



What We Heard - Wilton Growth Area Draft Development Control Plan 2021

What We Heard Report



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About this report

This report details the consultation on the Draft Wilton Growth Area Development Control Plan 2019, released by the Department of Planning, Industry and Environment (the Department) in collaboration with Wollondilly Shire Council. The Draft Wilton Growth Area Development Control Plan 2019 (the DCP) provides detailed development controls for urban development within the rezoned South East Wilton and North Wilton Precincts, which will be in the first stages of development of the Wilton Growth Area.

This paper consists of 3 sections:

- Exhibition and Consultation
- Submission Analysis
- Key Themes and Department Response

Wilton Growth Area Development Control Plan

The Wilton Growth Area DCP has been prepared by the Department in collaboration with Wollondilly Shire Council and provides detailed planning controls for urban development in the Wilton Growth Area. The DCP supports the strategic direction and precinct planning principles for development of the growth area contained in *Wilton 2040 – A Plan for the Wilton Growth Area*.

The DCP applies to the South East Wilton and North Wilton Precincts, which have been rezoned for primarily low density residential development. The purpose of the DCP is to:

- Communicate the planning, design and environmental objectives and controls against which the Council will assess Development Applications (DA's).
- Consolidate the planning controls for the Wollondilly Shire Council's Growth Area Precincts.
- Ensure the orderly, efficient and environmentally sensitive development of the Precincts as envisaged by Wilton 2040: A Plan for the Wilton Growth Area (Wilton 2040) and State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- Promote high quality urban design outcomes within the context of environmental, social and economic sustainability by providing clear, consistent and rigorous objectives to achieve good design throughout the development process.
- Promote a network of green spaces, natural systems and semi-natural systems including parks, rivers, bushland and private gardens that are strategically planned, designed and managed to support a good quality of life in an urban environment.
- Support the health and wellbeing of local residents and workers by promoting physical activity, transport choice and accessibility, access to employment and education opportunities, social infrastructure, housing diversity and affordability, access to healthy food, a desirable and safe public domain, opportunities for recreation and entertainment, access to the natural environment, and a sense of place and community identity.

It is anticipated that this DCP will be amended in the future to include:

- A schedule for the Wilton Town Centre Precinct (to complement the future rezoning of the Wilton Town Centre Precinct under the Growth Centres SEPP).
- Urban Design Principles and development controls for the Wilton Town Centre, local town centres and employment areas.
- Neighbourhood Plans prepared by Proponents as amendments to the DCP.



Wilton Growth Area Structure Plan – Source: *Wilton 2040 – A Plan for the Wilton Growth Area*

Exhibition and Consultation

The Department exhibited the DCP between 7 August and 18 September 2019. A total of 41 submissions were received from the public and government agencies.

Wollondilly Shire Council held community information sessions on the DCP during the exhibition period. Submissions covered a range of issues which have been categorised into the following overarching themes:

- Environment
- Biodiversity
- Infrastructure
- Planning Controls
- General

Submissions ranged from very technical analyses of the exhibited DCP's provisions, to high level consideration of the introduction of new provisions addressing biodiversity, sustainability, resilience and the greening of the Wilton Growth Area precincts.

Following detailed consideration of the issues raised in the submissions, the Department restructured the draft DCP and undertook targeted consultation in June 2020 with Council, the development industry and the main proponents in the Wilton Growth Area.

A final round of targeted consultation was undertaken in May 2021 with Council, the development industry and proponents focussing on streetscape design and cross-sections to be included in the DCP.

A discussion of the key issues raised in the submissions and the Department's proposed response can be found in the following sections.

Submissions Analysis

Of those that responded by submission, 42% related to DCP planning controls, followed by environmental issues (23%), general comments (17%), infrastructure issues (12%) and biodiversity matters (6%). These key themes are shown below in **Figure 1**.

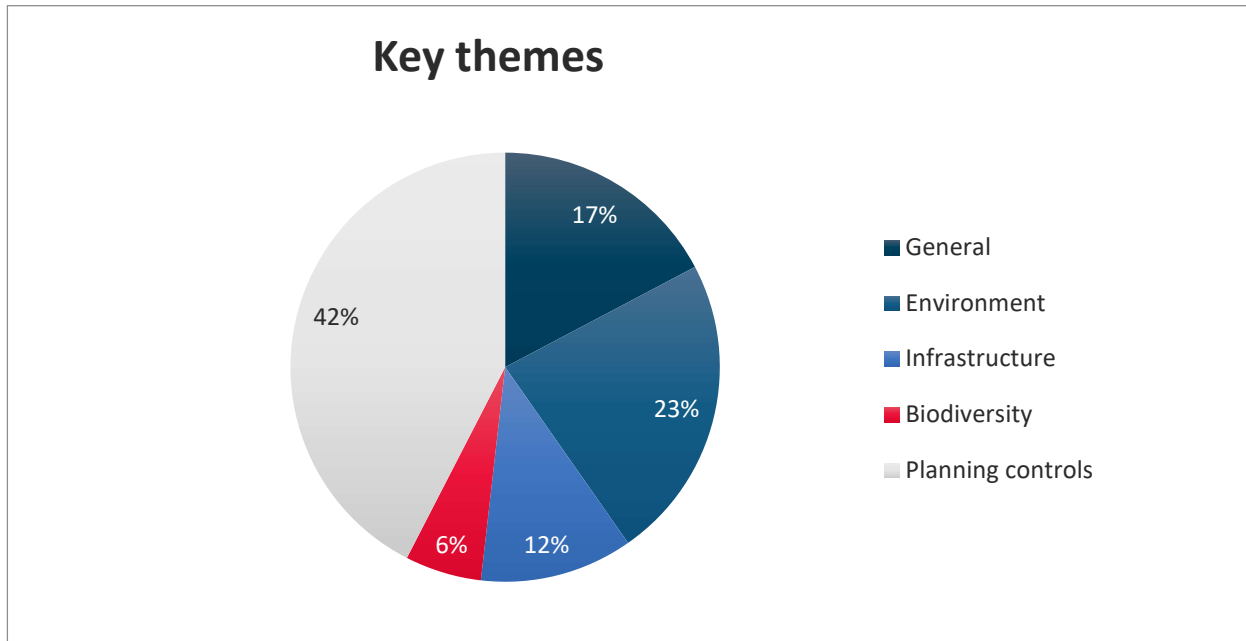


Figure 1: Overarching Themes from DCP Submissions

A total of 32 public submissions were received. Of the public submissions:

- 34% were from local residents
- 29% were from residents who lived in the nearby suburbs of Camden, Campbelltown, the Southern Highlands region and Wollongong
- 31% were from development companies, consultancies, asset operators
- 6% lived elsewhere in the Sydney region

Local residents were most concerned with:

- Water – servicing and integrated water management
- Public transport provision to the growth area as development occurred
- Impacts on air quality during construction and adjoining major transport corridors
- Future traffic capacity

Industry Groups and Proponents were most concerned with:

- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP) not being applied to the Wilton Growth Area
- Concern about the introduction of the Neighbourhood Plan requirement as an additional step in the approvals process
- Inclusion of specific residential development provisions that were inconsistent with the Greenfields Housing Code provisions
- Biodiversity provisions uncertain and restricting development of identified urban capable land

A total of 9 NSW Government Agency submissions were received. These Government Agency submissions were most concerned with:

- Planning Controls – Noise and Acoustics
- Planning Controls – Roads and Pathways
- Schedule 1 – South East Wilton Precinct

Initial Response to Submissions

Agency requirements have been incorporated into the DCP, where appropriate.

As a result of the first round of submissions, the DCP was restructured in Council's preferred format, and then further refined to improve its readability and organisation.

The subsequent targeted consultation undertaken with the development industry (Housing Industry Association and Urban Development Institute of Australia), Wilton Growth Area proponents and Council allowed for further examination of the operation of the restructured draft DCP, and informed a review of the following provisions:

- “Grandfathering” of Stage 1 Development Applications already submitted or approved for Wilton Growth Area precincts
- Removal of reference to Council policies or strategies not consistent with State government policies, strategies or guidelines
- Application of the Greenfield Housing Code (GHC) to the Wilton Growth Area
- Amend or remove requirements for Neighbourhood Plans
- Earthworks and flooding controls
- Water cycle management
- Biodiversity
- Retention and planting of street trees and vegetation and tree canopy targets
- High ecological value waterways
- Bushfire Hazard management
- Odour, noise and air quality
- Development near or on gas easements
- Development near the Maldon to Dombarton Freight Rail Corridor
- Residential density principles
- Block and lot layout
- Residential Design Principles, setbacks, landscaping, parking and vehicle access and egress, attached or abutting dwellings
- Biodiversity
- Precinct schedules
- Glossary definitions
- Appendix C – High Value Waterways – Table of Indicators
- Appendix D – Prescribed trees and preferred species
- Movement (street cross-sections and design)

The following sections discuss in more detail the responses to the key points raised in submissions and through the targeted consultation.

Analysis of Key Themes and Department Response

The 5 key themes are further discussed in the following pages under these topics:

Environment

- Water Cycle Management
- Air quality
- Vegetation protection

Biodiversity

- Koalas
- Biodiversity Certification

Infrastructure

- Arterial Road Network
- Rail and Public Transport
- Water and wastewater servicing

Planning Controls

- Residential Development
- Neighbourhood Plans
- Noise and Acoustics
- Street Cross-sections and Designs Roads and Pathways
- Precinct Schedules

These are shown below in **Figure 2** based on the number of times they were mentioned within the submissions.

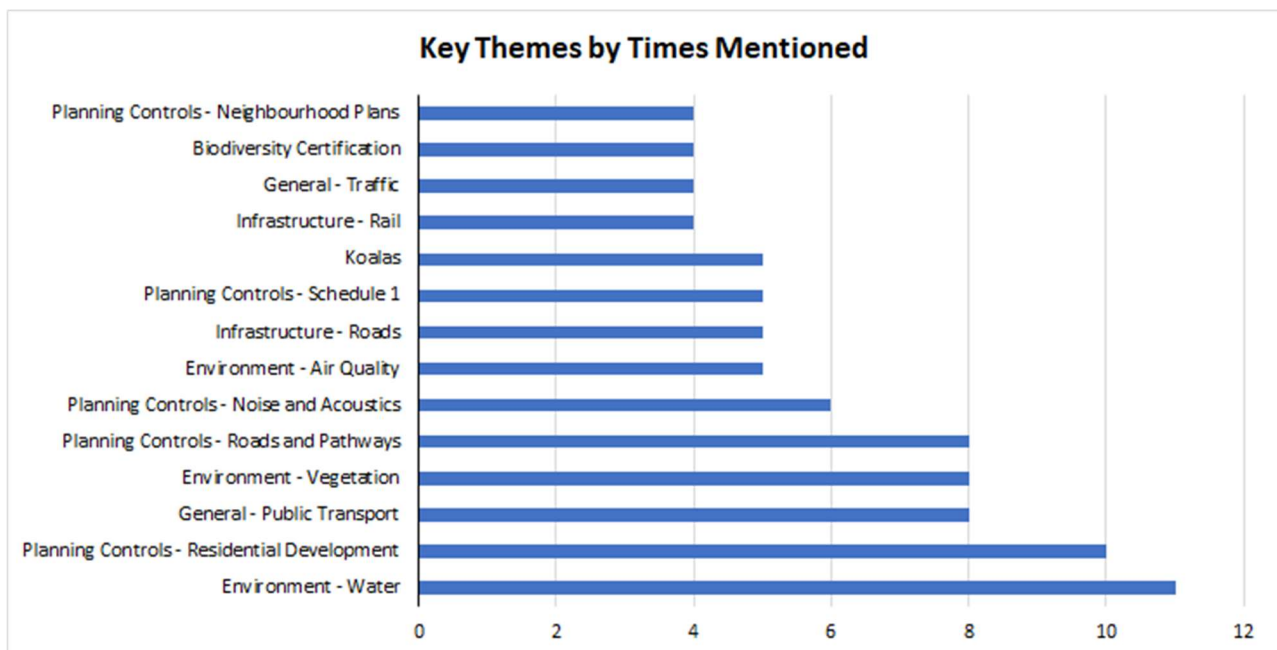


Figure 2: Key Themes from DCP Submissions

Environment

Environmental issues were raised in relation to:

Water Cycle Management

The supply of water and water cycle management for the Wilton Growth Area was raised as a major concern. Submissions flagged concerns that further development should not occur until a water management strategy is in place. A reliable source of potable water supply for the growth area considering the recent drought conditions in NSW was also mentioned. Submissions suggested that water sensitive urban design (WSUD) objectives and controls should be strengthened.

Sydney Water's submission stated its 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).

Department Response

The DCP contains water cycle management objectives and controls to encourage innovative solutions. Submissions on these provisions were reviewed through further consultation with Environment, Energy and Science (EES), the EPA and Council.

Following the advice of agencies and Council a number of these controls have been revised taking on board the intent of the suggested changes. Given the unique landscape setting and biodiversity values of Wilton, it is not considered appropriate to align these controls with other Growth Area DCP's. However, increased flexibility has been included in the final DCP provisions based on advice from EES.

Sydney Water Corporation (SWC) is developing a long-term plan for the whole Macarthur Region through informed and ongoing stakeholder engagement. The plan seeks to provide a holistic integrated water management strategy and identify servicing approaches that deliver the best value for customers while respecting the region's place values. This regional planning will also inform the longer term strategy for the Wilton Growth Area.

Air Quality

The monitoring and management of air quality in the growth area was raised in several submissions. Recommendations about an appropriate 100m buffer between future residential land and sources of pollution, such as the Hume Motorway/Picton Road and the Maldon-Dombarton freight rail corridor were identified in public submissions. A suggestion for the implementation of a dust control management plan during construction periods and drought conditions was also raised.

Department Response

Appropriate controls have been included in the DCP to address the need for buffers to major roads and the Maldon-Dombarton rail corridor. These controls are based on standard State agency design guidelines. Following consultation with the EPA, a new control has been added to allow alternative setbacks to be considered by Council, where development can demonstrate compliance with required noise, odour, vibration and air quality outcomes, supported by appropriate specialist studies.

Vegetation Protection

The protection and retention of mature trees was raised as vital planning control for the DCP. This was raised by the local community for Wilton to help achieve tree canopy targets. Proponents had a different view, that significant vegetation retention could lead to compromising urban development outcomes and obstruct street lighting. The suggestion of creating a drought management plan for the growth area was raised to ensure a sustainable water supply for growing trees could be achieved.

The submission from EES stated the DCP should include objectives and controls to ensure that the Neighbourhood Plan and future subdivision and development of the growth area 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.

Sydney Water recommended considering including 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.

Department Response

The DCP seeks to give effect to the Greater Sydney Region Plan and Western City District Plan identified target of 40% tree canopy. The DCP provisions were reviewed for workability and a number of refinements were made to provide clarity around:

- the intent of the target to be applied at the precinct / Neighbourhood Plan scale, with the need to demonstrate alignment / how this is developed through subsequent development applications
- the intent of the target to be applied across public and / or private land
- the use of Council Preferred Tree Species list
- Typical street sections that can support tree canopy in the public domain

Biodiversity

Biodiversity issues were raised by submitters in relation to:

Koalas

The koala fencing proposed in the South East Wilton Precinct Schedule was queried in several submissions. The Wilton Action Group stated the current koala fencing strategy has too many questions about the effectiveness of it and the community should be provided an opportunity to comment on the Koala Management Plan. A koala fencing strategy for the whole growth area is required rather than just a portion of a precinct.

The Total Environment Centre (TEC) commented that the koala fencing plan in Schedule 1 (South East Wilton Precinct) must be replaced by fencing and conservation requirements already outlined in OEH's *Conserving Koalas* report.

EES stated the 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 and specific objectives and controls for koalas 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 contain core koala habitat.

Department Response

The DCP contains biodiversity and riparian provisions to protect the natural and conservation areas from impacts from urban development, derived from the work being undertaken by the Department on the draft *Cumberland Plain Conservation Plan (CPCP)*.

Since the draft DCP was exhibited, the draft CPCP has been exhibited and further progressed. Arising from the CPCP, specific controls relating to koalas have been refined in the DCP to achieve the following objectives:

- retain and protect koala populations and their habitats through mitigating indirect and on-going impacts from development

- provide for the improved management of retained koala habitat in accordance with the Koala Habitat Protection SEPP, approved Koala Plans of Management (KPOM) and available mapping and science

Development controls relate to the land zoned Urban Development Zone and address subdivision design, signage, fencing, and tree species. Fencing requirements for koala corridors and habitat are being developed through the draft CPCP. This DCP aligns with the principles and requirements of the draft CPCP and implements key provisions of the draft CPCP.

Biodiversity Certification

Submissions stated that the DCP should not be adopted until the biodiversity certification of the growth area was completed. Additionally, a comment was made that development consent should not be granted until biodiversity certification and biobanking arrangements are approved. The completion of the CPCP was raised as important to the future planning of the growth area, specifically towards expediting future precinct planning and land release.

EES are not supportive of the proposed network of pathways within Environmental Conservation areas. The shared pathways proposed for North Wilton and Wilton South East Precincts will lead to fragmentation of vegetation and a degradation of biodiversity values as a result of disturbance and weed invasion.

Department Response

Biodiversity provisions have been updated to reflect current position with the draft CPCP and to align with model DCP provisions being prepared by the Department to achieve CPCP outcomes. Precinct schedules will be shown as indicative only to ensure that the CPCP requirements are incorporated in future neighbourhood plans.

It is anticipated that these controls may need to be further refined once the draft CPCP is finalised. This may require exhibition, depending of the extent of any updates to the DCP's biodiversity provisions.

Infrastructure

Infrastructure issues were raised in relation to:

Arterial Road Network

Submissions commented on the proposed upgrades of the Picton Road and Hume Motorway intersection, and the future traffic capacity concerns for the immediate area. Comments were made on local road upgrades (Almond Street and Pembroke Parade) and the concerns that increased traffic flow on these streets would be detrimental to the population of this area.

A public submission addressed safety concerns and requested that roads in residential areas should be planned for maximum 40km/h and that adequate vehicle-free and shared 10km/h zones be provided within town centres to ensure pedestrian safety and amenity.

Department Response

The strategic traffic modelling undertaken to support the declaration of the Wilton Growth Area for urban development assessed the need for increased capacity in the arterial road network to support development as it occurs. The Wilton Infrastructure Phasing Plan (IPP) provides a detailed delivery and costing of significant road upgrades which will be funded by proponents.

The street cross-section designs included in the final DCP provide for low speed environments in residential areas. Road design in town centres will be addressed in future amendments to the DCP (relating to the Wilton Town Centre and local centres and employment areas).

Rail and Public Transport

Submissions addressed the need to consider railway connectivity first, with the location of railway stations allocated now and not in the future leading to homes needing to be purchased to make way for a rail corridor. A submission also requested a guarantee for the preservation and integrity of the Maldon-Dombarton rail corridor by considering the adequacy of a 100m setback, particularly in relation to residential housing and that the setback allows for two tracks (freight and passenger services) in each direction.

Submissions also stated that public transport has not been adequately addressed in the DCP. There are major concerns surrounding the additional future population and the absence of an electrified commuter transport rail option creating significant traffic issues on the Hume Motorway. Several submissions recommended using the Maldon-Dombarton Corridor for new rail lines and a station be strategically placed within the growth area to provide easy access in and out of the area for future residents.

Department Response

The planning of public transport options occurs at the higher level growth area level, and is led by Transport for NSW (TfNSW). TfNSW is investigating new rapid public transport options to connect communities in Wollondilly and the Southern Highlands with Sydney's electrified rail network. New routes to be explored will include Bargo, Picton and Wilton to Campbelltown.

Neighbourhood plans as they are approved over the course of development of the Wilton Growth Area will incorporate or make provision for future rail and bus public transport. Bus network planning is being undertaken by TfNSW, and the DCP provides key elements of the bus network, including appropriate street design for bus routes.

Water and Wastewater Servicing

A number of public submissions raised concerns about how water and wastewater services would be provided to the Wilton Growth Area.

Department Response

Sydney Water (SWC) is working with developers and stakeholders to plan and deliver the ultimate drinking water, wastewater and recycled water infrastructure needed to service growth within the Wilton Growth Area. This work is being forward funded by developer(s). SWC is also exploring interim servicing (water and wastewater) with several developers.

Water and wastewater infrastructure to service the ultimate Wilton Growth Area will be planned, designed and delivered over three stages in line with the expected growth.

Planning Controls

Planning control issues were raised in relation to:

Residential Development

Submissions from proponents and the Housing Industry Association requested that the Exempt and Complying Codes State Environmental Planning Policy 2008 (the Codes SEPP) should apply to the Urban Development Zone (UDZ). These submitters requested that the Codes SEPP should be applied to allow home buyers to apply the same standards as in other areas of Sydney. Additionally, they requested the removal of the dwelling cap as they considered it is short-sighted and fails to recognise that urban areas constantly grow and evolve.

A public submission did not support more intense development around parks and quieter back streets. This submission stated that higher densities should be within 800m of core amenity. Additionally, the density caps should not be based on individual neighbourhood plans, assessed

separately; to ensure the cap is not exceeded and the density is distributed ideally. The submission recommends a full suite of neighbourhood plans is required to be completed and adopted by Council before the lodgement of the first DA, which will provide the checks and balances.

The Wollondilly Health Alliance suggested a range of objectives related to promoting and enhancing health and wellbeing surrounding residential density and sustainable building design sections of the DCP.

Public submissions commented that the size of housing lots does not encourage self-employment or a home-based industry. Another enquired if the minimum lot size for housing that is anticipated would be keeping with the rural setting of the Wilton aea. Comments were made on designing buildings to not require air conditioning through the use of passive solar design principles.

A submission from a project home building company made a series of proposed amendments to the proposed dwelling design controls.

Proponents for the South East Wilton and North Wilton precincts requested that their Stage 1 Development Applications lodged prior to the finalisation of the DCP be assessed against the controls in the exhibited draft DCP.

Department Response

The landscape character of the Wilton Growth Area is recognised in Wilton 2040. The residential densities provided for across the growth area precincts will provide the opportunity for a diverse range of housing, planned at the neighbourhood level.

The Department's Urban Design Team has worked extensively with Council and proponents to enhance the outcomes of residential development provisions in the exhibited draft DCP.

The key driver is to ensure that the greening of the residential areas and the meeting canopy tree targets (on both public domain and private lots) is an achievable outcome in Wilton.

The DCP contains new residential metrics, tree canopy targets and street designs to promote greening of the growth area both in the public realm and on individual lots.

Following targeted consultation with the industry and proponents, a number of final changes were determined to the residential metrics, including a standard rear minimum setback of 4.5m to be applied to the ground level and 6m to upper levels (across all lot width ranges).

In terms of applying a complying development code similar to the Greenfield Housing Code (GHC), the Department is preparing the draft *Wilton Housing Complying Development Code* (CDC) for public exhibition in the second half of 2021.

In terms of "grandfathering" development applications already lodged with Council, an additional subsection has been added to both the South East Wilton and North Wilton Schedules 1 applying to the Stage 1 area only in each precinct. These new provisions carry over the residential lot control tables from the original exhibited version of the draft DCP.

Neighbourhood Plans

Submissions from Proponents were not supportive of the requirement for a Neighbourhood Plan. A request was made that the requirement for a Neighbourhood Plan be replaced with a Site Structure Plan or Master Plan development application.

The Neighbourhood Plan was also perceived as duplicating the information to be provided at DA stage or previously provided as part of the Precinct Planning. A DCP amendment request was made to state that the Neighbourhood Plan must only address matters not included previously in either the Precinct Structure Plan or the Precinct Schedule of the Wilton DCP.

A public submission stated that the proposed Neighbourhood Plan process would give the opportunity for developers to skip the initial steps.

Department Response

The concept of a Neighbourhood Plan prepared as an amendment to the DCP to guide the approval of subsequent development applications is a central tenet of the DCP. The process for the submission and approval of a Neighbourhood Plan is detailed in the DCP to ensure good design and the delivery of the Precinct Structure Plan.

Provisions relating to the Neighbourhood Planning process have been reviewed taking into consideration submissions from Council, industry, proponents and the community. The final DCP will retain the concept of neighbourhood plans to be prepared as a detailed structure plan for neighbourhoods within the Wilton Growth Area.

The final DCP contains a clearer articulation of the Neighbourhood Plan process. The DCP does not mandate the preparation of a neighbourhood plan, however it is the expected pathway to ensure that subsequent development applications can be processed in a shorter timeframe and with a high degree of certainty.

Noise and Acoustics

Submissions referred to the Maldon-Dombarton Corridor and the potential for noise pollution if the freight rail line is built in the future. A recommendation was made stating an acoustic report should be necessary regardless of whether the rail tracks are constructed to establish long term compatibility of land uses. The recommendation was included for a control on the use of natural building materials achieving a more soundproof building.

Transport for NSW requested controls should specify what noise shielding is to be used on developments with an interface to major noise sources.

NSW Ports commented that further consideration should be given to the development of sensitive land uses located within the vicinity of the Maldon-Dombarton Corridor to ensure they are constructed to a level which can appropriately mitigate acoustic impacts from the future rail corridor.

The proposed minimum residential setback of 30m from the motorway was perceived as insufficient and noise and air quality assessment should be required at the neighbourhood planning stage to determine suitable setbacks.

Department Response

As per the response under air quality, appropriate controls have been included in the DCP to address the need for buffers to major roads and the Maldon-Dombarton rail corridor. These controls are based on standard State agency design guidelines. A new control has been added to allow alternative setbacks to be considered by Council, where development can demonstrate compliance with required noise, odour, vibration and air quality outcomes, supported by appropriate specialist studies.

Street Cross-sections and Design

Public submissions requested that shared paths should be a minimum 3m wide to minimise conflicts between cyclists and pedestrians.

WaterNSW requested clarification regarding the planning designs proposed along the boundary with the Metropolitan Special Area (MSA) and whether the designs of Stage 1 (South East Wilton) have been altered to accommodate a greater perimeter road component.

Design of street cross-sections was an issue raised by Council and the proponents. It was the subject of a final targeted consultation to finalise the provisions in the DCP.

Department Response

The Western Sydney Planning Partnership has developed new Street Design Guidelines for adoption across the Western Parkland City. The guidelines include standards for different street types to maximise pedestrian access, cycleways, tree canopy, water in the landscape and, public transport, as well as better traffic flow on thoroughfares.

Street cross-section designs based on the Planning Partnership's guidelines have been included in the DCP. However, the street cross sections are to be read as a development intent and should the technical design of proposed streets require changes to ensure all the assets can be achieved within a cross section, then this should be considered. It is recognised that an integrated approach is desired to achieve the street trees and planting zone with the services trench and shared zone.

Precinct Schedules

Submissions raised a variety of concerns with the content of Schedule 1.

WaterNSW stated there were some mapping inconsistencies on road layouts and requested a perimeter road be constructed where development adjoins the Metropolitan Special Area.

The TEC stated that under the koala corridor map (Fig 3-5 of Schedule 1) all of OEH's and the DCP's principles have been abandoned. The exclusion fencing creates a convoluted maze for koalas to pass through in order to get to a culvert to cross Picton Road. The fencing plan must follow the *Conserving Koalas in Wollondilly and Campbelltown LGAs (2018)* guideline.

The Environment Protection Authority (EPA) requested further clarity to ensure the controls apply to both active wells and decommissioned gas wells.

Department Response

The Precinct Schedules have been thoroughly reviewed. Any material inconsistent with the Precinct Structure Plan, *Wilton 2040* or the Growth Centres SEPP has been removed from the schedule.

Other elements in the Schedules that had the potential to pre-empt approval of future Neighbourhood Plans or Development Applications have been labelled as "indicative".