

Commences 2 December 2014

Development Control Plan 2011

Volume 10 – Subdivision of Land



Wollondilly
Shire Council

Revision History

Volume	Last Modification
Volume 1	1.1
Volume 2	1.4
Volume 3	1.4
Volume 4	1.4
Volume 5	1.4
Volume 6	1.0
Volume 7	1.0
Volume 8	1.0
Volume 9	1.4
Volume 10	1.4
Volume 11	1.4

Table of Contents

REVISION HISTORY	2
TABLE OF CONTENTS.....	3
PART 1 – PRELIMINARY	4
1.1 Introduction	4
1.2 Objectives	4
1.3 Interpretation.....	4
1.4 Parts of this DCP	5
1.5 Relationship to other Volumes.....	5
PART 2 – GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT	6
PART 3 – GENERAL REQUIREMENTS FOR ALL DEVELOPMENT.....	7
3.1 Traffic and Transport	7
3.2 Wastewater	11
3.3 Stormwater	11
3.4 Lot Shape	12
3.5 Landscape and Character	13
3.6 Delivery of Housing Variety in Residential Zones	13
3.7 Corner Allotments	13
3.8 Building Envelopes	14
3.9 Environmental Protection	14
3.10 Aboriginal Heritage	14
3.11 Noise Amenity.....	15
3.12 Agricultural Subdivision	15
PART 4 – CONTROLS FOR SPECIFIC LOCATIONS.....	16
4.1 Picton West.....	16
4.2 Thirlmere East	16
4.3 Thirlmere South	17
4.4 Tahmoor West.....	18
4.4 Tahmoor South.....	18
4.5 Tahmoor East.....	20
4.6 Avon Dam and Hawthorne Roads, Bargo	21
4.8 PTTAG.....	22

PART 1 – PRELIMINARY

1.1 Introduction

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

1.2 Objectives

The object of this volume is to ensure subdivisions are undertaken in a way that achieves positive planning outcomes.

1.3 Interpretation

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

Term	Meaning
Any Subdivision	The subdivision of land by Torrens and/or Community Title and/or subdivision by Strata. This definition extends beyond the term “Subdivision of Land” as defined in the Environmental Planning and Assessment Act, 1979.
Large Subdivision	<i>Any subdivision</i> that creates more than 100 allotments.
Medium Subdivision	<i>Any subdivision</i> that creates more than 10 allotments but no more than 100 allotments.
Small Subdivision	<i>Any subdivision</i> that creates no more than 10 allotments except for a <i>Minor Subdivision</i> .
Minor Subdivision	<p><i>Any subdivision</i> that:</p> <ul style="list-style-type: none"> • Does not create any additional dwelling opportunities (excluding an additional opportunity for a secondary dwelling); and • Does not, by its scale and nature, have any plausible adverse social, environmental or economic impacts; and • Does not involve any allotment on which an item of environmental heritage is situated; and • Does not involve any allotment located within a heritage conservation area; and • Does not result in more than 4 new allotments. <p>This definition is not intended to be applied to the interpretation of exempt or complying development provisions.</p>
Access Handle	A corridor of land used to provide access for vehicles from the public road network to or through an allotment that would otherwise be inaccessible for vehicles.

1.4 Parts of this DCP

The requirements contained within Parts 2 and 3 apply to all development to which this plan applies.

Part 4 applies to specific locations. On the date of first adoption of this volume there were no provisions in this part.

1.5 Relationship to other Volumes

This Volume applies to all land within Wollondilly LGA.

Where there is an inconsistency between the provisions in this volume and another provision of this DCP the following order of precedence shall apply to the extent of the inconsistency:

Highest Precedence	Part 2 of this Volume
	All of Volume 1
	All of Volumes 6, 7 & 8
	Part 4 of this Volume
	Part 3 of this Volume
Lowest Precedence	Any other Volume

PART 2 – GENERAL CONSIDERATIONS FOR ALL DEVELOPMENT

Objectives

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

Controls

1. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that the following risks to public safety are suitably mitigated:
 - a) Road and traffic hazards;
 - b) Bushfire;
 - c) Flood;
 - d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;
 - e) Exposure to electricity transmission systems; and
 - f) Exposure to radiation from telecommunications infrastructure.
2. The consent authority must not grant consent to a development application subject to this volume unless it is satisfied that the road network in the vicinity:
 - a) has adequate capacity to support the development; and
 - b) will have an adequate level of amenity once the development is operating.
3. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that emergency services vehicles will have adequate access to service the proposal.
4. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.
5. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that adequate measures will be provided to prevent the release of wastes, hazardous or offensive materials into the natural environment.
6. The consent authority must not grant consent to a development application for development subject to this volume unless it is satisfied that adequate measures will be provided to prevent hazard from wastes, hazardous or offensive materials to human health.

PART 3 – GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

3.1 Traffic and Transport

Objectives

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

Controls

1. The controls in this clause 3.1 do not apply to strata subdivisions of existing buildings that do not propose new roads.
2. All new public roads must comply with Council's design specifications including kerb and guttering, pedestrian paths and street lighting.
3. All access handles must comply with the following minimum widths:

Description	Minimum Width
Residential (R1, R2 or R3) servicing only 1 allotment	5m
Residential (R1 or R2) servicing 2 or 3 allotments	6m
Residential (R1 or R2) servicing more than 3 allotments	New public road to council's design specification
Residential (R3) servicing 2 or more allotments	New public road unless the internal road is to be part of a neighbourhood community lot under a community title or common property strata title scheme.
Rural (All RU zones, E3, E4 and R5) servicing 1, 2 or 3 allotments	15m
Rural (All RU zones, E3, E4 and R5) more than 3 allotments	New public road to council's design specification
Employment (All IN, B and RE zones)	10m

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

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

Zone	Small Subdivision Requirements (<10 Lots)	Medium Subdivision Requirements (10 – 100 Lots)	Large Subdivision Requirements (>100 Lots)
RU1	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.
RU2	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.
RU4	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.	Requirements will be determined on a case by case basis to ensure adequate infrastructure is available for the development.
R1	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install pedestrian footpaths as required in Council's design specifications to all road frontages of the site	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site and so as to provide a link the nearest village centre.
R2	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install pedestrian footpaths as required in Council's design specifications to all road frontages of the site	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site and so as to provide a link the nearest village centre.
R3	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install pedestrian footpaths as required in Council's design specifications to all road frontages of the site	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site and so as to provide a link the nearest village centre.

Zone	Small Subdivision Requirements (<10 Lots)	Medium Subdivision Requirements (10 – 100 Lots)	Large Subdivision Requirements (>100 Lots)
R5	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks.	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site	Road shoulder, kerb and gutter for all frontages. Remove redundant laybacks. Install street lighting. Install footpaths/ sharepaths/ cycleways as required in Council's design specifications to all road frontages of the site and so as to provide a link the nearest village centre.
B1	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.
B2	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.
B4	As for R2 zone if subdivision is intended for residential development and as for B1 if intended for commercial development.	As for R2 zone if subdivision is intended for residential development and as for B1 if intended for commercial development.	As for R2 zone if subdivision is intended for residential development and as for B1 if intended for commercial development.
B5	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.
IN1	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.
IN2	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.	All road frontages to be constructed to Council specifications including shoulder, kerb, gutter, lighting, footpaths, car parking, signage, sharepaths, and cycleways.

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

7. All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.
8. New street lighting must use only LED type lights.
9. Access handles servicing more than 1 allotment in a rural, residential or environmental zone must be provided with a streetlight within 10m of the point where the access handle connects to the public road.
10. Splay corners shall be provided for newly created corner lots with the following sizes:

Zone	Splay Size
Rural Zones	10m by 10m
Residential Zones	4m by 4m
Business Zones	4m by 4m
Industrial Zones	10m by 10m
Recreation Zones	4m by 4m
Environmental Zones	10m by 10m

3.2 Wastewater

Objectives

1. To ensure wastewater generated by development can be managed without harm to the natural environment or human health.
2. To encourage sustainability in wastewater disposal by preventing the use of pump out systems which require significant energy inputs for the transport of waste.

Controls

1. The controls in this clause 3.1 do not apply to strata subdivisions of existing buildings that do not propose new wastewater treatment arrangements.
2. All lots created must have access to one or more of the following:
 - a. A reticulated sewage scheme operated by the relevant statutory sewage authority; or
 - b. A private reticulated sewage scheme operated by person licensed under relevant legislation; or
 - c. Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot.
3. A “pump out” system shall only be considered as a satisfactory method of wastewater disposal for the purposes of Control 2 in the following zones under Wollondilly Local Environmental Plan, 2011:
 - a. B1 Neighbourhood Centre
 - b. B2 Local Centre
 - c. IN1 General Industrial
 - d. IN2 Light Industrial
 - e. IN3 Heavy Industrial
 - f. RE1 Public Recreation
 - g. RE2 Private Recreation

3.3 Stormwater

Objectives

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

Controls

1. All subdivisions must demonstrate stormwater management arrangements to allow for drainage to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.
2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report to be submitted with the development application which must include modelling of both water quantity and quality.
3. All stormwater infrastructure to be dedicated to Council must be low maintenance.

3.4 Lot Shape

Objectives

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

Controls

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

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

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

Area	Minimum Lot Width	Minimum Lot Width (Corner allotment)	Minimum Lot Depth
Less than 450m ²	10m	12m	20m
Between 450m ² and 650m ² (inclusive)	13m	15m	20m
Between 650m ² and 1500m ² (exclusive)	15m	20m	25m
1500m ² or Greater	20m	30m	30m

3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:
 - a. The subdivision of a dual occupancy or medium density development that is existing and lawful; or
 - b. The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2011.
 - c. The subdivision of dwellings approved under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 or an equivalent State Environmental Planning Policy.
4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.

3.5 Landscape and Character

Objectives

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

Controls

1. Subdivisions in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.
2. Subdivisions in residential zones must ensure that there are not two independent access handles along the same property boundary.
3. Access handles to lots in residential zones must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas.
4. Landscaping required by control 3.5(3) shall be provided with:
 - a. An automatic watering system; and
 - b. A mix of ground covers and shrubs that are appropriate for the width of the handle; and
 - c. A mulched or rocked garden bed with permanent edging.
5. Landscaping for access handles shall not obscure the buildings at the rear of the handle.
6. Subdivision proposing the opening of a new public road must include embellishment of the new road verges in accordance with Council's Street Tree Risk Plan.
7. For access handles that are more than 30m in length the width of landscaping shall vary from 2m to 0.5m to prevent a "gun barrel" appearance to the driveway.

3.6 Delivery of Housing Variety in Residential Zones

Objectives

1. To ensure a variety of lot sizes and dwelling types are provided.
2. To avoid a monoculture of allotment sizes and undesirable landscape character.
3. To ensure residential land is not underdeveloped.

Controls

1. Medium and Large Subdivision proposals in the R2 zone must achieve a lot yield in accordance with the following table:

Minimum Allotment Size (LEP 2011)	Minimum number of lots per hectare of R2 land
450m ²	12
700m ²	5
975m ²	5

2. Lots created with an area more than 3 times the minimum allotment size for the zone shall not be included in calculating lot yield.

3.7 Corner Allotments

Objectives

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

Controls

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

3.8 Building Envelopes

Objectives

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

Controls

1. Each lot created by subdivision of land within rural and environmental zones shall be provided with a building envelope of at least 400m² that includes all developable land and excludes the following land:
 - a. Land that is moderate or higher risk of geotechnical instability; and
 - b. Land that is within a setback identified in Volume 3 of this DCP; and
 - c. Land that is within 40 metres of the top of bank of a watercourse; and
 - d. Land that contains significant native vegetation; and
 - e. Land that has been identified as being subject to the 1% AEP flood extent; and
 - f. Land that is required for an asset protection zone under a Bushfire Safety Authority; and
 - g. Land that is subject to a transmission line or other utility service easement; and
 - h. Land that is visually prominent and upon which the construction of a dwelling would degrade the landscape character of the area.
2. The building envelope is to be drafted to ensure the following are wholly contained within the envelope:
 - a. All building construction; and
 - b. All wastewater management activities.
3. Integrated housing lots (that is, lots on which a dwelling may be lawfully constructed with an area less than 450m²) may be created with one boundary as a zero lot line boundary. If such a boundary is to be created then satisfactory easements must be provided on the adjoining lot for eave overhang, drainage, maintenance and any other relevant matter.

3.9 Environmental Protection

Objectives

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

Controls

1. Subdivisions of sites that include significant stands of native vegetation must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision.
2. Subdivisions of sites that include watercourses or other environmental assets must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision.

3.10 Aboriginal Heritage

Objectives

1. To mitigate the risks of development on Aboriginal artefacts and sacred sites.

Controls

1. Medium and large subdivisions and subdivisions providing a new public road must include an assessment of the likelihood of the site containing any aboriginal items or places of cultural significance. This assessment

must be prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects* in NSW published by NSW Office of Environment, Climate Change and Water.

2. If the assessment at control 1 identifies any areas of high likelihood of Aboriginal significance those areas are to be subject to detailed assessment prior to the granting of development consent. If the detailed assessment finds any items or places of significance then a management plan must be prepared to the satisfaction of the consent authority prior to the granting of development consent.
3. Land identified as moderate or low likelihood of Aboriginal significance by the assessment at control 1 shall be subject to consent conditions to ensure the relative risks to Aboriginal heritage are mitigated.

3.11 Noise Amenity

Objectives

1. To ensure that noise impacts on future dwellings are considered and identified at subdivision.

Controls

1. The consent authority must consider noise impact on any proposed lot located within 150m of a classified road or the Southern Rail Line. This may require an acoustic assessment for properties that are within the ranges identified by the guidelines of the NSW Government. Where acoustic treatment is required an appropriate restriction as to user is to be registered on the plan of subdivision.
2. The consent authority must consider noise impact on any proposed lot from existing non-residential development in the vicinity including (without limitation):
 - a. Agriculture
 - b. Education Facilities
 - c. Recreation Facilities
 - d. Industries
 - e. Business Undertakings.

3.12 Agricultural Subdivision

Objectives

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

Controls

1. These controls relate to subdivisions reliant upon Clause 4.2 of Wollondilly Local Environmental Plan, 2011.
2. In demonstrating that a subdivision is *for the purpose of primary production* the applicant must satisfy the consent authority that:
 - a. The loss of land for fencing, setbacks, duplication of services and stormwater management will not amount to more than 5% of the total area of the land; and
 - b. The lots created can reasonably be expected to be used for agriculture in terms of available land, access to water and satisfactory separation from other uses that may result in land use conflict; and
 - c. That the use of the land, including storage of equipment, will be satisfactory from a security perspective if the lots do not have a dwelling to provide supervision.

environmental outcomes. The covenant shall also require, as a positive covenant, the land to be managed in accordance with a vegetation management plan approved by Council or the NSW Office of Environment and Heritage.

2. Road shall be provided to ensure a direct link between Brundah Road and Rita Street generally in accordance with the structure plan.
3. The habitat tree identified on the structure plan shall be retained with a suitable environmental curtilage. The tree and curtilage shall be provided with covenants as described in control 1.
4. A bus stop with shelter shall be provided along the existing bus route in Thirlmere Way and linked to the precinct via a shared pathway along Rita Street in consultation with Picton Buslines. This must be provided prior to the release of any subdivision certificate for any allotment in the precinct.

4.3 Thirlmere South

Application

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



Objectives

1. To ensure future subdivision of the land is provided with a highly permeable road network.
2. To provide infrastructure to support the provision of public transport.

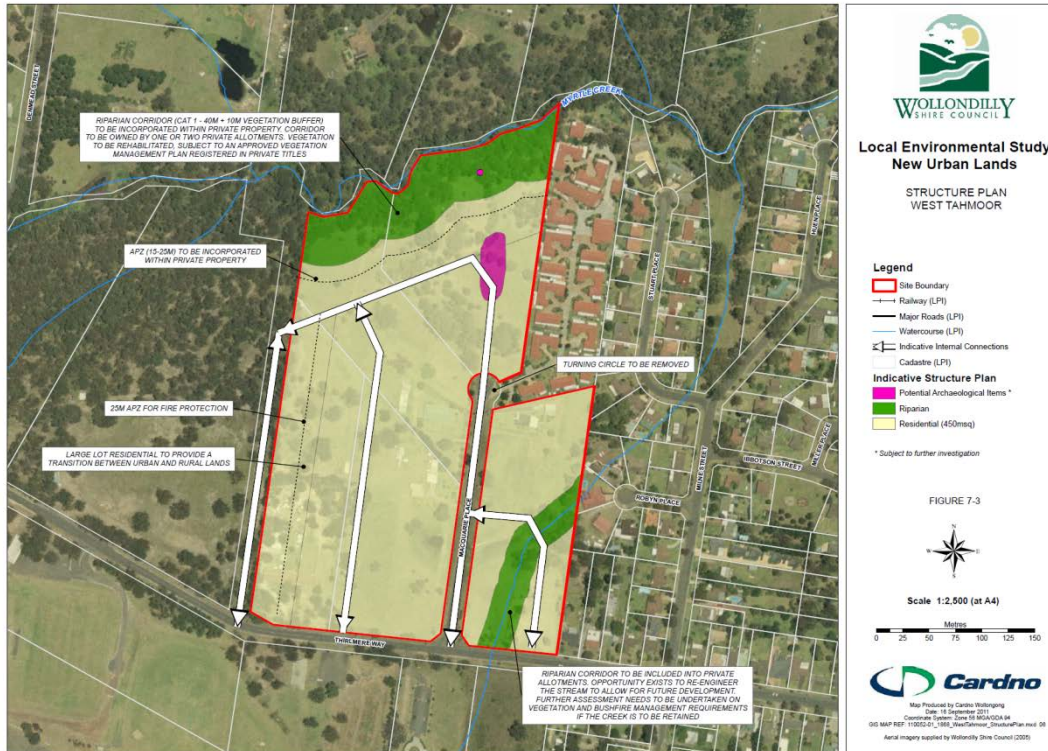
Controls

1. Each existing lot shall fully construct and upgrade the public road for any part of its existing road frontages that have not been constructed to the standard specified in Council's Design Specification. The roads shall be completed prior to the release of any subdivision certificate for any allotment with an area less than 2Ha.
2. The *recommended connection between Antill and Dennis Streets* identified on the structure plan shall be incorporated into the road network for the development of each existing lot within the precinct.
3. A bus stop with shelter shall be provided along the existing bus route in Thirlmere Way and linked through the precinct via a shared pathway along the *recommended connection between Antill and Dennis Streets*.

4.4 Tahmoor West

Application

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



Objectives

1. To ensure future subdivision of the land is provided with a highly permeable road network.
2. To ensure the protection of natural waterways and vegetation.
3. To provide infrastructure to support the provision of public transport.
4. To provide for a transition in lot sizes appropriate to the visual character of the locality.

Controls

1. All land within 50 metres of the top of bank of Myrtle Creek shall be protected by the establishment of a covenant on the land restricting development on that part of the site to only vegetation maintenance for environmental outcomes. The covenant shall also prohibit the fencing of this land require, as a positive covenant, the land to be managed in accordance with a vegetation management plan approved by Council or the NSW Office of Environment and Heritage.
2. The land identified as *potential archaeological items* shall be assessed as having high potential for aboriginal artefacts under Clause 3.10.
3. In addressing the requirements of Clause 3.6, developments shall provider larger allotments along Thirlmere Way and the western edge of the precinct.
4. Roads shall be provided substantially in accordance with the structure plan.
5. A bus stop with shelter to be provided along the existing bus route in Thirlmere Way.

4.5 Tahmoor South

Application

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



Objectives

1. To ensure future subdivision of the land is provided with a highly permeable road network.
2. To provide infrastructure to support the provision of public transport.
3. To mitigate adverse impacts of the adjoining rail corridor on future residential development.
4. To mitigate the risks of development on Aboriginal artefacts and sacred sites.
5. To ensure the protection of significant vegetation.
6. To provide for a transition in lot sizes appropriate to the visual character of the locality.

Controls

1. The habitat trees identified on the structure plan shall be retained with a suitable environmental curtilage by the establishment of a covenant on the land restricting development on that part of the site to only vegetation maintenance for environmental outcomes. The covenant shall also prohibit the fencing of this land require, as a positive covenant, the land to be managed in accordance with a vegetation management plan approved by Council or the NSW Office of Environment and Heritage.
2. In addressing the requirements of Clause 3.6, developments shall provide larger allotments along the southern and western edges of the precinct.
3. Connecting roads shall be provided substantially in accordance with the structure plan.
4. A bus stop with shelter shall be provided along the existing bus route in Byron Road.
5. The land identified as potential archaeological items shall be assessed as having high potential for aboriginal artefacts under Clause 3.10.
6. A shared pathway from the north east corner of the precinct along Pitt Street to Tahmoor Railway Station shall be provided to connect with the existing pathway prior to the release of any subdivision certificate for any allotment within the precinct with an area less than 2Ha.

Notes

1. Part of this precinct was not rezoned by the Wollondilly Local Environmental Plan Amendment Number 3, 2014 (the LEP amendment). This plan has been prepared on the basis of the entire site having been rezoned. As development for the purposes of *Road* is permissible across the entire precinct before and after the LEP amendment it is anticipated that the development of the residentially zoned part of the site can be undertaken in accordance with these controls.

- It is anticipated that the remainder of the site will be rezoned as part of a future amendment to Wollondilly Local Environmental Plan, 2011. These provisions are applied to the entire site in anticipation of it being wholly rezoned in the long term.

4.5 Tahmoor East

Application

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



Objectives

- To ensure future subdivision of the land is provided with a highly permeable road network.
- To provide infrastructure to support the provision of public transport.
- To mitigate the risks of development on Aboriginal artefacts and sacred sites.
- To ensure the protection of significant natural waterways and vegetation.

Controls

- The habitat trees identified on the structure plan shall be retained with a suitable environmental curtilage. The tree and curtilage shall be provided with suitable covenants to ensure they are protected.
- The subdivision of land identified as *Potential Heritage Item* shall not proceed prior to a heritage assessment being prepared to the satisfaction of the consent authority. A subdivision proposal for this land may not proceed unless it is consistent with the recommendations of such an assessment.
- Roads shall be provided generally in accordance with the structure plan.
- The land identified as potential archaeological items shall be assessed as having high potential for aboriginal artefacts under Clause 3.10.

Notes

- Part of this precinct was not rezoned by the Wollondilly Local Environmental Plan Amendment Number 3, 2014 (the LEP amendment). This plan has been prepared on the basis of the entire site having been rezoned. As development for the purposes of *Road* is permissible across the entire precinct before and after the LEP

amendment it is anticipated that the development of the residentially zoned part of the site can be undertaken in accordance with these controls.

2. It is anticipated that the majority of the remainder of the site will be rezoned as part of a future amendment to Wollondilly Local Environmental Plan, 2011. These provisions are applied to the entire site in anticipation of it being wholly rezoned in the long term.

4.6 Avon Dam and Hawthorne Roads, Bargo

Application

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

Objectives

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

Controls

1. For the purposes of Clause 7.1(4) of State Environmental Planning Policy No. 55 – Remediation of Land, Lot 8 DP 877774 is taken to be potentially contaminated land.
2. The habitat trees identified on the structure plan shall be retained with a suitable environmental curtilage. The tree and curtilage shall be provided with covenants to ensure conservation in perpetuity.
3. An east-west road link which incorporates a shared pathway route on the northern side of this road shall be provided between Hawthorne Road and Avon Dam Road.
4. The lot layout shall ensure that where possible lots between Avon Dam Road and Hawthorne Road front the east-west road link.
5. A shared pathway shall be constructed along the full length of the frontage of the site on the eastern side of Avon Dam Road.
6. For the purposes of Volume 1 of this plan, the site is to be regarded as being at risk of flood.
7. The existing culvert in Hawthorne Road shall be replaced with a culvert which has capacity to manage a 1% AEP (100yr) flood level and this shall be installed prior to release of the first Subdivision Certificate.
8. A Vegetation Management Plan (VMP) for all restored or reconstructed riparian areas of the site shall be submitted with each development application for lots containing NRW mapped areas and shall be based on the document Controlled activities - Guidelines for Vegetation Management Plans by DECCW (2010).
9. Existing mature Cumberland Plain Woodland (CPW) species shall be maintained and the mapped NRW area around the watercourse shall be revegetated using indigenous CPW species.
10. The watercourse shall be protected and rehabilitated to mimic a natural creek system and this work shall be completed prior to release of the Subdivision Certificate for the land on which the watercourse is located.
11. A Section 88B instrument with a Restriction on the Title to require the ongoing restoration and maintenance of riparian corridors shall be registered on the title for those lots containing NRW mapped land.

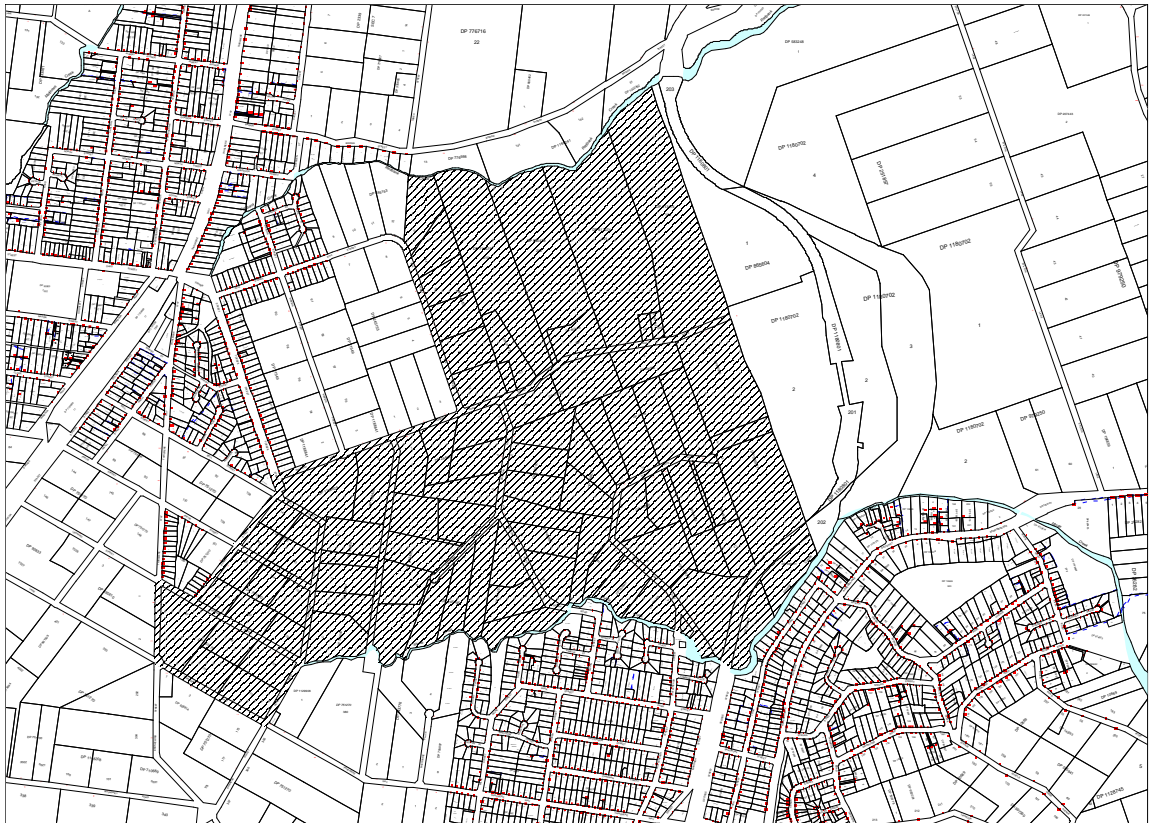
Notes

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

4.8 PTTAG

Application

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



Objectives

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

Controls

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