Development Control Plan 2016

Volume 6 –Tourism and Events

Wollondilly

Shire Council

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PART 1 – PRELIMINARY

1.1 Introduction

This Volume provides controls for the development and use of land for tourism related uses including visitor accommodation, events and markets.

1.2 Objectives

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

1.3 Parts of this Volume

The requirements contained within Part 2 apply to all development types to which this volume applies.

Part 3 applies to specific types of tourist uses.

PART 2 - GENERAL REQUIREMENTS FOR ALL DEVELOPMENT

2.1 Environmental Protection

Objectives

1. To ensure significant environmental assets are not adversely impacted by development subject to this volume.

Controls

1. Development subject to this volume must not result in the removal of significant stands of native vegetation.
2. Development subject to this volume shall not result in negative impacts that are not minor on watercourses or other environmental assets.

2.2 General Requirements

Objectives

1. To ensure that tourist and accommodation uses achieve a standard of development that is complementary to the existing residential environment and ensures that development is carried out in an appropriate manner.

Controls

1. The development of land for the purposes of Tourist and Visitor Accommodation (being Hotel or Motel Accommodation, Bed and Breakfast Accommodation, Farm Stay Accommodation or Serviced Apartments) must comply with the requirements of Part 2 of Volume 4 of this plan.

PART 3 – CONTROLS FOR SPECIFIC LAND USES

3.1 Hotel and Motel Accommodation

Objectives

1. To ensure the development is consistent with the character of the surrounding neighbourhood,
2. To encourage and promote a high quality standard of accommodation.

Controls

1. Accommodation must not be provided to the same person or persons for more than a 3 month period. Where accommodation is provided for more than 28 consecutive days there must be no more than two persons per room.
2. The maximum number of persons accommodated in a bedroom shall be determined on the basis of 3.25m² per person per sleeping room.
3. Soundproof transmission reduction in the wall and ceiling construction by reason of the layout or location of the building may be required.
4. A maximum of 1 advertising sign no greater than 2.0m² in size is permitted on the site. No illuminated or neon signs are permitted.
5. Where reception facilities are provided, 1 parking space per 5m² of public floor area must be provided (may include on-street car parking where located within an existing commercial centre).
6. If the development involves non-accommodation uses (restaurants, function rooms etc) those other uses must comply with the relevant volumes of this Development Control Plan.
7. In addition to any car parking required for other uses on the site, the development shall provide two (2) parking spaces and one (1) parking space per visitor bedroom.

3.2 Bed and Breakfast Accommodation and Farm Stay Accommodation

Objectives

1. To ensure the development is consistent with the character of the surrounding neighbourhood,
2. To encourage and promote a high quality standard of accommodation.
3. To assist in the implementation of appropriate farm stay accommodation.

Controls

1. Development subject to this clause must comply with the building design and setback controls for a dwelling in Volume 4 of this plan.

2. Visitor bedrooms shall accommodate no more than 2 guests.

3. An area of open space shall be provided for patrons of the development with a total area no less than 20m^2.

4. The development shall meet the following requirements:
   a) Car parking shall be provided at the rate of one (1) parking space per visitor bedroom.
   b) All driveways and car parking are to be sealed and line marked.
   c) Bed and Breakfast accommodation shall not be provided on a residential battle-axe allotment.

5. Fixtures within the development shall be provided in accordance with the following specifications:
   a) Shower heads are to have a flow rate no greater than 9 litres per minute

b) Taps for hand washing are to have a flow rate no greater than 7.5 litres per minute
c) Toilets are to be 3, 4 or 5 Star and to be plumbed to source water from either a recycled water scheme or from a roof water tank. Mains potable water is not to be used in toilet flushing for this type of development.

6. The use of incandescent and halogen light globes is not permitted in developments subject to this clause. All light sources are to be fluorescence globes/tubes or LEDs.

7. The development must not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity.

8. A window that has a sill height of 1.7m or more above the floor level within the room shall be taken to have no potential for overlooking.

9. The development shall be provided with onsite waste management facilities to allow for:
   a) the storage of the waste out of sight of any publically accessible place, dwelling window, area of private open space and area of common open space; and
   b) The collection of domestic waste from the development by waste collection vehicles.

10. **Developments that provide visitor accommodation must be open to bookings from the general public and must provide accommodation for periods of no greater than 72 consecutive days.**

11. Farm stay accommodation must be provided only on a working farm as a secondary business to primary production under Wollondilly Local Environmental Plan, 2011. In determining that a property is a working farm the consent authority must be satisfied that the dominant use of the land is one of the following:
   a) An intensive agricultural activity on the land that has benefit of an existing consent right under Section 109 of the Environmental Planning and Assessment Act, 1979; or
   b) An intensive agricultural activity on the land that has benefit of a Development Consent under the Environmental Planning and Assessment Act, 1979; or
   c) An extensive agricultural activity on the land that is not a hobby and that is an independent use of the land to its domestic occupation.

12. In determining that the farm stay accommodation is a secondary business to primary production the consent authority must be satisfied that:
   a) That the gross income generated by the accommodation will be substantially less than that generated by the primary production; and
   b) No more than 5% of the area of the land will be used for the farm stay accommodation purpose; and
   c) That the accommodation is designed to have no adverse impact on the primary production. This includes (without limitation) biosecurity, noise, odour and traffic impacts; and
   d) That the accommodation will be compatible with the primary production use of the land and will not be subject to undesirable odour, noise and other amenity impacts; and
   e) That the farm is managed as a bona fide business.

13. Applicants for farm stay accommodation developments must provide a business plan for both the farm and the farm stay accommodation to allow the application to be assessed under controls 11 and 12 above.

3.3 Serviced Apartments

Objectives

1. To ensure the development is consistent with the character of the surrounding neighbourhood,
2. To encourage and promote a high quality standard of accommodation.

Controls

1 The total portion of the site covered by all pools, buildings and paving shall not exceed 75% of the site area.

2 Filling of land shall not increase the natural ground level by more than 1.0m.

3 Cut shall be limited to 2.0 metres below natural ground level.

4. The overall bulk, scale, height and proportion of the building shall be consistent with the existing streetscape character of the area.

5. The roof form of buildings shall be modulated or articulated to provide visual interest and shall not use bright reflective materials.

6. The front façade of the serviced apartment must address the street. In this regard the front facade shall include a combination of at least two (2) of the following:

- an entry feature or portico;
- bay windows;
- the use of a balcony, deck, pergola, terrace or verandah along the frontage;
- Roof overhangs;
- Awnings over windows which blend with the design of the dwelling;
- A combination of other architectural features suitable to Council which enhance the front façade of the building.

7. On corner allotments, the building façade on the secondary street frontage shall address the street in accordance with control (6) above.

8. Where the primary front façade is addressed by way of a building feature such as a balcony, deck, pergola, terrace or verandah, roof overhang, awning and the like, the feature shall “wrap around” the building and continue along the secondary front façade for a minimum length of 3.0m.

9. Any fencing along the primary frontage (or secondary street frontage on a corner lot) must be of a height that would not visually obstruct the building features provided in accordance with control (6) to (8) above when viewed from the street.

10. Any front façade (and secondary front façade on corner lots) must feature a personal access door other than a door used only for emergency evacuation of the building.

11. Any front façade (and secondary front façade on corner lots) must have no stretch of blank wall greater than 5.0m in length.

12. Any front façade must have no stretch of straight wall greater than 10.0m in length.

13. A side or rear façade must have no stretch of blank wall greater than 12.0 metres.

14. No more than 50% of the front façade shall be garage doors.

15. The number of garage doors visible to the street shall be limited to 2. In this control a double garage door shall be counted as 2 doors.

16. The front façade shall be provided with at least one habitable room with a window looking out onto the public road.

17. Serviced Apartments developments must not:
    - Be mirror reversed (as defined in volume 3 of this plan);
    - Have a repeated façade (as defined in volume 3 of this plan);
    - Locate garages at the centre of the building's front façade;
    - Be greater than 2 storeys in height; nor
    - Present an excessively bulky front façade.

18. Where there is a dwelling on each adjoining lot, the setback for the building from any primary road shall be the average setback of the existing adjoining dwellings plus or minus 10%. Such a setback shall be no less than 6.5m.

19. Where there is a dwelling on one adjoining lot the front setback for the building shall be plus or minus 10% of the setback of the adjoining dwelling. Such a setback shall be no less than 6.5m.

20. Where there is no dwelling on an adjoining lot the front setback shall be 6.5m.

21. The minimum side setback shall be 0.9m from land not included in the development.

22. The minimum rear setback from land not included in the development shall be 8.0m for a two (2) storey building and 3.0m for a single storey building or a single storey part of a two (2) storey building.

23. The methods for determining primary and secondary roads and setbacks prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes), 2008, are adopted by this volume. The method for determining an adjoining lot in Volume 4 of this plan are adopted by this control.

24. Any garage attached to a dwelling shall be setback a minimum of 1 metre behind the front building line of the dwelling or 5.5 metres from the front street boundary, whichever is greater.

25. Awnings and other building features that do not form a wall of a room or a balcony may be located between the building setback to a primary and/or secondary road shall not extend more than 1.5m in front of that building setback.

26. Eaves and other building features that do not form a wall of a room may be located within the side and rear building setbacks but shall not extend more than 450mm into that building setback.

27. For corner or irregular allotments with multiple road frontages the setback from any secondary road shall be 6m.

28. An area of open space shall be provided for patrons of the development with the following characteristics:
    a. Gradient no steeper than 1:20 (Rise:Run)
    b. Width no less than 3 metres in any direction

c. At least 3 hours of solar access to 50% of the area (ignoring shadowing caused by trees).
d. Provided with suitable fixed embellishment comprising a minimum of:
e. Have a total area no less than 20m^2
f. Must not be located in the front building setback
g. Not be used for effluent disposal or garbage storage
h. Be secured form public access but available to all patrons in the development.
i. Must be separate from and additional to any Private Open Space for a dwelling or other development on the land.

29. A new dwelling shall not result in less than 3 hours of sunlight to the habitable rooms of an adjoining dwelling and 50% of the private open space area of any adjoining property between 9:00 am and 3:00 pm on June 21.

30. Car parking shall be provided at the rate of 1.2 parking spaces per visitor bedroom (rounded up to the nearest whole space) with an additional one (1) space for deliveries/staff/contractors.

31. Garages shall have sufficient area to accommodate a parking space of 2.6m x 5.4m per allocated parking space.

32. Garage doors shall have a minimum width of 2.4 metres.

33. All driveways and car parking are to be sealed and line marked.

34. Fixtures within the development shall be provided in accordance with the following specifications:
a) Shower heads are to have a flow rate no greater than 9 litres per minute
b) Taps for hand washing are to have a flow rate no greater than 7.5 litres per minute
c) Toilets are to be 3, 4 or 5 Star WELS rated and to be plumbed to source water from either a recycled water scheme or from a roof water tank. Mains potable water is not to be used in toilet flushing for this type of development.

35. The use of incandescent and halogen light globes is not permitted in developments subject to this clause. All light sources are to be fluorescence globes/tubes or LEDs.

36. Wherever possible, dwelling shall be designed to avoid overlooking the main living areas, private open spaces areas and windows of habitable rooms of adjoining dwellings.

37. The outlook from second storey windows, balconies, stairs, landings, terraces or decks is to be screened where a direct view is available into the private open space areas of an existing adjoining dwelling to prevent overlooking.

38. A window that has a sill height of 1.7m or more above the floor level within the room shall be taken to have no potential for overlooking.

In cases where windows of habitable rooms on a dwelling have a direct outlook onto windows of habitable rooms of adjacent dwellings, the windows of the proposed dwelling shall be offset by a sufficient distance to limit direct views between windows.

39. The development shall be provided with onsite waste management facilities to allow for:
a) the storage of the waste out of sight of any publically accessible place, dwelling window, area of private open space and area of common open space; and
b) The collection of domestic waste from the development by waste collection vehicles.

40. **Developments that provide visitor accommodation must be open to bookings from the general public and must provide accommodation for periods of no greater than 72 consecutive days.**

3.4 Temporary Markets

Objectives

1. To ensure the development is consistent with the character of the surrounding neighbourhood,
2. To ensure markets do not have adverse environmental impacts.

Controls

1. Temporary markets may only be undertaken on sites with access to sanitary facilities to the satisfaction of the consent authority.

2. The consent authority must not consent to a development application for temporary markets unless it is satisfied that waste can be managed in accordance with a waste management plan to prevent pollution of the environment and loss of amenity.

3. Temporary markets may only be undertaken on sites with access to car parking to the satisfaction of the consent authority.

3.5 Events

Objectives

1. To ensure the development is consistent with the character of the surrounding neighbourhood,
2. To ensure an event does not have adverse environmental impacts.

Controls

1. Events may only be undertaken on sites with access to sanitary facilities to the satisfaction of the consent authority.

2. The consent authority must not consent to a development application for events unless it is satisfied that waste can be managed in accordance with a waste management plan to prevent pollution of the environment and loss of amenity.

3. Events must not be undertaken on sites that do not have adequate access to public roads with capacity for the traffic likely to be generated by the event.

4. Events likely to attract more than 200 people must be ticketed on a pre-booked only basis. Tickets may not be sold at the gate.

NOTE: Nothing in this plan prevents a site from being used for more than one event each year.