

Wollondilly DCP 2011

Volume 8

The Oaks South Special Provisions

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WOLLONDILLY SHIRE COUNCIL

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Part 1 - Preliminary

1.1 Introduction

Volume 8 – *The Oaks South Special Provisions* provides special controls for subdivision and residential development for land located at 800 Montpelier Drive (Lot 61 DP 74228) and 24 Hardwicke Street (Lot 62 DP 1099353) and forms part of the *Wollondilly Development Control Plan 2011 (WDCP 2011)*.

1.2 When Did the Special Provisions Come into Force?

The special provisions were adopted by Council on 20 June 2011 and take effect from 9 March 2012.

1.3 Relationship to Other Volumes

This Volume provides special provisions for residential subdivision and development in *The Oaks South*. Any development application for development on this land must be in accordance with this Volume as it will be used by Council to determine your development application.

This Volume must be read in conjunction with the **Wollondilly LEP 2011** and **Volume 1 – General** and **Volume 3 – Residential and Tourist Uses** of this **WDCP 2011**.

This Volume should also be read in conjunction with Wollondilly LEP 2011 **Height of Buildings Map** and **Lot Size Map**.

Part 2 - Concept Plan

2.1 What is the Concept Plan?

The Concept Plan - Appendix 1 – outlines the likely future development within the site taking into consideration the constraints to development and adjoining and nearby land.

The location of features in the Concept Plan are to be refined as more detailed studies and analyses are undertaken as part of the preparation of development applications and where it is demonstrated that changes will result in improved outcomes consistent with the objectives of this DCP.

2.2 Overall Objectives of the Concept Plan

The objectives to be achieved in future development plans

- Identification of constraints to development
- Efficient use of space and infrastructure
- Equitable access to services and facilities
- Efficient movement within the site by a variety of transport modes
- Environmental, social and economic sustainability

Part 3 - Objectives for Development

3.1 General objectives

The special provisions aims to ensure that all development in *The Oaks South* is designed, developed and maintained in accordance with the following objectives:

- a) To ensure that contaminated land is successfully remediated.
- b) To minimise the impacts on the scenic qualities of the rural landscape.
- c) To retain items and areas of heritage value.
- d) To maintain water quality in the catchment.
- e) To improve the local endangered ecological community.
- f) To provide a hierarchy and network of publicly accessible roads and shared pathways within the site and to the existing village of The Oaks.
- g) To minimise the risk to life and property from the potential threat of bushfire and from use of the nearby airfield.
- h) To mitigate potential adverse noise impacts
- i) To provide a graduated range of housing densities in keeping with adjoining urban (north) and rural (south) development.
- j) To provide safe vehicular access
- k) To support public transport infrastructure

Council will not grant consent to development unless it is of the opinion that the development is consistent with the relevant objectives and the development control provisions outlined in this *WDCP 2010*.

Part 4 - Special Provisions

4.1 Remediation and Fill

(Refer also to Volume 1 – Contaminated Land and Land Filling)

4.1.1 Contaminated Land

The *Oaks South Site* has been identified as contaminated in Wollondilly LEP 2011 Amendment 3. Remediation of this land is required. Please refer to Volume 1 and State Environmental Planning Policy No. 55 – Remediation of Land with regard to the process for undertaking remediation.

4.1.2 Land Fill and Reshaping

Objectives

- a) To ensure that levels over the site remain relatively unaltered to minimise potential safety risks from use of the east-west runway.
- b) To ensure all finished residential lots are provided with a satisfactory fall towards the stormwater drainage system.

Controls

1. Land fill shall not be used to raise the ground level (existing) and overall height of a building or structure above the maximum allowable either under the Height of Buildings Map or under any restrictive covenant.
2. Land should be reshaped to the minimum necessary for achieving satisfactory stormwater flow.
3. The large central dam shall be removed and filled to ground level (existing) prior to release of the first subdivision certificate in accordance with the provisions for land fill detailed in Volume 1.

4.2 Subdivision

(Refer also to Volume 3 – Residential and Tourist Accommodation Uses)

4.2.1 Subdivision Plan and Staging

Objectives

- a) To ensure the whole site is planned as an integrated development.
- b) To ensure staging of subdivision is undertaken in an integrated and orderly manner.
- b) To ensure that the required infrastructure is provided if development is staged.

Controls

1. A subdivision plan detailing the subdivision of the whole site shall be submitted with the first and any subsequent development applications for subdivision of the whole or part of the site.
2. This subdivision plan shall address the concept plan and include the following:
 - lot layout,
 - roads,
 - shared pathways,
 - water quality/stormwater management/wetland areas,
 - acoustic treatment,

- landscaped areas,

- asset protection zones,
 - building and heritage exclusion zones
 - without limiting any other detail required by Council or other government authorities.
3. Any proposed staging of subdivision shall include both Lot 61 and Lot 62 with development to proceed from Montpelier Drive on both lots to ensure that vehicular access, acoustic measures, water quality/stormwater provisions and shared pathways are provided in a timely, effective and orderly manner.
 4. Turf farming on the site shall cease within one year from the determination of the first development application for subdivision.

4.2.2 Lot layout and density

Objectives

- a) To enable integration of development through an urban layout respectful of both The Oaks existing township and surrounding rural land.
- b) To ensure development densities are consistent with the location of the site at the urban edge of The Oaks village.

Controls

1. Provide lot sizes and dimensions consistent with the urban/rural edge character of the location.
2. Maintain an open rural edge to the southern and western boundaries by the use of larger lots, roadways and shared pathways and fencing with an open rural style.
3. Provide a subdivision layout to achieve an overall density of 9 lots per hectare with a graduating range from 10 lots per hectare at the northern end decreasing to 8 lots per hectare at the southern end of the site.

4.2.3 Roads and Transport Infrastructure and Traffic Noise

Objectives

- a) To provide adequate and safe vehicular access
- b) To provide public transport infrastructure
- c) To provide alternative forms of access to the site
- d) To assist in reducing climate change
- e) To ensure the subdivision is designed to protect future residents from road traffic noise.

Controls

1. Vehicular access into and from the site for residents shall be from Montpelier Drive with access to Hardwicke Street only in times of emergency if required.
2. Hardwicke Street shall be designed for use by emergency vehicles and as an emergency evacuation route for residents. (See 4.2.6)
3. All roads and shared pathways shall be designed and provided in accordance with Council's Geometric Road Design Guidelines and constructed prior to release of the Subdivision Certificate.
4. A bus stop and bus shelters shall be provided on each side of Montpelier Drive immediately in front of the development prior to release of the Subdivision Certificate.
5. A shared pathway shall be constructed along the full length of the frontage of the site on the eastern side of Montpelier Drive and up to Edward Street prior to release of the Subdivision Certificate.
6. Land shall be reserved for a shared pathway link to the adjoining property to the south (Lot 1 DP 1043567) in anticipation of it being rezoned for residential purposes in the future. This should be indicated on the subdivision plan submitted with the Development Application.

7. Provide either one or a combination of, the following noise control measures and demonstrate that noise levels for the first row of dwellings along Montpelier Drive will not exceed those for residential areas detailed in the *Department of Environment and Conservation Environment Protection Authority's NSW Road Traffic Noise Criteria*:
 - a) Separation of dwellings (indicate by use of building envelopes within allotments) from Montpelier Drive for eg. by road or landscape treatments, for a minimum of 45 metres and/or;
 - b) Construction of a low earth berm along the length of the frontage to Montpelier Drive.
8. The proposed acoustic measures shall be indicated on the subdivision plan submitted with the Development Application and constructed prior to release of the Subdivision Certificate.
9. A noise assessment shall accompany all development applications for dwellings within *The Oaks South* site which indicates that building design and building materials for noise attenuation shall meet the noise level objectives for 'sleeping areas and dedicated lounges' as required by AS 2021 which will necessitate an Aircraft Noise Reduction goal of approximately 20dBA. This should be able to be achieved through standard building construction methods.
9. For the first row of any dwellings proposed within 45 metres from Montpelier Drive a noise assessment shall be submitted with the development application for a dwelling to indicate that noise levels within the dwelling will be in accordance with the *Department of Environment and Conservation Environment Protection Authority's NSW Road Traffic Noise Criteria*.
10. Development applications for noise impacted dwellings should detail design and architectural treatments which may be required to reduce noise to acceptable levels and these may include all or some of the following:
 - a) upgrading of glazing;
 - b) the sealing of gaps around windows and doors;
 - c) sealing of wall vents;
 - d) the upgrading of doors to solid door;
 - e) reconfiguration of internal spaces to provide non sensitive rooms adjacent to the Montpelier Road frontage.
11. Details of these building restrictions for aircraft noise and for the first row of dwellings (road noise).shall be included within a Section 88B instrument to be lodged with the application for a Subdivision Certificate and registered on the title of all lots

4.2.4 Drainage, Water Quality and Riparian Land

(Refer also to Volume 1 – Flood Affected Land and Development in Water Catchment Areas and Requirements for Riparian Land)

Objectives

- a) To incorporate a central corridor enabling the achievement of measures to maintain or improve water quality.
- b) To ensure that subdivision and development are responsive to, and minimise impacts on riparian areas and drainage patterns and vegetation.
- c) To minimise stormwater impacts on downstream properties and the wider catchment.
- d) To improve the ecological quality of riparian areas.

Controls

1. Provide a Stormwater/Water Quality Management Plan (SMP) with specific site and design requirements for a hydraulically sound on-site detention system and water quality/stormwater bio-retention drainage corridor and pond/wetland system as outlined in the Concept Plan all of which shall satisfy the requirements of the SEPP - Drinking Water Catchment Regional Environmental Plan No. 1.

2. An area of @0.2 hectares in the south west corner of Lot 61 is flood prone below the 276.5m AHD for the 1% AEP flood event and a building exclusion zone of 40m or greater from the creek as determined by the SMP shall be established and identified on plans accompanying a Development Application.
3. Design of the road layout and drainage system for the area south of the ridgeline through the centre of Lot 61 should aim to direct stormwater flows across the ridge in the lower section to then discharge into the drainage corridor.
4. All water treatment ponds and wetland areas shall meet relevant Office of Water and Sydney Catchment Authority requirements.
5. All works within riparian areas should be sensitive to protecting or restoring habitat integrity and connectivity as well as the existing form and function for drainage.
6. Stormwater and water quality systems incorporating wetland, ponds and bio retention drainage infrastructure shall be maintained and monitored by the developer for a period of 5 years after construction of the subdivision is completed for the whole site to ensure that these systems are functioning correctly.
7. All stormwater treatment devices shall be overhauled and demonstrated to be functioning effectively before being handed to Council with a copy of the operation and maintenance manual for the devices.
8. Details of individual lot on-site stormwater detention and drainage design and ongoing maintenance for such shall be detailed in Section 88B and 88E instruments submitted with subdivision plans and then registered on the title of each lot. The Sydney Catchment Authority is to be noted as an interested party to the Section 88E instrument.
9. Details of building restrictions shall be placed in a Section 88B instrument submitted with the application for a Subdivision Certificate and registered on the title of any lot affected by flooding.

Note: Drinking Water Catchments REP 1 applies to any development on this site and subdivision applications will be referred to the Sydney Catchment Authority for assessment

4.2.5 Ecology, Landscaping and Visual Quality

Objectives

- a) To enhance the preservation of local endangered ecological communities and flora.
- b) To provide an attractive and pleasant central landscaped setting.
- c) To ensure views from elevated positions both within and around the site are retained and protected.
- d) To ensure development is compatible with the landscape features of the location

Controls

1. Incorporate a vegetated habitat corridor linking Cumberland Plain Woodland areas to the east and west of the site which will also act as a stormwater drainage corridor and may also include a shared pathway.
2. Plantings within this corridor and any riparian area and road reserve shall be vegetated with native provenance Cumberland Plain Woodland species (examples listed in Appendix 2) and should include large street trees and understorey plants spaced to ensure bushfire hazard is reduced.
3. The wetland/pond area in the south western corner shall incorporate habitat features including plantings of sedges, rushes and reeds which shall be detailed in a habitat plan accompanying the development application for subdivision.
4. Landscaping utilizing low maintenance endemic species and street trees shall be undertaken around the site boundaries as required to soften the edges and within main streets of the site.
5. Reference should be made to Council guideline *Street Tree Management Plans* for planting and maintenance guidelines.

6. Retain the planted, endangered flora species *Acacia Pubescens* (Downy Wattle) in its current location on Lot 61 and/or salvage by seed collection, propagation and planting into a revegetation area in the landscaped corridor or in riparian areas in the south western corner. Any proposal to remove the plant from the site entirely should be referred to the Department of Environment Conservation Climate Change and Water (DECCW) for their determination as to the need for consent from determining authorities.
7. Existing landscape features of the site such as trees, heritage structures and view vantage points are to be retained, restored and incorporated into the layout and development of the site where appropriate.
8. Measures for reducing visual impact from Montpelier Drive can include landscaping and maintaining an open edge to development by locating roads and shared pathways along the southern and western boundaries of the site. Should fences on the site boundaries be required then these shall be of a rural open style such as post and rail except on the northern side adjoining the existing urban area.
9. View opportunities and corridors are to be identified and shall demonstrate how the visual impact of new development shall be managed and treated to achieve an aesthetically appealing outlook from adjoining and nearby lands.
10. A detailed Landscape, Habitat and Maintenance Plan shall be submitted with the development application for subdivision and implemented prior to release of the Subdivision Certificate.
11. Landscaping shall be maintained until established for a minimum period of 2 years after planting or for a period as determined by Council.

4.2.6 Bushfire Protection and Safety

(Refer also to Volume 1 – Section 6.2 Bushfire Protection)

Objectives

- a) To ensure residential properties are protected in accordance with current bushfire management standards.
- b) To ensure that there is an effective bushfire evacuation route for residents
- c) To ensure dwellings within bushfire prone areas are designed and constructed to protect residents.

Controls

1. The main distributor road from Montpelier Drive shall be constructed to comply with the specifications of Section 4.1.3(1) of Planning for Bushfire Protection 2006 with a minimum formed pavement width of 6.5 metres and 'No Parking' on one side and shall be linked for emergency access only to Hardwicke Street.
2. Hardwicke Street shall be constructed along the length of the eastern boundary with a minimum pavement width of 8 metres as an emergency fire fighting access route.
3. Asset protection zones (APZ) and infrastructure shall be located wholly within the site and not impact on the Cumberland Plain Woodland adjoining to the east.
4. An APZ of 50 metres shall be provided to the east of the site and incorporate the Hardwicke Street Road reserve.
5. A precautionary 10 metre wide APZ shall be provided to future habitable dwellings on the southern boundary. Non habitable structures such as pergolas, garden sheds and the like are permissible within this APZ.
6. Street Hydrants shall comply with the specifications of AS 2419.2 and have a flow rate of 10 litres/second. Hydrant locations shall be delineated by blue markers placed on the hydrant side of the centreline of the road pavement. These hydrants shall be installed prior to release of the Subdivision Certificate.

7. Asset protection zones should be detailed in any subdivision plan and included in the Section 88B Instrument to be registered with affected lots. The NSW Rural Fire Service is to be noted as an interested party to the Section 88B instrument.
8. Dwellings located within 100 metres of the bushfire prone vegetation to the east of the site shall be constructed to a minimum of BAL 12.5 [12.5 kW/m²]. Details of these building restrictions shall be included within a Section 88B instrument to be lodged with the application for a Subdivision Certificate and registered on the title of each lot.

4.2.7 Aboriginal Heritage

Objectives

- a) To ensure potential aboriginal archaeological sites are treated with respect and in accordance with relevant State legislation.

Controls

1. Ensure that all works cease in the vicinity of any previously unidentified Aboriginal objects or places identified during excavation and construction and that the following be notified
 - a) The Department of Environment, Climate Change and Water NSW (DECCW)
 - b) A qualified archaeologist
 - c) Aboriginal stakeholders
2. In regard to the above this requirement should be included as a condition of consent for any development approval for subdivision granted for *The Oaks South* development.
3. Ensure that should human skeletal remains be discovered that the following process will be undertaken:
 - a) The remains will be reported to the police and the state coroner.
 - b) Wollondilly Shire Council and the land owner will be notified of the find.
 - c) Aboriginal stakeholders will be notified of the find.
 - d) DECCW NSW will be notified.
4. If the skeletal remains are of Aboriginal ancestral origin an appropriate management strategy will be developed in consultation with the Aboriginal stakeholders.
5. The find will be recorded in accordance with the National Parks and Wildlife Act 1974 (NSW) and the NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit.
6. The findings will be incorporated into any proposed Aboriginal Heritage Plan's management regime.

4.2.8 European Heritage

Objectives

- a) To retain and manage existing on-site places of heritage value.
- b) To ensure development does not detract from heritage features.

Controls

1. A development exclusion zone around the existing main house and outbuildings on Lot 61 as detailed in the Concept Plan shall be identified in any subdivision plan.
2. If development within this exclusion zone is proposed as part of any subdivision then a Statement of Heritage Impact should be undertaken and submitted with the Development Application for subdivision.
3. Development adjoining the heritage exclusion zone within Lot 61 and identified on the Concept Plan shall be sympathetic to the heritage quality and rural setting of this zone. Details of this restriction shall be included in a Section 88B Instrument accompanying the application for a Subdivision Certificate and placed on the registered title of affected lots.

4.2.9 Restrictions due to Runway

Objectives

- a) To limit the height of structures within the area used for aircraft taking off or landing along the east-west runway.
- b) To ensure dwellings are designed to limit the impact of noise from aircraft taking off or landing along the east-west runway.

Controls

1. Any part of any ancillary structure such as aerials, satellite dishes, flagpoles or chimneys on Lot 61 shall be no higher than 2m above the maximum building height as indicated on the Height of Buildings Map as a precautionary safety measure due to aircraft taking off or landing along the east-west runway. Details of this restriction shall be included in a Section 88B Instrument accompanying the application for a Subdivision Certificate and placed on the registered title of affected lots.
2. A noise assessment shall accompany all dwelling application within *The Oaks South* site which indicates that building design and building materials for noise attenuation shall meet the noise level objectives for 'sleeping areas and dedicated lounges' as required by AS 2021 which will necessitate an Aircraft Noise Reduction goal of approximately 20dBA. This should be able to be achieved through standard building construction methods. Details of this restriction shall be included in a Section 88B Instrument accompanying the application for a Subdivision Certificate and placed on the registered title of affected lots.

4.2.10 Mobile Phone Tower

Objectives

- a) To ensure that there is an adequate buffer area between the Optus mobile phone tower and future residential development.
- b) To ensure vehicular access is retained to enable maintenance of the tower.

Controls

1. A minimum buffer area of 10 metres shall be provided between the base of the Optus tower and the nearest boundary of any new residential allotment.
2. Vehicular access from Hardwicke Street shall be retained to the Optus mobile phone tower and details of such shall be indicated on the subdivision plan.

4.3 Residential Development

(Refer also to Volume 3 – Residential and Tourist Development)

4.3.1 Noise Mitigation for Dwellings

Objectives

- a) To minimise noise in dwellings from aircraft using the nearby airfield.
- b) To minimise noise in dwellings from traffic using Montpelier Drive.

Controls

1. A noise assessment shall accompany all development applications for dwellings within *The Oaks South* site which indicates that building design and building materials for noise attenuation shall meet the noise level objectives for 'sleeping areas and dedicated lounges' as required by AS 2021 which will necessitate an Aircraft Noise Reduction goal of approximately 20dBA. This should be able to be achieved through standard building construction methods.
2. For dwellings proposed within 45 metres from Montpelier Drive an additional noise assessment shall be submitted with the dwelling application to indicate that noise levels within the dwelling will be in accordance with the *Department of Environment and Conservation Environment Protection Authority's NSW Road Traffic Noise Criteria*.
3. Dwelling applications should detail design and architectural treatments required to reduce noise to acceptable levels in terms of either road traffic noise or aircraft noise which may include all or some of the following:
 - a. upgrading of glazing;
 - b. the sealing of gaps around windows and doors;
 - c. sealing of wall vents;
 - d. the upgrading of doors to solid door;
 - e. reconfiguration of internal spaces to provide non sensitive rooms adjacent to the Montpelier Road frontage.

Note: Depending on the dwelling design or architectural treatment chosen, mechanical ventilation systems may be required as windows and doors may need to be closed to achieve the noise level reduction required.

4.3.2 Heritage Features

Objectives

- a) To ensure development does not detract from heritage features.

Controls

1. Development adjoining the heritage exclusion zone within Lot 61 and identified on the Concept Plan shall be sympathetic to the heritage quality and rural setting of this zone.

4.3.3 Bushfire Protection for dwellings

Objectives

- a) To ensure dwellings within bushfire prone areas are designed and constructed to protect residents.

Controls

1. Dwellings located within 100 metres of the bushfire prone vegetation to the east of the site shall be constructed to a minimum of BAL 12.5 [12.5 kW/m²].

4.3.4 Runway Restrictions on Sensitive land uses and Height of Buildings

Objectives

- a) To restrict the development of sensitive uses as a precaution due to the safety risk from the use of the east-west runway at the nearby airfield.
- b) To restrict the height of dwellings as a precaution due to the potential safety risk from the use of the east-west runway at the nearby airfield.

Controls

1. Uses such as hospitals, schools, child care centres and seniors living developments although permissible in the R2 Zone are not recommended for *The Oaks South* site as detailed in the Aviation Risk Assessment undertaken by Rehbein Aos dated 13 January 2010 which accompanied the Local Environmental Study for Amendment 1 of Wollondilly Local Environmental Plan 2010. Council shall only consider a proposal for such uses if an assessment indicates that any potential risks from use of the east-west runway can be mitigated effectively.
2. A height limit of 6.8 m applies to those dwellings fronting Lot 61 (800) Montpelier Drive on or below RL 277m as indicated on the Height of Buildings Map accompanying the LEP.

4.3.5 Fencing

Objectives

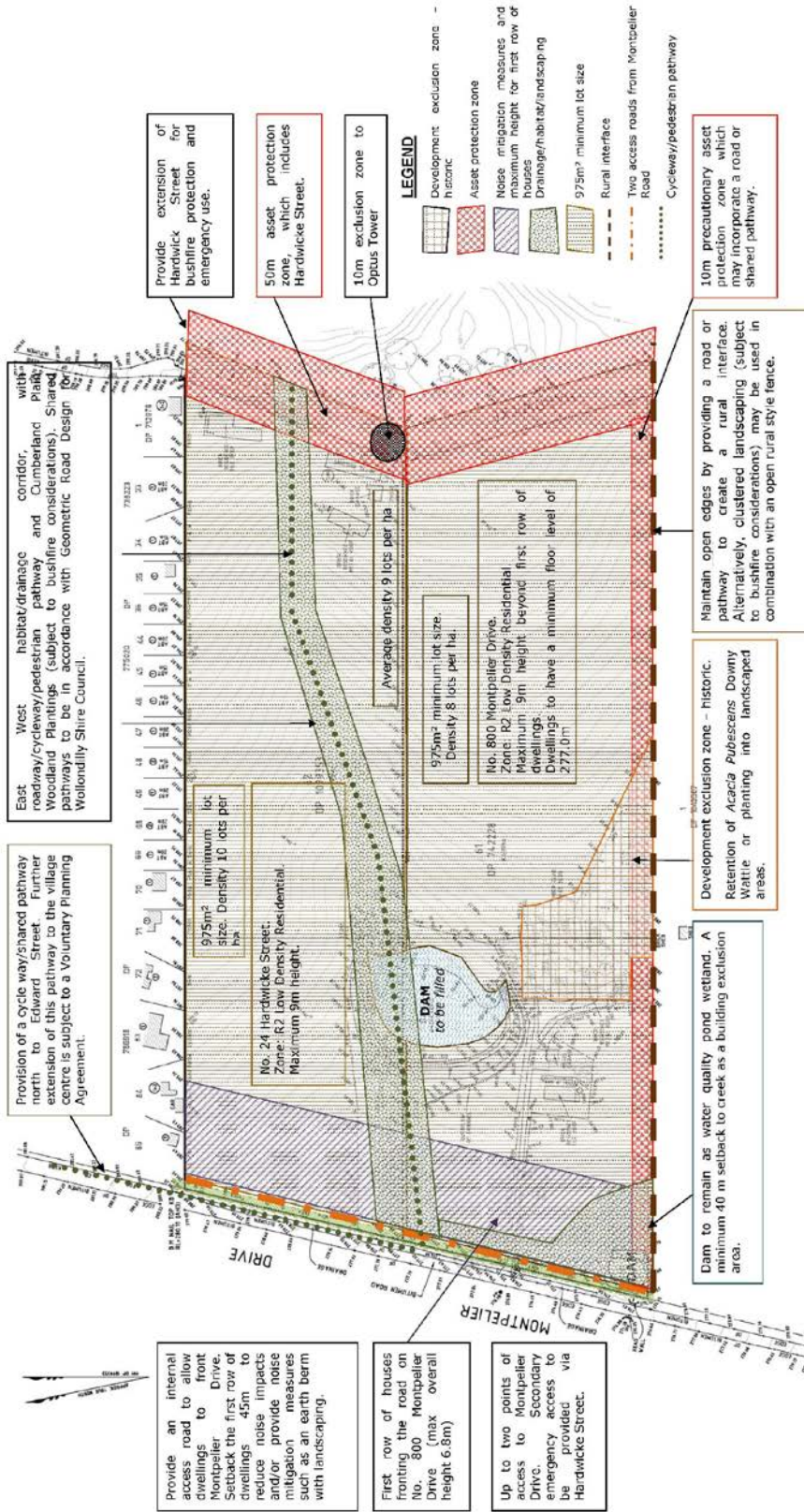
- a) To ensure fencing on external site boundaries complements the rural location and enhances the streetscape.
- b) To ensure fencing restricts the movement of domestic animals into rural lands.

Controls

- a) No solid or metal fencing shall be permitted on the external boundaries of the site except on the northern boundary.
- b) Fencing if required on the eastern, southern and western boundaries of the site shall be of an open rural style such as post and rail.
- c) Fencing for each dwelling shall ensure that domestic animals can be restrained adequately to limit their movement onto rural lands.

Appendix 1

Appendix 1 – Design Concept Plan Lot 62 in DP 1099353 & Lot 61 in DP 742228 at Montpeller Drive, The Oaks



Base Survey Plan provided by **Burton & Field Pty Ltd**
Concept Plan only, not to scale.

Land to the south identified for possible future development within the Growth Management Strategy. Link to the south in the form of a pathway/cycleway/road to be set aside for future connection to possible development.

Appendix 2

Cumberland Plain Woodland Species

Genus species	Common Name
<i>Corymbia maculata</i>	<i>Spotted Gum</i>
<i>Eucalyptus creba</i>	<i>Narrow-leaved Ironbark</i>
<i>Eucalyptus eugenioides</i>	<i>Thin-leaved Stringybark</i>
<i>Eucalyptus moluccana</i>	<i>Grey Box</i>
<i>Eucalyptus tereticornis</i>	<i>Forest Red Gum</i>