

# Development Control Plan 2016



**Wollondilly**  
Shire Council

# Development Control Plan 2016

Volume 1 – General



**Wollondilly**  
Shire Council

**Revision History**

**Wollondilly Development Control Plan 2016 – Register of Amendments**

DCP Version No.	Volume(s) changed/ Name of DCP	Were the changes from a DCP review or were they site specific controls resulting from a Planning Proposal?	Dates Exhibited	Date Adopted by Council	Date in Force	Council TRIM File reference <sup>1</sup>	TRIM ref finalised Version <sup>2</sup>	Brief Description of Change
1	Wollondilly Development Control Plan 2016 (Volumes 1-8)	DCP Review	13 May, 2015 to 17 July, 2015	21 December, 2015	20 January, 2016	3615-6#278	3615#371	Comprehensive review of Development Control Plan. Repeal of DCP 2011 and commencement of DCP 2016.
2	Volume 3 and Volume 4	Planning Proposal (790 Montpelier Drive)	2 December, 2015 to 14 January, 2016	15 February, 2016	7 March, 2016	6961#462	3615-6#387 3615-6#388	Amendments were made to pre-existing controls relating to the Montpelier Drive Planning Proposal site in volumes 3 and 4.
3	Volume 2 and Volume 3	Planning Proposal (Star Street former Road reserves)	9 March, 2016 to 6 April, 2016	16 May, 2016	1 June, 2016	7965#112	3615-6#408	Minor amendments were made to include site specific controls for the Star Street former Road Reserves Planning Proposal. The sections on PTT and West Picton in the various volumes was updated to make reference to this land.
4	Volume 3, Volume 4 and Volume 5	Planning Proposal (Queen Victoria Memorial Home)	18 November, 2015 to 18 December, 2015	15 February, 2016	19 August, 2016	6399#724	3615-6#426 3615-6#427 3615-6#428	Site specific controls were added in Volumes 3-5 for the Queen Victoria Planning Proposal site. A new section was added in each volume titled 'Queen Victoria Memorial Home'.
5	Volume 3 and 4	Planning Proposal (Bulli Appin Road)	14 December, 2016 to 3 February, 2017	15 May, 2017	7 June, 2017	6585#400	3615-6#446 3615-6#447	Site specific controls were added in volume 3 and 4 for the Bulli Appin Road Planning Proposal. A new section was added titled 'Bulli Appin Road'.

<sup>1</sup> TRIM file for day to day work associated with amendments

<sup>2</sup> TRIM file reference for the finalised version of DCP

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6	Volume 3	Planning Proposal (No. 55-65 Bronzewing Street, Tahmoor)	1 February, 2017 to 1 March, 2017	18 April, 2017	21 July, 2017	6115#600	3615-6#467	Site specific controls were added in volume 3 relating to Bronzewing Street Planning Proposal.
7	Volume 3	Planning Proposal (Boundary Adjustments and Minimum Subdivision Lot Size for Community Title Schemes)	1 February to 3 March, 2017	16 October, 2017	8 November, 2017	9019#223	3615-6#460	Controls added to facilitate the assessment of applications where boundary adjustment is carried out and no additional lots are created under clause 4.2B of WLEP 2011.
8	Whole DCP	DCP Review (Housekeeping Amendments)	20 September, 2017 to 18 October, 2017	11 December, 2017	10 January, 2018	3615-7#267	3615-7#286	Housekeeping amendments carried out in response to Continuous Improvement Review.
9	Volume 3 & Volume 4	Planning Proposal (Abbotsford Road Planning Proposal site)	28 November, 2018 to 30 January, 2019	15 July, 2019	28 August, 2019	3615-11#23 & 3615-11#24	3615-11#31 & 3615-11#32	Site specific controls were added in Volume 3 and 4 for the Abbotsford Road Planning Proposal site. The proposed controls are to guide any future development to keep these consistent with the heritage and landscape character of the site.
10	Volume 1, Volume 3 & Volume 4	Menangle Landscape Conservation Area & Station Street Planning Proposal	11 April 2018 to 16 May 2018	21 October, 2019	30 October, 2019	3615-10	3615-10#175, 3615-10#207 & 3615-10#208	Development controls for Menangle Landscape Conservation Area to be added in Volume 1. Site specific controls were added in Volume 3 and 4 for the Station Street Planning Proposal site. The proposed controls are to guide any future development to keep these consistent with the heritage and landscape character of Menangle Landscape Conservation Area.
11	Volume 4	Shire wide and Thirlmere area	06 November 2019 to 04 December 2019	17 March 2020	1 April 2020	3615-14	3615-14#94	These controls are prepared to ensure that Multi Dwelling Housing developments in the Shire achieve a better design outcome and better respond to the existing character of the area where they are located. Improved controls for

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								landscaping, car parking and waste management are also proposed.
12	Volume 4	Shire wide and Thirlmere area	05 May 2021 to 02 June 2021	21 September 2021	06 October 2021	3615-16	3615-16#85 3615-16#86	These controls are prepared to ensure that Residential Flat Buildings in the Shire achieve a better design outcome and better respond to the existing character of the area where they are located.
13	Volume 5	Wollondilly Cultural Precinct at Menangle Street, Picton	14 November 2022 to 16 December 2022	23 February 2023	3 March 2023	12200-2	Vol5-3615-7#325 3615-7#331 Vol1-3615-7#328 3615-7#333 Whole-3615-7#330	New Part 4.5A is added with standards and controls to guide new development in the Wollondilly Cultural Precinct; and to ensure the precinct is sympathetic to its surroundings.
14	Volume 1 Volume 5 Volume 7 Volume 8	The amendments were in response to the Stage 1, Stage 1A and Stage 2 planning proposals undertaken as part of Council's LEP Review Program.	12 March, 2025 to 9 April, 2025	23 September, 2025	31 October, 2025	3615-18	Vol 1 – 3615-18#383 Vol 5 – 3615-18#384 Vol 7 – 3615-18#385 Vol 8 – 3615-18#386	New controls for Development in the Metropolitan Rural Area, controls for helipads, timber yards, high technology industries and commercial bee keeping.

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## PART 1 – PRELIMINARY

### 1.1 Introduction

The name of this plan is “Wollondilly Development Control Plan 2016”. This plan is made in 8 volumes. It applies to all land to which Wollondilly Local Environmental Plan 2011 applies.

### 1.2 Objective

1. To assist in the realisation of the aims of Wollondilly Local Environmental Plan, 2011.
2. The specific controls and volumes of this plan each have objectives as detailed throughout this plan.

### 1.3 Interpretation

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

<b>Term</b>	<b>Meaning</b>
<b>Access Handle</b>	A corridor of land used to provide access for vehicles from the public road network to or through an allotment that would otherwise be inaccessible for vehicles.
<b>Adaptable Dwelling</b>	A dwelling that is designed to facilitate its future conversion to comply with disabilities access standards without structural modification to the building in accordance with AS4299 Adaptable Housing.
<b>Ancillary Buildings</b>	A building (that is not a dwelling) on a residential or rural allotment that is used by the residents of the allotment as a part of their domestic occupation of the land and includes a detached garage but excludes an attached garage.
<b>Any Subdivision</b>	The subdivision of land by Torrens and/or Community Title and/or subdivision by Strata. This definition extends beyond the term “Subdivision of Land” as defined in the Environmental Planning and Assessment Act, 1979.
<b>Blank Wall</b>	A stretch of wall that is a straight wall and does not have any windows or doors.
<b>Building Line</b>	Means the closest point of a wall of a building to a defined boundary (excluding any allowable encroachments).
<b>Building Setback</b>	Means the horizontal distance between the relevant boundary of the lot and the building line.  Setback area means the area between the building line and the relevant boundary of the lot.

<b>Term</b>	<b>Meaning</b>
<b>Dormer window</b>	A window set into the structural element of a building that protrudes from the plane of a sloping roof surface. Dormers are used, either in original construction or as later additions, to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows.
<b>Dormitory Room</b>	A room that provides sleeping accommodation for 3 or more adults.
<b>EEC</b>	An Endangered Ecological Community declared by the NSW Government.
<b>Environmental Asset</b>	<p>A contiguous are of land greater than 5000m<sup>2</sup> this is substantially composed of one or more of the following:</p> <ul style="list-style-type: none"> <li>▪ An EEC;</li> <li>▪ Threatened flora;</li> <li>▪ Habitat occupied by threatened fauna or nearby land likely to be required by that fauna for foraging, nesting, mating or other similar needs;</li> <li>▪ Wildlife Corridors; and</li> <li>▪ A natural wetland, groundwater dependant ecosystem or similar.</li> </ul> <p>This definition includes (without limitation): an area of land that would, but for the carrying out of unauthorised works, meet one or more of the above criteria; and an area of land that is partially located on land not included within a planning proposal.</p>
<b>Environmental Landscape</b>	A precinct or area that contains dispersed environmental land or that otherwise forms part of a landscape that has a strongly defined character that the Council considers desirable for retention and enhancement.
<b>Event</b>	A use of land for recreational purposes for a period of no more than 5 consecutive days (or up to 10 days inclusive of related setup and pack up activities) and no more than a total of 52 days in a year.
<b>Fanlight casement window</b>	A pane of glass installed over a door or window.
<b>Finished Floor Level</b>	Refers to the numerical difference (in metres) between the natural ground level and the floor level of a building at the completion of a development.
<b>Flood Planning Level</b>	The 1% AEP flood level + 0.5m.
<b>Formal Landscaping</b>	A garden bed that has fixed edging, a mulched or rock covered surface and planting with ground covers and/or shrubs and/or trees.
<b>French doors</b>	A twin set of doors which are hinged on one of its vertical edges so as to open inwards or outwards.
<b>Front Façade</b>	The front of a building that addresses a public road or a private road in a community title scheme.
<b>Habitat Corridor</b>	Means an area of habitat that connects otherwise isolated patches of habitat, allowing for the movement of plants and animals. Habitat is an area or areas occupied periodically or occasionally by a species, population or ecological community.
<b>Hour of solar access</b>	Exposure for a period of 1 hour to direct sunlight between the hours of 9:00am and 3:00pm on 21 June.

<b>Term</b>	<b>Meaning</b>
<b>Large Subdivision</b>	<b>Any subdivision</b> that creates more than 100 allotments.
<b>Medium Density Development</b>	Means any development that results in 3 or more dwellings on an allotment of land.
<b>Medium Subdivision</b>	<b>Any subdivision</b> that creates more than 10 allotments but no more than 100 allotments.
<b>Minor Subdivision</b>	<p><b>Any subdivision</b> that:</p> <ul style="list-style-type: none"> <li>• Does not create any additional dwelling opportunities (excluding an additional opportunity for a secondary dwelling); and</li> <li>• Does not, by its scale and nature, have any plausible adverse social, environmental or economic impacts; and</li> <li>• Does not involve any allotment on which an item of environmental heritage is situated; and</li> <li>• Does not involve any allotment located within a heritage conservation area or a Landscape Conservation Area; and</li> <li>• Does not result in more than 4 new allotments.</li> </ul> <p>This definition is not intended to be applied to the interpretation of exempt or complying development provisions or to a subdivision carried out under clause 4.2 of Wollondilly Local Environmental Plan 2011.</p>
<b>Mirror Reversed</b>	A building that substantially appears to have a vertical axis of symmetry in or about the centre of a Front Façade.
<b>Natural Ground Level</b>	The ground level of a location that would have existed when the subject allotment was registered.
<b>Panelled door</b>	A door with sunk panels set between its frame.
<b>Primary Front Façade</b>	Refers to the front of a building which addresses the primary street frontage on a corner lot.
<b>Public Realm</b>	Refers to land in public ownership and/or privately owned land designed and intended to be accessible to the public.
<b>Repeated Façade</b>	A section of a Front Façade that is repeated or is substantially similar to another section of that Front Façade but not in cases where the section does not contain a door (be it a personal access door or a garage door).
<b>Residential Battle-Axe Allotment</b>	A residential small lot, Standard Residential Lot or residential large lot which only has vehicular access by an access handle.
<b>Residential Large Lot</b>	An allotment of land with an area of between 1500m <sup>2</sup> and 3999m <sup>2</sup> (inclusive) on which a dwelling may be lawfully constructed.
<b>Residential Small Lot</b>	An allotment of land with an area of between 450m <sup>2</sup> and 699m <sup>2</sup> (inclusive) on which a dwelling may be lawfully constructed.
<b>Rural Lifestyle Lot</b>	An allotment of land with an area between 4000m <sup>2</sup> and 2 hectares on which a dwelling may be lawfully constructed.
<b>Rural Lot</b>	An allotment of land with an area greater than or equal to 2 hectares on which a dwelling may be lawfully constructed.

<b>Term</b>	<b>Meaning</b>
<b>Secondary Front Façade</b>	Refers to the front of a building which addresses the secondary frontage on a corner lot.
<b>Site Coverage</b>	Means the proportion of a site covered by buildings. However, the following are not included for the purpose of calculating site coverage:  a) any basement; b) Porticos that service a door entry; c) any eaves; d) unenclosed balconies above the ground floor of a building.
<b>Small Subdivision</b>	<b>Any subdivision</b> that creates no more than 10 allotments except for a <b>Minor Subdivision</b> .
<b>Standard Residential Lot</b>	An allotment of land with an area of between 700m <sup>2</sup> and 1499m <sup>2</sup> on which a dwelling may be lawfully constructed.
<b>Straight Wall</b>	A stretch of wall that continues in a linear fashion without any change to its direction or any articulation.
<b>Suspected flood affected land</b>	Land that is located on the part of a flood plain and that could reasonably be expected to be inundated in a probable maximum flood.
<b>Temporary Markets</b>	A use of land for retail purposes for a period of no more than 2 consecutive days (or up to 4 days inclusive of related setup and pack up activities) and no more than 12 times per year.
<b>Town Centre Residential Lot</b>	An allotment of land with an area less than 450m <sup>2</sup> on which a dwelling may be lawfully constructed.
<b>Wet bars</b>	Any room that contains a sink and is not a kitchen, bathroom or laundry.

#### 1.4 Application of the volumes of this plan

This volume applies to all development requiring development consent on, in or over land within the Wollondilly Local Government Area.

The volumes of this plan each identify the contexts in which they apply. Developments may be subject to more than one volume of this plan. If there is an inconsistency between the volumes of this plan then the earlier volume shall prevail over the later volume. For example, if there is an inconsistency between Volumes 2 and 5, Volume 2 would prevail because it is found earlier in this plan.

## **PART 2 – General considerations for all development**

### **2.1 Objectives**

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

### **2.2 Controls**

1. The consent authority shall consider the following safety and human health risks in assessing a development application under this volume:
  - a) Road and traffic hazards;
  - b) Bushfire threat;
  - c) Flood risk;
  - d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses;
  - e) Exposure to electricity transmission systems;
  - f) Exposure to radiation from telecommunications infrastructure;
  - g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises;
  - h) Hazards from vehicles within car parking areas; and
  - i) Hazard from potential contamination of the land.
2. The consent authority shall consider the suitability of the road network in the vicinity in assessing a development application under this volume.
3. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.
4. The consent authority must not grant consent to a development application for development subject to this volume on land unless it has considered the impact of the development on any system for the management of wastewater present on that land.
5. The consent authority must not consent to the carrying out of development within a drinking water catchment area unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality.

## **PART 3 – Variations to this plan**

There may be situations where the strict application of the controls in this plan is inappropriate. In such cases Council may vary the controls in the plan. The controls in this part apply where a development application proposes to vary a control in this plan.

### **3.1 Controls**

1. In cases where a variation to a control in this plan is sought, the applicant (or person acting on behalf of the applicant) should provide a written request which outlines:

- the control being varied
- the non-compliance with the relevant control
- reasons and justification for the non-compliance
- how the development meets all of the relevant objectives of the DCP
- why compliance with the control is unreasonable or unnecessary in the case of their development
- how the variation will not adversely impact on local amenity

Council may require additional supporting information to justify the request for variation. It is in the applicants' best interest to provide Council with a written request.

2. Council must be satisfied that the variation meets at least one of the following principles before issuing consent for the development:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose of the control would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary or unreasonable;
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary.

## PART 4 – Community engagement

The purpose of this part is to ensure that members of the public potentially affected by a proposed development have input into the assessment process before a final decision is made on a development application. It outlines Council's notification and advertising procedure for development applications.

### 4.1 Development applications to be notified

Notification of development applications will be required except where Council consider that the potential for adjoining and nearby land to be adversely affected by the development is minimal.

Notification is not required for the development types listed in Table 1 below so long as the criteria in the right hand column are met.

Development types where notification is not required:

**Table 1**

Type of Development	Criteria which excludes the development from requiring notification
dwelling house (including alterations and additions)	<ul style="list-style-type: none"> <li>▪ No other Dwelling House located on the same allotment</li> <li>▪ Finished floor levels no greater than 1m above or below the natural ground level</li> <li>▪ Complies with Council's building line setbacks prescribed in this plan</li> <li>▪ For single storey dwellings - No walls less than one (1) metre from any boundary</li> <li>▪ For two storey dwellings – be setback at least 10.0m from side boundaries.</li> <li>▪ Total floor area of less than 430m<sup>2</sup></li> <li>▪ No more than 2 garage doors visible from the street</li> <li>▪ Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area.</li> </ul>
Carports (residential)	<ul style="list-style-type: none"> <li>▪ Relates to a residential use of the land;</li> <li>▪ Complies with Council's building line setbacks in this plan</li> <li>▪ Setback from side boundaries is no less than 1.0m</li> <li>▪ No taller than 4m above ground level (existing)</li> <li>▪ Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area.</li> </ul>
Awnings and Pergolas (residential)	<ul style="list-style-type: none"> <li>▪ Relates to a residential use of the land</li> <li>▪ Complies with Council's building line setbacks in this plan</li> <li>▪ Setbacks from side boundaries are no less than 1m</li> <li>▪ No taller than 4m above existing ground level</li> <li>▪ Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area.</li> </ul>
Gazebos (residential)	<ul style="list-style-type: none"> <li>▪ Relates to a residential use of the land</li> <li>▪ Complies with Council's building line setbacks in this plan</li> <li>▪ Setback from side boundaries no less than 1m</li> <li>▪ No taller than 4m above existing ground level</li> <li>▪ Not located on a lot containing a Heritage Item or within a Heritage Conservation Area, including a Landscape Conservation Area.</li> </ul>

Type of Development	Criteria which excludes the development from requiring notification
Retaining walls (residential)	<ul style="list-style-type: none"> <li>▪ Relates to a residential use of the land</li> <li>▪ No more than 0.6m high</li> <li>▪ Setback from side and rear boundaries is no less than 2.5m</li> <li>▪ Located behind or beside the dwelling.</li> </ul>
Swimming pools (residential)	<ul style="list-style-type: none"> <li>▪ Relates to a residential use of the land</li> <li>▪ Setback from side and rear boundaries no less than 1m</li> <li>▪ Located in the rear yard or on a corner lot, behind the front and secondary street setbacks of the dwelling</li> <li>▪ No coping or decking more than 0.5m above ground level (existing).</li> </ul>
Decks and Balconies (residential)	<ul style="list-style-type: none"> <li>▪ Relates to a residential use of the land</li> <li>▪ No more than 0.5m above ground level (existing)</li> <li>▪ Setback at least 10.0m from any boundary</li> </ul>
Residential Outbuildings	<ul style="list-style-type: none"> <li>▪ Relates to a residential use of the land</li> <li>▪ Complies with the building line setbacks in this plan</li> <li>▪ Located in a residential zone (other than R5 Large Lot Residential)</li> <li>▪ Setback from any boundary is no less than 900mm</li> <li>▪ No higher than 3.5 metres above the natural ground level</li> <li>▪ Can accommodate a maximum of two car parking spaces</li> <li>▪ Floor area less than 50m<sup>2</sup></li> </ul>
Rural Outbuildings	<ul style="list-style-type: none"> <li>▪ Relates to a residential use of the land</li> <li>▪ Located on land zoned R5, RU1, RU2, RU4 or E4</li> <li>▪ Complies with the building line setbacks contained within this plan</li> <li>▪ Setback from any boundary is no less than 10.0m</li> <li>▪ No higher than 5.0m above natural ground level</li> <li>▪ Floor area less than 100m<sup>2</sup></li> </ul>
Telecommunications Facilities	<ul style="list-style-type: none"> <li>▪ Be “low impact facilities” as defined by the legislation of the Commonwealth.</li> </ul>
Tree removal (residential)	<ul style="list-style-type: none"> <li>▪ Removal of 10 trees or less</li> <li>▪ Located on residential zoned land</li> </ul>
Tree removal (rural)	<ul style="list-style-type: none"> <li>▪ Removal of less than 10m<sup>2</sup> of vegetation</li> <li>▪ Located on rural zoned land</li> </ul>
Tree removal (agricultural)	<ul style="list-style-type: none"> <li>▪ Located in a RU1 or RU2</li> <li>▪ Removal is required for the purposes of agriculture</li> </ul>
Demolition	<ul style="list-style-type: none"> <li>▪ Demolition of a building that would have been subject to another exemption in this clause if it were being proposed as a new building.</li> </ul>
Septic Tanks	<ul style="list-style-type: none"> <li>▪ No notification required</li> </ul>
Rain Water Tanks	<ul style="list-style-type: none"> <li>▪ No notification required</li> </ul>
Strata subdivision of existing buildings	<ul style="list-style-type: none"> <li>▪ Existing building is lawful and complies with the Building Code of Australia.</li> </ul>
Subdivision of existing dual occupancy	<ul style="list-style-type: none"> <li>▪ Be located in Zones R2, R3 or B4</li> <li>▪ The existing building(s) is/are lawful</li> </ul>

Type of Development	Criteria which excludes the development from requiring notification
Health Services Facility	<ul style="list-style-type: none"> <li>▪ Located within Zones B1, B2 or B5</li> <li>▪ Be located wholly within an existing commercial building</li> </ul>
Kiosk	<ul style="list-style-type: none"> <li>▪ Be located within Zones B1, B2 or RE2</li> </ul>
Internal Works to an existing building	<ul style="list-style-type: none"> <li>▪ Does not affect the height, footprint or external appearance of the building.</li> </ul>
Home Occupations	<ul style="list-style-type: none"> <li>▪ Where, in the responsible Council Officer's opinion the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation.</li> </ul>
Minor Commercial external building alterations/additions	<ul style="list-style-type: none"> <li>▪ Works are not proposed to a Heritage Item or to a building within a Heritage Conservation Area, including a Landscape Conservation Area.</li> <li>▪ Does not increase the height of the building.</li> <li>▪ Does not create additional shops/units.</li> </ul>
Change of use of an existing building from one type of commercial use to another	<ul style="list-style-type: none"> <li>▪ Proposed use is permissible in the zone</li> <li>▪ Adequate car parking is provided</li> <li>▪ Where in the responsible Council Officer's opinion the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation</li> <li>▪ In a business zone</li> <li>▪ Contained within an existing building</li> </ul>
Change of use from one type of light industry to another type of light industry	<ul style="list-style-type: none"> <li>▪ Proposed use is permissible in the zone</li> <li>▪ Adequate car parking is provided</li> <li>▪ Where in the responsible Council Officer's opinion the proposed new use is unlikely to result in land use conflict due to noise, hours of operation or traffic generation</li> <li>▪ The land is within an industrial zone</li> <li>▪ Contained within an existing building</li> <li>▪ The land does not adjoin any residential, rural, environmental or open space zone</li> </ul>
Secondary Dwellings	<ul style="list-style-type: none"> <li>▪ The lot is within a rural or environmental zone and is greater than 2 hectares</li> <li>▪ Will not result in any more dwellings than the principal dwelling and the secondary dwelling on the site.</li> <li>▪ Is consistent with the setback requirements for Secondary Dwellings in rural and environmental zones contained in Volume 4 of this Plan.</li> </ul>
Minor Environmental Protection Works	<ul style="list-style-type: none"> <li>▪ No notification required.</li> </ul>

Type of Development	Criteria which excludes the development from requiring notification
Signage	<ul style="list-style-type: none"> <li>▪ Within a business or industrial zone</li> <li>▪ Does not require advertising under SEPP 64</li> <li>▪ Is not illuminated</li> <li>▪ Is not attached to a heritage item, on a lot containing a heritage item or within a heritage conservation area, including a Landscape Conservation Area</li> <li>▪ Is not in association with a restricted premises</li> </ul>
Works that are required in response to an emergency situation (such as a natural disaster event, e.g. a flood).	<ul style="list-style-type: none"> <li>▪ No notification required.</li> </ul>

2. Neighbour notification may not be required for a development application where, in Council's considered opinion, the potential for adjoining or nearby land to be adversely impacted by the development is considered minimal in terms of the following:

- *Amenity (including noise, odour, hours of use);*
- *Suitability of the land for the proposed development;*
- *The siting of the proposed building in relation to the development of the site boundaries;*
- *The scale and bulk of the proposed development.*

Likewise, Council may require an application which would not require notification under the section above to be notified.

## 4.2 Requirements for notification

Development applications that require notification under this plan shall be notified in accordance with the requirements for a "written notice" under Part 6 Division 7 of the Environmental Planning and Assessment Regulations, 2000.

In cases where the owners address recorded in Council's rating database for a notified property is different to the street address of that property, a "written notice" shall also be sent to "the occupier" at the street address.

Where the notification of a development application is required under this plan the Council must provide a written notice of the application to any person who owns or occupies land adjoining the land to which the application relates. Land that is considered to be adjoining the development site is identified in the diagram below:

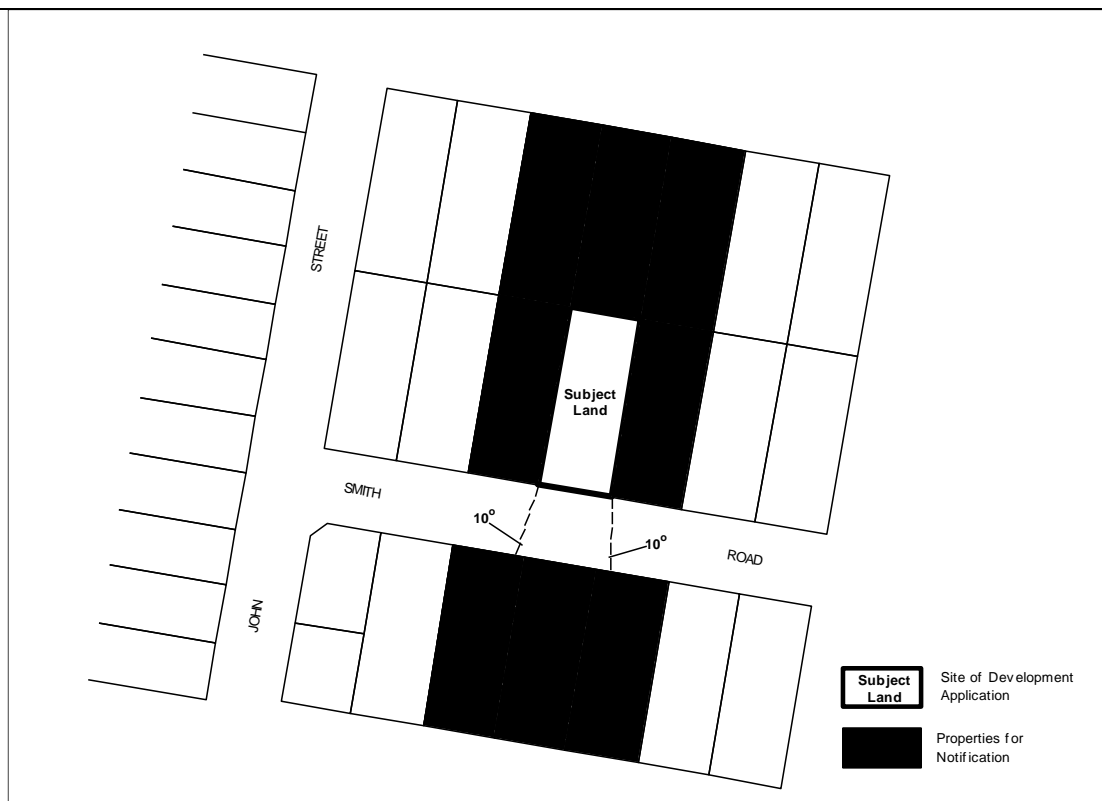


Figure 1

Council may elect to provide a written notification to owners or occupiers of land beyond those adjoining the development site if Council considers that the nature and scale of the development requires the notification of a broader area.

Where land is held in a strata or community title, the written notice must be forwarded to:

- The manager or secretary of the body corporate (under the Strata Titles Act, 1973 or the Strata Titles (Leasehold) Development Act, 1986) or the Association (under the Community Land Development Act, 1989), and
- The lessor of the leasehold strata scheme concerned and to the owners corporation (if the land is not a lot within the meaning of the Strata Schemes (Leasehold Development) Act, 1986) is taken to be written notice to the owner or occupier of each lot within the Strata Scheme (in accordance with the Environmental Planning and Assessment Regulations); and
- Each individual strata or community title owner, meeting the adjoining land criteria above.

**Note: Where Council has not been provided with contact details for the association under the Community Land Development Act, 1989 then the association will not be notified.**

#### **4.3 Development applications involving Notification to Properties outside Wollondilly LGA**

Where, in Council's opinion, an application may detrimentally affect property owners or occupants of land outside Wollondilly Shire Council's Local Government Area (LGA), Council will contact the neighbouring Council to provide them with sufficient information to enable them to adequately inform such property owners.

The notification of property owners outside Wollondilly Shire Local Government Area regarding any application is at the discretion of the neighbouring Council.

#### **4.4 Development applications to be advertised**

1. Development for any of the following purposes is advertised development under Clause 5 of the *Environmental Planning and Assessment Regulations, 2000*:

- Air transport facilities
- Animal Boarding or Training Establishments
- Any bottle shop, pub, licensed club or hotel requiring a license under the Liquor Act, 2008
- Caravan Parks, Camping Grounds
- Cemeteries, Crematoria, Mortuaries, Funeral Homes
- Child care centres with capacity for 40 or more enrolments
- Correctional centres
- Drive through restaurants
- Electricity generating works (excluding solar panels for domestic use)
- Forestry
- Heavy industrial storage establishments
- Hostels containing 5 or more boarding rooms
- Intensive livestock agriculture
- Intensive plant agriculture
- Livestock processing industries
- Multi dwelling housing, Seniors housing, Shop top housing and residential flat buildings comprising 5 or more dwellings
- Offensive, hazardous, extractive and heavy industries
- Places of public worship with a capacity greater than 100 people
- Recreation facilities (major), Recreation facilities (outdoor)
- Restricted premises
- Service stations
- Sex services premises and brothels
- Subdivision resulting in 5 or more lots (except for subdivision described in an exemption in Clause 4.1 of this plan),
- Transport Depots, Truck Depots, Depots, Freight Transport Facilities, Passenger Transport Facilities
- Tourist and visitor accommodation comprising more than 5 guest rooms
- Any other development that, in the opinion of the consent authority, is likely to have impacts beyond the immediate locality in which it is situated.

Development which constitutes any of the following may also be advertised for the purposes of this plan:

- State Significant Development;
- Nominated Integrated Development;
- Threatened Species Development;
- Class 1 Aquaculture Development;
- Any development that is identified as advertised development under by an environmental planning instrument.

2. In circumstances where a minor development (such as an awning) is proposed to an existing lawful and established facility listed above, Council may use its discretion not to advertise the application provided that it is of minimal impact.

#### 4.5 Requirements for Advertising

Development applications that require advertising under this plan shall be advertised in accordance with the requirements for a published notice of Part 6 Division 7 of the Environmental Planning and Assessment Regulations, 2000.

In cases where the owners address recorded in Council's rating database for a notified property is different to the street address of that property, a "written notice" shall also be sent to "the occupier" at the street address.

In the case of any development that requires advertising, a written notification shall also be sent to the any person who owns or occupies land adjoining the land to which the application relates in the manner prescribed in section 4.2 of this part.

#### 4.6 Development applications altered prior to determination

Where a development application is altered prior to being determined (but after notification has been carried out), it must be re-notified where in Council's opinion, the amended development would have a greater impact as a result of the changes and it is in the public interest to do so.

Where re-notification is required it must include writing to any prior submitters on the application.

#### 4.7 Applications to modify a development consent

Any person may lodge an application to modify a development consent under Section 96 of the *Environmental Planning and Assessment Act, 1979* provided that the changes would result in substantially the same development as that originally approved.

The minimum notification requirements for applications to modify a consent are as follows:

Type of modification application (i.e. under what section of the Act)	Type of Modification	Who is to be notified			
		No Notification Required	Adjoining Owners/residents	Previous Submitters	Other
S96(1)	Correction of minor errors, misdescriptions and miscalculations	✓			
S96(1A)	Changes that would have minimal environmental impact			✓	★
S96(2)	Other changes		★	✓	★
S96 (AA)	Modifications to development consents issued by the Land and Environment Court		★	✓	★

- ★ Council may determine to carry out additional notification or advertising of any application depending on the nature of the changes and whether Council sees it in the Public Interest to do so.

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Council may also determine not to notify previous submitters if the amendments are minor and the changes do not relate to any of the issues raised in their original submission.

#### **4.8 Requests for the review of a determination**

Any request for a review of the determination of a development application under Section 82A of the Environmental Planning and Assessment Act, 1979 shall be subject to the community engagement requirements of this plan (be it notification or advertising) as though it were a new application unless it is identical to the original application or any modifications are minor only. Council must also notify all previous submitters in accordance with the requirements of this plan where a request for a review of determination is made.

## **PART 5 – Colonial Heritage (General)**

### **5.1 Objectives**

The objectives of heritage conservation are:

- (a) To establish good design principles to guide development to and around heritage items,
- (b) To ensure development is sympathetic to the overall heritage values and characteristics of the area,
- (c) To identify local heritage character and heritage elements of the built environment, and
- (d) To ensure the retention and management of heritage values identified for each conservation area and specific precinct.

### **5.2 General Controls**

1. Development of heritage items and development on land within heritage conservation areas, including Landscape Conservation Areas, shall demonstrate consistency with the NSW Guidelines for Development in Conservation Areas '*Design in Context*'. In particular the impact of the following aspects of a development should be considered:
  - **Height and scale** - must respect the predominant scale (building height, bulk, density and massing) of the heritage buildings in the vicinity in order to retain the prevailing scale of the Conservation Area. The impact of an inappropriately scaled building cannot be compensated for by building form, design or detailing.
  - **View corridors** - must be retained to and from significant features within the Conservation Area.
  - **Architectural style and form** - must be compatible with the existing heritage buildings in the vicinity.
  - **Materials, detailing and colour schemes** - must respect the materials of the existing heritage buildings in the vicinity.
  - **Siting** - must respect existing patterns of building setbacks of heritage buildings from property boundaries, which contribute to the harmony of the streetscape.
  - **Cumulative impact** - must be considered to ensure that the characteristic features of the conservation area that give harmony and cohesiveness to streetscapes and individual buildings are not eroded.

### **5.3 Controls for particular development types**

#### **1. Advertising and Signage**

The following requirements apply to advertising and signage where proposed on a listed heritage item building or on land which contains a heritage item or on land within a heritage conservation or a Landscape Conservation Area.

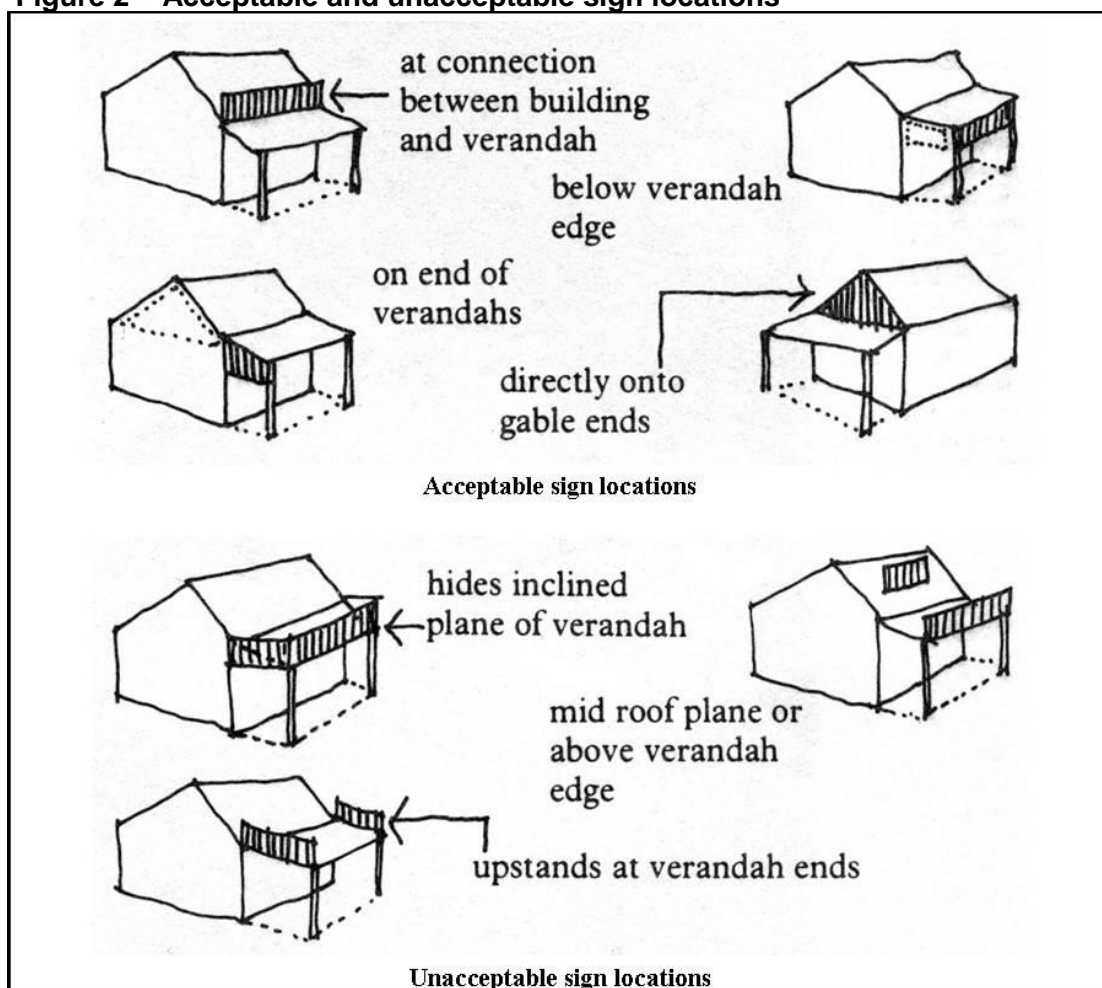
1. Advertising and business signage must be designed to complement the heritage quality of the building.
2. Signage is not to compete with architectural features of the building or to dominate the streetscape.
3. Signs (which may include the wording content and lettering styles) that would have an adverse impact on the heritage character of buildings will not be supported.
4. The location of signage must be consistent with the historic setting.

Note: Refer to Figure 1 for an example picture of acceptable sign location and Figure 2 representing acceptable and unacceptable sign locations

#### **Figure 1 – Photographic representation of an acceptable sign location**



**Figure 2 – Acceptable and unacceptable sign locations**



**2. Additions, Alterations and Ancillary Development**

1. Architectural treatments must be consistent with the existing form of building (in the case of development of a heritage listed building) and the built form of the conservation area (in the case of a development within a conservation area). Consideration shall be given of the elements of

building design such as the scale, plan, roof form, verandahs, walls, fenestration, building materials and colour, and existing outbuildings.

2. For renovation or restoration, significant exterior elements of heritage buildings and/or buildings that contribute to the heritage character of a conservation area must be retained.
3. The roof pitch of any addition or extension must be complementary to the existing roof pitch of the heritage building (if altering a heritage building) and/or of the pitch established in the character of the heritage conservation area or Landscape Conservation Area (if altering a building in a heritage conservation area or Landscape Conservation Area).
4. Additions or extensions must not overwhelm the any heritage listed building being extended or located in the vicinity in a heritage conservation area including a Landscape Conservation Area.
5. Front setback areas of heritage buildings and/or buildings that contribute to the heritage character of a conservation area must be retained.
6. The front facades of individual heritage items must not be significantly altered from their original form, as viewed from primary and secondary street frontages.
7. Where possible, existing fences, gates and retaining walls and other ancillary structures should be retained where in style with the heritage item.

### **3. Demolition of Heritage Items**

1. Heritage Items subject to this volume will not be permitted to be demolished unless there exists exceptional circumstances what warrant the demolition. In considering if there are exemption circumstances the consent authority shall consider:
  1. If the building can reasonably be expected to be used for a permissible use within the zone if it were to remain (including the likelihood that any required repairs could reasonably be expected to be undertaken); and
  2. The extent of the impact on the broader community and future generations of the loss of the item.

### **4. Subdivision of land containing a heritage item and/or land within a heritage conservation area or a Landscape Conservation Area.**

1. Must not compromise or adversely affect any historic layout of the subject lot and heritage significance of the original lot pattern.
2. Must not compromise the curtilage of any heritage item or significant complimentary building, garden, driveway or other relic.
3. Where a heritage impact assessment is required, it must consider the likely location of future buildings and/or building envelopes.

### **5. Colours and built form on sites containing heritage items and within heritage conservation areas or a Landscape Conservation Area.**

1. Works must use only the colours identified in Figure 3.
2. Existing weatherboard walls are to be maintained in situ or may only be replaced with timber weatherboards. Lightweight over-cladding in imitation weatherboards (e.g. plastic, fibrous cement or metal) is prohibited.
3. Roofs may only be corrugated, galvanised, clay tiled, clay slate or stone slate. Square profile or “cliplock” corrugated roofing is not permitted.
4. Roof drainage may only be exposed gutters of quad, ogee or half-round profile in galvanised finish, with round downpipes in galvanised finish. Square profile or “cliplock” roofing is not permitted.
5. Window and glazed door framing may only be timber framed except in commercial shopfronts where a metal frame size approximating timber (such as Vantage Magnum) may be considered.
6. Windows and glazed doors must be vertically proportioned to match the best historic examples in the conservation area or vicinity. Windows should be double-hung or casement sash types (not sliders or hopper windows over a fixed sash).
7. Original front verandahs are to be retained in all new work and restoration must match original proportions and details.

8. Chimneys must not be removed unless they are structurally unsound and unable to be restored.
9. Commercial development car parking must be provided behind the main building alignment. Parking areas and access driveways should be visually discreet and must be accessed via a rear lane where available.
10. Verandahs must not be enclosed. Ground floor verandahs should not be enclosed by balustrades unless required under the BCA.
11. Original unpainted brickwork and stonework should remain unpainted.
12. Paint schemes should be simple. Applied finishes to external walls should be of subtle, earthy tones that complement the streetscape. Typically, this would be one color for the body of the building and one or two colors for the trim.
13. Plant species types and landscaping formations found in and around the Heritage Conservation area or Landscape Conservation Area should be featured in new developments.

**Figure 3 – Palette of acceptable colours**

*Note:* Creams to be used for walls. Dark colours for timber joinery only. Close equivalents from other manufacturer’s colour ranges may be considered. French Grey was an interior colour only (Source: Pascol Heritage Colour Chart c1980).



#### **5.4 Adaptive reuse proposals for Heritage items**

1. Any proposal involving the adaptive reuse of a heritage item must demonstrate that:
  1. The new use requires minimal alterations to significant fabric and building elements, and that any changes to these are reversible or have minimal impact on the heritage significance of the item.
  2. Any internal changes where visible from a public street do not compromise the external heritage significance of the building.
  3. Alterations and/or additions must meet the requirements for alterations and additions as provided in this section and the adaptive re-use must maintain the understanding of the building's original use.

## **PART 6 – Heritage (Specific Locations)**

### **6.1 Objectives**

The objectives of heritage conservation are:

- (a) To provide specific guidance and controls for development of key conservation areas in Wollondilly.

### **6.2 Application**

These controls apply in addition to the controls contained in Part 6 of this volume. Where there is an inconsistency between Parts 5 and 6 of this volume Part 6 shall prevail to the extent of the inconsistency.

### **6.3 Heritage Conservation Area and Landscape Conservation Area - Menangle**

#### **Character Description**

Menangle Village, created in the 1850's and 1860's, is unique in that it has remained essentially contained within the settlement boundaries formed by village development by the second decade of the 20th century. It was established by the Macarthur family for their estate workers and was centred on St James' Church, then later the school and the general store.

The town has had a strong association with the dairy industry, which developed following the opening of the railway after construction of the railway bridge over the Nepean River in 1863. The railway line became the commercial focus of the village and the growing dairy industry and the historic character of the village, as we see it today, is largely a reflection of the railway-related development that took place in the late 19th and early 20th centuries.

Further evidence of the association with the dairy industry includes buildings such as the Camden Estate Central Creamery (1910) and Rotolactor (1952) and worker cottages for the nearby Camden Park Estate (1870's to 1920's). The Macarthurs of nearby Camden Park Estate patronised the Village and were directly responsible for many of the fine buildings in Menangle, which assisted the village to grow and gives its character. They paid for St James's church (including Horbury Hunt's nave in 1876 and Sulman's chancel and steeple in 1898) and in circa 1904 they built the present General Store (used by the Estate as its buying agent for all provisions, stores, seeds fuel etc),

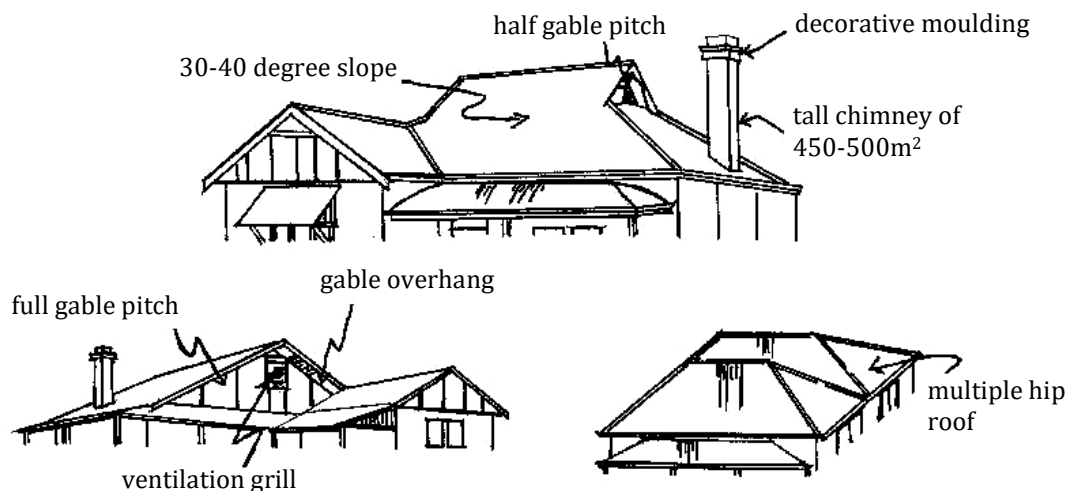
#### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Menangle heritage conservation area and Landscape Conservation Area,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of Menangle, and
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements.

#### **Controls**

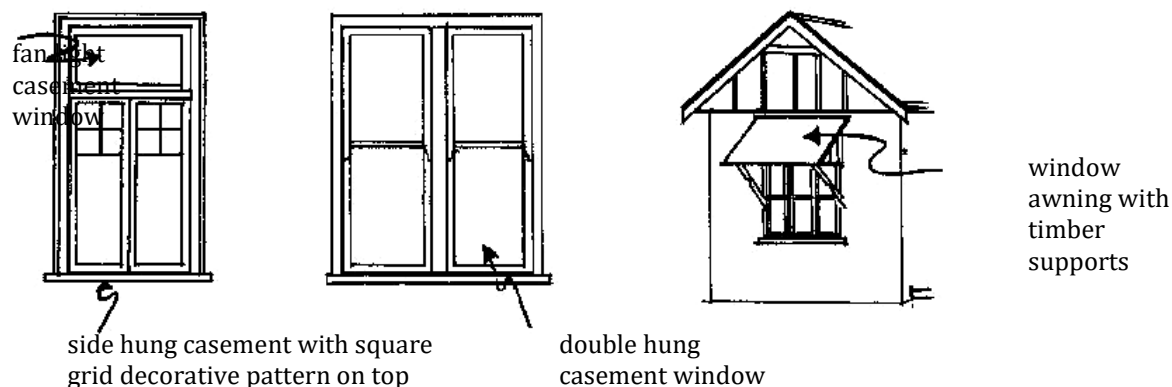
1. New development must have a minimum front building set back of 6 metres.
2. Maximum allotment width of 25 metres where located within a residential or commercial zone along Menangle Road within the Heritage Conservation Area and Landscape Conservation Area.
3. All dwellings must have a front building façade width of between 7.5 and 10.5 metres.
4. The height of a new dwelling is not to exceed one storey in height.
5. The pitch of new roofs must generally match the slope of existing earlier dwellings which average 30 to 40 degrees in slope. To provide contrast and variety to roof forms, gable overhangs, eaves, half gables and ventilation grills are encouraged to be used as devices to give a visual interest and help new developments relate sympathetically to the architectural character of the existing buildings. Dwelling roofs should have a corrugated finish. Roofs can be either painted or be colorbond. Colours should be similar to those found elsewhere in Menangle.

**Figure 1 – Examples of Traditional Roof Forms**



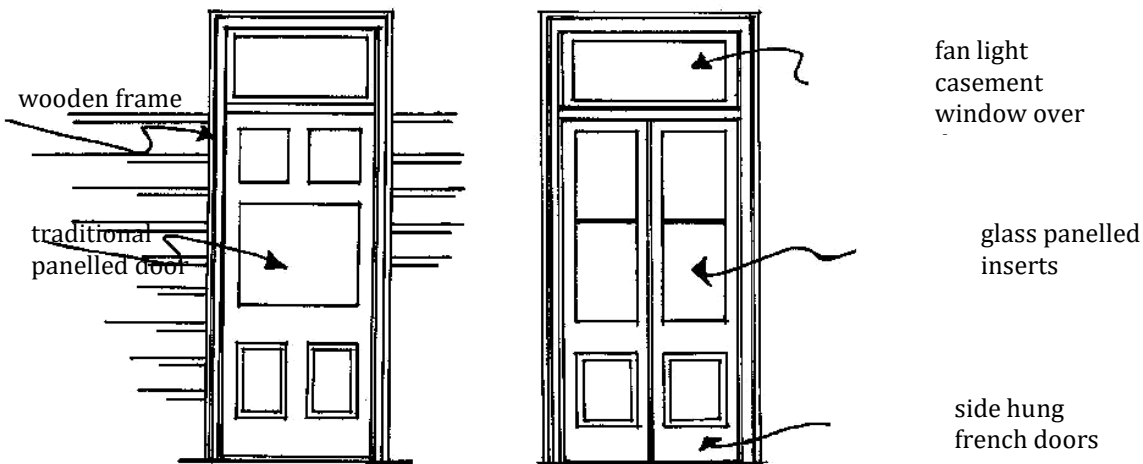
6. Chimneys are a prominent aspect of many roofs in Menangle, most of the existing chimneys have a single flue and are approximately 450 to 500 square millimetres and located at the back or side elevations. The incorporation of chimneys in the design of new dwellings should achieve a similar dimension and scale to those earlier dwellings. The decoration of new chimneys should also be in the form undertaken on the earlier dwellings.
7. Windows must be timber framed. They are to reflect examples used in early cottages within the village. Vertically proportioned timber frame side hung easements and double hung sash windows must be used. Fanlight casement windows can be used above windows and doors for extra glazing and light.
8. Window awnings, roofed with corrugated galvanised iron, flat sheet steel, ripple iron or timber shingles with timber supports may be used where appropriate to the design of the dwelling. Square profile or “cliplock” roofing is not permitted.

**Figure 2 – Examples of Window Styles and Use of Awning Hoods**



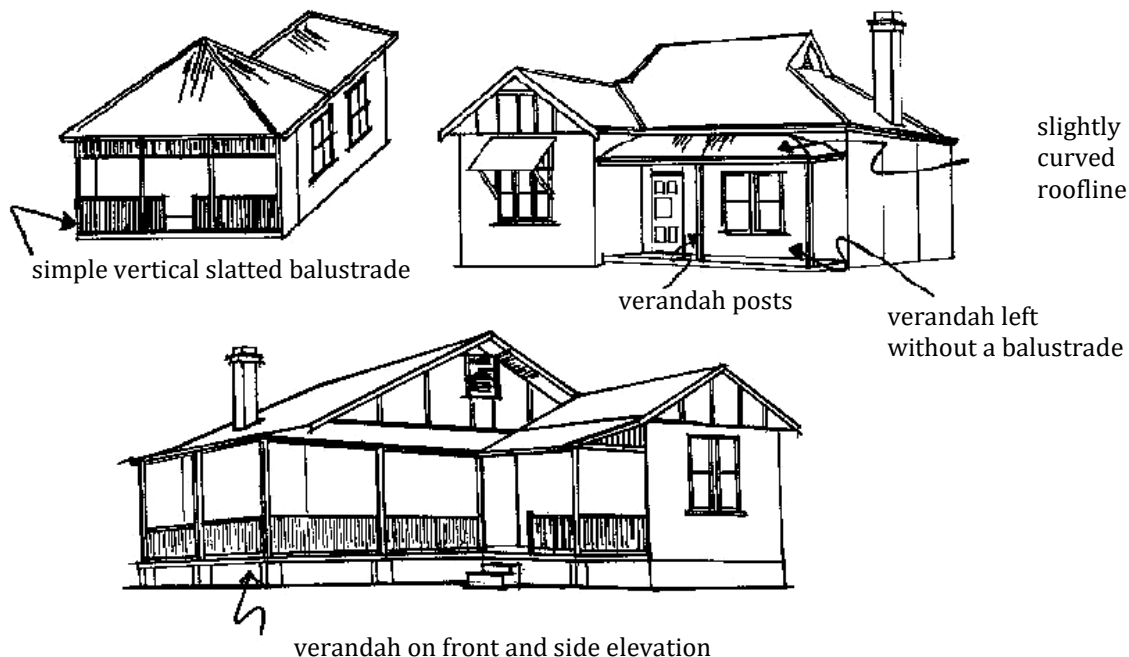
9. Doors must reflect the examples used in early cottages within the village. External doors on major elevations must be timber consisting of up to five panels with the top two or three panels of which may be glazed.
10. French doors can be used on front and/or side elevations opening onto a verandah, following the general design character of traditional village examples. French doors must be of timber frame and panelled base sections, narrow vertical proportions and 1 to 3 panes of glass.

**Figure 3 – Doors used in Early 20th Century Dwellings**



11. Verandahs contribute to a house's Heritage character. The predominant shape of verandahs within the village consists of a slightly curved verandah roof of a convex profile. Bullnosed and concave profile verandah roofs are not considered to be appropriate forms for Menangle and therefore are not encouraged. Verandahs should be constructed of the same or similar materials used for the residence as a whole. Timber shall be used for verandah framing and balustrades as well as for decorative detailing. Verandahs can also be left without a balustrade, or may be fitted with simple vertical slatted balustrades. Cast iron or pre-cast concrete verandah posts and balustrades are acceptable, so long as they are characteristic of existing styles and forms used on earlier cottages.

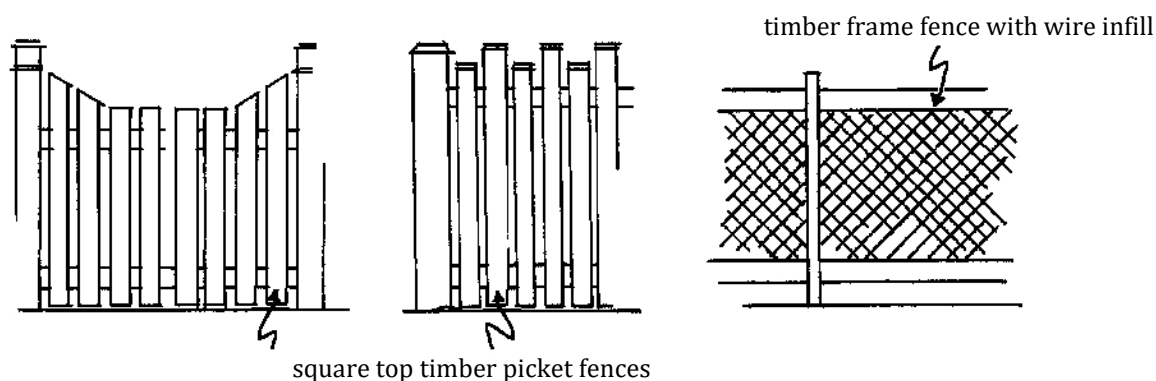
**Figure 4 – Examples of Verandah Styles & Forms in Menangle**



12. External walls may be only timber weatherboard, bagged or rendered brick, or face brick to match the colour and texture of the bungalow at 106 Menangle Road.
13. Driveways may only be gravel, brick drive strips, clay brick unit pavers, asphalt, 8% black oxide coloured concrete (to match asphalt) in broom finish.
14. Fences
- A. Front fences must be constructed to a height of 1.2 metres (*as per Housing Code*). Front fences must be constructed of wooden picket, wooden post and rail, or wire mesh enclosed by wooden post and rails. Timber paling fences are the preferred option for side and rear boundary fences.

- B. Except for hedges, all fencing in front of the main elevation of the house must be able to be seen through (i.e. not a solid wall).
- C. Fence types must only be one of the following and consistent with the style of building being fenced:
  - woven wire with steel posts and rails in timber sizes,
  - wire with timber strainer posts,
  - mesh with timber strainer posts,
  - timber post and rail,
  - timber picket or timber paling.
- D. All front fences and boundary fences to the road must be constructed to a maximum height of 1.2 metres above natural ground level.
- E. All present and future front boundary hedges shall be maintained at a maximum height of 1200 mm above natural ground level.
- F. Fencing along boundaries to public open spaces, where installed, shall be either of wire or wire mesh utilising timber straining posts or of timber post and rail design to a maximum height of 1400 mm.
- G. Hedges, trees and shrubs may be planted for privacy.
- H. Internal boundary fences including those between lots, where installed, shall match the fencing along boundaries to public open spaces OR be stone or timber paling construction to a maximum height of 1600 mm not extending forward of the building line.
- I. Neighbours may plant hedges, trees or shrubs in addition to or instead of fencing.
- J. Hollow section metal picket and metal sheet fencing are not permitted.

**Figure 5 – Traditional Fence Construction Used in Menangle**



- 15. Landscaping should utilise species of trees appropriate to Menangle including brushbox, silky oaks, pepper trees, monterey cypress, poplars and canary island palms, jacaranda and various eucalypt species. Slightly smaller trees and hedge planting should also be used for screen planting. Appropriate species include camellias, crepe myrtles and common olive. Vines on trellises and low shrub planting and flowering perennials in traditional cottage garden plans are encouraged

## 6.4 Heritage Conservation Area - Picton

### Picton Heritage Conservation Precincts

Distinct precincts are identifiable within the heritage conservation areas, including a Landscape Conservation Area, in the Picton town centre, namely:

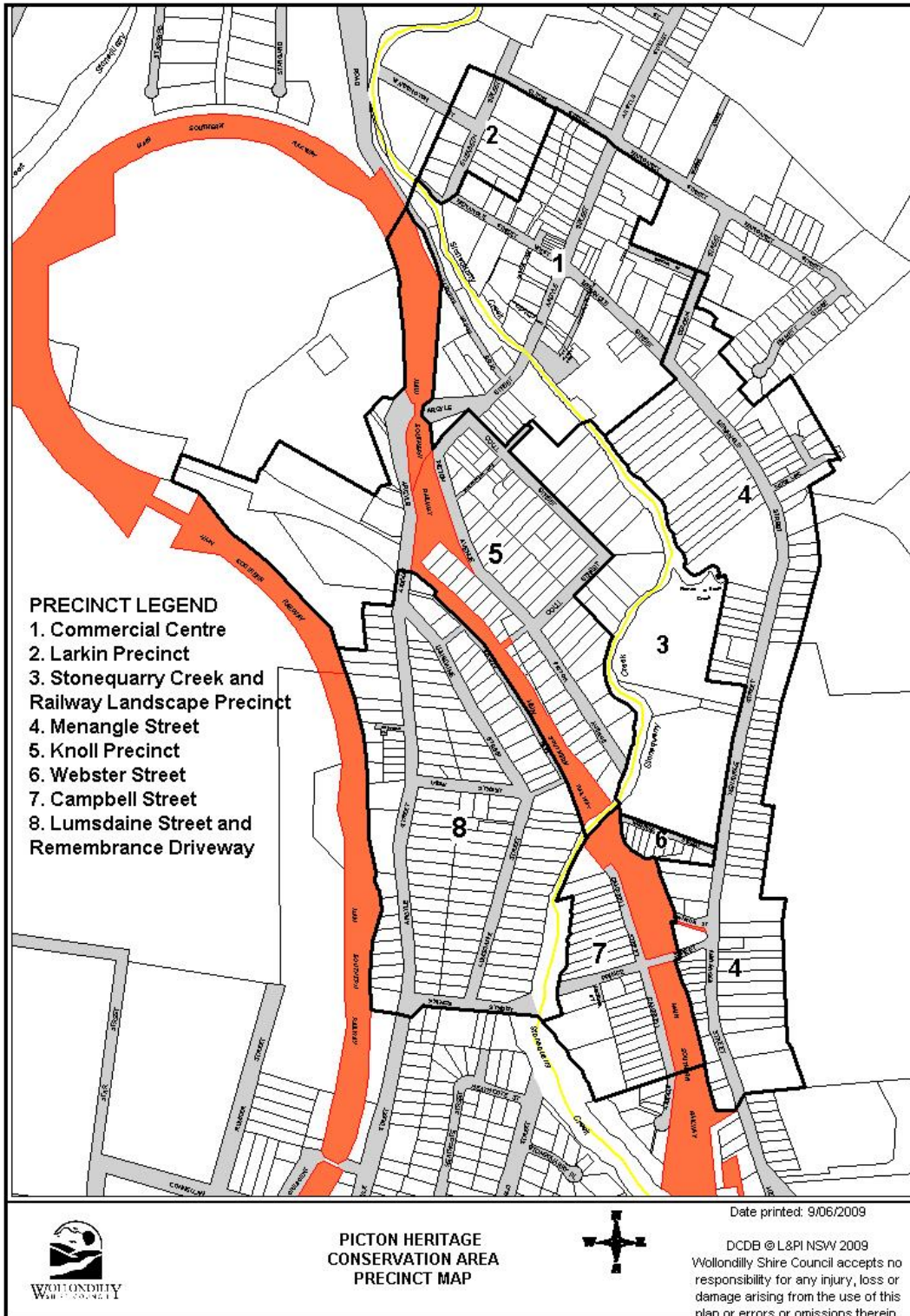
1. Commercial Centre.
2. Larkin Precinct.
3. Stonequarry Creek and Railway Landscape Precinct.
4. Menangle Street.
5. The Knoll Precinct.
6. Webster Street.
7. Campbell Street.
8. Lumsdaine Street and Remembrance Driveway

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Specific character description, development objectives and controls are provided for each precinct within the Picton Heritage conservation Area, including a Landscape Conservation Area that reflects their unique character and contribution towards the overall heritage significance of the town.

These precincts are shown on Map 1 below.

**MAP 1 – PICTON HERITAGE CONSERVATION AREA PRECINCTS**



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## **Precinct 1 – Commercial Centre**

### **Character Description**

The commercial centre precinct forms a part of the private town of Picton subdivided on Major Antill's Estate Jarvisfield in 1841. Key historic buildings within the precinct include the Picton Lockup and Court House (1865), the former CBC Bank and Coach House (1882), the former Post Office (1892), the George IV Inn (1839) located on the southern banks of Stonequarry Creek and the adjacent Stonequarry Creek Bridge Piers (1899). There are also a number of shops dating from the late 19th and early 20th centuries. The former Wollondilly Shire Hall (1915) in Menangle Street demonstrates the historic importance of the town as the municipal and administrative centre of the Shire in the early 20th century.

There is a cluster of significant buildings and associated railway infrastructure extending from Stonequarry Creek up the rise south along Argyle Street, starting with the former railway hotel (circa 1880), Anglican rectory (circa 1860) and finishing the commercial precinct with the railway bridge or 'hole in the wall' (1918) which merges into Precinct 5 – The Knoll Precinct.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Commercial Centre Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Commercial Centre Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To encourage the retention of significant shop fronts,
- (e) To promote the retention and reinstatement of original and characteristic shop front elements, and
- (f) To ensure that alteration, additions and the construction of new buildings do not compromise the integrity and consistency of the commercial centre.

## **Precinct 2 – Larkin Precinct**

### **Character Description**

The Larkin Precinct is characterised by low lying flood prone land adjacent to Stonequarry Creek, containing examples of early detached cottages built by Thomas Larkin who constructed the first steam mill in the region. Key historic buildings include the St Marks Anglican Church (1857), and associated pioneer cemetery and gardens and cottages in Elizabeth Street (circa 1830) built by Thomas Larkin. Unfortunately there are unsympathetic residential buildings constructed within the precinct which detract from the overall heritage significance of the area.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Larkin Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Larkin Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To ensure development reflects the traditional architectural design and form of the existing cottages in the precinct, and
- (e) To encourage re-vegetation and weed eradication of the Stonequarry Creek riparian zone as part of future development activities.

### **Controls**

- 1. The architectural form of new dwellings must be designed in sympathy with the simple character of existing Larkin cottages in Elizabeth Street and must utilise traditional building elements and design.
- 2. Fences must be constructed of wire mesh with wooden support posts.
- 3. New dwellings must have a gable roof pitch with a minimum 30 degree angle.
- 4. Development in this Precinct must be constructed in accordance with the flood controls contained in this Volume.

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### **Precinct 3 - Stonequarry Creek Precinct**

#### **Character Description**

This precinct is characterised by Stonequarry Creek, its associated floodplain and vegetated riparian buffers. In conjunction with Victoria Park, enclosed by a group of significant exotic trees of heritage value and the surrounding playing fields on the Picton Show lands, the precinct forms a unique vegetated and semi-rural backdrop to Picton. Due to the presence of the floodplain there are a limited number of buildings within the precinct.

#### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Stonequarry Creek Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Stonequarry Creek Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To retain the semi-rural and relatively undeveloped open feel of the Precinct, and
- (e) To encourage re-vegetation and weed eradication of the Stonequarry Creek riparian zone as a requirement of future development activities.

#### **Controls**

- 1. Development in this precinct must be constructed in accordance with the flood controls contained in this Volume.
- 2. Development must maintain the visual landscape character of Victoria Oval.
- 3. Development on or adjoining Victoria Oval must ensure minimum impact on existing old cattle yards and the existing bunya pine.

### **Precinct 4 – Menangle Street**

#### **Character Description**

The Menangle Street Precinct provides an aesthetic heritage gateway into Picton, which is due to the number of 19th and early 20th century buildings appearing at intervals along the road. Key historic buildings include the Imperial (former Terminus) Hotel (1863), Wendover House (1886), and the former Great Southern Hotel (circa 1885). The development of the railway yards and associated infrastructure in the 1890s led to the development of a small commercial area near the railway station.

Key historic buildings in the Precinct include the Jarvisfield Store (1863), Stationmasters House (1877) and Railway Station (1863), former Furrier's factory (1920) and the former railway turntable and inspection pit for the Great Southern Railway Line.

The well established landscaping along the street incorporates a mix of introduced deciduous and native trees adding to the visual context and overall gateway feel of the Menangle Street approach into Picton. Unfortunately there have been unsympathetic residential flat buildings constructed along Menangle Street which detract from the overall heritage character of the precinct.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Menangle Street Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Menangle Street Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To recognise the heritage significance of Menangle Street in providing the historic gateway to the town of Picton,
- (e) To ensure medium density infill development is undertaken to be sympathetic to the heritage and gateway character of the Precinct, and
- (f) To encourage re-vegetation and weed eradication of the Stonequarry Creek riparian zone.

### **Controls**

1. New development, including infill, must have regard to the importance of Menangle Street as the historic gateway to Picton and reflect the architectural characteristics of existing buildings.
2. New development is to maintain existing historic sandstone kerb and guttering in-situ. (Note: listed as a heritage item under Schedule 5 of the LEP)
3. Fences must be constructed of wire mesh with wooden support posts.
4. Development in this Precinct must be constructed in accordance with flood controls in this Volume.
5. Any proposed new development on allotments backing onto Stonequarry Creek must consider revegetation and weed eradication measures as part of any landscape plan.

## **Precinct 5 – The Knoll Precinct**

### **Character Description**

The Knoll Precinct is characterised by a number of significant one and two storey heritage buildings which provide it with a sense of place and denote its contribution towards the development of Picton. The precinct can be divided; firstly into railway infrastructure and associated buildings along Argyle Street and secondly, residential cottages on the northern side of the main southern railway line.

The railway bridge or 'hole in the wall' (1918) begins at the rise into the hill with the former main line railway tunnel, commonly known as the mushroom tunnel (circa 1860). The significant area to the north of the main southern railway line is residential in character with significant weatherboard and brick cottages along Picton Avenue built in the early 20th century, which feature the railway line as a backdrop and have significant views over Picton towards Antill.

A significant structure in the Precinct is the railway viaduct over Stonequarry Creek, constructed between 1863 and 1867, located adjacent to the park and the old Picton swimming pool at the end of Picton Avenue.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Precinct, and
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements.

### **Precinct 6 – Webster Street**

#### **Character Description**

The small cottages of Webster Street are thought to have been built for railway workers, mainly in the 1890s. They tend to show similar design character and style, particularly evident from complementary rooflines and front verandahs although most have been extended at the rear elevation. From the street, the significant cottages of Webster Street show evidence that their original form is still intact, and provide an historic link to the development of the railway in Picton.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Webster Street Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Webster Street Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To maintain the existing view corridor across Victoria Park towards Antill,
- (e) To maintain the historic significance of the single row of weatherboard cottages purpose built to house railway workers, and
- (f) To encourage in-fill development that reflects the simple design character of the existing railway cottages.

### **Controls**

1. Renovation, maintenance and restoration must be simple in architectural design and be sympathetic with the modest character of the existing cottages in the precinct.

### **Precinct 7 – Campbell Street**

#### **Character Description**

The Campbell Street cottages have local significance as evidence of the town's early residential development along the railway line, associated with the Jarvisfield subdivision initiated by Antill. More generally, it is also significant because of its contribution to the important stock of early buildings and townscape features of the town as a whole and the Picton Heritage Conservation Area including a Landscape Conservation Area. Its proximity to the railway station and relative consistency of style, form and materials strengthens this contribution. The group also has local aesthetic and streetscape significance as a typical representative group of modest Federation period (c1890 to c1915) cottages.

As documented in historic photographs taken c1900, the original Campbell Street railway workers' cottages were built mainly by the 1890s. Most of the cottages were of a simple colonial style, with timber weatherboard walls and a steep pitched hipped, tin roof over the original cottage, sometimes with a skillion roof addition at the rear. Two are later Arts and Crafts style influenced cottages, built c1915. Two cottages, one at each end of the street were more substantially built brick wall structures thought to have been built for more senior railway officers. Historic photographs dating from circa 1900 show most of the backyards as being open and used for garden, vegetable and tree planting. By 2007 a few of the cottages had been extended and a few newer cottages had been built in the street. Overall, Campbell Street is the most significantly intact colonial period streetscape in the Shire.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Campbell Street Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Campbell Street Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To maintain the aesthetic and architectural character design of the Campbell Street Precinct as intact row of purpose built railway cottages, and
- (e) To encourage the restoration of existing cottages and maintain the visual continuity of the Precinct from the Campbell Street frontage.

### **Controls**

1. Development must be designed in sympathy with the best characteristics of this historic late Victorian period streetscape.

## **Precinct 8 – Lumsdaine Street and Remembrance Driveway**

### **Character Description**

The precinct is of heritage significance in that it represents a transitional area of development between lower Picton, now the main town centre, and upper Picton, formerly known as Redbank. Lumsdaine Street contains a highly intact grouping of late 19th century residences representing the boom period of Picton's growth (circa 1860 – 1910) built facing the railway line that have significant view lines of, Stonequarry Creek, the Prince Street Bridge and the main southern railway line.

The stretch of Remembrance Drive contains a number of significant homes built in the 19th and early 20th centuries, which are generally grouped together in three or four adjoining properties. Well established landscaped gardens and mature trees add to the character of the precinct. Homes of particular significance include Fairview (circa 1900) and the former gatehouse and toll keeper's cottage (1867) built adjacent to the former level crossing site of the Picton – Mittagong Railway Line.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Precinct,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To ensure that alterations and extensions to existing buildings are sympathetic in design maintaining / restoring the original architectural features, and
- (e) To maintain significant view lines to the main southern railway line, Stonequarry Creek and the Prince Street Bridge for any new development in Lumsdaine Street.

## **6.5 Heritage Conservation Area - Thirlmere**

### **Character Description**

The Conservation Area contains local significance as a village centre and a relatively intact late 19th century streetscape relating to the construction of the southern railway line. Many of the residences particularly along Thirlmere Way, relate directly to the construction of the line and the commercial buildings in the main street generally reflect the railway village character of Thirlmere. Thirlmere is known to railway enthusiasts as the home of the NSW Rail Transport Museum (otherwise identified as Thirlmere Rail Heritage Centre).

Further significant themes contributing towards the heritage of Thirlmere include the timber industry, early pastoralist and agricultural pursuits in the surrounding district, the building of the Queen Victoria Hospital for sufferers of tuberculosis in 1886, and the post World War I and II migration of Estonians who settled west of the village and were significant contributors towards the development of poultry production in the Shire.

The first major impetus to development was the 1882 subdivision of Creighton's 1850 grant and a total of three main subdivisions completed during the 1880s, which formed the basis of Thirlmere's settlement pattern today. This minor land boom led to the construction of several substantial buildings including shops, the Welcome Inn, the public school (1888) and the railway station. Thirlmere railway station, originally called Redbank was opened in 1883.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Thirlmere Heritage Conservation Area, including a Landscape Conservation Area,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Thirlmere Heritage Conservation Area, including a Landscape Conservation Area,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To encourage the development of new commercial buildings that are sympathetic in design to existing heritage buildings incorporating skillion verandahs to the edge of the street, and
- (e) To retain the historic association of Thirlmere and the former great southern railway line with any new development.

### **Controls**

1. New Commercial Buildings must incorporate skillion verandahs that extend over the footpath to the street edge.

## **6.6 Heritage Conservation Area - Warragamba**

### **Character Description**

The township of Warragamba is significant through its direct association with the development of the Metropolitan Water Supply System in NSW. Although originally built as temporary accommodation for workers constructing Warragamba Dam, the township is unique in that it has survived as opposed to other purpose built accommodation towns for the construction of the Metropolitan and Snowy Mountains Dams, which are no longer intact.

The conservation area is significant in its design, with a central park featuring established trees and the town hall which has significant views west to the Greater Blue Mountains World Heritage Area. The town centre incorporates commercial buildings, the church and the school.

The existing commercial strip within the Warragamba town centre forms the boundaries of the heritage conservation area, including a Landscape Conservation Area. This area has been identified due to its significant history and potential for redevelopment which recognises past historic connections and to encourage development which is attractive to the tourism industry and does not detract from the visual setting of the area. It is recognised that existing buildings within the heritage conservation area, including a Landscape Conservation Area, are generally non-contributory elements which in some cases are in bad disrepair and could benefit from a revitalisation in line with the heritage character of the Warragamba township.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the Warragamba Heritage Conservation Area, including a Landscape Conservation Area, and the town itself,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the Warragamba Heritage Conservation Area, including a Landscape Conservation Area,
- (c) To encourage the removal or upgrading of non-contributory elements in the area so as to enhance the setting of contributory elements,
- (d) To encourage the redevelopment of commercial zoned land in Warragamba,
- (e) To encourage the simple, post WWII architectural design character features for new buildings within the conservation area,
- (f) To maintain the existing view corridor from the conservation area west to the Blue Mountains World Heritage Area, and
- (g) To ensure new development maintains the historic significance and association of the town with the construction of Warragamba Dam.

### **Controls**

1. New building design must be sympathetic to and reflect the simple, post WWII architectural design character of original buildings within the Warragamba village.
2. New commercial buildings must maintain significant view lines west to the Blue Mountains World Heritage Area where present.
3. Simple designed skillion verandahs that extend over the footpath are encouraged when designing new commercial buildings within the precinct.

## **6.7 Heritage Conservation Area - Yerranderie**

### **Character Description**

The Yerranderie Conservation Area is a partially intact mining town located in the far west portion of the Shire, west of Lake Burragorang within the greater Blue Mountains World Heritage Conservation Area, including a Landscape Conservation Area. The settlement is encompassed on three sides by precipitous cliffs.

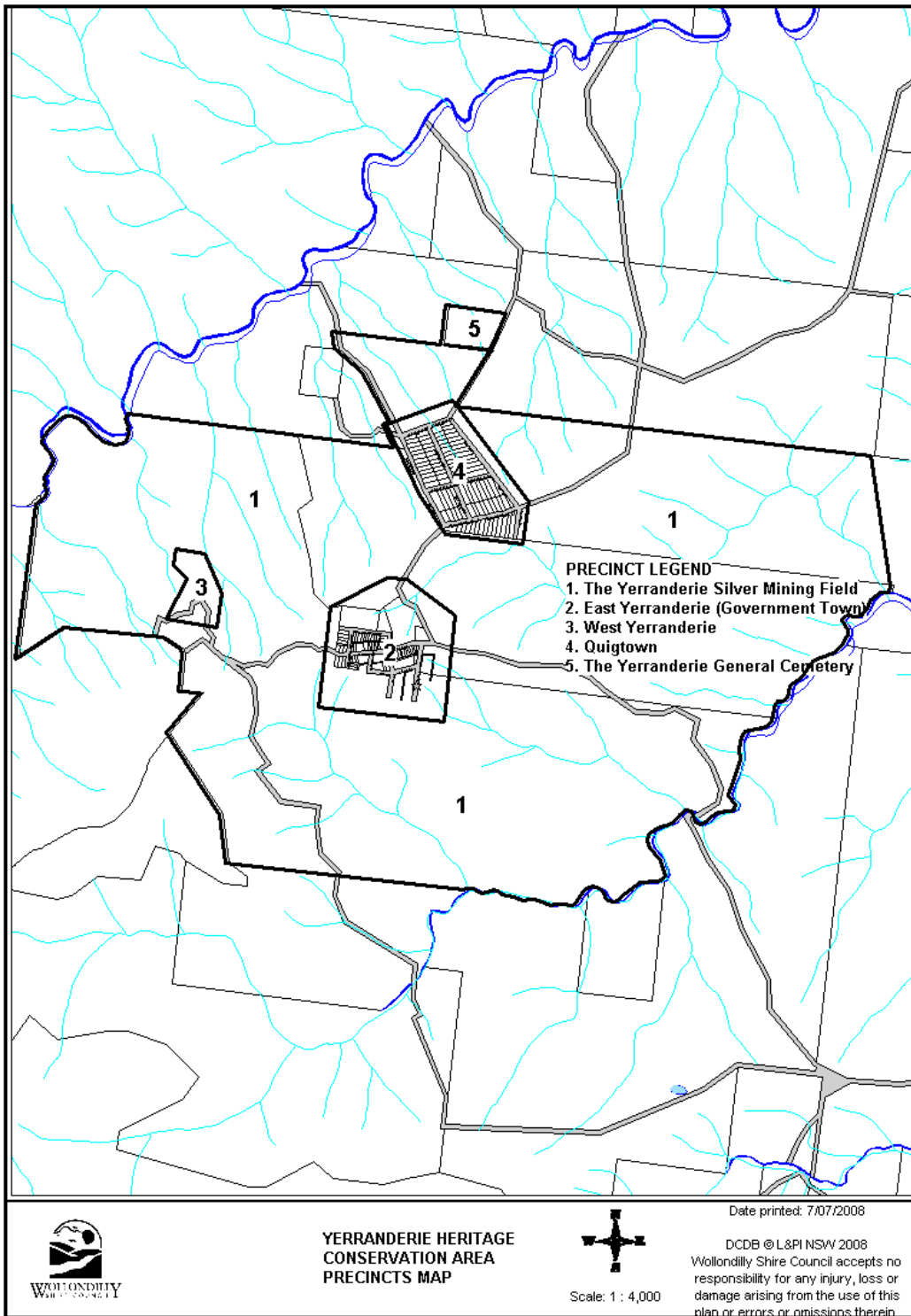
European activity within the area commenced in the early 1800's and prospered in the 1890's following the discovery of silver ore in the area. The population reached a peak of 2000 in 1911. The Depression, industrial disputes, transport difficulties and poor market conditions contributed towards the decline in mining operations, most of which had ceased by the mid 1930's. The area was further isolated by the flooding of the Burragorang Valley which cut direct access from Camden and Picton in 1960. The isolation and location factors contribute towards Yerranderie's heritage significance and representation of an early 1900's mining settlement.

There are five main precincts of the Yerranderie Heritage Conservation Area including a Landscape Conservation Area namely:

1. Yerranderie Silver Mine Field and General Cemetery
2. East Yerranderie (Government Town)
3. West Yerranderie
4. Quigtown
5. The Yerranderie General Cemetery

For the purposes of this DCP, the Yerranderie Heritage Conservation Area including a Landscape Conservation Area has been divided into these precincts that comprise the conservation area. These are shown on Map 2 below.

### **MAP 2 – YERRANDERIE HERITAGE CONSERVATION AREA PRECINCTS**



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## **Precinct 1 - The Yerranderie Silver Mining Field**

### **Character description**

The Yerranderie Silver Mining Field is comprised of five mines containing a rich assemblage of large and small mining equipment of the 1910' to 1920's period. Significant former mines include the Boreblock Mine 1904 (Silver Peak Mine consisting of crushers and mine shafts) and Bartlett's Mine 1898 (a diagonal shaft). The site also contains the Silver King Mine and Wollondilly Mine (consisting of steam winding engines). The Yerranderie Silver Mining Field is often the collective term used to describe the whole area identified as the Yerranderie Heritage Conservation Area including a Landscape Conservation Area, as it was the major elements contributing to the development of the Yerranderie Settlement.

### **Objectives**

- (a) To retain physical evidence of Yerranderie's past settlement and mining activities,
- (b) To actively conserve a full range of evidence representing the history of development of the area as a silver mining town,
- (c) To reinforce and promote the character and identity of the Yerranderie Silver Mining Field recognising its contribution towards the development of the area and sense of place,
- (d) To promote understanding and appreciation of Yerranderie's cultural heritage resources to encourage appropriate conservation activities by private owners, visitors and resource managers,
- (e) To present and interpret the historic evidence of the silver mining field for the enjoyment and education of people associated with early mining activities and visitors of the area, and
- (f) To protect remaining graves and fencepost remains in-situ from disturbance and regeneration of vegetation within the vicinity of the general cemetery.

### **Controls**

1. Visible remains, graves, ruins, and structures associated with the mining fields must be conserved and retained in situ. Any development within the vicinity of such items requires an archaeological survey.
2. Any new development must assist in the interpretation of the former silver mining fields as an educational resource.

## **Precinct 2 - East Yerranderie (Government Town)**

### **Character description**

The East Yerranderie Group consists of a mixture of original buildings, a number of sites, remains, ruins and several new dwellings. Significant original buildings include the former Police Station (1896), Courthouse (1906/07), St Senan Catholic Church (1907) and Deacon's cottage.

### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the East Yerranderie Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the East Yerranderie Precinct,
- (c) To retain in situ and protect all remaining archaeological evidence of the role of East Yerranderie including the clearly visibly remains, ruins and areas of previous social activity in the town,
- (d) To retain the historic layout where it has not been disturbed by the airstrip and new residences,
- (e) To minimise the impact of new development by encouraging development of appropriate scale, materials and alignment,
- (f) To maintain the views to surrounding bushland and escarpments and retain the open character of the settlement,
- (g) To interpret both the individual sites and the East Yerranderie Group as a whole, and
- (h) To undertake further documentation and archaeological survey of the settlement.

### **Controls**

1. Visible remains, ruins, and structures such as Bud Singh's shop, various houses, the Silver Mines Hotel, must be conserved and retained in situ. Any development within the vicinity of such items requires an archaeological survey.

2. The sites of the former social activities namely the roller skating rink, cricket ground and racecourse must be conserved and retained in situ.
3. New development must retain the historic layout and setbacks of the town where it has not been disturbed by the airstrip and new residences.
4. New buildings must be designed and constructed to reflect the scale of existing heritage items within the town, utilising matching building materials, architectural form, historic building alignment and setback.
5. Building height is restricted to a maximum of one storey.
6. Any modification or restoration of existing heritage buildings must incorporate interpretative signage to be located at the primary street boundary.

### **Precinct 3 - West Yerranderie**

#### **Character description**

The West Yerranderie Group consists of eight original buildings and several sites and remains of original structures. The remaining structures used for both domestic and commercial activities. Significant buildings remaining include Mrs. Barnes Boarding House (built prior to 1907), the former post office (circa 1907) and general store.

#### **Objectives**

- (a) To ensure development is sympathetic to the heritage character of the West Yerranderie Precinct,
- (b) To ensure that the design and materials used in new buildings, restoration and renovation of existing buildings is appropriate in scale and form to the character of the West Yerranderie Precinct,
- (c) To retain the original town layout, historic building alignments and setbacks for any new development,
- (e) To retain in situ, protect and to encourage the ongoing documentation of remaining archaeological sites,
- (f) To encourage the use of similar materials and a vernacular style of new buildings and garden plantings to reflect the original character of the settlement,
- (g) To maintain key views to the peak and surrounding escarpments,
- (h) To continue to interpret the role of West Yerranderie as part of the original broader settlement and mining fields with its range of residential, commercial, religious and recreational activities which can be understood through the location of various sites, remains, ruins and existing structures, and
- (i) To utilise the opportunities for the future use of West Yerranderie as an educational resource.

#### **Controls**

1. The Methodist Church, the Oddfellows Hall, the butcher's shop, the tennis court, Bartlett House and prior mining field archaeological sites must be retained in situ.
2. New buildings must be constructed of a combination of galvanised iron and timber sympathetic to the character of existing buildings.
3. Building height is restricted to a maximum of one storey.
4. Any modification or restoration of existing heritage buildings must incorporate interpretative signage to be located at the primary street boundary.

### **Precinct 4 - Quigtown**

#### **Character description**

Quigtown has no original buildings remaining and is covered by vegetation regrowth. Despite this, Quigtown is a rich collection of sites and remains and ruins from the original development offer archaeological potential. It was noted in the 1992 Heritage Survey, three streets that form part of the original subdivision - Yerranderie, Hilder and Dobson Streets - remain visible and that several new dwellings had been constructed on the southern side of Yerranderie Street.

#### **Objectives**

- (a) To conserve the entire Quigtown area as an archaeological site to retain its layout and remains that encapsulate the residential activities which developed this part of the Yerranderie settlement,

- 
- (b) To protect fragile elements such as garden edgings, original plantings, bases of fireplaces, dwellings water tanks and fence posts in situ from disturbance, removal, and reuse and from regeneration of vegetation, and
  - (c) To encourage further archaeological survey and documentation of Quigtown.

**Controls**

- 1. Archaeological surveys are required for all new development.
- 2. New buildings must match the scale, architectural features and historic setbacks of the settlements original buildings.
- 3. Retain remnant garden plantings with any re-development.
- 4. Visible remains, ruins, and structures associated with early settlement must be conserved and retained in situ.

**Precinct 5 - The Yerranderie General Cemetery**

**Character description**

The Yerranderie General Cemetery is located to the north of Quigtown. The area dedicated for the cemetery is 4.5 hectares and is split into four denominations. There is 0.3 hectares of the site utilised containing approximately 39 burial sites. The oldest noted burial site is dated 23/5/1908, however there may be earlier graves that are unmarked. The site is covered by native vegetation re-growth and there are tangible remains of an early post and rail fence along the western boundary.

### **Objectives**

- (a) To present and interpret the historic evidence of the general cemetery as an educational resource demonstrating the social conditions and fabric of Yerranderie's early inhabitants,
- (b) To protect remaining graves, fencepost remains and other fragile elements in-situ from disturbance and regeneration of vegetation, and
- (c) To encourage ongoing maintenance of the general cemetery area.

### **Controls**

1. New burials must be consistent in style and alignment to the existing graves.

## **6.8 The Greater Blue Mountains World Heritage Area**

The Greater Blue Mountains was inscribed on the World Heritage List in 2000. The World Heritage criteria against which the Greater Blue Mountains was listed remain the formal criteria for this area, which may be revised periodically.

The Greater Blue Mountains World Heritage Area covers 10,000 square kilometres of wild bushland. The eight connected conservation areas of Wollemi, Yengo, Gardens of Stone, Blue Mountains, Kanangra-Boyd, Nattai and Thirlmere Lakes National Parks and Jenolan Karst Conservation Reserve make up Australia's most accessible World Heritage Area. It extends 220 km from the Southern Highlands to the Hunter Valley, and from western Sydney to the farming tablelands of the Great Divide.

The Area has a complex border, in part defined by the distribution of privately owned areas of adjacent land, and is the primary catchment for Sydney's water supply with Lake Burragorang the main holding facility. The region is also an important tourist destination for residents and visitors, supported by increasing levels of urban development and road networks.

The Greater Blue Mountains provides outstanding examples representing on-going ecological and biological processes significant in the evolution of Australia's highly diverse ecosystems and communities of plants and animals, particularly eucalypt-dominated ecosystems.

Six Aboriginal language groups treasure connections with the Country of the Greater Blue Mountains that reach back into ancient time. They are the Dharawal and Gundungurra people (in the south), the Wiradjuri (in the west and north-west), and the Wanaruah, Darkinjung, and Darug (in the north-east).

*The Greater Blue Mountains World Heritage Area Strategic Plan* provides the broad management principles for the area, and establishes the framework for the integrated management, protection, interpretation and monitoring of the values of the eight reserves that comprise the GBMWA. Land management of the area is carried out by the National Parks and Wildlife Service, which is part of the NSW Office of Environment and Heritage, with additional resources provided by the Australian Federal Government through the Department of the Environment, Water, Heritage and the Arts.

*Source: Website for the Department of Environment and Climate Change*

## **6.9 Landscape Conservation Area - Menangle**

### **Character Description**

The Menangle Landscape Conservation Area is notable for aesthetic qualities derived from a rare mix of natural and cultural heritage values arising from the local topography, geology, soils, streams and vegetation. These features have historically influenced land use including agriculture, transport routes and rural style developments.

The Landscape Conservation Area has a close association and its values are interlinked with Menangle Village and the Menangle Conservation Area.

### **Why is the landscape Conservation Area significant?**

- It is significant for its evidence of early 19<sup>th</sup> century rural settlement and the main Southern Railway Line, a major 19<sup>th</sup> century engineering work.
- It was part of the Macarthur family's Camden Park rural enterprise which included road and rail links to Sydney.
- Aesthetically significant mix of relict agricultural landscapes and visual contrasts of surrounding ridges, hill slopes and cultivated river flats.
- The area includes buildings of outstanding architectural quality designed by prominent architects John Horbury Hunt and Sulman and Power.
- The area preserve important views in historic rural landholdings.
- The Area includes significant parts of the former Camden Park estate around the village as well as lands around the former Macarthur property Gulbulla.

### **Objectives**

1. To ensure proposed built form and bulk is sympathetic to the heritage character of the Menangle Heritage Conservation Area and Landscape Conservation Area.
2. To maintain scenic quality and minimise visual impact of new development.
3. To protect the historic landscape including views and vistas.
4. To ensure that new developments are designed and located so they do not have an adverse impact on the Menangle Landscape Conservation Area, Menangle Heritage Conservation Area or nearby heritage listed sites.
5. To manage the transition between residential and rural zoned areas (the rural urban interface).

### **Controls**

Note:

- These controls apply to all new developments requiring approval from Council within the Menangle Landscape Conservation Area identified under Schedule 5 of *Wollondilly Local Environmental Plan 2011* and on the associated Heritage Map.

### **Submission Requirements for all new development**

1. Any development visible from the public domain and requiring consent, including subdivisions, must be accompanied by a Heritage Impact Statement (HIS) that includes an analysis of the visual impact that the development will have on the Menangle Landscape Conservation Area, Menangle Heritage Conservation Area or any nearby heritage listed sites. The Heritage Impact Statement shall include

analysis of the cumulative impact of a proposal including any earthworks proposed or which has previously taken place as well as the impact of any supporting infrastructure.

## Vistas

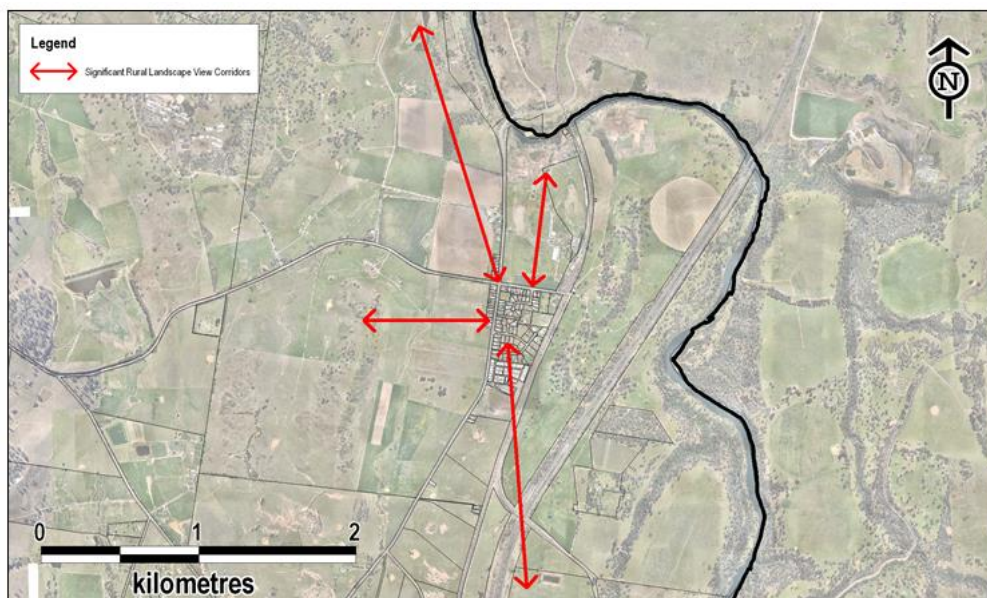
- Important views must be maintained to and from the significant features and view corridors within the Menangle Landscape Conservation Area, Menangle Heritage Conservation Area or any nearby heritage listed sites.

Figure 1 below identifies some of the most significant view corridors including but not limited to:

- North – Railway, Rotolactor, Central Creamery with grazing and cropping land;
- South – St James Hill to Gilbulla with grazing and cropping land;
- West – Mt Taurus with grazing and cropping land; and
- North West – Menangle Pond and Barrigal Lagoon with grazing and cropping land.

## Subdivision of land

- New roads and associated infrastructure must be carefully integrated into the landscape to ensure minimal impact on the vistas and views of the Menangle Landscape Conservation Area.
- Development of residential zoned land involving new roads should be separated from rural land with perimeter roads.
- Power lines are to be located below ground.
- New subdivisions resulting in more than two (2) residential lots must be accompanied by a detailed street tree landscape plan to demonstrate that new development will be in a landscape setting.



DCDB © LP&I NSW 2012 | Aerial Photography © Nearmap 2011 | Maps created on 23 August 2012 | Wollondilly Shire Council accepts no responsibility for any injury, loss or damage arising from the use of this plan or errors or omissions therein.

Figure 1 – Significant Rural Landscape View Corridors

## New Developments

- New development, including alterations and additions, are required to meet the controls contained in Part 5 of this volume.

8. New residential developments, including additions and alterations, are required to meet the controls contained in Part 6, Section 6.3 of volume 1 of Wollondilly Development Control Plan except as follows:

- Setbacks are to be as mentioned in *Volume 4 – Residential Developments* unless otherwise identified in this Part.
- Control 3 in Part 6.3 of Volume 1 regarding minimum front building façade width is not applicable to land to which this part applies.
- Controls regarding fences and number of storeys in this section will take precedence over controls in Section 6.3 in Volume 1.

### **Bulk and Scale**

9. New developments in the Menangle Landscape Conservation Area must compliment the bulk and scale of existing dwellings within the Menangle Heritage Conservation Area (Menangle Village).

#### **Ground Floor Setbacks**

The following controls are applicable for ground floor setbacks for either single storey developments or developments exceeding single storey.

<b>Lots with Areas Less Than 450m<sup>2</sup>:</b>		
Ground Floor	Front Setback	4.5m
	Side Setback	As mentioned in <i>Volume 4 – Residential Developments</i>
	Rear Setback	
<b>Lots with an Area of 450m<sup>2</sup> or Larger:</b>		
Ground Floor	Front Setback	6m
	Side Setback	As mentioned in <i>Volume 4 – Residential Developments</i>
	Rear Setback	

#### **Developments exceeding single storey**

New developments exceeding single storey must either have an appearance of single storey structure or a recessive second storey to reduce bulk and scale. Two criterions have been developed and are stated under Option A and Option B. All proposals exceeding single storey must comply with one of the two options below.

##### Option A – One and a Half Storey

Maximum external wall height shall not exceed 3.5m from the natural ground level. Walls can exceed 3.5m height and achieve a maximum height of 6.5m only to the extent of a dormer window except along the primary or secondary street frontages.

'Half storey' structures are defined as follows:

*'An uppermost story which is usually lighted by dormer windows and in which a sloping roof replaces the upper part of the front wall'*

Option B – Varied Setbacks on First Floor

Greater setbacks to first floor will be required under this option to limit the possible bulk and scale. Any proposal must comply with the following setbacks under this option:

<b>Lots with Areas Less Than 450m<sup>2</sup>:</b>		
First Floor	Front Setback	Maximum 50% of first floor façade: 2m behind the front building line. Remaining first floor façade: 3m behind the front building line.
	Side Setback	As mentioned in <i>Volume 4 – Residential Developments</i>
	Rear Setback	
<b>Lots with an Area of 450m<sup>2</sup> or Larger:</b>		
First Floor	Front Setback	Maximum 50% of first floor façade: 2m behind the front building line. Remaining first floor façade: 3m behind the front building line.
	Side Setback	1.9m
	Rear Setback	As mentioned in <i>Volume 4 – Residential Developments</i>

New development exceeding single storey also need to meet the following.

- Corners lots must comply with Option A.
- In case of Option-B ground floor roof pitch can be reduced to 15 degree.
- Straight walls going up to two storeys must be avoided.
- Building Line has the same meaning as defined in Volume-1 of Wollondilly DCP 2016.

10. New buildings and structures are to be located so that they are not visually intrusive.
11. New developments must be designed with steep pitched roofs, traditional roof forms and vertically proportioned windows in order to keep these compatible with the prevailing heritage character of Menangle village.
12. The row of established vegetation that runs along Stevens Road shall be retained during any future development.
13. Any acoustic treatments to the Hume Highway that are required on the eastern side of the Landscape Conservation Area as part of any future development shall retain the views through to the landscape conservation area.
14. Continuous Dense screening along any boundary is not permitted above the respective fence height.
15. Large sheds are not permitted in visually prominent locations.
16. Sheds should be in a traditional design and use complementary external finishes.
17. New roads or driveways must follow the contours of the landscape with minimal cut and fill (rather than intersecting the contour).
18. Earthworks including cut and/or fill must be minimized in order to retain the natural contours of the lot.

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### **Rural Style Fencing (Applies to land zoned Rural)**

19. Fencing adjoining public recreational land or Menangle Road must be see-through rural style fencing (e.g. post and rail fence with chicken wire mesh or similar) to a maximum height of 1.2m. For all other rural zoned land solid or colorbond fences are not permitted.

Details of restrictions regarding fencing shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all affected lots.

### **Residential style Fencing (Applies to land zoned residential)**

20. Front boundary fences shall be 50% see through with a maximum height of 1.2m. Front fences should be constructed of wooden pickets, or wooden post and rail with wire mesh. Aluminum or steel pickets with profile similar to timber can also be used. Solid or colorbond fences are not permitted.
21. On corner lots, the side boundary fences adjoining the street must be constructed of wooden pickets with 10mm minimum gap between the pickets and must not exceed 1.8m height. Such fencing shall taper down from the front building line of the dwelling to match the front boundary fence. Aluminum or steel pickets with profile similar to timber can also be used as alternative to wooden pickets. Solid or colorbond fences are not permitted.
22. Side or rear boundary fences directly adjoining public recreational land or Menangle Road must be see-through rural style fencing with a high ratio of voids to solids (e.g. post and rail fence with chicken wire mesh or similar) to a maximum height 1.4m. Hedges may be used for additional privacy but must not exceed 1.4m height. Solid or colorbond fences are not permitted on fences built on a boundary that adjoins rural zoned land.
23. Internal boundary fences including those between lots must be lapped and capped timber fencing with a maximum height of 1.8m, other than fencing which is:
- forward of the front building line of the dwelling. Such fencing shall taper down to match the front boundary fence; Or
  - adjoining a fence restricted to a maximum height of 1.4m under control Such fencing shall either not exceed 1.4m or shall taper down to match the 1.4m high side or boundary fence.
24. Stock fencing can be used on land adjoining rural zoned land.
25. Details of restrictions regarding fencing shall be included within a Section 88B instrument to accompany any application for a subdivision certificate and shall be registered on the title of all affected lots.

### **Landscaping**

26. On residential zoned land at least 50% of the area forward of the building line is to be landscaped.
27. A minimum of two trees with a mature height of between 3-5m are to be planted for every dwelling. One tree is to be planted outside each property at the subdivision stage within the road reserve and the second is to be planted within each property boundary.

## **PART 7 – Aboriginal Heritage**

### **7.1 Objectives**

- (a) To achieve appropriate means of **conservation**, management and protection for archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.
- (b) To achieve compliance with the requirements of the National Parks and Wildlife Act, 1974 and associated Regulations and guidelines with respect to **Aboriginal objects and Aboriginal places of heritage significance**.
- (c) To consider and manage Aboriginal objects and Aboriginal places of heritage significance at the earliest practical stages in the land development process.

### **7.2 Controls**

An indigenous heritage and archaeological report must be prepared for any development application on land which contains a known Aboriginal object or Aboriginal place of heritage significance. The report must be prepared by a suitably qualified archaeologist. The report must be prepared in accordance with the Code of Practice for Archaeological Investigation of Aboriginal objects in NSW. A report may also be required at the discretion of the assessing officer where:

- 1. There is impact or disturbance to the content, or within the immediate vicinity (100 metres) of a known Aboriginal object or Aboriginal place of heritage significance;
- 2. There is impact or disturbance to, or within the immediate vicinity (100 metres) of a previously recorded or known Aboriginal object or Aboriginal place of heritage significance and can include a cultural landscape, an existing or former ceremonial ground, a burial ground or cemetery, a story place or mythological site, a former Aboriginal reserve or historic encampment, or an archaeological site of high significance;
- 3. A proposal (including subdivision) which affects primarily undeveloped land (irrespective of land size) and has the following site features:
  - river frontage
  - creek line
  - sandstone exposures at ground level larger than 5m<sup>2</sup>
  - sandstone cliff line or isolated boulder higher than 2m
  - disturbance to the roots, trunk, branches, of old growth trees, which are native to the Wollondilly Shire and greater than 150 years of age.
- 4. Ensure that all works cease in the vicinity of any previously unidentified Aboriginal objects or places identified during excavation and construction and that the following be notified
  - a) The Office of Environment and Heritage NSW (OEH)
  - b) A qualified archaeologist
  - c) Aboriginal stakeholders.
- 5. Ensure that should human skeletal remains be discovered that the following process will be undertaken:
  - a) The remains will be reported to the police and the state coroner.
  - b) Wollondilly Shire Council and the land owner will be notified of the find.
  - c) Aboriginal stakeholders will be notified of the find.
  - d) OEH NSW will be notified.
- 6. If the skeletal remains are of Aboriginal ancestral origin an appropriate management strategy will be developed in consultation with the Aboriginal stakeholders.
- 7. The find will be recorded in accordance with the National Parks and Wildlife Act 1974 (NSW) and the NSW NPWS Aboriginal Cultural Heritage Standards and Guidelines Kit.
- 8. The findings will be incorporated into any proposed Aboriginal Heritage Plan's management regime.

## **PART 8 – Flooding**

### **8.1 Objective**

To reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.

### **8.2 Controls**

There are a number of areas in Wollondilly Shire which are subject to inundation by flooding or overland stormwater flows. If Council has any doubts as to whether an area is flood prone or subject to stormwater inundation it will require a report as to the extent of flooding from a suitably qualified Engineer or Surveyor. Controls for flood affected land are identified in Table C and applied based on the combination of land use category (refer to Table A) and flood risk precinct for the site (refer table B or further information may be available from Council via an application for flood information).

Table C and the associated Key provides development controls which apply to flood affected land including overland flow flooding unless a Current Floodplain Risk Management Plan provides site specific controls.

**Table A – Land use Category Definitions**

LAND USE CATEGORY DEFINITIONS							
Essential Community Facilities	Critical Utilities and Uses	Subdivision	Residential	Commercial/Industrial	Tourist or Rural Related Development	Recreation and Non-Urban	Concessional Development
<ul style="list-style-type: none"> <li>Community facilities and information and education facilities which may provide an important contribution to the notification or evacuation of the community during flood events</li> <li>Emergency services facilities</li> <li>Hospitals</li> </ul>	<ul style="list-style-type: none"> <li>Child care centres</li> <li>Educational establishments</li> <li>Electricity generating works</li> <li>Liquid fuel depots</li> <li>Offensive or hazardous industries</li> <li>Public utility undertakings (including generating works which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events</li> <li>Research stations</li> <li>Seniors living</li> <li>Telecommunication facilities and networks</li> </ul>	<ul style="list-style-type: none"> <li>Subdivision of land which involves the creation of new allotments, with potential for further development</li> </ul>	<ul style="list-style-type: none"> <li>Caravan parks – long term sites only</li> <li>Exhibition homes and villages</li> <li>Home business, Home occupations, Home-based child care</li> <li>Residential accommodation</li> <li>Tourist and visitor accommodation</li> <li>Additions or alterations to dwellings to create greater than 30m<sup>2</sup> additional habitable floor area</li> <li>Garages or outbuildings with a minimum floor area of 40m<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>Air transport facilities</li> <li>Amusement centres</li> <li>Bulky goods premises</li> <li>Business premises</li> <li>Car parks</li> <li>Depots</li> <li>Entertainment facilities</li> <li>Freight transport facilities</li> <li>Function centres</li> <li>Funeral chapels</li> <li>Health services facilities (other than Hospitals)</li> <li>Highway service centres</li> <li>Industries</li> <li>Industry retail outlets</li> <li>Landscaped and garden supplies</li> <li>Nightclubs</li> <li>Office premises</li> <li>Passenger transport facilities</li> <li>Places of public entertainment</li> <li>Places of public worship</li> <li>Public administration buildings</li> <li>Registered clubs</li> <li>Restricted premises</li> <li>Retail premises</li> <li>Rural industries</li> <li>Rural supplies</li> <li>Service stations</li> <li>Sex services premises</li> <li>Storage premises</li> <li>Timber and building supplies</li> <li>Transport depots</li> <li>Vehicle body repair workshops</li> <li>Vehicle repair stations</li> <li>Vehicle sales or hire premises</li> </ul>	<ul style="list-style-type: none"> <li>Agriculture</li> <li>Environmental facilities</li> <li>Extraneous industries</li> <li>Farm buildings</li> <li>Recreation areas and minor ancillary structures (e.g. toilet blocks or kiosks);</li> <li>Restriction facilities</li> <li>Roadside stalls</li> <li>Utility installations (other than critical utilities)</li> </ul>	<ul style="list-style-type: none"> <li>Caravan parks – short term sites only</li> <li>Recreation areas</li> <li>Recreation facilities</li> </ul>	<ul style="list-style-type: none"> <li><u>Residential accommodation:</u></li> <li>Additions and alterations to an existing dwelling up to 30m<sup>2</sup> of additional habitable floor area (once only). No structures are permitted in floodway</li> <li>Garages or outbuildings with maximum floor area of 40m<sup>2</sup> (medium risk) or 20m<sup>2</sup> (high risk)</li> <li>Redevelopment for the purposes of substantially reducing the extent of flood affectation to the existing building.</li> <li><u>All Other development:</u></li> <li>Additions or alterations to an existing building of not more than 20% of the floor area or 150m<sup>2</sup> whichever is the lesser (once only). No structures are permitted in floodway.</li> <li>Redevelopment for the purposes of substantially reducing the extent of flood affectation to the existing building</li> </ul>

**Note: the land uses described in this table are defined under Wollondilly Local Environmental Plan 2011**

**Table B – Flood Risk Precinct Definitions**

**High Flood Risk Precinct**

In the absence of a detailed assessment with a Floodplain Risk Management Plan (that takes precedence over this definition), the following definition applies. The High Hazard Flood Risk Precinct has been defined as the area within the envelope of land subject to a high hydraulic hazard (as defined with the provisional criteria outlined in the Floodplain Development Manual and must be deemed to include the transition zone without a comprehensive study) in a 1% AEP (1in 100 year ARI) flood event.

**Medium Flood Risk Precinct**

In the absence of a detailed assessment with a Floodplain Risk Management Plan (that takes precedence over this definition), the following definition applies. The Medium Hazard Flood Risk Precinct has been defined as land below the 1:100 year ARI flood level plus 0.5m freeboard (Flood Planning Level) that is not within the High Flood Risk Precinct.

**Low Flood Risk Precinct**

In the absence of a detailed assessment with a Floodplain Risk Management Plan (that takes precedence over this definition), the following definition applies. The Low Hazard Flood Risk Precinct has has been defined as all other land within the floodplain (ie; within the extent of the Probable Maximum Flood or PMF) but not identified within either the High Flood Risk or the Medium Flood Risk Precinct where risk of damages are low for most land uses.

**Table C – Controls** (Refer to Key to Table C)

Planning Consideration			Land Use Categories (Refer Table A)								
			Essential Community Facilities	Critical Utilities and Uses	Subdivision	Residential	Commercial/Industrial	Rural related Development	Recreation & Non-Urban	Concessional Development	
<b>Flood Risk Precinct</b> (Refer Definitions)	<b>Low Risk</b>	FL	Floor Level	FL5	FL5						
		BC	Building Components								
		SS	Structural Soundness	SS3	SS3						
		HY	Flood Affectation								
		EV	Evacuation								
		MD	Management & Design			MD3	MD3	MD3	MD3	MD3	MD3
	<b>Medium Risk</b>	FL	Floor Level	Unsuitable	Unsuitable		FL1 or FL4	FL2 or FL3	FL2 or FL3	FL1 and/or FL2	FL1 or FL2 or FL3 or FL4
		BC	Building Components	Unsuitable	Unsuitable		BC1	BC1	BC1	BC1	BC1
		SS	Structural Soundness	Unsuitable	Unsuitable	SS2	SS1 SS2	SS1 SS2	SS1 SS2	SS1 SS2	SS1 SS2
		HY	Flood Affectation	Unsuitable	Unsuitable	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5	HY2 HY3 HY4 HY5
		EV	Evacuation	Unsuitable	Unsuitable		EV1 EV2	EV1 EV2	EV1 EV2	EV1 EV2	EV1 EV2
		MD	Management & Design	Unsuitable	Unsuitable	MD1					MD2
	<b>High Risk</b>	FL	Floor Level	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	FL1 and/or FL2	FL1 or FL2 or FL3 or FL4
		BC	Building Components	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	SS1	SS1
		SS	Structural Soundness	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable		
		HY	Flood Affectation	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	HY1 HY2 HY6	HY1 HY2 HY6
		EV	Evacuation	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable		
		MD	Management & Design	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable	Unsuitable		MD2

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## **Key to Table C – Controls**

### FL Floor Level

- FL1 Any habitable floor of a permitted structure must not be less than the applicable Flood Planning Level. The submission of a surveyor's certificate must be required on forming up of the structure, certifying that floor is not less than the required level.
- FL2 The floor level of a permitted structure must give due consideration to the flood damages associated with over floor flooding and complete an economic analysis if a floor level below the flood planning level is proposed.
- FL3 Minor extensions may be permitted without raising floor levels, provided Council is satisfied that the cumulative effect of such extensions is not significant.
- FL4 Council may permit an existing dwelling to be extended at the level of the existing ground floor level, such extension to be not more than 30% of the area of the ground floor of the existing building on a once only basis
- FL5 The floor of any development must be above the Probable Maximum Flood Level. The submission of a surveyor's certificate must be required on forming up of the structure, certifying that floor is not less than the required level.

### BC Building Components

- BC1 Any portion of a permitted structure below the Flood Planning Level must be constructed of flood compatible (flood damage resistant) materials.

### SS Structural Soundness

- SS1 Any permitted structure (including foundations and support) must require information to be provided by a competent engineer indicating that the structure can withstand the likely conditions experienced during the 1% AEP Flood without suffering significant damage.
- SS2 Any permitted structure (including foundations and support) must require information to be provided by a competent engineer indicating that the structure can withstand the likely conditions experienced during the PMF without suffering Structural Failure.
- SS3 Any permitted structure (including foundations and support) must require information to be provided by a competent engineer indicating that the structure can withstand the likely conditions experienced during the PMF Flood without suffering significant damage.

### HY Flood Affection

- HY1 Filling or otherwise obstructing floodways must not be permitted.
- HY2 Fencing must be compatible with the nature of flooding and be designed to pass flood flows during flood events up to the Flood Planning Level.
- HY3 Any permitted development must require adequate information to be provided by a competent engineer indicating that the proposed development will be unlikely to significantly increase the 5% AEP and 1% AEP flood levels or peak flood flow velocities on adjacent properties
- HY4 Any permitted filling of land in Floodway areas must require compensatory works such as excavated floodways to be provided to ensure that there is no adverse affect on flood levels.
- HY5 Subdivision of land in Floodway areas must not be permitted unless the applicant is able to demonstrate that a significantly better outcome in terms of flood risk is achieved.
- HY6 Council will only consider development in High Hazard Floodway areas that does not alter flood behaviour and is compatible with the high hazard rating.

### EV Evacuation

- EV1 The applicant must satisfactorily demonstrate that permanent, fail-safe, maintenance-free measures are incorporated in the development to ensure the timely, orderly and safe evacuation of people in the event of a flood
- EV2 Development in High Hazard areas must be designed to allow easy evacuation.

### MDManagement and Design

- 
- MD1 Subdivision of land within the extent of the Designated Flood is undesirable, however, subdivision may be permitted provided the applicant demonstrates that the proposed subdivision:
- (a) Fully complies with all relevant provisions of this Policy
  - (b) Contains permanent, maintenance-free and fail-safe provisions for evacuation such as continuously rising roads linking with high ground.
  - (c) Does not incorporate proposals for high-risk land uses such as hospitals, nursing homes or aged accommodation.
- MD2 A notation will be included on the development consent for non-habitable additions or alterations, outbuildings and swimming pools; stating that the land is subject to flooding and that the building may be inundated by flood waters from time to time.
- MD3 Applicants proposing subdivision or rezoning will be required to satisfactorily demonstrate that their proposal minimises the flood hazard to occupants and provides for flood evacuation by measures such as roadways rising continuously towards high ground.

## **PART 9 – Environmental protection**

### **9.1 Objectives**

1. To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.
2. To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.
3. To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.

### **9.2 Interpretation**

The following definitions are used in this part:

**Avoid** In the first instance the applicant must make all reasonable attempts to avoid any impact on environmentally sensitive land. This involves relocating the development or changing the design of the proposal to prevent any works associated with the development occurring within environmentally sensitive areas.

**Minimise** Where it is not possible to “avoid” any areas of environmentally sensitive land, every attempt shall be made to “minimise impacts”. In this part minimise means designing and constructing the development so that any impact on environmentally sensitive land is of a minor scale and significance only.

**Mitigate** Where it is not possible to “avoid” or “minimise” any impact on environmentally sensitive land, any impacts must be “mitigated”. In this part “mitigate” means taking all reasonable steps to relieve any impacts associated with works in environmentally sensitive land such as rehabilitation or re-establishment of affected areas.

#### **Native Vegetation**

Means any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any shrub);
- (b) understorey plants;
- (c) groundcover (being any type of herbaceous vegetation);
- (d) plants occurring in a wetland.

Vegetation is indigenous if it is a species of vegetation, or if it comprises species of vegetation, that existed in the state before European settlement.

### **9.3 Controls**

1. Development carried out on areas mapped as ‘sensitive land’ on the Natural Resources – Biodiversity Map and the Natural Resources Water Map under Wollondilly Local Environmental Plan, 2011 shall occur so as to either avoid, minimise or mitigate any adverse impact as detailed in Clause 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011.
2. If a development is not able to avoid, minimise or mitigate an adverse impact on sensitive land mapped on the Natural Resources Biodiversity Map, the vegetation shall not be cleared or otherwise disturbed unless the impacts are offset through biobanking or a similar conservation arrangement.

3. The consent authority shall not grant consent to any development that would result in the clearing or other disturbance of an environmental asset unless it is satisfied that any adverse impacts will be offset through bio banking or a similar environmental conservation arrangement.
4. Any development application on a site that includes sensitive land mapped on the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011 with a riparian buffer distance, must include an accurate survey of riparian buffer distances to determine the exact location of the buffer which is to be measured from the top of bank of each side of the watercourse. It should be noted that the LEP maps are indicative and based on watercourse centre lines. These maps do not identify the location of the top of banks of watercourses as it is not the intent of the map to show this and the position of watercourse centre lines shown is only approximate. The map seeks to identify what buffer distance is to be applied to each watercourse and not the extent of that buffer on the ground.

In circumstances where the applicant can provide evidence to the satisfaction of Council, e.g. advice from the NSW Office of Water or a Hydrological Report that the waterway is insufficiently defined this control will not apply.

5. All stormwater generated from any development shall be treated to an acceptable standard to maintain water quality. In determining the “acceptable standard” the consent authority shall be mindful of the relevant guidelines of the State and Federal Governments. This treatment must be undertaken outside any areas mapped as sensitive land in the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011.
6. Nothing in this section prevents minor works on environmental land for the purposes of providing infrastructure.
7. Where a development is proposed on sites which do not contain areas mapped on the Natural Resources Water or Natural Resources Biodiversity maps and contain native vegetation, the development shall be located in accordance with the following (in order of preference):
  - i) on cleared parts of the site wherever possible; or
  - ii) in locations where the least amount of vegetation removal would be required (e.g. close to roads) if the development is not able to be located wholly in a cleared area; or
  - iii) If the development is not able to be located wholly in a cleared area, then the development should be located on parts of the site in which the vegetation is determined as being of the least significance and recovery potential.

This includes consideration of vegetation removal for any main buildings, ancillary buildings, asset protection zones, effluent disposal areas and access driveways that may be required for the development.

8. In cases where native vegetation removal is required a flora and fauna report from an appropriately qualified ecologist may be required to satisfy compliance with any of the controls listed above.

**Note: Compliance with the above controls does not guarantee that consent would be granted for the development; the requirements of the *Threatened Species Act, 1995*, *Native Vegetation Act, 2003* and the *Environmental Protection and Biodiversity Conservation Act, 1999* would need to be satisfied if approval is required under those acts of legislation.**

## **PART 10 – Tree removal**

### **10.1 Objectives**

The objectives of this part are as follows:

1. Identify trees and other native vegetation for the purpose of clause 5.9(3) of Wollondilly Local Environmental Plan 2011 which states the following:

*“(3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:*

*(a) development consent; or*

*(b) a permit granted by the Council”*

2. Identify trees and other native vegetation that:

- may be removed without a permit or development consent
- may be removed with a permit
- may be removed only with development consent

### **10.2 Interpretation**

In this section a reference to removing a tree is a reference to the full range of activities described in Clause 5.9 (3) of Wollondilly Local Environmental Plan, 2011. That is, the ringbarking, cutting down, topping, loping, removing, injuring or wilfully destroying of any tree.

In this section Native Vegetation means:

Any of the following types of indigenous vegetation:

- (a) trees (including any sapling or shrub, or any shrub);
- (b) understorey plants;
- (c) groundcover (being any type of herbaceous vegetation);
- (d) plants occurring in a wetland.

Vegetation is indigenous if it is a species of vegetation, or if it comprises species of vegetation, that existed in the state before European settlement.

In this section a tree is considered to be a tree or shrub which meets one of the following:

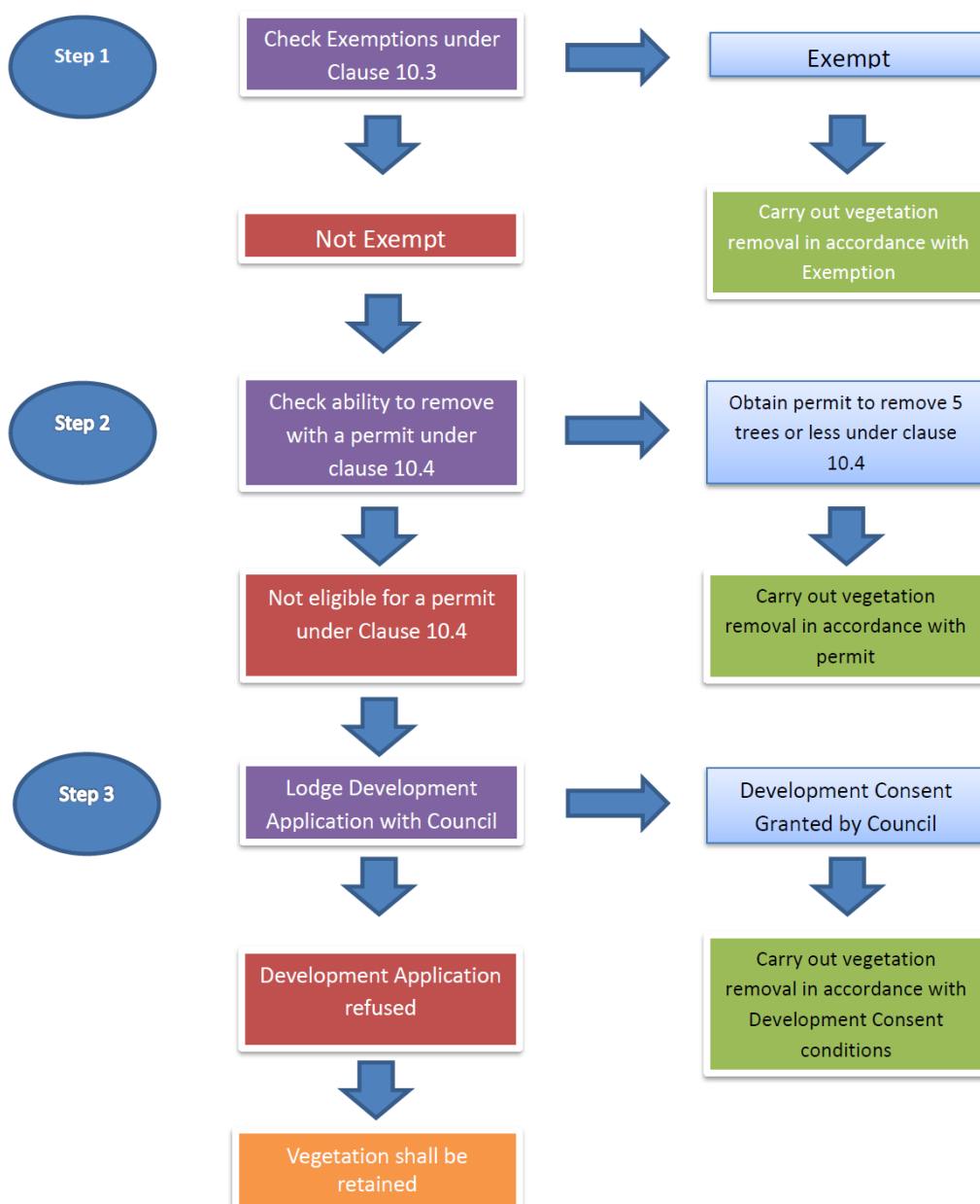
- a) is greater than 3 metres in height; or
- b) The trunk has a circumference of 450mm at 1 metre above ground level; or
- c) has a branch span of greater than 3 metres.

In this section a Development Consent refers to a consent that is issued by Council under the Environmental Planning and Assessment Act, 1979 authorising the removal of more than five trees or 50m<sup>2</sup> of other native vegetation. A Complying Development Certificate is NOT taken to be a development consent.

In this section a Permit refers to a permit that is issued by Council that authorises the removal of 5 trees or less, or less than 50m<sup>2</sup> of other native vegetation.

In this section Exempt Tree/Vegetation Removal refers to native vegetation that may be removed without the need for a permit or development consent (or any other approval from Council).

Applicants should refer to the flowchart below in determining the necessary approvals required:



**10.3 Trees/other native vegetation that may be removed without consent and without a permit (i.e. exempt)**

Any of the following tree removal activities may be carried out without the need to obtain either a tree removal permit or development consent from Council:

1. Removal of a tree or other vegetation species that is a declared noxious weed by the NSW Government under the *Noxious Weeds Act, 1993* or that is a species of tree identified below, regardless of size (unless the tree is listed as a heritage item):
  1. African Olive (*Olea europaea*)
  2. Bamboo (*Phyllostachys spp. bambusa spp, Aundanaria*)
  3. Black locust (*Robinia pseudoacacia spp*)
  4. Box Elder (*Acer negundo*)
  5. Camphor Laurel <20 metres in height only (*Cinnamomum camphora*)
  6. Canary Island Date Palm (*Phoenix canariensis*)
  7. Cassia (*Senna pendula*)
  8. Chinese Celtis (*Celtis sinensis*)
  9. Cocos palm/queen palm (*Syagrus romanzoffiana*)
  10. Leighton's green Pine (*Cupressocyparis x leylandii*)
  11. Cootamundra wattle (*Acacia baileyana*)
  12. Coral Tree (*Erythrina x sykesii*)
  13. Cotoneaster (*Cotoneaster spp.*)
  14. Date Palm (*Phoenix dactylifera*)
  15. Evergreen Alder (*Alnus jorulensis*)
  16. Evergreen Ash (*Fraxinus griffithii*)
  17. Golden wreath wattle (*Acacia saligna*)
  18. Honey Locust (*Gleditsia triacanthos*)
  19. Ice cream bean (*Inga edulis*)
  20. Privet (*Ligustrum spp*)
  21. Oleander (*Nerium oleander*)
  22. Peppercorn (*Schinus spp*)
  23. Radiata Pine <20 metres in height only (*Pinus Radiata*)
  24. Poplar <20 metres in height only (*Populus spp.*)
  25. Queensland Silver Wattle (*Acacia podalyriifolia*)
  26. Rhus (*Toxicodendron succedaneum*)
  27. Rubber Tree (*Ficus elastica*)
  28. Silky Oak (*Grevillea robusta*)
  29. Slash Pine (*Pinus elliotii*)
  30. Sweet Pittosporum (*Pittosporum undulatum*)
  31. Tree Lucern (*Tagasaste Chamaecytisus palmensis*)
  32. Tree of Heaven (*Ailanthus altissima*)
  33. Umbrella Tree (*Schefflera actinophylla*)
  34. Wild Tobacco Tree (*Solanum mauritianum*)
  35. Willow (*Salix spp.*)
  36. Yellow Bells (*Tecoma stans*).
2. Removal of a tree or other form of vegetation that is located within 3 metres of an existing lawfully constructed building or access driveway. (In this control, a tree is to be measured from the external part of the trunk to the building).
3. Removal of a tree or other form of native vegetation that is located within 3 metres of a building or access driveway authorised by a development consent. (In this control a tree is to be measured from the external part of the trunk to the building). For the purposes of this exemption a complying development certificate is NOT a development consent.
4. Removal of any tree or other form of native vegetation that Council is satisfied is dying or dead and is not required as the habitat of native fauna. The owner of the land (or persons acting on their behalf) on

which the tree or vegetation exists must provide to Council written justification, including photographs, from an arborist or other suitably qualified person. Works must not be undertaken until Council has provided written advice that it is satisfied that the tree or vegetation is dying or dead.

5. Removal of a tree or other form of native vegetation that Council is satisfied is a significant imminent risk to human life or property. Works must not be undertaken until Council has provided written advice that it is satisfied that the tree or vegetation poses an immediate danger to people or property.
6. Removal of a tree or other form of vegetation being carried out under the following legislation:
  - a) Action required, or authorised to be carried out under the *Electricity Supply Act 1995*, the *Roads Act, 1993* or the *Surveying and Spatial Information Act 2002*.
  - b) The Clearing of Native Vegetation that is authorised by a development consent or a Property Vegetation Plan under the *Native Vegetation Act, 2003*.
  - c) Functions as required to protect persons from dangers to their safety and health, and to protect property from destruction or damage, arising from floods and storms under the *State Emergency Services Act, 1989*.
  - d) Works for which an order or permit has been issued by the NSW Rural Fire Services under the *Rural Fires Act, 1997*.
  - e) Any removal authorised for removal from the NSW Rural Fire Service 10/50 Vegetation Clearing Code of Practice for NSW.
  - f) Removal carried out in accordance with a license, permit, authority or approval under the *Water Act, 1912* or the *Water Management Act, 2000*.
  - g) Removal for the purpose of the construction, operation and maintenance of infrastructure by Water NSW in the exercise of its land management activities within SP2 zones, including roads, tracks, viewing platforms, signs and recreation facilities.
  - h) Removal on Crown Lands within the meaning of the *Crown Lands Act, 1993* or on crown public roads within the meaning of the *Roads Act, 1993*, where removal is being undertaken or authorised by the Department of Lands.
  - i) Any clearing carried out in accordance with an order under the *Trees (Disputes between Neighbours) Act, 2006* or other like Neighbourhood Dispute legislation.
7. Trees or other form of vegetation to be pruned as part of routine pruning of fruit trees, or commercial horticulture or forestry operations.
8. Amenity Pruning within Australian Standards.

#### **10.4 Trees/other native vegetation that may be removed without development consent but require a permit**

1. The Council may issue a permit for the removal of no more than 5 trees provided that:
  - a) The tree does not form part of a heritage site or is within a heritage conservation area, including a Landscape Conservation Area, or that forms part of an aboriginal object or that is within an aboriginal place of heritage significance; and

- b) The retention of the tree is not required by a development consent condition or a section 88B restriction as to user that prohibits tree clearing or removal of the tree in question; and
  - c) The tree has not been identified as containing tree hollows or significant habitat or food source; and
  - d) The tree is not located within a Natural Resources Biodiversity Area or that is within the Natural Resources – Water layer under clauses 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011; and
  - e) Must not form part of a vegetation community which has been identified as an endangered ecological community or threatened ecological community under any Act of legislation.
  - f) Council has not issued a permit to remove trees or other native vegetation under this clause in the previous 2 years for the subject property.
2. The Council may issue a permit for the removal of no greater than 50m<sup>2</sup> of native vegetation (other than a tree) under this section provided that no permit to remove trees or other native vegetation under this section has been issued in the previous 2 years for the subject property.

**Note:** Council has the ability to refuse a permit for the removal of no greater than 50m<sup>2</sup> of native vegetation if the vegetation is affected by controls 1(a) to 1(f) above and Council considers that greater assessment is required. In this regard a development application is required for the vegetation removal.

#### **10.5 Trees/other native vegetation that may be removed only with development consent**

1. Any tree or other native vegetation removal which cannot be carried out as exempt development under clause 10.3 of this volume or by obtaining a permit under clause 10.4 of this volume may only be removed with development consent.

**Note:** In cases where the tree and/or native vegetation removal is required in association with a development requiring consent under Part 4 of the *Environmental Planning and Assessment Act, 1979*, the removal of vegetation will also require consent and may require assessment under part 5A of the Act.

**PART 11 – Landscaping**
**11.1 Objectives**

1. To encourage the planting of endemic species in landscaping.
2. To reduce the impact of landscaping on the environment, infrastructure and human safety.
3. To create a landscape character that is defined by native vegetation and not introduced species.

**11.2 Recommended Species**

Tabulated below are the recommended plant species for the various localities in the Shire.

**Table 1: Recommended Groundcover and Small Shrub Species (under 1 metre) for the Shire**

Botanic name	Common Name	Comments
<i>Acacia myrtifolia</i>	Myrtle Wattle	Most well drained soils
<i>Clematis glycinoides</i>	Old Man's Beard	Well drained soils
<i>Dillwynia retorta</i>	Healthy Parrot Pea	Sandy and clay soils
<i>Hardenbergia violaceae</i>	Purple Twining-pea	sandy, clay and rocky soils
<i>Indigophora australis</i>	Native Indigo	Grows on shale and rocky slopes
<i>Kennedia rubicunda</i>	Dusky Coral Pea	Tolerates dry conditions
<i>Lomandra logifolia</i>	Spiny-head Mat Rush	Requires moist soil
<i>Patersonia sericea</i>	Silky Purple Flag	Sandy soils
<i>Pimelia linifolia</i>	Rice Flower	Tolerates dry soils
<i>Rubus parvifolius</i>	Native Raspberry	Very hardy, most soils
<i>Stypantra glauca</i>	Nodding Blue Lily	Most soils, good drainage
<i>Viola hederaceae</i>	Native Violet	Needs moist soil

**Table 2: Recommended Shrub Species (1 to 5 metres) for the Shire**

Botanic name	Common Name	Comments
<i>Acacia binervata</i>	Two-veined Hickory	Favours moist sites
<i>Acacia floribunda</i>	White Sallow or Sally Wattle	Sandy alluvial soil
<i>Acacia linifolia</i>	Flax-leaved Wattle	Sandy, clay soils
<i>Acacia longifolia</i>	Sydney Golden Wattle	Sandy soils
<i>Acacia terminalis</i>	Sunshine Wattle	Well drained soils
<i>Banksia serrata</i>	Old Man Banksia	Prefers sandy, well drained soil
<i>Banksia spinolusa</i>	Hairpin Banksia	Light to moderately heavy soils
<i>Bursaria spinosa</i>	Blackthorn	Dry to wet sclerophyll forest
<i>Callistemon salignus</i>	Willow Bottlebrush	Tolerates wet conditions
<i>Grevillea mucronulata</i>	Green Spider-flower	Sandy to clay soils
<i>Grevillea sericea</i>	Pink Spider-flower	Sandy soils
<i>Hakea dactyloides</i>	Finger Hakea	Mostly sandy soils
<i>Kunzea ambigua</i>	Tick Bush	Well drained soils
<i>Leptospermum polygalifolium</i>	Yellow Tea-tree	Frost hardy, well drained soils
<i>Ozothamnus diosmifolius</i>	Everlasting Paper Daisy	Variety of soils
<i>Persoonia levis</i>	Broad-leaf Geebung	Well drained soils
<i>Persoonia pinifolia</i>	Pine-leaf Geebung	Hardy, most well drained soils

**Table 3: Additional Shrub Species: Oakdale, Werombi and Theresa Park area**

Botanic name	Common Name	Comments
<i>Callistemon citrinus</i>	Crimson Bottlebrush	Most soils

<i>Dodonaea triquetra</i>	Common Hop bush	Well drained sandy sols
<i>Hakea sericea</i>	Silky Hakea	Well drained soils

**Table 4: Additional Shrub Species: Douglas Park, Wilton and Appin area**

Botanic name	Common Name	Comments
<i>Hakea sericea</i>	Silky Hakea	Well drained soils

**Recommended Tree Species by locality**
**Table 5: Southern Area: Bargo, Buxton, Tahmoor and Thirlmere:**

Botanic name	Common Name	Comments
<i>Acacia elata</i>	Cedar Wattle	Sand, loam or clay soils
<i>Acacia mearnsii</i>	Black Wattle	Does not tolerate dry or poor soils
<i>Angophora floribunda</i>	Rough-barked Apple	Tolerates most soil types
<i>Angophora subvelutina</i>	Broad-leaved Apple	Woodland tree
<i>Casuarina cunninghamiana</i>	River She-oak	Will survive heavy clay or sandy soils
<i>Allocasuarina littoralis</i>	Black She-oak	Woodland tree
<i>Eucalyptus baueriana</i>	Blue Box	Prefers well drained soil
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark	Shallow and sandy soils
<i>Eucalyptus globoidea</i>	White Stringybark	Well watered sandy or alluvial soils
<i>Eucalyptus haemastoma</i>	Scribbly Gum	Skeletal sandstone soils
<i>Eucalyptus moluccana</i>	Grey Box	Loamy soils
<i>Eucalyptus punctata</i>	Grey Gum	Soils of low to medium fertility
<i>Eucalyptus tereticornis</i>	Forest Red Gum	Soils of medium to high fertility
<i>Eucalyptus viminalis</i>	Ribbon or Manna Gum	Fertile loamy soils
<i>Melaleuca lineariifolia</i>	'Snow in summer'	Very hardy, clay or shale soils
<i>Melaleuca styphelioides</i>	Prickly leaved Paperbark	Drought tolerant, sandstone and shale soils

**Table 6: Central Area: Douglas Park, Appin, Wilton, Picton, The Oaks, Razorback, Mt Hunter Cawdor and Menangle**

Botanic name	Common Name	Comments
<i>Acacia decurrens</i>	Sydney Green Wattle	Heavy soils
<i>Acacia elata</i>	Cedar Wattle	Sand, loam or clay soils
<i>Acacia mearnsii</i>	Black Wattle	Does not tolerate dry or poor soils
<i>Acacia parramattensis</i>	Parramatta Wattle	Very frost hardy
<i>Angophora floribunda</i>	Rough-barked Apple	Tolerates most soil types
<i>Angophora subvelutina</i>	Broad-leaved Apple	Woodland tree
<i>Brachyciton populneus</i>	Bottle tree	Needs good drainage
<i>Casuarina cunninghamiana</i>	River She-oak	Will survive heavy clay or sandy soils
<i>Allocasuarina littoralis</i>	Black She-oak	Woodland tree
<i>Eucalyptus amplifolia</i>	Cabbage Gum	Loamy soils
<i>Eucalyptus crebra</i>	Narrow-leaved Ironbark	Shallow and sandy soils
<i>Eucalyptus eugenoides</i>	Thin-leaved Stringybark	Clay soils
<i>Eucalyptus globoidea</i>	White Stringybark	Well watered sandy or alluvial soils
<i>Eucalyptus haemastoma</i>	Scribbly Gum	Skeletal sandstone soils
<i>Eucalyptus maculata</i>	Spotted Gum	Sandy and clay soils
<i>Eucalyptus molucana</i>	Grey Box	Loamy soils
<i>Eucalyptus punctata</i>	Grey Gum	Soils of low to medium fertility
<i>Eucalyptus tereticornis</i>	Forest Red Gum	Soils of medium to high fertility

<i>Melaleuca lineariifolia</i>	'Snow in summer'	Very hardy, clay or shale soils
<i>Melaleuca stypheloides</i>	Prickly-leaved Paperbark	Drought tolerant, sandstone and shale soils

**Table 7: Northern Area: Oakdale, Werombi, Theresa Park, Warragamba and Silverdale**

Botanic name	Common Name	Comments
<i>Acacia parramattensis</i>	Parramatta Wattle	Very frost hardy
<i>Angophora costata</i>	Smooth-barked Apple	Sandy soils
<i>Callitris rhomboidea</i>	Port Jackson Pine	Drought tolerant
<i>Allocasuarina torulosa</i>	Forest Oak	Well drained soils
<i>Eucalyptus creba</i>	Narrow-leaved Ironbark	Shallow and sandy soils
<i>Eucalyptus eximia</i>	Yellow Bloodwood	Drought tolerant
<i>Eucalyptus longifolia</i>	Woollybutt	Heavy moist soils
<i>Eucalyptus maculata</i>	Spotted Gum	Sandy and clay soils
<i>Eucalyptus moluccana</i>	Grey Box	Loamy soils
<i>Eucalyptus pilularis</i>	Blackbutt	Clay and sandy soils
<i>Eucalyptus punctata</i>	Grey Gum	Soils of low to medium fertility
<i>Eucalyptus tereticornis</i>	Forest Red Gum	Soils of medium to high fertility
<i>Melaleuca linariifolia</i>	'Snow in summer'	Very hardy, clay or shale soils
<i>Melaleuca lineariifolia</i>	'Snow in summer'	Very hardy, clay or shale soils
<i>Syncarpia glomulifera</i>	Turpentine	Most soils

### 11.3 Banned Species

The following species are not to be used in landscaping within Wollondilly:

- Conifers,
- Species specified in Clause 10.3(1)(a) of this volume,
- Species identified as Noxious Weeds under the Noxious Weeds Act,
- Species identified as a weed under any adopted policy of Council.

### 11.4 Street Trees

Street tree planting must comply with the Council's Tree Risk Management Plan.

## **PART 12 – Signage**

### **12.1 Objectives**

1. To provide controls for the implementation of the Advertising structures in commercial or industrial zones section of Schedule 2 of Wollondilly Local Environmental Plan, 2011.
2. To ensure signage that is exempt development does not have adverse impacts on traffic safety and pedestrian amenity.
3. To ensure signage that is carried out as exempt development does not significantly detract from the amenity of the commercial and industrial built environments.

### **12.2 Signage as exempt development**

1. To be an exempt advertising structures under Schedule 2 of Wollondilly Local Environmental Plan, 2011, the structure must:
  - a. Not be located within a road reserve; and
  - b. Be a fixed sign; and
  - c. In the case of a sign attached to a building have no part of the sign higher than the part of the building on which it is attached; and
  - d. Not be located within 100m of a heritage item or a heritage conservation area, including a Landscape Conservation Area; and
  - e. No be located within 100m of a classified road; and
  - f. Be designed and installed in accordance with the requirements of a professional engineer; and
  - g. Not be used for the promotion or advertising of any product or business other than a business operation from the site on which the structure is located; and
  - h. Not be used for the promotion or advertising of any sex services premises, brothel or restricted premises; and
  - i. Must not be illuminated; and
  - j. Be the one and only advertising structure on the lot constructed as exempt development under this schedule.

## **Part 13 – Controls for Development within the Metropolitan Rural Area**

### **Background**

The intent of this Part is to assist in the application and interpretation of clause 7.9 in *Wollondilly Local Environmental Plan 2011*, which provides matters that Council must consider before granting consent to any development that is proposed on land within the Metropolitan Rural Area (MRA).

The MRA is that part of Greater Sydney which is generally outside the established and planned urban areas. The objective of the MRA is to protect and enhance the wide range of environmental, social and economic values in rural areas (which includes rural towns and villages) across Greater Sydney. The values to be enhanced and protected vary from Council to Council and within local government areas depending on the area's characteristics.

The area to which the MRA applies is identified in the Greater Sydney Regional Plan. In the Wollondilly context, the MRA comprises a significant portion of the Shire with the exception of the priority growth areas at Wilton and Greater Macarthur, and the Camden Park (Bridgewater) urban area and excluded areas such as the western portion of the shire covered by National Park.

Within the Wollondilly Local Government Area, land to which the MRA applies is identified on the Metropolitan Rural Area Map within WLEP 2011 and any development requiring consent must satisfy the requirements of clause 7.9 prior to Council granting consent for the proposed use. Clause 7.9 was introduced into WLEP 2011 as part of amendment no. 40 to WLEP 2011 to ensure that the values of the MRA are given due consideration as part of any development application (in addition to planning proposals).

The information and development controls in this part relevant to the MRA are set out below and are based on a series of principles, aimed to retain the key values of land within the MRA.

### **Principle 1: Enhancing Habitat and Biodiversity**

#### Background

Within the MRA, significant areas of biodiversity are conserved in public protected areas such as National Parks, reserves and water catchment areas. However, a considerable amount of biodiversity also occurs outside these protected areas on privately owned land and these areas are subject to increasing pressure from land use change and intensification.

Key issues for the protection of biodiversity and habitat within the MRA as it applies within the Wollondilly LGA include the following:

- Defining and protecting habitat corridors (including koala corridors);
- The retention of native vegetation on development sites;
- Identification and protection of the complementary values to biodiversity within a development site;
- Protection of terrestrial and aquatic biodiversity from direct and indirect impacts of development.

- Ensuring that development sites incorporate minimal cut and fill in order to support the retention of native vegetation, maintain soil profiles, maintain natural water balances, minimise erosion and minimise the spread of weeds of identified regional significance

### Controls

1. Development on bushfire prone land must ensure that any bushfire protection measures (such as the location of asset protection zones) are applied so as to minimise the impacts on any biodiversity values of the land, including habitat connectivity.
2. Development proposals impacting native vegetation (as defined under s60b of the Local Land Services Act, 2013) are to address Council's protecting biodiversity principle contained in Council's Sustainability Policy:

*Considering the broader planning framework, all decisions are made in accordance with the following order of priority where achievable:*

1. *Avoidance of potential impacts to biodiversity. Where avoidance cannot be achieved then;*
2. *Mitigation of any unavoidable impacts on the site affected. Where mitigation cannot be achieved then;*
3. *Offsetting of any residual impacts of the decision within the Wollondilly LGA;*

Those proposals prepared under biodiversity frameworks at the state and/or commonwealth level involving offsetting must be consistent with the above.

3. Asset protection zones are to be located outside of environmentally sensitive areas (as defined under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*).
4. Habitat corridors (including koala corridors) should not form part of an Asset Protection Zone (APZ), including both Inner Protection Area and Outer Protection Area.
5. The development is to be designed to have no adverse impact on any identified habitat corridors within the development site or on surrounding land which links to the development site. Any such corridors must be verified by a site assessment undertaken by a suitably qualified ecologist.
6. The presence and boundaries of koala corridors on the site should be initially identified from the Koala Corridors in South-West Sydney Mapping available on the Sharing and Enabling Environmental Database (SEED). Any such corridors must be verified by a site assessment undertaken by a suitably qualified ecologist.

Koala corridors and their management should be consistent with the principles contained in the advice of the NSW Office of the Chief Scientist which can be viewed at:

<https://www.chiefscientist.nsw.gov.au/independent-reports/archive/campbelltown-koala-advice>

7. Any development on land within or directly adjoining a mapped koala corridor (primary, secondary or tertiary), must be designed and located in such a way as to avoid, or where not achievable, minimise any adverse indirect impacts to preferred koala food trees (PKFTs). Indirect impacts are defined as potential impacts to biodiversity not directly related to removal of native vegetation (such as the presence of weeds or dumping of materials).

**Notes:**

1. Development applications involving potential impacts on native vegetation and/or habitat corridors are likely to require some level of ecological assessment in order to satisfy the above controls. Advice from a suitably qualified ecologist should be obtained as to whether this should be in the form of a Flora and Fauna Report or a Biodiversity Assessment Report prepared under the Biodiversity Assessment Methodology;
2. The applicant for any development application should verify whether the application involves the clearance of native vegetation within land identified as Strategic Conservation Area under the Cumberland Plain Conservation Plan. Any such application would be required to meet the requirements contained in Part 13.4 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

**Principle 2: Protecting mineral and energy resources and extractive industries**

Background

Mining can be an important complimentary industry to agriculture and provide diversity to rural economies. Mining is a significant value of the MRA due to areas (particularly the south western portion of the MRA) comprising high value coal resources (including areas of both thermal and metallurgical coal) with mining titles.

Coal resources in Wollondilly are extracted using the technique of longwall mining. This is a method of underground coal mining whereby blocks of coal, known as 'panels', are extracted from a coal seam by a shearer moving along the face of a panel. As the mining progresses along the face of a panel, the overlying strata collapses behind the advancing longwall face. As a result, subsidence, or lowering of the land surface can be an unavoidable consequence of mining in the area due to this technique. These areas are typically identified in the form of Mine Subsidence District areas. It is important to ensure that future development on land would not sterilize any underground resources or conflict with extractive industries in the MRA.

Controls

1. In Mine Subsidence Districts, any structures, where relevant, are to incorporate design and construction methods that would accommodate subsidence impacts and be in accordance with the relevant Subsidence Advisory Guidelines to assist in protecting structures from potential subsidence issues.

**Principle 3: Protecting Drinking Water Catchments**

Background

Water quality is important for drinking, farming, ecosystem and recreational uses. Sydney's water catchment areas are protected to maintain drinking water quality. Approximately 75% of the Wollondilly Local Government Area overlaps with the Sydney Drinking Water Catchment, with a large portion of the Sydney Drinking Water Catchment area being located within the MRA land within the Shire.

The Wollondilly LGA also supports critical water supply infrastructure, including Warragamba Dam, the majority of Lake Burragorang, parts of the Cataract and Cordeaux Dams, the Warragamba Pipelines and Upper Canal. Most of the Sydney Drinking Water Catchment Area within the LGA is designated as 'special area' under the *Water NSW Act 2014* and the associated *Water NSW Regulation 2020* due to the proximity to key water storages and their associated dams.

### Controls

1. Development within the Sydney Drinking Water catchment area is to demonstrate neutral or beneficial effect (NORBE) to water quality (Development is taken to have a NORBE on water quality if the concurrence of Water NSW is issued, or the development satisfies the Water NSW NORBE Assessment tool).
2. For the purposes of this Part, a neutral or beneficial effect on water quality means development that:
  - Has no identifiable impact on water quality; or
  - Will contain any water quality impact on the development site and stop it reaching any watercourse, water body or drainage depression on the site; or
  - Will transfer any water quality impact outside the site where it is treated and disposed of to standards approved by the consent authority.

## **Principle 4: Preserving Land for Agriculture and Implementing appropriate buffers to support agriculture**

### Background

The Greater Sydney Region Plan has recognised the need to retain the MRA to increase opportunities for agricultural and horticultural uses, as well as for the purpose of supporting existing enterprises. It is well recognised that there is a need to provide certainty for existing peri-urban farms by protecting against the risk of land use conflict caused by encroachment from incompatible land uses and in turn preserving land for agriculture.

### Buffers

Certain uses have the potential to generate land use conflict when they occur in proximity to an existing agricultural use or rural industry. Where a use is proposed near an existing agricultural establishment which has the potential to conflict with that agricultural use, for example, due to an increase in complaints associated with matters arising from the day to day activities of the farm, the use of buffers is often considered appropriate.

Controls:

1. For any relevant new land use that is proposed in proximity and is likely to have a high impact to an existing agricultural enterprise or rural industry, a Land Use Conflict Risk Assessment (LUCRA) may be needed for the use. The LUCRA is to be prepared in accordance with the Land Use Conflict Risk Assessment Guide issued by the NSW Department of Primary Industries (February, 2023).

In determining whether a LUCRA is required, the suggested evaluation distances in Table 1 of the NSW Department of Primary Industries Interim Guidelines for 'Buffer Zones to Reduce Land Use Conflict with Agriculture' (November, 2018) should be applied.

2. Buffers are to be provided where a new use has the ability to impact on the lawful and reasonable operations of an existing agricultural use or rural industry in the MRA;
3. Further specialist studies may be required to inform the nature of any buffer zones (including the extent/distance of the buffer area and other measures such as vegetation zones or the like) where it has been identified, either via the LUCRA or as a result of Council's assessment of the proposal that there is potential for a new land use conflict with an existing agricultural enterprise or rural industry in the MRA.
4. It is the responsibility of the latter development to address any land use conflict matters as per the principles established in Inghams Enterprises Pty Ltd vs Kira Holdings Pty Ltd (1995);
5. A landholding, with an existing agricultural activity must not be required to accommodate any part of a buffer intended to mitigate impacts from a potentially conflicting land use.
6. Any mitigating measures required within the buffer area (e.g. a vegetated screen) are to be retained throughout the life of either the new use, or the life of the existing agricultural enterprise/rural industry (whichever ceases first).

**Principle 5: Preventing Incompatible Uses in Rural Areas;**

Background

The rural zoned lands in the Wollondilly LGA are diverse in nature. While many of those areas are currently utilised for farming purposes and are highly valued for their agricultural potential, others are perceived to be constrained through proximity to residential and urban development, small lot size, access to natural resources, environmental values or other barriers to development.

While the zoning of land typically tries to best reflect the character of that land, there may be some pockets of RU1 Primary Production zoned land in the Shire that are not as suited to large-scale agriculture as other areas. In those instances, alternative and modern forms of agriculture may still be considered as a compatible use and not necessarily mean a landowner has to resort to a non-agricultural use (which may not be as in keeping with the rural character) in order to sustain the land.

## Controls

1. New development, in or adjoining land, zoned RU1 Primary Production should incorporate sufficient measures to:
  - a. not restrict or inhibit the future use of the land for agricultural uses, including fragmenting prime crop and pasture land or by removing it from production; and
  - b. not be detrimental to the capacity of an existing agricultural enterprise in the vicinity to be maintained or expand.
2. Alternative measures such as small footprint, high value production, tourism (including agritourism) and visitor economy and recreation uses are considered appropriate means of improving viability on lands that may be constrained for agricultural purposes.

## Biophysical Strategic Agricultural Lands (BSAL)

In 2014, the NSW Department of Primary Industries mapped high-quality agricultural land as Biophysical Strategic Agricultural Land (BSAL). In Wollondilly, BSAL comprises 1,478ha (3% of the rural lands), 80% of which is mapped within the 1 in 100-year flood level on the floodplains of the Nepean River.

The BSAL is land with high quality soil and water resources capable of sustaining high levels of productivity. The NSW Government has undertaken mapping of BSAL across NSW to help manage competing land uses proposed for high quality agricultural land.

## Controls:

1. Land Uses on, or adjoining, Biophysical Strategic Agricultural Lands (BSAL) which are likely to significantly reduce the capacity of the BSAL to be used for the purposes of agriculture in the future (such as heavy industries or waste disposal facilities) are to be avoided;

## **Principle 6: Maintaining and enhancing the distinctive character of rural towns and villages;**

### Background

Rural towns and villages are an important component of the MRA lands, as they are intended to provide mainly for local growth needs, as opposed to the Metropolitan Urban Area which will assist in facilitating regional scale growth. One of the main purposes of limiting towns and villages in the MRA to local growth is to preserve the local character of those towns and villages and retain the existing green spaces between those towns and villages.

Wollondilly's rural areas comprise 34 separate towns and villages, each with its own distinct character and features. These include, historic and scenic villages, outlooks, vistas, rural roads and open recreational spaces. It is important that development within and around the towns and villages respects the local character and retains the unique attributes of each of those areas.

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## Controls

1. New development within the town and village boundaries is to be consistent with, respect the existing established character of the relevant town or village and be consistent with any relevant town or village character statement (where they exist);
2. New alterations and additions to existing buildings in main streets of the existing towns and villages is to maintain the existing character of the street.
3. Any development in the main streets of the existing towns and villages which involves the change of use, repurposing or intensifying of the use is to apply adaptive reuse wherever possible.

## **Principle 7: Preserving Scenic Lands**

### Background

The MRA lands contain significant scenic values. Within the Wollondilly LGA, the combination of bushland, rural vistas, rural towns and villages/settlements, natural features such as waterways and land used for agricultural purposes. The topography of the rural lands varies from gently undulating hills to steep river gorges and these areas add to the character of scenic lands across the MRA areas of the Shire. The scenic landscape values can be impacted by new land uses or intensification of existing uses.

While these controls aim to guide appropriate development outcomes, they are not intended to restrict, prevent, or unreasonably impede the use of land for agricultural purposes.

### Controls

1. The scale and massing of any buildings are to be visually appropriate and consistent with the existing streetscape appearance.
2. New development is to minimise bulk and scale appropriate to the locality and utilise design elements such as articulation to limit visual intrusion.
3. Where bulky buildings cannot be avoided, they are to be sited and provided with suitable architectural treatments to ensure it is compatible with the locality.
4. Colours and materials of buildings and structures are to be:
  - a) sympathetic with their surrounds, including landscape character where proposed in a rural or conservation zone;
  - b) constructed of materials with non-reflective surfaces;
  - c) complementary to the locality and blend with surrounds;
5. New buildings should not be located on ridgelines.

6. When proposed in rural or conservation zones, the design of the development is to reinforce rural character through consistent features (e.g. bulk and scale, roof forms, setbacks, frontages), to surrounding buildings. Where there are no buildings in proximity to the development, the design of buildings within the broader locality are to be considered.
7. Buildings and structures in rural and conservation zones should avoid being located in visually prominent areas.
8. Stands of mature trees with understory which enhance the non-urban character of the landscape in a rural or conservation zone should be retained;

### **Principle 8: Protecting areas of cultural and heritage value**

#### Background

There are many identified places that have heritage value within the MRA. These are identified as heritage items, heritage conservation areas, archaeological sites and places of Aboriginal significance under Schedule 5 of the WLEP2011.

These heritage places are unique and varied and they contribute to the character and value of the MRA.

The heritage significance of these items and places must be retained, respected, enhanced, activated and celebrated. Any development or change of land use must be sensitive and sympathetic to the heritage places to ensure that the heritage value is not diminished, but is enhanced.

#### Controls

1. Development and change of land use that affects a heritage place shall be consistent with:
  - Principle 6: maintaining and enhancing the distinctive character of rural towns and villages and Principle 7: Preserving Scenic Lands of the MRA (above)
  - the provisions of Volume 1 of DCP 2016 (where relevant), including:
    - Part 5 – Colonial Heritage (General)
    - Part 6 – Heritage (Specific Locations).
    - Part 7 – Aboriginal Heritage.

### **Principle 9: Adequately Managing Hazards**

#### Background

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A large portion of the lands within the MRA are affected by natural hazards which affect the capacity for land to be used for certain purposes. In the Wollondilly LGA, flood prone land and bushfire hazard need to be considered for certain lands. In particular, consideration needs to be given to the evacuation capacity and risk to life where uses will attract a large number of people. More developed parts of the MRA can be exposed to extreme heat as a result of the urban heat island effect.

#### Controls

1. Where it is subject to a risk from a natural hazard, the development is to be sited to minimise its risk from natural hazards, and where relevant, consider evacuation routes for occupants and visitors.
2. Any development on flood prone land is to meet the requirements of Part 8 of this volume.
3. New commercial or industrial buildings, or development for medium density residential purposes or car parks within residential, employment, or mixed-use zones are to respond to the local climatic conditions and safeguard against the onset of urban heat island effect by incorporating measures such as water sensitive urban design, dense landscaping, tree canopy cover, minimising hard surfaces and the like.