Carolyn Scott

From: Edith Barnes <Edith.Barnes@wollondilly.nsw.gov.au>
Sent: Friday, 11 October 2019 5:21 PM
To: Gwenda Kullen; Murray Jay; Nicole McNamara
Cc: Brittany Madeley; Mary-Anne Madden
Subject: Feedback on the draft Wilton DCP
Attachments: Wilton Growth Area - Revised DCP - Cover letter.pdf

Hello Gwenda and team,

Thank you for accommodating Council with additional time to review the Draft Wilton DCP.

As you are aware we had engaged a consultant to assist with the review and hopefully add value to the first public draft of the Wilton DCP.

Some of the things that we have looked to achieve are:

- Make the DCP structure, objectives and controls clearer and user friendly.
- Remove the repetition in the document
- Merge relevant information for appendix back into the DCP.
- Provide commentary on things we should continue to discuss.

To further assist with your understanding of our approach our consultant has provided a cover letter that explains the work undertaken.

It is important to note that we have not deleted or reduced the meaning of the existing content but rather tried to improve its application and consistency.

https://cloud.wollondilly.nsw.gov.au/index.php/s/Vco8qMvekIOYfeb

The link above contains the word version of the draft DCP as restructured/edited by the consultant and Council as well as containing comments. I would highlight that this is a draft working document and in line with the Council resolution for staff to continue to work collaboratively to refine the draft DCP. it is a staff led review of the document that reflects the collaborative approach that has been adopted by our teams to date.

We hope to continue working in the same way, on that note I proposed that we all meet with our consultant to continue to refine the controls in the document.

We can bring together our DA and Strategic team with yours to continue these discussions.

I would be happy to discuss this further and will give you a call on Monday.

Thank you,

Edith

Edith Barnes
Executive Planner - Growth Areas

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Carolyn Scott

From: Brittany Madeley <Brittany.Madeley@wollondilly.nsw.gov.au>
Sent: Wednesday, 8 April 2020 1:19 PM
To: Carolyn Scott
Cc: Nicola Viselli; Edith Barnes
Subject: RE: Wilton DCP -
Attachments: Feedback on the draft Wilton DCP

Hi Carolyn,

Please find attached Edith's covering email which includes a cloud link to our submission on the DCP.

If you have any troubles accessing please let me know

Kind regards,
Brittany

Brittany Madeley
Strategic Planner – Growth

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From: Edith Barnes
Sent: Wednesday, 8 April 2020 12:21 PM
To: Brittany Madeley <Brittany.Madeley@wollondilly.nsw.gov.au>; Nicola Viselli <Nicola.Viselli@wollondilly.nsw.gov.au>
Cc: 'Carolyn Scott' <Carolyn.Scott@planning.nsw.gov.au>
Subject: Wilton DCP -

Hi team,

Brittany can you please email Carolyn our submission to the DCP including my covering email.

I also wanted to confirm that in my absence the best contact is Brittany for the Wilton DCP.

I note that we would like to see the schedules. We had previously discussed with Gwenda that the precinct schedules as exhibited forced Council to agree to cross sections without having the opportunity to assess them and this prevented us from negotiating appropriate outcomes for street tree planting and parking and movement etc. We requested that controls require that cross sections align with council engineering guide. As such we continue to require their removal from the final DCP.

I noted that Carolyn mentioned that they would continue to work on the document and separate out general controls from subdivision controls. Please feel free to contact Brittany regarding this as she has been looking closely at all the controls.

Thank for your assistance.

Edith

Edith Barnes
Executive Planner – Growth Areas

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08 October 2019

Wollondilly Shire Council
62-64 Menangle St
Picton NSW 2571

Our Ref: 2019/526

Dear Mary-Anne, Brittany and Edith

Revised Draft Wilton Growth Area Development Control Plan

As per our fee proposal, please find attached a copy of the revised draft DCP for your review. We have developed the revised draft DCP based on our knowledge of the development assessment process, similar development control plans adjacent to the subject site, as well as extensive consultation with Council staff via workshops and review of individual comments.

The draft DCP provide controls that are succinct, easy to interpret and reflect both overall strategic planning intent, as well as specific on-the-ground outcomes. The following provides a summary of the changes made to the exhibited draft DCP:

- Structure of the draft DCP – the draft DCP has been divided into 6 parts. These parts are based on the approvals process and land uses. The change creates an opportunity for users to clearly understand the content of the draft DCP and which parts apply to them, with the aim of supporting consistent application of the document in the development assessment process.
- Neighbourhood planning process, development application process and relationship to other plans – Part 1 of the draft DCP clearly outlines the development application process for the Wilton Growth area and how the draft DCP relates to other policies. It provides two flow charts including the development application process and approvals for Neighbourhood Plans.
- Neighbourhood Plans – Part 2 of the draft DCP includes a comprehensive overview of the neighbourhood planning process and all the controls that were dispersed throughout the DCP relating to the Neighbourhood Plans (such as in the appendices) as well as comments provided from Council staff, at the workshops and individually.
- Diagrams – many diagrams that are included in the Wilton Growth Area DCP have been removed. They were originally included as examples of the controls contained in the

DCP, however these diagrams were difficult to read, were not considered by Council staff to add value and could have been misinterpreted by users.

- Precinct (Schedule) Plans – The Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule) included controls that conflicted with controls in the main body of the DCP. These controls have been removed from the Precinct Schedules.
- Appendices – relevant DCP provisions that were contained in the appendices have been included in main body of the DCP.
- Objectives and Controls – the objectives and controls were reviewed in the context of application, readability, repetition and best practice. Without changing the intent of the DCP, where possible the objectives are now targeted and clear with links to the controls, with the controls then outlining the ways that the objectives may be achieved. Content that did not form an objective or control has been removed from the DCP, and can be considered as background policy due to that content not creating additional requirements to those in the Growth Centres SEPP and Wilton 2040 or identifying criteria that a council must consider when assessing a development application – which is the aim of a DCP.
- Terminology – consistent terminology has been used throughout the revised document. Based on feedback from Council staff the terminology best relates to that which is typical of planning and policy documents produced by Council or that is required to be used by relevant legislation. This should ensure easy and consistent interpretation of the DCP.
- Glossary - additional definitions or terms have been included that are throughout the DCP but were not originally defined in the DCP.

The revised draft DCP is a succinct working document for your consideration – noting that the next stage in the project is for Locale to present and workshop the revised draft DCP with key staff. The revised DCP aims to have the ability to be consistently applied for any development applications for the Wilton Growth Area. In turn, this leads to weight given to the draft DCP in planning decisions, which in turn should result in desirable on the ground outcomes.

Thank you for the opportunity to work with you to develop the revised Draft DCP. If you have any questions, please do not hesitate to contact me.

Yours Sincerely

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Submission file

20191002---dcp---dpie---draft-wilton-growth-area-development-control-plan---heritage-nsw-response.pdf

Submission
See attached

I agree to the above statement
Yes

Reference: DOC19/672392

Catherine Van Laeren
A/Executive Director, Central River City and Western Parkland City
Place, Design and Public Spaces
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Draft Wilton Growth Area Development Control Plan 2019

Dear Ms Van Laeren

Thank you for the opportunity to comment on the *Draft Wilton Growth Area Development Control Plan 2019*, which will guide the development of the Wilton Growth Area precincts over the next two decades, including around 15000 new homes, as well as transport, community facilities and open space.

We have reviewed the Development Control Plan (DCP) and, while we do not raise an objection to the plan, we provide the following advice.

Our records show that there are two State Heritage Register (SHR) items within the Wilton Growth Area, these are:

- Upper Canal System (Pheasants Nest Weir to Prospect Reservoir) (SHR 01373), and
- Wilton Park (SHR 00257)

The subject area also contains six Items of Local Heritage Significance which are listed under *Wollondilly Local Environmental Plan 2011:*

- Aboriginal shelter sites (Wilton Park) (I285)
- St Luke's Anglican Church (I276) at 1095 Argyle Street, Wilton
- Cottage (I275) at 1090 Argyle Street, Wilton
- Cottage (I279) at 180 Wilton Park Road, Wilton
- Kedron (I280) at 305 Wilton Park Road, Wilton
- Wilton Park Stables, Coachhouse, Water Tanks, Stallion Boxes, Covered Yards (I277) at 370 Wilton Park Road, Wilton (local item covering the same area as the Wilton Park SHR item).

The DCP does not make any reference to any of the above SHR or Local heritage items, we recommend that the DCP be amended to identify these items and specific controls to mitigate any impacts that might occur due to the development of the precincts.

Any future development following finalisation of this DCP which could potentially impact on the SHR items should be referred to Heritage NSW for assessment. As Wollondilly Shire Council is the consent authority, the preservation and mitigation of any impacts on Local heritage items rests with Council.

Heritage NSW also recommends that the wording of the DCP should be revised to reflect currently acceptable terminology:

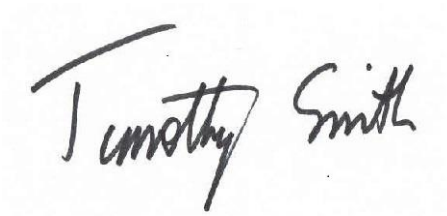
- we note that the term Aboriginal heritage has been used interchangeably with Aboriginal cultural heritage throughout the document, this should be updated to refer to Aboriginal cultural heritage in all instances, and
- references to European heritage should be changed to non-Aboriginal heritage, as the term European heritage is not inclusive of all post-contact heritage.

We note also that there are a number of State Government agency names which need to be updated following the recent Machinery of Government changes. As you are aware, with the exception of Heritage NSW, all the functions of the former Office of Environment and Heritage now sit within your department.

The DCP should be updated to reflect the above changes. Referrals for approval in relation to non-Aboriginal heritage and archaeology under the *Heritage Act 1977* should be referred to Heritage NSW. Referrals under the *National Parks and Wildlife Act 1974* should be referred to the Department of Planning, Industry and Environment.

If you have any questions about the above matter please contact James Sellwood, Senior Heritage Programs Officer – Statewide Programs, Heritage, Community Engagement, Department of Premier and Cabinet by phone on 02 9274 6354 or via email at james.sellwood@environment.nsw.gov.au.

Yours sincerely



Tim Smith OAM
Director Heritage Operations
Heritage NSW
Community Engagement
4 October 2019

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Submission file

ees-comments---draft-wilton-development-control-plan-2019-(august-2019.pdf

Submission
See attached

I agree to the above statement
Yes

Environment, Energy and Science (EES) comments on draft Wilton Development Control Plan 2019

EES provides the following advice regarding the draft Wilton Development Control Plan (DCP), and detailed comments by Section in Tables 1-4.

Partnering to create a sustainable Wilton

Process and engagement

The Department of Planning, Industry and Environment (DPIE) through the EES Division and Sustainability Advantage program has been working with Wollondilly Shire Council since 2017 on sustainability matters within Council's development processes. This work has been in response to the needs as identified by Council to balance and manage the growing development needs of the local government area, and to protect and enhance social and environmental outcomes.

Partnering to create a sustainable Wilton Part 1

In November 2018, OEH in partnership with Wollondilly Shire Council and the then Department of Planning and Environment (DPE) coordinated a workshop to identify a vision for Wilton for these stakeholders and the Wilton developers to work towards. Through this workshop, four key priorities were determined for inclusion within the vision for the draft DCP. The priorities included:

- Enhancing water sensitive urban design
- Enhancing biodiversity
- Enhancing liveability and community, and
- Low carbon and climate resilience

Within each of these priority areas, stakeholders identified various facets that will enable Wilton to be more sustainable and liveable, based on best practice. With the often interconnected objectives and outcomes, there was an emphasis on identifying actions with multiple benefits.

Following the workshop there was interest from these stakeholders to continue collaborating.

Partnering to create a sustainable Wilton Part 2

On 29 May 2019, a second workshop was conducted. The purpose of the second workshop was to develop specific objectives and controls for the Wilton DCP which will enable the stakeholders and developers to deliver on the vision for Wilton as a sustainable and liveable community. This workshop was specifically designed to facilitate the development of objectives and controls for the Wilton draft DCP, at the request of the former DPE.

This workshop was facilitated by experts in sustainable development, Jason Twill from Urban Apostles, and Stella Whittaker from Jacobs Group. Contributing their time and expertise to this workshop included approximately 12 high-profile subject matter experts in the fields of water management, biodiversity, carbon and community resilience and liveability to ensure that the objectives and controls were well-informed and based on evidence and best-practice. There were more than 60 participants on the day including experts from Wollondilly Shire Council, NSW Government agencies, private sector, development and the developers.

During the workshop, participants discussed and refined draft objectives and controls for consideration in the draft DCP. Through this process and after the workshop, objectives and controls were narrowed down, collated and provided to DPE for inclusion in the draft DCP.

Sustainability

DCP Structure

It is noted that the provisions in Section 5 relate to all different stages of the planning process, which leads EES to recommend that the provisions in Section 5 should be integrated into the other sections rather than being stand alone. It is somewhat confusing that some sustainability controls are in Section 5, whilst others are included in Sections 2, 3, and 4.

Enhancing Sustainability

The draft DCP acknowledges and presents the key priorities, vision and values as determined in the visioning workshop conducted in November 2018 and displayed in figure 36 of Section 5.1 (page 110). In addition, the draft DCP captures most intended outcomes for sustainability within the objectives of 5.1; and references some relevant government policies, including the commitment to net zero carbon emissions by 2050. This could go further by referencing other key NSW Government policies such as the NSW Circular Economy Policy Statement, 2019 to drive waste recovery and resource efficiency.

Suitability of controls

Overall the proposed controls in the draft DCP for 5.1 alone do not provide enough direction and clarity to meet the stated objectives of the draft Wilton DCP. Controls that contain statements consisting of ‘Consideration should be given to’, ‘design of new buildings shall be encouraged’, and ‘aim to achieve’ are ambiguous in their meaning. As such it is unlikely that the proposed controls will deliver the objectives of the draft DCP.

Controls should be specific

Through the workshops, there was preference among all stakeholders for specified minimum standards, benchmarks and targets for sustainability outcomes reflected in the DCP that would facilitate the implementation of the controls. Through the workshop process, a range of specific controls were

proposed for inclusion in the DCP. However, very few of the controls in 5.1 have standards, benchmarks and targets assigned, which makes it difficult to implement, monitor and deliver.

Transportation and carbon emissions

Public transportation and active transport, while reflected in the objectives for 5.1 is not addressed in these controls or elsewhere in the DCP. Carbon emissions from transportation will likely to be one of the largest sources of emissions for the community and residents of the Wilton New Town, therefore effective planning and delivery of low carbon transport is essential. There should be a specific control regarding the implementation of active and public transport in the DCP. 5.1 Controls 9, 10 and 11 (page 112) are misplaced (under Water Cycle Management).

Climate change

There is little mention of climate change risk or the need to implement adaptation measures to mitigate against the likely impacts of climate change in the draft DCP. There are some climate change objectives and controls that relate to specific elements for e.g. bushfire, flood, green canopy and threats to biodiversity from climate change, however, the approach is not integrated or comprehensive and doesn't mention the change of risk over time. The blue and green grid and water sensitive urban design are also considered but not in a holistic way and climate change projections are not mentioned or considered.

EES recommends that the DCP requires Climate Change Risk Assessments be prepared for Precinct Planning and Neighbourhood Plans. NARCLiM data and XDI maps are available to show the areas at risk of either singular or multiple climate change risks over the next 20, 50 and 100 years. Communities, infrastructure and natural assets all need to be prepared and more resilient to the following impacts – bush fire, heatwaves, increased flooding, increased storm activity and high winds.

EES recommends the following climate change objective for Precinct Planning be included into Section 2, with controls developed to apply to preparation of Structure Plans and Neighbourhood Plans:

> *Council will enable communities, natural and physical assets, infrastructure and services to be more prepared and resilient to short and long term impacts of climate change by avoiding/minimising development in areas of high risk and/or requiring adaptation measures to reduce those risks.*

Biodiversity

Management of biodiversity impacts until the CPCP is finalised

Until such time as the CPCP is finalised, all development in Wilton will be required to consider impacts on biodiversity values. Depending on the timing of a development application, this will either be under Interim Designated Area (IDA) provisions (*Threatened Species Conservation Act, 1995*) prior to 25

November, transitional arrangements following commencement of the *Biodiversity Conservation Act 2016* (BC Act) on 25 November 2019 or under the BC Act if outside of the transitional period.

Whilst Section 1.4.3 of the draft DCP summarises the biodiversity assessment framework in general terms, it does not provide controls which would assist proponents in preparing Neighbourhood Plans or Development Applications. EES Group recommends that the DCP include provisions for ecological assessment which reflect the legislative framework which applies until such time as the land is certified.

Avoid and minimise

The DCP should include objectives and controls to ensure that the Neighbourhood Plan and future subdivision and development of the site avoids and minimises the clearing of native vegetation including trees and that remnant native vegetation is protected and conserved in conservation areas, riparian corridors, open space, landscaped areas, the streetscape and private lots.

In Section 5.3.2, Principle 12 states: "Avoid, where possible, or minimise impacts on threatened species and endangered ecological communities within the Growth Area, including any areas identified as conservation lands in Wilton 2040, zoned Environmental (E2) or otherwise identified as an environmentally sensitive area". This Principle does not accurately reflect the BC Act purpose of: "to establish a framework to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity (s.1.3(k)). Under the BC Act there is no reference to "where possible" and "or". In addition, the inclusion of 'where possible' weakens the intent of the provision. EES therefore requires the draft DCP to be amended to reflect current biodiversity legislation requirements.

DCP Structure

Section 5.3 Biodiversity is inconsistent with the structure of the other sections of the draft DCP. In particular, the objectives and controls have been included in the same section. It is noted that the biodiversity controls have been separated in the DCP and included in Appendix I. EES is of the view that separating the biodiversity controls may lead to confusion applying the DCP. Therefore, EES would recommend that the biodiversity controls be incorporated into the main body of the DCP.

Development of land zoned E2 and land adjoining land zoned E2

The DCP should be reviewed for consistency with the Growth Centres SEPP. For example, the Vegetation Management Plan requirements of Part 7 of the South East Wilton Precinct Plan (Appendix 14 to the SEPP) and the North Wilton Precinct Plan (Appendix 15 to the SEPP) appear to conflict with the requirements of 'Residential Lots Adjacent to the Land Zoned E2 Environmental Conservation' in Schedules 1 and 2 of the draft DCP.

Residential Lots Adjacent to the Land Zoned E2 Environmental Conservation

The objectives for Schedule 2 North Wilton refer to non-certified land. As the Wilton GA has not been biodiversity certified all land within the GA is non-certified.

EES recommends that backyards of dwellings and other private land should not abut land zoned E2.

As the *Threatened Species Conservation Act 1995* has been repealed, all references to the TSC Act and Property Management Plans (PMP) under the act should be deleted.

Pathways in conservation land

EES does not support the proposed network of pathways within Environmental Conservation areas. The shared pathways proposed for North Wilton and Wilton South East will lead to fragmentation of vegetation and a degradation of biodiversity values as a result of disturbance and weed invasion. Further, EES considers these pathways are inconsistent with OEH's *Conserving Koalas* principles for the separation of development (including associated threats from dog attack) from koala habitat.

Consequently, the following need to be considered:

- The control which requires that pathways are "safe, well lit, clearly defined, functional and accessible to all" will likely increase impacts well beyond the 2.5m minimum width specified, due to the need to provide lighting (well lit) and bridges, cut and fill (accessible to all).
- EES recommends instead that pathways be placed in the buffer to conservation land and within the asset protection zone (APZ). If this approach is adopted, it would require amendment to the Notes in Schedule 2, Section 3.2.2, page 16: "For roads adjacent to riparian corridors or other similar non-residential land the verge on the non-residential side may be reduced to 1.0m wide". The verge will instead need to be wide enough to accommodate the buffer, with APZ and pathway.
- Control No. 6 (Schedule 2, Section 3.2.2, pages 18-19) is problematic in that it encourages infrastructure within the bushland areas: "bird hides, look outs, informal resting spots and the like are encouraged to provide opportunities for increased activation within the bushland area". EES instead recommends that these facilities be focussed around open space, e.g. the Regional Open Space.
- Any pathways and facilities in the E2 zone will need to be assessed as an impact, including in the CPCP.

Koala

As noted above, proposed pathways in E2 zoned land are inconsistent with OEH's *Conserving Koalas* principles for the separation of development (including associated threats from dog attack) from koala habitat.

Specific objectives and controls for koala and koala fencing are only provided for a part of the South East Wilton Precinct. EES expects koala protection provisions to also apply to North Wilton also given that both parts of the Growth Area (GA) contain core koala habitat. EES recommends that the following objective also apply to the North Wilton Precinct: "To ensure the Koala is protected from residential development" (Schedule 1, Section 2.6.2, page 20).

Landscaping

EES recommends the DCP include objectives and controls for landscaping /planting of open space areas, landscaped areas, street planting and development lots which require planting of *a diversity of local provenance species (trees, shrubs and groundcovers) from the relevant local native vegetation communities that occur, or once occurred on the site rather than use exotic or non-local native species*

Floodplain Risk Management

DCP Structure

The draft DCP combines provisions for Water Cycle Management and Floodplain Risk Management. However, there is a difference between stormwater quantity management and floodplain development management. Stormwater quantity management is the management of nuisance inundation and excess runoff produced due to the increase of impervious areas from urbanisation. Floodplain management is the management of flood risk to development and managing risk to life. Accordingly, it is recommended that the DCP has a standalone Floodplain Risk Management sub-section under Section 2.5 which includes fit for purpose controls that address varying flood constraints.

Flood prone land

Section 9.1 Direction 4.3 under the *Environmental Planning and Assessment Act 1979* requires development of flood prone land to be consistent with the NSW Government's *Flood Prone Land Policy* and the principles of the *Floodplain Development Manual 2005*. The primary objective of the Flood Prone Land Policy is to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone land and reduce private and public losses resulting from floods. The most appropriate method to assess the development of flood prone land is through the floodplain risk management process (FRMP), a risk-based assessment that provides sound understanding of the nature of existing future and continuous risk to people and properties for the full range of flooding and addresses measures to manage this risk.

Through the floodplain risk management process, flooding behaviour in the vicinity of the Wilton precinct should be comprehensively identified and documented. This would enable the consent authority to strategically manage the potential increase in flood risk from future development on the floodplains within the Wilton GA, including earthworks (cut/fill), urban development and associated infrastructure, and green infrastructure. The FRMP should inform the draft DCP to ensure that fit for purpose controls are developed in consideration of best available information and the variation of flood constraints across the floodplain based on an understanding of flood behaviour.

Recommended controls

Refer to Table 1 below for EES recommended controls for the draft DCP with respect to Floodplain Risk Management and Water Cycle Management.

Aboriginal Cultural Heritage

EES supports the objective of Section 2.6, "To manage Aboriginal and European heritage values to ensure enduring conservation outcomes" (page 23) and notes that proponents are required to address Aboriginal cultural heritage in the preparation of Precinct Structure Plans and Neighbourhood Plans. However, it is not clear from Section 2.6 that this is the case, as the controls only refer to development applications.

By the time a development design is under preparation for a subdivision DA, the ability of a development to conserve Aboriginal cultural heritage values is limited. Therefore, EES recommends that the DCP controls at Section 2.6 clearly include controls requiring this be done at Structure Plan stage if one has not yet been prepared, or if a Structure Plan is already in place, at Neighbourhood Plan stage.

EES recommendations to ensure alignment of the draft controls with the requirements of the *National Parks and Wildlife Act 1974* with respect to impacts on Aboriginal objects are at Table 1.

Table 1. Detailed comments on the draft DCP

Section and page reference	Comments
Section 1.3, Figure 1, page 8	The legend to Figure 1 shows 'urban development and conservation' mapped as pink. It is recommended the conservation land is shown as a separate colour to the urban development.
Section 1.4.4, page 11	<u>Growth Centres Biodiversity Certification</u> As the Growth Centres Biodiversity Certification does not apply to Wilton, it is probably not worth mentioning it in the DCP.
1.7, pages 13-15 2.4, pages 17-18	<u>Neighbourhood Plans</u> • Clarification is sought as to whether Neighbourhood Plans constitute a DCP amendment, as this is ambiguous in Sections 1.7 and 2.4. If they are, then Step 3 should state that once the Council has reviewed the Neighbourhood Plan that it should prepare a DCP amendment to include the Plan in the DCP. • EES recommends that Section 2.4 makes it clear that a Neighbourhood Plan is required for all developments greater than 2 ha. • 3rd paragraph in Section 2.4.1 makes reference to "minor inconsistency" although there is no definition of minor. This is ambiguous and may lead to uncertainty.
Section 2.5.1, pages 19-21	<u>Floodplain Risk Management and Water Cycle Management</u> EES recommends the following controls be included in the draft DCP for Floodplain Risk Management and Water Cycle Management: **2.5.1 Floodplain Risk Management** **Objectives** ▪ To ensure that development is compatible with the flood behaviour, flood hazard and flood emergency management. ▪ To minimise the potential of flooding impacts on development. ▪ To ensure the safety of people and development from flood risk. ▪ To ensure that development does not impact on flood behaviour, flood risk and emergency management risk to the detriment of the existing community. ▪ To utilise the best available flood information to define flood behaviour and the variation of flood constraints within the precinct in the development of the flood impact assessment. **Controls - General** 1. Development in floodways will not be supported, including the filling of land, within the floodway due to its function as the main flow path for flood waters once the main channel has overflowed and the possibility of a significant threat to life and property in a major flood.

Section and page reference	Comments
	2. No residential allotments are to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e. at flood planning level - FPL). Filling of the floodplain to achieve the required FPL should be assessed through an adequate flood impact assessment. 3. Filling of flood storages should only be permitted with compensatory storage determined through an adequate flood impact assessment to ensure no adverse impact on adjacent areas. 4. Flood planning level for sensitive uses to be at the PMF level to ensure continued operation of services during flood. 5. Any sensitive uses buildings located below the level of the PMF are to be constructed of flood compatible materials and designed to ensure that the building structure can withstand floodwater forces and buoyancy up to the PMF level. 6. Pedestrian and cycle pathways and open space may extend within the 1% AEP flood level, provided the emergency management measures including safe access criteria contained in the NSW Floodplain Manual are met. 7. Consider flood events above the 1% AEP for the full range of flood so that emergency response can be properly considered and planned. <u>Inconsistencies with Floodplain Development Manual</u> In section 2.5.1 (page 19), the point which states "Prone Land figure in the relevant Precinct's Schedule shows indicatively the extent of the 1% AEP flood level" should be deleted. The Flood Prone Land definition in the dot point and Note is incorrect. The flood Prone Land as identified by the Floodplain Development Manual (2005) is land susceptible to flooding by the PMF event. Flood prone land is synonymous with flood liable land. EES requires these inaccuracies to be amended. **2.5.2 Water Cycle Management** **Objectives** ▪ To manage the flow of stormwater from urban parts of the Precinct to replicate, as closely as possible, pre-development flows. ▪ To promote, at Precinct and Growth Area scale, an integrated approach to the provision of potable water, and the management of wastewater and stormwater. ▪ To protect high value waterways and riparian vegetation. ▪ To ensure that water management measures for development incorporate key principles of water sensitive urban design being to: o protect existing hydrological and ecological processes of natural features and systems including watercourses, wetlands, lagoons and aquatic, riparian and groundwater dependant ecosystems o maintain the natural hydrological behaviour of the catchment o protect the water quality of surface and groundwaters o minimise demand on reticulated water supply system

Section and page reference	Comments
	o integrate water into the landscape to enhance ecological, visual, social, economic and cultural values. **Controls – General** 1. Stormwater is to be managed primarily through the street network in accordance with Council's Design and Construction Specification. 2. Roads on primary drainage lines shown on the Key elements of the water cycle management and ecology strategy figure, in the relevant Precinct Schedule, are to be constructed in the locations shown, and are to be designed in accordance with specifications of Council in relation to management of stormwater flows and quality. 3. Roads are generally to be located above the 1% AEP level. 4. Management of 'minor' flows using piped systems for the 20% AEP (residential land use) and 10% AEP (commercial land use) shall be in accordance with Council's Design and Construction Specification. Management measures shall be designed to: • prevent damage by stormwater to the built and natural environment • reduce nuisance flows to a level which is acceptable to the community • provide a stormwater system which can be economically maintained, and which uses open space in a compatible manner • control nuisance flooding • minimise urban water run-off pollutants to watercourses • meet the standards for a 20% AEP flood level. EES recommends the following amendments: 5. Management of 'major' flows using dedicated overland flow paths such as open space areas, roads, waterways and riparian corridors for ~~all~~ (*) flows in excess of the pipe drainage system capacity and above the 20% AEP shall be in accordance with Council's Design and Construction Specification. Management measures shall be designed to: • prevent both short term and long-term inundation of habitable dwellings • manage flooding to create lots above the designated flood level with ~~flood free~~ (**) access to a public road located above the 1% AEP flood level • control flooding and enable access to lots, stabilise the land form and control erosion • provide for the orderly and safe evacuation of people away from rising floodwaters • stabilise the land form and control erosion • meet the standards for a 1% AEP flood level • protect high value waterways and riparian vegetation. 6. Where practical, development shall attenuate up to the 50% AEP peak flow for discharges into the local tributaries, particularly Category 1 and 2 creeks. This will be achieved using detention storage within water quality features and detention basins. 7. The developed 1% AEP peak flow is to be reduced to pre-development flows through the incorporation of stormwater detention and management devices.

Section and page reference	Comments
	8. The trunk stormwater system is to be constructed and maintained to achieve water quality targets set by the Office of Environment and Heritage (OEH) in Table 4. 9. Where development on land affected by local runoff or local overland flooding – major drainage is proposed, it must be designed in accordance with Council's Design and Construction Specification. 10. Applications may be required to indicate that permanent fail-safe, maintenance-free measures are incorporated in the development to ensure the timely, orderly and safe evacuation of people from the area should a flood occur. In addition, it may also be necessary to demonstrate that the displacement of these people during times of flood will not significantly add to the overall community cost and community disruption caused by the flood. * The sentence in its current status, means to include all flows up to the probable maximum flood not up to the 1% AEP as the 2nd last dot point (the standard for a 1% AEP flood level). ** Amend this sentence. Flood free access means above the PMF level not the 1% AEP flood level. Roads are generally designed to be above the 1% AEP. EES also recommends that the DCP include a provision that any new stormwater detention and management devices are located offline and outside the riparian corridors to prevent impacts on the aquatic and riparian environment.
Section 2.5.2	For completeness and ease of reference the DCP should include a copy of Figure 10 rather than the reader needing to refer to Wilton 2040.
Section 2.6, Pages 23-24	<u>Aboriginal and European Heritage</u> • EES recommends that the controls refer to Section 4.46 of the EP&A Act, specifically that an Aboriginal Heritage Impact Permit (AHIP) is required under Part 6 of the *National Parks and Wildlife Act 1974* when: (a) an Aboriginal object referred to in that Part is known, immediately before the development application is made, to exist on the land to which the development application applies, or (b) the land to which the development application applies is an Aboriginal place within the meaning of that Act immediately before the development application is made. • EES recommends amending amend Objective (b) to add the following italicised text: To ensure areas identified as archaeologically or culturally significant are ***protected and*** managed appropriately
Section 2.7	<u>Native Vegetation and Ecology</u> EES recommends that the objectives and controls for Section 2.7 are amended as follows: Amend the Objectives to add the following: a. ***To avoid and minimise the clearing of native vegetation and*** to conserve and rehabilitate the remaining native vegetation on urban capable land within the Wilton Growth Area.

Section and page reference	Comments
	e. To ensure subdivision conserves and retains existing native trees to provide urban tree canopy in the streetscape, individual lots and open space. Amend the Controls to add the following italicised text: 2. ~~Where practical~~ Prior to development commencing applicants are to: • provide for the appropriate re-use of ***existing*** native plants ***by collecting native seed and transplanting native plants to conservation areas and open space and/or landscaped areas*** and ***remove*** topsoil that contains known or potential native seed bank ***and reuse it in the conservation, open space and/or landscaped areas*** • *ensure a pre-clearance survey is undertaken by a suitably qualified ecologist for native fauna immediately prior to any clearing of native vegetation* • ***ensure*** *a licensed wildlife carer* ***is on site prior to any clearing and earthworks commencing to*** *appropriately capture and* relocate native animals from development site ***to appropriate habitat locations.*** Applicants should refer to OEH's Policy on the Translocation of Threatened Fauna in NSW 5. A Landscape Plan is to be submitted with all subdivision Development Applications identifying: • ***a diversity of local provenance species (trees, shrubs and groundcovers) from the relevant local native vegetation communities that occur, or once occurred on the site are to be used in the site landscaping. The applicant needs to demonstrate that the plant species list comprises local provenance plant species from the relevant vegetation community*** • Footpath design should allow for ***the retention of existing native trees and*** the planting of street trees in accordance with Council's Tree Strategy. • ***The pot size of the local native trees to be planted. Advanced and established local native trees with a plant container pot size of 100-200 litres or greater should preferably be using in the street planting*** • ***sufficient area/space is provided to allow the trees to grow to maturity*** • ***The use of invasive turf (such as kikuyu) must not be used in areas adjoining conservation areas, remnant vegetation within open space areas and riparian corridors*** Control 5 refers the planting of street trees in accordance with Council's Tree Strategy, EES recommends Council's Tree strategy requires that remnant native trees are retained as street trees and a diversity of local native provenance tree species are used in any street planting rather than use exotic or non-native plant species 6. The selection of trees and other landscaping plants is to ~~consider~~: • <u>The</u> use ***of a diversity*** of locally ***provenance*** ~~indigenous~~ species ~~where available~~ ***(trees, shrubs and groundcovers) from the relevant local native vegetation communities that occur, or once occurred on the site rather than plant exotic or non-local native species.***

Section and page reference	Comments
Section 2.8	<u>Bushfire Hazard Management</u> Control 5 indicates vegetation outside the areas zoned Environmental Conservation E2 is to be designed and managed as a 'fuel reduced zone'. The control needs to clarify if riparian corridors, public open space and landscaped areas and private lots which retain or plant native vegetation are to be managed as a fuel reduced zone. To protect native vegetation from being cleared residential houses should not share a direct boundary with the E2 zoned land, riparian corridors and open space areas and local roads should be located between these areas and the housing.
Section 3.1	<u>Residential Density and Subdivision</u> Control No. 5 States: *Provide at least 40% canopy coverage of the entire street block with a minimum mature height of 8m at the completion of development. Existing mature trees are to be retained where possible.* Is this requesting 8 metre trees be planted prior to occupation certificate? Or prior to the whole precinct being completed? Or seedlings being planted that reach a height of 8 metres at maturity. This needs to be clarified. Trees should be planted that have a chance of survival need to give pot sizes. Control Number 6 states "*At least 50% of landscaped area shall provide canopy cover for each lot with a minimum mature height of 2m at the completion of the development".* Same comments as above Figure 5 shows large trees retained in the 'suburban' streetscape but large trees are not shown in colour for the 'garden suburban' streetscape and it is unclear why. Figure 5 should be amended so that the 'garden suburban' streetscape also retains large trees. Section 3.1.2 - Block and Lot - Control (5) requires the canopy cover of the entire street block to have a minimum mature height of 8m. Clarification is required as to whether electricity power lines are to be located above ground or below ground. In terms of street trees achieving and maintaining a minimum mature height of 8m, electricity power lines should be located underground to avoid trees being lopped and the benefits of urban tree canopy being degraded Control (13) requires the main residential and road entry to front open space or drainage land. The inclusion of this control is supported as residential frontages which face the open space or drainage land will facilitate APZ requirements and passive surveillance of the open space. This will assist to prevent the dumping of rubbish, lawn clippings, vandalism etc and the potential degradation of remnant native vegetation

Section and page reference	Comments
	Control 18 should be amended to include the following italicised text: Street planting is to: • be durable and suited to the street environment and ~~wherever appropriate include endemic~~ ***use a diversity of local native provenance*** species • ***provide sufficient space/area to allow the tree to grow to maturity*** Objective (c) is amended to include the following italicised text: (c) To ensure that fill material is not contaminated ***or infested with the seeds of exotic weeds*** and does not adversely affect the fertility or salinity of soil, or the quality of surface water or groundwater ***or native vegetation and the habitat it provides***
Section 4.1.3	<u>Sustainable building design</u> EES recommends the controls are amended to include the following: (2) ***the building design incorporates a Green Roof, Cool Roof and/or Green Wall into the design to reduce the heat island effect***
Section 4.2.5	<u>Dwelling Height, Massing and Siting</u> EES recommends Control 1 is amended as follows: (1) Dwellings are to be generally a maximum of 2 storeys high. Council may permit a 3rd storey if it is satisfied that: • the dwelling is located adjacent to a neighbourhood or local centre, public recreation or drainage land, a golf course, or a riparian corridor; ***and is not likely to impact on the drainage land or riparian land by shading etc***
Section 4.2.6	<u>Landscaped Area</u> EES recommends Objective (a) is amended as follows: (a) To encourage the use of ***local*** native ***provenance*** flora species and low maintenance landscaping Control (2) and (4) amended as follows: 2. Plans submitted with the DA must indicate the extent of landscaped area and nominate the location of any trees to be retained or planted ***and the plant species*** 4. Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including ***local*** native ***provenance*** salt tolerant trees.

Table 2. Detailed comments on Schedule 1 South East Wilton

Section and page reference	Comments
Overall	Figures are blurry and text is not readable. EES recommends that street planting in the Precinct should use a diversity local native species (rather than exotic and non-local native species).
Section 2.1, page 6	<u>The South East Wilton Precinct – Vision</u> There is no vision statement, however Schedule 2 does include a vision statement.
Figure 2-6, page 12	<u>Open Space and Recreation Network</u> This Figure is blurry – EES would like clarification of the Environmental Conservation and Environmental Conservation – Accessible areas labelling. It looks as if OEH is referred to in the legend and EES would like an opportunity to review this.
Section 2.5, pages 14-19	To minimise potential impacts on native fauna that use the riparian corridors, EES recommends that pedestrian pathways and cycleways in the SE Wilton precinct should be located outside the riparian corridors rather than locating pathways within the corridors s (also see Clause 2.5.2 of Schedule 1, page 18).
Section 2.6.2, page 20	<u>Residential Lots Adjacent to the Land Zoned E2 Environmental Conservation</u> • More details of the design of fencing are required. • Figure 3-5 – it is unclear how was this fencing designed. EES is concerned that the fence is not contiguous, and dogs will be able to access the koala habitat from the south.
Section 2.7, page 24	<u>Ecological and Riparian Controls</u> These controls are quite general. It is likely that developers will have difficulty knowing how to comply and similarly difficult for Council to assess compliance with the controls. For example, what constitutes minimal clearing of vegetation or minimal impacts on water quality?

Table 3. Detailed comments on Schedule 2 North Wilton

Section and page reference	Comments
All	EES recommends that street planting in the North Wilton Precinct should use a diversity local native species (rather than exotic and non-local native species).
3.3.2, page 20	Residential Lots Adjacent to the Land Zoned E2 Environmental Conservation • The objectives refer to non-certified land. As the Wilton GA has not been biodiversity certified all land within the GA is non-certified. • EES recommends that backyards of dwellings and other private land should not directly abut land zoned E2. • The *Threatened Species Conservation Act 1995* has been repealed. All references to the TSC Act and Property Management Plans (PMP) should be deleted.
3.3.3, Page 22	Acoustic Amenity and Precinct Interface Control No. 4 is part of control no. 3.
Section 3.4, page 24	Special Urban Areas It is unclear why these controls are required. What are the values of a Special Urban Area?
Section 3.6 Page 28	Local Centre Development Principles It is unclear why street tree planting in the northern local centre may include the use of exotic species rather than use local native species and why a contrast needs to be provided to the rural, native character established elsewhere. It is recommended Control No. 18 is amended to use a diversity of local native species.

Table 4. Detailed comments on the Appendices

Section	Section or page reference	Comments
Appendix B	Page 12	Amend Appendix B as follows: The neighbourhood plan must include ***scaled*** plans and documentation showing: *The location of watercourses, top of highest bank, riparian corridor widths, remnant native riparian vegetation, watercourse crossings and* the management of the water cycle, including stormwater drainage and riparian areas

Section	Section or page reference	Comments
Appendix C	Pages 13 onwards	Amend Table 2 in Appendix C as follows: Location of natural features including watercourses, ***riparian corridors***….. Table 3 in Appendix C indicates a Habitat Management Plan should be prepared but no details are provided for 'the description' and 'what the plan is required for' (page 17). In this regard, it is noted in Appendix I that a Habitat Management Plan covers protected habitat, Koala Management Areas and Riparian Management Areas. It is recommended that the relevant sections of the DCP be consistent. EES also recommends that a separate plan, a Vegetated Management Plan, should be provided for the protection, rehabilitation and management of the riparian corridors. It is recommended that Table 3 is amended as follows to include the requirement to prepare a Vegetation Management Plan: ***A Vegetation Management Plan should be prepared to protect and restore the riparian corridors along watercourses at the site. The plan should include:*** • ***a scaled plan which locates the watercourses; top of highest bank; existing native vegetation along the creeks; the riparian corridor widths proposed along the watercourses (measured from the top of the highest bank); the development footprint and proposed Asset Protection Zones*** • ***details on the native vegetation communities and plant species that currently occur along the watercourses*** • ***details on the local native provenance plant species (trees, shrubs and groundcovers) to be planted – a diversity of local native provenance species should be planted*** • ***include details on the location and number of trees and other plants that are proposed to be planted*** • ***specify that plants are to be propagated from locally sourced seeds to ensure genetic integrity.***
Appendix H – Wilton Green Plan Principles		<u>Green Plan</u> • EES requests the opportunity to review the Green Plan in order to better understand how the Green Plan will influence development of the Wilton GA. • There are inconsistencies between the Green Plan Principle 2, APZ and Fire Protection (page 62), Section 2.8 Bushfire Hazard Management and controls relating to residential development adjoining E2 land (Draft DCP Schedules 1 and 2). The inconsistencies relate to the way that the interface between E2 and UDZ land is proposed to be developed and managed. • EES does not support 'Koala Sensitive Urban Design' (Principle 3), and the dot points could be refined so as to clearly articulate what the intention of the principle is. For example, the discussion of pinch-points and lookout points. • Principle 7 Cooling Wilton is supported however it is considered that managing urban heat and enhancing the tree canopy should be included the main part of the draft DCP including how this relate to Section 3.1.2 Block and Lot Layout of the draft DCP.

Section	Section or page reference	Comments
Appendix I – Section 1 Biodiversity objectives	Section 1.5 Page 67	Amend objectives (a) and (f) as follows: a Retain and restore native vegetation ***and native fauna habitat*** within the riparian management areas ***including the placement of logs and tree hollows in the corridor from trees that have been removed elsewhere on the site and/or the placement of appropriate nest boxes*** f Ensure that development does not adversely impact upon ***watercourses and*** the riparian management area and to protect conserve, enhance and manage: • bed and bank stability. ***Hard engineering solutions should not be used to stabilise the bed and banks of watercourses, the creeks should mimic natural systems*** • ***watercourse crossings should preferably use bridges rather than culverts. The bridge crossings should be designed to maintain and improve riparian/terrestrial connectivity along watercourses and the design includes the following:*** o ***The bridge is an elevated structure and spans the full width of the riparian corridor to avoid or reduce the need to clear and/or disturb remnant native vegetation along the creek.*** o ***The design maximises light and moisture penetration under the structure to encourage native plant growth, for example the bridge could include a grate in the structure*** • ***If a bridge crossing is not possible, the culvert should be designed to maintain connectivity and provide fauna passage and it includes the following into the design:*** o ***elevated "dry" cells to encourage terrestrial movement, and recessed "wet" cells to facilitate the movement of aquatic fauna*** o ***maximises light penetration into the culvert by the use of skylights or grates in the culvert structure.*** o ***a naturalised base along the bed of the wet cells.*** o ***'fauna furniture' (such as rocks, logs, ropes and ledges) to facilitate fauna movement***.
	Section 2.4 Page 74	Waterways and riparian areas - add the following amendment to Section 2.4 ***Where it is intended to remove/realign a watercourse as part of the development application, a report is required to be submitted and it must:*** • ***provide details on the watercourses effected by the works including stream order/ whether the creeks are ephemeral or perennial; are flowing or retain existing pools of water at the time of the works and the condition of the watercourses and existing riparian vegetation*** • ***describe background conditions for any water resource likely to be affected by the development including hydrology, including volume, frequency and quality of discharges at proposed intake and discharge locations*** • ***assess the existing environmental assets provided by the watercourse(s)***

Section	Section or page reference	Comments
		• ***assess the environmental impacts of dewatering/removing the watercourses on native fauna and flora species (including any water dependent species) and include:*** - ***details on native fauna and flora species known to occur or potentially inhabit or use the creeks and downstream environment*** - ***mitigation measures to mitigate impacts on native fauna including details on the location and adequacy of the proposed relocation sites for any impacted fauna*** • ***assesses the impacts on water quality*** • ***assesses the impact of the development on hydrology including:*** o ***effects to the downstream environment / stream channel dynamics and morphology*** o ***effects to downstream ecological functions / water-dependent fauna and flora*** o ***impacts to natural processes and functions within watercourses*** o ***mitigating effects of proposed stormwater and wastewater management during and after the proposed works on hydrological attributes such as volumes, flow rates, management methods and re-use options.*** o ***identification of proposed monitoring of hydrological attributes***

Section	Section or page reference	Comments
	Section 2.5 Page 75	Dam dewatering - amend Section 2.5 as follows ***The dam de-watering report should:*** • ***provide details on the farms dams to be dewatered; removed or retained on site; including size, volume, depth and whether the dams are located online (ie on watercourses) or offline*** • ***assess the existing environmental assets provided by the farm dams*** • ***assess the environmental impacts of dewatering/removing the dams on native fauna and flora species (including any water dependent species) and includes:*** - ***details on native fauna and flora species known to occur or potentially inhabit or use the dams/ the area surrounding the dams; or the creeks and downstream environment*** - ***mitigation measures to mitigate impacts on native fauna including details on the location and adequacy of the proposed relocation sites for any impacted fauna*** • ***assesses the impacts of the development on water quality including:*** o ***the nature and degree of impact on receiving waters including:*** - ***assess impacts on water quality including the potential to release nutrient rich water; water with low oxygen levels; blue-green algae etc; aquatic weeds downstream*** - ***the potential to disturb bottom sediments; increase turbidity and release sediment / organic loads downstream etc*** - ***assess the potential impact on the instream habitat below the dams*** o ***identification of proposed monitoring of water quality and instream habitat*** • ***assesses the impact of the development on hydrology including:*** o ***effects to the downstream environment / stream channel dynamics and morphology*** o ***effects to downstream ecological functions / water-dependent fauna and flora*** o ***impacts to natural processes and functions within watercourses*** o ***mitigating effects of proposed stormwater and wastewater management during and after the proposed works on hydrological attributes such as volumes, flow rates, management methods and re-use options.*** o ***identification of proposed monitoring of hydrological attributes***

Section	Section or page reference	Comments
	Section 2.6 Page 75	Development Setbacks Add to Section 2.6.1 Infrastructure such as ***perimeter roads***, urban stormwater basins and passive recreation areas shall be collated in the APZ
	Section 3.2	Fencing and Barriers Amend Objective (d) as follows: (d) Ensure that, where appropriate fencing, barriers or other measures are used to limit or control access by humans ***and companion animals*** to environmentally sensitive areas In relation to Control (6) it is unclear how long it is proposed to monitor and maintain the fencing for. If monitoring and maintenance is proposed in perpetuity to control should be amended to state this.

Name

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Submission file

draft-wilton-growth-area-dcp.pdf

Submission
See attached

I agree to the above statement
Yes

DOC19/671090-5

Department of Planning, Industry and Environment
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Level 4, 10 Valentine Ave
PARRAMATTA NSW 2150

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Dear Ms Sadiq

Draft Wilton Growth Area Development Control Plan

I am writing in response to the Draft Wilton Growth Area Development Control Plan (DCP) and supporting information received by the Environment Protection Authority (EPA) on 7 August 2019.

The EPA is currently reviewing the draft DCP and provides some initial comments (**Attachment A**) for DPIEs consideration. These comments relate to the following matters:

- Air Quality; and
- Waste and Resource Recovery

The EPA is continuing to review the information provided and intends to provide further comments in a separate letter by Wednesday, 2nd October 2019. These comments may relate to water quality, contaminated land management, noise and coal seam gas infrastructure in the area.

The EPA may have further comments upon receipt and review of any additional information provided in relation to the draft DCP.

If you have questions regarding the above, please phone Mr Paul Wearne (02) 4224 4100.

Yours sincerely

18/09/19

PETER BLOEM
Manager Regional Operations Illawarra
Environment Protection Authority

Attachment A

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ATTACHMENT A

Air Quality

The EPA supports the air quality provisions in the draft DCP. This includes prohibiting wood heaters which are the main human-made source of harmful fine particle emissions and setbacks/design measures to minimise exposure to traffic emissions. The EPA can provide further supporting information to support the need for these provisions if required.

Waste and Resource Recovery

The Western City District Plan recognises that there is a diminishing capacity for landfilling in Greater Sydney. In particular, the SUEZ landfill at Lucas Heights that currently services the Wollondilly Shire Council area, is expected to be full by 2037.

The District Plan also recognises the planning and design of new developments should support the sustainable and effective collection and management of waste. This also includes actions that support innovative solutions to reduce the volume of waste and reduce waste transport requirements. These approaches will not only help enable a circular economy and extend the life of existing landfills, they will also help drive greater resource recovery, boost the recycling economy and help reduce greenhouse gas emissions.

Careful consideration of waste management at all stages of the development process is essential for ensuring the growth area delivers a workable and convenient waste management system; which minimises waste generation; increases resource recovery and protects community health and the environment. These considerations are also recognised in the Wollondilly Shire Council's Community Strategic Plan.

The DCP provides an important vehicle to help deliver the above strategic directions. To assist, the DCP should contain appropriate provisions and controls that include the following:

1. Require proponents to consider the type and volume of waste that will be generated at all stages of the development (from subdivision to occupation) and detail how that waste will be managed.

2. Ensure sufficient volume of equitably accessible, safe, hygienic and aesthetically appropriate waste storage is provided on each property to minimise negative impacts of waste management on occupants and neighbours.

3. Enable maximum opportunities for separation of reusable, recyclable, compostable and problem wastes from residual garbage bins; and

4. Provide unobstructed waste collection point(s) that are safely and efficiently accessible by waste collection vehicles.

The provisions in the draft document provide some consideration of these aspects, however improvements could be made in the following areas:

a) Ensuring precinct planning considers waste infrastructure requirements (e.g. waste transfer stations, community recycling facilities, Return and Earn stations).

b) Providing clarity around the waste management provisions that apply at each stage of the development process (i.e. neighbourhood plan application, subdivision development application, building development application, construction certificate application, occupation certificate application).

c) Providing further guidance and controls in relation to safe and efficient access for waste collection vehicles.

d) Providing clarity around the waste management provisions that apply to different types of residential development within the growth area (e.g. controls that apply uniquely to single unit residential dwellings, dual occupancy, or multi-unit dwellings).

e) Including controls for non-residential development within the growth area (e.g. commercial and industrial developments). These are currently absent from the draft document.

f) Expanding the need for provision of a Waste Management Plan to applications for subdivision and demolition.

g) Requiring the provision of evidence to demonstrate that the waste generated by the development has been appropriately managed (e.g. hold point prior to certification).

The EPA has developed a number of guideline documents that may assist the Department in updating the waste management provisions of the DCP.

These include:

- The *"Waste Not DCP"* model development control plan (designed to be inserted as a chapter in consolidated DCPs)
- *Better practice guidelines for waste management in commercial and industrial facilities*
- *Better practice guidelines for waste management in multi-unit dwellings*
- *Construction and demolition waste: a management toolkit*
- Owner's guide to lawful disposal of construction and demolition waste

The EPA would like to continue to work with DPIE on developing appropriate waste and resource recovery provisions and would be able to meet at a suitably convenient time to scope ways forward to help inform the development of the DCP.

DOC19/671090-6

Department of Planning, Industry and Environment
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Dear Ms Sadiq

Draft Wilton Growth Area Development Control Plan

I am writing further to our letter dated the 18 September 2019 to provide additional comments regarding the Draft Wilton Growth Area Development Control Plan (DCP). These additional comments relate to:

- water quality
- contaminated land management
- noise; and
- coal seam gas infrastructure

The Environment Protection Authority (EPA) may have further comments upon receipt and review of any additional information provided in relation to the draft DCP.

The EPA is able to meet at a mutually convenient time to discuss the attached comments, if necessary.

If you have questions regarding the above, please phone Mr Paul Wearne (02) 4224 4100.

Yours sincerely

8/10/19

PETER BLOEM
Manager Regional Operations Illawarra
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Attachment A

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ATTACHMENT A

Water Quality

Draft Wilton Growth Area Development Control Plan 2019 (DCP) has the objective of promoting (at Precinct and Growth Area scale) an integrated approach to the supply of potable water and the management of wastewater and stormwater, in turn reducing the demands on the reticulated water supply. It also has the objective of ensuring that the protection of high ecological value waterways is taken into consideration in the design and management of the stormwater and wastewater management systems. These objectives are supported.

Section 2.5.1 Flooding and Water Cycle Management sub section 11 includes water quality and flow targets for a stormwater management objective and stretch targets for an ideal stormwater outcome. These are based around generic per cent load reduction targets (Gross Pollutants 90 per cent, TSS 85 per cent, TP 65 per cent, TN 45 per cent). It is important that the draft DCP reflect that these are only interim, and they will be moved over time to reflect more contemporary ambient water quality targets that are relevant for the receiving waters of Wilton. Until these stormwater targets are tailored to the local receiving waters, they are unlikely to deliver improvements to the health of the waterways to support the community uses and values of the waterways or the objectives in the draft DCP.

The EPA understand that DPIE (Policy, Science and Strategy) is currently developing and finalising water quality objectives for the area to help the planning of the Wilton Growth Area. In the interim, DPIE (Planning) may wish to include appropriate provisions that encourage proponents to demonstrate how proposals can deliver the stretch targets. This could also include requirements for justification where proposals are unable to meet these stretch targets.

The EPA will continue to work with key stakeholders, such as DPIE, Sydney Water and Council, regarding preferred strategies and approaches for wastewater management for the growth area, to ensure the planning principles in the Wilton LUIP can be achieved.

The draft DCP appears to be promoting a Lakeside Activity Hub that includes the potential provision of a swimming beach and recreational rowing activities. Ensuring these recreational values for this artificial water body can be achieved (eg primary and secondary contact), will require understanding of its ownership - including arrangements for ongoing management and supporting financial contribution. Waterbodies, such as lakes, generally require substantial management and monitoring to achieve and maintain these outcomes. It is important that DPIE (Planning) continue to engage with Sydney Water, Councils and agencies (including NSW Health and Water NSW) to determine whether the aspirations in the DCP can be achieved.

Noise

Whilst the Draft DCP has acknowledged the need to manage noise, Section 2.10 'Noise Control' appears to only discuss specific control measures. The provisions would benefit the inclusion of the following hierarchical approach to noise control.

1. Spatial separation of incompatible land use through appropriate zoning and placement of activities to minimise noise-related land use conflicts.
2. Minimising noise emissions at source through best practice selection, design, siting, construction and operation as appropriate.
3. Reducing noise impacts at receivers through best practice design, siting and construction.

Sustainable land use planning, and careful design and location of development offers the greatest opportunity to manage noise. Land use and transport planning have a key role to play in avoiding land use conflicts and minimising noise impacts. Conflicts occur where sources of noise (such as busy roads, freight corridors, commercial activities, industry and agriculture) are not adequately separated from sensitive land uses (such as residences, child care, schools, medical and aged care facilities).

Land use planning affords opportunities to manage changes in land use so that exposure impacts are minimised. It's important that proponents demonstrate and work through such an approach rather than going firstly to specific control measures.

Contaminated Land Management

When drafting the Draft DCP, DPIE (Planning) needs to consider its responsibilities under SEPP55 The DCP can be used to make specific requirements in relation to contaminated land management. In particular, the draft DCP would benefit from inclusion of information in relation to contaminated land matters for exempt and complying developments. For example, DCPs may include requirement or prompts for private certifiers to check the EPA's public list of notified sites and contaminated land public record, prior to any sign offs.

The following comments include suggested edits for DPIEs (Planning) consideration.

Draft Wilton Growth Area Development Control Plan Section 2.5.4 Site Contamination (Controls)

1. All subdivision Development Applications shall be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with *State Environmental Planning Policy 55 – Remediation of Land* and the guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act, 1997*. Where the Stage 1 Investigation identifies potential or actual site contamination, a Stage 2 Detailed Site Investigation must be prepared in accordance with the above guidelines. A Remediation Action Plan (RAP) will be required for areas identified as contaminated land in the Stage 2 Site Investigation.

2. All investigation, reporting and identified remediation works must be in accordance with the Council's Policy on Management of Contaminated Lands, the relevant guidelines made or approved by the EPA under Section 105 of the *Contaminated Land Management Act, 1997*, and *SEPP 55* – Contaminated Land.

3. Prior to granting development consent, the Consent Authority must be satisfied that the site is suitable, or can be made suitable, for the proposed use. Remediation works identified in any RAP will require consent prior to the works commencing.

4. Where remediation works have been undertaken, Council may require a Section A Site Audit Statement (SAS) (issued by an EPA Accredited Site Auditor) to confirm that a site is suitable for the proposed use.

5. All reports submitted must be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

   Note: All applicants should consider and assess contamination hazards on their land in accordance with the Contaminated Land Management Act, 1997 and State Environmental Planning Policy 55 – Remediation of Land, both of which override any controls in this DCP.

Section 4.1.2 Cut and Fill Page 59 sub section 6

A Validation Report is required to be submitted to Council prior to the placement of imported fill on site. All fill shall comply with the Department of Water and Energy – "Site Investigation for Urban Salinity, the NSW EPA Guidelines for the NSW Site Auditor Scheme (3rd edition) 2017 (https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition), and all relevant guidelines made or approved under section 105 of the *Contaminated Land Management Act.*

Draft Wilton Growth Area Development Control Plan (Appendices): Table 3 – Contamination assessment

Table 3

Lodgement Requirement	Description	Required for
Bushfire Assessment	A Bushfire Assessment should be prepared in accordance with *Planning for Bush Fire Protection 2018*	DAs where the site is located on Bushfire Prone Land
Contamination Assessment	A Contamination Assessment should be prepared in accordance with *SEPP 55 – Remediation of Land*	DAs where the site has known contamination or has not been investigated for contamination.
Crime Risk Assessment Report (Safer by Design Evaluation)	A Crime Risk Assessment Report must be prepared for each development to demonstrate how it addresses the objectives and controls outlined in **Appendix G** *Crime Prevention through Environmental Design* of this DCP. The report should also demonstrate consistency with Safer by Design Guidelines (2002).	

Replace the above crossed out section under description with the following:

- The processes outlined in *State Environmental Planning Policy 55 - Remediation of Land (SEPP55)* be followed in order to assess the suitability of the land and any remediation required in relation to the proposed use.
- When assessing contamination, the following guidance should be considered:
  - *NSW EPA Sampling Design Guidelines* www.epa.nsw.gov.au/resources/clm/95059sampgdlne.pdf
  - *Guidelines for the NSW Site Auditor Scheme* (3rd edition) 2017 https://www.epa.nsw.gov.au/publications/contaminatedland/17p0269-guidelines-for-the-nsw-site-auditor-scheme-third-edition
  - *Guidelines for Consultants Reporting on Contaminated Sites*, 2011 www.epa.nsw.gov.au/resources/clm/20110650consultantsglines.pdf
  - *The National Environment Protection (assessment of contamination) Measures 2013* as amended.
  - All other guidelines approved by the NSW EPA under section 105 of the CLM Act.
- When assessing contamination, the proponent to engage "*certified consultants*".

Coal Seam Gas Infrastructure

The following comments include suggested edits for DPIEs (Planning) consideration.

1. Broaden "coal seam gas wells" to "petroleum wells" or "wells and drill holes" (note: the coal boreholes in the area are drilled to target the same coal seams as CSG wells).

2. Amend the South East Wilton Precinct Schedule 1 as follows:

   Section 2.8 Development Near Coal Seam Gas Wells
   - Add further clarity to ensure the controls apply to both active wells and decommissioned wells.
   - Editing error, partial sentence in the middle of the intro needs to be addressed.
   - Remove the 'Coal Seam Gas Wells' distinction, make the controls apply to all "wells and drill holes" in the area.

3. Amend North Wilton Precinct – Schedule 2 as follows:

   - Repeat Section 2.8 from the South East Wilton Precinct in this document.
   - Expand 'coal seam gas wells' to broader term inclusive of 'petroleum wells' or "wells and drill holes".
   - For consistency the section should reflect the same requirements as included in the South East Precinct Plan.

4. Include a condition on surveying boreholes and petroleum wells, particularly that are legacy sites:
   - Survey all cored boreholes and petroleum wells to 0.5 metre accuracy, with the survey to be carried out by a surveyor registered with the Board of Surveying and Spatial Information under the Surveying and Spatial Information Act 2002 (this is an example from a petroleum exploration licence development consent).

These changes are needed as the controls reference a 200m radius from a well for additional controls, however without accurate survey information this will be challenging. MinView, DPIE's spatial database of wells, reports there are two petroleum wells in the North Wilton Precinct plan. Both of these wells have location errors greater than 200m, one being in another part of the state and the other more than 1km from its reported location.

There are also 3 or 4 coal exploration wells in the South East Wilton precinct, these wells will be of similar size to a CSG well and drilled into the same gas bearing coal formation as the CSG wells. For consistency, the above controls should also apply to these wells.

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nsw-ports-submission-letter---draft-wilton-growth-area-dcp---september-2019.pdf

Submission
Please find attached submission letter.

I agree to the above statement
Yes

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16 September 2019

Re: Draft Wilton Growth Area Development Control Plan 2019

Thank you for providing NSW Ports with the opportunity to comment on the Draft Wilton Growth Area Development Control Plan (DCP) 2019. NSW Ports is responsible for managing the port and freight assets of Port Botany, Port Kembla, the Cooks River Intermodal Terminal and the Enfield Intermodal Logistics Centre. These assets, along with the efficient movement of freight to and from these assets, are critical to the future economic growth, liveability, productivity and sustainability of New South Wales.

Port Kembla is one of NSW's key trade gateways and plays a vital part of the state economy. Port Kembla is already approved for development as a container terminal and is well located to service the growing population of Greater Sydney. NSW Ports advocates for the construction of the Maldon-Dombarton rail line in order to expand existing rail service capability to Port Kembla and to connect to a future container terminal in the Outer Harbour. In addition, it will provide a more direct connection between the Port and West and Southwest Sydney.

NSW Ports seeks to ensure that the Wilton Growth Area DCP assists in the planning, design and assessment of development located within the vicinity of the proposed alignment of the Maldon-Dombarton Rail Link. Future development within the area must be designed and constructed to mitigate amenity impacts for future occupants.

A portion of the identified Maldon-Dombarton Rail Link corridor runs through the Wilton Growth Area and is zoned SP2 – Infrastructure pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP). Given the corridor is identified and zoned SP2 it is important to sufficiently design and plan development around identified future infrastructure within the Wilton Growth Area.

Should the Maldon-Dombarton Rail Link operate as originally proposed, it would be able to facilitate up to 36 train movements over a 24 hour period, including during night-time hours.

The Future Transport Strategy 2056 (TfNSW 2018) is an overarching strategy, to achieve a 40-year vision for the NSW transport system. The Strategy outlines the vision and strategic directions, with infrastructure and services plans underpinning the delivery of these directions across NSW. The Maldon-Dumbarton rail link is identified for investigation and completion within the strategy. Therefore future development must take into consideration any potential impacts from future infrastructure development.

Proposed Amendments

NSW Ports has reviewed the Draft Wilton Growth Area DCP and request that further consideration be given to the below matters.

It is suggested that the Draft Wilton Growth Area DCP include the following conditions:

Part 2 – Precinct Planning Outcomes

Section 2.10 Noise Control of the draft DCP currently states:

2. Development for sensitive uses (childcare centres, hospitals, aged care facilities, schools and residences) adjacent to the Maldon to Dombarton Freight Rail Corridor must ensure that acoustic building treatments to be provided within 100m of the corridor to achieve recommended internal noise levels.

In addition to the above control, the following controls should be considered for inclusion within the DCP:

- Applicants proposing new development for sensitive uses (childcare centres, hospitals, aged car facilities, schools and residences) located within 100m of the Maldon-Dombarton Rail Corridor should refer to the *Development Near Rail Corridors and Busy Roads - Interim Guideline (Department of Planning 2008)* which includes design guidelines and requirements to manage the impacts from development near rail corridors.

  Where applicable the applicant should demonstrate compliance with the relevant requirements of the *Development Near Rail Corridors and Busy Roads - Interim Guideline (Department of Planning 2008)* to ensure development is appropriately designed to mitigate any future freight rail development. Consideration should be given to the design of the development in terms of the site layout, building materials and design, orientation of the buildings and location of sleeping and recreation areas.

- Applicants proposing new development for sensitive uses (childcare centres, hospitals, aged car facilities, schools and residences) located within 100m of the Maldon-Dombarton Rail Corridor will be required to submit an acoustic report where the development is considered to be affected by noise from an existing or possible future rail corridor. The acoustic report will need to take into consideration the acoustic impact from existing and future identified rail corridors and demonstrate compliance with the relevant acoustic criteria for the proposed development.

Reason: Further consideration should be given to the development of sensitive land uses located within the vicinity of the Maldon-Dombarton Rail Corridor to ensure they are constructed to a level which can appropriately mitigate acoustic impacts from the future rail corridor. Where new rail lines are proposed, attention needs to be paid to the effective management of rail noise and requires the combined efforts of existing and future rail infrastructure owners, property developers and planning authorities. It is important for the DCP to include controls for sensitive land uses affected by possible future heavy rail projects, including new rail lines.

Part 4 Development in Residential Areas

It is requested that the wording of the following conditions in Section 4.2.9 Visual and Acoustic Privacy of the draft DCP be updated to assess the impacts of both existing and future rail corridors.

Section 4.2.9 Visual and Acoustic Privacy Controls

2. Development will require an acoustic report where it is:

• adjacent to or located within 100m of an existing or possible future *railway line, arterial or sub-arterial roads; or*

• potentially impacted upon by a nearby industrial / employment area.

11. Development effected by noise from existing or possible future *rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors.*

12. Residential development affected by noise from existing or possible future rail or traffic shall aim to comply with the criteria in Table 15. Figure 34 provides guidance on measures to manage internal noise levels.

Reason: New development should be designed and constructed to mitigate any future impacts resulting from the Maldon-Dombarton Rail Link, including the impact of rail noise and vibration for occupants. The acoustic controls contained in Section 4.2.9 of the DCP relate to acoustic controls for residential development adjacent to railway lines and does not provide acoustic controls of other sensitive land uses located adjacent to rail corridors. Further, Section 2.6.1 of the South East Precinct DCP precludes an acoustic assessment from being submitted with subdivision applications if the Maldon-Dombarton Railway is not constructed at the time of the subdivision application. Therefore the DCP should contain development controls which address and assess the future acoustic environment for sensitive development once the railway is operational.

If you have any questions regarding the above submission, please contact myself on (02) 9316 1151 or adriane.whiley@nswports.com.au.

Yours sincerely,

Adriane Whiley
Planning Officer

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Submission file

draft-wilton-growth-area-dcp_sw-submission.pdf

Submission
See attached

I agree to the above statement
Yes

27 September 2019

Murray Jay
Senior Planning Officer
Department of Planning, Industry and Environment
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Re: Draft Wilton Growth Area Development Control Plan 2019

Dear Murray,

Thank you for providing Sydney Water with the opportunity to review the Draft Wilton Growth Area Development Control Plan (DCP) 2019. We provide the following comments for the Department's consideration.

3.4.1 Street Layout and Design
In relation to Control 8: *Variation to the residential street network as permitted under Control 4 above will only be approved by Council where the applicant can demonstrate to Council's satisfaction that the proposal: does not restrict the ability to provide water, sewer, electricity and other essential services to adjoining properties',* Sydney Water requests the Department extend the Control to ensure that water-related assets are accessible to enable ongoing operation and maintenance.

4.1.4 Salinity, Sodicity and Aggressivity and 5.1 Enhancing Sustainability – Water Cycle Management
Sydney Water notes the following Controls:

- 4.1.4 Control 9, part C: *Groundwater recharge shall be minimised by such measures as: encouraging onsite detention of roof water runoff*
- 5.1 Control 8: *Where possible, rainwater tanks should be installed for all residential developments…and be plumbed to appropriate end uses, including toilet flushing, water features, car washing and garden irrigation…*

Sydney Water's interim servicing strategy for Wilton has identified the need for recycled water to be provided to help offset wastewater discharges to local rivers and meet targets from the NSW Environmental Protection Authority (EPA).

While Sydney Water supports the reuse of rainwater as outlined in the above clauses, we recommend the Department expand the focus of these clauses to an integrated water cycle management approach and require all new residential developments to be appropriately plumbed to facilitate connection to a non-potable water source, whether it be rainwater or future recycled water.

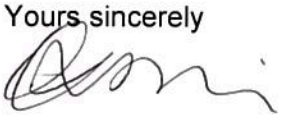
4.2.6 Landscaped area
Sydney Water recommends the Department encourage the use of drought-tolerant native flora species (suited to local soil and weather conditions) and also consider the opportunity for onsite detention of stormwater for irrigation purposes.

In relation to Control 4: *Use of low flow watering devices is encourages to avoid over watering*, Sydney Water recommends the Department consider including the installation of drip irrigation to help conserve water through reduced evaporation.

In relation to Control 5: *At lead 1 tree (that will have a mature height of at least 8m) is to be planted in each rear yard on the site* and Control 6: *At least 1 tree (that will have a mature height of at least 5m) is to be planted in the front yard of the primary road and secondary road (for corner lots)*, Sydney Water recommends the Department consider the opportunity to include Controls that provide further guidance around tree species selection and location requirements. This would encourage better outcomes in terms of urban cooling, water efficiency and minimising ingress to water / wastewater networks.

Sydney Water looks forward to working collaboratively with the Department in finding innovative water management solutions and environmental objectives and controls to improve urban design outcomes for the Wilton growth precinct. If you need any further information, please contact me on 8849 5243 or email cassandra.loughlin@sydneywater.com.au.

Yours sincerely



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Submission file

cd19-06434-tfnsw-response---draft-wilton-growth-area-dcp-signed.pdf

Submission
See attached

I agree to the above statement
Yes

Catherine Van Laeren
Acting Executive Director
Central River City and Western Parkland City
Department of Planning, Industry & Environment
GPO Box 39
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Dear Ms. Van Laeren

Draft Wilton Growth Area Development Control Plan 2019

Thank you for your email dated 7 August 2019 inviting Transport for NSW (TfNSW) to review and comment on the subject matter. This letter is offered as a collective response from agencies of the Transport cluster.

A review of the draft Development Control Plan (DCP) for Wilton Growth Area has been undertaken with comments on the following specific matters:

- Design aspects in relation to Future Transport 2056
- Active transport
- Street layout and design
- Noise Control
- Visual and Acoustic Privacy
- Consideration of rail corridor
- Consistency between main body and draft schedules (1 & 2) of the DCP

Detailed comments in relation to the above matters are summarised in **Attachment A**.

Thank you again for the opportunity of reviewing the subject matter. For further discussion on this matter, please do not hesitate to contact Billy Yung, Senior Transport Planner, at email via billy.yung@transport.nsw.gov.au.

Yours sincerely

16/10/2019
Mark Ozinga
Principal Manager Land Use Planning & Development
Customer Strategy & Technology

CD19/06434

Attachment A

Items	Issues	Recommendations
		o
Additional items in relation to the protection of rail corridor	The DCP should include Controls that address the following aspects: • Lighting and external finishes and design • Level crossings	It is recommended that the following controls be added to relevant section(s) in the DCP: • The use of red and green lights is to be avoided in all signs, lighting building, colour, scheme on any part of a building facing rail corridors. • If a development involves a new level crossing, a conversion into a public road of a private access road across a level crossing, a likely significant increase in the total number of vehicles or the number of trucks using a level crossing, the development must be consulted and approved by the rail authority in accordance with Clause 84 of the *State Environmental Planning Policy (Infrastructure) 2007*.
Page 21 – Controls in 2.5.1 Flooding and Water Cycle Management	For the purpose of protecting the rail corridor.	Additional items to be added to Controls: 14. Developments must be considered in the context of the *Development near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning 2008) in relation to the following but not limited to: • Stormwater run-off from the development land will not have adverse impact on the rail corridor by increasing pre-construction flows into the rail corridor; • Discharge of stormwater from the land during and after a development should be designed to ensure that no adverse effects will be had on the existing watercourse and drainage infrastructure.
Page 27 – Control 1 in 2.10 Noise Control	The control should refer to a detailed list of design principles and to also refer to ventilation requirements.	The following changes/additions are proposed: 1. Development Applications for noise impacted dwellings should detail siting considerations, design and architectural treatments with consideration to the design principles in

Attachment A

Items	Issues	Recommendations
		section 3.8 of the *Development near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning, 2008)* and include ventilation that meets the requirements of the Building Code of Australia where windows are required to remain closed to meet internal noise levels. ~~which may be required to reduce noise to acceptable levels and these may include all or some of the following:~~ • ~~upgrading of glazing~~ • ~~the sealing of gaps around windows and doors~~ • ~~sealing of wall vents~~ • ~~the upgrading of doors to solid door~~ • ~~reconfiguration of internal spaces to provide non-sensitive rooms adjacent to road or~~ • ~~rail corridors~~ • ~~physical noise barriers or mounding~~
Page 27 – Control 2 in 2.10 Noise Control	The control should specify the noise requirements and also clarify what shielding is to be included.	The following changes/additions are proposed: 2. Development for sensitive uses (childcare centres, hospitals, aged care facilities, schools and residences) adjacent to the Maldon to Dombarton Freight Rail Corridor must ensure that acoustic building treatments to be provided within 100m of the corridor to achieve ~~recommended internal~~ noise ~~levels~~ requirements in Clause 87 of the *State Environmental Planning Policy (Infrastructure) 2007*. Compliance with the noise requirements shall only be based on shielding from fences, noise walls and intervening objects which are permanent structures, and exclude shielding from any object which part of a future development stage. If a land to which a development is related is immediately adjacent to the rail corridor, easement for noise, vibration must be agreed to burden on the land and to benefit the rail authority as the rail corridor is reserved for the future

Attachment A

Items	Issues	Recommendations
		development of the railway line.
Page 27 – Control 1 in 2.11 Air Quality Setbacks	It is noted that this control requires all sensitive uses including residential be setback a minimum of 100 metres from the Maldon to Dombarton Freight Rail Corridor, which conflicts with the town layout presented in Figure 7 of the *Wilton 2040* plan that shows a school and residences within 100 metres of the Maldon to Dombarton Freight Rail Corridor. In light of this, the wording in Section 1.8 of the draft DCP ("*Council may grant consent to a proposal that does not comply with the controls in this DCP, providing the intent of the controls is achieved*") may result in the DCP controls not being met.	It is recommended that Section 1.8 be amended to strengthen compliance with the controls in the DCP, particularly compliance with setbacks and noise requirements to meet the Land Use Planning Principles set out on page 29 of the *Wilton 2040* plan.
Page 33 – Control 3 in 3.1.2 Block and Lot Layout	Cycling as a transport mode to support Future Transport aspirations is missing.	The following additions are proposed: 3. Pedestrian and cyclist connectivity is to be maximized within and between each residential neighborhood with a particular focus on pedestrian routes connecting to public open community/recreation facilities.
Page 34 – Control 4 in 3.1.2 Block and Lot Layout	Cycling as a transport mode to support Future Transport aspirations is missing.	The following additions are proposed: 4. Street blocks are to be generally a maximum of 250m long and with variety in depth to promote housing diversity. Block lengths in excess of 250m may be considered by Council where pedestrian and cyclist connectivity, stormwater management and traffic safety objectives are achieved. In areas around local and town centres, the block perimeters should generally be a maximum of 520m (typically 190 x 70m) to increase permeability and promote walking and cycling.
Page 34 – Adding new control to	It is noted that Council has adopted a plan for	The following additions are proposed:

Attachment A

Items	Issues	Recommendations
3.1.2 Block and Lot Layout	shared pedestrian and cycle pathways for the whole shire. For any interfaces between the path and the rail corridor, appropriate infrastructure needs to be constructed.	6. Construction of appropriate infrastructure such as a new level crossing or an overbridge, should be considered to deal with any interfaces where the shared pedestrian and cycle path and the rail corridor intersect.
Page 45 – Section title of 3.4 Movement Network	The title should give recognition to the Movement and Place framework as identified in Future Transport 2056.	It is recommended the title be amended to "Movement and Place"
Page 45 – Objectives (a) and Control 7 in 3.4.1 Street Layout and Design	Objective should clearly establish the design principle and identify measures to encourage walking and cycling as transport options for short daily trips.	The following additions are proposed: a) To establish a hierarchy of interconnected streets that provide safe, convenient and clear access for pedestrians, cyclists, wheelchair users and motorists for local community movement to centres, stations and bus stops, schools, parks (including on the Green Grid) and other trip attractors, and can accommodate increased use within and beyond the Precinct. Replace second dot point under Control 7 with the following: • Provide safe, high quality walking and cycling links that cater for local community movement to centres, stations and bus stops, schools, parks (including on the Green Grid) and other trip attractors, and can accommodate increased use.
Page 45 – Adding new item to Objectives in 3.4.1 Street Layout and Design	There are two aspects, namely Principal Bicycle Network and Active Travel to Schools, supported by Future Transport 2056 should be considered.	The following additions are proposed: e. To align local bicycle network planning with the Principal Bicycle Network and to identify strategic cycling connections to inform council's wider land use and local road network planning. f. To consider opportunities of increasing rates of walking and cycling to schools in the local government area for supporting more efficient use of congested road and public transport networks and community health outcomes. g. To consider appropriate measures in addressing key local barriers

Attachment A

Items	Issues	Recommendations
		to walking and cycling and to develop safe walking and cycling routes to schools.
Page 47 – Control 18 in 3.4 Movement Network	Consideration should also be given to cyclist.	The following changes/additions to dot point 5 are proposed: • maintain adequate lines off sight for pedestrians, cyclists and vehicles ~~and pedestrians~~, especially around driveways and street corners, Recommend addition dot point: • Consider how footpaths and cycleways will be shaded with substantial tree canopies ensuring that sight lines are adequate, by allowing deep soil and height clear of obstructions such as power lines, and consider how shop awnings can provide shade and rain protection.
Page 48 to 50 – Figure 13 to 17	Consideration should be given to all road cross sections to include the provision of pedestrian and cyclist infrastructure.	The following recommendations should be considered: • Preference is for visual separated cycling infrastructure. • Ensure footpaths are wide enough to allow a range of user needs, such as wheelchairs, prams, and family groups. • Consider wider share paths to allow bicycle riders, particularly children and inexperienced riders to get to key destinations such as public transport, schools, parks and shops. • New kerb ramps and crossings on key pedestrian routes could also be considered, as well as providing footpaths on both sides of streets.
Page 49 – Figure 14 Typical collector road (not bus capable)	The DCP recommends the width of carriageway for typical collector road as 11m.	Consideration should be given to provide flexibility of facilitating buses to be able to travel on this type of road if needed in the future.
Page 58 – Add new Control to 4.1.2 Cut and Fill	For the purpose of rail corridor protection.	Additional item to be added to Controls: 15. Development involving earthworks within 25m of any rail corridor (including the Maldon to Dombarton line) and involving ground

Attachment A

Items	Issues	Recommendations
		penetration of at least 2m should be referred to TfNSW as per the provisions of the *State Environmental Planning Policy (Infrastructure) 2007*.
Page 75 – Objectives and Controls in 4.2.2 Streetscape and Architectural Design	To give better permeability and connectivity within the local neighbourhood.	Additional dot point is recommended to add to Objective: • To create through site links through larger blocks Additional item to be added to Controls: 9. Larger blocks to provide through-site links for new cycling and walking routes enabling further connectivity and permeability within the local neighbourhood.
Page 86 – Control 2 in 4.2.9 Visual and Acoustic Privacy	It is suggested to ensure consistency with Control 2 in Section 2.10.	The following changes/additions are proposed: 2. Noise sensitive development will require an acoustic report where it is: • ~~adjacent to~~ within 100 metres of railway corridor (including the Maldon to Dombarton Freight Rail Corridor), arterial or sub-arterial roads; or • potentially impacted upon by a nearby industrial/employment area
Page 88 – Control 10 in 4.2.9 Visual and Acoustic Privacy	This control may be misinterpreted given Control 3 in Section 2.10 refers to noise barriers.	It is recommended to delete Control 10 in Section 4.2.9.
Page 88 – Control 11 in 4.2.9 Visual and Acoustic Privacy	The control should refer to relevant noise requirements in relation to rail and traffic noise.	The following changes/additions are proposed: 11. Development ~~effected~~ affected by noise from rail or traffic noise to comply with ~~*AS2107-2000* Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors~~ the noise requirements in clause 87 (rail) and clause 102 (road) of the *State Environmental Planning Policy (Infrastructure) 2007*.
Page 88 – Table 15 in 4.2.9 Visual	The information provided in this table should	It is recommended to amend Table 15 to reflect the consistency as

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Items	Issues	Recommendations
and Acoustic Privacy	be consistent with the noise level requirements in Table 3.1 of the *Development near Rail Corridors and Busy Roads – Interim Guideline (DoP, 2008)* which accompanies the *State Environmental Planning Policy (Infrastructure) 2007*.	outlined above. The notes below Table 15 including "Noise criteria for residential premises impacted by traffic noise" and "*LAeq 1-hour noise levels shall be determined by taking as the second highest LAeq 1 hour over the day and night period for each day and arithmetically averaging the results over a week for each period (5 or 7 day week, whichever is highest)*" should be deleted as they are inconsistent with the relevant noise requirements in the *State Environmental Planning Policy (Infrastructure) 2007*.
Page 88 – Figure 34 in 4.2.9 Visual and Acoustic Privacy	Relevance to rail noise should be considered in the Figure.	It is recommended to include freight train as a noise source and also replace "double-glazed windows" with "acoustic-rated windows".
Page 89 – Controls in 4.2.10 Fencing	For the purpose of protecting the rail corridor.	Additional item to be added to Controls: 11. Fences must be installed and remained installed along the boundary lines between the rail corridor and a land to which a development is related to during construction, occupation and operation in accordance with the rail authority's engineering standards.
Page 98 – bicycle parking in Table 18	The proposed bicycle rates should give consideration to relevant guideline.	It is recommended that consideration be given to including "referring to Appendix I of the Cycling Aspects to Austroads Guidelines for bicycle parking provision".
Page 107 – Control 14 in 4.4.4 Neighbourhood Shops	Further details should be added to better detail the control requirement.	The following changes/additions are proposed: 14. Bicycle parking must be provided for employees and visitors in a location that is secure, convenient and accessible close to the main entries incorporating adequate lighting and passive surveillance and also with weather protection ~~for employees~~.
Page 108 – 4.4.5 Seniors Housing	It should be noted that buses would not be able to serve the sites if senior housing is not located on a bus capable road.	Refer to earlier comment provided above, the DCP only allows buses to travel along sub-arterial roads. Alternatively, widths of collector roads need to be increased to become bus capable roads.

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Items	Issues	Recommendations
Page 112 – Control 11 in 5.1 Enhancing Sustainability	Consideration should also be given to walking aspect.	The following changes/additions are proposed: 11. ~~Cycle paths~~ Walking and cycling networks should be provided throughout the development linking throughout the various stages of the development.
General comments in relation to inconsistency between the noise controls in the DCP and the Precinct's Schedules:	Clarification needs to be sought on whether the noise controls in the DCP conflict with controls in the Precinct's Schedules – the DCP requirements for noise assessments and mitigation (consistent with the principles in the Freight and Ports Plan and ISEPP) must override those set out in the schedules. • The DCP applies to the South East Wilton Precinct and the North Wilton Precinct. The DCP states that in the event of an inconsistency between a Precinct's Schedule and the main body of the DCP, the Precinct's Schedule prevails. • In the DCP, one of the noise controls is "*Development for sensitive uses (childcare centres, hospitals, aged care facilities, schools and residences) adjacent to the Maldon to Dombarton Freight Rail Corridor must ensure that acoustic building treatments to be provided within 100m of the corridor to achieve recommended internal noise levels"*. • In the Precinct Schedules, the areas requiring noise attenuation treatments have been reduced to 70m (North Wilton) and 80m (South East Wilton) from the	Stronger controls are needed to protect the Maldon to Dombarton corridor from urban encroachment which may limit the feasibility of constructing the line in the future. The 100m, as set out in the DCP should be the minimum and this should not be undermined by the schedules. In addition, it is noted that freight train noise in this area will come from pass-by or idling at signals.

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Items	Issues	Recommendations
	tracks of the proposed Maldon to Dombarton. In both Precinct Schedules, it goes on to state that "*if the Maldon to Dombarton Raiway is not constructed, then an acoustic report will not be required*". An acoustic report outlines the noise attenuation measures proposed to attenuate noise, in this case noise from Maldon to Dombarton.	
Schedule 1 – South East Wilton Precinct Page 22 – Control 1 in 2.6.1 Acoustic Amenity and Precinct Interface	The rail corridor is reserved for the future freight services in accordance with Future Transport 2056 although it is currently subject to a feasibility study for completion as it is partially constructed. The DCP should therefore reflect the relevant clauses of the ISEPP 2007 since the South East Wilton and the North Wilton Precincts are immediately adjacent to the rail corridor.	The following additions are proposed: 1. For residential subdivisions that: a. are adjacent to arterial or sub-arterial roads, or b. are potentially impacted upon by a nearby industrial/employment area, or c. are on steep (>1:10) or elevated land within 100m of an arterial or sub-arterial road~~,~~ or d. are adjacent to rail corridor; an acoustic report is required to be submitted as part of a subdivision application demonstrating that the proposed subdivision design and any required acoustic attenuation can comply with *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning 2008) and Clause 87 of State Environmental Planning Policy (Infrastructure) 2007. An acoustic report is also required for any non-residential use to be undertaken within a residential area.
Schedule 1 – South East Wilton Precinct Page 22 – Control 3 in 2.6.1	Consistency of noise assessment requirement is needed between the main body of the draft DCP and Schedule 1.	The following changes/additions are proposed: 1. Development Applications for residential buildings within the areas shown on Figure 3-6 that are:

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Items	Issues	Recommendations
Acoustic Amenity and Precinct Interface	Consistency is also required between Controls 1 and 3 in relation to the distance of measurement from arterial or sub-arterial road, noting Control 3 states that acoustic report is required for DA for residential buildings that are 20m from the edge of Hume Highway Corridor while Control 1 states that acoustic report is required for residential subdivision that are within 100m of an arterial or sub-arterial road.	• ~~80m~~ 100m from the tracks of the proposed Maldon to Dombarton Railway; and/or, • 20m from the edge of the Hume Highway Corridor; must be accompanied by an acoustic report outlining the noise attenuation measures proposed to attenuate noise within dwellings and in external Principal Private Open Space areas in accordance with the noise criteria in *Development near Rail Corridor and Busy Roads – Interim Guideline* (Department of Planning 2008). Clarification should be provided to address for consistency between Controls 1 and 3.
<u>Schedule 1 – South East Wilton Precinct</u> Page 22 – Control 4 in 2.6.1 Acoustic Amenity and Precinct Interface	Inconsistency with the first objective of Section 2.6.1 that says "*To minimise the impacts of noise from major transport infrastructure.*" and also not consistent with the main body of the DCP. It is also part of the current planning policy adopted by TfNSW that the rail corridor continues to be reserved for the development of freight services in the future. Therefore, irrespective of whether a development is post or pre-construction of the railway line, an acoustic report should be prepared and	It is recommended to delete Control 4 in Section 2.6.1 for the reason as outlined.

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Items	Issues	Recommendations
	submitted to Council and the rail authority to reflect the current policy of TfNSW.	
Schedule 2 – North Wilton Precinct Page 22 – Control 1 in 3.3.3 Acoustic Amenity and Precinct Interface	The rail corridor is reserved for the future freight services in accordance with Future Transport 2056 although it is currently subject to a feasibility study for completion as it is partially constructed. The DCP should therefore reflect the relevant clauses of the ISEPP 2007 since the South East Wilton and the North Wilton Precincts are immediately adjacent to the rail corridor.	The following additions are proposed: 1. For residential subdivisions that: a. are adjacent to arterial or sub-arterial roads, or b. are potentially impacted upon by a nearby industrial/employment area, or c. are on steep (>1:10) or elevated land within 100m of an arterial or sub-arterial road~~,~~ or d. are adjacent to rail corridor; an acoustic report is required to be submitted as part of a subdivision application demonstrating that the proposed subdivision design and any required acoustic attenuation can comply with *Development Near Rail Corridors and Busy Roads – Interim Guideline* (Department of Planning 2008) and Clause 87 of State Environmental Planning Policy (Infrastructure) 2007. An acoustic report is also required for any non-residential use to be undertaken within a residential area.
Schedule 2 – North Wilton Precinct Page 22 – Controls 3 and 4 in 3.3.3 Acoustic Amenity and Precinct Interface	Consistency of noise assessment requirement is needed between the main body of the draft DCP and Schedule 1.	The following changes/additions are proposed: 3. Development Applications for residential buildings within the areas shown on Figure 4-2 that are: a. ~~70m~~ 100m from the tracks of the proposed Maldon to Dombarton Railway; and/or, b. 20m from the edge of the Hume Highway Corridor; ~~4.~~ must be accompanied by an acoustic report outlining the noise attenuation measures proposed to attenuate noise within dwellings and in external Principal Private Open Space areas in accordance with the noise criteria in the *Development near Rail*

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Items	Issues	Recommendations
		Corridors and Busy Roads – Interim Guideline (Department of Planning 2008).
Schedule 2 – North Wilton Precinct Page 22 – Controls 1 and 3 in 3.3.3 Acoustic Amenity and Precinct Interface	Consistency is also required between Controls 1 and 3 in relation to the distance of measurement from arterial or sub-arterial road, noting Control 3 states that acoustic report is required for DA for residential buildings that are 20m from the edge of Hume Highway Corridor while Control 1 states that acoustic report is required for residential subdivision that are within 100m of an arterial or sub-arterial road.	Clarification should be provided to address consistency between Controls 1 and 3.
Schedule 2 – North Wilton Precinct Page 22 – Controls 5 in 3.3.3 Acoustic Amenity and Precinct Interface	Inconsistency with the first objective of Section 3.3.3 that says "*To minimise the impacts of noise from major transport infrastructure.*" and also not consistent with the main body of the DCP.	It is recommended to delete Control 5 in Section 3.3.3 for the reason as outlined above.
Schedule 2 – North Wilton Precinct Page 14 to 18 – Precinct Road Hierarchy and Pedestrian Cycle Network	The sub arterial roads shown in Figure 3-1 are vital road links to support the land release. The document does not provide clear direction on the arrangements for the sub arterial roads and particular, details on the cross sections to be adopted. Though access denied notation is indicated in the Figure, careful consideration should be given in the event of access is required on sub-arterial roads. Nonetheless access from lower order roads would be preferable. It is unclear what type of road Table 3-1 applies to as it is not referenced however this	It is recommended to include specific directions for the cross section of the sub arterial roads to ensure an appropriate and consistent width is achieved throughout the Precinct. At a minimum, the carriageway should be 13m from face of kerb to face of kerb to facilitate a 3.4m kerbside lane and 3.1m centre lane and comply with the *Guidelines for Public Transport Capable Infrastructure in Greenfield Sites (TfNSW, 2018).* Depending on traffic demand, parking could be considered outside peak times in the kerbside lane at locations away from intersections. The cross section also needs to allow for a pedestrian and cycle pathway in the road reserve. A 2.5m off street share pedestrian and cycle pathway is recommended (for the pathways along the sub

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Items	Issues	Recommendations
	is not considered suitable for sub-arterial roads. It is unclear where off road cycleways are to be provided.	arterial roads). Figure 3-3 should detail which cycleways are off road and which are on road. Consideration should be given to a central median to separate traffic and manage turning movements. If adopted, at a minimum the central median should be generally 1.2m wide (a narrower median may encourage pedestrians to cross but would not provide a safe area for them to stand). Should a pedestrian refuge be proposed in the median, it should be a minimum of 2.0m wide, consistent with RMS' Technical Direction. Any tree plantings along the sub-arterial road corridor should be frangible or located outside of the clear zone (refer to Austroads Guide to Road Design for clear zone widths). Based on the above, the overall road reserve width would need to be significantly wider than 16.7m described in Table 3-1 and shown in Figure 3-2.

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Submission file

wilton-dcp-2019---waternsw-submission.pdf

Submission
See attached

I agree to the above statement
Yes

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2 October 2019

Contact: *Stuart Little*
Telephone: *02 9865 2449*
Our ref: *D2019/104513*

Ms Catherine Van Laeren
A/Executive Director, Central River City and Western Parkland City
Department of Planning, Industry and Environment (DPIE)
GPO Box 39
Sydney NSW 2001

Dear Catherine

RE: Public Exhibition of Draft Wilton Growth Area Development Control Plan 2019 (DCP)

I refer to the invitation to comment on the Draft Wilton Growth Area Development Control Plan 2019 (DCP). WaterNSW has previously provided advice on the development application (DA) for the Stage 1 development of the South East Wilton Precinct.

Context

The Upper Canal Corridor transects the South East Wilton Precinct from south to north (see Figure 1). The Corridor is owned and managed by WaterNSW and conveys bulk water from Pheasants Nest Weir through to the Prospect Reservoir. It is also a declared Controlled Area, where public access is prohibited unless written consent is obtained from WaterNSW. Within the South East Precinct, the Upper Canal lies underground in the Nepean Tunnel.

The southern boundary of the South East Wilton Precinct adjoins the Upper Nepean State Conservation Area, which forms part of the Metropolitan Special Area (see Figure 1) and lies within the Sydney Drinking Water Catchment. This land is designated as Schedule 1 land under the *Water NSW Regulation 2013* and public access is prohibited.

Special Areas are subject to the 'Special Areas Plan of Management' (SASPoM) and are jointly managed under the *Water NSW Act 2014* by WaterNSW and the National Parks and Wildlife Service Division within the Department of Planning, Industry and the Environment (DPIE).

It is particularly important to protect both the Upper Canal Corridor and Metropolitan Special Area in order to protect water quality and associated WaterNSW assets.

Structure of Comments

WaterNSW has carefully assessed the Draft DCP and provides comments on the following issues:

- DCP Plans and Design
- Upper Canal Corridor
- Metropolitan Special Area (including security, access and bushfire risk)
- Stormwater Management, and
- Terminology and Hierarchy.

Request for Meeting

Given the complexity of the issues raised in this letter (particularly in relation to bushfire risk), WaterNSW requests a further meeting with DPIE. It may also be appropriate to include the National Parks and Wildlife Service Division and the NSW Rural Fires Service to the meeting.

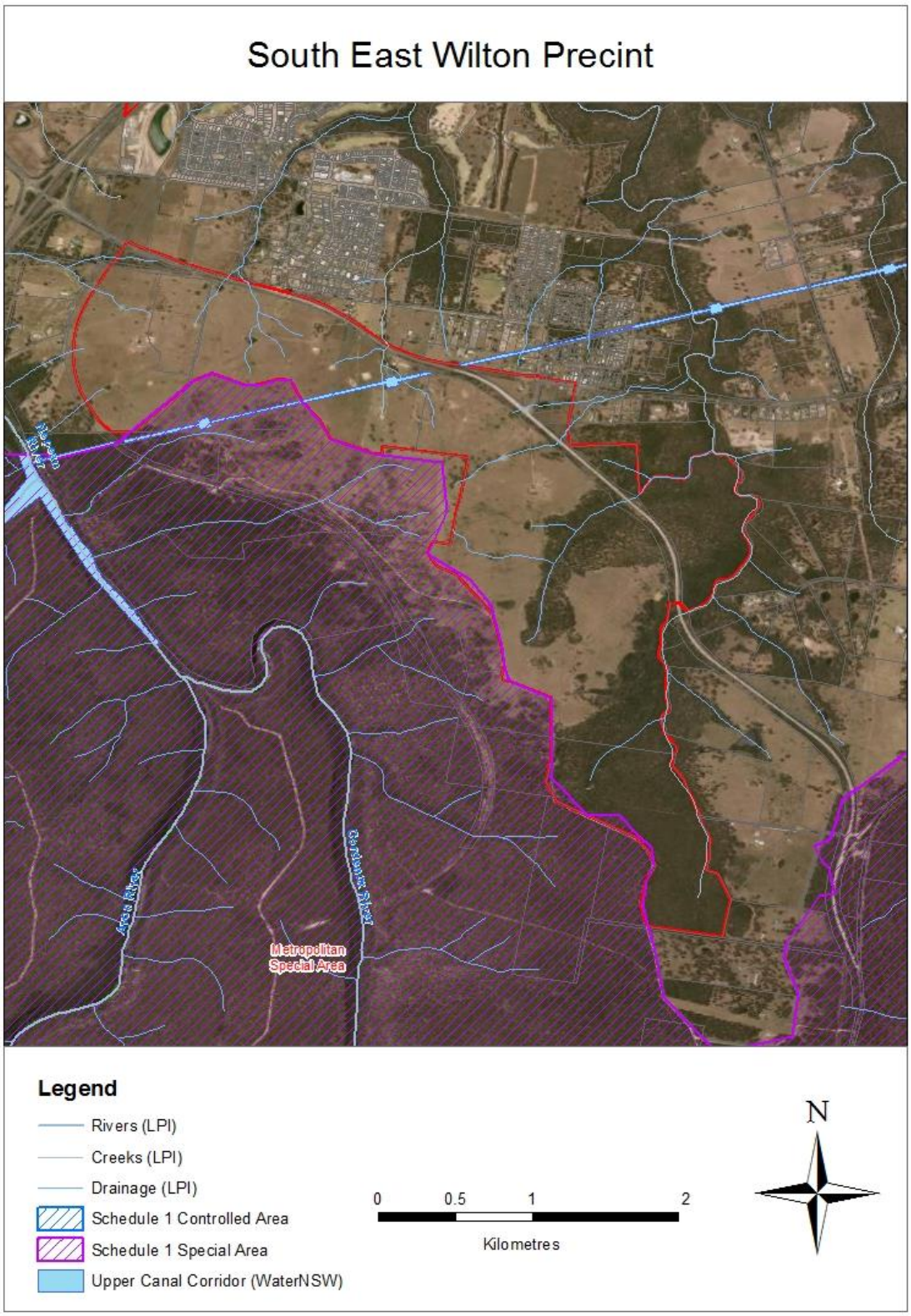

Figure 1. South East Wilton Precinct showing location of Upper Canal Corridor, Metropolitan Special Area and drainage features.

DCP Plans & Design

The DCP relies on the plans and provisions of the South East and North Precinct Schedules to give its provisions effect at the Precinct level. However, for the South East Precinct (Schedule 1), the development designs and road layout patterns of the main Structure Plan (Figure 1-2) are inconsistent with those depicted in the other figures of Schedule 1.

This makes it difficult to assess how future development will interface with both the Upper Canal Corridor and Metropolitan Special Area. WaterNSW seeks clarification as to which development design is intended to prevail. The inconsistency also needs to be rectified to ensure that the DCP provisions for the South East Precinct are internally consistent, and the intended designs given effect across all stages and aspects of the development.

In terms of the Upper Canal, Figure 2-1 of Schedule 1 shows that two internal roads are proposed to cross the Upper Canal Corridor (Nepean Tunnel) whereas the Structure Plan (Figure 1-2) shows only one such road. In consultation with the proponents, WaterNSW has previously agreed to two road crossings for access between the northeast and southwest areas of the precinct.

In terms of the Metropolitan Special Area, the inconsistency between the Structure Plans and other figures presented in Schedule 1 means that it is unclear whether perimeter roads of sufficient width will interface with the Special Area, and the proportion of the how Special Area circumscribed by such roads. This has important implications for access and bushfire management as discussed later in this letter.

Upper Canal Corridor

WaterNSW generally requires that any development in proximity to the Upper Canal Corridor to take into account WaterNSW *Guidelines for Development Adjacent to Upper Canal and Warragamba Pipelines* (the Guidelines).

Many parts of the Nepean Tunnel are fragile and at risk of cracking or collapse. The Guidelines advise that developers should be required to prepare a Construction Environmental Management Plan (CEMP) for new large subdivisions and major development adjacent to the Upper Canal Corridor. It would be useful for this requirement to be listed in the DCP.

In terms of urban design, the Guidelines state that:

> WaterNSW's preference is for a local road or street to be located between new development areas and the controlled area boundaries. A soft landscaped verge, and/or footpath/bicycle path should be provided as a further buffer between the corridor boundaries and the local road carriageway. Subdivisions that locate residential lots backing directly onto the Upper Canal and Warragamba Pipelines corridors are not supported by WaterNSW as there is minimal ability to manage, control or prevent uses or activities occurring on adjoining individual properties that could impact on the corridors (page 19).

In the DCP, roads are not the primary means to border the Upper Canal. While designs for Stage 1 may have already been finalised, we request that the DCP ensures that all future Stages of the development adopt a design that creates a road to parallel and border the Upper Canal Corridor.

Despite the Controlled Area designation of the Upper Canal, we note that the DCP proposes that the land above the tunnel be open to the public. As per our previous advice on the Stage 1 development, WaterNSW requests that the area be retained as undeveloped open space maintained by Council (including weed control and mowing). This is consistent with the section of the Tunnel between Wilton and Wonson Streets in the existing Wilton township to the east.

WaterNSW does not support the proposed creation of a 2.5 m wide shared pedestrian and cycleway (see cl 2.5.2 and Figures 2-6 and 3-4 of Schedule 1). No landscaping, cycleways and pedestrian pathways are to be permitted on land within the Upper Canal Corridor. Instead, the proposed cycleway could be allocated to public open space running parallel to the Upper Corridor as advocated in the guidelines.

As the Upper Canal corridor is zoned SP2 Infrastructure, WaterNSW reserves the right to carry out future repairs, maintenance and replacement of critical water supply infrastructure in this area.

Metropolitan Special Area

The DCP does not reference the Metropolitan Special Area, nor identify how it will be protected from the impacts of new development and associated population growth. The DCP controls appear to mainly focus on the environmental constraints, values, and risks occurring within the boundaries of the Precinct. However it does not consider how future development will be influenced by, or exert influence on, neighbouring areas such as the Metropolitan Special Area.

The two main issues of concern for WaterNSW is the influence of the future development on the security and access of the Special Area, and bushfire risk.

Security and Access

As raised earlier, the road designs are inconsistent between the Structure Plan (Figure 1-2 of Schedule 1) and all other Figures for the South East Precinct (ie Figures 2-1 to 3-7). It is therefore unclear as to which design is proposed for the Precinct's boundary with the Special Area, and whether the designs proposed in Stage 1 of the development, which proposed about 20 housing lots backing onto the Metropolitan Special Area without a permitter road, are being reconsidered.

WaterNSW requires clarification regarding the planning designs proposed along the boundary with the Metropolitan Special Area and whether the designs of Stage 1 have altered to accommodate a greater perimeter road component.

WaterNSW supports a design whereby the entire Metropolitan Special Area is circumscribed by a perimeter road network to minimise the number of individual residences potentially interfacing the Special Area.

Bushfire Risk

The DCP includes bushfire management controls under cl. 2.8 and additional specific provisions for the South East Precinct under cl. 2.6.2 and Figure 2-4 of Schedule 1. WaterNSW strongly supports that all APZs should be wholly located within the Precinct as advocated in the DCP.

WaterNSW is also generally supportive of the other bushfire management provisions of the DCP. However, the detail is passed onto the South East Precinct Plan (Schedule 1) and later neighbourhood plans that not yet been prepared. WaterNSW has the following residual concerns:

- The exact APZ distances are unstated and are unable to be determined based on the scale of the map presented in Figure 2-4. WaterNSW has requested a more detailed map, but this has not yet been made available.
- Given the differences in planning designs at the interface with the Special Area, it is unclear whether the designs and housing lots at the interface will have sufficient setback distances to accommodate the necessary APZs.
- The exhibition documents did not include a supporting bushfire risk assessment report and it is unclear how the risk was assessed or how the proposed APZ distances were derived.
- It is unclear whether the APZs are of sufficient width. Two issues are relevant here.
    - *Planning for Bush Fire Protection 2006* and AS 3959 Protection of Buildings in Bushfire Prone Areas (2009) are about to be superseded by a new version of *Planning for Bush Fire Protection 2019.* This is likely to generate different APZ distances. APZ widths should meet the new minimum APZ distances proposed.
    - Based on Digital Globe (2019) imagery, the vegetation of the Metropolitan Special Area appears to be pasture (grassland) with emergent trees. The Holiday Coast Bushfire Solutions 'Bushfire Hazard Assessment Report' (23/01/2018) indicates that the vegetation assessed on the adjoining Special Area varies from grassland to woodland to forest.

      Some distances were based on the vegetation types being grassland, although it appears that earlier APZ distances for the Stage 1 DA accommodated a 32 m APZ setback distance based on forest vegetation. As the Special Area will be fenced, forest regrowth will occur.

- WaterNSW notes that low density residential development is proposed on land adjoining the Metropolitan Special Area. Nevertheless, WaterNSW considers that the DCP should prohibit or discourage Special Fire Protection Purpose development (e.g. schools, tourist and aged care facilities) from the first row of lots facing the Special Area. Such developments require very large APZs and evacuation during bushfire emergencies.
- Clause 2.6.2 of Schedule 1 requires a 'Bushfire Management Plan' to be prepared detailing bushfire management measures such as Asset Protection Zones (APZs). But this only applies to DAs that will create residential allotments adjacent to land zoned E2 Environmental Conservation *under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Appendix 14* (emphasis added).

  Strict application of this requirement would mean that the bushfire risk associated with the Metropolitan Special Area may go unrecognised. The bushfire provisions of cl. 2.6.2 are should be restructured to apply to all bushfire-prone land (regardless of zoning). It should also apply to any DA that allows a dwelling entitlement (irrespective of zoning) or that facilitates a Special Fire Protection Purpose development.
- Appendix I outlines biodiversity controls and includes ecological setbacks and ecological buffers within the APZs. However, the requirements of cl. 2.6.1 are confusing and there is a risk that APZs will not provide adequate vegetation treatment or distances. In particular, it is not clear in Figures 14 and 15 whether part of the ecological buffer is to be fully incorporated within the APZs (Figure 14) or partly outside it (Figure 15). Also, the 30% Crown cover threshold for bushfire safety is positioned as a minimum Crown cover requirement rather than a maximum.

Stormwater Management & Drainage Issues

Section 2.5.1 of the DCP provides objectives and controls for water-related matters such as stormwater management, Water Sensitive Urban Design (WSUD), flood risk management, water quality targets and protection of waterways and riparian areas. WaterNSW supports the intention of these provisions but also offers the following comments:

- The Flood-Prone and Riparian Corridor Map for the South-East Precinct (Figure 3-7 of Schedule 1) does not depict all the drainage features. Figure 1 (of this letter) shows the drainage features within the Precinct and the respective locations of the Metropolitan Special Area and Upper Canal Corridor.

  A number of drainage features transect the Upper Canal Corridor and may be subject to increased risk of stormwater runoff as a result of the Precinct's development. There are also drainage features within the Metropolitan Special Area that lie close by to the Precinct's southern boundary, and which drain into the Nepean River above Pheasants Nest Weir. These drainage elements are important for water quality protection given the proximity of these features to the commencement of the Upper Canal at Pheasants Nest Weir.
- All stormwater management measures and controls associated with the development must not infringe on the Upper Canal Corridor. Drainage and runoff from the development should be designed to be directed away from the Upper Canal Corridor. Similarly, it needs to be ensured that stormwater runoff from the development is not directed into the neighbouring Metropolitan Special Area.
- There is an absence of information articulating what the nature and design of key stormwater management measures and they will be located. It is also unclear how the proposed Open Space network for the South East Precinct will interact with proposed stormwater management controls and whether sufficient open space has been allocated for the stormwater management measures required.

This is important as the DCP relies heavily on stormwater being managed through Council's Design and Construction Specifications, and as there is likely to be limited soft landscape areas available on private allotments for water absorption, retention and treatment measures.

In light of the above comments, WaterNSW requests the DCP incorporate provisions for the Neighbourhood Plans to:

- identify the nature and location of stormwater management measures
- ensure that stormwater management measures are located solely within the Precinct and do not occur within the boundary of the Upper Canal Corridor
- ensures that post development flows are not greater than pre-development flows, and
- ensure that all stormwater runoff arising from the development is managed within the confines of the development site and that no stormwater is directed onto the Upper Canal Corridor or across into the adjoining Metropolitan Special Area.

Terminology and Hierarchy

There appears to be confusion in the terminology used by the DCP, particularly in relation to Precinct Plans and Precinct Schedules, and the hierarchy of documents that apply. This confusion partly relates to how the Growth Centres SEPP gives effect to Precinct Plans in its Schedules, and how the DCP gives effect to its own Precinct Schedules.

The DCP would benefit by:

- a flow diagram identifying the order and hierarchy of Precinct Plans, Precinct Schedules, Precinct Planning Principles and distinguishing which plans, schedules and principles are governed by the SEPP and which are governed by the DCP.
- using consistent terminology
- removing the term 'Precinct Schedules' from Table 2, and
- expanding the glossary (Appendix A) to include a more comprehensive definition of 'Precinct Schedules' along with definitions of 'Precinct', 'Precinct Plan', 'Precinct Planning Principles', 'Precinct Structure Plan', 'Neighbourhood Plan'.

If you have any questions regarding the issues raised in this letter, please contact Stuart Little at stuart.little@waternsw.com.au.

Yours sincerely

CLAY PRESHAW
Manager Catchment Protection

Name

First name

[redacted]

Last name

[redacted]

Name withheld
Yes

Info

Email

[redacted]

Suburb/Town & Postcode
Picton

Submission file

wollondilly-health-alliance-response-to-wilton-growth-area-draft-dcp.pdf

Submission
Dear Ms Robertson,

Thank you for the opportunity to provide comment on the Draft Wilton Development Control Plan. The Wollondilly Health Alliance (WHA) was formed in 2014 with the aim of improving the health outcomes of Wollondilly residents. The Alliance consists of a number of working groups, one of which is the Health in Planning Working Group (HiPWG), co-chaired by South Western Sydney Local Health District, Wollondilly Shire Council and the South Western Sydney Primary Health Network. The WHA recognises that the built and social environment can significantly influence health outcomes, and the HiPWG is therefore focused on integrating health considerations into Council planning processes to create healthy, liveable and connected communities.

SWSLHD commissioned UNSW's Centre for Health Equity Training, Research & Evaluation (CHETRE) to undertake a research project to develop a Health Assessment Protocol (HAP) designed to support the integration of health into council planning processes. The HAP tool has been used to inform the attached table of recommendations designed to provide constructive feedback on the Draft Wilton DCP.

We support the Department of Planning, Industry & Environment's (DPIE) initiative in embedding a range of health considerations in the draft DCP, such as connectivity, walkability, social cohesion, housing choice, heat mitigation and placemaking. We note the user-friendly format, in particular the

integration of explanatory diagrams to convey complex planning and design matters.

The WHA is keen to work with DPIE to ensure that Wilton Growth Area achieves the best possible health outcomes for residents, local workers and visitors.

Should you require further information, please contact Maria Beer (co-chair, WHA HiPWG) on 02 8738 6037 or via email maria.beer@health.nsw.gov.au.

Regards,
Michael Malone
Acting Chief Executive Officer
Wollondilly Shire Council
Chair, Wollondilly Health Alliance

I agree to the above statement
Yes

Wollondilly Health Alliance

Eleanor Robertson
Director, Western
Department of Planning, Industry and Environment
GPO Box 39 Sydney NSW 2001

Attn: Gwenda Kullen

Dear Ms Robertson,

Public Exhibition of Wilton Growth Area Draft Wilton Development Control Plan (DCP)

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The WHA is keen to work with DPIE to ensure that Wilton Growth Area achieves the best possible health outcomes for residents, local workers and visitors.

Should you require further information, please contact Maria Beer (co-chair, WHA HiPWG) on 02 8738 6037 or via email maria.beer@health.nsw.gov.au.

Regards,

Michael Malone
Acting Chief Executive Officer
Wollondilly Shire Council
Chair, Wollondilly Health Alliance
Date: 18.09.19

South Western Sydney Local Health District acknowledges the traditional owners of the land.

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Wollondilly Health Alliance (WHA)

Comments on Draft Wilton Growth Area Development Control Plan

Section	Subsection	Comment	Why is this important?
2.10 Noise Control		All these measures are reactive. Consider including measures to encourage overall reduction of noise at source.	Noise can have a negative effect on human health, in particular contributing to higher stress levels, hearing impairment, cardiovascular disease, sleep and mental ill-health. Evidence suggests that the location, design, construction and quality of housing affect mental health, rather than density per se. [1] It is therefore important to carefully consider potential health impacts when making decisions around the location of future housing.
	Controls	A control should be included that requires applications for noise-generating development (such as roads and rail infrastructure) to consider and minimise their noise impacts on the surrounding area.	With the exception of source-based interventions, the controls appear to be broadly consistent with the WHO Environmental Noise Guidelines for the European Region (2018), which are evidence-based and considered equally applicable to the Australian context.
	Controls – 3	WHA supports this emphasis on green infrastructure.	
2.11 Air Quality Setbacks		Consider including a control promoting the use of trees and other green infrastructure to protect air quality in residential and community areas.	Just as with noise, exposure to poor air quality can have a negative impact on human health and wellbeing. While reducing the impact of air quality by using setbacks is to be commended, the WHA would suggest strengthening the DCP to discourage placement of these facilities in areas exposed to higher levels of air pollution. Asthma prevalence rates for Wollondilly residents are slightly higher compared to the rest of NSW (11.9% compared to 10.9%)[2]. Minimising exposure to poor air quality will be especially important in supporting a

Section	Subsection	Comment	Why is this important?
			'healthy' Wilton as the area is likely to be populated predominantly by young families with children.
	Table 5	Consider linking these setbacks to an evidence base such as the WHO Air Quality Guidelines so that they keep pace with global best practice.	
	Controls – 4	Should childcare centres, hospitals and aged care facilities be permitted adjacent to rail lines?	
3.1 Residential density and subdivision		Application of a minimum density (rather than just a maximum) is a positive step.	As well as providing housing choice and improving affordability, housing density can bring with it a range of health benefits, including higher rates of walking and cycling across all age groups (when people live within close proximity (400-800m) of a mix of destinations). [3] It is important that developers are cognisant of the issues that can emerge in poorly designed and constructed medium/high density dwellings. 'Density Done Well' can have a positive impact on health and wellbeing with residents tending to walk more and use their cars less. [4]
3.1.1 Residential density	Objectives	Please add objective explicitly referring to healthy design/healthy placemaking principles.	The success of implementing policies to increase population density, and to achieve its associated health benefits, depends on three important factors: - The building (its location, construction, design, management and maintenance) - The socioeconomic and cultural make-up of residents and the local neighbourhood - The quality and amenity of the neighbourhood environment.[5]

Section	Subsection	Comment	Why is this important?
			The Heart Foundation website resource 'Healthy Active by Design' provides a practical guide to incorporating health and physical activity into the design of the built environment. http://www.healthyactivebydesign.com.au/ 'Healthy Placemaking' has been defined as: *"Tackling preventable disease by shaping the built environment so that healthy activities and experiences are integral to people's everyday lives"* [6]
	Objectives	Please add objective (or expand objective c) referring to enhanced walkability, opportunities for social connection, and access to services.	Designing neighbourhoods to encourage people to walk creates opportunities for social interaction, and helps promote a sense of community, social capital and social cohesion. [7]
	Controls – 4	WHA supports the goals around non-residential development (in residential areas), particularly the aim of reduced motor vehicle use.	Studies have repeatedly shown that urban sprawl – as characterised by low densities, long and winding street networks, and separated land uses decreases local walking and increases vehicle miles travelled.[8]
3.1.2 Block and lot layout	Objectives – a	Suggest '…encourages walking and cycling *both recreationally and for transport purposes*.'	Being located in well connected, walkable areas where accessibility, shade and comfort have been considered will encourage greater overall use (and therefore walking and cycling for transport). [9] [10]
	Objectives – e	We support the inclusion of this objective to encourage housing choice and create attractive streetscapes.	Housing choice is important in supporting housing affordability, particularly important in Wollondilly where there is currently a lack of housing choice, with a predominance of low density, separate dwellings.

Section	Subsection	Comment	Why is this important?
	Objectives – i	Commitment to tree canopy is positive, but could be more thoroughly and clearly reflected in controls.	Street trees (including those on private property) can encourage more people to walk to local destinations such as parks and local shops rather than using private vehicles thus increasing incidental activity for residents.[11]
	Controls – Blocks – 1 & 3	Emphasis on pedestrian connectivity is supported.	Designing neighbourhoods to encourage people to walk creates opportunities for social interaction, and helps promote a sense of community, social capital and social cohesion.[12] In newly established communities there is an opportunity for residents to establish healthy behaviours early in the life of the development. People living in walkable neighbourhoods are on average 3kg lighter than those in non-walkable neighbourhoods [13]
	Controls – Blocks	'Existing mature trees are to be retained **where possible**.' Consider strengthening and clarifying.	See comments above (3.1.2 - objective i)
	Controls – Lots – 13	These measures are consistent with good outcomes on social determinants of health; consider making brief explicit mention of the rationale for each measure so as to better link to objectives.	
3.4.1 Street layout and design	Objectives – a	Foregrounding of non-motorist uses is good.	We know that people are more physically active within a neighbourhood when they feel safe and are protected from traffic.[14] Benefits of a more walkable community include less congestion around shopping centres and schools and a more connected and socially cohesive community. [15]

Section	Subsection	Comment	Why is this important?
	Objectives – d	Consider making explicit reference to the link between interesting and attractive landscapes and health and wellbeing.	A visually appealing, shaded and well connected streetscape encourages more active lifestyle choices for residents. [16]
	Controls – 7	Continued emphasis on pedestrian and cycling connectivity is good.	As above (3.4.1 objective d)
	Controls – 18	Emphasis on street trees is good, as is clarity around expectations.	See comments regarding tree canopy above (3.1.2 objective i)
4.1.3 Sustainable building design	Objectives	Consider adding a point about promoting health and wellbeing.	
4.2.1 Summary of key controls	Table 11 – Solar access	Table refers to 'at least 70% of the proposed dwellings', but it appears that there are no solar access requirements for the PPOS of the remaining 30% of proposed dwellings.	Ensuring good solar access to private green space is important, especially where private space is limited by lots size and housing density. Evidence from the UK suggests that people who live in areas with more green spaces, including private gardens, had lower mental distress and higher well-being. [17] We know that exposure to natural environments appears to restore and benefit mental health. [18]
4.2.2 Streetscape and architectural design	Objectives – a	Consider adding a phrase about enhancing health and wellbeing.	
	Controls – 1	Consider explicitly stating the rationale of improving and safeguarding thermal comfort (and associated physical and mental health benefits).	Mitigating urban heat effects is important for supporting the health of the population as extreme heat is associated with increased morbidity and mortality. Older people, young children and people with chronic disease are particularly vulnerable to extreme heat.[19] Dwellings that are well insulated result in lower heating and cooling costs for residents and can help mitigate heat-

Section	Subsection	Comment	Why is this important?
			related deaths and a range of health conditions including Blood pressure and upper respiratory tract infections [20,] hypertension, sinusitis and general health [21] as well as self-related health, wheezing, absenteeism, and visits to a general practitioner. [22]
4.2.3 Front setbacks	Objectives	Add, 'To encourage planting and maintenance of trees on private property,' or similar.	Trees can drop temperatures by up to 8˚C, reducing air conditioner use and carbon emissions by an estimated 12-15% per annum. [23] The more street trees along the footpath network, the more likely residents are to walk for 60 minutes each week[24]
4.2.4 Side and rear setbacks	Objectives	Add, 'To encourage planting and maintenance of trees on private property,' or similar.	See comments above (4.2.3 Front setbacks)
	Controls	Add control requiring retention of trees where possible.	See comments above (4.2.3 Front setbacks)
4.2.6 Landscaped area	Objectives – b	Consider adding explicit reference to shade.	See comments above (4.2.3 Front setbacks)
4.2.8 Garages, site access and parking	Controls – 2	Consider revisiting residential parking space provisions in five years once some development has occurred.	If public transport provision is adequate, 2 car spaces for every 3-bedroom dwelling is excessive. However, it is acknowledged that Wilton is a growth area and it will take some time for adequate public transport to come online (and that this parking rate is consistent with other growth areas such as Oran Park).
4.2.9 Visual and acoustic privacy	Figure 33	Use of natural barriers (e.g. trees) is good.	
	Controls – 5	Consider emphasising the importance of minimising sound transition for mental health.	Higher housing quality is consistently associated with psychological health. [25]

Section	Subsection	Comment	Why is this important?
	Controls – 7	Consider reducing the hours in which noise from electrical, mechanical or hydraulic equipment or plant is permitted.	These requirements appear to be less stringent than the restrictions on noise from residential premises in the *Protection of the Environment (Noise Control) Regulation 2008*. (See also earlier comments on health impacts of noise.)
	Table 15	These criteria are consistent with the WHO Environmental Noise Guidelines for the European Region (2018), which is good to see.	
4.3.3 Secondary dwellings, studio dwellings and dual occupancies	Objectives	Consider adding retention of Principle Private Open Space (PPOS) as an objective.	See comments above (4.2.1 – table 11)
	Controls	Consider providing guidance on retention of PPOS.	See comments above (4.2.1 – table 11)
	Controls – 3	'Solar access to the principal private open space of neighbouring lots is **not significantly reduced**.' Consider being more specific.	See comments above (4.2.1 – table 11)
4.3.5 Controls for residential flat buildings, manor homes and shop top housing	Objectives	While accessibility for people with disability is covered in a range of other applicable documents (including the Federal Premises Standards, the Australian Adaptable Housing Standard and the NSW Apartment Design Guide), it is positive to see it addressed explicitly here.	
4.4.1 General requirements	Objectives – d	Good that cumulative impact of non-residential uses is considered here.	
4.4.2 Centre-based childcare facilities	Site selection and location	Consider promoting location near related facilities such as schools (to reduce car trips).	Well connected, walkable areas where accessibility, shade and comfort have been considered will encourage greater overall use (and therefore walking and cycling for transport). [26] [27]

Section	Subsection	Comment	Why is this important?
	Site selection and location – 2	Consider adding reference to vulnerable groups that may be disproportionately affected.	
	Matters for consideration - 4	Consider adding proximity to educational facilities and pedestrian connectivity to residential development.	See comments above regarding (4.4.2 Centre-based childcare facilities)
	Documents to be submitted with development application – acoustic report	Consider whether the acoustic report should also consider impact of noise generation from surrounding area on children's health and wellbeing in the childcare centre.	
4.4.3 Educational establishments and places of worship	Objectives	Consider adding explicit mention of health and wellbeing.	
	Controls – 5	Add walkability to homes as a consideration (preferably higher up the list than car parking).	See comments above 4.4.2
	Controls	Consider adding measures for retention of trees.	See comments above 4.2.3
4.4.4 Neighbourhood shops	Controls	Consider swapping the order of 13 and 14 so that bicycle parking is considered prior to car parking.	
5.2 Smart places	Objectives	The foregrounding of health and wellbeing is a positive step.	

Schedule 1 – South East Wilton Precinct			
Section	Subsection	Comment	Why is this important?
2.1 The South East Wilton Precinct - Vision	Opening paragraph	Should explicitly include promotion of health and wellbeing as a goal/action.	
	Final paragraph	'…alternative transport options' is a car-centric framing of the options. Consider using different language to promote active and public transport as the default option.	
2.2 Referenced figures	Figure 2-5	Public transport plan does not show rail corridor, which could potentially have a substantial impact on long-term public transport provision.	29% of public transport users achieve ≥30 minutes of daily physical activity solely by walking to and from public transport [28]
	Figure 2-6	Open space plan – shared path network appears extensive and well thought out.	A number of infrastructure, programs and policies have been shown to increase cycling. These include on-street markings and cycle lanes, bike share stations, separate cycle ways, improved traffic safety [29]
2.5 Precinct road hierarchy and pedestrian cycle network		Emphasis on pedestrian and cycling movement is good to see. 'Road hierarchy' could instead be called 'movement hierarchy' (in line with NSW Government Architect Movement & Place Framework).	https://www.governmentarchitect.nsw.gov.au/resources/ga/media/files/ga/other/framework-better-placed-aligning-movement-and-place-2019-06-27.pdf?la=en
2.5.2 Pedestrian cycle network plan	Objectives	Explicit prioritising of pedestrian and cycling movement is very positive.	
2.6.1		Formatting error: document has two sections called 2.6.1.	
	Controls	Consider including a requirement that any acoustic report demonstrate consistency with the WHO	The WHO Guidelines are considerably more up-to-date than the Department of Planning's 2008 Interim Guideline.

2.6.1 Acoustic amenity and precinct interface		Environmental Noise Guidelines for the European Region (2018).	
	Controls – 4	This should be part of Control 3.	
2.8 Development near coal seam gas wells	Opening paragraph	Typo – strange sentence fragment after opening paragraph.	
2.9 South East Wilton Precinct Local Centre	Desired future character	'Car parking will not detract from the amenity or aesthetic of the Local Centre.' There do not appear to be any objectives or controls to deliver on this statement.	

Schedule 2 – North Wilton Precinct			
Section	Subsection	Comment	Why is this important?
2.1 The North Wilton Precinct – Vision	Key objectives	Should explicitly include promotion of health and wellbeing.	
2.2 Referenced figures	Figure 2-5	Public transport plan does not show rail corridor, which could potentially have a substantial impact on long-term public transport provision.	See comments above for Schedule 1 – SE Wilton section 2.2
3.2.2 Pedestrian cycle network plan	Objectives	Explicit prioritising of pedestrian and cycling movement is very positive.	See comments for Wilton DCP (section: 4.4.2)
3.3.3 Acoustic amenity and precinct interface	Controls	Consider including a requirement that any acoustic report demonstrate consistency with the WHO Environmental Noise Guidelines for the European Region (2018).	The WHO Guidelines are considerably more up-to-date than the Department of Planning's 2008 Interim Guideline.
	Controls – 4 & 5	These should be part of Control 3.	

3.4 Special Urban Areas	Controls – 4	The specificity of these tree retention controls is excellent, and it would be good to see this level of rigour applied elsewhere.	See comments for Wilton DCP (sections: 3.1.2 & 4.4.3)
3.5 Lakeside activity hub development principles	Objectives	Should explicitly include promotion of health and wellbeing, but it is noted that the objectives listed deliver positive outcomes in terms of the social determinants of health.	
3.6 Local Centre development principles	Objectives	Should explicitly include promotion of health and wellbeing, but it is noted that the objectives listed deliver positive outcomes in terms of the social determinants of health.	

[1] Giles-Corti B, Ryan K, Foster S. Increasing Density in Australia: Maximising the Health Benefits and Minimising Harm. Perth, Western Australia: National Heart Foundation of Australia, 2012.
[2] *NSW Population Health Survey (SAPHaRI). Centre for Epidemiology and Evidence, NSW Ministry of Health.*
[3] Sallis, J. F., et al. (2012). "Role of Built Environments in Physical Activity, Obesity, and Cardiovascular Disease." Circulation 125(5): 729-737.
[4] Giles-Corti B, Ryan K, Foster S, 2012. Increasing density in Australia: maximising the health benefits and minimising the harm, report to the National Heart Foundation of Australia, Melbourne. https://www.heartfoundation.org.au/images/uploads/publications/Increasing-density-in-Australia-Evidence-Review-2012-trevor.pdf

[5] Boniface S, Scantlebury R, Watkins SJ, Mindell JS. Health implications of transport: Evidence of effects of transport on social interactions. J Transp Health. 2015;2(3):441-6.
[6] Design Council (2017). Creating Healthy Places. [online] Available at: http://www.designcouncil.org.uk/what-we-do/creating-healthy-places
[7] Boniface S, Scantlebury R, Watkins SJ, Mindell JS. Health implications of transport: Evidence of effects of transport on social interactions. J Transp Health. 2015;2(3):441-6.
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[9] Park, S., K. Choi, and J.S. Lee, To Walk or Not to Walk: Testing the Effect of Path Walkability on Transit Users' Access Mode Choices to the Station. Int J Sus Trans, 2015. 9(8): p. 529-541.
[10] Currie, G., et al., Investigating links between transport disadvantage, social exclusion and well-being in Melbourne—Preliminary results. Transp Policy (Oxf), 2009. 16(3): p. 97-105
[11] Sarkar, C., et al., Exploring associations between urban green, street design and walking: Results from the Greater London boroughs. Landsc Urban Plan, 2015. 143: p. 112-125.
[12] Boniface S, Scantlebury R, Watkins SJ, Mindell JS. Health implications of transport: Evidence of effects of transport on social interactions. J Transp Health. 2015;2(3):441-6.
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[14] McCormack GR, Rock M, Toohey AM, Hignell D. Characteristics of urban parks associated with park use and physical activity: A review of qualitative research. Health Place. 2010 Jul 1;16(4):712–26.
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[26] Park, S., K. Choi, and J.S. Lee, To Walk or Not to Walk: Testing the Effect of Path Walkability on Transit Users' Access Mode Choices to the Station. Int J Sus Trans, 2015. 9(8): p. 529-541.
[27] Currie, G., et al., Investigating links between transport disadvantage, social exclusion and well-being in Melbourne—Preliminary results. Transp Policy (Oxf), 2009. 16(3): p. 97-105
[28] Besser LM, et al. (2005). Walking to Public Transit: Steps to Help Meet Physical Activity Recommendations. American Journal of Preventive Medicine, 29(4): 273-280.
[29] Heart Foundation, Healthy Active by Design web resource http://www.healthyactivebydesign.com.au/design-features/movement-networks/evidence/ accessed 2 September 2019

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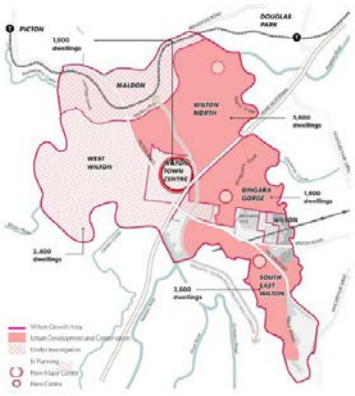
Submission file

final-draft-wilton-growth-area-revised-dcp---11-oct-2019---incl.-council-edits.pdf

Submission
See attached

I agree to the above statement
Yes



Draft Wilton Growth Area Development Control Plan

October 2019

Contents

Schedule of Amendments to DCP

Version	Date of Council Adoption	Effective Date	Description

PART 1 - Preliminary

1.1 Introduction

1.1.1 Name of the Plan

This plan may be sited as the Draft Wilton Growth Area Development Control Plan 2019 (DCP).[1]

1.1.2 Status of this Plan

It has been prepared pursuant to the provisions of Section 3.44 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

This DCP was adopted by the Deputy Secretary, Place, Design & Public Spaces (under delegation from the Secretary) of the Department of Planning, Industry and Environment on [insert date when adopted] and came into force on [insert date of commencement].

1.1.3 Purpose of the DCP

The principal purpose of this DCP is to achieve an efficient and environmentally sensitive development outcome within the Wilton Growth Area.

This DCP provides more detailed provisions to expand upon the controls within State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (**the Growth Centres SEPP**) and Wilton 2040: A Plan for the Wilton Growth Area (**Wilton 2040**) for development in the Wilton Growth Area that will contribute to the growth and character of Wilton. [2]

1.1.4 Where does the Plan Apply?

This DCP applies to land in the Wilton Growth Area Precincts.

This DCP gives effect to the provisions of Wilton 2040 for land within the Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule). The Wilton South East Precinct (Schedule) including any amendments is contained in Appendix C. The Wilton North Precinct (Schedule) including any amendments is contained in Appendix D.

1.1.5 Application of the Plan

Prior to granting consent for development, Council will be satisfied that the proposed development satisfies the relevant provisions of the EP&A Act, Environmental Planning and Assessment Regulation 2000 (EP&A Regs), the Growth Centres SEPP, any relevant environmental planning instrument and relevant provisions of this DCP.

Development proposals are required to meet the objectives and requirements of relevant controls that may be contained within more than one part of this DCP, unless alternative solutions are proposed that will provide a better response to meeting the objectives of this DCP. Other matters will also be taken into consideration, including those matters listed under Section 4.15 of the EP&A Act 1979 (as amended).

[1] Note – A glossary of terms used in this DCP is included in Appendix A.

[2] Note - Information for submitting a development application (including subdivisions) in included in Appendix B.

It is the responsibility of applicants to determine the relevant chapters and DCP controls applicable to the proposed development. Where there is an inconsistency between any Chapters within this Plan, then Council may use its discretion to ascertain which Chapter will prevail.

1.1.6 Consent authority

Wollondilly Shire Council is the consent authority for all development to which this DCP applies, unless otherwise authorised by the EP&A Act.

1.2 Relationship to other Plans

This DCP has been prepared in accordance with the provisions of the EP&A Act and the EP&A Regs.

The DCP complements the provisions of the Growth Centres SEPP, Wilton 2040 and the draft Wilton Special Infrastructure Contribution (SIC). The provisions of the Growth Centres SEPP prevail over the DCP. Other State Environmental Planning Policies may apply to the land to which this DCP applies.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, does not apply to land within the Urban Development Zone.

This DCP supersedes all previous development control plans applying to the to the Wilton Growth Area. Wollondilly Local Environmental Plan 2011 and the Wollondilly Development Control Plan 2016 no longer apply to the Wilton Growth Area. Notwithstanding, this DCP may (in accordance with Section 3.43 (3) of the EP&A Act 1979) adopt provisions of another DCP by reference such as the Wollondilly Shire Council Design and Construction Specifications.

1.2.1 Biodiversity Certification

Land within the Wilton Growth Area is not included in the area subject to the Biodiversity Certification Order made in 2007 (and as applied to existing Growth Centres at that time). A new bio-certification process will be implemented through the preparation of the Cumberland Plain Conservation Plan (**CPCP**), which will be finalised in 2020. The CPCP aims to facilitate the best conservation outcomes in new Growth Areas by:

- addressing the costs of offsetting and impacts on development viability;
- identifying land for conservation;
- providing certainty for the development industry; and
- optimising conservation outcomes.

Future land development and infrastructure in the Wilton Growth Area will need to avoid areas of high biodiversity values where possible and implement strategies to mitigate avoidable impacts. The CPCP will detail a comprehensive assessment strategy that will include a methodology for assessing biodiversity loss and gain.

1.3 Objectives of the DCP

The objectives of this DCP are to ensure:

- the vision, expectations and requirements in the Growth Centres SEPP and Wilton 2040 are realised.

- new communities are planned and developed in an orderly, integrated and sustainable manner through Neighbourhood Plans which are consistent with the Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule).
- new developments are planned and constructed to contribute to the social, environmental and economic sustainability of Wilton and surrounds, and promote best practice outcomes.

Commented [EB1]: Just a flag – there is a risk that by continually repeating the names of the precincts it will be difficult to update later. I think it may be better to reference rezoned land or land identified in the application map at the front of the document.

1.4 How to use this Plan

This DCP operates in six parts.

Commented [CD2]: Could possibly insert flowchart here (instead of development application process it may be better placed as how to use each part of this DCP)?

Part	Summary
Part 1 – Preliminary	General matters relating to the commencement, purpose and objectives of this plan, as well as the land to which this plan applies Relationship to other Plans.
Part 2 – Neighbourhood Plans	Matters applying to Neighbourhood Plans.
Part 3 – Subdivision and General Land Use Controls	Objectives and controls that apply to development applications for subdivision, and other general land use controls, in the Wilton Growth Area, to underpin the orderly and sustainable development of the Wilton Growth Area. Note – some of Part 3 is applicable to Neighbourhood Plans.
Part 4 – Residential	Objectives and controls that apply to development applications for general residential purposes (single dwellings).
Part 5 – Other Residential	Matters that apply to other residential development: including attached dwellings, secondary dwellings, studio dwellings and dual occupancies, residential flat buildings, manor home and shop top housing.
Part 6 – Non-Residential Development	Matters that apply to other types of development, including childcare centres, educational establishment and places of public worship.
Appendices	Appendix A - Glossary which explains the terms used in the DCP. Appendix B - Information for submitting a development application (including subdivisions). Appendix C – Wilton South East Precinct Schedule. Appendix D – Wilton North Precinct Schedule. Appendix E – Prescribed Tree and Preferred Species Policy.

Commented [EB3]: In partnership with DPIE we need to work on moving these controls to the NP section so it is easy to use.

1.5 Public Notification of Development Applications

Wollondilly Shire Council's Community Participation Plan contains the notification and advertising requirements for development applying to this DCP. The Community Participation Plan explains

how and when Council will engage with the community about development applications applying to this plan.

Figure 1 Land to which the Wilton Growth Centre DCP Applies

Insert DCP Map

PART 2 - Neighbourhood Plans

2.1 Introduction

Wilton 2040 requires an applicant to prepare a Neighbourhood Plan for zoned land within the Growth Centres SEPP.

A Neighbourhood Plan is intended to be a high-level plan that defines spatial structure and lot targets to ensure the effective and ongoing management of development within the Wilton Growth Area. A neighbourhood plan should include but not limited to, staging, expected lot yields and residential densities, housing diversity, movement networks, public lands and public open space, special interface treatments, locations of community facilities, drainage basins and special treatments of environmentally sensitive land.

This DCP requires the preparation of a neighbourhood plan (or a series of neighbourhood plans) to provide further detail on how the development of the precincts will role out.

A Neighbourhood Plan is the step between the Growth Centres SEPP, Wilton 2040 and the development application for a subdivision. It will provide the next layer of detail from principles and information in the Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule).

2.2 Relationship with the Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule)

The Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule) contains overarching plans that will form the basis for the Neighbourhood Plans.

Neighbourhood Plans should be strategically aligned with and seek to promote the provisions in the Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule) and the vision and planning principles contained in Wilton 2040.

This process ensures that development in the Wilton Growth Area occurs in a coordinated manner consistent with the relevant Precinct (Schedule). Each precinct will provide no more than 3 Neighbourhood Plans unless otherwise negotiated and agreed with Council.

Where there are significant departures to the Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule) an amendment would be required to the Growth Centres SEPP.

Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule) and the vision and planning principles contained in Wilton 2040 also outlines the matters to be considered when undertaking site analysis for subdivision planning. These controls should be considered during the initial stages of subdivision planning to determine the suitability and the development potential of land.

2.3 When is a Neighbourhood Plan required?

All land in the Wilton Growth Area will have an approved Neighbourhood Plan, prior to any development application being assessed for the land. A Neighbourhood Plan can be for an entire Precinct, or for parts within a precinct. Development of sites greater than 2 hectares in area are to be supported by a Neighbourhood Plan.

Commented [EB4]: Is this determined –rather than assessed?

Commented [CD5R4]: Workshop indicated that Council staff favoured the NP being resolved before the assessment process for a DA commenced.

Commented [EB6]: I am wondering what the purpose of have a 2 hectare requirement is…we would need to clarify with DPIE I would say that for development applications to be lodged we would need an approved NP.

Also I think we need to consider adding thresholds for the number of NP in a precinct. I do not want to see 20 NP because a developer only wants to deal with the process one DA stage at a time. This will be too resource intensive and defeats the purpose of taking a big picture look at the precinct. It may also compromise the ability to deliver certain outcomes if we only look at area on a DA by DA basis.

A Neighbourhood Plan is prepared as an amendment to this DCP by an applicant or landowner, in consultation with Council and the Department of Planning, Industry and Environment.

When approved pursuant to Section 3.43 (4) of the EP&A Act, Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule) will be amended and the Neighbourhood Plan will be form part of this DCP.

Where an inconsistency exists, the provisions of an approved Neighbourhood Plan prevail over the main body of this DCP. This is to allow for more innovative approaches to be implemented in individual neighbourhoods.

2.4 Amendments to Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule)

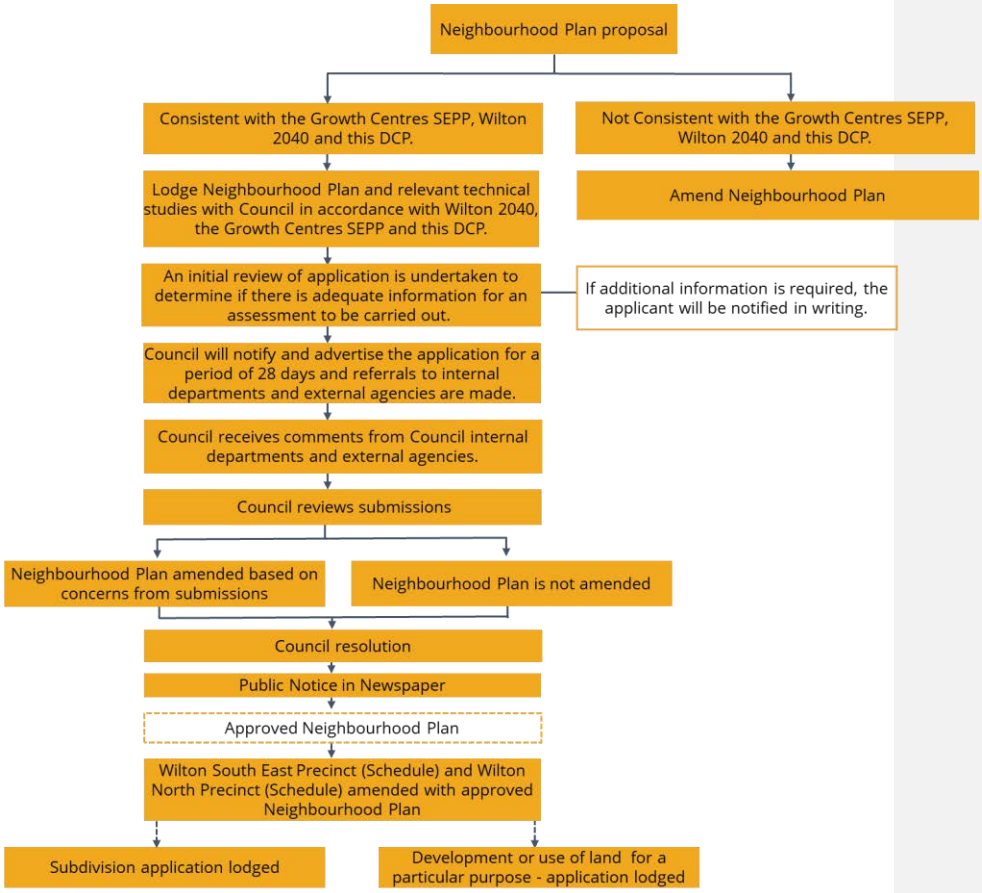
Commented [CD7]: Edith: I don't believe we can amend the schedules but we need to check with DPIE or is this about the NP?

Suggest we remove this section. They are all considerations of a DA or a NP anyway.

2.5 Process

The Neighbourhood Plan process to be followed by the landowner/ applicant/ Council is outlined in Figure 2 below.

Figure 2 Neighbourhood Plan Process



As part of the approvals process for land in the Wilton Growth Area, an applicant will be able to show that the proposed development has to demonstrate consistency with the approved Neighbourhood Plan.

The decision to consider changes to the Neighbourhood Plan will be considered by Council on a case by case basis and subject to Council's satisfaction that the proposal meets or exceeds the Neighbourhood Plan and DCP objectives and controls.

2.6 Planning & Design Principles of a Neighbourhood Plan

A Neighbourhood Plan is required to be consistent with the Wilton South East Precinct (Schedule) and Wilton North Precinct (Schedule) and the vision and planning principles contained in Wilton 2040.

Wilton 2040 include planning principles that will be used to inform a Neighbourhood Plan. The content of the Neighbourhood Plans required by this DCP shall conform with the following planning principles from Wilton 2040.

2.6.1 Social Infrastructure

The Neighbourhood Plans will:

- locate large facilities that also service a district or region in the Wilton Town Centre.
- co-locate social infrastructure with new or local open space or integrate facilities as multi-use clusters or social hubs.
- ensure that development considers the availability of adequate services and facilities to support the community and its needs.

2.6.2 Managing Land Use Activities

The Neighbourhood Plans will:

- plan for a well-designed interface between residential and industrial or commercial land to minimise potential for impacts on residential amenity.
- minimise air quality impacts on sensitive land uses by application of setbacks from busy road corridors and ameliorative design measures, or install high performance mechanical ventilation systems.
- consider potential impacts (noise, odour, safety) of existing and future land uses on existing or future nearby or adjoining sensitive land uses, such as residences, schools, child care centres, hospitals and aged care centres.

2.6.3 Built Form

The Neighbourhood Plans will:

- adopt the objectives from the NSW Government Architect's "Better Placed – An Integrated Design Policy for the Built Environment of New South Wales" (September 2017) to achieve a better:
    - fit (Locally, Contextually, Of its Place)
    - performance (Sustainable, Adaptable, Durable)
    - outcome for the community (Inclusive, Connected, Diverse);
    - outcome for people (Safety, Comfortable, Liveable)
    - working (Functional, Efficient, Fit for purpose)
    - value (Creating and adding value by increased social, economic and environmental benefits to the community)
    - look and feel (Engaging, Inviting, Attractive)
- plan for diverse typologies to suit a range of ages.
- consider process and principles contained in Crime Prevention and The Assessment of Development Applications Guidelines (NSW Minister for Planning, 2001).
- integrate technology that contributes to and promotes achievement of the NSW Government's target of net-zero carbon emissions by 2050.
- introduce opportunities for sustainable and efficient use of resources to minimise waste, water and energy from development.

2.6.4 Residential Density

The Neighbourhood Plans will:

- ensure residential development does not exceed the dwelling cap contained in the Growth Centres SEPP. Neighbourhood plans should indicate the number of dwellings

proposed in each neighbourhood as a mechanism for tracking compliance with the Precinct dwelling cap.

2.6.5 Green Tree Canopy/Corridors

The Neighbourhood Plans will:

- create walkability and accessibility to local centres and social infrastructure.
- create healthy, liveable places, and respond to climate change, for example by promoting cooling effects.
- strengthen resilience in communities and capacity to adapt to future changes
- create opportunities for green canopies and links.

2.6.6 Heritage

The Neighbourhood Plans will:

- recognise the history, heritage and character of the Wilton Growth Area in a new urban environment through identifying and retaining European and Aboriginal Cultural Heritage elements within the precincts.
- be informed by Aboriginal Cultural Heritage Assessments, including consultation with the Aboriginal Community.
- take into account the protection of Aboriginal Cultural Heritage items and places in the design of the precinct layout.

2.6.7 Landscape

Protecting and Enhancing Important Habitats

The Neighbourhood Plans will:

- be consistent with the biodiversity conservation measures identified in the draft Cumberland Plain Conservation Plan.
- ensure stormwater management design minimises impact on the biodiversity values of conservation areas.
- support measures to protect primary koala habitat and corridors in perpetuity, and to restore land to augment and strengthen existing koala corridors.
- identify areas where development controls are required to reduce on-going threats to koalas.
- be in accordance with the approved strategic bio-certification and strategic assessment.

Wilton Green Plan

The Neighbourhood Plans will:

- ensure new/enhanced open space can meet the passive and active recreation needs of the future population and support biodiversity values.
- integrate waterway corridors, heritage items and high value landscape features to improve enjoyment and access to these places as part of an integrated open space network.
- ensure district parks and local parks feature a mix of active and passive recreation uses and be directly and safely accessible from collector or arterial roads.

- ensure local parks feature a mix of active and passive recreation uses, and are within easy walking and cycling reach of homes.
- consider potential for co-locating open space with other social facilities such as social hubs.

2.6.8 Stormwater

The Neighbourhood Plans will:

- ensure that detention basins are designed for minimal maintenance and should be on Council land dedicated as per Council's Land Dedication Policy.

2.6.9 Waterway Health

The Neighbourhood Plans will:

- incorporate development that protects, maintains or restores waterway health and the community's environmental values and uses of waterways through a risk-based approach to managing the cumulative impacts of development.
- ensure an integrated approach to drinking water, wastewater and stormwater services is considered to drive more sustainable water management outcomes
- incorporate development that fosters the relationship between water, landscapes and urban living, to enhance human and social wellbeing, and promote community co-design and governance in urban water strategies.
- Protect and restore the high value waterways contained in the relevant Precinct (Schedule) Plan.

2.6.10 Bushfire Protection

The Neighbourhood Plans will:

- ensure that bushfire protection measures including safe evacuation routes are considered in the layout and development of the local street network
- incorporate Asset Protection Zones and perimeter roads in the design of urban development areas based on the level of bushfire hazard exposure

2.6.11 Movement

The Neighbourhood Plans will:

- provide a hierarchy of roads to ensure safe, efficient movement of vehicles and pedestrians, the free flow of freight, and minimise conflicts between through and local traffic and residential amenity.
- provide convenient and safe walking and cycling connections throughout the neighbourhood, across major roads, and to open space, schools and centres.
- ensure homes are within walking distance of a bus stop and that bus routes link key centres, transport hubs, schools, employment opportunities and residential areas.
- reserve sufficient land for future transport corridors, social and physical infrastructure to cater for population growth.
- ensure adequate site and design development adjoining infrastructure corridors to address potential noise impacts.
- connect the Wilton Town Centre and the existing Wilton village.

- integrate land use and transport to align travel needs with infrastructure and services to support the land use change.
- consider alternative modes of transport in the planning for local road networks, including measures to encourage walking and cycling and access for public transport, community transport and taxis.
- include walking and cycling routes, especially alongside areas where many people move to encourage more active modes of travel.
- encourage walking and cycling within, to and from the Growth Area.

2.6.12 Gas Easements

The Neighbourhood Plans will:

- include and respond to consultation with the gas pipeline operator. This will be undertaken for applications for Neighbourhood Plans for South East Wilton located on land within the pipeline's measurement length. Reference should be made to the requirements of AS2885 and the recommendations of the Safety Management Study (SMS) undertaken for the proposed development.

2.6.13 Wilton Town Centre

The Wilton Town Centre Precinct Plan and Neighbourhood Plans will:

- support the early delivery of a mix of uses to gain a foothold in the market and momentum to reach maturity.
- provide flexible land use and lot size controls to enable the centre to evolve in line with the growing population and long-term strategic vision.
- deliver the infrastructure necessary to unlock the centre's establishment and growth.
- design high quality public areas based around open spaces that are comfortable for walking. A plaza, town centre park or town square should be a focal point for people to interact and include a variety of formal and informal seating, landscape treatments and weather protection.
- provide crossings over Picton Road and the Hume Motorway to facilitate safe, convenient and direct access to the district centre from across the Growth Area.
- provide end-of-trip facilities alongside vehicle parking in commercial areas to encourage walking and cycling.
- create underground or sleeve parking areas and large format retail with specialty retail stores that create a more active street front.

2.7 Neighbourhood Plan content

The Neighbourhood Plan will include plans, supporting studies and documentation demonstrating the following:

1. The detailed location of land uses including residential development (low and medium density), schools, community facilities, utilities, centres and employment land.
2. The housing typologies that are proposed in various parts of the neighbourhood, including a fine grain density plan demonstrating how a diversity of housing types will be delivered.

3. An assessment of the number of dwellings (indicative lot yield) to be delivered in the neighbourhood against the overall precinct dwelling cap in the Growth Centre SEPP.
4. An urban design concept for town centres located within the neighbourhood.
5. Visual character assessment and retention of landscape features and vegetation.
6. The open space network and contribution to the blue/green grid (including the Greater Sydney Green Grid) incorporating retention of trees, native vegetation and vegetation forming part of the landscape.
7. Measures to achieve protection of environmental conservation areas, enhancement of biodiversity (including proposals affected by Part 7 of the Biodiversity Conservation Act 2016), ecological restoration and management of habitats including Koala habitat.
8. Any land nominated for public ownership.
9. The road network and hierarchy, including sub-arterial, collector and major local roads and road connections between neighbourhoods and to adjoining precincts.
10. The public transport corridors, bicycle and pedestrian network.
11. The management of the water cycle, including stormwater drainage and riparian areas.
12. Measures to protect indigenous cultural heritage areas and sites and post-contact heritage sites, including buffers to heritage items.
13. Bushfire asset protection zones and neighbourhood bushfire evacuation routes.
14. Mitigation measures such as buffers for noise impacts and air emissions (from arterial and sub-arterial roads, the Maldon-Dombarton rail freight corridor, and industrial areas).
15. Design responses to constraints related to infrastructure easements, transport corridors and contaminated land. Restrictions on development of sensitive land uses or medium and high-density residential land uses adjoining the gas pipeline easement should be determined in consultation with the pipeline operator and by reference to the requirements of AS2885.
16. Co-ordination actions with adjoining landowners to ensure cross precinct boundary links are planned for movement networks, conservation and water management.

Commented [EB8]: We probably need to discuss what this means for the developer and for the Council – I don't believe we have specialists in this area.

Commented [EB9]: We need to discuss this, again we need to remember that we are not using the NP to assess environmental impacts – it's about agreeing to broader principles so I would need to understand what this would require a proponent to do

PART 3 - Subdivision and General Controls

3.1 Earthworks

3.1.1 Objectives

1. Minimise cut and fill through site sensitive subdivision, road layout, infrastructure and building design.
2. Allow for the construction of retaining walls on sloping land at the subdivision works stage of a development.
3. Ensure land forming does not increase the potential for the inundation of water on any other land during the full range of flood events.
4. Protect and enhance the aesthetic quality and amenity of the area by controlling the form, bulk and scale of land forming operations to appropriate levels.

3.1.2 Controls

1. Subdivision and building work are designed to respond to the natural topography of the site wherever possible to minimise the extent of cut and fill (e.g. for steep land houses will need to be of a 'split level' design or an appropriate alternative solution).
2. Subdivision and building work are designed to ensure minimal cut and fill is required for the construction phase. Earthworks will be undertaken to a maximum of 500mm excavation or fill from the present surface level of the property. A variation to the maximum excavation or fill may be considered if in Council's opinion, supporting information adequately demonstrates that the development will not have adverse impacts on adjoining properties and visual amenity.
3. All fill is shown to be 'Virgin Excavated Natural Material' (VENM).
4. All retaining walls proposed will be identified in the development application.
5. Retaining walls are located clear of lot boundaries to ensure clear ownership and maintenance obligations for owners. The retaining walls will be located within the property on the down slope side of the lot.
6. All retaining walls will be of masonry construction (or similar).
7. The maximum height of a single retaining wall is 1 metre. A variation to the maximum height may be considered if in Council's opinion, supporting information adequately demonstrates that the development will not have adverse impacts on adjoining properties and overall local amenity.
8. Where terraced retaining walls are proposed the minimum distance between each step is 1 metre.
9. Retaining walls that front a public place will be finished with anti-graffiti coating.

Steep/Unstable Land

10. Development on land having a natural gradient of 1:6.7 (15%) or greater will be accompanied by, and comply with, a geotechnical study (prepared by a suitably qualified geotechnical engineer), including guidelines for structural and engineering works on the land.
11. Development on unstable land will not be assessed or approved without a geotechnical study.

3.2 Flooding

3.2.1 Objectives

1. Minimise the potential impact of flooding on development.
2. Limit changes in flow rate or flow duration within the receiving waterway as a result of development in order to reduce downstream flooding.
3. Adequately control and contain site generated flooding and prevent damage by stormwater to the built and natural environment.
4. Ensure an improvement to or at minimum no adverse impact to the existing environment and infrastructure due to changes in the catchment and water cycle.

3.2.2 Controls

1. Subdivision of land at or below the 100-year Average Recurrence Interval flood level will be accompanied by, and comply with, a flood study prepared by a suitably experienced and qualified engineer to substantiate that the development will not increase upstream or downstream flood levels or change flood behaviour to the detriment to any other property.
2. Residential lots are not to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e. within the 'flood planning area').
3. Development shall assess impacts of climate change and increased rainfall intensities, in accordance with prevailing guidelines.
4. Stormwater conveyance will have a Major/Minor System configuration. Minor flows will be conveyed and contained in a system of kerb and gutter, pits and pipes/culverts. Major flows (flow in excess of Minor System capacity) will be conveyed in overland flow paths designed to cater for such flows.
5. Management of 'minor' flows using piped systems for the 10% AEP (residential land use) and 20% AEP (commercial land use) will be in accordance Wollondilly Shire Council Design and Construction Specifications.
6. Management of 'major' flows using dedicated overland flow paths such as open space areas, roads, waterways and riparian corridors for all flows in excess of the pipe drainage system capacity and above the 10% AEP will be in accordance Wollondilly Shire Council Design and Construction Specifications.
7. Pedestrian and cycle pathways and open space may extend within the 1% AEP flood level, provided the safe access criteria contained in the NSW Floodplain Manual are met.
8. Development is not to result in an increase in flood levels on adjoining or surrounding land.
9. Development on flood prone land will comply with Wollondilly Shire Council Design and Construction Specifications and Flood Risk Management Policy.
10. The Flood Prone Land figure in the relevant Precinct's Schedule shows indicatively the extent of the 1% AEP flood level. Where development is proposed adjacent to land that is shown on the Flood Prone Land figure, in the relevant Precinct Schedule, as being affected by the 1% AEP level, Council may require a more detailed flood study to be undertaken by the applicant to confirm the extent of the flood affectation on the subject land.

Commented [EB10]: S don't need to refer to development applications as the DCP only applies to DA or NP. We can just say development will or subdivisions will.

Also my personal opinion is we not use will a DCP is to allow suitable alternative solutions.

Commented [BM11]: These numbers to be checked against the work being completed by the Planning Partnership. Council engineers have previously indicated 10% AEP for residential and 5% AEP for commercial.

3.3 Water Management

3.3.1 Objectives

1. Adopt an integrated approach that takes into account all aspects of the water cycle in determining impacts and enhancing water resources.
2. Promote sustainable practices in relation to the use of water resources for human activities.
3. Minimise water consumption for human uses by using best-practice site planning, design and water efficient appliances.
4. Address water resources in terms of the entire water catchment.
5. Protect water catchments and environmental systems from development pressures and potential pollution sources.
6. Protect and enhance natural watercourses, riparian corridors and wetlands.
7. Integrate water management with stormwater, drainage, and flood conveyance requirements.
8. Ensure an improvement to or at minimum no adverse impact to the existing environment and infrastructure due to changes in the catchment and water cycle.

3.3.2 Controls

1. Subdivision proposals will be supported by concept stormwater drainage designs, prepared by a suitably qualified engineer.
2. Development will demonstrate compliance with the relevant provisions of Wollondilly Shire Council Design and Construction Specifications including requirements for detention, drainage and water sensitive urban design.
3. Where a development requires drainage works over adjoining properties, the development application is to be supported by landowners consent for lodgement, from all affected property owners, including written agreement to the creation of easements on title for interallotment drainage purposes.
4. Stormwater drainage design is to generally reflect the pre-existing flow characteristics of the site, and may require on-site stormwater detention.
5. All stormwater management infrastructure for residential areas, such as detention and water quality infrastructure be located on land dedicated to Council. Commercial areas may manage their own water quality/quantity. Refer to Council's Land Dedication Policy.
6. Stormwater will be managed primarily through the street network in accordance refer to Wollondilly Shire Council Design and Construction Specifications.

3.4 Flora, Fauna and Habitats

3.4.1 Objectives

1. Avoid and minimise impacts on native flora and fauna.
2. Protect and enhance significant flora and fauna, vegetation communities and significant habitat on the site, and on surrounding development sites, in a configuration which will enable existing plant and animal communities to survive and develop in the long term.
3. Protect and enhance ecological corridors and increase the connections between habitats.

4. Ensure rehabilitation of degraded areas.
5. Retain, protect and increase koala populations and their habitats.
6. Provide for the improved management of retained koala habitat.

3.4.2 Controls

1. Development will be consistent with the biodiversity conservation measures identified in the Cumberland Plain Conservation Plan.
2. Development on land identified as Koala Habitat will incorporate specific design requirements in accordance with the relevant Koala Plan of Management.
3. Development is to be sited, designed and managed to avoid or mitigate potential adverse impacts on natural areas and habitat
4. Development located on land, or within 500m of land, that contains items of environmental significance, such as threatened species or communities, listed migratory species, wildlife corridors, koala habitat, wetlands or riparian corridors and has the potential to impact biodiversity will be accompanied by, and comply with, a Flora, Fauna and Habitats Assessment, prepared by a suitably qualified ecologist, to inform the assessment of significance. The Flora, Fauna and Habitats Assessment will address the following:
    - will be sufficient to adequately identify and assess all the impacts of the proposed development. This includes cumulative, direct and indirect impacts, as well as the impacts of Asset Protection Zones, the provision of services (water and sewer, etc) and stormwater management.
    - consistency with Cumberland Plain Conservation Plan and the relevant Koala Plan of Management.
    - consistency with the NSW Department of Planning, Environment and Industry requirements for threatened species surveys and assessment.
    - demonstrate and assess all existing trees on the development site and those that are proposed to be removed or retained.
    - the proposed means of protecting trees to be retained during both construction of subdivision works and construction of buildings.
    - proposed landscaping including the locations and species of trees, shrubs and ground cover to be planted as part of subdivision works.
5. Native vegetation buffers will be provided between proposed development and areas containing threatened flora and fauna species or their habitat, threatened vegetation communities and native vegetation corridors. The width of the buffer should be determined with reference to the function of the habitat, and the type of development proposed. The buffer should be designed to keep the area of significance in natural condition.
6. Perimeter roads should be provided between development, including landscaped areas and native vegetation or significant habitat features, to minimise edge effects.
7. Where development is proposed to impact on an area of native vegetation, it will be demonstrated that no reasonable alternative is available. Suitable ameliorative measures will also be proposed (eg: weed management, rehabilitation, nest boxes).
8. Development will include appropriate signage for the public on the management, use and conservation value of wildlife corridors and koala habitat.

Development adjoining E2 Environmental Conservation zone land will avoid or mitigate detrimental impacts to the native vegetation and ecological values of

9. subdivision design and bulk earthworks will consider the need to minimise weed dispersion and eradication.
10. Council may require a Weed Eradication and Management Plan outlining weed control measures during and after construction is to be submitted with the development application.
11. The selection of vegetation proposed to be planted as part of the development application will be consistent with Council's Wilton Growth Area Prescribed Tree and Preferred Species policy.

Commented [EB12]: Are we trying to minimise dispersion or minimise eradication

3.5 Street trees and preservation of tree and vegetation

3.5.1 Objectives

1. Provide and retain trees for the urban amenity, microclimate, scenic, air and water quality, and the social benefits that they provide.
2. Provide criteria for permitting removal and appropriate ongoing management of prescribed trees and vegetation.
3. Ensure that opportunities for tree canopy cover are considered and provided for appropriately.
4. Create neighbourhoods with a distinctive character.

3.5.1 Controls

1. Street trees are required for all streets. Street planting is to:
   - be in accordance with the Council's Wilton Growth Area Prescribed Tree and Preferred Species Policy.
   - be consistently used to distinguish between public and private spaces and between different classes of street within the street hierarchy.
   - minimise risk to utilities and services.
   - be durable and suited to the street environment and, wherever appropriate, include endemic species.
   - maintain adequate lines of sight for vehicles and pedestrians, especially around driveways and street corners.
   - provide appropriate shade in summer and solar access in winter.
   - provide an attractive and interesting landscape character and clearly define public and private areas, without blocking the potential for street surveillance.
   - ensure that trees are not located within the carriageway. Blister construction with kerb and guttering located in the kerbside parking lane to accommodate canopy tree planting will be supported where appropriate.
   - Integrated with water management strategy to ensure that they thrive
2. A person will not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy a tree or vegetation without approval from Council authorising such works. This control extends to a public authority except in relation to the pruning of a tree growing on, overhanging or encroaching onto land owned by Council or which is under its care,

control and management. Refer to Councils Tree Management Policy for further information. This clause does not apply to or in respect of:

- routine pruning of trees or shrubs that form a continuous hedge.
- a tree that is confirmed dead by a qualified arborist, provided that the tree does not contain hollows or habitat resources.
- a tree that harbours fruit fly.
- any tree identified as a noxious weed (or similar).
- the destruction or removal of a tree, within 0.5 metre of the boundary between land owned or occupied by different persons, for the purpose of enabling a survey to be carried out along that boundary by a registered surveyor.
- Minor pruning of branches no greater than 50mm diameter.

Commented [EB13]: Can we tell a public authority – the ACT overrules the DCP.

3.6 High Value Waterways and Riparian Areas

3.6.1 Objectives

1. Protect and maintain the water regime of high value waterways.
2. Ensure that development does not adversely affect aquatic fauna.
3. Ensure that development does not adversely affect water quality or availability, including ground water.
4. Ensure that watercourses and associated riparian vegetation are maintained to contribute to water quality.

3.6.2 Controls

1. Development will consider the protection and restoration of the High Value Waterways contained in the relevant Precinct (Schedule) Plan.
2. High Value Waterways will be maintained in a natural state, including the maintenance of riparian vegetation and habitat such as fallen debris.
3. Where a development is associated with, or will affect a High Value Waterways, rehabilitation will occur to return that High Value Waterways – as much as possible – to a natural state.
4. Development within a dedicated riparian area should be avoided where possible to retain its ecological processes. Where development is unavoidable within the riparian areas, it will be demonstrated in the development application that potential impacts on water quality, aquatic habitat, and riparian vegetation will be negligible.
5. Asset Protection Zones will not be located within the riparian areas.

3.7 Smart Communities and Ecologically Sustainable Development

3.7.1 Objectives

1. Optimise the inclusion of principles of energy efficiency and sustainability in all development and land uses.
2. Maximise the potential for solar access to all lots in subdivision design.
3. Provide opportunities for the use of sustainable materials.

3.7.2 Controls

1. Development will address the principles contained in the Code for Smart Communities (October 2018), Smart Cities Council and Council's Smart Shire Strategy.
2. Subdivision will maximise the opportunities for solar access to lots taking account of slope and aspect, maximum building height, separation of buildings, setback requirements and likely future orientation of dwellings and open space areas.
3. subdivisions will demonstrate how they maximise the opportunity to use modes of transport other than the private motor vehicle. This includes (but is not limited to) easy access to, and useful design of, the network of shared pathways, the provision of public transport routes and public transport services and facilities.
4. A reticulation system of water supply, waste water disposal, waste water treatment and re-use is to be installed to service every lot where there is to be water use and / or wastewater disposal on that lot. Re-use water is to be made available for: toilet flushing and irrigation of landscaping.
5. Development demonstrates how it will incorporate sustainable materials.
6. Street lighting and lighting of publicly accessible places is selected and installed for energy efficient design and operation. Other infrastructure is designed to incorporate materials and operational features which are energy efficient and sustainable, for example stormwater devices from recycled plastics and demolition materials.

Commented [EB14]: This may need to sit in the development of individual lots for homes rather than as a subdivision control as it may be missed

Commented [CD15R14]: Could this be included for both subdivision and individual residential dwellings?

3.8 Salinity

3.8.1 Objectives

1. Manage and mitigate the impacts of, and on, salinity and sodicity.
2. Minimise the damage caused to property and vegetation by existing saline soils, or processes that may create saline soils.
3. Ensure development will not significantly increase the salt load in existing watercourses.
4. Prevent degradation of the existing soil and groundwater environment, and in particular, to minimise erosion and sediment loss and water pollution due to siltation and sedimentation.

3.8.2 Controls

1. Development on land identified as having a high risk of salinity, or mildly to moderately aggressive soil, will be accompanied by, and comply with, a salinity report prepared by a suitably qualified person. The report will address the conditions of the site, the impact of the proposed development on the saline land and the mitigation measures that will be required during the course of construction. The qualified person is to certify the project upon completion of the works. Investigations and sampling for salinity will be conducted in accordance with the requirements of Site Investigations for Urban Salinity (OEH). Further:
    - Where applicable, the salinity report will also report on the issues of soil aggressivity and sodicity and any mitigation measures required. All works will comply with the Western Sydney Salinity Code of Practice 2004 (WSROC).

- A comprehensive Salinity Management Plan will be submitted based on the findings of the site-specific investigation and prepared in accordance with the Western Sydney Salinity Code of Practice 2004 (WSROC).
- All subdivision, earthworks and building works will comply with the Salinity Management Plan.

2. Salinity and sodicity management will respond to and complement WSUD strategies, improving or at least maintaining the current condition, without detriment to the waterway environment.

3.9 Site Contamination

3.9.1 Objectives

1. Minimise the risks to human health and the environment from the development of potentially contaminated land.
2. Ensure that potential site contamination issues are adequately addressed at the subdivision stages.
3. Minimise the risks to human health and the environment from the development of potentially contaminated land; and
4. Ensure that potential site contamination issues are adequately identified and remediated at the subdivision stages.

3.9.2 Controls

1. Development will be accompanied by, and comply with, a Stage 1 Preliminary Site Investigation prepared in accordance with State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) and the Contaminated Land Management Act, 1997 (CLM Act).
2. Where the Stage 1 Investigation identifies potential or actual site contamination a Stage 2 Detailed Site Investigation will be prepared and submitted in accordance with SEPP 55 and the CLM Act. A Remediation Action Plan (RAP) will be required for areas identified as contaminated land in the Stage 2 Site Investigation. Prior to granting development consent, the Consent Authority will be satisfied that the site is suitable, or can be made suitable, for the proposed use. Remediation works identified in any RAP will require consent prior to the works commencing.
3. All investigation, reporting and identified remediation works will be in accordance with the protocols of Council's Policy – Management of Contaminated Lands, the NSW Environmental Protection Authority (EPA) Guidelines for Consultants Reporting on Contaminated Sites and SEPP 55.
4. Council may require a Site Audit Statement (SAS) (issued by an EPA Accredited Site Auditor) where remediation works have been undertaken to confirm that a site is suitable for the proposed use.
5. All reports submitted to the NSW EPA will comply with the requirements of the Contaminated Land Management Act 1997 (CLM Act) to be prepared, or reviewed and approved, by a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme

(CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme.

3.10 Aboriginal Heritage

3.10.1 Objectives

1. Manage Aboriginal heritage values to ensure enduring conservation outcomes.
2. Preserve known Aboriginal cultural heritage sites.

3.10.2 Controls

1. Development within or adjacent to land that contains a known Aboriginal cultural heritage site, as indicated on the Aboriginal Cultural Heritage Sites Figure, in the relevant Precinct Schedule, will consider and comply with the requirements of the National Parks and Wildlife Act, 1974 (NPW Act).
2. Development will identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that will be retained and protected (and identify the management protocols for these).

   Note - Developments or other activities that will impact on Aboriginal heritage may require consent from the New South Wales Office of Environment and Heritage (OEH) under the NPW Act and consultation with the relevant Aboriginal communities.

3.11 European Heritage

3.11.1 Objectives

1. Preserve the heritage significance of European cultural heritage sites.

3.11.2 Controls

1. Development on land identified on the European Cultural Heritage Sites Figure, in the relevant Precinct Schedule, will be accompanied by, and comply with, a report from a suitably qualified heritage consultant detailing the results of archaeological investigations undertaken to confirm the presence of archaeological material relating to the heritage site. Where archaeological material is identified, the proposal is to address the requirements of the Heritage Act 1977.

3.12 Bushfire Hazard Management

3.12.1 Objectives

1. Prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard.
2. Encourage sound management of bushfire-prone areas.
3. Ensure appropriate operational access and egress for emergency service personnel and residents is available.

3.12.2 Controls

1. Development will be consistent with Planning for Bushfire Protection 2018.
2. The Bushfire Attack Level (BAL) will be determined by a person recognised by the NSW RFS as a suitably qualified consultant in bush fire risk assessment, and meet:
   - a maximum BAL -29 for residential development
   - a maximum of BAL -12.5 for Special Fire Protection Purpose (SFPP)
3. Asset Protections Zones (APZ's):
   - the indicative location and widths of APZs will be provided generally in accordance with the Bushfire Risk and Asset Protection Zone Figure in the relevant Precinct Schedule and adopted Neighbourhood Plan.
   - will be located wholly within the Precinct
   - may incorporate roads and flood prone land
   - will be located wholly outside of land zoned E2 Environmental Conservation
   - may be used for open space and recreation subject to appropriate fuel management
   - will be maintained in accordance with the guidelines in Planning for Bushfire Protection 2018
   - may incorporate private residential land, but only within the front setback to the perimeter road (no buildings are to be located within the APZ)
   - will be generally bounded by a public perimeter road that is linked to the public road system at regular intervals in accordance with Planning for Bushfire Protection 2018.
4. Vegetation outside areas zoned E2 Environmental Conservation is to be designed and managed as a 'fuel reduced area'.
5. Temporary APZ's, identified through a Section 88B instrument, will be provided where development is proposed on lots next to undeveloped land that presents a bushfire hazard. Once the adjacent stage of development is undertaken, the temporary APZ will no longer be required and will cease to exist.
6. Development will comply with Emergency Bushfire Evacuation and Management Plans (prepared as part of the Neighbourhood Plan that indicates the proposed emergency management arrangements for such developments).
7. Adequate water reserves for firefighting will be available and accessible on site as specified in Planning for Bushfire Protection 2018.

3.13 Odour and Air Quality Controls

3.13.1 Objectives

1. Preserve air quality, minimise pollution and improve environmental amenity.
2. Ensure appropriate levels of air quality for the health and amenity of residents.

3.13.2 Controls

1. Development likely to result in the emission of atmospheric pollutants, including odours, as determined by Council will demonstrate operating practices and technology to ensure that such emissions are acceptable.
2. Development will comply with the Protection of the Environment Operations Act 1997 and supporting Regulations. Development that is likely to be impacted upon by atmospheric pollutants and/or odours from existing land uses, may require the

Commented [EB16]: This does not seem clear enough to determine if it is needed or not?

undertaking of an odour impact assessment or similar assessment dependent on the type of pollutant being assessed. Assessment will be undertaken in accordance with the NSW EPA Technical Framework "Assessment and Management of Odour from Stationary Sources in NSW".

3. Development including childcare centres, hospitals, aged care facilities, schools, residential dwellings and other sensitive land uses adjoining the Maldon to Dombarton Freight Rail Corridor will be setback a minimum of 100m from the location of future rail operations in the corridor, with a minimum 10m within this setback to be densely planted for dust mitigation.
4. Development will:
   - use horizontal and vertical articulation on the street frontages.
   - vary roof forms between adjacent buildings.
5. Where childcare centres, hospitals, aged care facilities, schools and residences adjoins rail corridors it will provide detail design and architectural treatments such as:
   - barriers/fences
   - landscaping
   - reconfiguration of internal spaces to provide non-sensitive rooms adjacent to rail corridors
6. Development on land adjoining busy roads will demonstrate compliance with:
   - Minimum separation distances from the kerb as outlined in Table ; or
   - Where minimum separation distances are not achievable, ducted mechanical ventilation for the supply of outdoor air in compliance with AS1668.2: The use of ventilation and air conditioning in buildings-Mechanical ventilation in buildings. Mechanical ventilation outdoor air intakes will be located at least the minimum distance from the kerb specified in Table 1, measured in the horizontal and vertical planes from the kerb. Filtration of outdoor air will be to a minimum Australian Standard performance rating of F6 or minimum efficiency reporting value (MERV) 9.

Commented [EB17]: The state will determine where they place schools we are not involved in the application process. School locations have already been determined

Commented [CD18R17]: Does this include all private schools? Or are they unlikely to be located adjoining the Freight Rail Corridor?

Table 1 Minimum setback required for air quality controls

Road classification	Residential type buildings	Child care centres, hospitals, aged care facilities, schools
Motorway	30m	80m
High Volume: More than 60,000 AADT; and 40,000-60,000 and 5% or more Heavy Vehicles	20m	80m
Moderate 20,000-40,000	n/a	40m
Intermediate Roads: **40,000-60,000 AADT; and 30,000-40,000 and 10% or more Heavy Vehicles**	10m	40m
High volume intersection	30m	60m

3.14 Waste Management

3.14.1 Objectives

1. Ensure that an appropriate waste service is provided to all new development.
2. Ensure that waste is appropriately separated to assist with the collection and management of waste.
3. Create efficient storage and waste management systems that are compatible with collection services.

3.14.2 Controls

1. A Waste Management Plan (WMP) will be submitted for all new development, including demolitions, construction and the ongoing (or change of) use. A WMP outlines the waste that will be generated and how the development proposes to manage the waste. For further information on WMPs refer to Council's Waste Management Guideline.
2. Each dwelling will be provided with an area capable of accommodating Council's standard garbage and recycling containers
3. The storage of garbage bins will be provided for in a readily accessible location, out of public view.
4. Development will provide for source separation and re-use of materials.

Commented [BM19]: Threshold or type may be needed as opposed to "all new development". May be too onerous or unnecessary to request WMP for some development e.g. single dwelling as long as they comply with 3.14.2(2).

3.15 Transport Access and Movement

3.15.1 Objectives

1. Provide a unique hierarchical network of roads with clear distinctions between each type of road, based on function, capacity, vehicle speed and public safety.
2. Ensure the road networks (street length; intersection type, stagger and spacing) are designed to control traffic speeds to appropriate limits.
3. Provide a road network that achieves:
    a. The basis for cost effective-design and construction of roads.
    b. Efficient access to public transport.
    c. Safe and efficient pedestrian access and mobility.
4. Minimise the impact of driveway crossovers on pedestrian safety and streetscape amenity.
5. Ensure quality of parking areas in terms of safety, amenity and integration with surrounding areas.
6. Contribute to the creation of an interesting and attractive streetscape and to implement green links.
7. Facilitate the use of smart technologies and provision for future technologies within the road network.

3.15.2 Controls

Street Layout and Design

1. The design of streets is consistent with the Wollondilly Shire Council Design and Construction Specifications.
2. Roads including locations, alignment and hierarchy are generally in accordance with the locations shown on the relevant Precinct Schedule and approved Neighbourhood Plan.

3. Roads identified as bus routes shown on the relevant Precinct Schedule or approved Neighbourhood Plan will be consistent with Transport NSW, Guidelines for Public Transport Capable Infrastructure in Greenfield Sites.
4. Any variation to the roads indicated on the relevant Precinct Schedule or approved Neighbourhood Plan will demonstrate that the alternative layout is designed to:
    - provide a clear and legible hierarchy for traffic movements
    - provide a road network based on a grid pattern where practicable
    - maximise connectivity between residential areas and community facilities, open space and centres
    - minimise the use of cul-de-sacs
    - optimise solar access opportunities for dwellings
    - take account of topography and site drainage and accommodate significant vegetation
    - facilitate the use of public transport
    - enable convenient pedestrian and cycle movements
    - provide for perimeter roads adjacent to high conservation lands
    - provide legal and practical access to lots
    - not detrimentally impact on access to adjoining properties
    - provide for the management of stormwater to drain to Council's trunk drainage network, without negative impacts on other properties
    - not impede the orderly development of adjoining properties
5. Where land slopes at a grade of 6% or greater, the predominant road alignment is perpendicular to the slope.

Commented [EB20]: We need to think about scale – it may need a new or amended NP.

Split level Pavements

6. Where split pavements are proposed, they will comply with the following:
    - Split level road pavements will only be considered where other design solutions e.g. one- way cross falls, road centre line re-grading, retaining walls within lot boundary's and widening of road reserves to accommodate wider medians etc, cannot achieve the desired outcome.
    - Split level road pavements will be limited to a maximum road length of 80m, unless otherwise approved by Council's Coordinator Engineering Approvals. A minimum road length may be required to achieve the requirements of safety fencing.
    - Each "split" road carriageway will be a minimum of 5.5m wide, excluding the central median.
    - Batter slopes within a central median will comply with Council's Design and Construction Specification. No retaining walls are to be erected within the road boundary, especially within the central median, unless prior approval has been obtained from Council.
    - Safety Barriers will be installed in accordance with the requirements of Section 6 of the Roads and Maritime Service (RMS) Road Design Guide. Sign-posting and line-marking will be provided in accordance with RMS requirements.
    - No narrowing of the carriageway width for traveling and parking lanes or of the footpath is permitted in order to reduce the impact of the split carriageway on the total road reserve.

7. Where roads are adjacent to public open space or drainage land, verge widths may be reduced to a minimum of 1m, subject to public utilities, bollards and fencing being adequately provided.
8. Where necessary to ensure that access to residential properties is provided in the early stages of development, Council may consent to the construction and operation of temporary access roads.
9. Temporary access roads will remain in operation only until such time as the road network has been developed to provide permanent access to all properties.

Commented [BM21]: And street trees?

Note - For changes to the proposed road system which Council considers major, Council may require a formal application for amendment to the relevant Precinct Schedule and relevant Neighbourhood Plan before determining the development application.

Laneways

1. A laneway will be designed and constructed as a public "shareway" as the paved surface is for cyclists, pedestrians, garbage collection, mail deliveries, cars etc., with a 10 km speed limit and driveway-style crossovers to the street rather than a road junction. 'T' or 'C' shaped laneways will not be approved.
2. The minimum garage doorway widths for manoeuvrability in a laneway section are 2.4m (single) and 4.8m (double).
3. The layout of laneways will demonstrate and take into account subdivision efficiency, maximising favourable lot orientations, intersection locations with streets, topography, opportunities for affordable housing, legibility and passive surveillance.
4. Laneways on sloping land with significant longitudinal and/or cross falls will demonstrate detailed design consideration and functionality.
5. Passive surveillance along the laneway from the upper storey rooms or balconies of secondary dwellings, studio dwellings, principal dwelling or lofts over rear garages will be demonstrated.
6. A continuous run of secondary dwellings or strata studios along the lane is to be avoided, as it changes the character, purpose and function of the lane. No more than 25% of the lots adjoining lanes (excluding street corner lots with studio at the lane entry) are to have secondary dwellings or strata studios

Access to Arterial and Sub-Arterial Roads

1. Subdivisions that create lots adjoining arterial or sub-arterial roads are required to create restrictions on the use of land under Section 88B of the Conveyancing Act 1919 to legally deny direct vehicular access to lots from the arterial or sub-arterial road.
2. To enable the development of land, such as in situations where access across adjoining properties is required but not yet able to be provided, Council may allow temporary access to arterial or sub-arterial roads where:
   - the proposed development complies with all other development standards and controls.
   - subdivisional roads generally conform with the road pattern shown on the Indicative Layout Plan and Neighbourhood Plan.
   - Council is satisfied that the carrying out of the development will not compromise traffic safety. Where Council grants such consent, the temporary access will be constructed to Council's standards and conditions will be imposed that access to the designated road by way of the temporary access will cease when alternative access becomes available.

3.16 Provision of Services

3.16.1 Objectives

1. Ensure adequate water, electricity, sewerage, drainage, road and telecommunication facilities are provided to new development.

3.16.2 Controls

1. Development will demonstrate adequate water supply connection exists or have suitable arrangements in place for the provision of an adequate water supply service.
2. Development will demonstrate adequate connection to grid supplied electricity services. Alternative electricity sources for development other than subdivisions may be considered where the provision of reticulated services is uneconomic due to cost of connection or there is a clear environmental benefit in not connecting to mains infrastructure.
3. Development will demonstrate adequate reticulated sewer connection or have suitable arrangements in place for such a connection to be made where access to reticulated sewer is available.
4. Development will demonstrate adequate access to the telecommunications network for both fixed line telephone services and high speed internet access.

3.17 Crime prevention through environmental design

3.17.1 Objectives

1. Provide opportunity for surveillance of premises to enhance public safety.
2. Provide clear delineation of property access points and the distinction between public and private space.
3. Minimise the use of building elements that create concealed or low visibility spaces.

3.17.2 Controls

1. Development will be accompanied by, and comply with, a Crime Risk Assessment carried out in accordance with the process and principles contained in Crime Prevention And The Assessment Of Development Guidelines (NSW Minister for Planning, 2001).

3.18 Development Near or On Gas Easements

3.18.1 Objectives

1. Ensure that development on or near gas easements considers potential impacts on the integrity and safety of the gas pipeline.
2. Minimise risks to property and people associated with gas pipelines.

3.18.2 Controls

1. The location of roads in the vicinity of gas easements will be consistent with the approved Neighbourhood Plan, including a 30m "no build zone" from the easement boundary, which will be incorporated into the Neighbourhood Plan.

2. Dwellings will be oriented toward public roads and the gas easement. Residential lots which front the road reserve that is adjoining the easement in Low Density Residential areas will have a minimum width of 20m and a minimum depth of 40m.
3. Dwellings on residential lots located within 76m from the easement boundary will be oriented toward public roads and the gas easement.
4. Garages and driveways will not to cross or be located within the gas easement. Where residential lots are located within the easement or where residential lots front the easement and a public road, vehicle access to these properties will be from the rear (i.e. the side of the block farthest from the easement).
5. The following proposed development or activity within the gas easement will be referred to the gas pipeline operator for approval prior to any works being completed, and evidence of the pipeline operator's agreement will be submitted with the development application:
    - excavation, blasting or other earthworks.
    - any improvements or installations (e.g. buildings, fencing or other structures).
    - transport or parking of heavy vehicles.
    - planting or cultivating trees within 5m of the pipeline.
6. Consultation with the gas pipeline operator will be undertaken for all development applications located on land within the pipeline's measurement length. Reference should be made to the requirements of AS2885 and the recommendations of the Safety Management Study (SMS) undertaken for the proposed development.

Commented [BM22]: are

3.19 Signage, Street Furniture and Lighting

3.19.1 Objectives

1. Encourage signage and street furniture of a high-quality design and finish that is compatible with the architectural character of building or sites.
2. Limit signage so as to not adversely impact on the amenity of the streetscapes through visual clutter.
3. Ensure signage does not interfere with road traffic and pedestrian safety.

3.19.2 Controls

1. Signage, street furniture and lighting will be:
    - designed to reinforce the distinct identity of the development.
    - coordinated in design and style.
    - located to minimise visual clutter and obstruction of the public domain.
    - of a colour and construction agreed by Council.
2. The location and design of signage and street furniture is to be indicated on the Landscape Plan submitted with the development application, and on engineering construction drawings. Locating entry signage and the like within a public road reserve is subject to Council agreement.
3. Street lighting is to be designed to meet the current Australian Standards AS/NZS 1158 series and to complement the proposed street tree planting.

3.20 Residential Density Principles

3.20.1 Objectives

1. Ensure that resulting lots have a practical and efficient layout to meet the intended land use.
2. Encourage a variety of lot sizes, type and design to promote housing choice and create attractive streetscapes with distinctive characters.
3. Ensure that subdivision proposals are responsive to constraints of the land and maintain streetscape integrity.

3.20.2 Controls

1. Residential subdivision will be consistent with the approved Neighbourhood Plan.
2. Residential subdivision and the construction of residential buildings will not exceed the maximum density within the density band.
3. Development will demonstrate that the density of the proposed subdivision development falls within the density band identified in the Growth Centres SEPP and the fine grain density plan contained in the approved Neighbourhood Plan.
4. Residential development in the Precinct will not exceed the dwelling cap contained in the Growth Centres SEPP. Neighbourhood Plans should indicate the number of dwellings proposed in each neighbourhood as a mechanism for tracking compliance with the Precinct dwelling cap.
5. Residential densities should consider the characteristics contained in Table 1.

Table 1 Characteristics of residential net densities

Net Residential Density (Dwelling per Hectare)	Typical Characteristics
10 - 15 dw/Ha	• Generally located away from centres and transport and in proximity to conservation areas or adjoining sensitive lands to accommodate suitable buffer distances. • Predominantly detached dwelling houses on larger lots with some semi-detached dwellings and / or dual occupancies. • Single and double storey dwellings. • Mainly garden suburban and suburban streetscapes.
15 -25dw/Ha	• Predominantly a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings. • Focused areas of small lot dwelling houses in high amenity locations. • At 20dw/Ha, the occasional manor home on corner lots. • Single and double storey dwellings. • Mainly suburban streetscapes, the occasional urban streetscape.
25 - 45 dw/Ha	• Generally located within the walking catchment of centres, corridors and / or rail based public transport.

	• Consists of predominantly small lot housing forms with some multi-dwelling housing, manor homes and residential flat buildings located close to the local centre and public transport. • Generally single and double storey dwellings with some 3 storey buildings. • Incorporates some laneways and shared driveways. • Be designed to provide for activation of the public domain, including streets and public open space through the orientation and design of buildings and communal spaces. • Mainly urban streetscapes, some suburban streetscapes.

3.21 Block & Lot Layout

3.21.1 Objectives

Provide a range of lot sizes to suit a variety of dwelling and household types.

Ensure the lot layout plan reflects the site's opportunities and constraints.

Establish a clear urban structure that promotes a 'sense of neighbourhood' and encourages walking and cycling.

Ensure the design of any proposed residential subdivision takes into account natural landform features; outlook and proximity to public and community facilities, parks and public transport.

3.21.2 Controls

Blocks

1. Development demonstrates how all residential blocks are designed for accessibility and walkability and are established around elements of the public domain such as a school, park, retail, or community facility that are typically within walking distance.
2. subdivision layouts will demonstrate a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and site features, place making opportunities and solar design principles.
3. Pedestrian connectivity will be maximised within and between each residential neighbourhood including pedestrian routes connecting to public open space, bus stops and railway stations, educational establishments and community/recreation facilities. Where possible all lots should have access to pedestrian paths.
4. Street blocks will generally be a maximum of 250m long and with variety in depth to promote housing diversity. Block lengths in excess of 250m may be considered by Council where pedestrian connectivity, stormwater management and traffic safety objectives are achieved.
5. In areas around local and town centres, the block perimeters will generally be a maximum of 520m (typically 190m x 70m) to increase permeability and promote walking.
6. Subdivision layout will demonstrate at least 40% tree canopy coverage of the entire street block with a minimum mature tree height of 8m at the completion of development of all lots. Existing mature trees will be retained where possible.

Lots

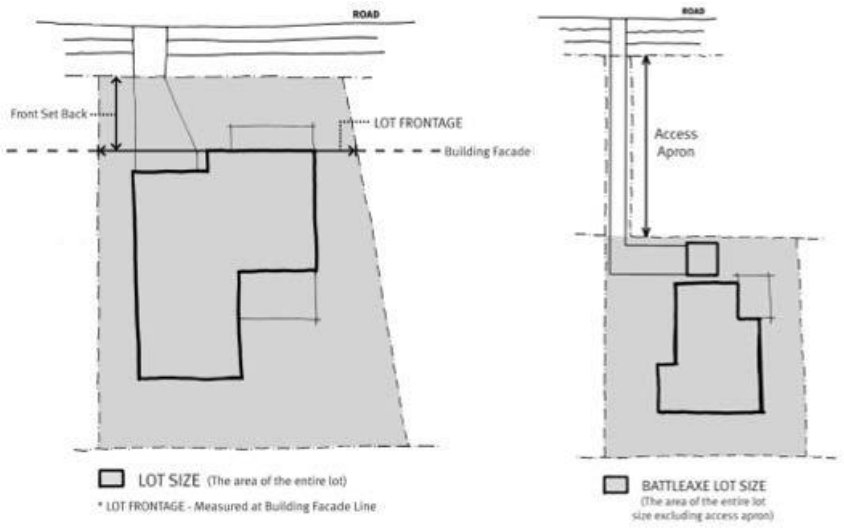
1. At least 50% of landscaped area will provide canopy cover for each lot with a minimum mature tree height of 2m at the completion of the development of the lot.
2. Minimum lot frontages applying to each density band will comply with Table 3. Lot frontage is measured at the street facing building line as indicated in Figure 3.

Commented [EB23]: I will need someone to explain how this will work in application assessment process.

Table 2 Minimum lot frontages by density bands

		Minimum Dwelling Density (dw/Ha)		
		10 to 15/Ha	15 -25dw/Ha	25 - 45 dw/Ha
Minimum Lot Frontages	Front Loaded	12.5m	9m	7m
	Rear Loaded	4.5m	4.5m	4.5m

Figure 3 Measurement of minimum lot widths and lot area



3. In areas with a minimum residential density of ≤25dw/Ha, no more than 40% of the total residential lots proposed in a street block may have a frontage of less than 10m wide. Note: A street block is defined as a portion of a precinct etc., enclosed by (usually four) neighbouring and intersecting streets.
4. In areas with a minimum residential density of ≤25dw/Ha, total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length to reduce garage dominance and on-street parking impacts.
5. Lots will be rectangular. Where lots are an irregular shape, they will be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.
6. Where residential development adjoins land used for public recreation or drainage, the subdivision layout is to create lots for the dwelling, with the main residential and road entry to front the open space or drainage land.

7. The orientation and configuration of lots will be generally consistent with the following subdivision principles:
   - Smallest lots achievable for the given orientations fronting parks and open space with the larger lots in the back streets.
   - Larger lots on corners.
   - North facing lots will generally be wider or deeper, providing for residential development with private open space in the front setback if appropriate.
   - Narrowest lots in the subdivision will generally have rear-facing backyards.
   - Lot orientation will be east-west, or north-south only where the road pattern requires.
   - Exceptions to the preferred lot orientation may be considered where factors such as the layout of existing roads and cadastral boundaries, or topography and drainage lines, prevent achievement of the preferred orientation.
8. An alternative lot orientation may be considered where the site slope and gradients require excessive cut and fill/retaining or amenities such as views and outlook over open space are available and providing appropriate solar access and overshadowing outcomes can be achieved. The combination of the lot frontage width and the size of the lot determine the type of dwelling that can be erected on the lot, and the development controls that apply to that dwelling.
9. Shallow lots (typical depth 14-18m, typical area <200m^2) intended for double storey dwellings should be located only in locations where it can be demonstrated that impacts on adjoining lots, such as overshadowing and overlooking of private open space, satisfy the requirements of the DCP. For lots over 225m^2, the Building Envelope Plan should demonstrate in principle how DCP requirements such as solar access and privacy to neighbouring private open spaces will be satisfied.

3.22 Battle Axe Lots

3.22.1 Objectives

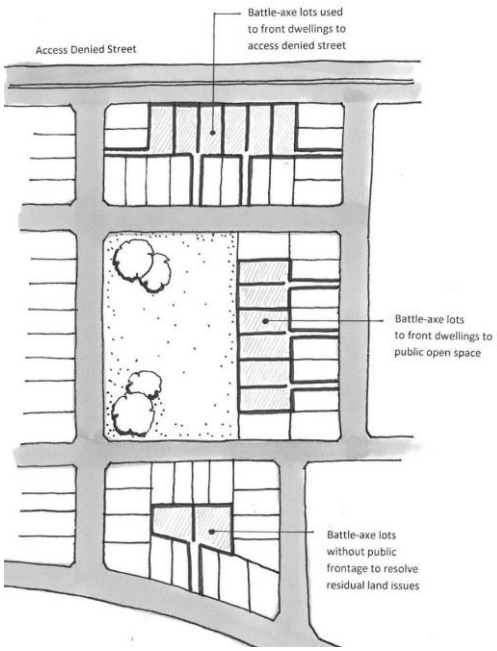
1. Limit the number of battle-axe lots.
2. Provide battle-axe lots that can accommodate residential development.
3. Ensure that where a battle-axe lot is proposed the amenity of the lot and the amenity of neighbouring lots or public domain is not compromised.
4. Provide battle-axe shaped lots or shared driveway access to lots fronting access denied roads.

3.22.2 Controls

1. Development will comply with the principles for the location of battle-axe lots as illustrated at Figure 4.
2. Subdivision layout will minimise the use of battle-axe lots without public frontage to resolve residual land issues.
3. In areas within the 15-25dw/Ha density band, the minimum site area for battle-axe lots without any street or park frontage is 500m^2 (excluding the access handle of a driveway) and only detached dwelling houses will be permitted.
4. The width of the driveway will be 5m wide access handle with 3m driveway for single lot access and 6m access handle with 4m driveway for up to two lots.
5. The driveway or shared driveway will include adjacent planting and trees. The landscaped area will have a minimum width of 1 metre on both sides of the driveway.

6. The driveway or shared driveway will be constructed with sufficient vehicle manoeuvring areas to allow vehicles to enter and exit to the street in a forward direction.
7. Driveway design, including dimensions and corner splays, is to be in accordance with Wollondilly Shire Council Design and Construction Specifications.
8. A battle axe handle will serve no more than 2 properties. A dwelling fronting the street will be located on both sides of the access handle and will have a separate driveway.

Figure 4 Principles for the location of battle-axe lots



3.23 Zero Lot Development

3.23.1 Objectives

1. Ensure that where zero lot boundaries are proposed the amenity of the lot and the amenity of neighbouring lots are not compromised.

3.23.2 Controls

1. Development will demonstrate that the location of a zero lot line has been determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation.
2. On all lots where a zero lot line is permitted and proposed, the side of the lot that may have a zero lot alignment will be shown on the subdivision plan.
3. Where a zero lot line is nominated on a lot on the subdivision plan, the adjoining (burdened) lot is to include a 900mm easement for single storey zero lot walls and

1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling.

4. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement.
5. Any services and projections permitted under Clause 4.4 (6) within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot.
6. The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot will include a note identifying the potential for a building to have a zero lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining lots.

3.24 Corner Lots

3.24.1 Objectives

1. Ensure corner lots are of sufficient dimensions and size to contribute positively to the streetscape and residential amenity.

3.24.2 Controls

1. Corner lots, including splays and driveway location, will be designed in accordance with AS 2890 and Council's Design and Construction Specification.
2. Corner lots will be designed to allow dwellings to positively address both street frontages.
3. Garages on corner lots are encouraged to be accessed from the secondary street or a rear lane.
4. Development will indicate the location of proposed or existing substations, kiosks, sewer manholes and/or vents affecting corner lots.
5. The width of corner lots will ensure driveway access can be located sufficiently clear of any intersection in accordance with Wollondilly Shire Council Design and Construction Specifications.

3.25 Subdivision for Attached or Abutting Dwellings

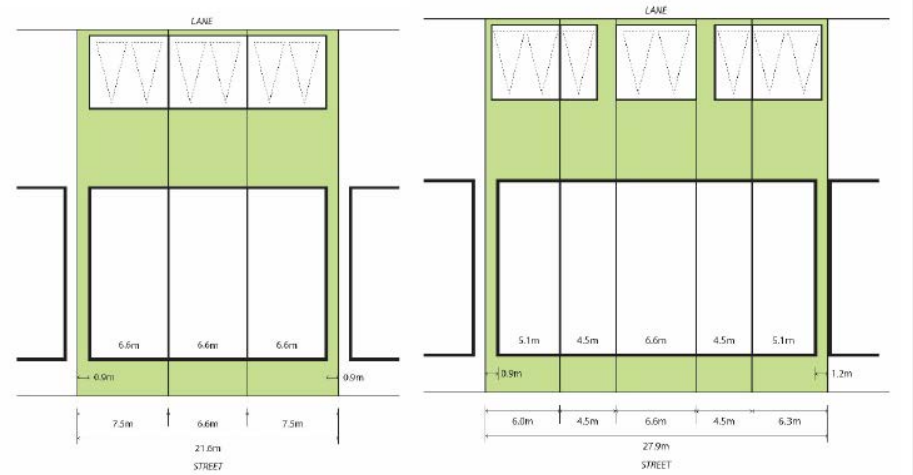
3.25.1 Objectives

1. Ensure that where attached or abutting dwellings are proposed the amenity of neighbouring lots are not compromised.

3.25.2 Controls

1. Development that includes subdivision of lots for Torrens Title attached or abutting dwellings will take into account and demonstrate that construction will be in 'sets'. A 'set' is a group of attached or abutting dwellings built together at the same time that are designed and constructed independently from other dwellings.
2. The maximum number of attached or abutted dwellings permissible in a set is six.
3. The composition of sets will be determined in the subdivision design to take into account the lot width required for a side setback to the end of dwellings in each set. Examples of lot subdivisions for sets are illustrated in Figure 5.

Figure 5 Example of lot subdivision for 'sets' of attached or abutting Dwellings



3.26 Subdivision for Non-Residential Development in Residential Areas

3.26.1 Objectives

1. Ensure that where subdivision for non residential development in residential areas is proposed the amenity of neighbouring lots are not compromised.

3.26.2 Controls

1. Non-residential development in residential areas is encouraged where a development application sufficiently demonstrates it:
2. contributes to the amenity and character of the residential area within which it is located.
3. provides services, facilities or other opportunities that meet the needs of the surrounding residential population and contributes to reduced motor vehicle use.
4. will not result in detrimental impacts on the amenity and safety of surrounding residential areas, including factors such as noise and air quality.
5. is of a design that is visually and functionally integrated with the surrounding residential area.

Note: The Urban Development Zone permits certain non-residential development within residential areas, provided it is consistent with the relevant structure plans. Other parts of this DCP provide more detailed objectives and controls for these types of development.

PART 4 - Residential

4.1 Site Analysis

When designing a home the site analysis is an important part of the design process. Development proposals need to illustrate design decisions which are based on careful analysis of the site conditions and their relationship to the surrounding context. By describing the physical elements of the locality and the conditions impacting on the site, opportunities and constraints for development can be understood and addressed in the design.

Site analysis and design comprises two parts:

- assessment of the site and locality; and then,
- developing or selecting a dwelling design that responds to the characteristics of the site and the locality, the opportunities, constraints, unique features or hazards of the site.

4.1.1 Objectives

1. Ensure the opportunities and constraints of a site and its surroundings are comprehensively considered and inform the proposed dwelling design or selection.

4.1.2 Controls

1. The site analysis lodged with the development application will demonstrate consistency with the approved Neighbourhood Plan and show the existing features of the site and its surrounding area.
2. Development will be accompanied by, and demonstrate how they respond to a site analysis plan. At a minimum, the site analysis plan will show the following features:
   - existing buildings and structures.
   - existing landscaping and vegetation.
   - any easements over the land, services, existing infrastructure and utilities.
   - the location, boundary dimensions, site area and North Point of the land.
   - location of existing street features adjacent to the property, such as trees, planting, street lights.
   - contours and existing levels of the land in relation to buildings and roads; and, whether the proposed development will involve any changes to these levels.
   - location and uses of buildings on sites adjoining the land.
   - hydraulic features, drainage lines, water features, drainage constraints and the like.
   - a stormwater concept plan (where required).
   - any identified road widening applying to the subject land.

4.2 Residential Design Principles

4.2.1 Objectives

1. Encourage innovative and quality designs that enhances the built form and character of the neighbourhood.
2. Encourage a diversity of built form design.
3. Support casual surveillance of the street; and
4. Encourage visual interest through articulation.

5. Facilitate the development of a community that can achieve net zero carbon emissions by 2050.

4.2.2 Controls

1. New residential dwellings, including a residential component within a mixed-use building and serviced apartments intended, or capable of being, strata titled will be accompanied by a BASIX Certificate and will incorporate all commitments stipulated in the BASIX Certificate.
2. The primary street façade of a dwelling should address the street and will incorporate at least two of the following design features:
    - entry feature or porch.
    - awnings or other features over windows.
    - balcony treatment to any first-floor element.
    - recessing or projecting architectural elements.
    - open verandah.
    - bay windows or similar features.
    - verandahs, pergolas or similar features above garage doors.
3. The secondary street façade for a dwelling on a corner lot should address the street and will incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback.
4. Modulation of the façade will be integral to the design of the building, rather than an unrelated attached element.
5. Eaves will provide sun shading, protect windows and doors and provide aesthetic interest. Eaves and gutters should not overhang adjoining properties. Council will consider alternative solutions to eaves if the development application sufficiently demonstrates and satisfies Council that appropriate sun shading is provided to windows and the dwelling displays a high level of architectural merit.
6. The pitch of hipped and gable roof forms on the main dwelling house will be between 22.5 degrees and 35-degrees. Skillion roofs, roofs hidden from view by parapet walls, roofs on detached garages, studios and ancillary buildings on the lot are excluded from this control.
7. Front façades will feature at least one habitable room with a window onto the street.
8. Carports and garages will be constructed of materials that complement the colour and finishes of the main dwelling.

4.3 Setbacks

4.3.1 Objectives

1. Provide space between buildings and streets to maintain streetscape character and provide for air flow, sunlight, landscaping and general amenity.
2. Minimise the impacts of development on neighbouring properties with regards to view, privacy and overshadowing.
3. Ensure garages do not dominate the streetscape.
4. Ensure buildings on corner sites provide an appropriate secondary street setback and maintain sight lines for the safety of pedestrians and vehicles.

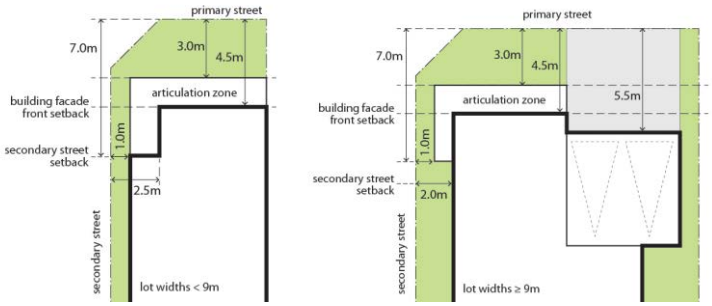
4.3.2 Controls

1. Dwellings will be consistent with the setback controls and principles in Table 3~~Table 3~~~~Table 3~~ to Table 6~~Table 6~~~~Table 6~~.

2. Setbacks will be measured between the principal wall closest to the boundary and the boundary line, excluding any architectural building design element encroachments as permitted by this DCP.
3. An articulation zone may permit some elements of the front facade of a building to intrude within the front setback to a maximum of 1.5 metres and not exceeding 25% of the frontage width. The following building elements may be permitted in an articulation zone:
    - an entry feature or portico;
    - a balcony, deck, patio, pergola, terrace or verandah;
    - an upper level overhang or cantilever;
    - a window box treatment;
    - a bay window or similar feature;
    - an awning or other feature over a window; and
    - a sun shading feature.
4. On corner lots, front setback controls will be consistent with Figure 6.
5. The front setback to garages will be a minimum of 5.5 m.
6. For steeply sloping sites the front setbacks specified in this clause may be inappropriate and may need to be varied. Generally front boundary setbacks need to be increased for steeply sloping sites. The siting of buildings on such sites will take into consideration the grade of the resultant access driveway and allow for the need to provide batters and/or retaining walls for any areas of cut and filling. Development to vary the front setbacks in this case will be accompanied by a justification statement.
7. Except for rear loaded garages, the garage line will have a front set back that is at least 1m behind the building front façade line.
8. Walls along the side boundary setbacks will be articulated to avoid the appearance of excessively long walls. Articulation may be provided in the form of a window, wall return or architectural feature
9. Garages and carports, including semi-basement garages and attached garages, will be set back a minimum of 1 metre from the dwelling's front façade, unless it can be demonstrated how the design mitigates the dominance of the garage door to the street elevation.
10. In the case of attached or semi-detached dwellings, the side setback only applies to the end of a row of attached housing, or the detached side of a semi-detached house.
11. Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.
12. The minimum setback to dwellings from a side boundary that adjoins public open space or land for the purpose of drainage will be 3m in land identified for low and medium residential density.
13. For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450mm wide), fascia's, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.
14. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. Any services and projections permitted within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot.

Commented [EB24]: I would recommend that we say that articulation on side walls is required and include the examples.

Figure 6 Corner Lot Setbacks



Battle-axe lot setbacks

15. In the case of battle-axe lots without a street facing elevation setbacks will be determined in the context of surrounding lots, built form and the location of private open space.
16. The upper floor of dwellings on battle-axe lots will be setback so as not to impact adversely on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to overshadowing, visual impact and privacy.
17. In the case of a battle-axe lot with direct frontage to land zoned for a public purpose or a street facing elevation (such as access denied lots), the front setback controls in Table 3~~Table 3~~~~Table 3~~ to Table 6~~Table 6~~~~Table 6~~ are to apply to the lot boundary adjoining the public recreation lands, and side and rear setbacks are to apply to lot boundaries determined relative to the front setback boundary.
18. The location of a zero-lot line is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation.

4.4 Building Height

4.4.1 Objectives

1. Ensure development is of a scale appropriate to protect residential amenity.
2. Ensure building heights achieve built form outcomes that reinforce quality urban and building design.

4.4.2 Controls

1. The highest point of a building containing residential accommodation will not exceed the height specified on the Height of Buildings Map in SEPP (Growth Centres) or the Precinct (Schedule).
2. In those areas which have a maximum height of 9m under the SEPP (Growth Centres) or the Precinct (Schedule) the height of a dwelling house will not exceed two storeys above existing ground level.
3. Council may permit a 3rd storey if it is satisfied that:
   - the dwelling is located on a prominent street corner; or
   - the dwelling is located adjacent to a neighbourhood or local centre, public recreation or drainage land, a golf course, or a riparian corridor; or
   - the dwelling is located on land with a finished ground level slope equal to or more than 15%, and is not likely to impact adversely on the existing or future amenity of any

adjoining land on which residential development is permitted, having regard to overshadowing, visual impact and any impact on privacy; or
- the third storey is within the roof line of the building (i.e. an attic).

4. Sub-floor garages may be considered on sloping sites where it will achieve a better design outcome. The better design outcome needs to be demonstrated as part of the development application.
5. The ground floor level should be no more than 1m above finished ground level. Finished dwelling ground floor levels greater than 1m above natural ground level may be permitted where it can be sufficiently demonstrated that there is no adverse impact on adjoining properties and the streetscape.
6. Dwellings on a battle-axe-lot without public open space or street frontage will be a maximum of 2 storeys high.

Commented [EB25]: Flooding can sometime mean this is not possible.

4.5 Landscaping

4.5.1 Objectives

1. Ensure that each site has sufficient area for landscaping, including deep soil planting areas, which is usable and meets the needs of occupants.
2. Preserve and retain existing mature native vegetation wherever practicable.
3. Support landscape design that incorporates the planning of landscape species indigenous to the part of Wollondilly in which they are being planted.
4. Ensure a balance between built and landscaped elements in residential areas.
5. Create and support the desired street character.

4.5.2 Controls

1. The minimum landscaped area and Principal Private Open Space (PPOS) within any residential lot is to comply with the controls in Table 3~~Table 3~~~~Table 3~~ to Table 6~~Table 6~~~~Table 6~~.
2. At least 1 tree (that will have a mature height of at least 8m) will be planted in each rear yard, as demonstrated in the development application.
3. At least 1 tree (that will have a mature height of at least 5m) will be planted in the front yard of the primary road and secondary road (for corner lots), as demonstrated in the development application.
4. Areas less than 1.5 metres in width will not to be included in the calculation of landscaped area.
5. The location of PPOS is to be determined having regard to dwelling design, lot orientation, adjoining dwellings, landscape features, topography, as demonstrated in the development application.
6. The PPOS will be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it will be directly accessible from a living area.
7. Synthetic or artificial grass is not to be included in landscaped area calculations. It is also noted that Council does not permit the use of artificial turf within public land adjacent to the road verge.

Commented [EB26]: We need to think about this control in relation to the person's ability to clear trees10m from a building and any structural damage. I think we should consider or a landscape area. Also where space permits. Species needs to not be invasive root system.

4.6 Parking and Vehicle Access and Egress

4.6.1 Objectives

1. Provide safe and secure onsite parking for residents and visitors.

2. Reduce the visual impact of garages, carports and parking areas on the streetscape and improve dwelling presentation.
3. Ensure site accesses have adequate sight distances and are designed to ensure that all vehicles are able to safely enter and exit the site and maintain the safety and integrity of the road network.
4. Minimise conflict between pedestrians and vehicles at the junction of driveways and footpaths.

4.6.2 Controls

Car parking

1. 1-2 bedroom dwellings will provide at least 1 car space.
2. 3 bedroom or more dwellings will provide at least 2 car spaces.
3. At least one car parking space will be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.

Garages

1. Garages will be designed to comply with the controls in Table 3~~Table 3~~~~Table 3~~ to Table 6~~Table 6~~~~Table 6~~ and in accordance with Wollondilly Shire Council Design and Construction Specifications.
2. Garages will not be a dominant feature of the building façade. The garage will be subservient in scale to the dwelling, and integrated and compatible with the overall design of the dwelling in terms of height, form, materials, detailing and colour.
3. Single garage doors will be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.
4. Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep. Minimum internal dimensions should be free of obstructions.
5. Three car garages are only permitted on large residential lots having a frontage of ≥15m where:
   - at least one of the garage doors is not directly visible from a public road; or
   - one of the car spaces is in a stacked configuration; or
   - the total width of the garage is not to exceed 50% of the width of the front building façade.

Commented [BM27]: Replace with "are to"

Site Access

1. Driveways will be designed to Wollondilly Shire Council Design and Construction Specifications.
2. Vehicular access will be integrated with site planning from the earliest stages of the project to eliminate/reduce potential conflicts with the streetscape requirements and traffic patterns, and to minimise potential conflicts with pedestrians.
3. Driveways will not to be within 1m of any drainage facilities on the kerb and gutter.
4. Driveways will have soft landscaped areas on either side, suitable for water infiltration.

4.7 Residential Amenity and Privacy

4.7.1 Objectives

1. Locate and design dwellings to enhance visual and acoustic privacy, whilst minimising visual and acoustic impacts of development on adjoining properties; and
2. Provide visual privacy for internal and external spaces.

3. Ensure waste management enhances residential amenity.

4.7.2 Controls

1. Development will be accompanied by, and comply, with an acoustic report, prepared by a suitably qualified person, where the proposed development is:
   - adjacent to a railway line, arterial or sub-arterial roads; or
   - potentially impacted upon by a nearby industrial / employment area; or
   - non-residential land uses.
2. Every dwelling design will identify potential noise sources on a site analysis plan, and demonstrate how these are to be mitigated in the design and construction process.
3. All dwellings will be designed and constructed to comply with the standards for noise attenuation in accordance with the Building Code of Australia and the Department of Environment and Conservation Environment Protection Authority's NSW Road Traffic Noise Criteria.
4. Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings will be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping.
5. A privacy screen or fixed obscure glass will be provided for any part of a window (on the first floor) to a habitable room (excluding bedroom) that is less than 1.5m above the finished floor level of that room, if the room overlooks an adjacent dwelling window or the private open space of an adjacent dwelling.
6. The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies) and building plant will be designed to minimise noise impact and transmission.
7. Balconies, verandahs and similar structures will be designed to minimise overlooking of neighbouring properties.
8. Active recreation facilities (e.g. swimming pools) will be located away from the bedroom areas of adjoining dwellings, or provide privacy screening where this is not possible.
9. In attached and semi-detached dwellings, bedrooms of one dwelling will not share walls with living spaces or garages of adjoining dwellings, unless it is demonstrated that the shared walls and floors meet the noise transmission and insulation requirements of the Building Code of Australia.
10. Waste storage areas within private yard areas will be provided for shared facilities on common property.
11. Evidence to show where construction and/or demolition waste has been transported and disposed of is to be retained until an Occupation Certificate has been issued.

Commented [EB28]: What is a building plant?

Commented [CD29R28]: I read this to mean items such as air conditioning units and pool filters. We could list these?

4.8 Fencing

4.8.1 Objectives

1. Ensure boundary fencing is of a high quality and does not detract from the streetscape.
2. Encourage the active use of front gardens through provision of secure areas.
3. Ensure that rear and side fencing will assist in providing privacy to private open space areas.
4. Ensure that fence height, location and design will not affect traffic and pedestrian visibility at intersections.

4.8.2 Controls

1. Front fencing will be a maximum of 1.2 m high.

2. Front fences and walls will not impede safe sight lines for traffic.
3. Side and rear fences will be:
    a. 1.8m high and taper to the front fence to a maximum height of 1.2m.
    b. if not on a street frontage be a maximum of 1.2m high to a point 2m behind the primary building façade and be tapered.
4. On corner lots or lots that have a side boundary that adjoins open space or drainage, the front fencing style and height is to be continued along the secondary street or open space/drainage land frontage to at least 4m behind the building line of the dwelling.
5. The design of the fencing on boundaries that adjoin open space or drainage land is to permit casual surveillance of the public space by limiting fence height to 1.2m or by incorporating see through materials or gaps for the portion of the fence above 1.2 m high.
6. For corner lots, fencing along the secondary road boundary, that is forward of the building line, should be no higher than 1.2m above ground level (existing) and should be open for at least 20% of the area of the fence that is 400m above ground level (existing).
7. Adjacent to open space or drainage land or on front boundaries will be open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm
8. Fencing that adjoins laneways or rear access ways is to permit casual surveillance.

Commented [EB30]: Is this a transparency of fence issue

Commented [CD31R30]: Transparency and height?

4.9 Development Adjacent to Transmission Easements

4.9.1 Objectives

1. Minimise the visual and amenity impacts of transmission lines on surrounding residential areas.
2. Provide for passive surveillance of the public lands within and adjacent to the transmission easement.
3. Maintain the privacy of dwellings adjacent to the easements.

4.9.2 Controls

1. Dwellings will be set back as far as possible from the transmission easement.
2. Low fencing (which complies with Section 4.8 – Fencing) or fencing that allows surveillance of the public lands within and adjacent to the transmission easement is to be used on the property boundary facing the easement from the front property boundary to a point 4m behind the front building façade.
3. Landscaping should permit views into the easement at ground level.
4. The orientation of dwellings will permit casual surveillance of the easement, while maintaining the privacy of future occupants.

Commented [EB32]: Too vague. We need to specify a distance.

4.10 Summary of Key Controls

Refer to Glossary in Appendix A for explanation of dwelling types.

Table 3 Controls for lots with frontage width ≥4.5m for rear accessed dwellings

Element	Control	
Front setback (min)	• 4.5m to building façade line; • 3.5m to building façade fronting open space • 3.0m to articulation zone;	In density bands ≥25dw/Ha • 3m to building façade line, • 1.5m to articulation zone.

	• 2.0m to articulation zone fronting open space.	
Side setback (min)	• Zero Lot, Attached or Abutting Boundary (benefited lot) • Ground floor: 0m • Upper floor: 0m	• Detached Boundary 0.9m. If lot burdened by zero lot boundary, side setback will be within easement: • 0.9m (single storey zero lot wall) • 1.2m (double storey zero lot wall)
Maximum length of zero lot line on boundary	Attached/abutting house: • 18m (excludes rear loaded garages) upper levels only. • No limit to ground floor	Zero lot house: • 18m (excludes rear loaded garages)
Rear setback (min)	• 0.5m (rear loaded garages to lane, zero to articulation zone)	
Corner lots secondary street setback (min)	• 1.0m with articulation as specified in section 4.2	
Building height	In areas with a residential density of ≤20dw/Ha: • 2 storeys maximum	In areas with a residential density of ≥25dw/Ha: • 3 storeys maximum
Solar access	In areas with a residential density of ≤ 20dw/Ha: • At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to at least 50% of the required PPOS of both the proposed development and the neighbouring properties.	In areas with a residential density of ≥ 25dw/Ha: • At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to at least 50% of the required PPOS of: o all affected neighbouring properties and, o at least 70% of the proposed dwellings.
	For alterations and additions to existing dwellings in all density areas, no reduction in the existing solar access to PPOS of the existing neighbouring properties.	
Garages and car parking	Rear loaded garage or car space only for lots of this type. • Minimum garage width 2.5m (single) and 5.0m (double). • 1-2 bedroom dwellings will provide at least 1 car space. • 3 bedroom or more dwellings will provide at least 2 car spaces.	

Table 4 Controls for lots with frontage width ≥ 7m and < 9m for front accessed dwellings

Element	Control
Front setback (min)	• 4.5m to building façade line; 3.5m to building façade fronting open space or drainage land. • 3.0m to articulation zone; 2.0m to articulation zone fronting open space or drainage land. • 5.5m to garage line and minimum 1m behind the building line.

Side setback (min)	Zero Lot, Attached or Abutting Boundary • Ground floor: 0m • Upper floor: 0m	Detached Boundary 0.9m - • If lot burdened by zero lot boundary, side setback will be within easement: • 0.9m (single storey zero lot wall) • 1.2m (double storey zero lot wall)
Maximum length of zero lot line on boundary	• 15m	
Rear setback (min)	• 4m (ground level) and 6m (upper levels)	
Corner lots secondary street setback (min)	• 1.0m with articulation as specified within this chapter.	
Building height	In areas with a residential density of ≤20dw/Ha: • 2 storeys maximum • 3rd storey subject to controls within this chapter.	In areas with a residential density of ≥25dw/Ha: • 3 storeys maximum
Site Coverage	• Upper level no more than 50% of lot area • Ground floor no more that 85% (assumed based on 15% soft landscape?	
Landscaped area (pervious surfaces)	• Minimum 15% lot area. • The first 1m of the lot measured from the street boundary (excluding paths) is to be soft landscaped.	
Principal Private Open Space (PPOS)	In areas with a residential density of ≤20dw/Ha: • Min 16m² with minimum dimension of 3m.	In areas with a residential density of ≥25dw/Ha: • Min 16m² with minimum dimension of 3m. • 10m² per dwelling if provided as balcony or rooftop with a minimum dimension of 2.5m.
Solar access	In areas with a residential density of ≤ 20dw/Ha: • At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to 50% of the required PPOS of both the proposed development and the neighbouring properties.	In areas with a residential density of ≥ 25dw/Ha: • At least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June) to at least 50% of the required PPOS of: o all affected neighbouring properties and, o at least 70% of the proposed dwellings.
	For alterations and additions to existing dwellings in all density areas, no reduction in the existing solar access to PPOS of the existing neighbouring properties.	
Garages and car parking	• Single width garage or car space only. • Carport and garage minimum internal dimensions: 3m x 5.5m. • 1-2 bedroom dwellings will provide at least 1 car space.	

Commented [EB33]: What about ground level are we allowing the dwelling to cover the entire site?
We should also be clear on what is included and excluded when discussing site coverage. Is it about pervious and impervious surfaces.

Formatted: Highlight

	• 3 bedroom or more dwellings will provide at least 2 car spaces. • The garage will be less than 40% of the total area of the front façade.
Layout	• In density bands ≤ 25 dw/Ha, total lot frontage of this lot type not to exceed 20% of the block length due to garage dominance and on-street parking impacts.

Table 5 Controls for lots with frontage width ≥ 9m and ≤15m for front accessed dwellings

Element	Control	
Front setback (min)	• 4.5m to building façade line • 3.5m to building façade fronting open space or drainage land • 3.0m to articulation zone • 2.0m to articulation zone fronting open space or drainage land • 5.5m to garage line and minimum 1m behind the building line.	
Side setback (min)	Detached boundary: • Ground Floor: 0.9m • Upper Floor: 0.9m	Detached Boundary 0.9m. • Lots with a zero lot boundary (side A): • Ground Floor: 0m (Side A), 0.9m (Side B) • Upper Floor: 1.5m (Side A), 0.9m (Side B)
Maximum length of zero lot line on boundary	• 11m	
Rear setback (min)	• 4m (ground level) and 6m (upper levels)	
Corner lots secondary street setback (min)	• 2.0m with articulation as specified within this chapter.	
Building height	• 2 storeys maximum • 3rd storey subject to controls within this chapter.	
Site Coverage	• Single storey dwellings: 60% • Lot ≤375m^2, upper level no more than 40% of lot area. • Lot >375m^2, upper level no more than 35% of lot area.	
Landscaped area (pervious surfaces)	• Minimum 25% of lot area will be soft landscape as pervious surface	
Principal Private Open Space (PPOS)	• Minimum 20m^2 with minimum dimension of 4.0m. • 50% of the area of the required PPOS (of both the proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June)	
Garages and car parking	Lots ≥9m and <12.5m: • Where front accessed, single width garages only. • Rear lane or side street accessed double garages permitted. • Max. carport and garage door width not to exceed 3m (single) or 6m (double)	Lots ≥12.5m and ≤15m: • Front or rear accessed single, tandem or double garages permitted • Triple garages are not permitted.

Commented [EB34]: is this all impervious surfaces i.e. does it include driveways? Outbuilding etc

Commented [CD35R34]: site coverage would generally exclude driveways as per Housing Code SEPP etc. however Growth Centres SEPP defn is:
site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:
(a) any basement,
(b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
(c) any eaves,
(d) unenclosed balconies, decks, pergolas and the like.
Worth raising and discussing with DPIE and can then be reflected in all relevant parts of this DCP.

	• 1-2 bedroom dwellings will provide at least 1 car space. • 3 bedroom or more dwellings will provide at least 2 car spaces.

Table 6 Controls for lots with frontage width > 15m for front accessed dwellings

Element	Control
Front setback (min)	• 4.5m to building façade line • 3.5m to building façade fronting open space or drainage land • 3.0m to articulation zone • 2.0m to articulation zone fronting open space or drainage land • 5.5m to garage line and minimum 1m behind the building line.
Side setback (min)	• Ground Floor: 0.9m (Side A), 0.9m (Side B) • Upper Floor: 0.9m (Side A), 1.5m (Side B)
Rear setback (min)	• 4m (ground level) and 6m (upper levels)
Corner lots secondary street setback (min)	• 2.0m with articulation as specified within this chapter.
Building height	• 2 storeys maximum • 3rd storey subject to controls within this chapter.
Site Coverage	• Single storey dwellings: 50% • Two storey dwellings: 50% at ground floor and 30% at upper floor
Landscaped area (pervious)	• Minimum 30% of lot area will be soft landscape as pervious surface
Principal Private Open Space (PPOS)	• Minimum 24 m^2 with minimum dimension of 4 m. • 50% of the area of the required PPOS (of both the proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June)
Garages and car parking	• Front or rear loaded double and tandem garages permitted • Maximum garage door width 3m (Single) and 6m (Double) • Triple garages are not permitted. • 1-2 bedroom dwellings will provide at least 1 car space. • 3 bedroom or more dwellings will provide at least 2 car spaces.

PART 5 - Other Residential

5.1 Attached or Abutting Dwellings

5.1.1 Objectives

1. Encourage high quality residential developments which feature a high standard of urban design and provide a high level of amenity for residents.

5.1.2 Controls

1. Attached or abutting dwelling development will comply with the controls in PART 4 - Residential, except where the controls in this part of the DCP differ, in which case the controls in this part (Part 5) take precedence.
2. Garages for attached dwellings will be located at the rear of the lot. Where attached dwellings have frontage to a collector road, all vehicle access and parking is to be located at the rear of the lot.
3. Attached housing sites will have direct frontage to a public road (i.e. not on battle-axe lots).
4. Traffic calming measures should be provided to ensure a safer vehicle and pedestrian environment where attached or abutting dwellings are located.
5. Driveways, manoeuvring areas, parking areas and garages will be located away from bedrooms.
6. Each dwelling will provide a minimum storage area of $8m^3$ either within the dwelling or garage. This space is to be provided exclusively for storage purposes and will be provided in addition to any garage space.

5.2 Secondary Dwellings and Studio Dwellings

5.2.1 Objectives

1. Enable the development of a diversity of dwelling types.
2. Promote innovative housing solutions that are compatible with the surrounding residential environment.

5.2.2 Controls

1. Secondary dwellings and studio dwellings will comply with the controls in PART 4 - Residential, except where the controls in this part of the DCP differ, in which case the controls in this part (Part 5) take precedence.
2. Secondary dwellings and studio dwellings will comply with the key controls in Table 7.
3. The maximum gross floor area of a studio dwelling will be $75m^2$.
4. Secondary dwellings and studios will be designed to complement the design of the principal dwelling and be subservient to the principal dwelling in terms of visual bulk and scale
5. Windows and private open spaces of secondary dwellings will not overlook the private open space of any adjacent dwellings.
6. The maximum site coverage control for upper floors may be exceeded by the combined upper floor coverage of the secondary or studio dwelling and principal dwelling, providing the development application demonstrates that:
   - the privacy of the principal dwelling and existing or future dwellings on adjoining land are not compromised; and
   - solar access to the principal private open space of neighbouring lots is not significantly reduced.

Commented [EB36]: Site coverage is typically about coverage on the ground floor. So this doesn't make sense to that end.

Commented [CD37R36]: Agree – suggested change can be proposed to achieved if DPIE aim of this control relates to privacy and solar access, rather than bulk and scale (which is addressed through other controls).

7. For secondary dwellings, windows and private open spaces will not overlook the private open space of any adjacent dwellings.
8. For studio dwellings, windows and private open spaces will not overlook the private open space of any adjacent dwellings including the principal dwelling. Windows that potentially overlook adjacent lots will either have obscured glazing, be screened or have a minimum sill height of 1.5m above floor level.
9. Secondary or studio dwellings and associated garages may have a zero lot setback to one side boundary and may be attached to another garage/secondary dwelling on an adjoining lot, particularly where the secondary or studio dwelling is associated with an attached or semi-detached dwelling.

Commented [EB38]: Not sure this is relevant for larger lots. Should we distinguish?

Table 7 Requirements for secondary dwellings and studio dwellings

Element	Secondary Dwelling	Studio Dwelling (strata)
On-site car parking	• No additional car parking space required.	• One additional dedicated on-site car parking space. • Car parking space to be located behind building façade line of principal dwelling. • Car parking space not to be in a stacked configuration.
Principal Private open space	• PPOS required that does not impede the PPOS of the principal dwelling.	• Balcony accessed directly off living space having minimum size of 8.0m² with minimum dimension of 2m.
Subdivision	• Subdivision from principal dwelling not permitted.	• Strata title subdivision only from the principal dwelling on the land
Access	• Separate direct access to a street, laneway or shared driveway not required.	• Access to be separate from the principal dwelling and is to front a public street, lane or shared private access way Or • Combined access for the principal dwelling and studio dwelling to be through communal land as shown on the strata plan.
Services and facilities	• No separate services or facilities required.	• Provision for separate services, such as mail delivery and waste collection, and an on-site garbage storage area so that bins are not visible from public street or laneway. To be located on a street address that is able to be accessed by garbage collection and mail delivery services. • May be serviced from the front residential street via the principal dwelling lot.

5.3 Dual Occupancies

5.3.1 Objectives

1. Ensure dual occupancies are compatible with existing housing and do not adversely affect the local environment or the amenity of adjacent residents.
2. Enable the development of a diversity of dwelling types; and
3. Promote innovative housing solutions that are compatible with the surrounding residential environment.

5.3.2 Controls

1. Dual Occupancy dwellings will comply with the controls in PART 4 - Residential, except where the controls in this part differ, in which case the controls in this part (Part 5) take precedence.
2. The maximum site coverage control for second storeys may be exceeded by the combined 2nd storey coverage of both dwellings in a dual occupancy, providing the development application demonstrates:
   - solar access requirements for the principal private open space can be met for the principal dwelling and dwellings on adjoining lots; and
   - the design of both dwellings in a dual occupancy development is consistent in construction features, finishes, materials and colours.
3. Detached dual occupancy dwellings will not include zero lot lines for the second dwelling where the second dwelling is located at the rear of the lot.
4. Dual occupancy development will not be proposed on a lot that contains an attached dwelling.
5. Dual occupancy dwellings are designed in a battle-axe configuration only where the development demonstrates:
   - each dwelling has direct pedestrian and vehicle access to a public road; and
   - garbage and mail facilities are accessible by service vehicles and by the occupants of each dwelling.
6. In the case of dual occupancies on corner lots, the rear setback can be varied to be consistent with the side setbacks provided the minimum private open space and solar access requirements to the proposed and adjoining properties are met.
7. Where the dual occupancy dwellings are to be strata subdivided:
   - private open space is to be provided for each dwelling in accordance with the relevant controls in PART 4 - Residential of this DCP.
   - shared private open space is to be provided equivalent to 15% of the site area and shown as communal space on the strata plan.
   - a minimum area of private open space of 10m² with a minimum dimension of 2.5m is to be provided for each dwelling.
8. The minimum landscaped area on a lot containing a dual occupancy development will be 20% of the site area.
9. Where practical for front loaded driveway access, shared driveway crossings of the nature strip will be provided to service both dwellings.

Commented [EB39]: There are several references to site coverage controls but this seems confused. Site coverage refers to the total as opposed to the ground floor.

We need to think about how this will be interpreted and applied.

I recommend talking about this is terms of second storey being no more than XX% of the ground floor or requiring setbacks from front and rear boundaries.

Commented [EB40]: Do we need to link this back to Part 4 – i.e. where it is permitted

Commented [EB41]: Why are we talking strata only?

Commented [EB42]: Do grass areas count or not? Do we need to clarify?

Commented [CD43R42]: Growth Centres SEPP defn & included in DCP glossary: landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. For discussion with DPIE.

5.4 Multi-Dwelling Housing

5.4.1 Objectives

1. Encourage high quality residential developments which feature a high standard of urban design and provide a high level of amenity for residents.

2. To ensure that the design of multi-dwelling housing is consistent with the character of residential areas.

5.4.2 Controls

1. Multi-dwelling housing will comply with the controls in PART 4 - Residential, except where the controls in this part of the DCP differ, in which case the controls in this part (Part 5) take precedence.
2. Multi-dwelling housing will comply with the controls in Table 8.
3. Multi-dwelling housing sites will have direct frontage to a public road (i.e. not on battle-axe lots).
4. Multi-dwelling housing will provide a clear differentiation between private areas (open space, private front and side yard areas, private car parking spaces) and communal open space and car parking.
5. A minimum of one in every 5 (five) dwellings within multi-dwellings housing developments will be adaptable in accordance with Australian Standard AS4299 – Adaptable Housing. The adaptable design will also apply to:
   - car parking
   - main entry
   - an access path linking the main entry and car parking and the street
   - private open space
   - outside utility spaces (clothes drying, garbage storage and the like).
6. A Landscape Plan produced by a suitably qualified person is to be submitted with every application for multi-dwelling housing.
7. Where a multi dwelling housing development includes a studio dwelling with rear lane vehicle access, the controls for a studio dwelling apply.

Table 8 Requirements for Multi dwelling housing

Element	Controls
Site coverage (maximum)	• 50%
Landscaped area (minimum)	• 30% of site area
Principal Private open space (PPOS)	• Min 16m² with minimum dimension of 3m. • 10m² per dwelling if provided as balcony or rooftop with a minimum dimension of 2.5m.
Front setback (minimum)	• 4.5m to building façade line; • 3.0m to articulation zone
Corner lots secondary street setback (min)	• 2m
Side setback (minimum)	• Ground floor 0.9m. • Upper floor 0.9m
Rear setback (minimum)	• 4m (excluding rear lane garages or studio dwellings) to a height of 4.5m (ground level) above ground level • 6m to maximum height (top level) of building • 0.5m to rear lane (garages or studio dwellings)
Zero lot line (minimum)	• Not permitted on adjacent lot boundaries (except rear lane garages and studio dwellings)
Internal building separation distance (minimum)	• 5m (unless dwellings are attached by a common wall)
Car parking spaces	• 1 car parking space per 1 to 3 bedroom dwelling house, plus • 1 additional space per dwelling house with more than 3 bedrooms, plus • 1 visitor space per 5 dwellings.

Commented [EB44]: Does the fact that these do not add up to 100% mean that the site coverage percentage is about the dwelling and garage only but does not include driveways and like? So in theory you could build upon in some way 70% so long as you have 30% landscape area?

We need to be as clear as possible. Perhaps that means just picking the landscape area control – as a pervious surface control so that it does not get confusing.

Commented [CD45R44]: Agree – the other 20% is "built" areas that are not generally included in site coverage defn - however will need to confirm/ discuss with DPIE in the context of per Growth Centres SEPP dictionary and specifically what works best for MDH in Wilton.

	• Car parking spaces to be behind building line or garages fronting the street to be set back a minimum of 1m from the building setback • Where garages front the street, the maximum width of a garage door is 6m and each garage is to be separated by a dwelling façade or landscaped area.
Garages and car parking dimensions (minimum)	• Covered: 3m x 5.5m • Uncovered: 2.5m x 5.2m • Aisle widths will comply with AS 2890.1

5.5 Residential Flat Buildings, Manor Homes and Shop top Housing

5.5.1 Objectives

1. Provide a variety of housing choices.
2. Establish a high-quality residential environment where all dwellings have a good level of amenity.
3. Ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.

5.5.2 Controls

1. All residential flat buildings and shop top housing will be consistent with the design quality principles outlined in SEPP No. 65 and the objectives, design criteria and design guidance outlined in the Apartment Design Guide (or equivalent).
2. The controls within PART 4 - Residential will also be taken into consideration when preparing a development application for residential flat buildings.
3. In areas with a minimum residential density of 20dw/Ha and 25dw/Ha, manor homes may only be located on corner lots.
4. Residential flat buildings will:
   - be located on sites with a minimum street frontage of 30m, and
   - have direct frontage to an area of the public domain (including streets and public parks), and
   - not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted with respect to overshadowing impact, privacy impact or visual impact.
5. In all residential flat building developments containing 10 dwellings or more, a minimum of 10% of all apartments will be designed to be capable of adaptation for access by people with all levels of mobility. Dwellings will be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes 'pre-adaptation' design details to ensure accessibility is achieved.
6. Where possible, adaptable dwellings will be located on the ground floor. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access will provide access from the basement to allow access for people with disabilities.
7. Development will be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).
8. Car parking and garages allocated to adaptable dwellings will comply with the requirements of Australian Standards for accessible parking spaces.
9. A Landscape Plan produced by a suitably qualified person is to be submitted with every application for residential flat buildings.

Table 9 Requirements for residential flat buildings, manor homes and shop top housing

Element	Low and Medium Density Areas (shop top housing only)	Medium and High Density Area (residential flat buildings)	All Residential Areas (Manor home only)	Local, Neighbourhood and Town Centres and
Site coverage (maximum)	• 50% of site area	• 50%	• 50% of site area	• N/A
Landscaped area (minimum)	• 30% of site area	• 30% of site area	• 30% of site area	• N/A
Communal open space	• 15% of site area where the development includes 4 or more dwellings	• 15% of site area	• Not required.	• 15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.
Principal Private open space (PPOS)	• Min. 8m² per dwelling with min. dimension of 2.0m	• Min. 10m² per dwelling with min. dimension of 2.5m	• Minimum 16m² per dwelling with min. dimension of 3.0m; or • Min. 8m² per dwelling with min. dimension of 2.0m if provided as balcony or rooftop.	• Min. 8m² per dwelling with min. dimension of 2.0m
Front setback (minimum)	• Determined by ground floor setback	• 6m • Balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	• 4.5m to building façade line. • 3m to articulation zone. • 5.5m to garage line and 1m behind the building line.	Residential flat buildings: • 4.5m to building façade line Shop top housing: • 0m for first floor • 4m for floors above first floor
Corner lots secondary street setback (minimum)	• 3m	• 6m	• 2m	• Residential flat buildings: • 4.5m to building façade line • Shop top housing: • 0m for first floor

Commented [EB46]: As mentioned before we need to consider what this includes. Is it just the main dwelling house and garage?

Commented [EB47]: Will this include areas of lawn? Or are we being specific enough to know that this is about planting in some way.

Commented [CD48R47]: As discussed above and as per defn of landscaped area in Growth Centres SEPP. landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. For discussion with DPIE.

				• 4m for floors above first floor
Side setback (minimum)	• 2m	• Buildings up to 3 storeys: 3m • Buildings above 3 storeys: 6m	• Buildings up to 2 storeys 1.5m	• Refer to next chapter
Rear setback (minimum)	• 4m (excluding garages)	• 6m	• 4m (excluding rear garages)	• 8m
Zero lot line (minimum)	• Not permitted	• Not permitted	• Not permitted to adjacent lots	• Permitted on side boundaries only
Habitable room/balcony separation distance (minimum) for buildings 3 storeys and above	• 12m	• 12m	• N/A	• N/A
Car parking spaces	• 1-2 bedrooms: 1 space (min) • 3 bedrooms or more: 2 spaces (min) – may be provided in a 'stack parking' configuration. • Garages to be set back 1m behind the building line	• 1 space per dwelling, plus 0.5 spaces per 3 or more bedroom dwelling. • May be in a 'stack parking' configuration. • Car parking spaces to be located below ground or behind building line • 1 visitor car parking space per 5 apartments • Bicycle parking spaces: 1 per 3 dwellings	• 1-2 bedrooms: 1 space (min) • 3 bedrooms or more: 2 spaces (min) – may be provided in a 'stack parking' configuration.	• 1 space per dwelling, plus 0.5 spaces per 3 or more bedroom dwelling. • May be in a 'stack parking' configuration. • Car parking spaces to be located below ground or behind the building • 1 visitor car parking space per 5 apartments (may be above ground) • Bicycle parking spaces: 1 per 3 dwellings
Garage Dominance	• N/A	• A maximum of two garage doors per 20m of lot frontage facing any one street frontage.	• A maximum of two garage doors facing any one street frontage.	• N/A
Garages and car parking dimensions (min)	• Covered: 3m x 5.5m • Uncovered: 2.5m x 5.2m • Aisle widths will comply with AS 2890.1			

PART 6 - Non-Residential Development

These controls are not intended to apply to non-residential uses that are carried on in dwellings, such as home occupations and home businesses. Refer to SEPP (Growth Centres) for permitted range of non-residential uses.

6.1 General Non-Residential

6.1.1 Objectives

1. Support non-residential development consistent with the integrity of the character of each Precinct.
2. Encourage non-residential development compatible with adjoining and nearby land uses and infrastructure.
3. Ensure non-residential development is suitable for access and use by all members of the community.

6.1.2 Controls

1. Non-residential development in residential zones need to comply with PART 3 -Subdivision and Subdivision and General ControlsSubdivision and General ControlsSubdivision and General Controls, Part 4.7 Residential Amenity and PrivacyResidential Amenity and PrivacyResidential Amenity and Privacy and Part 4.8 FencingFencingFencing.
2. Except as provided for in the specific controls below, non-residential development on residential zoned land is to be located on lots that have a frontage width of greater than 15m.
3. All non-residential development will be designed to address a public road with a publicly accessible entry visible from that public road.
4. All non-residential development on corner lots will be designed to address both public road frontages.
5. Walls and roof form will be articulated and modulated to provide visual interest.
6. All non-residential development will be serviced by all available utilities and dual water reticulation service.
7. Access, egress, on-site parking and vehicle manoeuvring for vehicles associated with the following, will all be provided within the site and will be designed in accordance with all relevant requirements of the NSW Roads and Traffic Authority Guidelines and all relevant Australian Standards:
   - staff
   - visitors and customers
   - deliveries, loading, unloading
   - servicing and maintenance (including garbage services)
8. Non-residential development will not be proposed on battle-axe lots.
9. The maximum site coverage of buildings is 60% of the total site area.
10. The minimum landscaped area for non-residential development is 20% of the total site area of the lot.
11. For all non-residential development, the controls relating to lots with frontages greater than 15m – refer to the in the following controls of this DCP apply for front setbacks, side and rear setbacks, dwelling height and garages, site access and parking
12. All publicly accessible space within a site for non-residential development will comply with the relevant Australian Standards for access for people with a disability. This standard applies

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to the space within buildings and external to buildings and all movement paths, aisle widths, customer counter heights and similar features.

13. Non-residential development in residential areas should be similar the surrounding buildings in the context of:
    - bulk and scale
    - height
    - siting
    - finishes, materials and paving
    - landscaping.
14. All non-residential development will identify the potential for activities to have impacts beyond the site such as noise, overlooking, overshadowing, traffic generation and the like, and sufficiently demonstrate control and mitigation of any potential impacts.

6.2 Childcare Facilities and Educational Establishment

6.2.1 Objectives

1. Ensure childcare centres and educational establishments are compatible with neighbouring land uses and are appropriately integrated into existing or new residential environments.
2. Ensure childcare centres are well designed with a high standard of outdoor play areas, landscaping and are integrated within appropriate locations to meet community needs.
3. Minimise adverse impacts on the environment and amenity of residential areas and other land uses, in particular, noise and traffic generation from the development and operation of childcare centres and educational establishments.

6.2.2 Controls

1. Childcare and educational facilities will demonstrate compliance with controls in State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 for centre-based childcare facilities and education establishments.
2. The following will be provided:
    - Waste Management Plan for the proposed demolition, construction and ongoing use of a childcare centre and education establishments.
    - Acoustic Report, prepared by a suitably qualified person, which addresses the impact of noise generation from the facility on the surrounding area.
    - Landscape Plan and associated documentation, prepared by a suitably qualified person, to identify existing vegetation and community plant species and the proposed landscaping treatment of the development.
    - Traffic Report/Statement prepared by a suitably qualified engineer, which addresses the impact of development on the local road system and address traffic safety issues and address traffic safety issues.

Childcare centres

1. Childcare centres will comply with the following setbacks

Front setback (min)	Consistent with the existing character
Secondary street setback (min)	4m
Side setback (min)	1.2m
Side setback to access doors from children's internal space (min)	4m

2. All required car parking will be provided off-street.
3. Council may consider longer hours of operation including Saturday mornings if it can be demonstrated that no adverse impact on neighbouring properties will result from an earlier starting and/or a later closing time.
4. Centre based child care facilities are not appropriate on the following land:
    - land that has direct frontage to an arterial or sub-arterial road;
    - opposite "T" intersections or on bends where sight distances are limited and may create dangerous conditions for vehicle entry to and exit from the site;
    - adjacent to entry/exit points onto or directly accessible from roundabouts;
    - on cul-de-sacs;
    - flood liable land or land affected by local overland flooding;
    - bushfire prone land; or
    - land that requires significant cut or fill, where retaining walls would create a safety hazard for children.
5. In order to limit impact on neighbouring properties child care centres should:
    - be located in close proximity to other non-residential uses such as schools, neighbourhood halls, churches and formal public reserves;
    - be located in close proximity to transport routes and public transport nodes and corridors.
    - if practical, be located on sites that have minimal common boundaries with residential neighbours;
    - locate play areas as far as possible away from neighbours' living rooms and bedrooms; and
    - be sited on lots that can provide sufficient buffering so as to minimise noise and loss of privacy.

Education Establishments

1. Proposed overflow parking areas will be clearly shown on plans submitted with a development application. For certain uses, the provision of overflow parking may be necessary particularly where such developments incorporate halls used for social gatherings. Overflow parking areas could be provided on open grassed areas and need not be formally sealed or line-marked.
2. Development will be designed to minimise the possibility of noise disturbance to the occupants of adjoining or neighbouring dwellings.
3. Development will include buffers, where appropriate, to limit noise impacts on the surrounding area.
4. Sources of noise such as garbage collection, machinery, parking areas and air conditioning plants will be sited away from adjoining properties and screened/ insulated by walls or other acoustic treatment. Noise levels are not to exceed specified limits at the most affected point of the property boundary.
5. The general hours of operation will be between 7am and 9pm. Variation to the approved hours of operation may be approved by Council subject to other requirements or a merit assessment.

Commented [EB49]: Is this something our staff wanted included or was it recommended by DPIE? It is in my opinion too vague

Commented [CD50R49]: Was in exhibited DCP. If changing "will" to "shall generally" or "will generally" then we can possibly delete?

6.3 Places of Worship

6.3.1 Objectives

1. Ensure that buildings are not out of character with the type, height, bulk and scale of surrounding buildings.

2. Encourage the appropriate location of facilities to create community focal points, centres of neighbourhood activity and enhance community identity.
3. Mitigate the impacts of noise, privacy, increased traffic and nuisance on surrounding residential development.
4. Minimise the location of conflicting land uses within the vicinity of places of worship.

6.3.2 Controls

1. The following reports will be provided:
    - Waste Management Plan for the proposed demolition, construction and ongoing use of the childcare centre and education establishments.
    - Acoustic Report, prepared by a suitably qualified person, which addresses the impact of noise generation from development on the surrounding area.
    - Landscape Plan and associated documentation, prepared by a suitably qualified person, to identify existing vegetation and community plant species and the proposed landscaping treatment of the development.
    - Traffic Report/Statement, prepared by a suitably qualified engineer, to address the impact of the development on the local road system and address traffic safety issues and address traffic safety issues.
    - Operational plan of management that addresses (as a minimum) the following:
        - the frequency of all proposed services, events and the like;
        - the proposed hours of operation for all proposed services and events and the like;
        - the likely number of persons to attend each type of service, event, etc;
        - whether street parades or road closures are proposed;
        - any other uses that may take place within the place of worship (i.e. community use, child care, religious classes etc), the frequency of these uses and the number of patrons proposed for these;
        - any particular custom or practice (such as ringing bells) that may occur and the frequency and length of such rituals; and
        - the nomination of a contact person that will be responsible in responding to any issues or complaints raised by council or the community.
2. Places of worship will be located within centres or co-located with other community facilities in residential areas so as to create a community focal point, to share facilities such as parking, and to minimise impacts on residential areas.
3. Places of worship will not be located
    - in a cul-de-sac.
    - within a 50m radius of existing and approved sex industry premises.
4. Proposed overflow parking areas will be clearly shown on plans submitted with a development application. For certain uses, the provision of overflow parking may be necessary particularly where such developments incorporate halls used for social gatherings. Overflow parking areas could be provided on open grassed areas and need not be formally sealed or line-marked.
5. Development will include buffers, where appropriate, to limit noise impacts on the surrounding area.
6. Sources of noise such as garbage collection, machinery, parking areas and air conditioning plants are sited away from adjoining properties and screened/ insulated by walls or other acoustic treatment. Noise levels are not to exceed specified limits at the most affected point of the property boundary.
7. The general hours of operation will be between 7am and 9pm. Variation to the approved hours of operation may be approved by Council subject to other requirements or a merit assessment.

Commented [EB51]: Recommend removal. Statements like these do not add value or give direction

Commented [CD52R51]: Was in exhibited DCP. If changing "will" to "shall generally" or "will generally" then agree we can delete?

6.4 Neighbourhood Shops

6.4.1 Objectives

1. Ensure the appropriate provision of retail uses to serve the needs of the local community.
2. Minimise the impacts of retail activities on surrounding residential areas.
3. Ensure that retail activities in residential areas do not detract from the function or viability of nearby centres.
4. Ensure the appropriate location of neighbourhood shops.

6.4.2 Controls

1. Neighbourhood shops in areas that are predominately residential will:
    - be located on a lot with a minimum frontage width of 10m or more, or
    - adjoining land not used for residential purposes or that is separated from that land only by a public road, or
    - with frontage to a collector road, or
    - within 90m of public transport stop, or
    - adjoining an educational establishment or a community facility or separated from an educational establishment or a community facility only by a public road.
2. The minimum site area for neighbourhood shops is 500m^2.
3. Shops fronts will be designed to encourage active and interactive street frontages that are sympathetic to the streetscape with similar materials to adjoining buildings to be used.
4. Development will be accompanied by a Landscape Plan, prepared by a suitably qualified person, showing landscaping of areas of land between the front property boundary and the building alignment, exclusive of approved driveways and parking areas.
5. Address and entry points for any residential use on the same lot will be legible and separate from the retail use access points.
6. Design of the building frontage, front and side setbacks will include safe and convenient pedestrian facilities such as weather protection, shade, seating and landscaping.
7. On corner sites, where neighbourhood shops are encouraged, shop fronts will "wrap around" the corner and zero setbacks will be considered.
8. Entrances be visible from the street and well lit.
9. The site should not gain direct access to:
    - A road with clearway or other parking restrictions; or
    - A restricted access road (sub-arterial or arterial).
10. Development will be accompanied by a Traffic Report/ Statement, prepared by a suitably qualified engineer, demonstrating the following:
    - how the proposed development will not to create a traffic hazard and detailed access and egress arrangements.
    - at least 3 car parking spaces on site in addition to parking required for the dwelling (if applicable). The design of the building and parking areas is to provide suitable access for deliveries.
    - bicycle parking in a location that is secure and accessible with weather protection for employees.
    - clearly signposted car parking to indicate its availability from the street.
    - loading zones and delivery areas in accordance with Council's Design Specification.
11. Plant and equipment (particularly cooling or heating plant), will be located so as to not cause noise annoyance to neighbours.

Commented [EB53]: Why are we stating minimums?

Commented [CD54R53]: For discussion with DPIE but possibly to ensure sufficient space to locate neighbourhood shop and residence?

12. Waste storage areas will be designed to minimise visual impact and should be screened and properly positioned so as to not to attract pests and cause odour problems for neighbours.
13. All goods storage will be identified on plans submitted with the development application and be located internally.
14. Any on-site garbage or waste collection will allow collection vehicles to enter and exit the site in a forward direction.

Appendix A – **Glossary**

Definitions for terms are also included in the Dictionary contained within the *Growth Centres SEPP*, and in the event of any inconsistency, the definition in the Growth Centres SEPP takes precedence over the definitions in this DCP.

Term	Definition
Access Streets and Laneways	Provide local residential access to a small number of dwellings and serve a shared vehicular-pedestrian-cyclist use. They are intended to encourage a safe, low vehicle speed environment in which the residential function is dominant. Access streets function at the lowest level of the road hierarchy. They generally have development on one side and are located along drainage or open space reserves or along access-denied roads. The construction and dedication of access streets is the responsibility of the developer.
Articulation elements	Includes verandahs, porches, awnings, shading devices, bay windows, pergolas, decorative cornices, columns and the like. A carport is not considered to be an articulation element.
Active Frontages	Are defined as one or a combination of the following: • entrance to retail; • shop front; • glazed entries to commercial and residential lobbies; • café or restaurant if accompanied by an entry from the street; • active office uses, such as reception, if visible from the street; and • public building if accompanied by an entry.
Attic	Means a room within the main roof space of a building that has a 1.5m minimum wall height at edge of the room, a minimum 30-degree ceiling slope and does not incorporate or access a balcony.
Attached dwellings	Means 3 or more dwellings or separate lots that are joined by at least one-party wall.
Annual Exceedance Probability (AEP)	Means the probability of exceedance of a given storm event within a period of one year.
Asset Protection Zone	Means an area surrounding a development which is intended to reduce bushfire risk to an acceptable level. The width of the Asset Protection Zone will vary with slope and aspect.
Arterial Roads	Means roads marked as such on the relevant Precinct (Schedule). They are major roads that carry the majority of inter-regional traffic. Vehicular access from adjacent land is denied to ensure both the efficiency of the road and the safety of road users.
Building footprint	Means the area of land measured at finished ground level that is enclosed by the external walls of a building.
Battle –Axe Lot	Means a lot located behind another, with vehicle access from the street via an access handle. The minimum area specified for battle-axe lots excludes the battle-axe access handle.
Building Area	Means the area of the site capable of supporting development. It does not include front, side and rear setbacks, or the access handle of a battle-axe lot.

Building Envelope	Means a three dimensional diagram drawn on a lot of a subdivision plan. It defines the limits for the siting and/or wall height of any dwellings and/or buildings/structures, private outdoor areas, driveways and/or garages/carports.
Building Frontage	Means the façade of the building that faces the primary frontage or street.
Building Height	Means the vertical distance between ground level (existing), at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.
Car Space	Means a garage, carport or other hard stand area constructed of materials suitable for car parking and access. The required car parking spaces specified above may be provided using a combination of these facilities, including use of the driveway (within the property boundary only) as a parking space.
Collector Roads	Means roads marked as such on the relevant Precinct (Schedule). They are the main internal roads that carry local traffic through the residential neighbourhoods to the sub-arterial and arterial roads and provide access to major attractors within the precinct such as retail, commercial and educational facilities.
Corner Lot	Means a lot that has a frontage to two roads that intersect.
Connectivity	Relates to the number and quality of connections in the movement network. It comprises streets, pedestrian/cycles paths/links and public buildings, or any type of open space that enables movement around or through an area.
Detached Dwelling	Is a dwelling containing one dwelling, on a single block of land, that is not attached to any other dwelling.
Dual Occupancy	Means two dwellings on a single lot of land. The dwellings may be attached to each other or separate and detached. Dual occupancy housing includes: • the alteration or addition to an existing dwelling-house erected on a lot to create two dwellings; • the erection of another detached dwelling-house in addition to one already erected on a lot, but only if not more than two dwellings will be created as a result of the development being carried out; • the erection of a single building containing two dwellings on one lot. • the erection of two detached dwellings on one lot. The dwelling may or may not be strata subdivided.
Driveway	Means the vehicle access between the property boundary and the building/ car space(s). The driveway is generally on private property, and is an extension of the Access Driveway
Front Setback	Means the minimum distance from a lot's primary frontage to which the outermost projection of a structure may be built.
Frontage	Mean the boundary of a lot that abuts a public or private road.

Habitable Room	Means any room or area used for normal domestic activities, including living, dining, family, lounge, bedrooms, study, kitchen, sun room, home entertainment room, alfresco room and play room.
Landscaped Area	Means an area of open space on the lot, at ground level, that is permeable and consists of soft landscaping, turf or planted areas and the like. It does not include driveways, parking areas, hard paved drying yards or other service areas, swimming pools, tennis courts, undercroft areas, roofed areas (excluding eaves <450mm to fascia board), outdoor rooms, balconies, rooftop gardens, terraces, decks, verandahs and the like.
Local roads	Means roads marked as such on the relevant Precinct (Schedule). The function of the subdivisional local roads, which may include minor loop roads and cul-de-sacs, is to provide access to residential properties.
Lot Width	Means the length of the perpendicular line between the side boundaries, as measured at the front boundary of the lot.
Non-Habitable Rooms	Means room spaces of a specialised nature not occupied frequently or for extended periods, including bathrooms, toilets, pantries, walk-in wardrobes, corridors, lobbies, photographic darkrooms and clothes drying rooms.
Net Residential Density	Means the net developable area in hectares of the land on which the development is situated, divided by the number of dwellings proposed to be located on that land. Net Developable Area means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes. Refer to Figure 4 and Landcom's "Residential Density Guide" and the Department of Planning and Environment's "Dwelling Density Guide" for further information.
Outdoor Lighting	Means any form of permanently installed exterior lighting and interior lighting systems that emit light impacts on the outdoor environment.
Outdoor Room	Also known as an 'alfresco room' means a semi enclosed space (at least 1 side open) located adjacent a living / dining / kitchen area of a dwelling that sits within the main roof line of a dwelling.
Principal Dwelling	Means the largest dwelling house on a lot, measured by gross floor area.
Principal private open space	Means the portion of private open space which is conveniently accessible from a living zone of the dwelling, and which receives the required amount of solar access.
Private open space	Means the portion of private land which serves as an extension of the dwelling to provide space for relaxation, dining, entertainment and recreation. It includes an outdoor room.
Relevant Precinct (Schedule)	• South East Wilton Precinct (Schedule) – as shown in Appendix C of this DCP. • North Wilton Precinct (Schedule) – as shown in Appendix D of this DCP.

Riparian Corridor	Means the core riparian zone and vegetated buffer as shown in the relevant precinct (schedule).
Secondary Dwelling	Means dwellings that are separate to the principal dwelling, have a separate access and have a maximum internal floor area of 110m$^{2.}$ Secondary dwellings will form a part of the DA submission for the main dwelling. A secondary dwelling that has its own separate access and parking can be strata subdivided at the time of DA approval or after the dwelling has been established. Types of secondary dwellings: • On grade studio unit (at ground level) within the principle dwelling lot. This is only permitted within detached dwelling lots; • Above garage studio units - This is only permitted on detached dwelling lots and semi-detached dwelling lots that have garages with rear access.
Semi-Detached Dwellings	Means two dwellings that share, and are divided by, one party wall. Whilst their internal layout may be identical, and their external appearance should have continuance of material and style, the external appearance of the two dwellings should not be identical. They should combine to appear as one large house by having varied façade treatment and articulation.
Site Coverage	Means the proportion of the lot covered by a dwelling house and all ancillary development (e.g. carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.
Site Analysis	Means the identification and analysis of the existing urban character and adjacent properties. It is designed to assist in understanding the locality and the proposed development of a range of appropriate design responses.
Sub-Arterial Roads	Means roads marked as such on the Relevant Precinct (Schedule). Sub-arterial roads link regional and local traffic routes. Access from private properties is generally denied to these roads (except in special circumstances) for reasons of traffic safety and to maintain the capacity and efficiency of the road system. Council is normally responsible for the acquisition and construction of sub-arterial roads.
Urban Tree Canopy	Means the total urbanised land area occupied by layer of leaves, branches and stems of trees that cover the ground when viewed from above. It is the measure of the total horizontal extent of the combined tree canopies on a given urban land area.
Walking Distance	Means typically 400m or a 5-minute walk.

Commented [EB55]: What about driveways etc. – is this doing site
Site coverage and landscape areas should align to add up to 100%

Commented [CD56R55]: As stated above need to discuss use of definitions for site coverage and landscaped area from Growth Centres SEPP and works best for Wilton with DPIE.

Appendix B Information for submitting a development application including subdivisions

Appendix C Wilton South East Precinct (Schedule)

Schedule of Amendment to Wilton South East Precinct (Schedule)

Version	Date of Council Adoption	Effective Date	Description

Figure 7 Wilton South East Precinct (Schedule) - Land Application Map

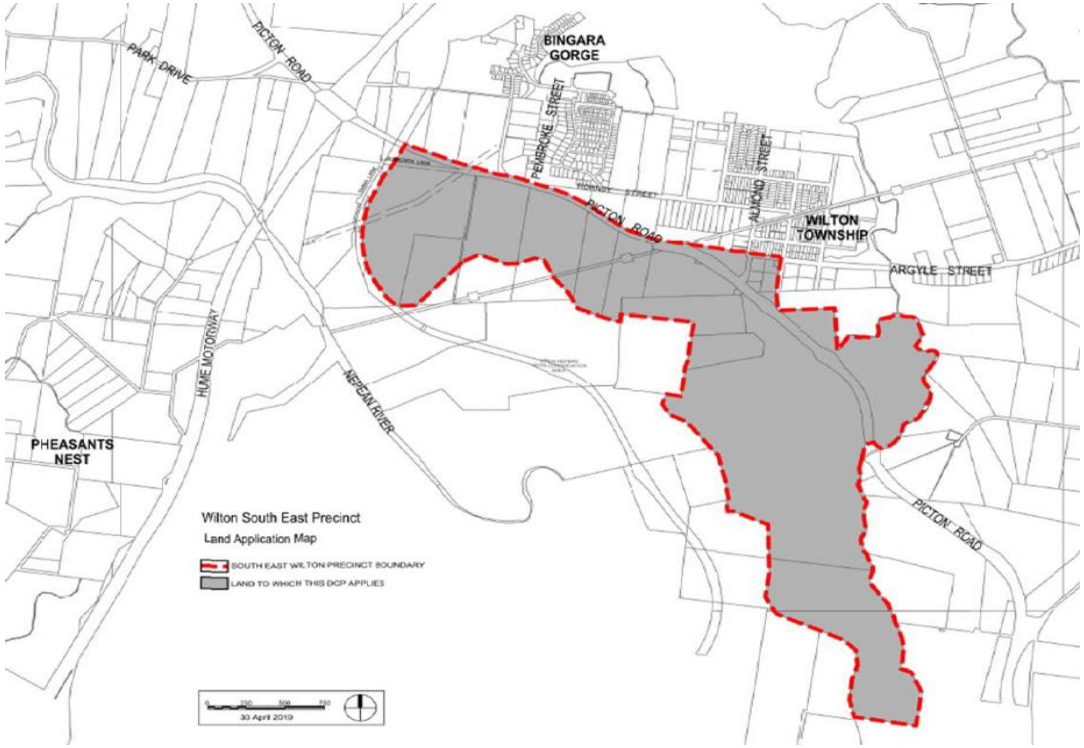


Figure 8 Wilton South East Precinct (Schedule)- Structure Plan

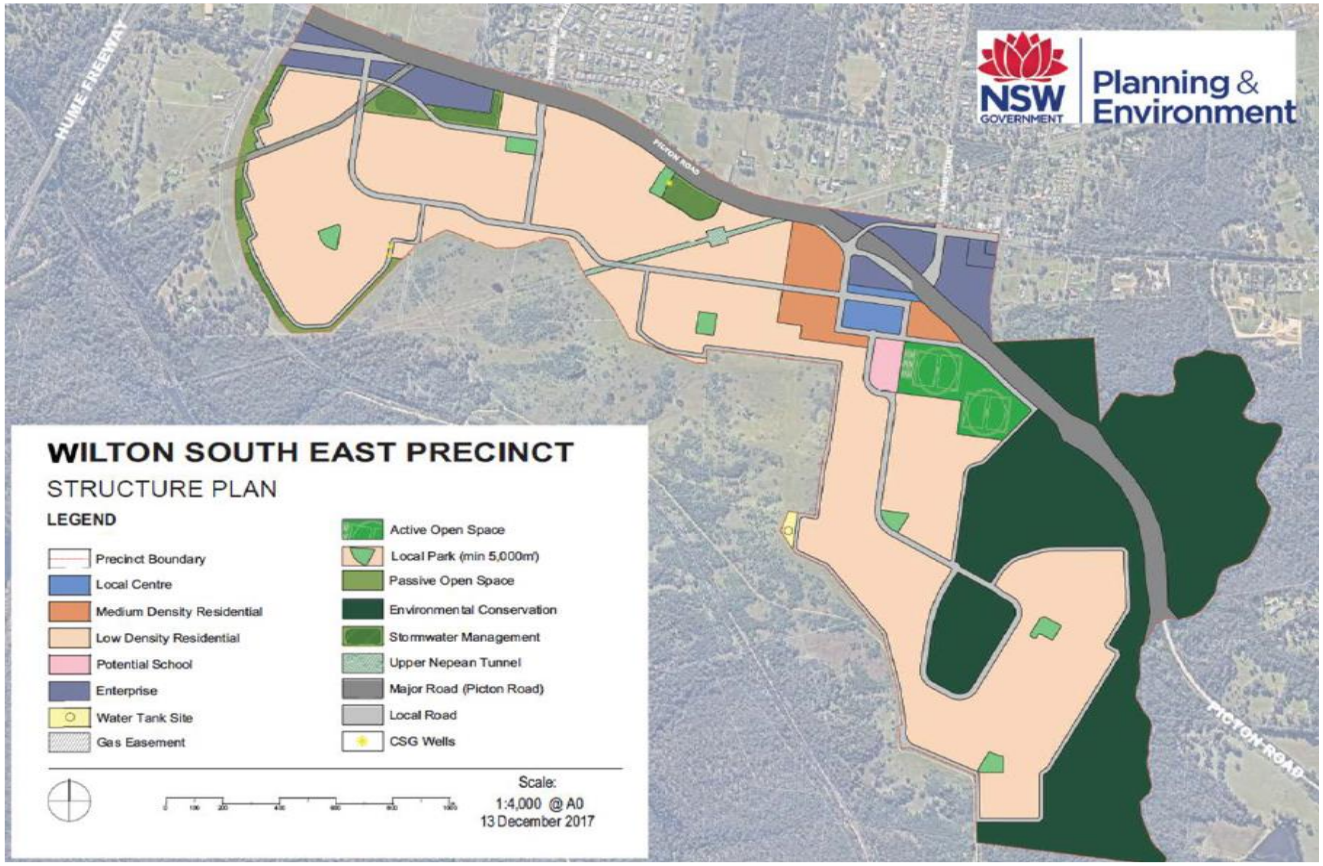


Figure 9 Wilton South East Precinct (Schedule) – Staging Plan

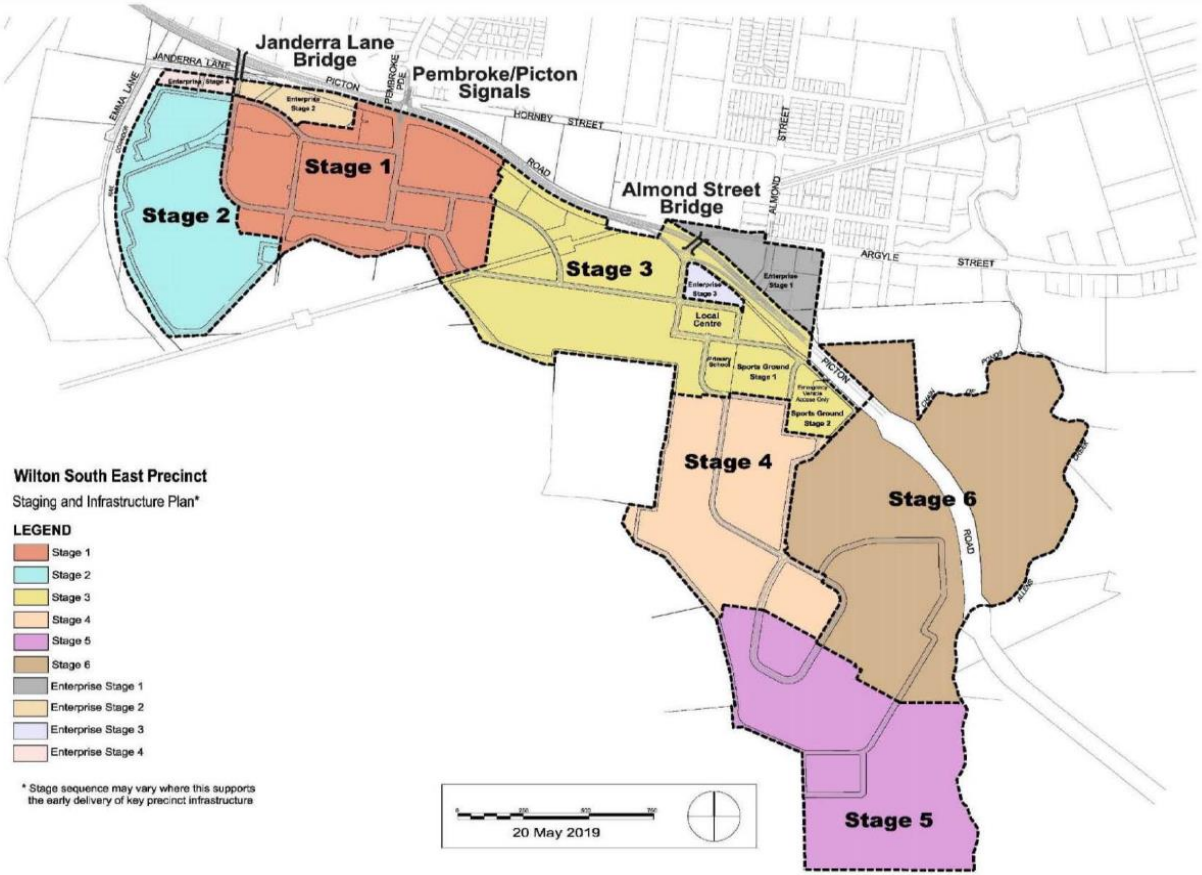


Figure 10 Wilton South East Precinct (Schedule) - Water Cycle Management Strategy

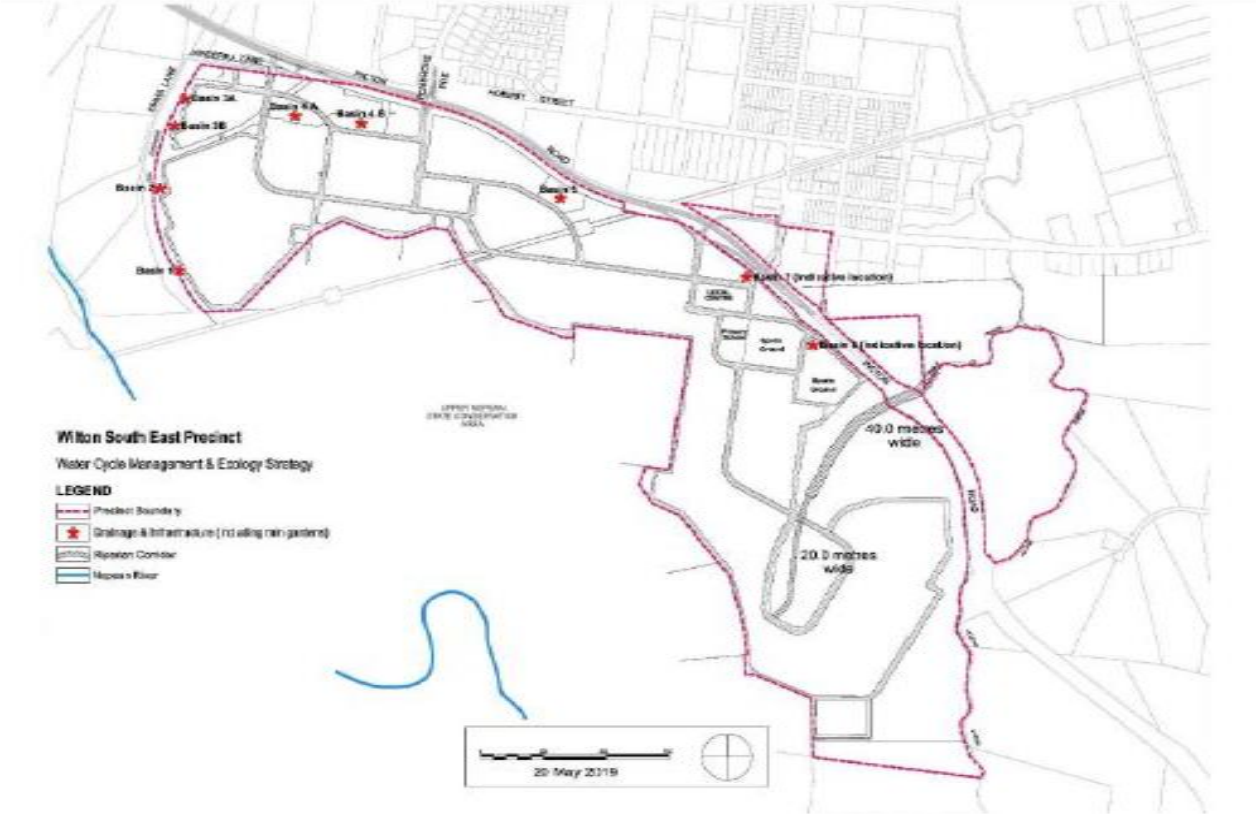


Figure 11 Wilton South East Precinct (Schedule) - Aboriginal and European Cultural Heritage Sites

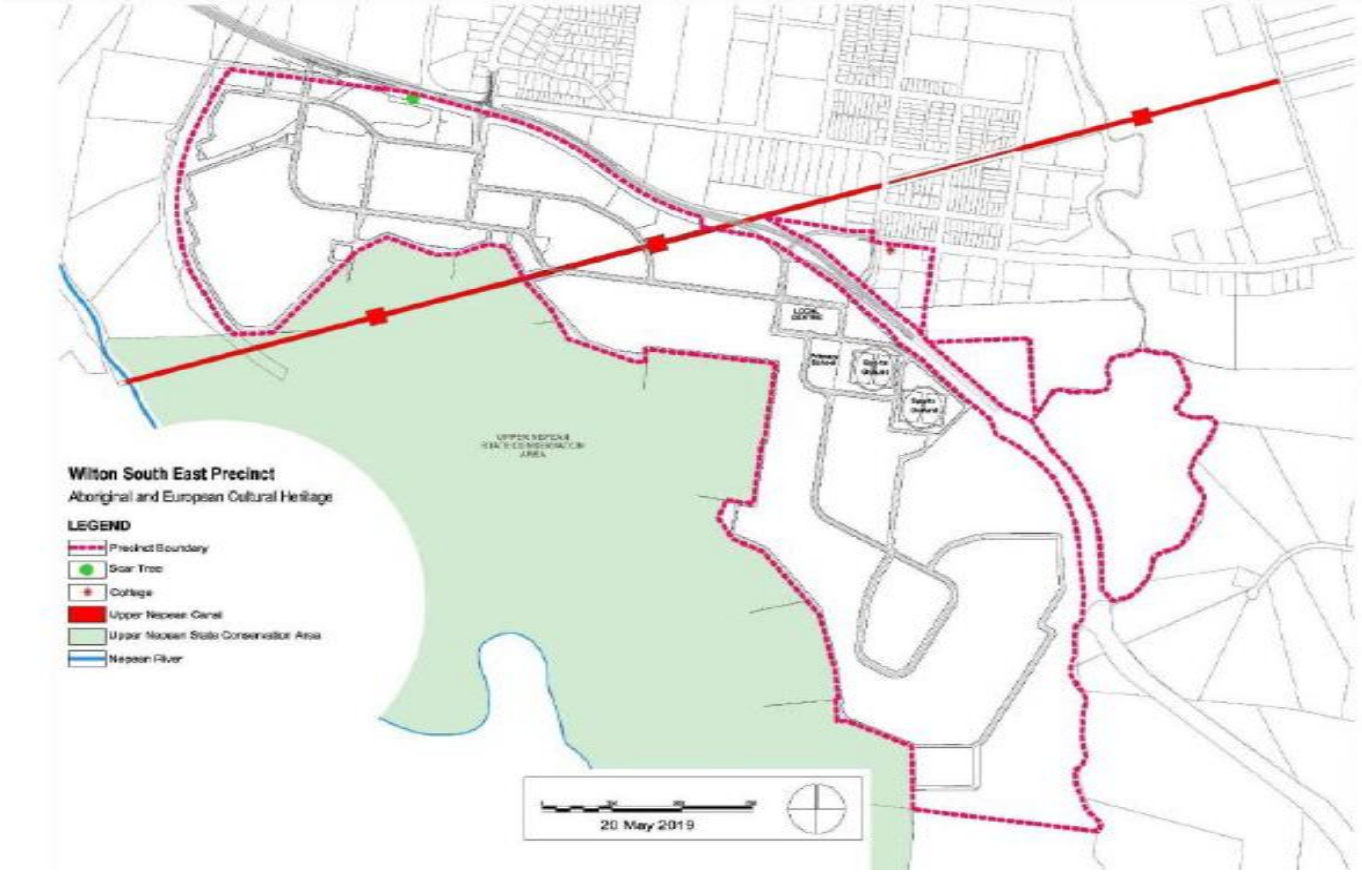


Figure 121 Wilton South East Precinct (Schedule) - Bushfire Risk and Asset Protection Zone Requirements

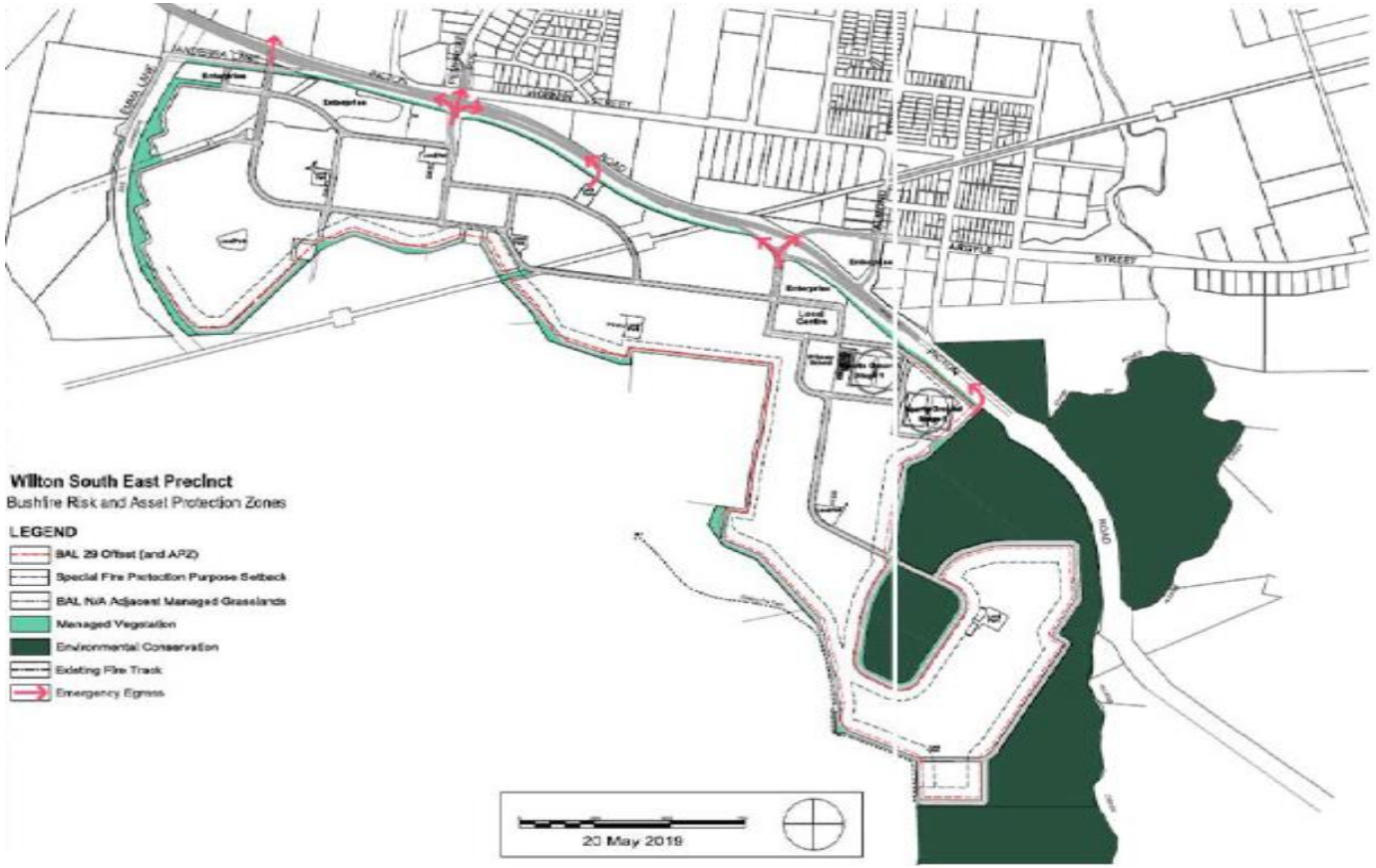


Figure 13 Wilton South East Precinct (Schedule) – Public Transport Plan

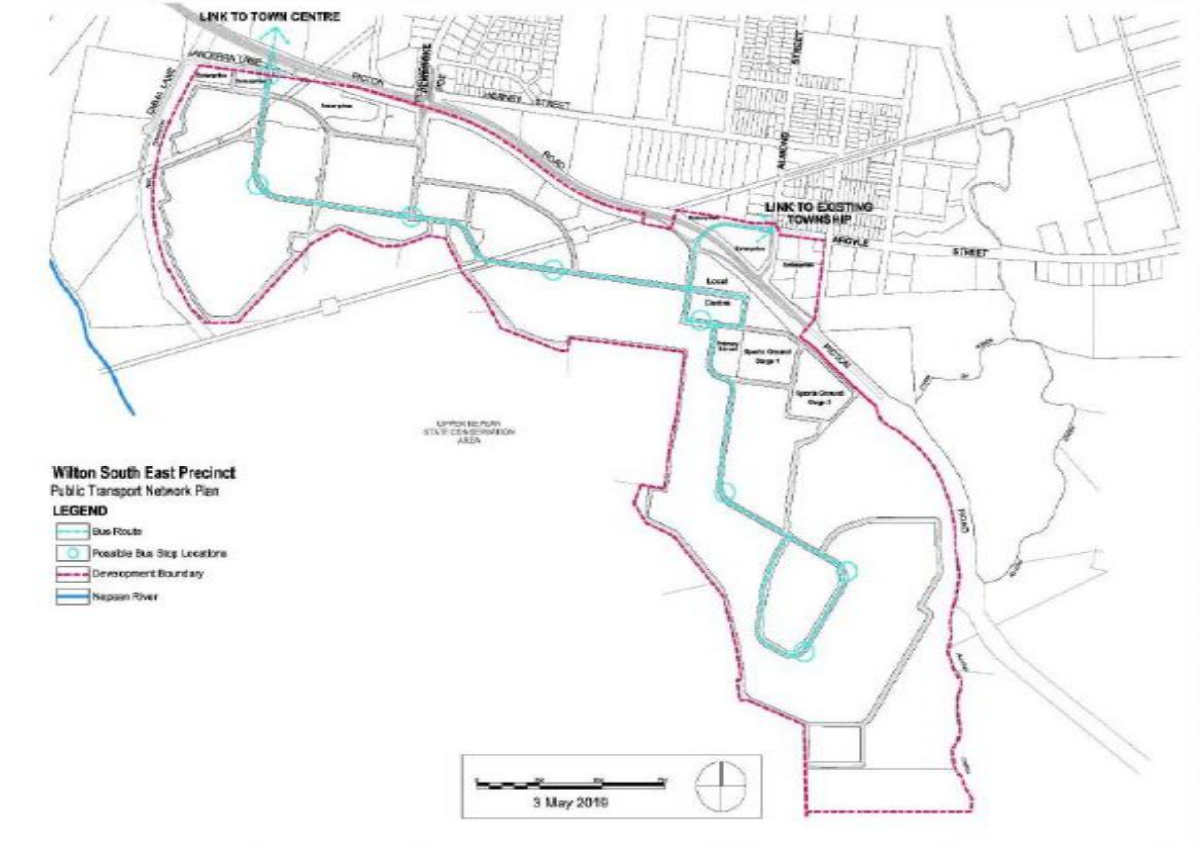


Figure 14 Wilton South East Precinct (Schedule) - Open Space and Recreation Network

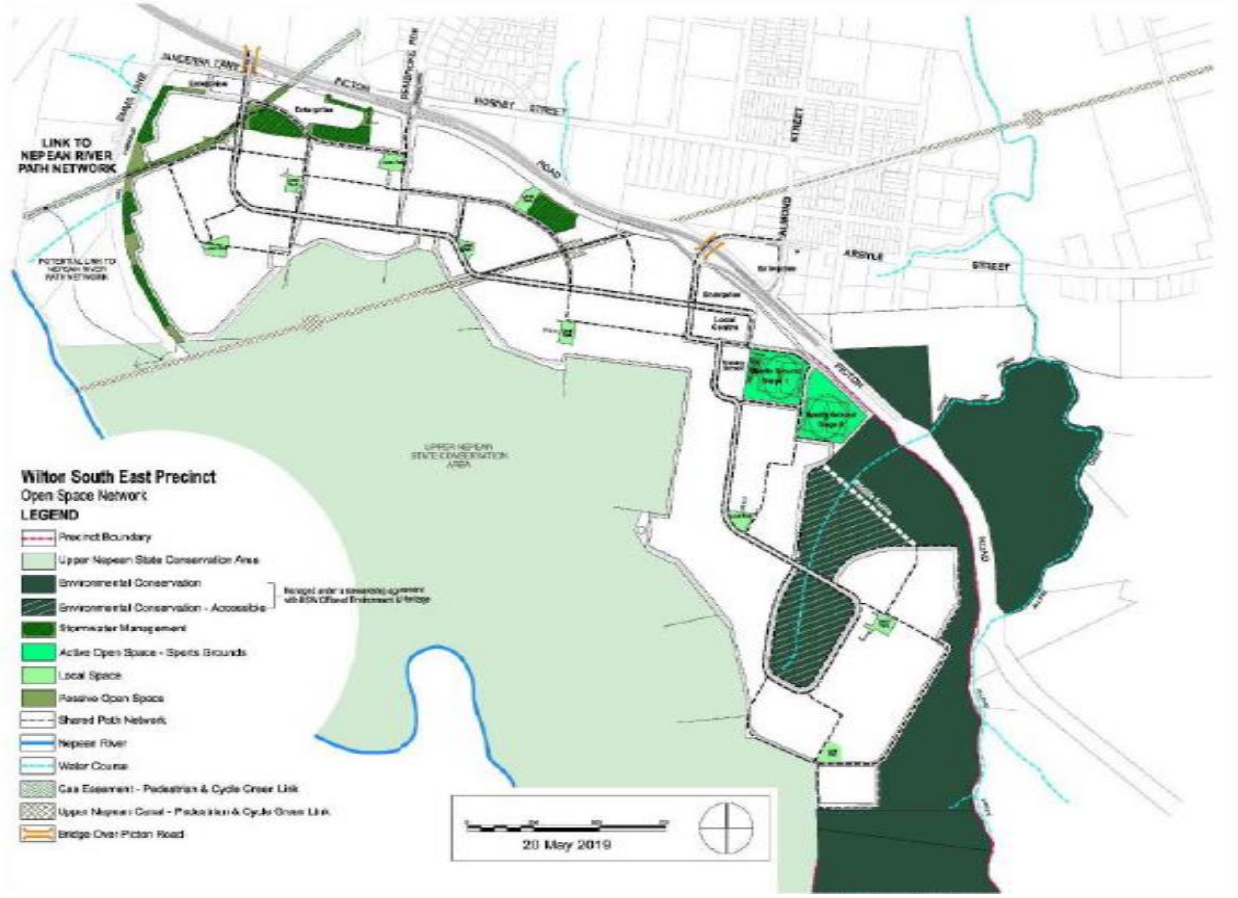


Figure 15 Wilton South East Precinct (Schedule) - Gas infrastructure

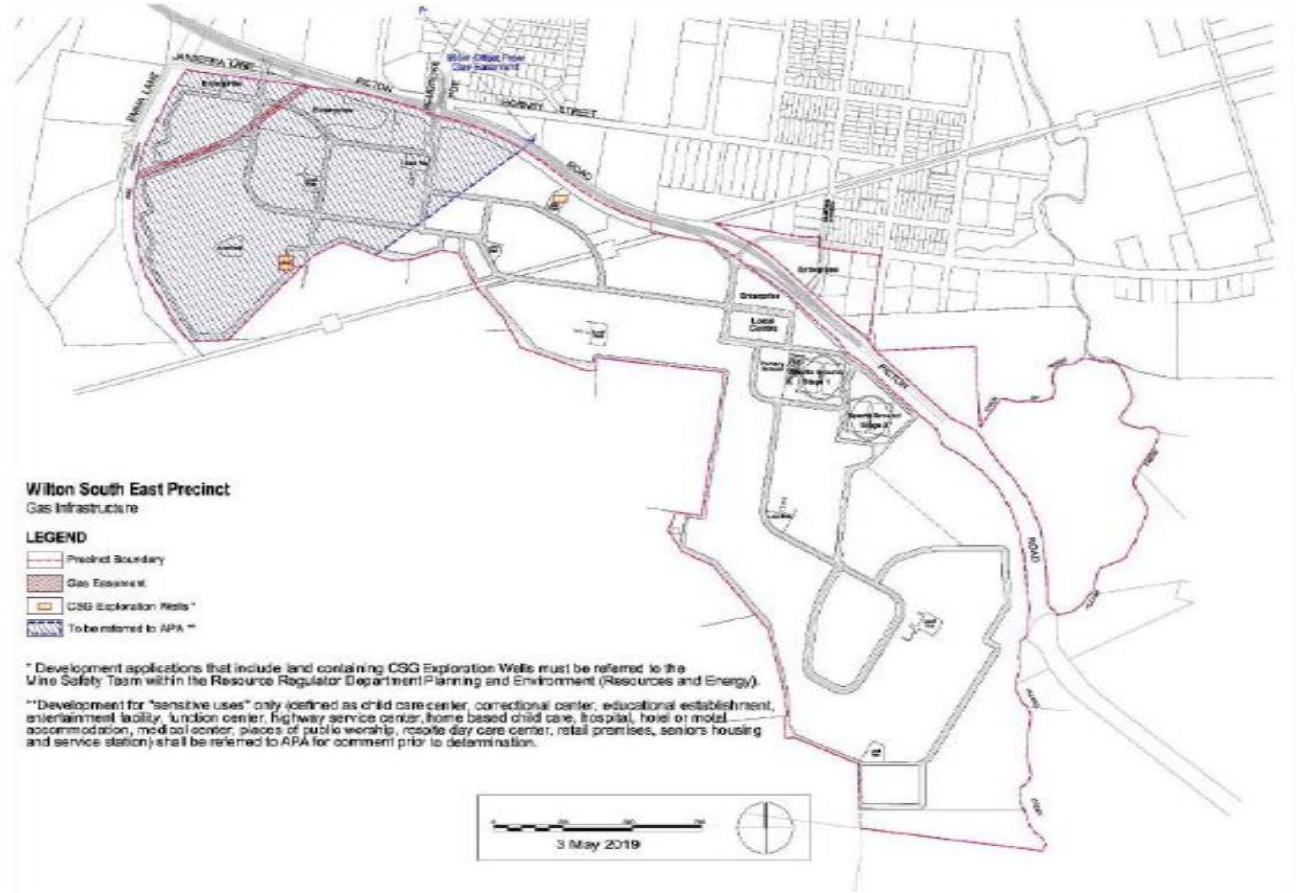


Figure 16 Wilton South East Precinct (Schedule) - Precinct Road Hierarchy Plan

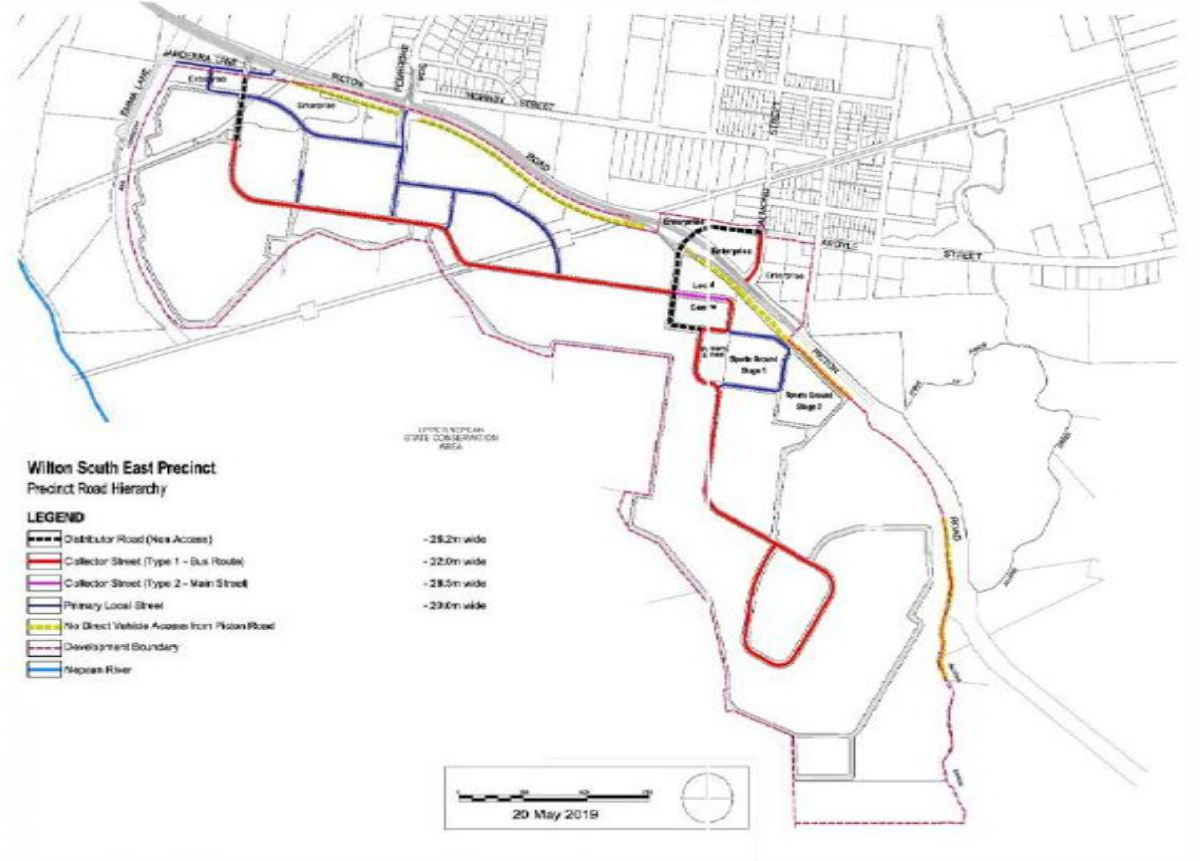


Figure 172 Wilton South East Precinct (Schedule) - Pedestrian Cycle Network Plan

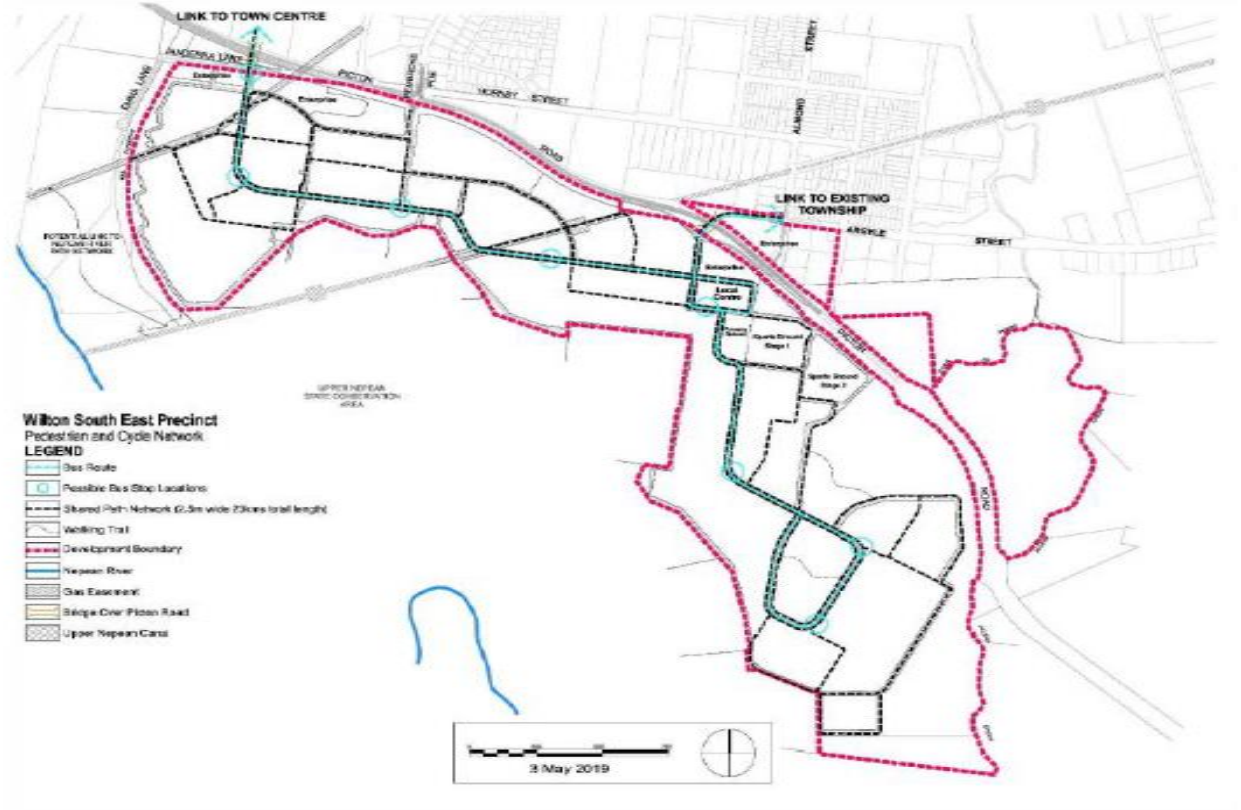


Figure 18 Wilton South East Precinct (Schedule) – Koala Corridor

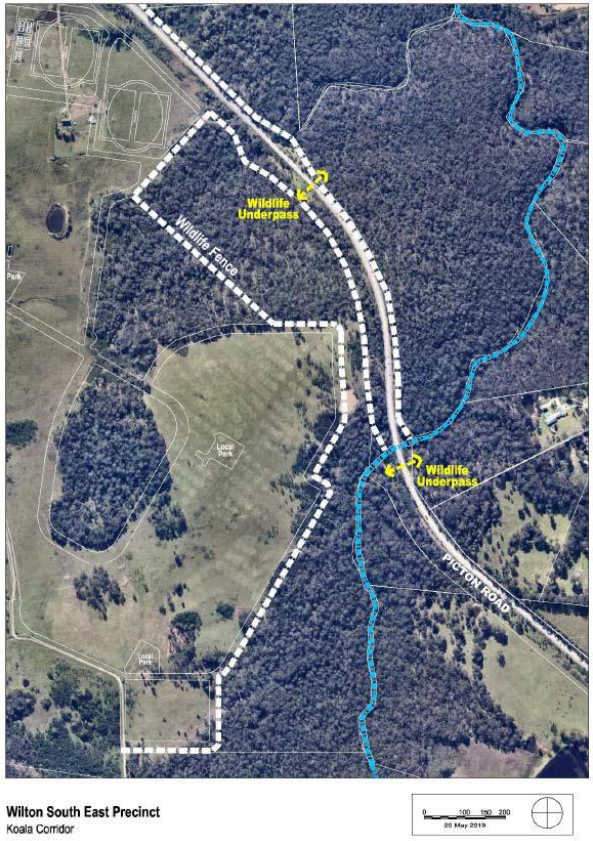


Figure19 Wilton South East Precinct (Schedule) - Noise Consideration Plan

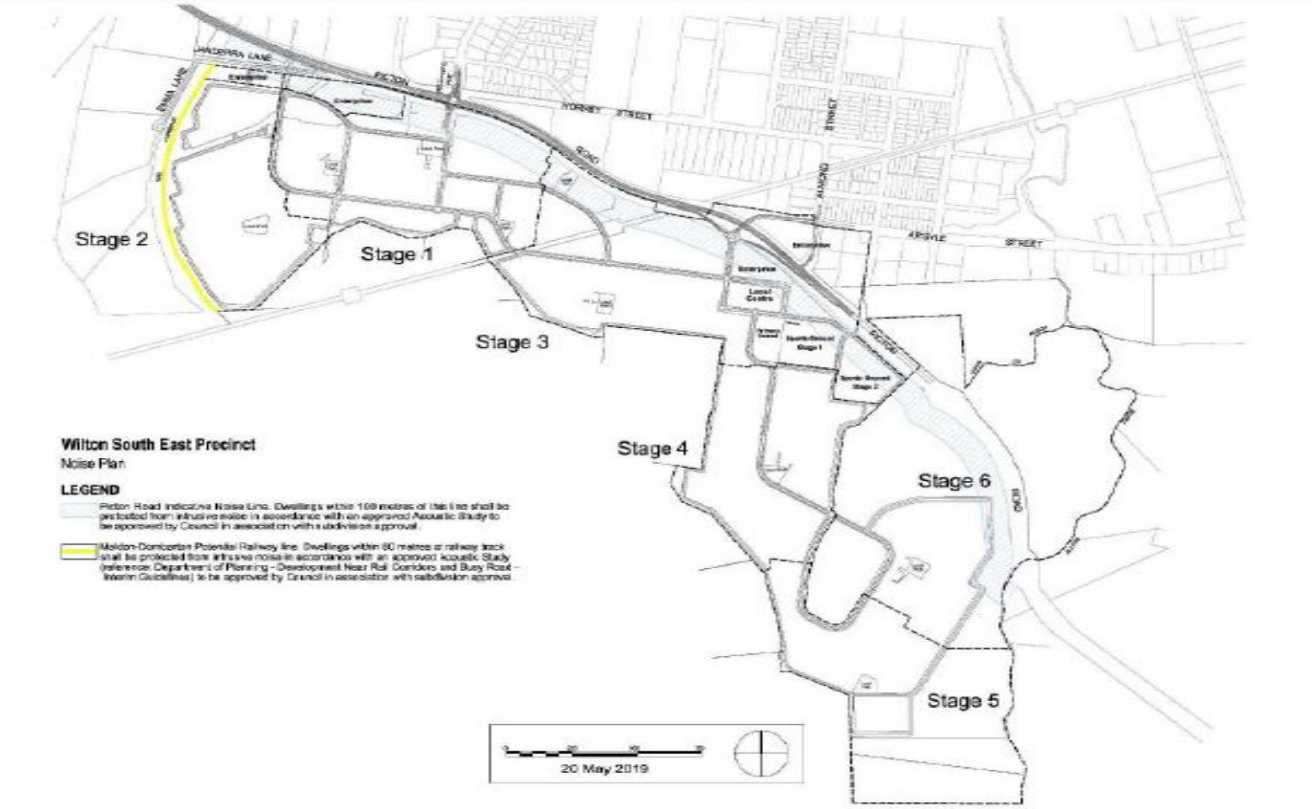
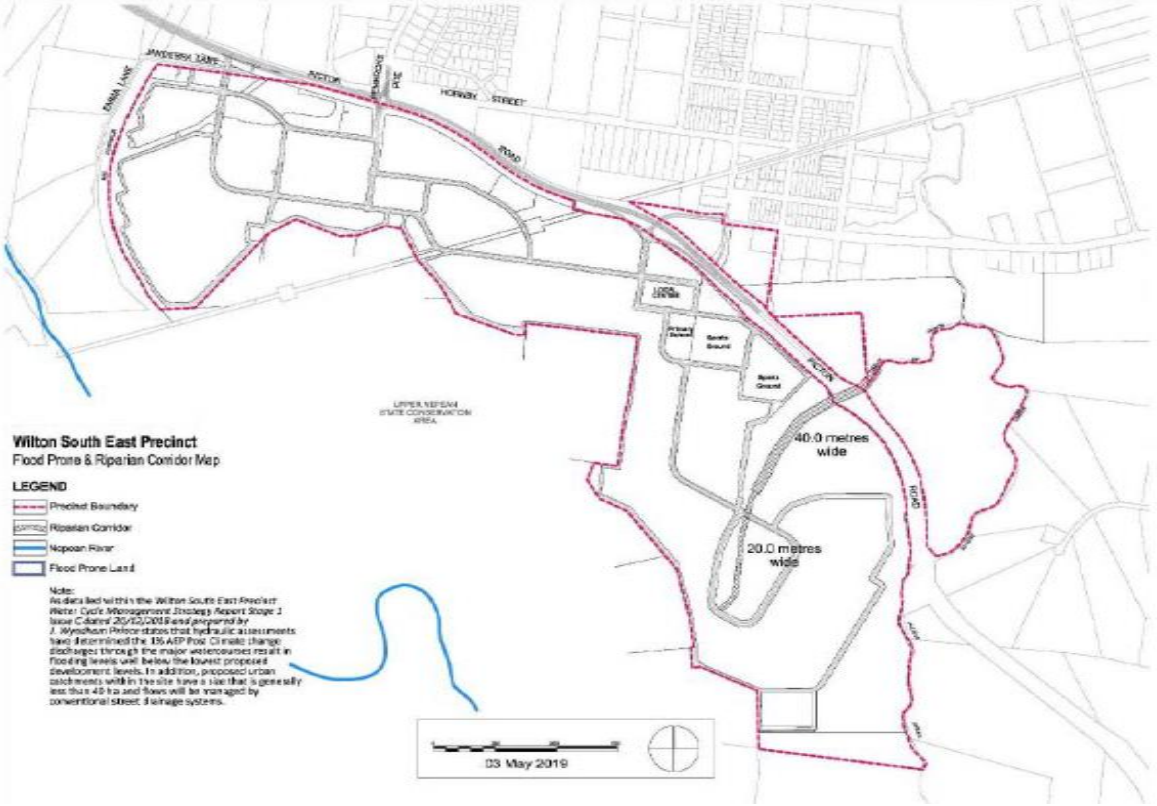


Figure 20 - Wilton South East Precinct (Schedule) - Flood Prone Land and Riparian Corridor



Appendix D **Wilton North Precinct (Schedule)**

Schedule of Amendment to Wilton North Precinct (Schedule)

Version	Date of Council Adoption	Effective Date	Description

Figure 21 Wilton North Precinct (Schedule) - Land Application Map

Figure 22 Wilton North Precinct (Schedule) - Structure Plan

Commented [EB57]: Issue with the lake – the lake will not be owned by Council.

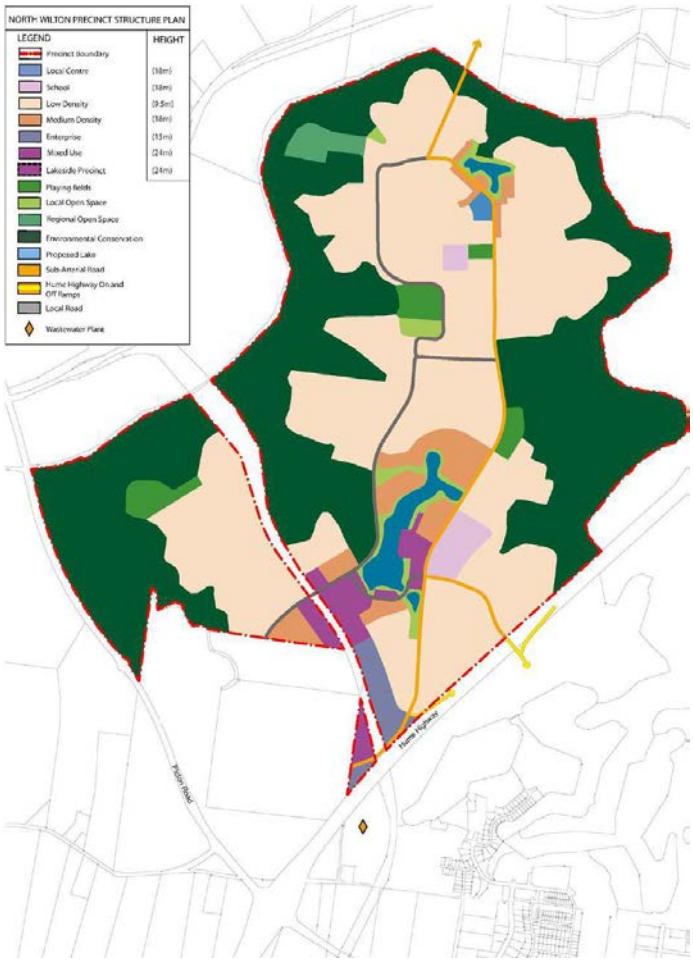


Figure 23 Wilton North Precinct (Schedule) - Staging Plan

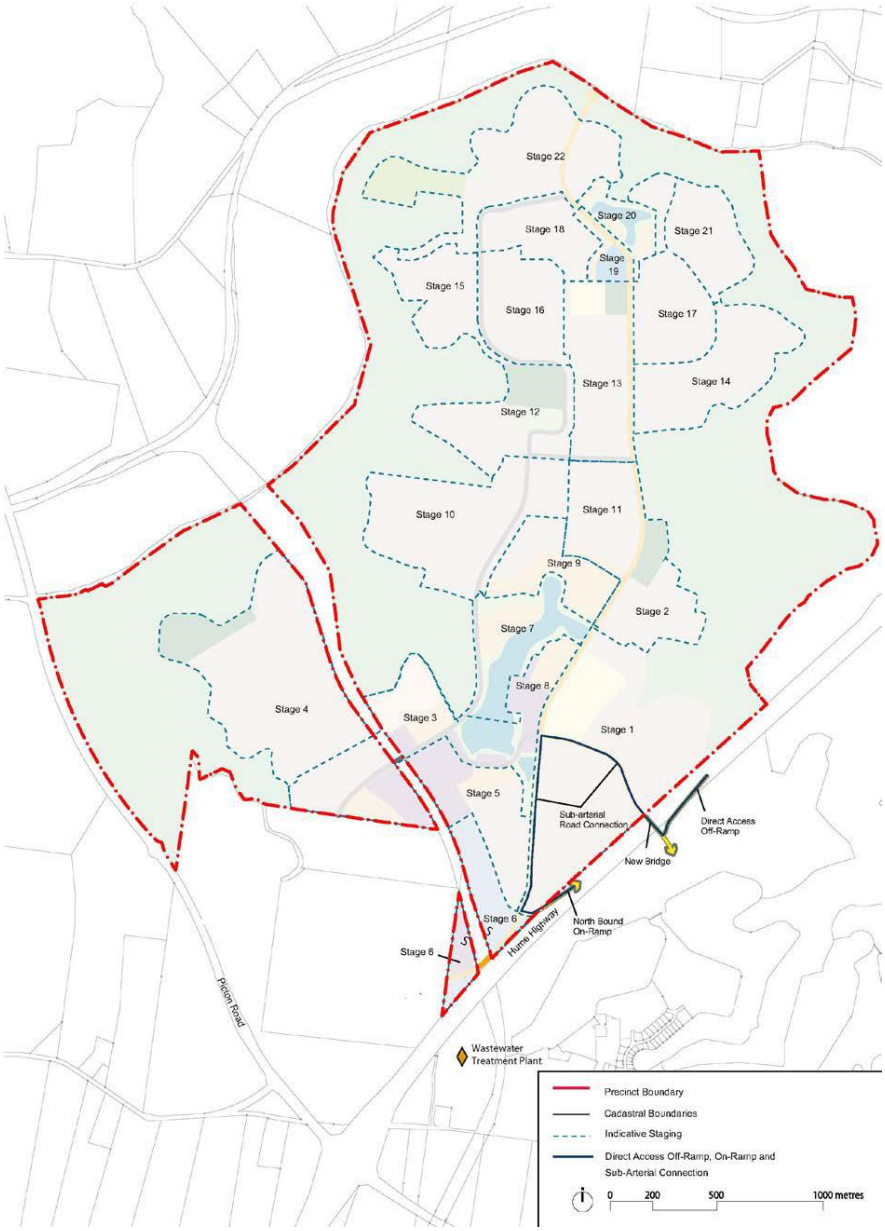


Figure 24 Wilton North Precinct (Schedule) - Water Cycle Management Strategy

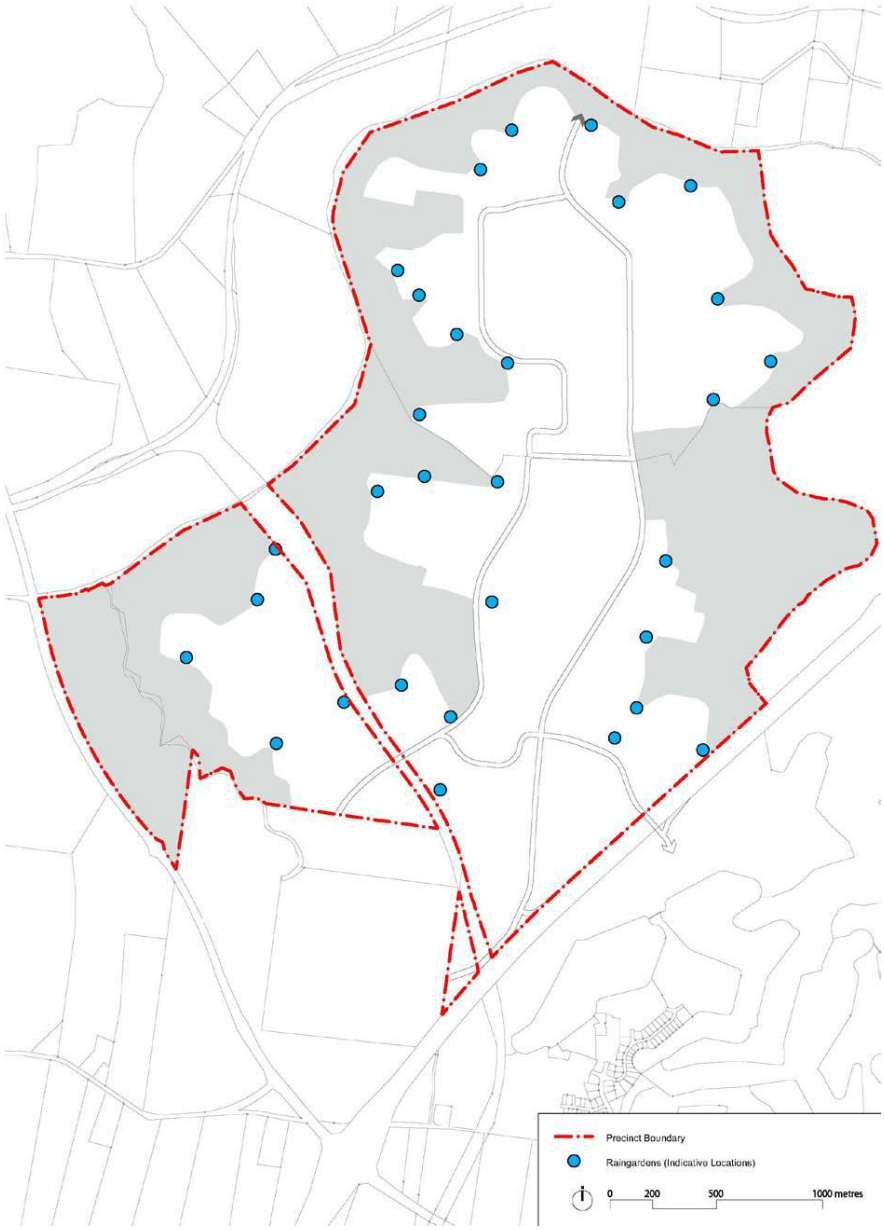


Figure 25 Wilton North Precinct (Schedule) - Aboriginal and Cultural Heritage Sites

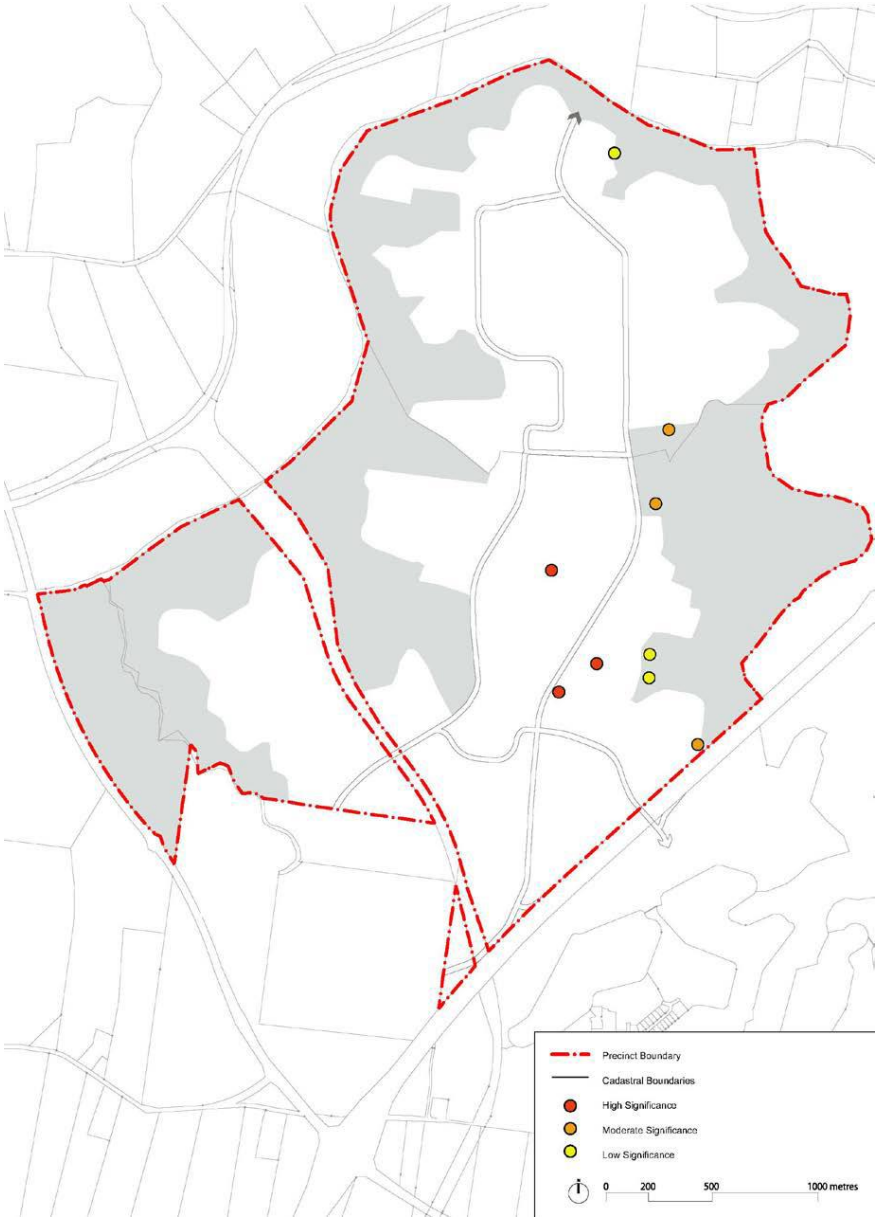


Figure 26 Wilton North Precinct (Schedule) - Bushfire Prone Land

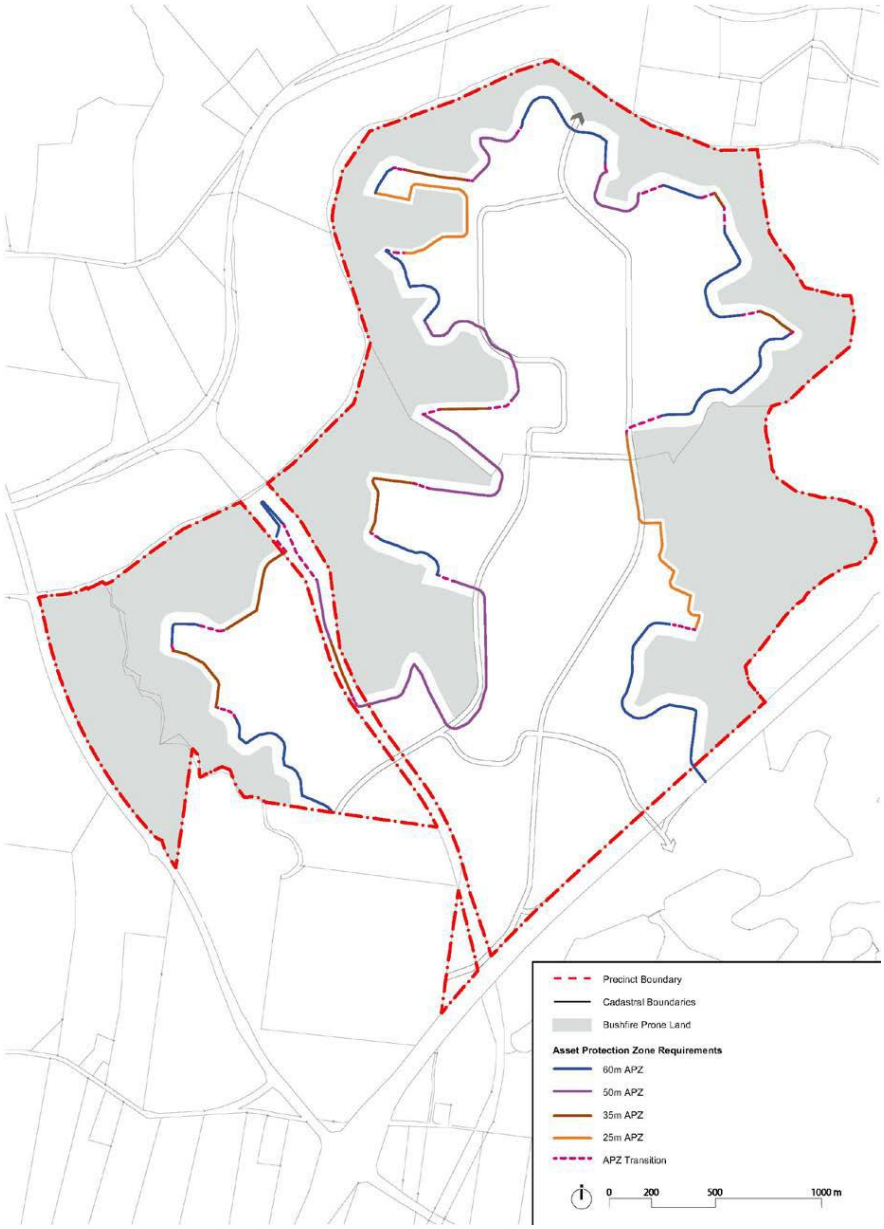


Figure 27 Wilton North Precinct (Schedule) - Public Transport Plan

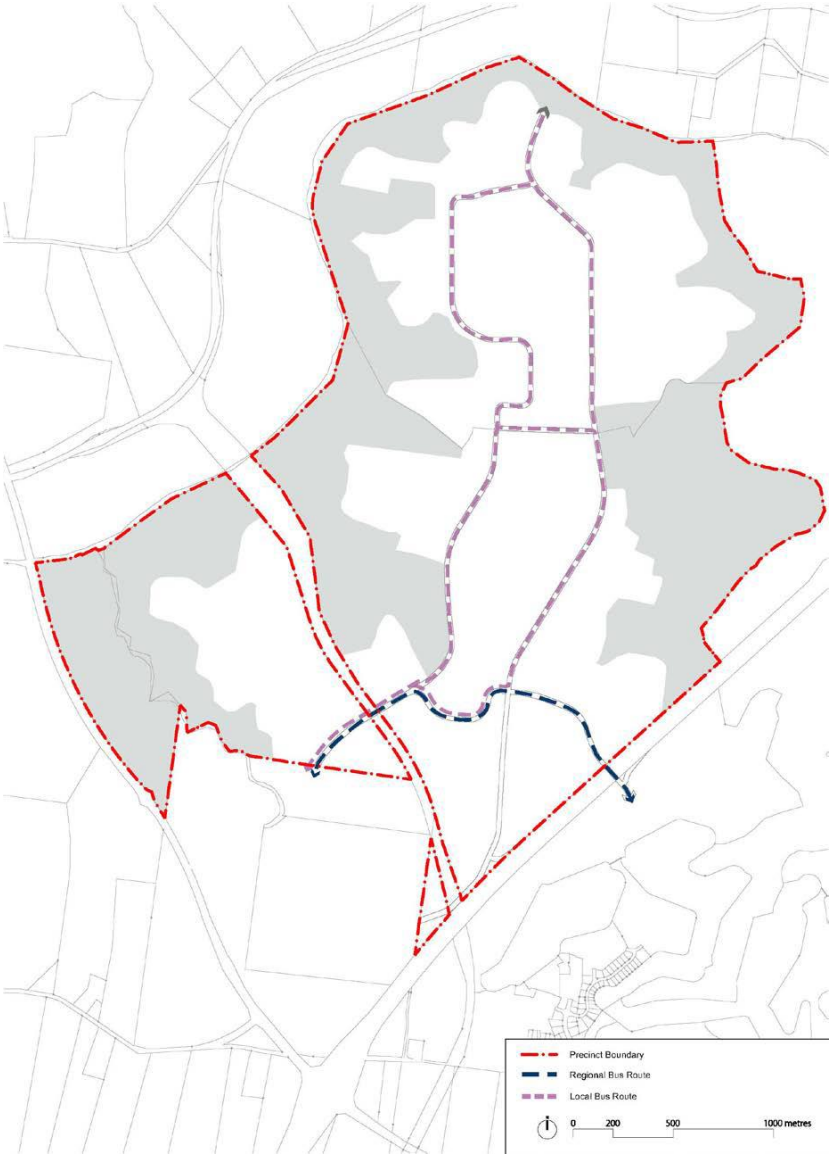


Figure 28 Wilton North Precinct (Schedule) - Open Space and Recreation Plan

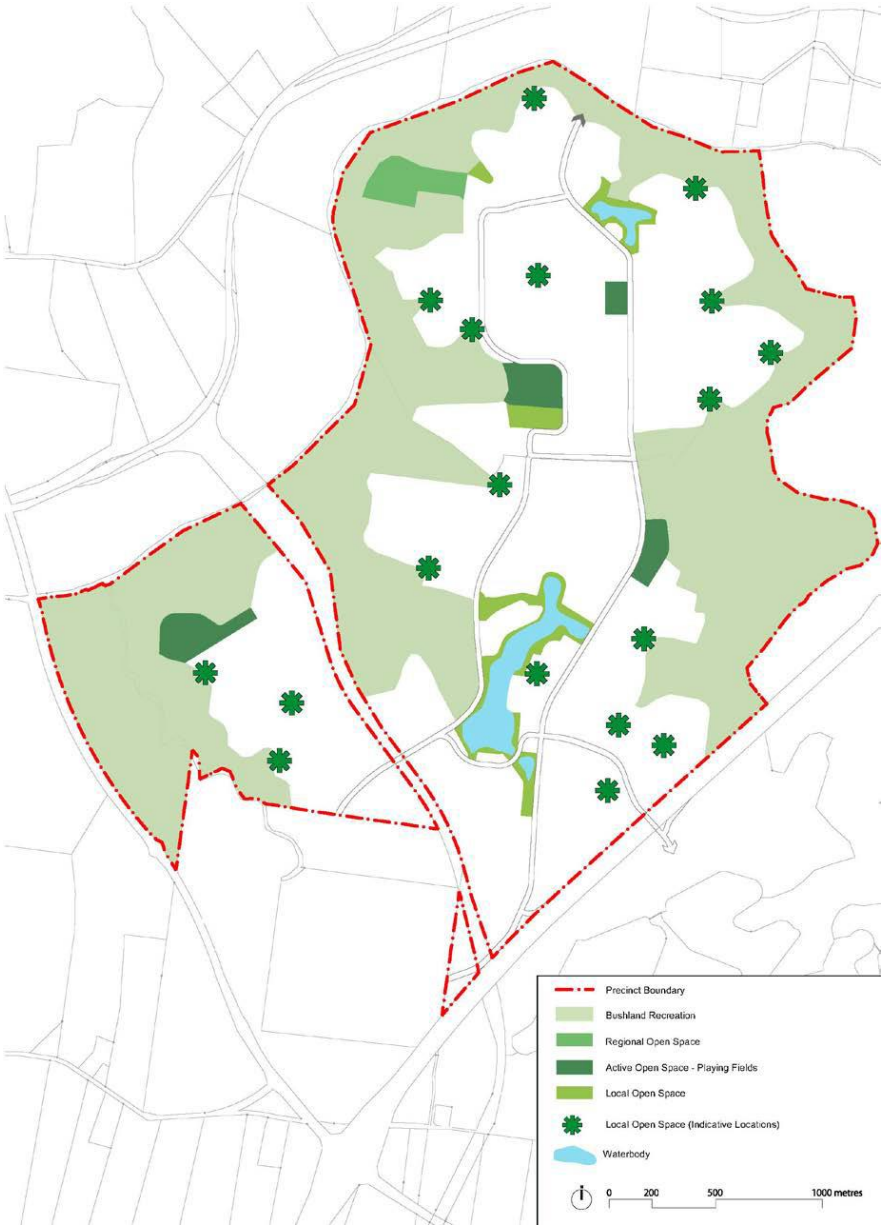


Figure 29 Wilton North Precinct (Schedule) - Road Hierarchy Plan

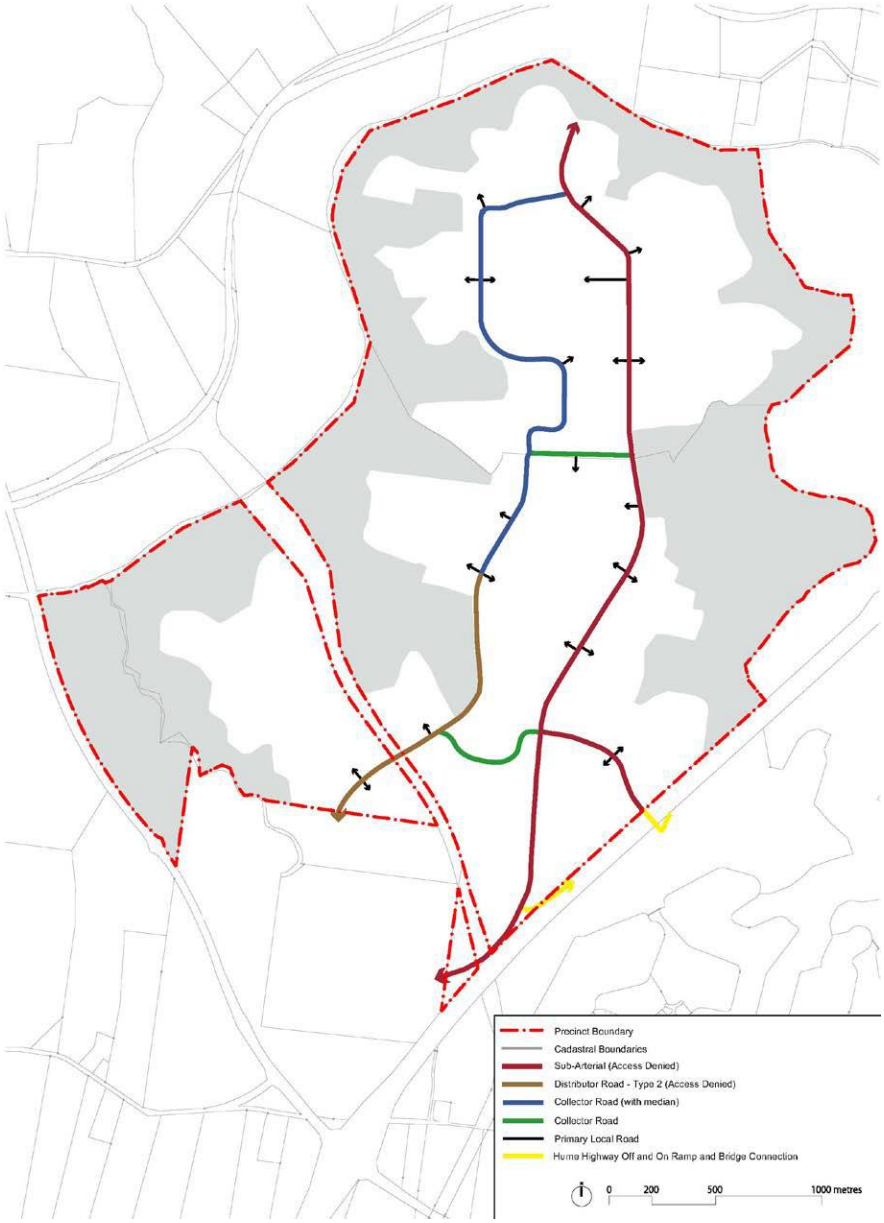


Figure 30 Wilton North Precinct (Schedule) - Pedestrian Cycle Network Plan

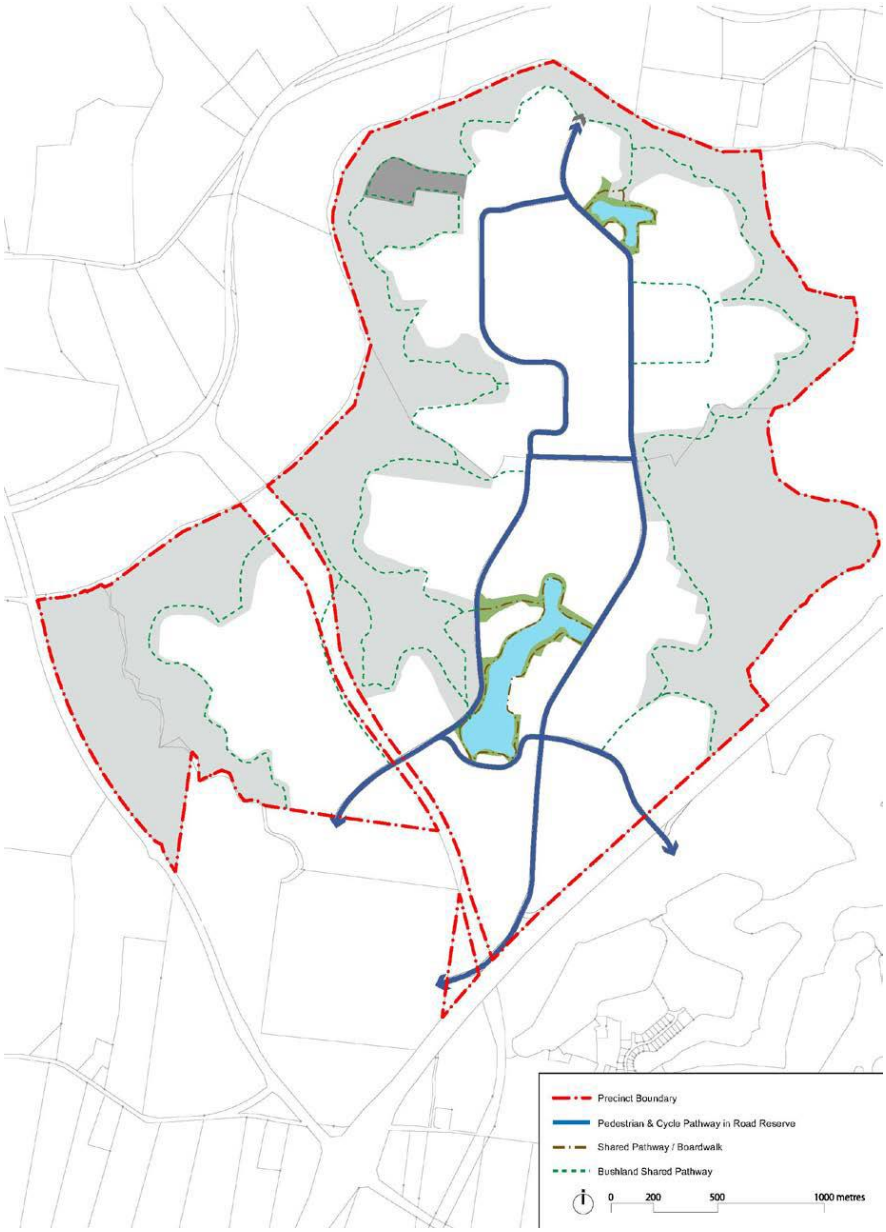


Figure 31 Wilton North Precinct (Schedule) - Noise Consideration Plan

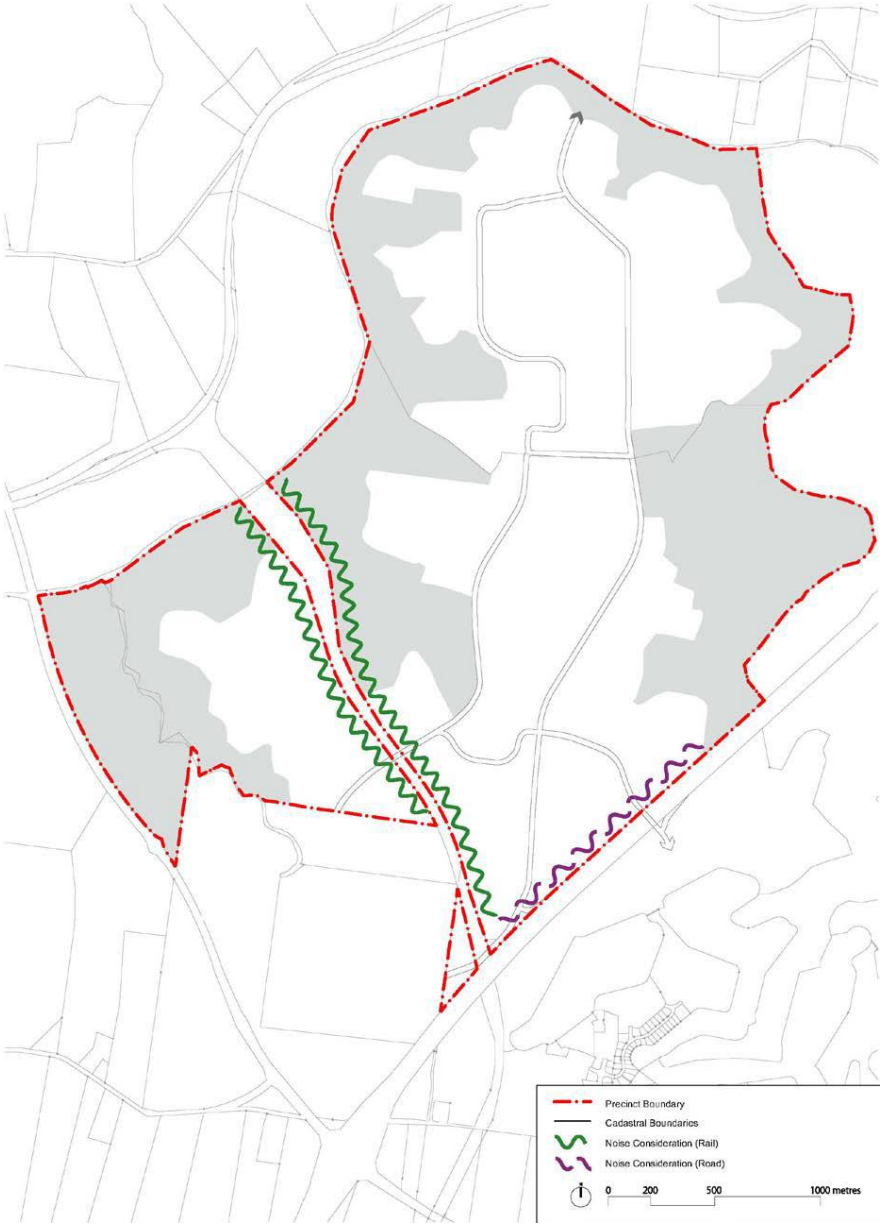


Figure 32 Wilton North Precinct (Schedule) - Special Urban Areas

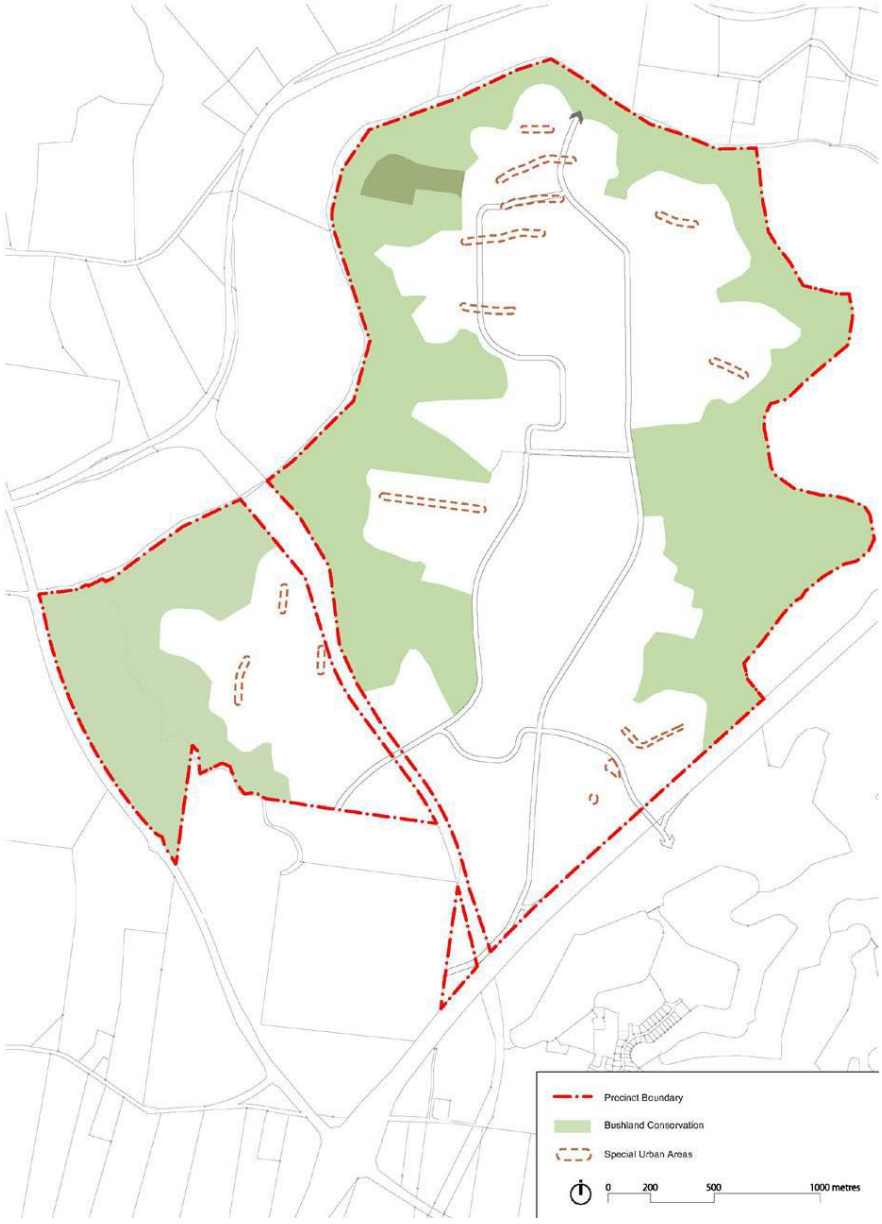
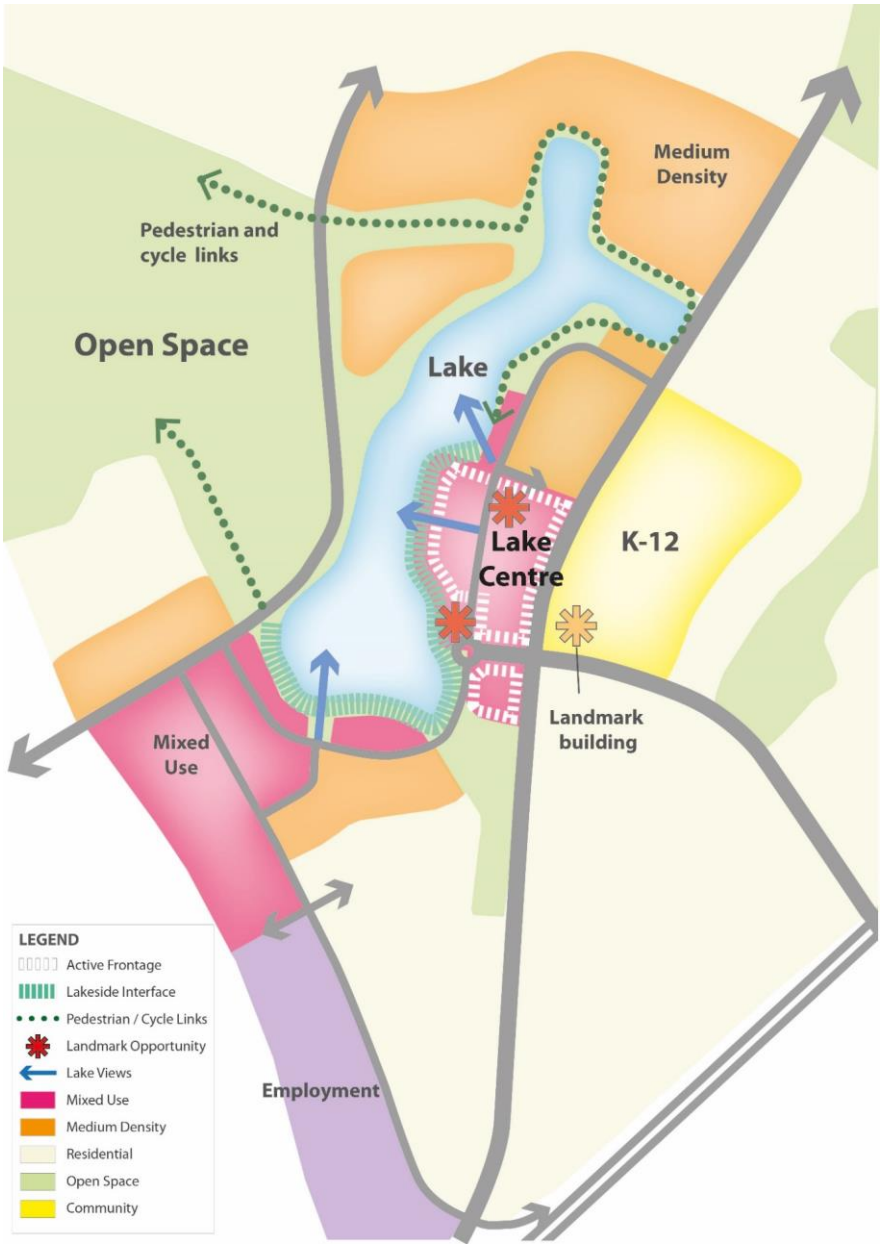


Figure 33 Wilton North Precinct (Schedule) - Lakeside Activity Hub Development Principles



Appendix E Prescribed Tree and Preferred Species Policy