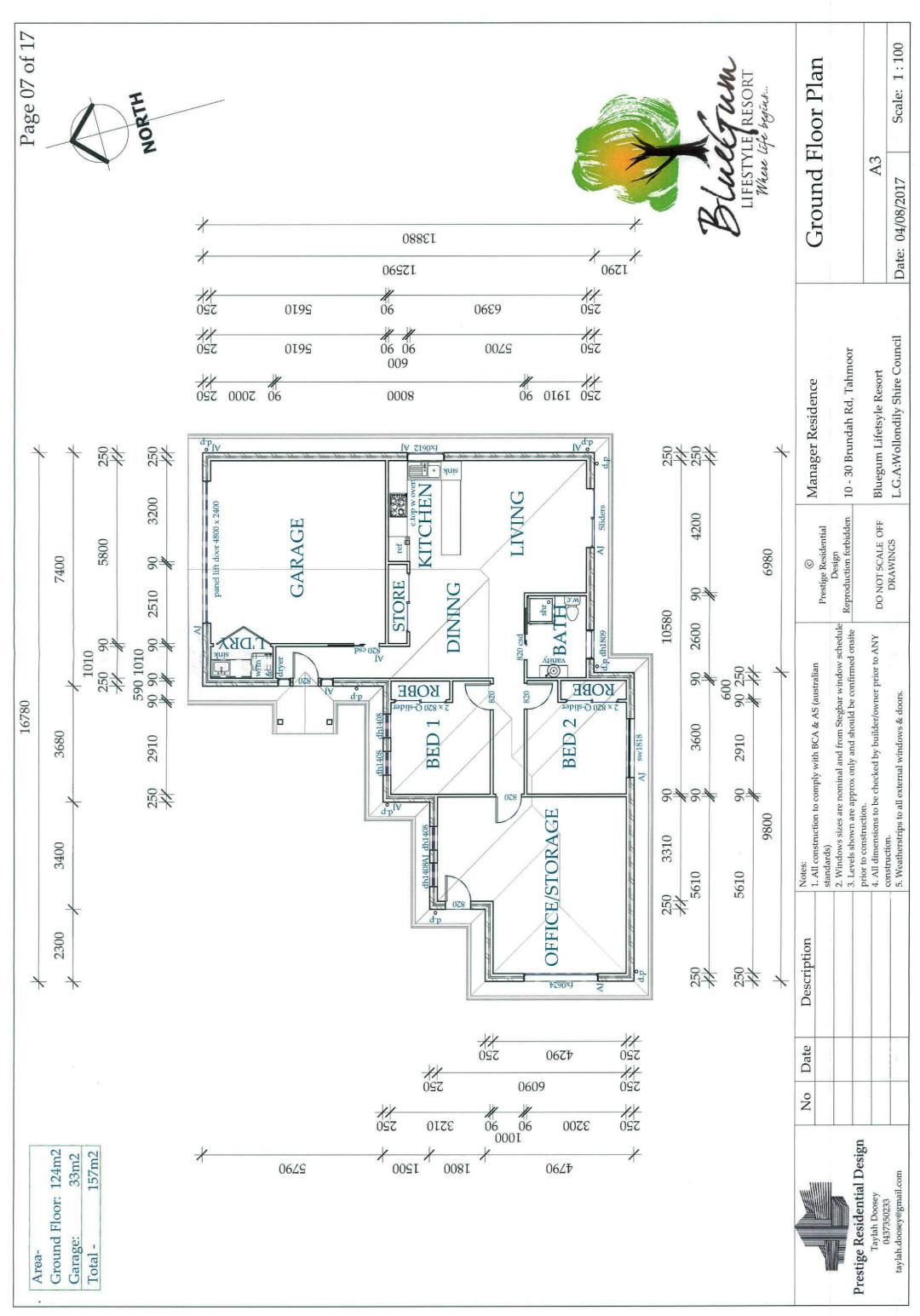
- turf area (sir walter buffalo)

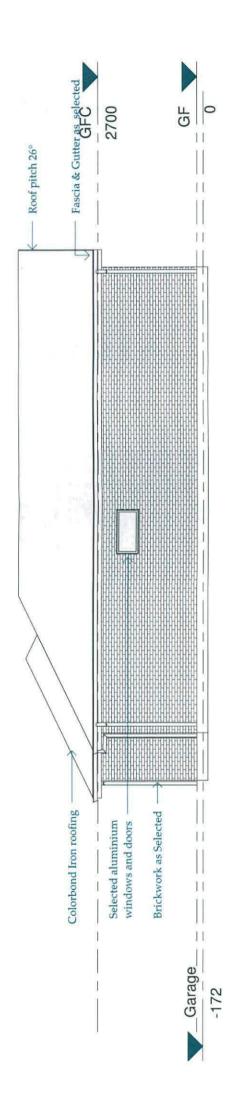
FOR DEVELOPMENT APPLICATION ONLY

SITE PLAN

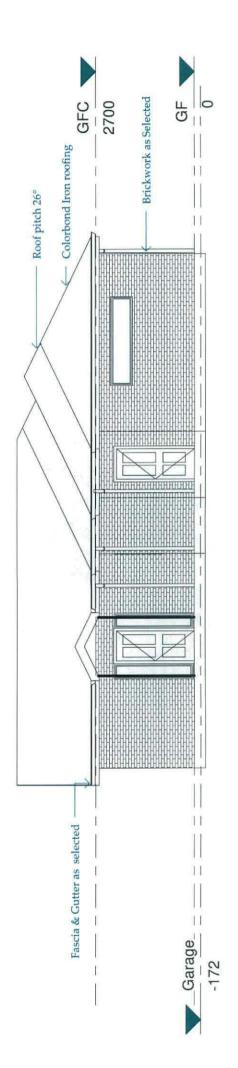








East

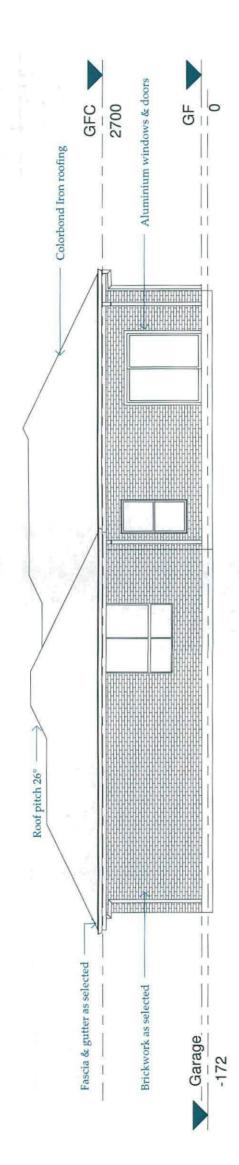


West

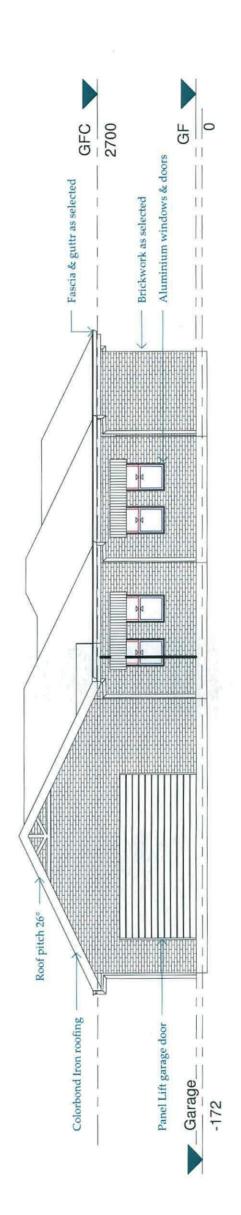
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Elevations		A3	5 Scale
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# South



# North

Notes:  1. All construction to co standards)	2. Windows sizes are no	prior to construction.  4. All dimensions to be	construction. 5. Weatherstrips to all e
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Manager Residence- Bluegum

Certificate - #722045S

Lifestyle Resort

# Water commitments

Total garden lawn area 30m2

3 Star Shower Heads; > 6 <= 7.5L/min

3 Star toilets

3 Star Taps to bath, ens, kit, Idry Alternative Water

5,000 Itr Rainwater tank that collects atleast 100m2 of run off from roof, connect to Idry, toilet and garden tap.

Unventilated; medium (solar absorbance 0.475 - 0.70) 1.66 (or 2.20 including construction) ceiling: 3 (up), roof: foil/sarking Insulation required. Internal wall shared with garage - plasterboard Ceiling and roof - flat ceiling/pitched roof Floor - concrete slab on ground External wall - brick veneer Thermal Comfort Consturction.

Windows, glazed doors and skylights

standard aluminium, single clear (or U-value: 7.63, SHGC:0.75) Maximum area. 0.72 1.62 3.24 1.12 1.12 1.12 1.62 Orientation. M S S S S Z Z Z Z Window/glazed door no.

Eave/verandah/pergold/balcony 450mm Eave/verandah/pergola/balcony 450mm Eave/verandah/pergold/balcony 450mm

not overshadowed Overshadowing.

not overshadowed not overshadowed

# Energy commitments

Hot water

4 Star gas instant hot water system

Cooling system

No cooling systems in living areas or bedrooms

No heating systen in living areas or bedrooms Heating system Ventilation

Bathroom - Individual fan ducted Kitchen - Individual dan ducted

Laundry - Natural ventilation only Natural lighting

Window and/or skylight to bathrooms/toilets Window and/or skylight to kitchen

Gas cooktop & Electric oven in kitchen

Well ventilaed refrigerator space in development Fixed outdoor clothes line in development

2. Windows sizes are nominal and from Stegbar window schedule 3. Levels shown are approx only and should be confirmed onsite 4. All dimensions to be checked by builder/owner prior to ANY 1. All construction to comply with BCA & AS (australian 5. Weatherstrips to all external windows & doors. prior to construction. Description Date S Prestige Residential Design

10 - 30 Brundah Rd, Tahmoor Manager Residence Reproduction forbidden DO NOT SCALE OFF Prestige Residential DRAWINGS Design

L.G.A:Wollondily Shire Council Bluegum Lifetsyle Resort

Date: 01/08/2017

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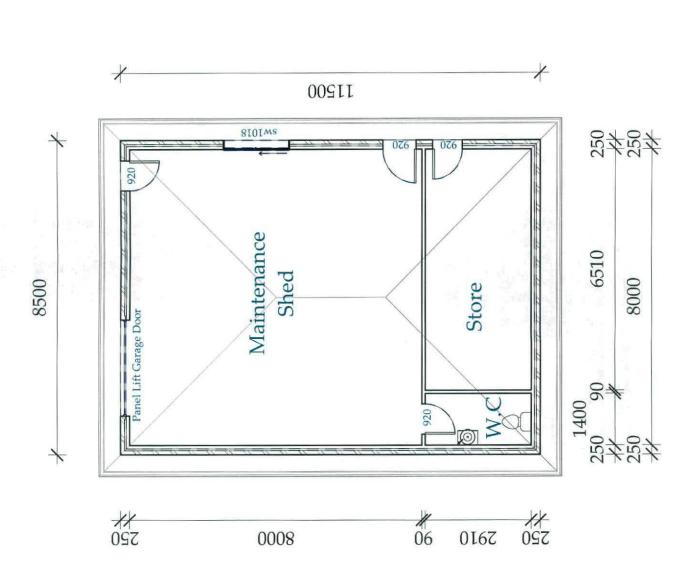
Basixs

Taylah Doosey

19

0437350233

24m2 Maintenance Shed: Storage:



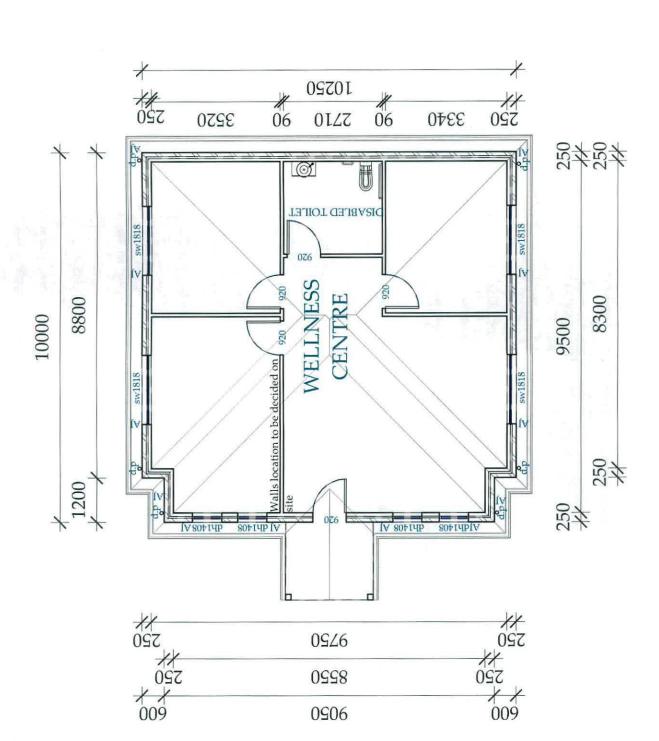
# Ground Floor Plan

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taylah.doosev@gmail.com		

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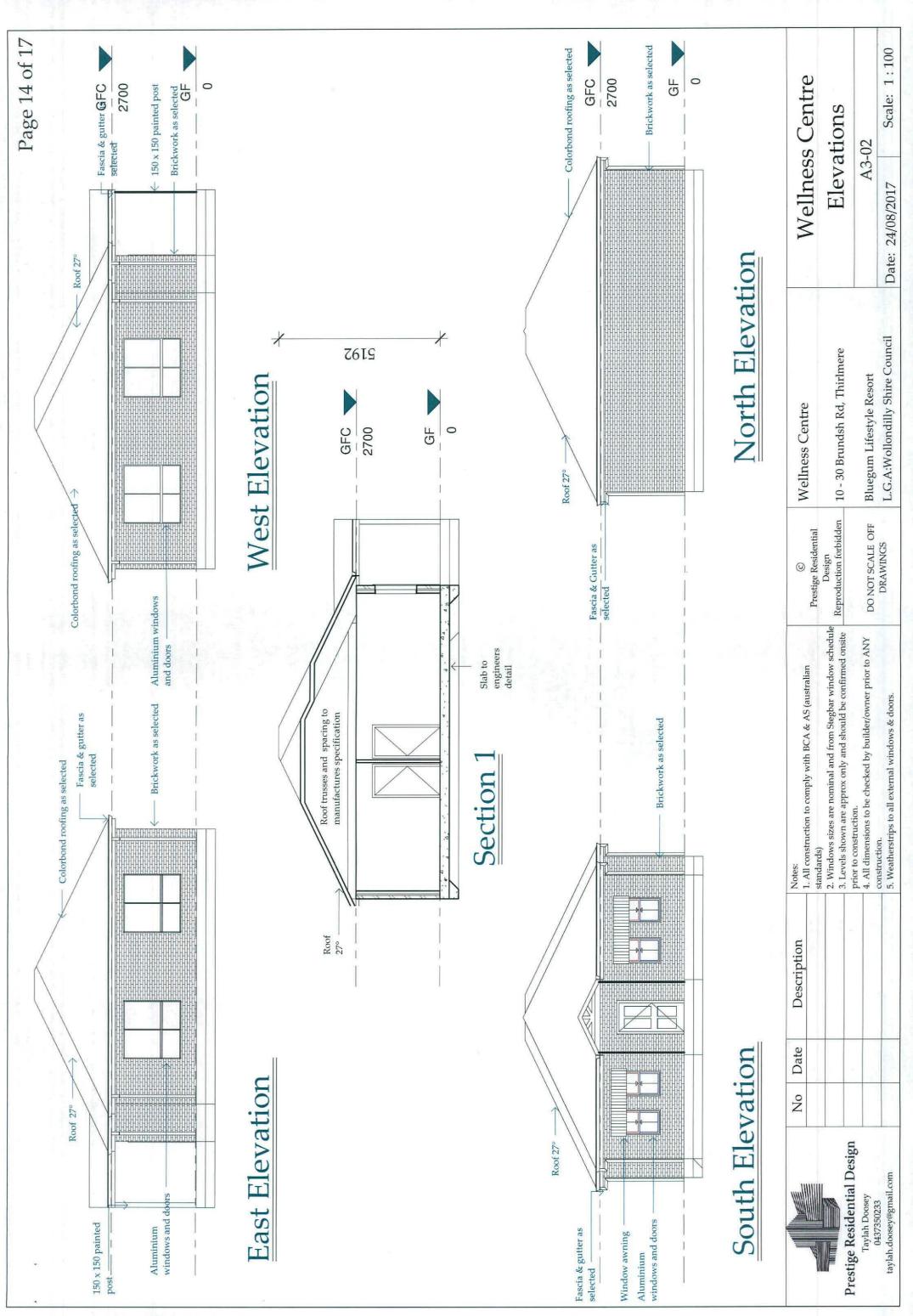
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Welness centre: 101m2

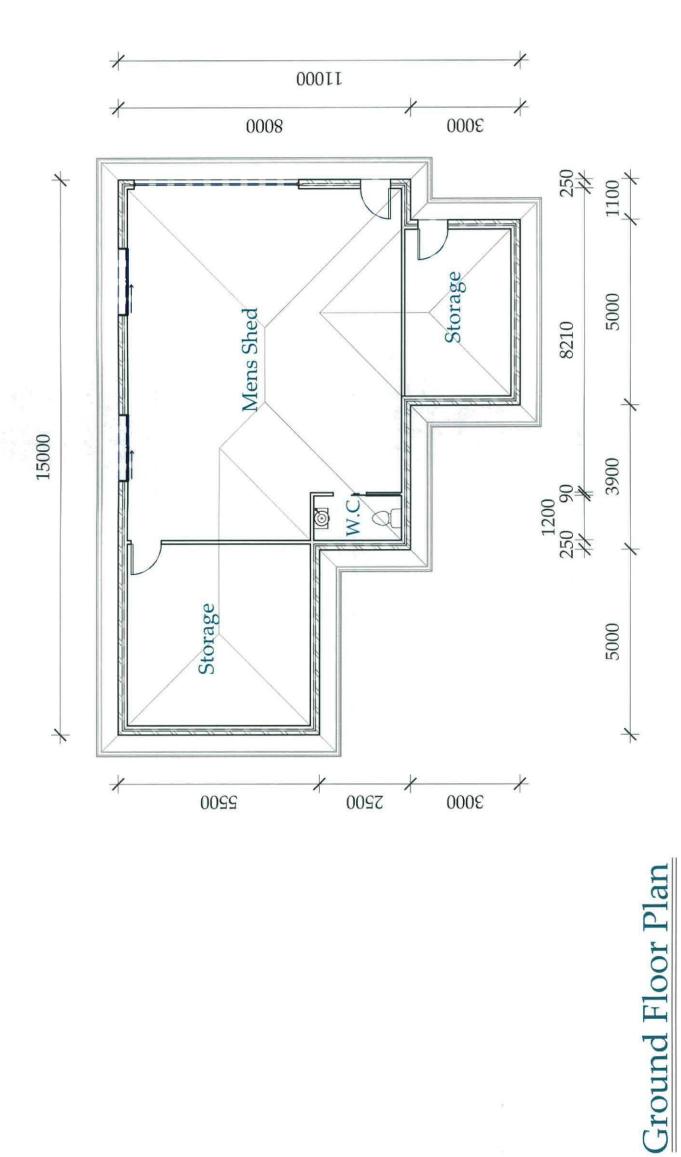


# Ground Floor Plan

AS (australian	<b>©</b>	Wellness Centre	
gbar window schedule d be confirmed onsite	Prestige Residential Design Reproduction forbidden	10 - 30 Brundsh Rd, Thirlmere	
owner prior to ANY	DO NOT SCALE OFF	Bluegum Lifestyle Resort	
doors.	DRAWINGS	L.G.A:Wollondilly Shire Council	Dat



AreaMens Shed: 77m2
Storage: 45m2

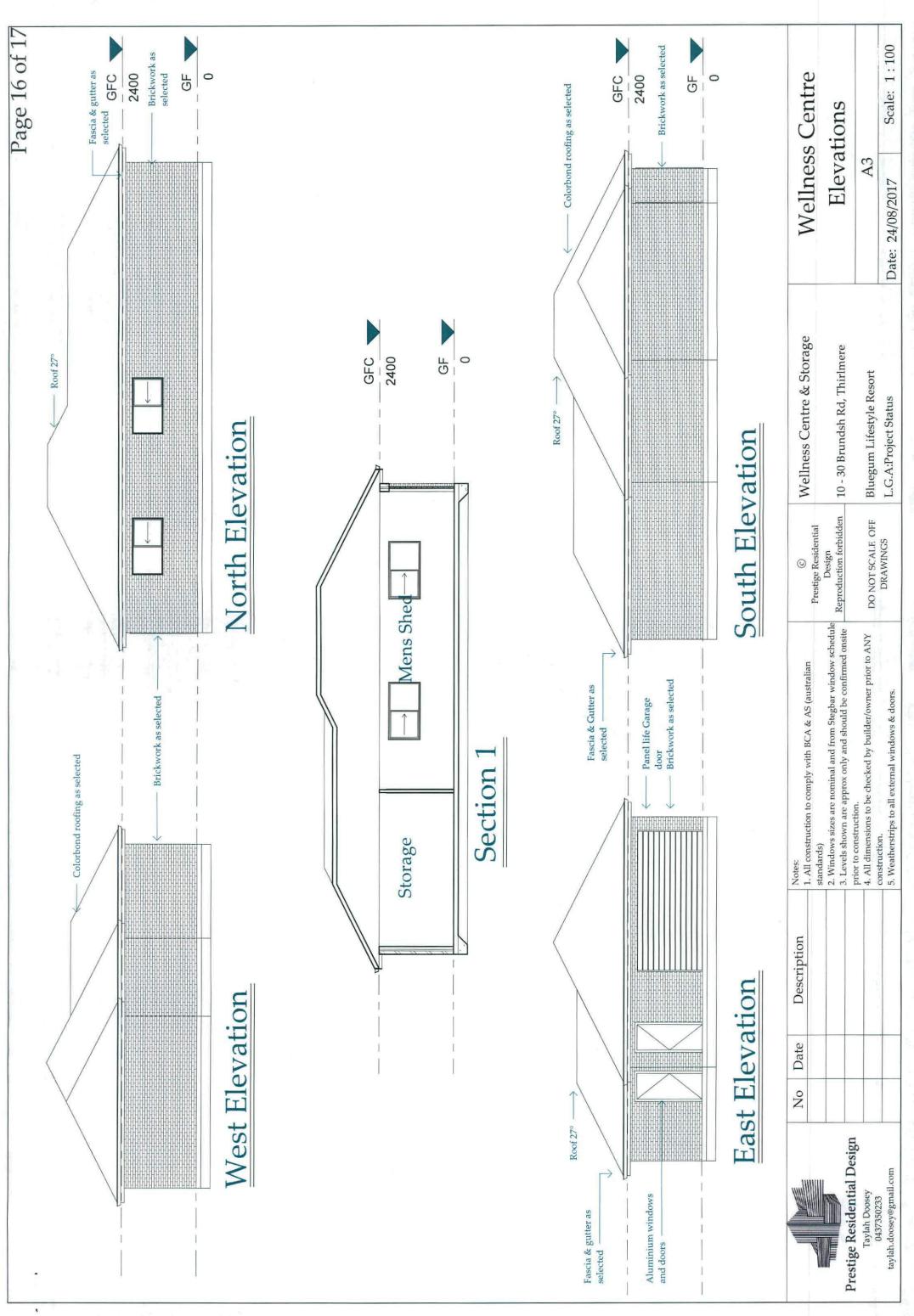


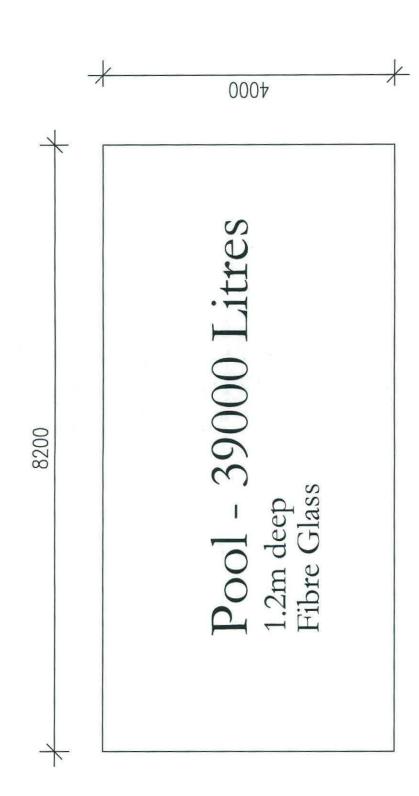
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Wellness Centre & Storage	10 - 30 Brundsh Rd, Thirlmere	Bluegum Lifestyle Resort L.G.A:Project Status
© Prestige Residential	Design Reproduction forbidden	DO NOT SCALE OFF DRAWINGS
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Ground Floor Plan	A3	5 Scale: 1 · 100
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Prestige Residential Design

Prestige Residential Design
80 Pacific Ave, Werri Beach NSW 2534
Phone— 0458970195 Fax— 0242340717
taylah.doosey@gmail.com

CLIENT. BLUEGUM LIFESTYLE RESORT THIS SHEET. POOL PLAN
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DATE. 24/08/2017

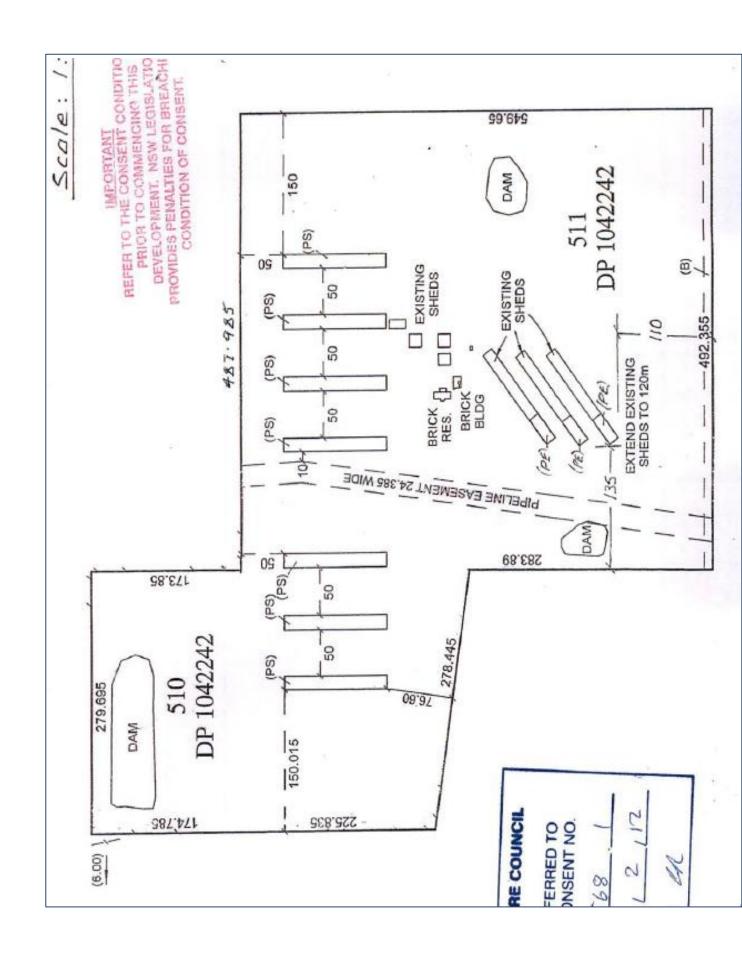


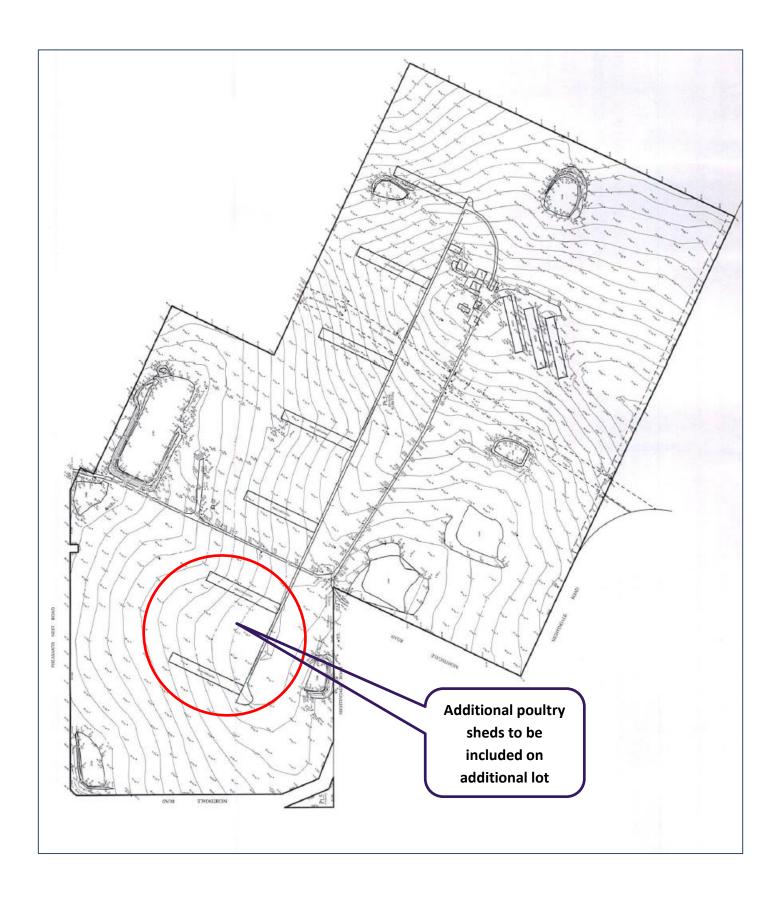
## **GR3 Attachments**

- Approved shed location on smaller lot
- Modification to shed location on larger lot
- 3. Photographs of disused poultry sheds at No. 335 Pheasants Nest Road
- 4. Aerial location of subject site and adjacent No. 335 Pheasants Nest Road poultry farm.
- 5. Location of heritage dwelling at No. 290 Pheasants Nest Road.

#### Monday 11 December 2017

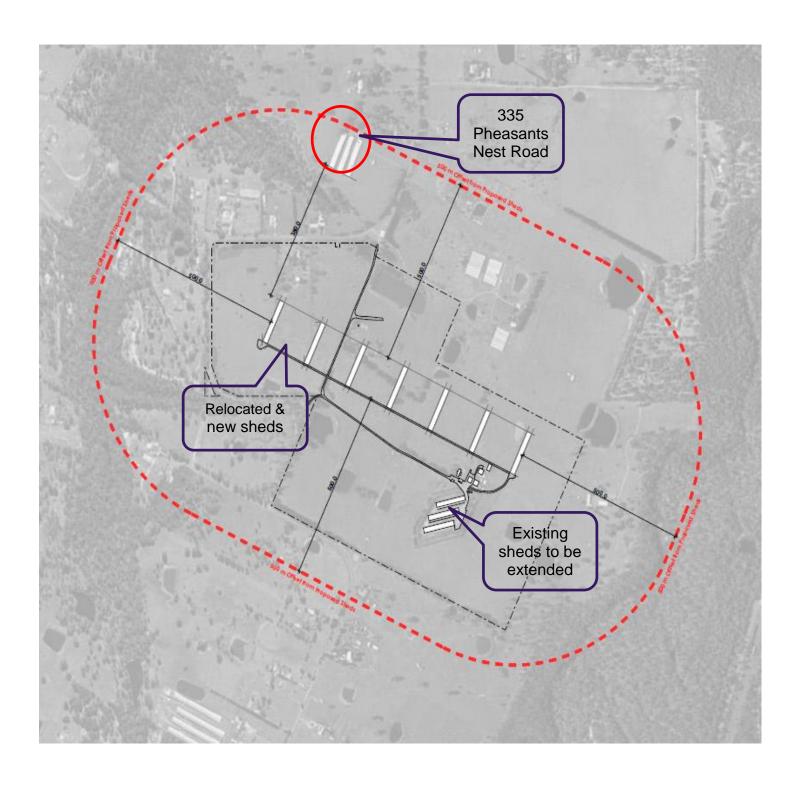
GR3 – Development Application No. 010.2011.00000568.002 - Modification of Consent – 294 – 296 Pheasants Nest Road, Pheasants Nest

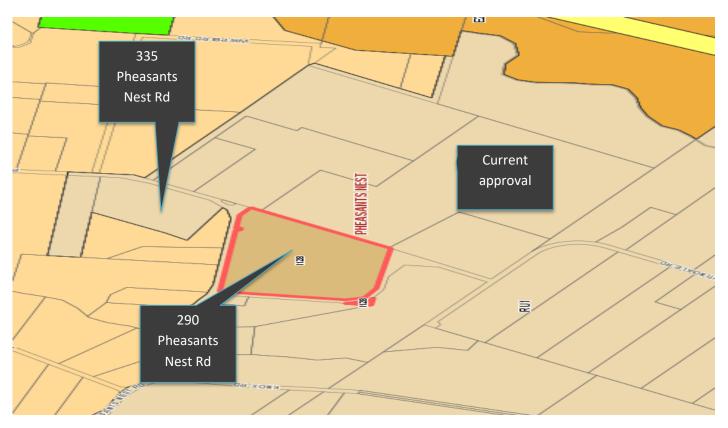














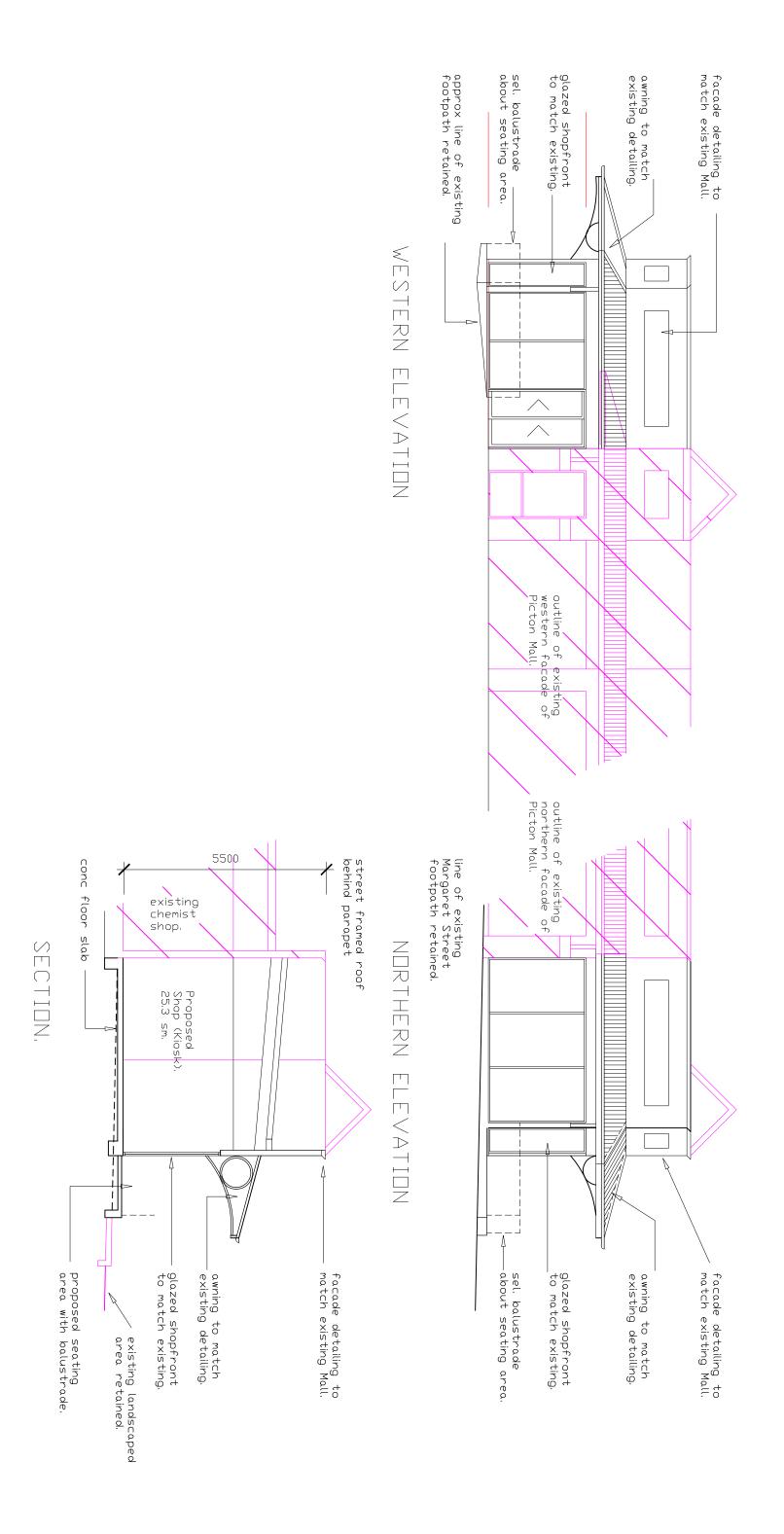


## **GR4 Attachments**

- 1. Margaret St Shop elevation
- 2. Margaret St Section elevation
- 3. Margaret St Site Plan

### Monday 11 December 2017

GR4 – Development Application 010.2017.00000043.001 – Construction Retain Building, Basement Car Park & Demolish Old Fire Station Building – 7-9 Margaret Street, Picton



Proposed Retail Development. at Margaret St Picton NSW. (Old Fire Station Site)

DRAKEDES Building & Design Consultants. Picton NSW Tel. 0407 939 181

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**(**)

Shop Addition Elevations &

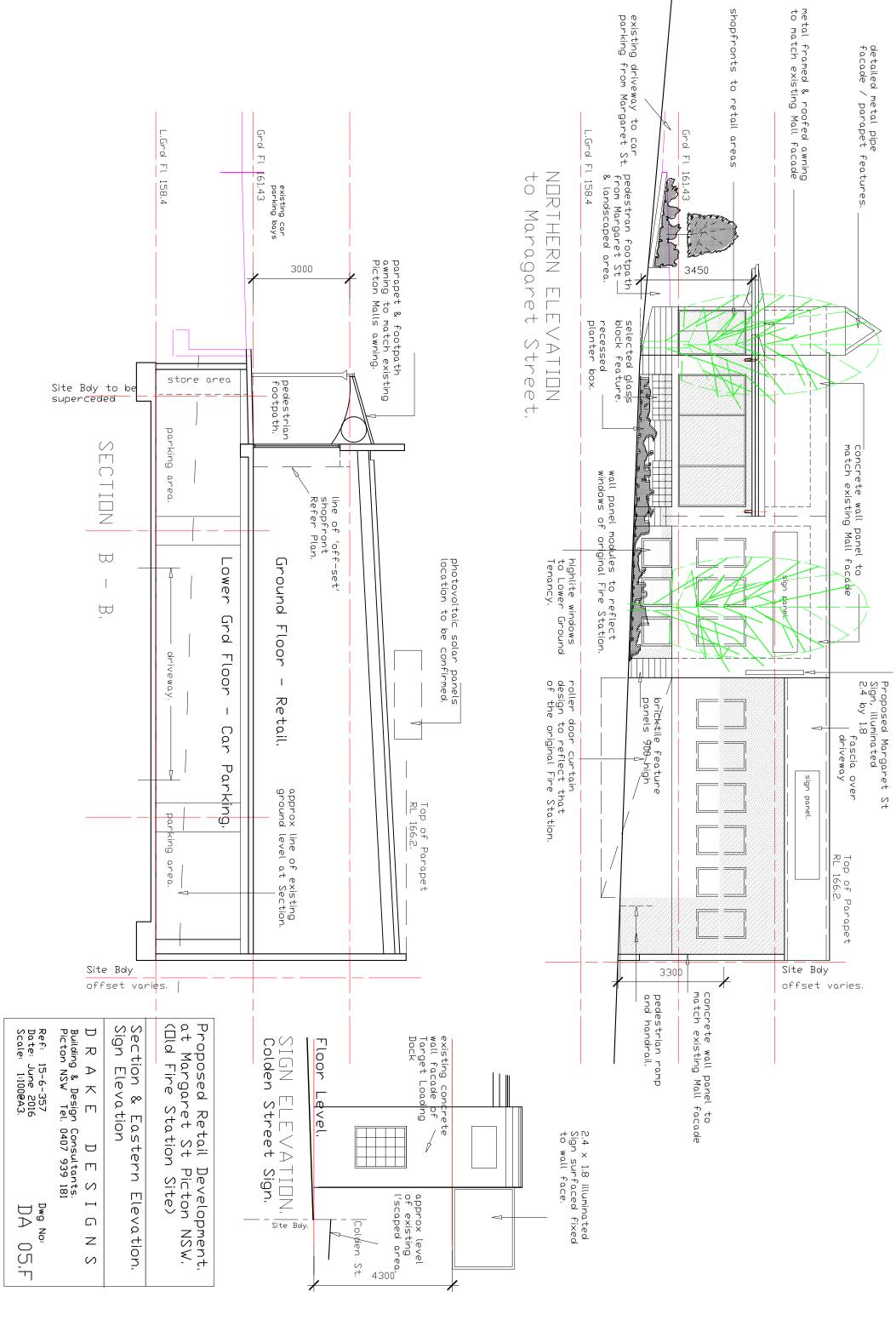
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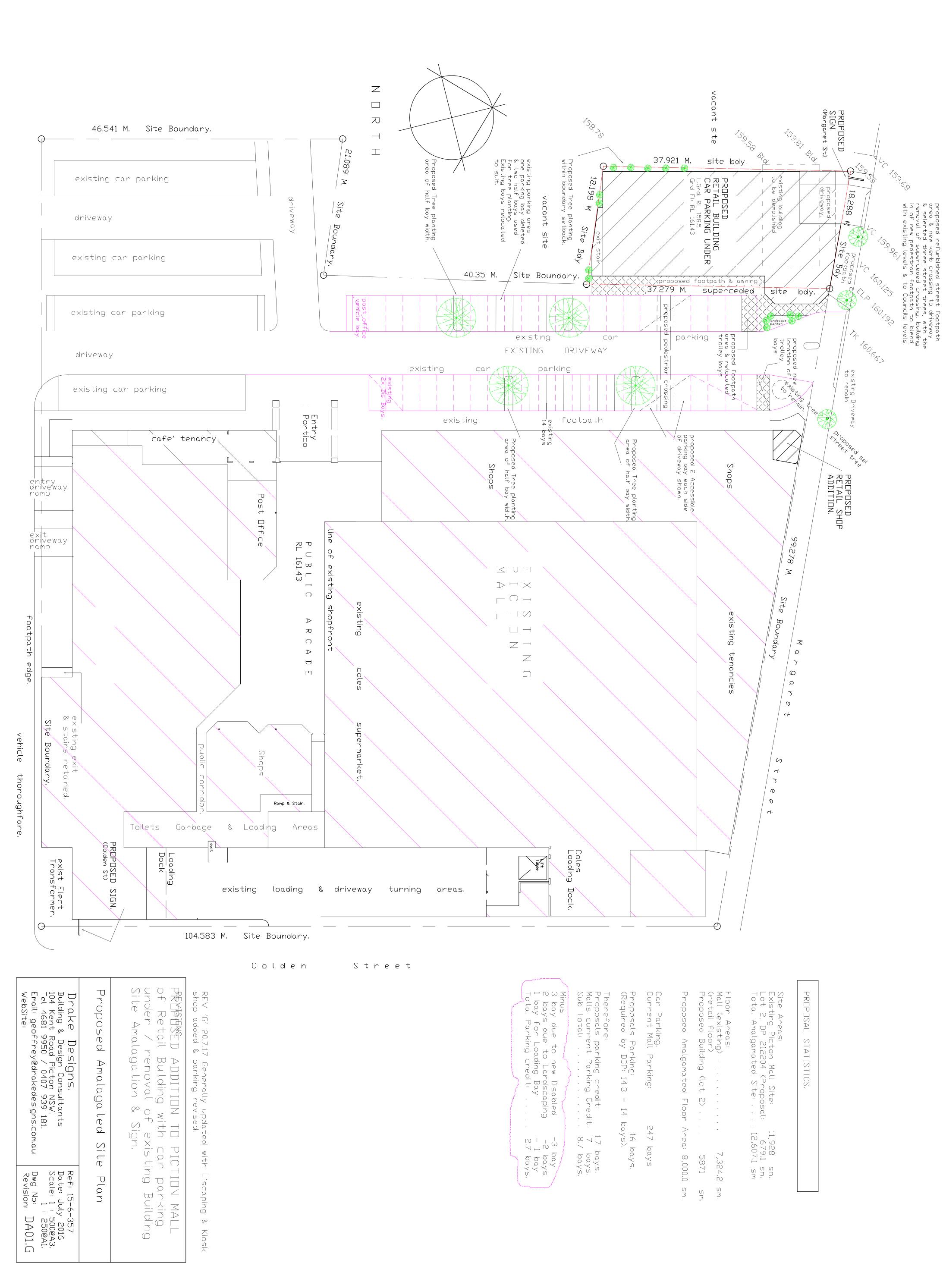
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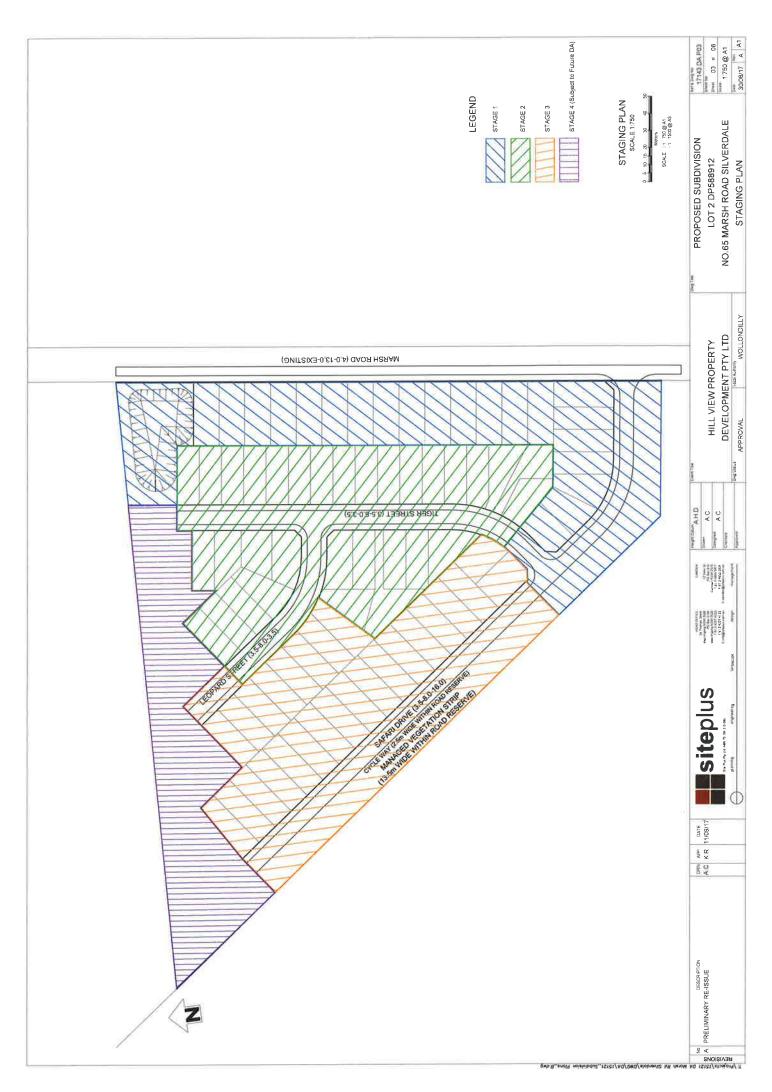


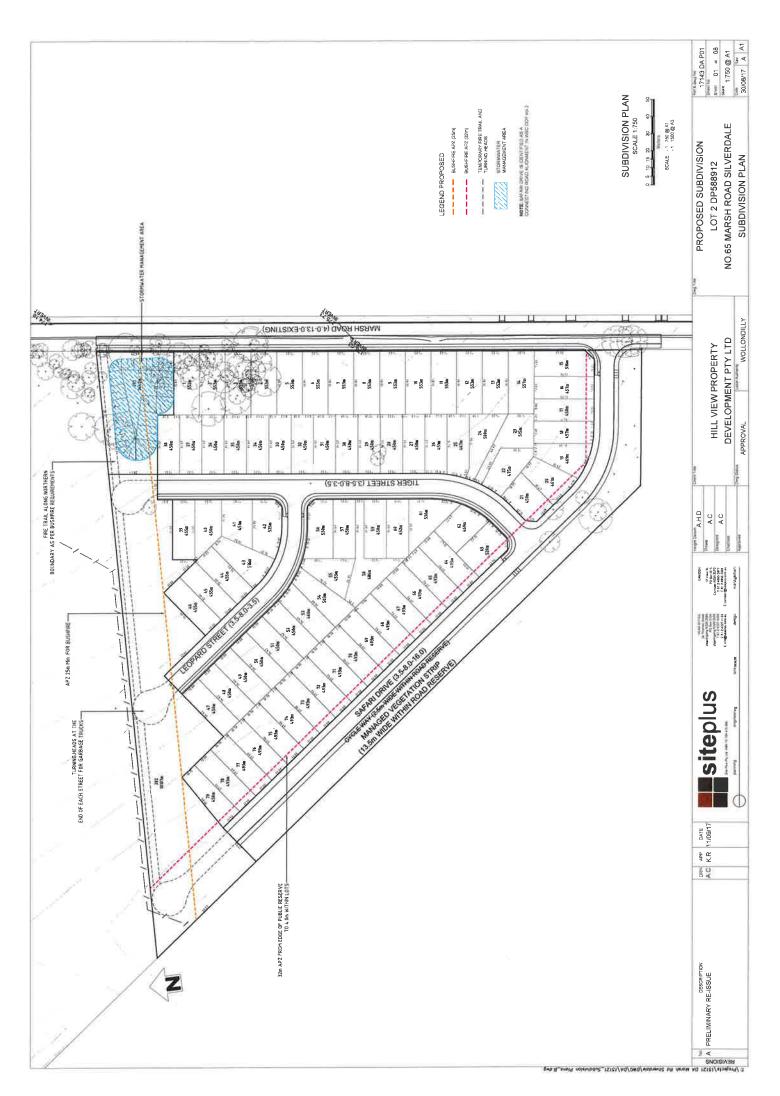
# **GR6 Attachments**

- 1. Staging plan
- 2. Site Layout
- 3. Site plan showing identified contamination on site
- 4. Flora & Fauna survey plan

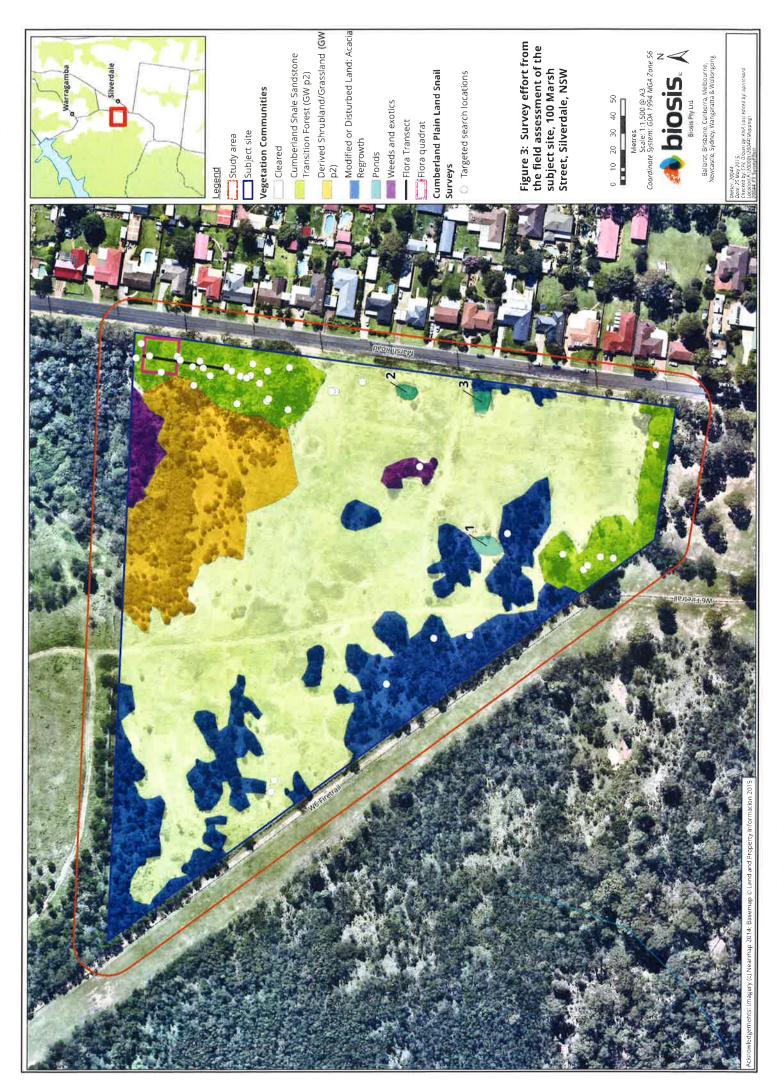
# Monday 11 December 2017

GR6 – Development Application No.010.2015.434.001 for demolition of existing structures, bulk earthworks, remediation of land, staged residential subdivision to create 79 lots, 2 residue lots, drainage infrastructure, and landscape works - 65 Marsh Road Silverdale









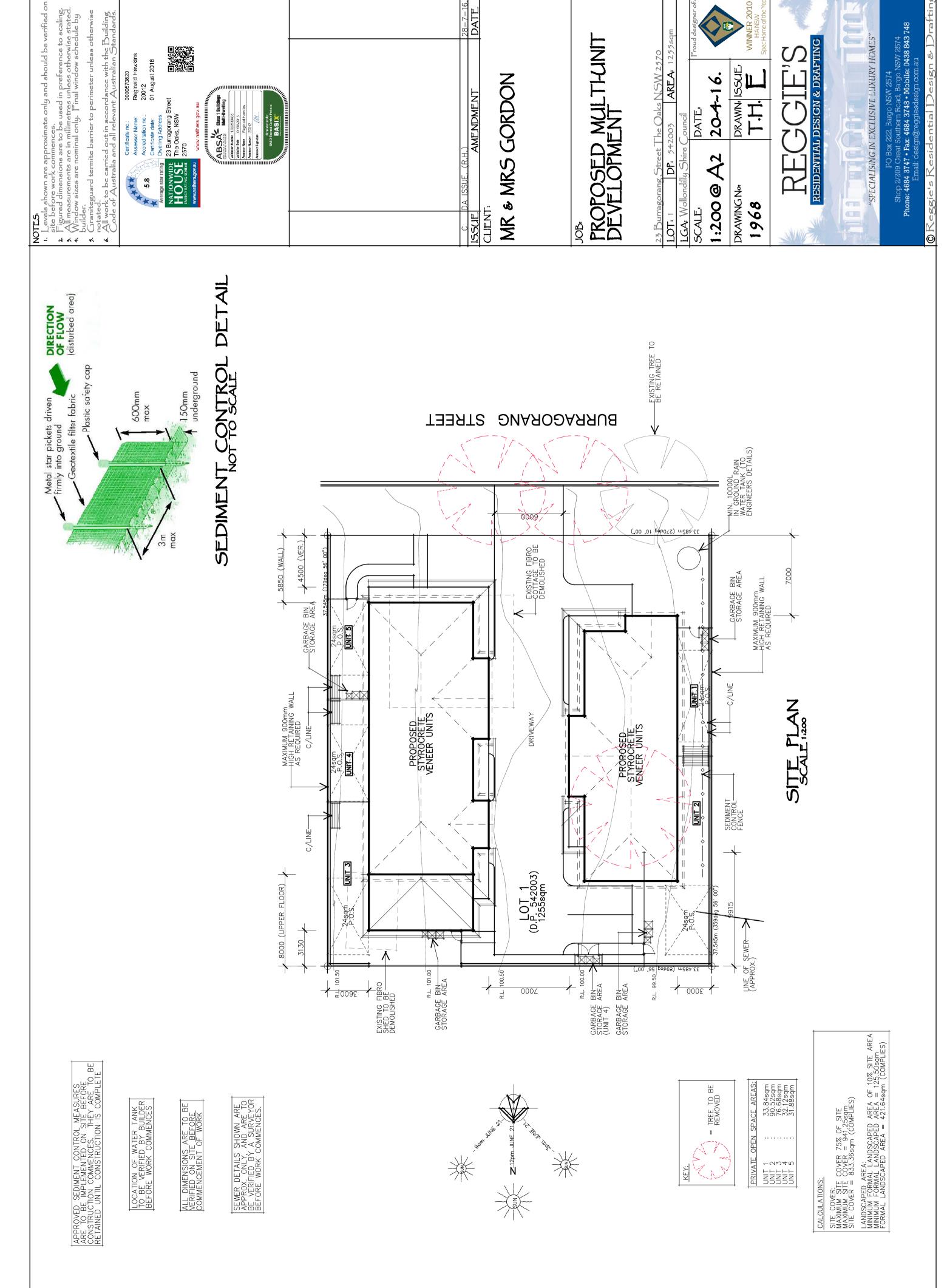


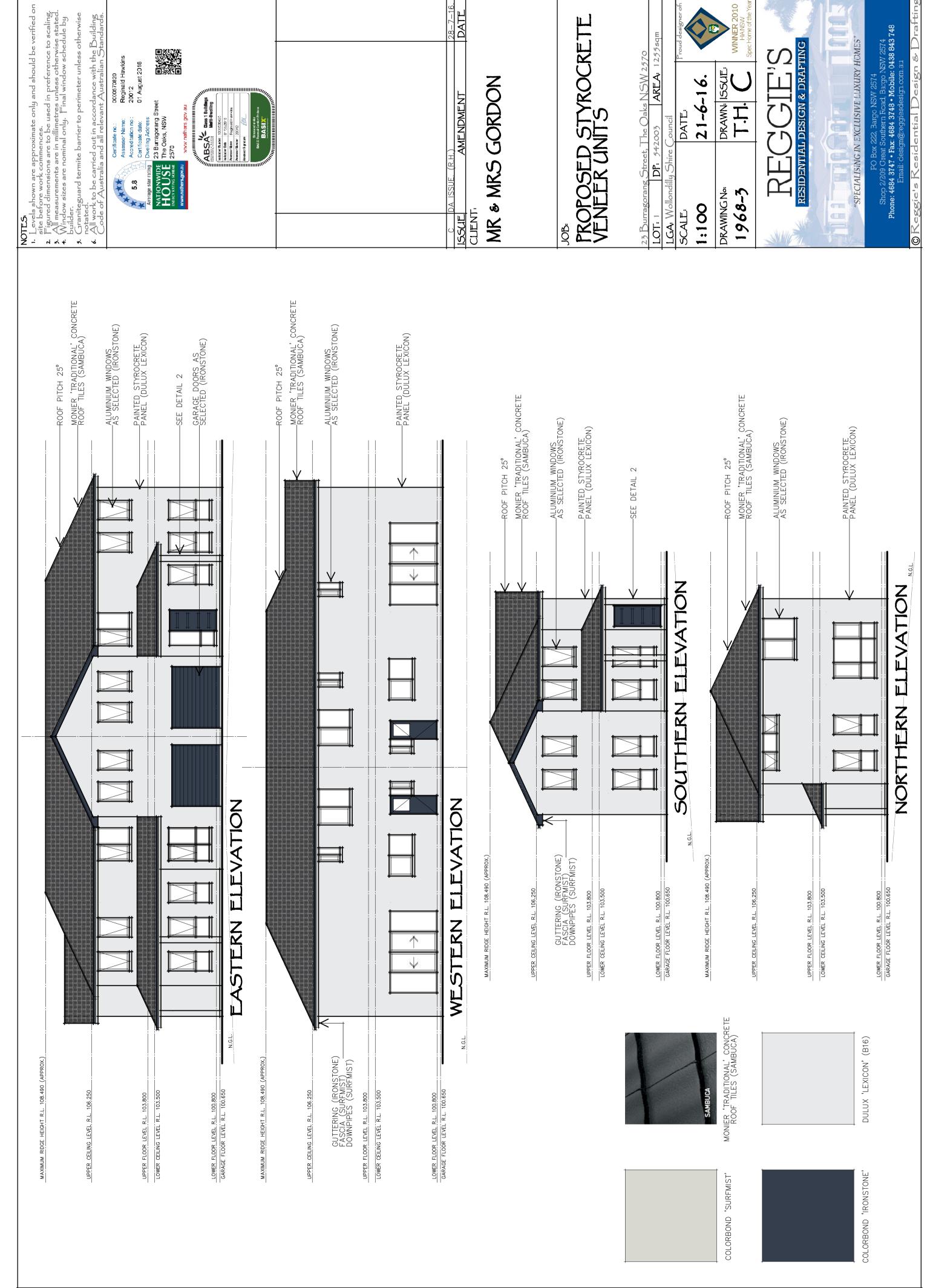
# **GR7 Attachments**

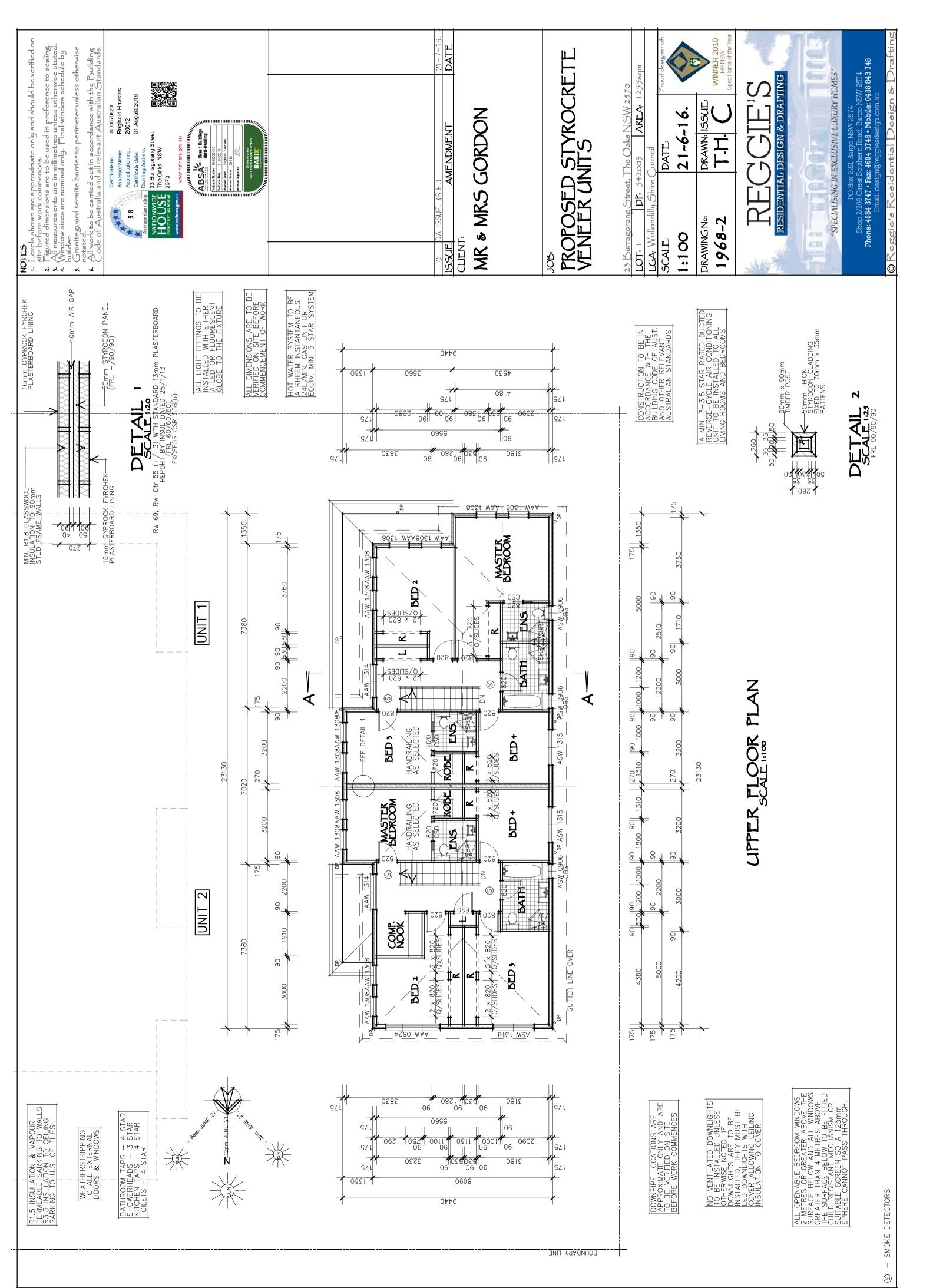
- 1. Site Plan (Issue E)
- 2. Elevations, units 1 to 2 (Issue C)
- 3. Upper Floor Plan, units 1 to 2 (Issue C)
- 4. Elevations, units 3 to 5 (Issue E)
- 5. Upper Floor Plan, units 3 to 5 (Issue E)
- 6. Landscape Plan (Issue C)
- 7. Lower Floor Plan, units 1 to 2 (Issue C)
- 8. Lower Floor Plan, units 3 to 5 (Issue E)

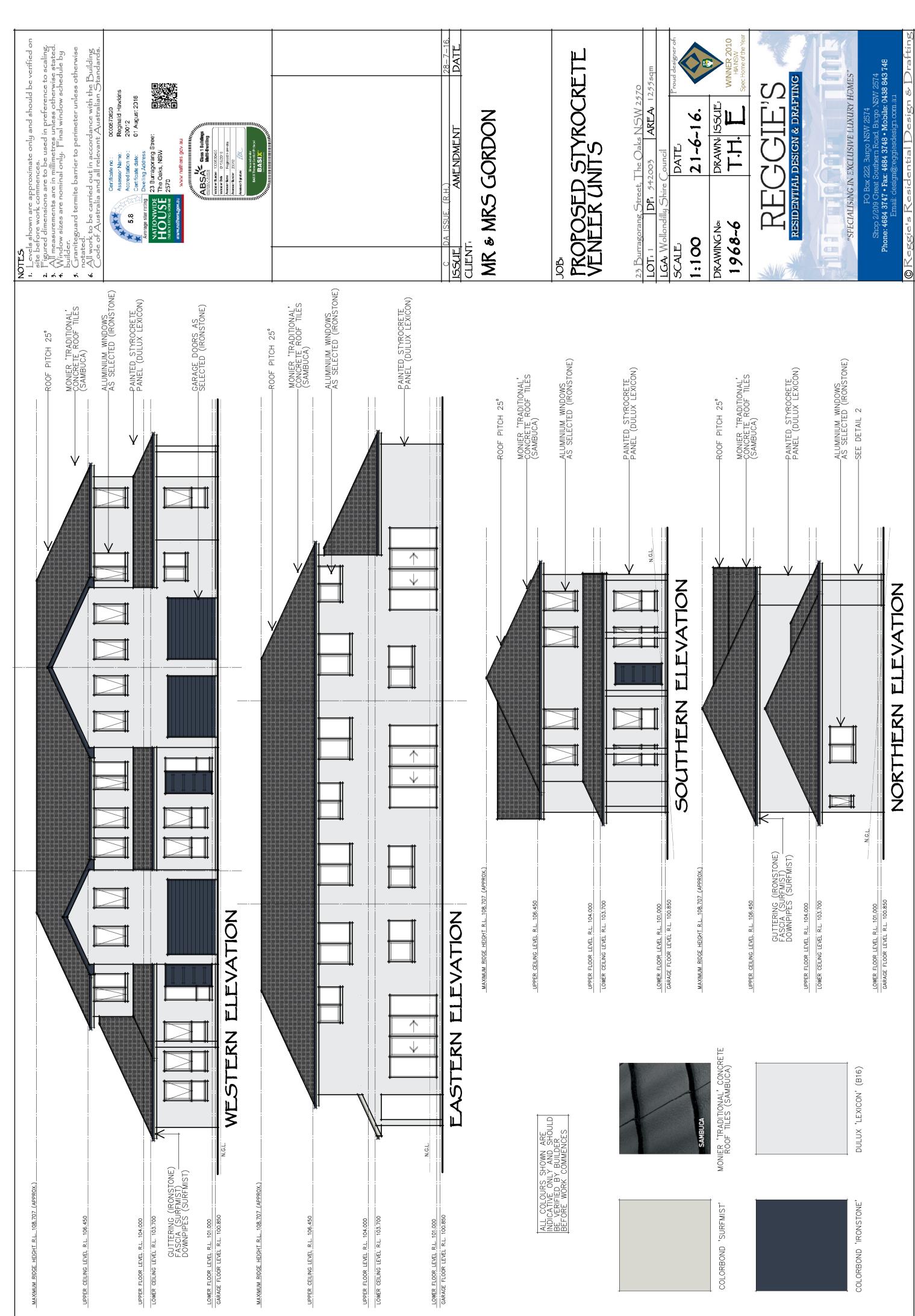
# Monday 11 December 2017

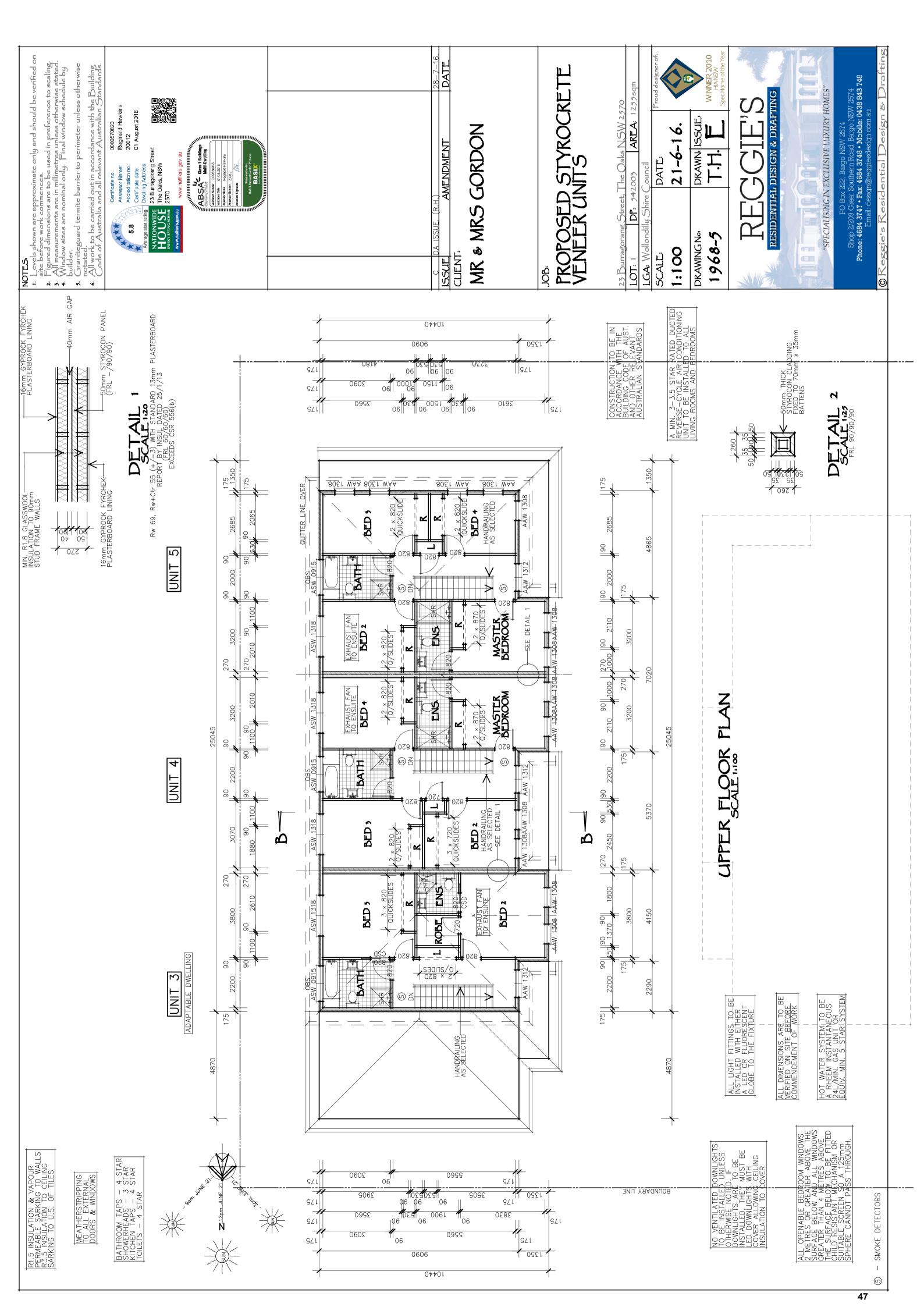
GR7 – Development Application No. 010.2016.00000590.001 – Demolition of Structures & Construction of 5 Multi Dwelling Housing – 23 Burragorang Street, The Oaks

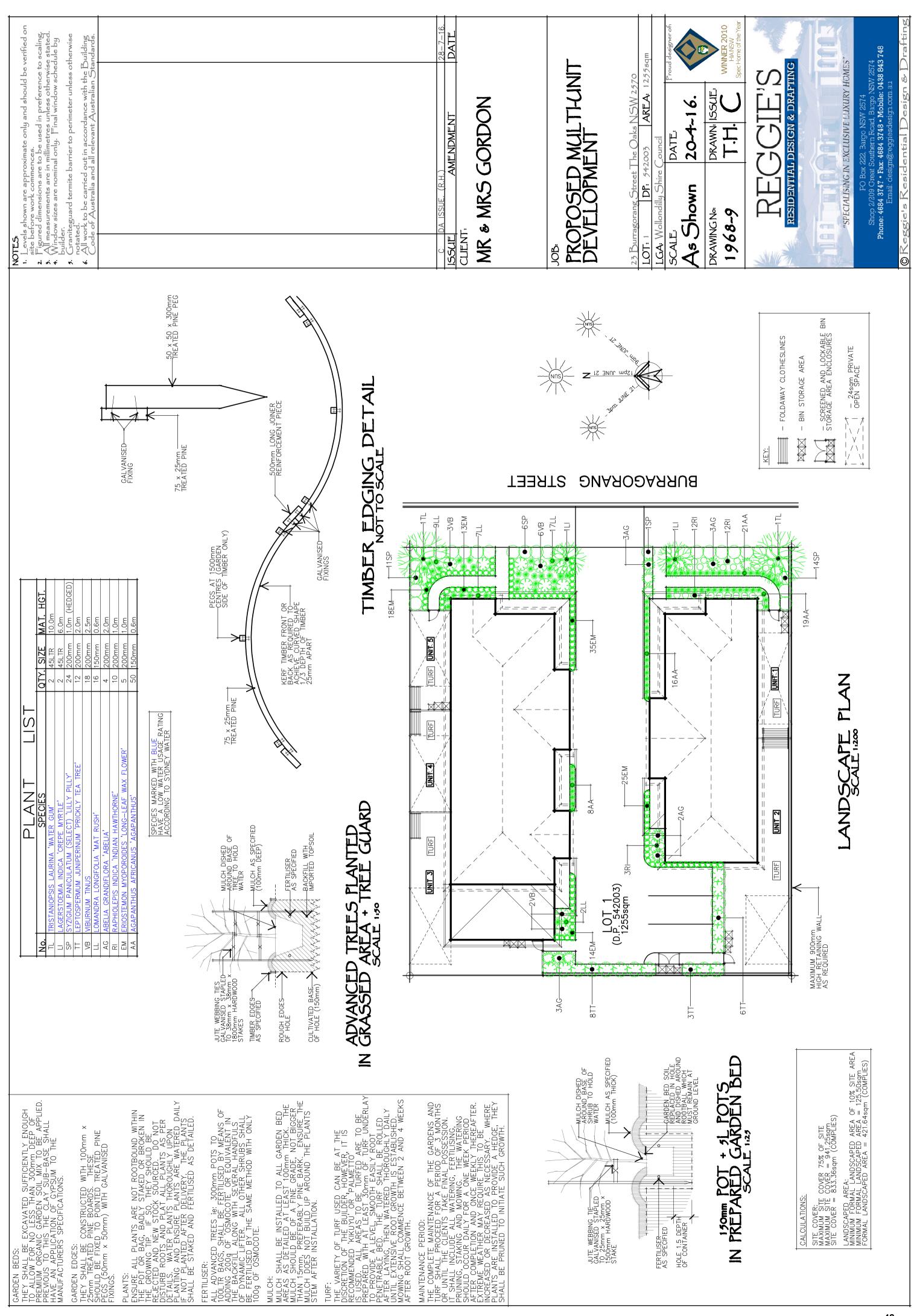


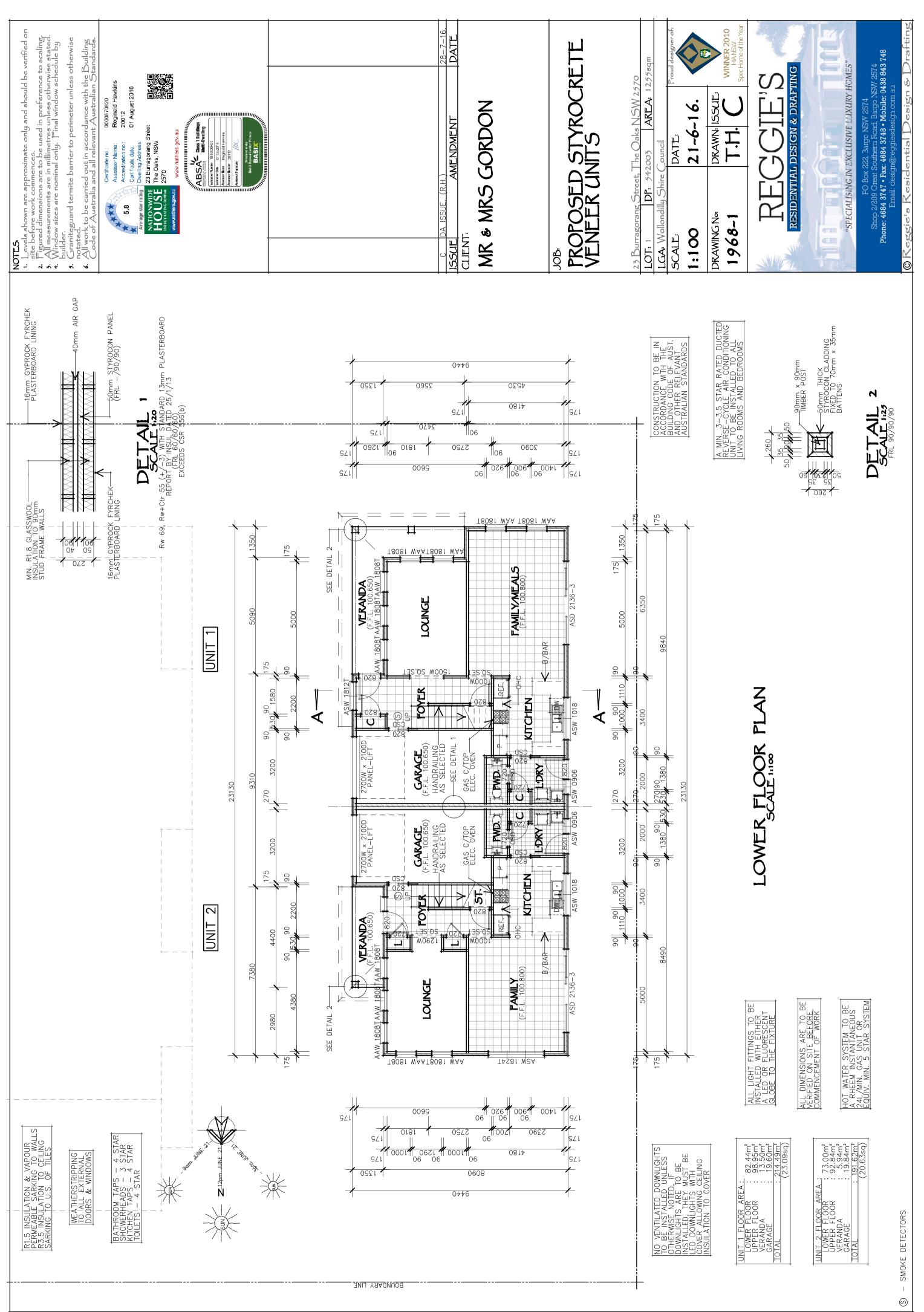


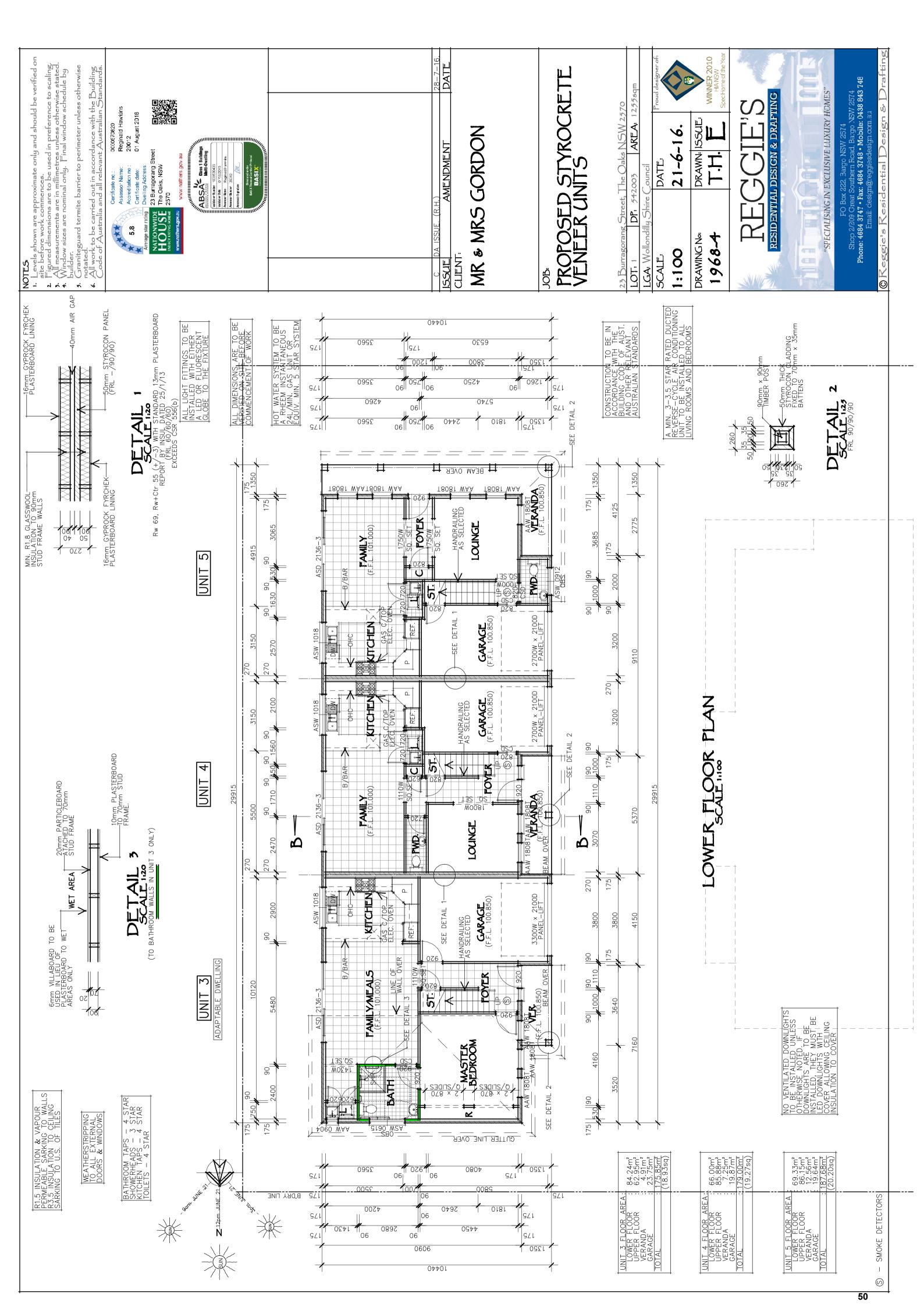














# **GR8 Attachments**

- Council Report & Minutes to November 2016
- 2. Meeting Council Report & Minutes to August 2016
- 3. Meeting Proposed Land Zones Map
- 4. Proposed Minimum Lot Sizes Map
- 5. Proposed Height of Building Map

# Monday 11 December 2017

GR8 - Stilton Lane Planning Proposal

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 November 2016, commencing at 6.31pm

# Planning and Economy

# PE3 Stilton Lane Planning Proposal

1 TRIM 7142

Cr Deeth left the meeting at 7.04pm due to a previously declared Conflict of Interest in this Item.

The Manager Executive Services left the meeting at 7.04pm and returned at 7.06pm.

# 234/2016 Resolved on the Motion of Crs Gould and Landow:

That consideration of the Stilton Lane Planning Proposal be deferred to permit further discussion with the proponent regarding the constraint issues raised by Council. The further report to Council shall also include detail relating to:

- a) Comments received from the Roads & Maritime Services in relation to the planning proposal
- b) Comments received from the Subsidence Advisory Board NSW regarding the co-existence of mining and urban development
- c) The cost of preparing an Employment Lands Study and possible funding arrangements
- d) Analysis of the Picton Thirlmere Tahmoor precinct showing spatial separation between the towns and villages as a result of land zoning and minimum lot size provisions
- e) Further analysis of the options to protect the Cumberland Plain Woodland community found in the western quadrant of the site
- f) Further analysis of how the proposal will enable growth whilst retaining consistency with the concept of "Rural Living" outlined in the Wollondilly Growth Management Strategy.
- g) Further analysis of how the proposal can minimise land use conflicts, particularly at the interface between the low density residential area and adjoining industrial zone.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Khan, Briggs, Banasik, Law, Lowry, Landow, Hannan and Gould

Cr Deeth returned to the meeting at 7.06pm.

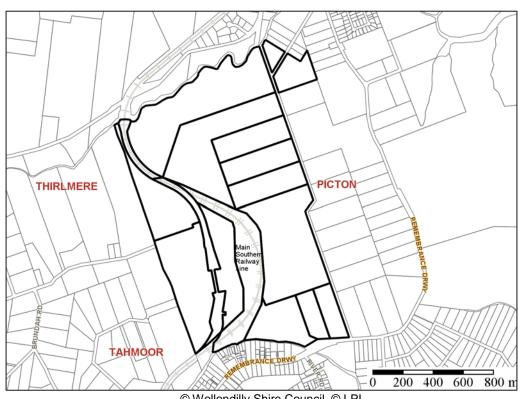


# **PE3 - Stilton Lane Planning Proposal**

#### PE3 **Stilton Lane Planning Proposal**

**TRIM 7142** 

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



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# ↑ LOCATION MAP N

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



# **PE3 - Stilton Lane Planning Proposal**

#### **EXECUTIVE SUMMARY**

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

### **REPORT**

# **BACKGROUND**

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

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



# PE3 - Stilton Lane Planning Proposal

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

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

#### 1.1 SITE DESCRIPTION

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

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

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



# PE3 - Stilton Lane Planning Proposal

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

### 1.2 DESCRIPTION OF PROPOSAL

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

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

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

#### Residential land

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

#### Employment Lands

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



# PE3 - Stilton Lane Planning Proposal

#### **Industrial Land**

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

### **Environmental Conservation**

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

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

#### **CONSULTATION**

# 2.1 FORMAL CONSULTATION WITH COUNCIL STAFF THAT PROVIDE SPECIALIST COMMENT

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

### Traffic and Transport

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

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

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



# PE3 - Stilton Lane Planning Proposal

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

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

## Access and Connectivity

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

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

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

The planning proposal has not satisfactorily addressed these concerns.

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

### Employment Lands

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

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



# **PE3 - Stilton Lane Planning Proposal**

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

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

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

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

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

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

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



# PE3 - Stilton Lane Planning Proposal

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

#### Tourism Precinct

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

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

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

# Education, Health and Aged Care

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

# Education

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

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

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



# **PE3 - Stilton Lane Planning Proposal**

#### Health

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

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

#### Aged Care

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

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

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

# Bushfire Hazard

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

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



# **PE3 - Stilton Lane Planning Proposal**

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

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

# Stormwater, Flooding and Water Quality

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

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

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



# PE3 - Stilton Lane Planning Proposal

#### Geotechnical

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

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

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

#### Infrastructure Provision

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

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

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

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

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



# PE3 - Stilton Lane Planning Proposal

# Biodiversity

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

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

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

# Separation of Picton and Tahmoor

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

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

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



# PE3 - Stilton Lane Planning Proposal

#### Residential Land Supply

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

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

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

# Specialist Studies

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

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



# PE3 - Stilton Lane Planning Proposal

#### 2.2 CONSULTATION WITH PUBLIC AGENCIES

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

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

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

#### Sydney Water

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

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

# **Natural Gas**

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

#### Telecommunications

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



# **PE3 - Stilton Lane Planning Proposal**

#### Electricity

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

#### Mining

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

#### 2.3 COMMUNITY CONSULTATION

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

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

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

Lance Bulletin	1.0
Issue Raised	Assessment Comment
Need for a railway station and car park due to population increases	Consultation with rail authorities would determine whether a railway station is able to be provided should the planning proposal proceed.
Planning proposal is unclear regarding future employment land.	The proponents have suggested a range of potential uses for land adjoining Remembrance Drive and are not proposing to change the RU2 Rural Landscape zone in this section of the site. No specific proposal has been received.
The increase in population of around 2,000 people would require a large investment in local services and infrastructure.	It is agreed there would be additional infrastructure requirements and additional information in this regard should be sought from government agencies if the planning proposal proceeds. An assessment of local services and facilities would also be required.
Traffic congestion through Argyle Street would require a bypass road via Maldon.	The potential traffic impact is a concern as outlined in the report. Options for a Picton bypass are a medium to long term project.  If the planning proposal proceeds a traffic study will be required.



# **PE3 - Stilton Lane Planning Proposal**

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

# 2.4 PREPARATION OF A PLANNING PROPOSAL

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

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

# Council's options are:

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



# **PE3 - Stilton Lane Planning Proposal**

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

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

Option 3 is the recommendation of this report.

#### 2.6 A PLAN FOR GROWING SYDNEY

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

#### 2.7 Section 117 Ministerial Directions

#### Direction 4.4 Planning for Bushfire Protection

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

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

# 2.8 STATE ENVIRONMENTAL PLANNING POLICIES

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



# **PE3 - Stilton Lane Planning Proposal**

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

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

## 2.10 WOLLONDILLY GROWTH MANAGEMENT STRATEGY 2011 (GMS)

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

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



# PE3 - Stilton Lane Planning Proposal

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



# PE3 - Stilton Lane Planning Proposal

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



## PE3 - Stilton Lane Planning Proposal

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



adjoining an industrial area may lead to

conflict between residential and industrial uses and affect the sustainability of the industrial area.

# PE3 - Stilton Lane Planning Proposal

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



## **PE3 - Stilton Lane Planning Proposal**

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

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

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



## PE3 - Stilton Lane Planning Proposal

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

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

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

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

### 2.11.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2016

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



## PE3 - Stilton Lane Planning Proposal

### **VOLUNTARY PLANNING AGREEMENT**

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

### **FINANCIAL IMPLICATIONS**

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

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

### **ATTACHMENTS**

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

### RECOMMENDATION

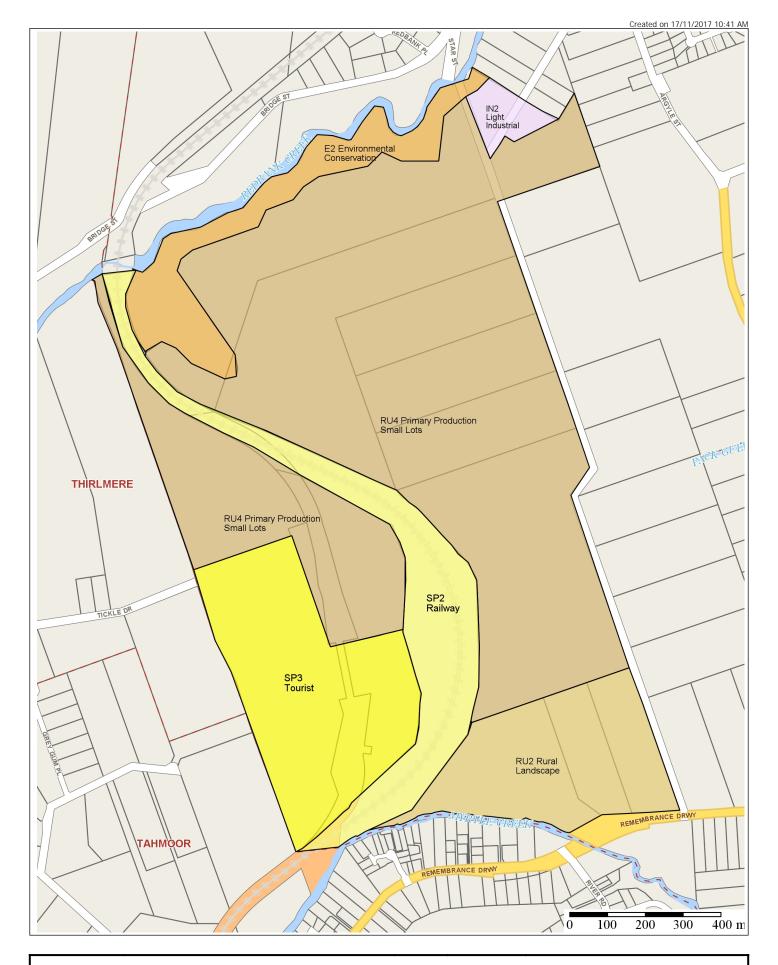
- 1. That Council not support the preparation of a Planning Proposal for the Stilton Lane site which includes the following land being Lot 10 DP 583245 (5 Stilton Lane), Lot 1 DP 583248 (10 Stilton Lane), Lot 2 DP 583247 (15 Stilton Lane) Lot 4 DP 1180702, (20 Stilton Lane), Lot 53 DP 251857 (30 Stilton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



## **PE3 - Stilton Lane Planning Proposal**

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







Wollondilly Shire Council PO Box 21 PICTON NSW 2571 Ph: (02) 4677 1100 Fax: (02) 4677 2339 Web: www.wollondilly.nsw.gov.au

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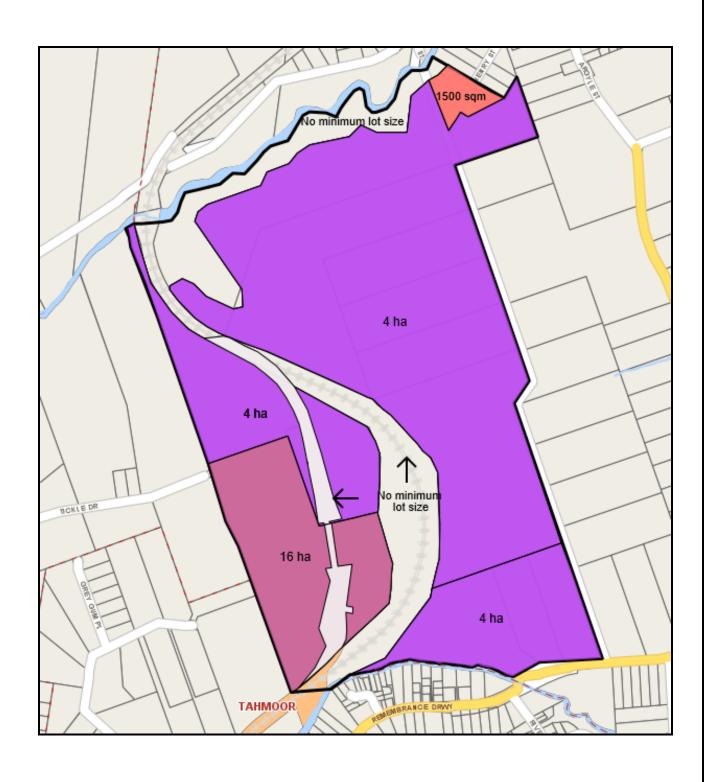
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Kitty Carter

**Stilton Lane Proposed Land Use Zones** 

17/11/2017 10:41 AM



Stilton Lane Planning Proposal Proposed Minimum Lot Sizes



Stilton Lane Planning Proposal

Proposed Maximum Height of Buildings

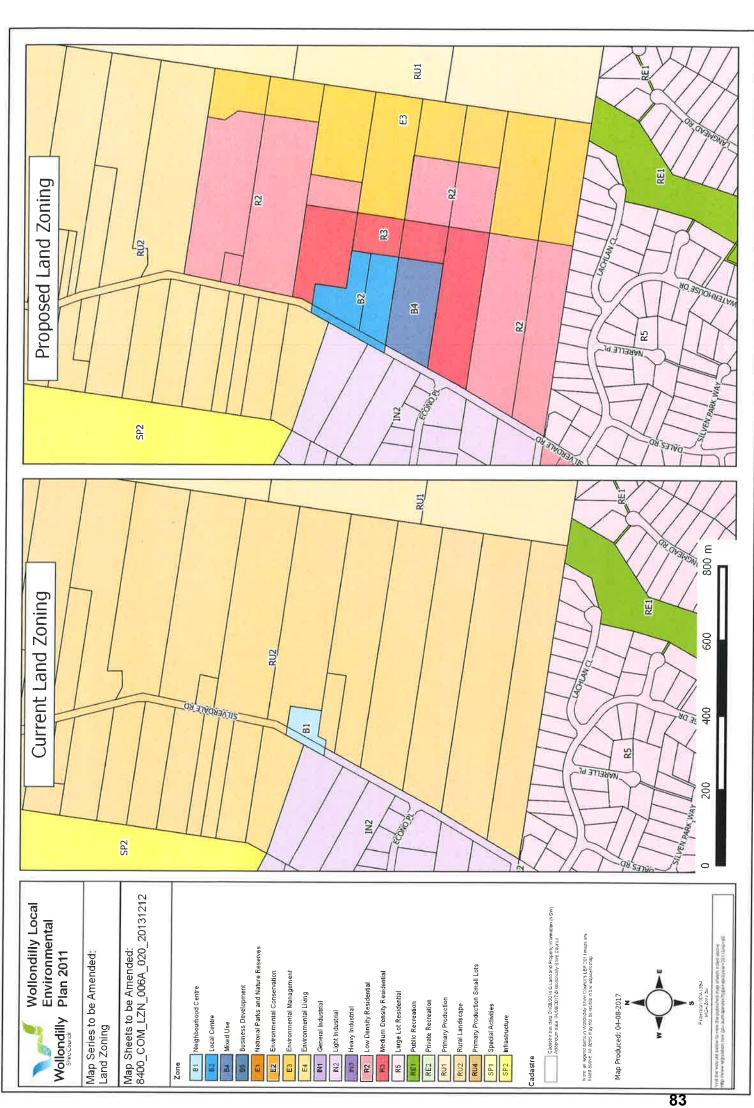


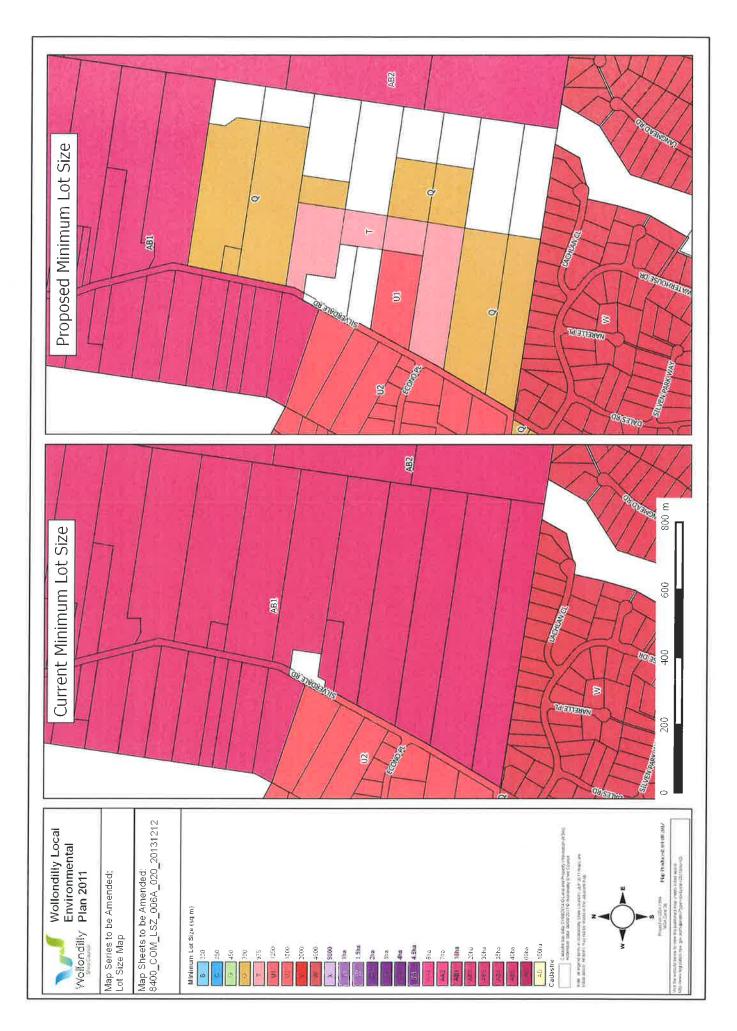
# **GR9 Attachments**

- 1. Current Land Use Zoning Comparison Map (Public Exhibition Version)
- 2. Current Minimum Lot Size Comparison Map (Public Exhibition Version)
- 3. Current Maximum Height of Comparison Map (Public Exhibition Version)
- 4. Current Natural Resources Biodiversity Layer Comparison Map (Public Exhibition Version)
- 5. Current Odour Buffer Map Comparison (Public Exhibition Version)
- 6. Suggested amended Land Use Zoning Comparison Map (for Altered Gateway Determination Request)
- 7. Suggested amended Minimum Lot Size Comparison Map (for Altered Gateway Determination Request)
- 8. Staging Plan
- 9. Map showing indicative location of proposed park.
- 10. Comments from Department of Primary Industries (Agriculture)
- 11. Comments from Roads and Maritime Services NSW
- 12. Extract from Traffic Impact Assessment showing possible future intersection arrangement and main entry
- 13. Current Urban Release Area Comparison Map (Public Exhibition Version)

# Monday 11 December 2017

GR9 – Planning Proposal – North Silverdale Commercial, Residential and Environmental Lands

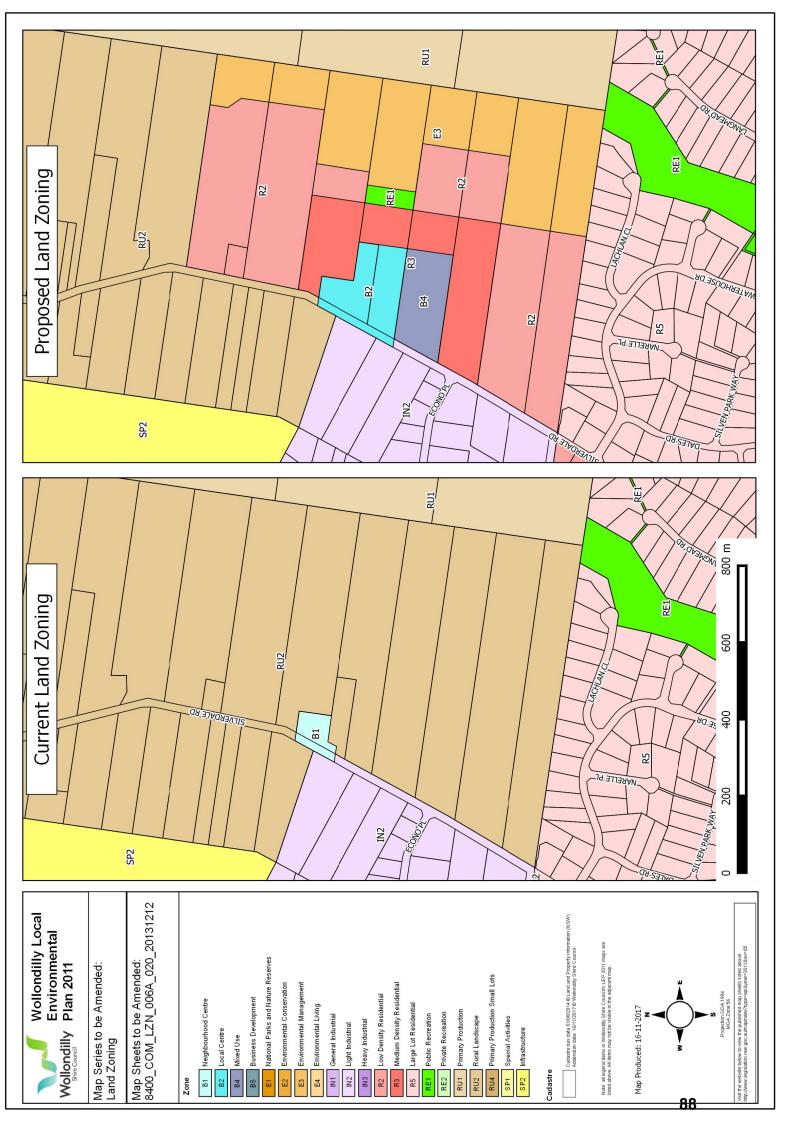


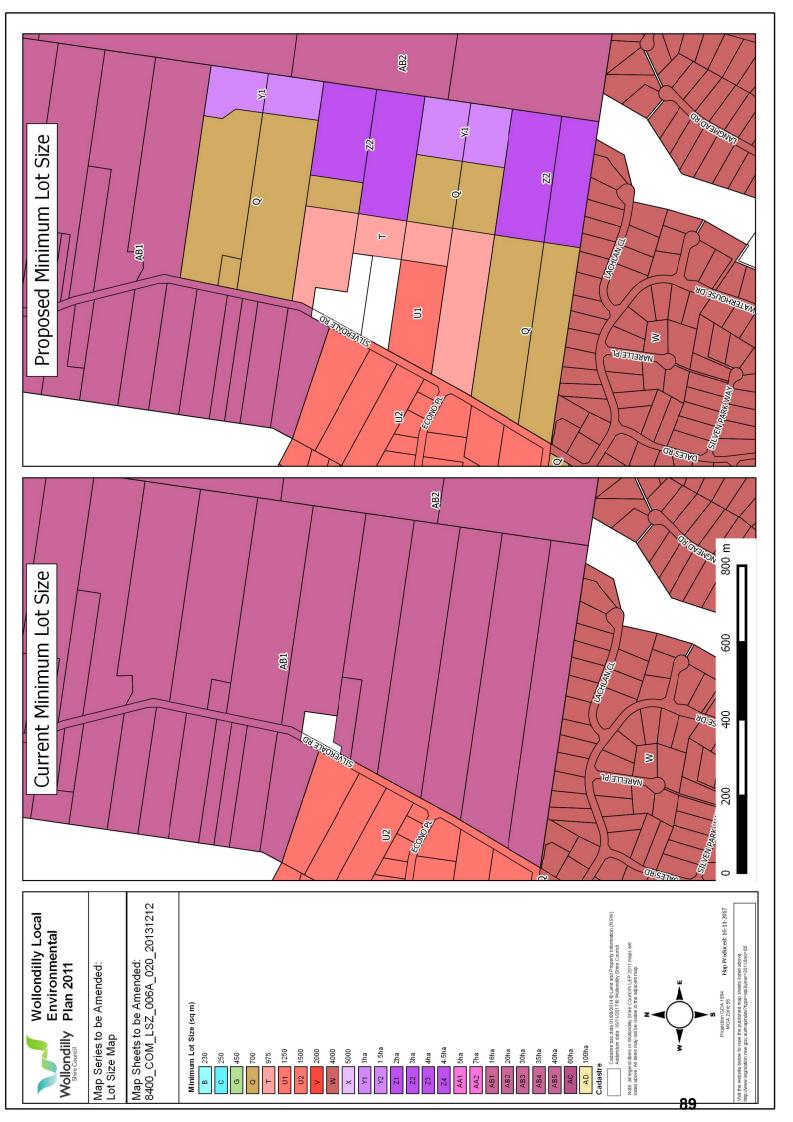












| December | December





PARK / LANDSCAPING TO
PROTECT GREVILLEA
JUNIPERINA SUBSP.
JUNIPERINA (VULNERABLE
TSC ACT.). REFER BIOSIS.

FEATURE TREE

ZONING BOUNDARY

**EXISTING DAM** 

**NEW LINE OF APZ** 

PREVIOUS LINE OF APZ

R2 ZONE

LEGEND

R3 ZONE

B2 Zone

B4 Zone

E3 Zone

DWELLING ENTITLEMENT AND / OR PARK.



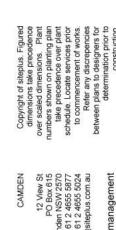
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project no. 16148

dwg no. PM04/04







OUT17/39540

29 September 2017

Mark Ruddiman
Senior Strategic Planner
Wollondilly Shire Council
PO Box 21
PICTON NSW 2571
mark.ruddiman@wollondilly.nsw.gov.au

Dear Mr Ruddiman

# Planning Proposal – North Silverdale to rezone rural landscape for urban development near a medium size commercial poultry farm.

In response to your correspondence of 28 August 2017, DPI Agriculture provides the following advice:

# DPI Agriculture;

- Is concerned that the development will impact the commercial poultry farms to the north of the site due to complaints from residents/businesses experiencing odour and noise.
- Highlights that an EPA level 1 odour assessment undertaken by DPI indicates that odour could occur within 1700m of the poultry sheds. The proposed 500m buffer is not substantiated by evidence. A Level 2 or Level 3 odour modelling using CALPUFF may predict that odour would impact less land.
- Notes that there does not appear to be a noise impact assessment. The Industrial Noise Policy recommends that:
  - 'In certain instances zoning for an area will allow multiple uses. For instance, some areas are classified as 'Rural' with industry-related land uses permissible, thus allowing rural uses (including a dwelling) and industries in the same area. In terms of noise the permissible uses may not be entirely compatible, and where this mix of development is permitted it may not always be possible to achieve the desirable noise criteria for receivers. In these instances, the noise levels that are achievable will be defined by applying all feasible and reasonable mitigation measures. It is highly recommended that the relevant consent authority consider the need to incorporate noise mitigation measures in noise-sensitive developments where such mixed development is permitted, for example, new residences proposed near industrial or commercial areas. Page 19;
  - http://www.environment.nsw.gov.au/resources/noise/ind\_noise.pdf
- Informs Council that the Agricultural Suitability Mapping highlights that the site contains agricultural land class 3 suitable for cropping in rotation with pasture (Attachment) and there is evidence that the land has been used for growing crops.
- Recommends that, if the proposal proceeds, in relation to the Right to Farm, the
  council may need to provide some undertaking or assurance that any odour or noise
  complaints directed at the poultry farm as a result of the proposed rezoning do not
  compromise the normal operation of the farm.

For further information contact Andrew Docking, Resource Management Officer, 98428607 and see attachment for relevant guidelines:

Thank you for providing the opportunity to comment on the planning proposal.

Yours sincerely

Lilian Parker

A/Manager

**Agriculture Landuse Planning** 

Attachment: Agricultural Land Class for the location.



# Other references:

- Land Use Risk Assessment Guideline, <a href="https://www.dpi.nsw.gov.au/">https://www.dpi.nsw.gov.au/</a> data/assets/pdf\_file/0018/412551/Land-use-conflict-risk-assessment-LUCRA-guide.pdf
- Odour Assessment calculator, <a href="http://www.epa.nsw.gov.au/air/odour.htm">http://www.epa.nsw.gov.au/air/odour.htm</a>
- Right to farm, land use planning and buffers for agriculture refer to the DPI website: http://www.dpi.nsw.gov.au/land-and-water/land-use/lup

Our Ref: STH13/00170/01

Contact: Andrew Lissenden 4221 2769

Council Ref: TRIM6454MR:TM



19 September 2017

Lee Farrell Transport Planner, Freight, Strategy & Planning Transport for NSW

BY EMAIL: <u>Lee.Farrell@transport.nsw.gov.au</u>

# PUBLIC EXHIBITION OF PLANNING PROPOSAL - TO REZONE LAND AT NORTH SILVERDALE

#### Dear Lee

Roads and Maritime Services (RMS) refers to a letter from Wollondilly Shire Council dated 28 August 2017 and our subsequent phone discussion on 18 September 2017 regarding the above Planning Proposal (PP). RMS notes that the submitted PP seeks, in part, to rezone land to part B2 Local Centre, part B4 Mixed Use Development, part R2 Low Density Residential, part R3 Medium Density Residential and part E3 Environmental Management. The rezoning based on the assessment provided, enabling a mix of residential (up to 400 additional lots) and retail/commercial development (up to 5,950 square metres). RMS is providing the comments below to Transport for NSW (TfNSW) for inclusion in a whole of Transport response to Council.

As such, RMS has reviewed the documentation provided and offers the following comments for inclusion in a cluster response:

- <u>Silverdale Road:</u> RMS recognises that PP is not seeking to gain direct access to/from a state classified road with all access to be provided by an unclassified regional road (i.e. Silverdale Road) which is managed by Wollondilly Shire Council. Given the above, and having regard for the comments below in relation to traffic signals, RMS considers that it would be more appropriate for Council to determine whether or not the proposed access arrangements are acceptable from a network perspective (i.e. acceptable in terms of safety and efficiency).
- Traffic signals: RMS notes that the submitted Traffic Impact Assessment (TIA) prepared by Bitzios Consulting, dated 21 April 2017, in part, recommends the installation of traffic signals at the intersections of Silverdale Road/Central Access Road and the Silverdale Road/Farnsworth Avenue. In accordance with the provisions of Section 87 of the Roads Act, 1993 RMS comment and approval will be required for the above works. Limited details have been provided at this time to enable a thorough assessment of the proposed signalised access arrangements. In this regard RMS would be happy to provide further comment as required and work with all stakeholders in the process (e.g. review electronic SIDRA modelling, review concept designs including geometry and phasing, etc).

### **Roads & Maritime Services**

- <u>Traffic assessment:</u> RMS has reviewed the submitted TIA and provides the following comments:
  - SIDRA modelling has been undertaken for a number of intersections that will be impacted on by the PP, however no electronic copes of the SIDRA files have been provided. These files are required so they can be reviewed by both Council and RMS (i.e. RMS will review the files for the proposed traffic signals and associated network modelling files). It is unclear from the information provided if the modelling that has been undertaken utilises the SIDRA network model. RMS is of the opinion that the SIDRA network model should be used as the interaction between the three proposed access points to the land affected by the PP, its future traffic generation as well as existing intersections (e.g. Econo Place/Silverdale Road) need to be considered and addressed all together and not individually;
  - The developments future traffic generation rates have not been based on the updated land use traffic generation rates as detailed in RMS Technical Direction (TDT) 2013/4a. As a consequence the total trip generation rates in the TIA appear to be underestimated. As such, RMS recommends that these are updated and associated total trip generation rates, modelling, etc amended;
  - The estimated development in the proposed R3 zone appears to be underestimated (i.e. Table 2.2 estimates 100 residential units). The *Wollondilly Development Control Plan 2016* which applies to this land provides both a minimum and maximum dwelling density/yield for medium density development. The minimum density/yield would result in 219 units (25 x 8.7723 lot area in hectares) with the maximum density/yield resulting in 395 units (45 x 8.7723 lot area in hectares) which are both significantly above the 100 residential units used in the TIA. As such, RMS recommends that the above should be updated and associated total trip generation figures, modelling, etc amended; and
  - Previous correspondence provided by RMS (refer to letter dated 3 October 2013) required the identification of pedestrian, cyclist and public transport infrastructure that would be needed in association with any future development of the site. No information on the above has been provided in the submitted TIA or the PP report (see additional comments below).
- Promoting increased use of sustainable modes of travel: RMS strongly supports development which will reduce car dependency and encourage the use of sustainable modes of travel including buses, bicycles and walking. RMS therefore recommends that the PP ensure that it supports, to the greatest extent possible, the aims and objectives of the State Government policies dealing with this matter. This including, but not limited to, the provision of pedestrian footpaths, cycleway and public transport infrastructure (e.g. bus bays within the site). The updated information submitted with the PP provides limited details on the above (i.e. no plan showing proposed bus routes and bus stop locations, plans showing pedestrian/cycleway linkages and indicative cross sections). As such, RMS recommends that additional details in relation to the above be provided as part of the current PP:
- <u>Infrastructure provision:</u> RMS in its previous letter on the proposal dated 3 October 2013 recommended that Council do not support the PP until an infrastructure plan has been developed for the site as a whole. The updated information provided does not contain a

### **Roads & Maritime Services**

response to this concerns or the requested infrastructure plan. As such, RMS again recommends that an infrastructure plan be developed for the site as a whole as part of the current PP.

- Developer contributions for road/transport improvements: Council should be satisfied that appropriate mechanisms are in place for developer funding of road/transport infrastructure improvements that may be required as a result of future development of the land covered by the PP (e.g. Planning Agreement, amendment to/creation of a Section 94 Plan, etc). It is noted from the submitted TIA that a range of road/transport infrastructure improvements will be required as a result of the PP. Having appropriate mechanisms are in place for developer funding of this required infrastructure will ensure that any necessary infrastructure upgrades required as a result of future development are provided. If appropriate planning mechanisms to obtain contributions for the upgrades are not established at rezoning stage, the opportunity for developers to contribute to necessary upgrades may be lost. This is likely to lead to unacceptable impacts to the road network. RMS notes that opportunities will exist under Clause 6.1 of the Wollondilly Local Environmental Plan 2011 (WLEP 2011) to seek contributions for State public infrastructure as the PP seeks to include the site on the WLEP 2011 urban release area maps. As such, it is suggested that TfNSW have further discussions with RMS Sydney Strategic Land Use Team in relation to the above and opportunities to obtain contributions towards state infrastructure; and
- Western Sydney Airport: The PP is located in close proximity to the proposed Western Sydney Airport (WSA). The submitted TIA does not appear to consider the proposed WSA development in its forecast traffic volumes. This should be addressed in the TIA as well as the supporting SIDRA modelling. As such, it is suggested that TfNSW should have further discussions with RMS Sydney Strategic Land Use Team in relation to the above.
- RMS property comments: RMS does not have any current road proposal that would affect/require any of the land to which this PP relates.

If you have any further questions please contact Andrew Lissenden on 4221 2769.

Yours faithfully

Sharon Barbaro A/Manager Land Use Southern Region

Cc: mark.ruddiman@wollondilly.nsw.gov.au

AM			PM			
Peak Period	DOS	Average Delay (s)	95% Back of Queue (m)	DOS	Average Delay (s)	95% Back of Queue (m)
Central Access Road (East)	0.281	10.1	8.0	0.543	12.3	25.8
Silverdale Road (North)	0.188	1.9	0.0	0.384	0.9	0.0
Silverdale Road (South)	0.245	9.0	7.5	0.282	13.9	2.7

Given the volume of vehicles travelling south on Silverdale Road, it is apparent that there are few gaps for vehicles to exit from the development as indicated by the short queue length and high delay. Additionally, there may be safety issues relating to sight distance for vehicles on the eastern approach and queuing issues for vehicles from the south.

Based on the above, a signalised intersection would be recommended as shown below in Figure 3.4 noting the duplication of lanes on Silverdale Road.

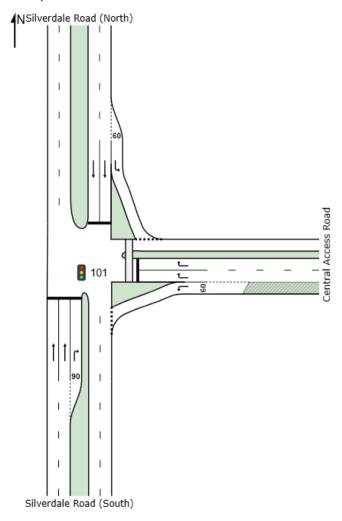


Figure 3.4: Silverdale Road / Central Access Road Intersection Geometric Layout

The results of the SIDRA analysis are presented in Table 3.4

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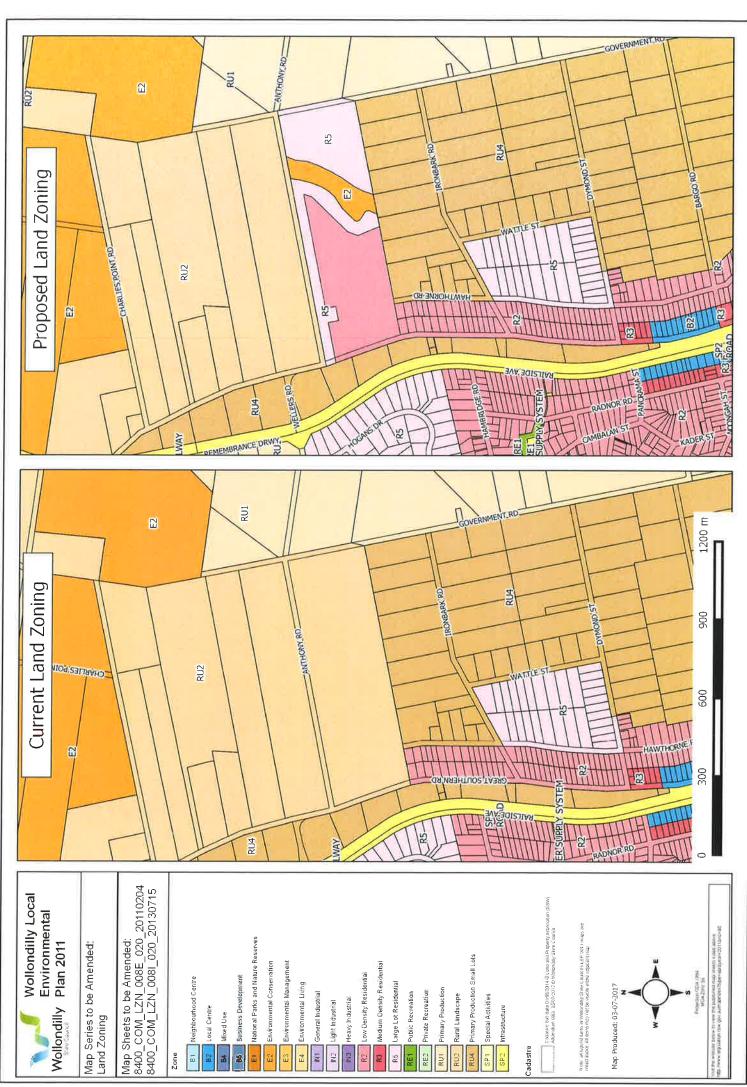


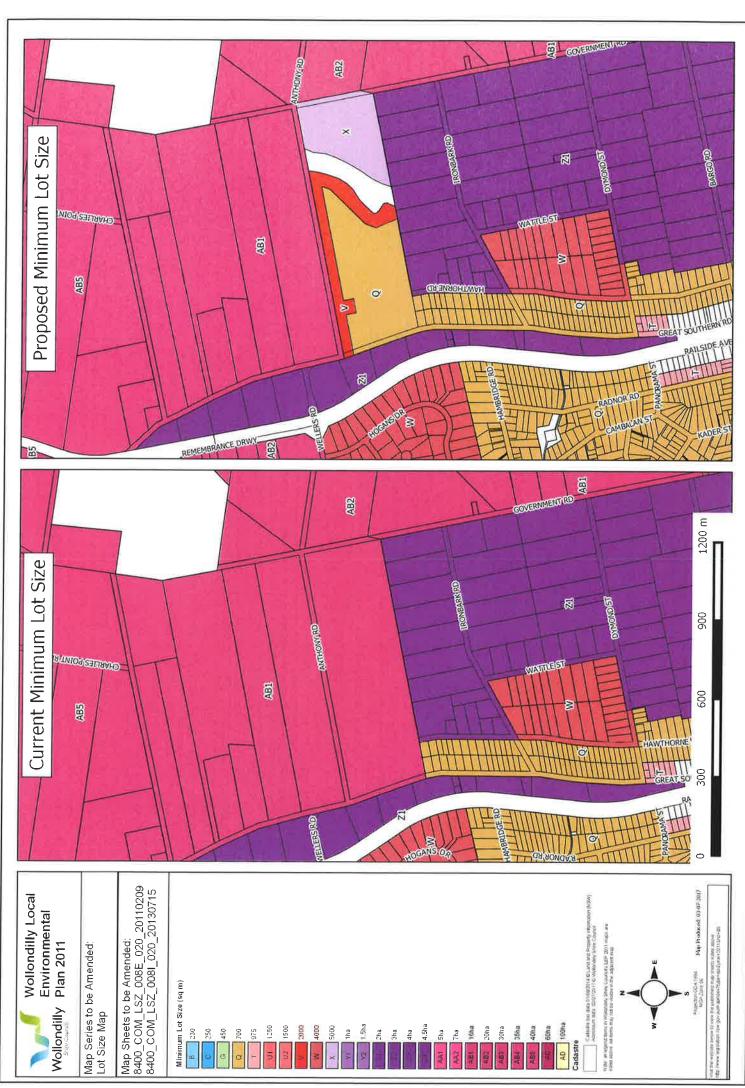
# **GR10 Attachments**

- 1. Land Use zoning comparison map
- Minimum Lot size comparison map
- 3. Proposed Natural Resources biodiversity comparison map
- 4. Proposed Urban Release Area comparison map
- 5. Proposed site Specific Development Controls for the site (for inclusion in Wollondilly Development Control Plan, 2016)

# Monday 11 December 2017

GR10 – Planning Proposal No 95 Great Southern Road, Bargo









# 95 Great Southern Road Planning Proposal DCP Controls

# **Volume 2 – Urban Release Areas**

Requirement of LEP	Control(s)
(a) A staging plan for the timely and	1. The development may be undertaken in
efficient release of urban land making	any number of stages.
provision for necessary infrastructure	2. There is no particular requirement for any
and sequencing	part of the precinct to be development
	before or after any other.
(b) An overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,	<ol> <li>The road hierarchy shall be provided in accordance with the provisions contained in Part 2 of Volume 3 of this plan.</li> <li>The precinct shall be developed in a manner that accommodates road connections between Great Southern Road, Hawthorne Road through the precinct.</li> <li>The development shall include a main entry road off Great Southern road with the following minimum specifications:         <ol> <li>A 22m road reserve made up of the following components:</li></ol></li></ol>
(c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation including visually prominent locations, and detailed landscaping requirements for both the public and private domain.	zoned part of the precinct.  1. The watercourse located within the E2 Environmental Conservation Zone is to be maintained to enhance its ecological value.  2. The landscaping strategy for the public and private domains is to be in accordance with Volumes 1 and 3 of this DCP.  3. Street trees shall be provided in accordance with the detail below:  a. Main Entry Road:  i. No less than 4 trees per 10m of road length in the median rain garden chosen from the following species list:  1. Melaleuca decora 2. Acacia melanoxylon

	3. Allocasuarina
	littoralis
	4. Eucalyptus
	eugenioides
	ii. No less than 1 trees per
	10m of road length in
	each verge chosen from
	the following species list:
	1. Quercus rubra
	2. Acer rubrum
	'October Glory'
	3. Pyrus calleryana
	'Chanticleer'
	4. Lophostemon
	confertus
	5. Zelkova serrata
	'Green Vase'
	b. All other roads:
	i. No less than 2.5 trees per
	10m of road length in the
	verges chosen from the
	following species list:
	1. Pyrus betulaefolia
	'Southworth
	Dancer'
	2. Pyrus calleryana x betulaefolia
	'Edgell'
	3. Lagerstoemia
	indica 'Natchez'
	4. Lagerstroemia
	indica 'Biloxi'
	5. Betula utilis var
(1) A	jacquemontii
(d) A network of passive and active	Lots created by the future subdivision of
recreational areas	the site would utilise the existing facilities
	at Bargo.
(e) Stormwater and water quality	These measures are to be provided in
management controls.	accordance with Sections 2.3 and 3.8 of
	Volume 3 of this plan.
(f) Amelioration of natural and	Bushfire
environmental hazards, including	Development is to comply with the most
bush fire, flooding and site	recent version of the NSW Rural Fire
contamination and, in relation to	
natural hazards, the safe occupation	Service's Planning for Bushfire Protection.
of, and the evacuation from, any land	EL II
so affected.	Flooding
	Development is to comply with Part 8 of
	Volume 1 of this plan.
	<u>Contamination</u>

	Development is to comply with State Environmental Planning Policy No. 55 – Remediation of Land.
(g) Detailed urban design controls for significant development sites,	<ol> <li>The brick silo</li> <li>The brick silo is to be retained on a single residential lot.</li> <li>Any new building on this residential lot must place new building work behind the silo with adequate setback to preserve a curtilage around it.</li> </ol>
(h) Measures to encourage higher density living around transport, open space and service nodes	The site contains no areas which are particularly desirable for higher density living.
(i) Measures to accommodate and control appropriate neighbourhood commercial and retail uses.	N/A
(j) Suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.	The precinct will rely on existing facilities at Bargo.

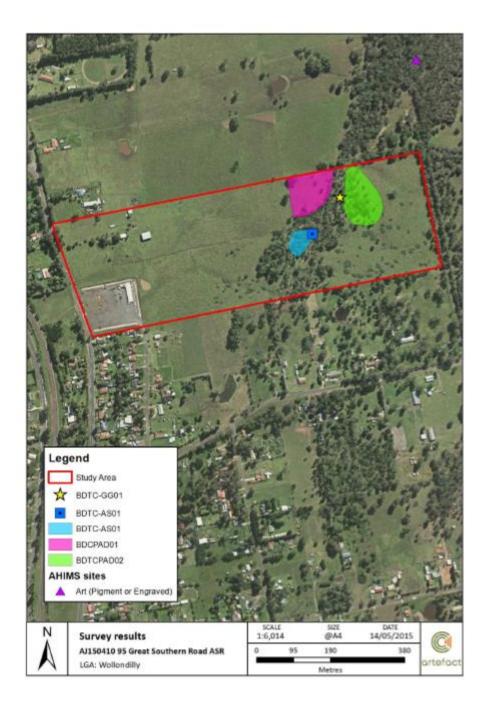
#### Volume 3 - Subdivision

- 1. Building envelopes shall be nominated for any proposed lots fronting Great Southern Road to ensure that a front setback from Great Southern Road is achieved which is consistent with the setback of existing dwellings facing Great Southern Road to the south.
- Where any dwelling is proposed within 10 metres of Great Southern Road a
  Noise Assessment shall be submitted with a development application for a
  dwelling which demonstrates that the development would comply with the
  relevant noise criteria or attenuation measures that would apply to any future
  dwelling.
- 3. Any residential subdivision on the western side of the watercourse on the site shall be serviced by a Private Reticulated Sewerage Program (unless it can be demonstrated that Sydney Water can service the site, in which case connection to the Sydney Water reticulated Sewer network should be undertaken).
- 4. The subdivision of the site shall include the construction of a footpath along the Great Southern Road frontage of the site and this is to extend along Great Southern Road to connect with the existing footpath which terminates at the intersection of Great Southern Road and Dymond Street.
- 5. Any future fencing along the northern boundary of the site (i.e. along the boundary of the site with Anthony Road) is to be constructed of an open rural style such as post and rail with a height limit of 1.2 metres. No solid or metal fencing is permitted along this boundary.
  - Note: an exception to the above control may be made for any noise attenuation measures required in relation to the future waste transfer station at No. 25 Government Road should this facility commence.
- 6. Any future residential lot created that includes part of the E2 zoned land on the site shall be subject to a suitable Vegetation Management Plan being submitted to Council which provides measures for the ongoing management and enhancement of the E2 zoned lands.
- 7. Any subdivision layout for the land to the east of the watercourse shall take all appropriate measures to retain the isolated pockets of Shale Sandstone Transition Forest (shown on the map below) within future lots:



Figure 3.5: Validated vegetation at subject site (Ecoplanning 2016).

- 8. The areas identified as AHIMS# 52-2-4194 (BDTC-GG01 (Bargo Dog Trap Creek Grinding Grooves 01) and AHIMS# 52-2-4195 BDTC-AS01 (Bargo Dog Trap Creek Artefact Scatter 01) in the Archaeological Survey Report prepared by Artefact Heritage (March, 2017) on the Plan below are to be conserved. If impacts are to occur in the vicinity of AHIMS# 52-2-4194 and AHIMS# 52-2-4195, mitigation measures such as a buffer zone and fencing should be implemented in order to protect the sites during the subdivision phase.
- 9. Should the areas below as BDC-PAD01 or BDC-PAD02 be disturbed as part of any future subdivision of the land, then test excavation under the Code of Practice is to be carried out in order to assess the nature and extent of the archaeological deposit and its archaeological significance.





### **GR11 Attachments**

- 1. Table summarising proposed DCP Amendments
- 2. Table outlining housekeeping amendments to Volume 8 (Agricultural and Rural Uses) arising from consultation with rural industry working group.
- 3. Amended table outlining development that does not require neighbour notification.
- 4. Table outlining when an application to modify consent should be notified to adjoining landowners.
- 5. Amended list of development controls for Secondary Dwellings.
- 6. DCP variation statistics (May, 2016 to May, 2017).
- Wollondilly Development Control Plan 2016 (available on webiste).

### Monday 11 December 2017

GR11 - Review of Wollondilly Development Control Plan 2016

Housekeeping Amendments

ATTACHMENT 1

# SUMMARY OF INTENDED CHANGES TO DEVELOPMENT CONTROL PLAN 2016.

Volume 1 General

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 1.3	N/A	Add definition of building setback as follows:	There is currently no definition which
ווורפו או פרמנוסוו		Means the horizontal distance between the	setback.
		relevant boundary of the lot and the bullaing line.	
		Setback area means the area between the building line and the relevant boundary of the lot.	
Part 3	This part set out the requirements that an applicant	Amend this part to state the following (with	It may not always be necessary for
Variations to	needs to satisfy if submitting a development	changes coloured in red):	the applicant to provide a written
tne Plan	application which does not comply with a control in		request to vary a control. The
(Control 1)	the Plan and also sets out requirements for Council	1. In cases where a variation to a control in this	proposed amendment to this control
	in supporting an application which does not comply	plan is sought, the applicant (or person	would also negate the need for the
	with the control. This Part currently states the	acting on behalf of the applicant) should	applicant to provide variation
	following:	provide as part of a written request which	requests for controls that do not
		outlines:	apply which would improve the
	1. In cases where a variation to a control in this plan		efficiency of the assessment process.
	is sought, the applicant (or person acting on behalf	<ul> <li>Identify the control being varied</li> </ul>	
	of the applicant) must include in the development	<ul> <li>Outline the non-compliance with the</li> </ul>	
	application a written request for Council to	relevant control	
	consider a variation to that control. The written	<ul> <li>Include reasons and justification for</li> </ul>	
	request to vary a control in this plan must:	the non-compliance	

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	<ul> <li>Identify the control being varied</li> <li>Outline the non-compliance with the relevant control</li> <li>Include reasons and justification for the non-compliance</li> <li>Outline why compliance with the control is unreasonable or unnecessary in the case of their development</li> </ul>	<ul> <li>How the development meets all of the relevant objectives of the DCP</li> <li>Outline why compliance with the control is unreasonable or unnecessary in the case of their development</li> <li>How the variation will not adversely affect impact on local amenity</li> </ul>	
	Council may require additional supporting information to justify the request for variation.	Council may require additional supporting information to justify the request for variation. It is in the applicant's best interest to provide Council with a written request.	
Part 4.1 Development Applications to be Notified.	This clause sets out criteria which make certain types of development exempt from neighbour notification.	It is proposed to add a variety of development types to the control which don't require neighbour notification should they meet a certain criteria. The development types to be added include:  • Home Occupations; • Internal alterations to an existing building that do not affect the height, footprint or external appearance of the building; • Minor commercial building alterations/additions (other than buildings which are a Heritage Item or within a Heritage Conservation Area);	These types of development would often have minimal impact on adjoining landowners provided that they meet the criteria in attachment 3 and should be able to be determined without neighbour notification.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
		<ul> <li>Change of use of an existing building from one type of commercial use to another type of commercial use within a business zone;</li> <li>Change of use from one type of light industry to another type of light industry within an industrial zone provided that the land does not adjoin any residential, rural, environmental or open space zone;</li> <li>Secondary dwellings in rural and environmental zones (on lots greater than 2 ha in area);</li> <li>Minor environmental protection works;</li> <li>Signage</li> <li>Works that are required in response to an emergency situation (such as a natural disaster event, e.g. a flood).</li> </ul>	
4.1 Development Applications to be Notified	The control currently requires development on land which constitutes any of the following to be carried out, regardless of the type of development:  • On land within a heritage conservation area;  • Development on land which contains a heritage item;  • Development on land that immediately adjoins a heritage item  • Development on flood prone land;  • Development that is inconsistent with any restriction on the title of the lot.	It is proposed to delete this part of the control. Certain types of development (for example single storey dwellings) would still require neighbour notification if within a heritage conservation area or on a lot containing a heritage item and this has been incorporated into the revised notification table in attachment 2 which sets out criteria that a development needs to meet in order to be exempt from notification.	In many cases, development in the area specified would not require notification if the development is minor and of minimal impact.  There is no reason for minor development on flood prone land to trigger the need for neighbour notification.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
		Some other types of development (for example rainwater tanks and home occupations) should not require neighbour notification regardless of the land based criteria in the left column.	
Part 4.1 Development Applications to be Notified	N/A (it is proposed to insert a control).	Insert the following control in relation to development applications to be notified:  "2. Neighbour notification may not be required for a development application where, in Council's considered opinion, the potential for adjoining or nearby land to be adversely impacted by the development is considered minimal in terms of the following:  • Amenity (including noise, odour, hours of use);  • Suitability of the land for the proposed development;  • The siting of the proposed building in relation to the development of the site boundaries;  • The scale and bulk of the proposed development.  Ikewise, Council may require an application which would not require notification under the	There may be occasions where a type of development requiring advertising under this plan may require notification, but is of a very minor scale and nature and will have no impact on adjoining landowners and in these cases, Council should be capable of using its discretion as to whether neighbour notification is required.  Alternatively, there may be occasions where a development not required to be advertised under this volume could have an impact on adjoining landowners and the relevant staff member will have the capacity under this clause to notify such an application.
		section above to be notified."	

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 4.2	This section outlines the procedural requirements	It is proposed to insert the following control at	The current DCP provides no
Requirements	for Council when undertaking notification of	the end of this section:	procedures for notifying properties
Tor	development applications.		outside of the Local Government
Notification		Where, in Council's opinion, an application may	Area which adjoin or will be impacted
		detrimentally affect property owners or	by a development within Wollondilly
		occupants of land outside Wollondilly Shire	Local Government Area.
		Council's Local Government Area (LGA), Council	
		will contact the neighbouring Council to	This may improve efficiency when
		provide them with sufficient information to	notifying development applications
		enable them to adequately inform such	as there will be a clearer process.
		property owners.	
		The notification of property owners outside	
		Wollondilly Shire Local Government Area	
		regarding any application is at the discretion of	
		the neighbouring Council.	
Part 4.3	The current control denotes types of development	Amend the wording as follows:	Clarify the number of lots within a
Development	requiring advertising including:		subdivision which triggers the need
to be		<ul> <li>Subdivision resulting in 5 or more lots</li> </ul>	for advertising.
Advertised	<ul> <li>Subdivision creating 5 or more lots (except for</li> </ul>	(except for subdivision described in	
	subdivision described in an exemption in Clause 4.1 in this plan)	clause 4.1 or 4.2 of this plan).	
4.3	This section provides the types of development	It is proposed to delete the following from	Function centres should not be
Development	requiring advertising (i.e. in a local newspaper).	development types to be advertised:	advertised development as they are
to be			only permitted in the business zones
Advertised		<ul> <li>Function centres;</li> </ul>	and the development would quite
		<ul> <li>Sewerage systems servicing or intending to</li> </ul>	often be consistent with the area
		service more than 2 dwellings	character.

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

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
to	The control currently states:	notified where in Council's opinion, the	
Determination		amended development would have a greater	
	Where a development application is altered prior to	impact as a result of the changes and it is in the	
	being determined, any community engagement	public interest to do so.	
	required by this plan (be it notification or advertising)		
	must be undertaken again prior to any granting of	Where re-notification is required it must	
	development consent unless the alterations are minor	include writing to any prior submitters on the	
	only. The notification of any such development must	application.	
	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;		
	a 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: Constitution of Alabara Lanca linearity		
	NOTE: Council may undertake re-notification where changes are made where Council considers that		

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	notification of the changes is necessary and in the public interest to do so.		
Part 4.6	The control currently states:	<ul> <li>It is proposed to retain the requirement</li> </ul>	It is an unreasonable for Council to
Applications		which enables notification of any kind not	have to notify all s96(2) applications
to Modify a	Any person may lodge an application to modify a	to be carried out for a s96(1) application;	to adjoining landowners, as all
Development	development consent under Section 96 of the	<ul> <li>It is proposed to retain the requirement to</li> </ul>	applications to modify a consent
Consent	Environmental Planning and Assessment Act, 1979	notify previous submitters for a s96(1a),	need to be substantially the same
	provided that the changes would result in	s96(2) or s96(AB) application, however, the	development.
	substantially the same development as that originally	requirement to notify adjoining	
	approved. Council's requirements in relation to	landowners of a modification under s96(2)	A clause has been added to enable
	notification of an application to modify a	has been removed.	Council not to notify to previous
	development consent are as follows:		submitters where the change is
		It is proposed to retain the following control:	minor and does not affect issues
	<ul> <li>Any application to modify a consent under</li> </ul>		raised in previous submissions. This
	section 96(1) of the Act (which involves the	Council may determine to carry out additional	would enable modifications such as
	correction of minor errors, misdescriptions and	notification or advertising of any application	re-staging or minor changes to a
	miscalculations) does not require any notification	under 96(1A), 96(2) or 96(AB) depending on the	façade of a building to be processed
	to be carried out;	nature of the changes and whether Council sees	without notification.
	<ul> <li>An application to modify a consent under section</li> </ul>	it in the public interest to do so.	
	96(1A) of the Act (which involves changes that		The control has been retained which
	would have only a minimal environmental	However, it is proposed to also add the	enables Council to undertake
	impact) would require as a minimum notification	following additional control:	additional notification (such as to
	to any previous submitters;		adjoining landowners if necessary).
	<ul> <li>An application to modify a consent under Section</li> </ul>	Council may also determine <u>not to</u> notify	
	96(2) of the Act (which involves other changes)	previous submitters if the amendments are	
	would require as a minimum notification to	minor and if the changes do not relate to any of	
	adjoining landowners and previous submitters;	the issues originally raised in their submission.	
	<ul> <li>An application to modify a consent under Section</li> </ul>		
	96(AB) of the Act (which involves modifications to		

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	development consents issued by the Land and	Please see the table in attachment 3 which is	
	Environment Court) would require as a minimum	proposed to be added to the Draft DCP which	
	notification to adjoining landowners and	provides clearer guidance as to when and in	
	previous submitters;	what form neighbour notification must be	
		carried out for an application to modify	
	NOTE: Council may determine to carry out additional	consent.	
	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.		
Part 9	The control establishes that any development	It is proposed to add the following text to the There have been sites where the	There have been sites where the
Environmental	application on a site that includes sensitive land	end of the control:	watercourse is insufficiently defined
Protection	mapped on the Natural Resources – Water Map		to include a detailed survey of the
(Control 9.3)	under Wollondilly Local Environmental Plan 2011	In circumstances where the applicant can	riparian buffer distances and a
	with a riparian buffer distance, must include an	provide evidence to the satisfaction of Council,	variation to this control has been
	accurate survey of riparian buffer distances to	e.g. advice from the NSW Office of Water or a	required.
	determine the exact location of the buffer which is to	Hydrological Report detailing that the	
	be measured from the top of bank of each side of the	waterway is insufficiently defined this control	
	watercourse.	will not apply.	

### Volume 2 – Urban Release Areas

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 2.1	Not applicable	Update section in the DCP relating to Bingara Gorge to	To ensure that Controls are
		reflect recent Court Case.	consistent with Land & Environment
			Court Judgment and prevent
			unnecessary variation requests.

Part 2.5	Contains	numerous	controls	for	Delete whole part.	The Clearview Planning Proposal was
Clearview (all	Clearview	learview Planning Proposal site.	osal site.			refused by the NSW Greater Sydney
controls)						Commission and will not be
						proceeding.

Volume 3 – Subdivision

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
N/A	This volume does not currently contain	Include a section in the DCP volume that relates specifically   The subdivision of an existing dual	The subdivision of an existing dual
	a section specifically relating to the	to the subdivision of an existing dual occupancy occupancy development is currently	occupancy development is currently
	subdivision of an existing dual	development.	assessed under the general
	occupancy development.		subdivision volume. This means that
			the subdivision of an existing dual
			occupancy is often required to
			comply with a number of controls
			which should not apply.
3.6 Tahmoor	This section of the DCP relates to a large	It is proposed to amend the structure plan.	The amended structure plan will
East (Control 1)	East (Control 1) residential release area in East		reflect current approved subdivision
	Tahmoor.		applications and provide a more
			integrated road network.
	The current control includes a structure		
	plan with an indicative layout for roads,		The revised plan will result in less
	drainage etc which future subdivision		variation requests as the road
	applications must adhere to.		locations in future subdivision
			applications will be able to connect
			with the roads already approved in
			previous applications and have
			greater regard for the constraints of
			the land.

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
3.6 East	This section of the DCP relates to a large	It is proposed to insert the following objectives under the	To assist in the interpretation of the
Tahmoor	residential release area in East	control to accommodate the interpretation of the revised revised East Tahmoor structure plan	revised East Tahmoor structure plan
(Control 1)	Tahmoor.	east Tahmoor Structure Plan:	and address concerns raised during
			the consultation period over the lack
	The current control includes a structure	• To provide a road network that maximises access of flexibility over the road layout.	of flexibility over the road layout.
	plan with an indicative layout for roads,	for the general public and achieves a high level of	
	drainage etc which future subdivision	permeability;	
	applications must adhere to.	<ul> <li>To satisfactorily link with existing roads;</li> </ul>	
		<ul> <li>To provide satisfactory public transport links</li> </ul>	
		throughout the precinct;	
		<ul> <li>To avoid isolating small sections of existing lots;</li> </ul>	
		<ul> <li>To avoid inappropriate road locations which would</li> </ul>	
		disadvantage other landowners in the precinct and	
		reduce the ability of other landowners to	
		satisfactorily develop their land in the future.	

Volume 4 – Residential Development

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

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
1.2 Objectives	Objective 1.2:	Amend wording to state the following:	Improve wording and useability of
			objective.
	1.2 To establish an aesthetically pleasing	1.2 to enhance the landscape and streetscape character	
	landscape character for residential areas.	through considerate and attractive design.	
1.2 Objectives	Objective 1.3:	Amend wording to state the following:	Improve wording and useability of
	:	-	control.
	1.3 To create attractive streetscapes and	1.3 to create attractive streetscapes and landscapes	
	ensure that development does not	through quality built form and by ensuring that	
	dominate the landscape by excess bulk,	development does not dominate through excessive bulk,	
	height or inappropriate scale.	height or inappropriate scale.	
1.2 Objectives	Objective 2.1:	Amend wording to state the following:	The current objective is unclear as to
			what is meant by practical for
	2.1 To ensure that dwellings have access to	2.1 To ensure a clear path of travel between parking spaces	occupants.
	car parking that is practical for occupants.	and the dwelling.	
1.2 Objectives	Objective 14.1:	Amend to state the following:	Several controls (particularly those
			relating to Secondary Dwellings in
	14.1 to ensure that this plan is consistent	14.1 to ensure that this plan is consistent with the	residential zones and boarding
	with the framework established by State	framework established by State Environmental Planning	houses) have been amended to
	Environmental Planning Policy (Exempt	Policy (Exempt and Complying Development Codes) 2008	improve consistency with the
	and Complying Development Codes) 2008	and the State Environmental Planning Policy (Affordable	Affordable Housing SEPP and this
		Rental Housing) 2009.	should be reflected in the objective.
1.4 How to	Identifies the lot size range which	It is proposed to amend Rural Lifestyle Lots from lots	Under the current table, lots which
Apply this	constitutes various types of lot types in the	ranging from 4000 square metres to 2 ha to 4000 square	are 2ha in area could be interpreted
Volume	DCP. For example, lots less than 450	metres to 19999 square metres.	as constituting Rural Lifestyle Lots or
	square metre lots are known as Town		Rural Lots. The proposed amendment
	Centre Residential Lots. There are specific		will avoid the possibility of any
	controls in the DCP for Town Centre		confusion.
	Residential Lots and other types of lots.		

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 2.2	2. Attached dual occupancies (including	Attached and detached dual occupancies (including	There is an error in the current
Residential	ancillary developments) in the B4 Mixed	ancillary developments) in the B4 Mixed Use Zone shall be	control. It only states attached dual
Development	Use Zone shall be assessed as though it	assessed as though it were undertaken in the R2 Low	occupancies in the B4 zone are to be
in the B4	were undertaken in the R2 Low Density	Density Residential Zone.	assessed as though they are in the
Mixed Use	Residential Zone.		R2 zone, which means that there are
Development			no controls for detached dual
Zone (Control 2)			occupancies in the B4 zone.
Part 2.9 Non-	2.9 Non-Residential Development	2.9 Land Use Conflict	The control has been re-worded so
Residential			that its intent is clearer.
Development	Objectives	Objective	
	1. To ensure that residential developments	1. To reduce potential land use conflict with an existing	
	are undertaken with due regard to other	adjoining land use.	
	forms of development in the vicinity.		
		Controls	
	Controls	1.Residential development shall not impede the operation	
	1. Development subject to this volume	of existing non-residential development in the vicinity	
	must demonstrate that it will not result in	including (without limitation):	
	unreasonable impacts on existing non-	a. Agriculture	
	residential development in the vicinity	b. Education Facilities	
	including (without limitation):	c. Recreation Facilities	
	a. Agriculture	d. Industries	
	b. Education Facilities	e. Business Undertakings.	
	c. Recreation Facilities		
	d. Industries		
	e. Business Undertakings.		
2.10 Special	1. Where a door is provided which has	Delete Control	There are several reasons for this
Requirements	direct access (within 3 metres) to a parking		control being deleted as follows:
tor Parking			

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Areas near	area, the door shall be consistent with the		<ul> <li>There is no requirement for a</li> </ul>
Dwellings	following requirements:		dwelling that is completed as
			complying development under
	a) The door leaf shall swing into the		the Exempt and Complying Code
	dwelling and not into the garage or parking		to meet such a requirement;
	area; and		<ul> <li>The Building Code of Australia</li> </ul>
	b) No sliding or concertina door of any type		has not included any
	shall be used; and		requirements for child latches to
	c) The door leaf shall be fitted with a		residential development. The
	hydraulic self-closing fixture that is a		BCA does include child restriction
	minimum size 2 spring strength in		devices for first floor windows, so
	accordance with AS4145.5.		there are conditions in there
	Note: In the case of unusually high or heavy		relating to child safety issues but
	doors, windy or draughty conditions, or		no such requirement for a front
	special installations a larger power size of		door.
	door closer should be used; and		<ul> <li>The control is unreasonable for a</li> </ul>
	d) Any door latch or passage set shall be		person building a house where
	installed at a minimum of 1500mm above		children are not currently, or are
	finished floor level; and		unlikely to ever live in the house.
	e) Any bolt or function that could, in normal		• The control places an
	usage, render a door leaf non-self-latching		unreasonable cost and time
	shall not be incorporated.		constraint in people constructing
	Note: A non-self-latching bolt (e.g. a dead		a single dwelling on a site.
	bolt) will prevent the door from closing if		
	left protruding while the door is open. Any		
	electrically operated locking devices or		
	bolts shall be self-latching in the event of		
	power failure and any activation switches		

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	installed 1500mm above finished floor level; and floors are used both leaves are to be self-closing and self-latching and shall include a selective sequence closing device.  Note: For the purpose of this control a parking area includes, but is not limited to an attached or detached garage, car port or an open hardstand car parking space.		
3.7 Ancillary	Control 5:	Delete Control.	The maximum floor area for an
Buildings			ancillary building on a town centre
(Town Centre	Any façade visible from any public road		residential, residential small lot or
Residential	must have no stretch of straight wall		standard residential lot is 120m². It
Lots,	greater than 10.0 metres in length.		would be unreasonable in many
Residential			cases to require articulation in the
Small Lots and			wall for a wall of around this length.
Standard			A straight wall of this length would
Residential			likely have minimal impact in
Lots) Control			residential zones.
5.			
3.7 Ancillary	Control 10 states the following:	Amend to state the following:	On smaller residential lots it is
Buildings			unreasonable in many cases to
(Town Centre	Ancillary buildings shall be located no	Ancillary buildings shall be located no less than 1.0m behind	require a shed to be behind the
Residential	less than 1.0m behind the front building	the front building line of the dwelling on the primary road	frontage of the dwelling on the
Lots,	line of the dwelling on primary road	frontage.	secondary street of a corner lot.
Residential	frontages and the secondary front		Particularly in situations where the
Small Lots and	building line for secondary frontages.		dwelling may be setback may be

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Standard		Ancillary buildings shall be setback no less than 1.0 on the	setback a substantial distance from
Residential		secondary street frontage on corner lots.	the secondary street frontage.
Lots) Control			
10.			
3.7 Ancillary	Control 11 states the following:	Amend to state the following:	This control is amended to make it
Buildings			clear that the control applies to rear
(Town Centre	Ancillary buildings shall be set back in	Ancillary buildings shall be achieve a side and rear set back	and side setbacks only and not front
Residential	accordance with the requirements of the	in accordance with the requirements of the Building Code of	setbacks.
Lots,	Building Code of Australia.	Australia.	
Residential			
Small Lots and			
Standard			
Residential			
Lots) Control			
11.			
3.7, 3.8 and	Each of these sections contains a control	It is proposed to amend this to roof area.	The current application of floor area
3.8 Ancillary	prescribing a maximum floor area.		only applies to the enclosed area of a
Buildings on all			structure, which has resulted in
lots			applications proposing large awnings
(Maximum			attached to the shed by which there
permissible			are no controls.
floor area			
control).			The floor area captures mezzanine
			areas within the shed, which is not
			the intent of the control. The intent
			of the control is to protect the
			appearance and visual impact of the
			structure.

		Proposed Amendment	Reason tor Proposed Amendment
, 20 II O 20 V	Control 5 currently states:	Delete Control.	The length of walls will likely be
Ancillary			determined by the maximum floor
Buildings	Any façade visible from any public road		area control. The likely length of the
(Large Lot m	must have no stretch of straight wall		wall of an ancillary building that
Residential <i>g</i>	greater than 10.0 metres in length.		complies with the maximum floor
Lots) Control			area would be unlikely to require a
			break in the wall.
Part 3.9 (Rural C	Control 7:	Amend to state the following:	On rural lifestyle and rural lots, the
Lifestyle and			dwelling is often located a
Rural Lots) A	Ancillary buildings shall be located no less	Ancillary buildings shall be setback no less than 1.0m	substantially distance from a
Control 7. th	than 5.0m behind the front building line of	behind the front building line of the main dwelling on the	Secondary Street boundary (and in
	the dwelling on primary road frontages.	primary road frontage.	many cases a primary street
			boundary as well). The requirement
			for an ancillary building (particularly
			a detached garage or minor
			structure) to be located behind both
			street frontages on a corner lot is
			too onerous.
3.9 (Rural Co	Control 8:	Replace with the following:	The control requiring the secondary
Lifestyle and			frontage setback on corner lots to be
Rural Lots) 4/	Ancillary buildings shall be located no less	Ancillary buildings shall be located no less than 5.0m from	behind the building line of the
Control 8 th	than 1.0m behind the front building line of	the secondary street frontage on Rural Lifestyle Lots and	dwelling is onerous, particularly in
	the secondary street frontage on corner	10.0m from the secondary street frontage on Rural Lots on	cases where the building line of the
0)	lots.	corner lots.	dwelling is a large distance.
3.9 (Rural Co	Control 9:	Amend to state the following:	There are some lots in rural zones
Lifestyle and			(particularly a section of rural zoned
Rural Lots) TI	This control states the following:	Ancillary buildings shall be set back no less than 5.0m from	land in Douglas park) which
Control 9		side and rear boundaries. A side setback of 2.5m will be	incorporates long and narrow lots
			and a reduced setback for ancillary

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	Ancillary buildings shall be set back no	considered for narrow lots which are 25.0m or less in	buildings on these sites is considered
	less than 5.0m from side and rear	width.	appropriate.
	boundaries.		
Part 3.10	Control 8 currently states the following in	It is recommended that it be re-worded as follows:	Provide greater clarity of the control.
(Single	regards to single dwellings on battle-axe		
Dwellings on	lots:	The minimum setback to the front and rear boundaries shall	
Battle axe		be 3.0m.	
allotments)	The minimum setback to the front and rear		
Control 8.	boundaries shall be 3.0 metres.	In this control the front boundary refers to the rear	
		boundary of the lot immediately forward of the subject lot in a battle axe style subdivision.	
Part 3.12 Car	Control 5 states the following:	It is proposed to amend the control to state the following:	On smaller lots (for example town
Ports Control 5			centre residential lots where the
	Car Ports shall be setback a minimum of 1	Car Ports shall be setback a minimum of 1 metre behind	minimum setback for a dwelling is
	metre behind the front building line of the	the front building line of the dwelling.	3.0m), the 5.5m setback
	dwelling or 5.5 metres from the front street		requirement for a carport is
	boundary, whichever is greater.		unreasonable. The car port still
			needs to be at least 1m behind the
			front building line of the house
			under the amended control.
Part 3.14	Whole Section	See attachment 3	The following amendments have
Secondary			been made to the section relating to
Dwellings			Secondary Dwellings:
(Whole Part)			
			<ul> <li>It has been split into two sections</li> </ul>
			(one section for residential zones
			other than R5 and the other for
			rural, environmental and R5
			zoned land);

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
			<ul> <li>The residential section has been made consistent with the State Environmental Planning Policy (Exempt and Complying Development Code) (with the exception of levels of cut that are allowed);</li> <li>Several onerous controls have been removed.</li> </ul>
			These amendments have been reflected in two new sections (Secondary Dwellings in Residential Zones other than R5 zones, and Secondary Dwellings in Rural and Environmental Zones) which are outlined in attachment 3.
Part 3.15 (Dual Occupancy	The control currently states:	It is proposed to add the following additional text to the control:	Provide greater clarity of control and when it applies.
Development in R2 and R3 zones) Control 3	For proposed dual occupancy dwellings in which the configuration of the two dwellings would be side by side, the minimum frontage of the original lot shall be no less than 24 metres.	" so that each dwelling shall be on a subdivided lot which has a minimum frontage of 12m".	
Part 3.15 (Dual Occupancy	No more than 50% of the front façade shall be garage doors.	Amend to state as follows:	Provide greater clarity of the control.
Development in R2 and R3		No more than 50% of the front façade for each dwelling shall be garage doors.	

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
zones) Control			
3.15 (Dual Occupancies in	Control 18 currently states the following:	Amend to state the following:	Provide greater clarity of whether the control applies to each individual
R2 and R3 zones) Control	The number of garage doors visible to the street shall be limited to 3. In this control a	The number of garage doors visible to the street from the	dual occupancy dwelling or the total development.
18	double garage door shall be counted as 2 doors.	total development shall be limited to 3. In this control a double garage door shall be counted as 2 doors.	
		This control does not apply to corner lots where each dwelling is facing onto alternate streets.	
3.17 Medium Density	Control 16 states the following:	It is proposed to amend the control to the following:	It may be reasonable for some dwellings in large medium density
Development (Control 16)	16. Medium Density Developments must not:	16. Medium Density Developments must not:	developments to have some dwellings with the same or a similar
	<ul> <li>Have a repeated facade;</li> </ul>	Have a repeated façade;	design provided that these do not face the street.
		~	
		of dwellings, repeated facades may be considered throughout the development provided that there are no	
		repeated facades in a row of dwellings which face a public road.	
Part 3.17 Medium	Controls 18 through to 20 state the following:	It is proposed to replace these controls with the following:	Medium Density Development in only permitted in the R3 Medium
Density		The minimum front setback for the dwelling closest to the	Density Zones across the Shire and
Development (Controls 18-	18. Where there is a dwelling on each adjoining lot, the setback for the	street in a medium density development is 6.5 metres.	most of these are located around existing, established townships.
20)	dwelling(s) fronting the primary road shall be the average setback of the	Minor ancillary structures such as bin storage enclosures, postal box facilities etc may be located within the front	

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	existing adjoining dwellings plus or minus 10%. Such a setback shall be no	setback treatment. Council may require such structures to be screened through suitable landscape planting or other	The front setbacks of existing dwellings in these areas are typically
	less than 4.5m.	means.	quite deep, and if the front dwelling
			of a new medium density
	19. Where there is a dwelling on one		development is located within +/-
	adjoining lot the front setback for the		10% of the existing dwellings on
	dwelling(s) fronting the primary road shall		adjoining lots then the additional
	be plus or minus 10% of the setback of the		dwellings in the medium density
	adjoining dwelling. Such a setback shall be		development in many cases would
	no less than 4.5m.		not be possible, which would be
			contrary to the objectives of the R3
	20. Where there is no dwelling on an		zone.
	adjoining lot the front setback for the		
	dwelling(s) facing the primary road shall be		
	4.5m for a lot with an area less than 900m2		
	and 6.5m for other residential lots.		
Part 3.20 <b>(Control 6)</b>	The control currently states:	Amend the word "with" to say "within".	Amend grammatical error.
	Shop top housing must only be provided		
	with 400m of an area of eligible public		
	open space. In this clause eligible public		
	open spaces means an area of public park		
	with an area no less than 3,000m² and		
	with children's play equipment and		
	restrooms. Nothing in this control		
	prevents an applicant from proposing		

DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
	works to enhance a public park to make it		
	an eligible public open space.		

Volume 5 – Commercial and Community Uses

)			
DCP Clause	Current Control	Proposed Amendment	Reason for Proposed Amendment
Part 2.3	The current control states the	It is proposed to amend the minimum glazing requirement   The requirement for such a large	The requirement for such a large
(Control 7)	following:	to 50%.	portion of the front of a building to
			provide glazing is quite onerous and
	Commercial developments must have		limits the ability for a façade to be
	active frontages for the majority of the		treated or activated by other
	total frontage of the development to		measures. The requirement for 75%
	public spaces including roads and		of a building frontage to be glazed is
	reserves. An active frontage must have a		difficult to achieve for small
	minimum of 75% glazing area which		commercial buildings and has been
	must be transparent.		varied numerous times. 50% is
			considered more appropriate.

### Volume 6 – Tourism and Events

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

## Volume 7 – Industry and Infrastructure Uses

No amendments proposed.

# Volume 8 – Primary Agricultural and Rural Uses

It is proposed to amend several controls in this volume. These are detailed in attachment 2. These changes reflect the discussions with RICAC during the consultation period.

### **ATTACHMENT 2**

### Proposed Amendments to Development Control Plan Volume 8 – Agricultural and Rural Uses

Proposed Amendments which are considered to fall within Housekeeping Amendments:

DCP Clause	Current Control	Proposed Amendment	Reason for proposed Amendment
Part 3.3 (Section 3.3.1 Siting and Setbacks) Control 1	The control imposes a setback requirement for Intensive Livestock Agriculture of 500 metres from all Residential zones.	Include after all residential zones (R1, R2, R3, R4 and R5)	To make it clear which land use zones are considered residential for the purposes of this control.
Part 3.3 (Section 3.3.1 Siting and Setbacks)	Control 2:  Development must be in accordance with the "Blue Book" Code of Practice for Animal Care produced by the Department of Primary Industries	Development must be in accordance with the Department of Primary Industry Codes of Practice.	There is currently no Blue Book Code of Practice for animal care. DPI has advised that they previously had a blue book called Animal Care that related to standard operating procedures for Departmental Officers using animals in research. It was never intended to use for general animal welfare matters.
Part 3.3 (Section 3.3.2 Noise, Odour and Dust)	Where practical, major truck deliveries and produce transport should be scheduled between the hours of 7am to 6pm weekdays, 7am to 1pm Saturdays. It is noted that exceptional circumstances may mean deliveries are conducted outside these hours on occasions'	scheduled between the hours of 7am to 6pm weekdays and 7am to 1pm Saturdays provided that these hours do not contravene animal welfare practices. It is noted that exceptional circumstances may result in a	To ensure that hours of delivery consider animal welfare matters.
Part 3.3 (Section 3.3.2 Noise, Odour and Dust) Specific Controls for Poultry Farms Control 4	This control currently states:  The type of litter material chosen for shed floors must have regard to its propensity to produce dust.	It is proposed to replace the word 'propensity' with 'potential'.	Plain English and clarity.

Part 3.3 (Section 3.3.3 Soil, Waste and Water Management) Control 8	This control currently states:  "Prompt and safe disposal of feed byproducts is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin".	Delete control	It is proposed to delete the control as it is not clear what is meant by feed byproducts.
Part 3.3 (Section 3.3.4 Transport and Access) Control 3	This control currently states:  "The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours".		Adjoining neighbours is amended to nearest receptors to ensure that the full suite of impacts is considered.  The amended control will also ensure that hours of delivery consider animal welfare matters.
Part 3.3 (Section 3.3.5 Landscaping) Control 1	The control currently requires a vegetative screen along site boundaries to be made up of rows of vegetation to be established and maintained.	Amend wording to say that a minimum of one row of vegetation can be provided.	The current control is unclear as to how many rows can be provided to establish a screen.
Part 3.4 Intensive Plant Agriculture Section 3.4.1 Control 1	The setback table imposes a front, side and rear building setback for Intensive Plant Agriculture.	It is proposed to amend the wording to state 'Boundary Setback'.	Provide improved clarity over where the setback should be measured from.
Part 3.4 Intensive Plant Agriculture Section 3.4.1 Control 1	The setback table imposes a setback from Any other dwelling (whether on a neighbouring property).	Amend text to state:  Any other existing dwelling on a neighbouring property.	To make it clear that the setback requirement applies to dwellings on the adjoining lots. There is a separate setback requirement which applies to dwellings on the same lot.
Part 3.4 Intensive Plant Agriculture	This control states the following:  'Development for the purposes of intensive	Delete control	The control is unreasonable. It means that a suitable area of the site could be left undeveloped for farming which the farmer may wish

Section 3.4.1 Control 2	plant agriculture must accommodate future expansion of the farm while maintaining recommended buffer distances'		to utilise as part of their proposal.
Part 3.4 Intensive Plant Agriculture Section 3.4.1 Control 3	The control currently states:  Must not be located in visually prominent areas such as ridgelines and highly exposed areas.	Amend control to ensure that it only refers to buildings.	It may be appropriate for some low lying market gardens to occur in visually prominent areas.
Part 3.4 Intensive Plant Agriculture Section 3.4.1 Control 4	This control requires Cooperative packing and labour pooling.	Delete control.	It is unclear what is intended by this control.
Part 3.4 Intensive Plant Agriculture Section 3.4.2 Heading	Heading currently states:  Design and Construction of Controlled Environment Structures	Amend the heading to state the following:  Design and Construction of Controlled Environment Structures (e.g. igloos or greenhouses)	The DCP currently does not contain a definition of controlled environment structure and may be misinterpreted.
Part 3.4 Intensive Plant Agriculture Section 3.4.2 Objective (c)	This objective currently states:  To encourage development within close proximity to major markets, adequate labour supply, major transport links and extension services	Delete	The objective is considered too onerous and does not relate to any of the controls in this section of the DCP.
Part 3.4 Intensive Plant Agriculture Section 3.4.2 Control 2	This control currently states:  The orientation of controlled environment structures must be in a north-south orientation and must consider the direction of prevailing winds to take advantage of cooling summer breezes.	Delete	It is unreasonable to require igloos to be in a north-south direction and may not necessarily suit the constraints of the lot on which they are proposed.
Part 3.4 Intensive Plant	This control currently states:	Delete	It is unreasonable to require igloos to be a minimum height of 6 metres. Also, on

Agriculture Section 3.4.2 Control 3	Where possible, controlled environment structures are to be a minimum of 6 metres in height to encourage adequate ventilation, provide optimal growing environment and increase the overall efficiency.		some sites, a height in excess of 6 metres may create a visual impact, particularly if the igloos fall into disrepair. There is currently no maximum height limit for igloos.
Part 3.4 Intensive Plant Agriculture Section 3.4.2 Control 5	This control currently states  Controlled environment horticulture structures are to be raised to facilitate the drainage of stormwater away from structures.	It is proposed to amend the control to change the word state to constructed	Plan English and easier to apply.
Part 3.4 Intensive Plant Agriculture Section 3.4.4 Control 1	This control currently states:  Intensive plant or horticultural operations are to incorporate grassed inter-row areas or cover crops between	Amend the wording of the control to state the following:  Intensive plant or horticultural operations are to provide a grassed surface between production areas in	Clearer wording of the control.
Part 3.4	production areas crop rows in order to:  This control states the	order to:  Delete.	The control is unclear and
Intensive Plant Agriculture Section 3.4.4 Control 3	following:  Cultivation between crop rows must be minimised and only undertaken for moisture retention and ground	Delete.	can be removed.
Part 3.4 Intensive Plant Agriculture Section 3.4.4 Control 10	preparation.  This control states the following:  Development must incorporate the construction of starmwater diversion.	horticulture or intensive plant agriculture is proposed	The amendments make it clear that the control only applies to open field horticulture and surface water runoff.
	stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and	the Development must include stormwater diversion banks and sedimentation ponds to divert and capture water runoff.	

	treat wastewater and run-off.		
Part 3.4 Intensive Plant	This control states the following:	It is proposed to amend the control as follows:	It may not be necessary for a sedimentation pond to be provided on a site where
Agriculture Section 3.4.4 Control 11	Runoff from site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.	Runoff from site buildings is to be collected in sedimentation ponds (unless captured by a connected rainwater tank). Contaminated waters must be suitably treated before reuse on the farm.	only small buildings are proposed. Rainwater tanks may be utilised to capture Roofwater runoff and provide re-use opportunities.
Part 3.4 Intensive Plant Agriculture Section 3.4.6 Control 1	This control states the following:  Site boundaries – Vegetative screen – rows of vegetation to be established and maintained.	Amend wording to say that a minimum of one row of vegetation can be provided.	The current control is unclear as to how many rows can be provided to establish a screen.
Part 3.4 Intensive Plant	This control states the following:	Amend to state the following:	
Agriculture Section 3.4.6 Control 2	All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from structures to allow adequate air movements. In bushfire	All plantings are to be in groups and consist of advanced stock.  Include the following as a separate control:	
	prone areas, fire retardant species must be utilised and	Planning for Bushfire	

### Development Applications to be Notified (Parts Highlighted in red are additions as part of the DCP Amendments)

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

### 4.1 Development Applications to be notified

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

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

Development types where notification is not required:

Type of Development	Criteria which excludes the development from requiring	
7,711 1117	notification	
Single Storey Dwelling House (including alterations and additions	<ul> <li>No other Dwelling House located on the same allotment</li> <li>Finished floor levels no greater than 1m above or below the natural ground level</li> <li>Complies with Council's building line setbacks prescribed in this plan</li> <li>For single storey dwellings - No walls less than a metre from the boundary</li> <li>For two storey dwellings - be setback at least 10.0m from side boundaries.</li> <li>Total floor area of less than 430m²</li> <li>No more than 2 garage doors visible from the street</li> <li>Have no other dwelling house located on the same allotment</li> </ul>	
	<ul> <li>Not located on a lot containing a Heritage Item or within a Heritage Conservation Area.</li> </ul>	
Carports (residential)	<ul> <li>Relates to a residential use of the land;</li> <li>Complies with Council's building line setbacks in this plan</li> <li>Setback from side boundaries is no less than 1.0m</li> <li>No taller than 4m above ground level (existing)</li> <li>Not located on a lot containing a Heritage Item or within a Heritage Conservation Area.</li> </ul>	
Awnings and Pergolas (residential)	<ul> <li>Relates to a residential use of the land</li> <li>Complies with Council's building line setbacks in this plan</li> <li>Setbacks from side boundaries are no less than 1m</li> <li>No taller than 4m above existing ground level</li> </ul>	

	Not located on a lot containing a Heritage Item or     within a Heritage Conservation Area.	
Conchant (annidamtical)	<ul> <li>within a Heritage Conservation Area.</li> <li>Relates to a residential use of the land</li> </ul>	
Gazebos (residential)		
	Complies with Council's building line setbacks in this plan	
	Setback from side boundaries no less than 1m	
	No taller than 4m above existing ground level	
	Not located on a lot containing a Heritage Item or	
	within a Heritage Conservation Area.	
Retaining Walls (residential)	Relates to a residential use of the land	
	No more than 0.6m high	
	Setback from side and rear boundaries is no less than	
	2.5m	
	Located behind or beside the dwelling.	
Swimming Pools	Relates to a residential use of the land	
(Residential)	Setback from side and rear boundaries no less than 1m	
	Located in the rear yard or on a corner lot, behind the	
	front and secondary street setbacks of the dwelling	
	No coping or decking more than 0.5m above ground	
	level (existing).	
Decks and Balconies	Relates to a residential use of the land	
(Residential)	No more than 0.5m above ground level (existing)	
	Setback at least 10.0m from any boundary	
Residential Outbuildings	Relates to a residential use of the land	
	Complies with the building line setbacks in this plan	
	Located in a residential zone (other than R5 Large Lot	
	Residential)	
	Setback from any boundary is no less than 900mm	
	No higher than 3.5 metres above the natural ground level	
	Can accommodate a maximum of two car parking	
	spaces	
	Floor area less than 50m <sup>2</sup>	
Rural Outbuildings	Relates to a residential use of the land	
	<ul> <li>Located on land zoned R5, RU1, RU2, RU4 or E4</li> </ul>	
	Complies with the building line setbacks contained	
	within this plan	
	Setback from any boundary is no less than 10.0m	
	No higher than 5.0m above natural ground level	
	Floor area less than 100m <sup>2</sup>	
Telecommunications	Low impact facilities as defined by the legislation of the	
Facilities	Commonwealth	
Tree Removal (residential)	Removal of 10 trees or less	
	Located in Residential zoned land	
Tree Removal (Rural)	Removal of less than 10m <sup>2</sup> of vegetation	
	Located on rural zoned land	
Tree Removal (Agricultural)	Located on RU1 or RU2 zoned land	
	Removal required for the purposes of agriculture	

Domalition	Danielikien of a building an about the board liber.
Demolition	<ul> <li>Demolition of a building or structure that would have been subject to another exemption in this clause if it</li> </ul>
	were being proposed as a new building.
Septic Tanks	
Rainwater Tanks	
	•
Strata Subdivision of Existing Buildings	<ul> <li>Existing building is lawful and complies with the Building Code of Australia.</li> </ul>
Subdivision of existing dual	On land zoned R2, R3 or B4
occupancy	•
Health Services Facility	Existing building(s) is/are lawful  On land agood B1 B2 or B5 and  On land agood B1 B2 or B5 and
Treatti Services racility	On land zoned B1, B2 or B5 and     Wholly located within an existing commercial building.
Kiosk	Wholly located within an existing commercial building     On land agood B1, B2 or B52
	On land zoned B1, B2 or RE2      Descript of or the bright fortuning or outcome!
Internal works to an existing building	Does not affect the height, footprint or external     appearance of the height, appearance of the height.
	appearance of the building
Home Occupations	<ul> <li>Where in the responsible Council Officer's opinion the proposed new use is unlikely to result in land use</li> </ul>
	conflict due to noise, hours of operation or traffic
	generation
Minor Commercial external	Works are not proposed to a Heritage Item or to a
building	building within a Heritage Conservation Area.
Alterations/Additions	<ul> <li>Does not increase the height of the building.</li> </ul>
, , , , , , , , , , , , , , , , , , , ,	<ul> <li>Does not create additional shops/units.</li> </ul>
Change of use of an existing	Proposed use is permissible in the zone
building from one type of	Adequate car parking is provided
commercial use	Where in the responsible Council Officer's opinion the
	proposed new use is unlikely to result in land use
	conflict due to noise, hours of operation or traffic
	generation
	In a business zone
	Contained within an existing building
Change of use from one type	Proposed use is permissible in the zone
of light industry to another	Adequate car parking is provided
type of light industry	Where in the responsible Council Officer's opinion the
	proposed new use is unlikely to result in land use
	conflict due to noise, hours of operation or traffic
	generation
	In an industrial zone
	Contained within an existing building
	• The land does not adjoin any residential, rural,
	environmental or open space zone;
Secondary Dwellings	The lot is within a rural or environmental zone and is
	greater than 2 hectares
	Will not result in any more dwellings than the principal
	dwelling and the secondary dwelling on the site.
	Is consistent with the setback requirements for
	Secondary Dwellings in rural zones contained in Volume
	4 of this Plan.
Minor Environmental	No notification required.
Protection Works	
Signage	Within a business or industrial zone

<ul> <li>Does not require advertising under SEPP 64</li> <li>Is not illuminated</li> <li>Is not attached to a heritage item, on a lot containing a heritage item or within a heritage conservation area</li> <li>Is not in association with a restricted premises</li> <li>No notification requirements.</li> </ul>

### When an Application to Modify a Consent Should be Modified

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

The minimum notification requirements for applications to modify a consent are as follows:

Type of	Type of Modification	tion Who is to be notified				
modification application (i.e. under what section of the Act)		No Notification Required	Adjoining Owners/residents	Previous Submitters	Other	
S96(1)	Correction of minor errors, misdescriptions and miscalculations	✓				
S96(1A)	Changes that would have minimal environmental impact			✓	*	
S96(2)	Other changes		*	✓	*	
S96 (AA)	Modifications to development consents issued by the Land and Environment Court		*	<b>√</b>	*	

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

Council may also determine not to notify previous submitters if the amendments are minor and the changes do not relate to any of the issues raised in their original submission.

### **Proposed Amended controls for Secondary Dwellings.**

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

Cor	ntrol		Objectives (refer to
			clause 1.2)
Bui	Iding Design		
1	The total portion of the site	covered by buildings shall no	ot 1.2, 1.3, 3.1, 6.1
	exceed the following:		and 6.2
	Lot size	Site coverage	
	<700	60%	
	700-1500	50%	
	1500-4000	40%	
	4000>	N/A	4.0.4.0
2		welling shall have the clea	
		a shed or a small dwelling. e a hybrid of a shed and	
	dwelling is not permitted.	e a hybrid of a shed and	a
	aweiling is not permitted.		
	However, any Secondary	Dwelling that is located i	n
	, ,	elling must have the clea	
		II dwelling and not a shed.	
3	A Secondary Dwelling mu	ust not be in the form of	a 1.2, 1.3, 14.4 and
	converted shipping contain		14.5
4	The Secondary Dwelling m	1.2, 1.3, 14.4 and	
	4) 4		14.5
	1) A minimum of one h		
	2) Kitchen sink and fac	a	
	cooking of food; and 3) A bath or shower;		
	4) Clothes washing fac	۵	
	wash tub and space		
	washing machine; a		۵
	5) A closet pan (toilet)		
5	, , ,	and colours incorporated i	n 1.2, 1.3
	,	nust be compatible with th	e
	existing character of the loc		
6	-	ease the natural ground leve	el 1.2, 1.3, 5.1 & 6.2
	by more than 1.0m		1 10 10 11 22
7		m below natural ground leve	
		Om below natural ground leve	el   9.1
0	for all other lot types.	ing is visible from the street	yt 12 12 12
8		ing is visible from the stree tot and is not obscured from	
		ing, fencing, or vegetation,	
	must achieve the following:		14
	indet dome to the following.		
	<ul> <li>Anv front facade m</li> </ul>	ust have no stretch of blan	k
	wall greater than 5.0		

	<ul> <li>Any front façade mu wall greater than 10</li> </ul>	ust have no stretch of straight	
9	A side or rear façade mus wall greater than 10.0 metr	1.2, 1.3	
10	A Secondary Dwelling on a storey.	5.1	
11	If the Secondary Dwelling i dwelling and has street fro	s located forward of the main ntage, any façade facing the hat least one habitable room a public road.	1.2, 1.3, 4.2
12	Where the Secondary Dwe principal dwelling on the sit	elling is located in front of the e and has street frontage, the provided with an entry door	1.2, 1.3
13		nall be provided with an easily ess door in an appropriate	1.2, 1.3
Set	backs		
		use of control 13 and 14	
	please refer to part 2.5 to	establish the adjoining lots.	
13	Front setback where there i lot:	s a dwelling on each adjoining	1.1, 1.2, 1.3
	<ul> <li>Where there is a dwelling setback for the Secondar road shall be the averadjoining dwellings plus</li> <li>Equal to or behind the find the site.</li> </ul>		
1/	dwelling on the site.	is a dwalling on one adjoining	111212
14	<ul> <li>Front setback where there lot:</li> <li>Where there is a dwelling setback for the Secondar road shall be the averadjoining dwelling plus of the steel of the setback for the secondar road shall be the averadjoining dwelling plus of the steel of the setback where there is a dwelling on the setback where there is a dwelling of the setback where there is a dwelling setback for the setback for t</li></ul>	1.1, 1.2, 1.3	
15	Front setback where there	are no dwellings on either of	1.1, 1.2, 1.3, 14.1
	the adjoining allotments:  Where there are no dwelling Secondary Dwelling sha		
	minimum front setbacks:		
	Lot Size	Minimum Setback	
	<300m <sup>2</sup>	3m	
	300-900m <sup>2</sup>	4.5m	
	900-1500m <sup>2</sup>	6.5m	
	1500>m <sup>2</sup>	10.0m	
16	The minimum side setbac	k shall be as follows:	1.1, 1.2, 1.3, 14.1

		Ta			1	
	Lot Size	Single		Single Storey		
	0002	Dwelling		Dwelling		
	<900m <sup>2</sup>	0.9m		0.9m + one		
				quarter of the height greater		
				than 3.8 metres		
	900-1500m <sup>2</sup>	1.5	m	1.5m + one		
	900-1300111	1.0	1111	quarter of the		
				height greater		
				than 3.8 metres		
	1500m <sup>2</sup>	2.5	im	2.5m + one		
	1000			quarter of the		
				height greater		
				than 3.8 metres		
17	The minimum side	e setback	require	ment on corner lo	ots	1.2, 1.3, 1.4
	shall be as follows	S:				
					-	
	Lot size			m setback		
	<600m <sup>2</sup>		2m			
	600-1500m <sup>2</sup>		3m			
	>1500m <sup>2</sup>		5 m			
	<b>-</b> ()	- <b>f</b> (1-1		- I-( b C		
	For the purposes					
	boundaries with a lot is taken to have			,		
18	The minimum rea					1.2, 1.4, 14.1
			onan bo	40 101101101		,
	Lot Size	Single	Storey	Two Storey		
		Dwelling Dwelling				
	<600m <sup>2</sup>	3m		8m		
	600-1500m <sup>2</sup>	5m		12m		
	>1500m <sup>2</sup>	10m		15m		
Priv	vate Open Space					
20	The Secondary D	•			of	3.1, 6.1
	private open spac	e at grour	nd level v	vith the following:		
	<ul> <li>Gradient no</li> </ul>	•		•		
	Width no les			•		
		•		m and adjacent to		
	habitable room, other than a bedroom (i.e. a living					
	area)					
Dei	Have an area no less than 24 metres.  Privately  The second					
	Privacy					
4	A Secondary Dwelling located on the first floor must not result in unreasonable overlooking into the private open					51 52
	_	•		e first floor must i		5.1, 5.2
	result in unreason	nable over	looking i	e first floor must r	en	5.1, 5.2
	result in unreason space or window	nable over	looking i	e first floor must r	en	5.1, 5.2
22	result in unreason space or window dwellings.	nable over ws of ha	looking i bitable	ne first floor must in the private op rooms of adjoini	en	
22	result in unreason space or window dwellings.  A window that has	nable over ws of ha	looking ibitable the of 1.7	e first floor must rento the private op rooms of adjoining or more above to	en ng he	5.1, 5.2 5.1, 5.2
22	result in unreason space or window dwellings.  A window that has floor level within the second space or within the second space.	nable over ws of ha	looking ibitable the of 1.7	e first floor must rento the private op rooms of adjoining or more above to	en ng he	
	result in unreason space or window dwellings.  A window that has	nable over ws of ha	looking ibitable the of 1.7	e first floor must rento the private op rooms of adjoining or more above to	en ng he	

23	The Secondary Dwelling shall be provided with a bin	1.2, 1.3, 3.8, 8.1
	storage area in a location clear of the private open space	
	area.	

### 3.15 Secondary Dwellings in R5 Large Lot Residential Zones, Environmental and rural zones

Cor	ntrol	Objectives (refer to clause 1.2)
Bui	lding Design	,
1	A Detached Secondary Dwelling shall have the clear visual character of either a shed or a small dwelling. A building that appears to be a hybrid of a shed and a dwelling is not permitted.	1.1, 1.2, 1.3
2	A Secondary Dwelling must not be in the form of a converted shipping container.	1.2, 1.3, 14.4, 14.5
3	The Secondary Dwelling must include the following:	1.2, 1.3, 14.4, 14.5
	<ol> <li>A minimum of one habitable room; and</li> <li>Kitchen sink and facilities for the preparation and cooking of food; and</li> <li>A bath or shower;</li> <li>Clothes washing facilities, comprising at least one wash tub and space in the same room for a washing machine; and</li> </ol>	
	A closet pan (toilet) and wash basin.	
4	External building materials and colours incorporated in the Secondary Dwelling must be compatible with the existing character of the locality.	1.2, 1.3
5	Filling of land must not increase the natural ground level by more than 1.0m.	1.2, 1.3, 5.1, 6.2
6	Cut must be limited to 2.0 metres below natural ground level.	1.2, 1.3, 4.1, 6.2, 9.1
7	Any front façade must have no stretch of blank wall greater than 5.0 metres in length.	1.2, 1.3, 1.4
8	Any front façade must have no stretch of straight wall greater than 10.0 metres in length (other than those on rural lots)	1.2, 1.3
9	A side or rear façade must have no stretch of blank wall greater than 12 metres (other than those on rural lots)	1.2, 1.3
10	A Secondary Dwelling on a battle-axe lot shall be single storey (other than those on rural lots).	5.1
11	If the Secondary Dwelling is located forward of the main dwelling and has street frontage, any façade facing the street is to be provided with at least one habitable room with a window looking onto a public road.	1.2, 1.3, 4.2
12	Where the Secondary Dwelling is located in front of the principal dwelling on the site and has street frontage, the Secondary Dwelling must be provided with an entry door on the street elevation.	1.2, 1.3

13	The Secondary Dwelling shall be provided with an easily identifiable personal access door in an appropriate location.	1.2, 1.3
Set	backs	
14	The Secondary Dwelling must comply with the setback controls for single dwellings relevant to the size of the lot.	1.2, 1.3, 1.4

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

### Volume 1 - General

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

### **Volume 3 - Subdivision**

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

Volume 4 – Residential development

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

	Front setback	3.12.5	6	
Total			6	
	Seco	ondary dw	elling	
	Cut	3.14.7	1	
	Front fac. Blank wall	3.14.8	4	
	Other setbacks	3.14.12	10	
	Other setbacks	3.14.13	2	
Secondary	Front setback	3.14.14	1	
Dwellings	Other setbacks	3.14.15	6	
-	Front door	3.14.16	17	Proposed change
	Use same driveway	3.14.17	5	
	Fr. Fac. Straight wall	3.14.9	3	
Total		ı	49	31.01% Residential variations
	Du	al occupa	ancy	
Dual occupancy	Sewer connection	3.15.1	1	
(residential)	Lot Area	3.15.2	3	
	Lot width	3.15.3	2	
		3.15.6	1	
	50% Garage doors	3.15.17	1	
	No. of gar doors	3.15.18	5	
	Lot area	3.15.20	2	
	Front setback	3.15.23	3	
	Front setback	3.15.24	1	
	Rear setback	3.15.26	2	
	Solar access	3.15.39	1	
Rural dual occupancy	Integrated rooflines	3.16.13	1	
	Land fill	3.16.2	1	
	3 garage doors	3.16.7	1	
	Integrated rooflines	3.16.13	1	
	Appear as 1 dwelling	3.16.14	1	
Total			27	17.09% Residential variations
		dium Der	· ·	
	Traditional orientation	3.17.7	1	
	No mirror image etc	3.17.16	2	
	Front setback	3.17.18	1	
	Open space	3.17.29	1	
			5	
		p top hou	using	
Shop top housing	Balcony/verandah open space	3.20.7	1	
Total			1	
Total all residentia	al		159	

**Volume 5 – Commercial and Community Uses** 

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

### **Volume 8 – Primary Agricultural and Rural Uses**

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

### Table detailing variations for each volume

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