

Attachment 5 – Assessment against relevant provisions of WDCP 2016

Volume 1 - General	
Relevant Provisions	Comment
Part 1 - Preliminary	Noted
Part 2 - General Considerations for All Development	Consistent
Part 3 - Variations to the Plan	The development scheme does not proposal any variations.
Part 4 - Community engagement	On 5 August 2015, the development application was advertised for a period of 15 days. A total of 2 submissions were received by Council.
Part 5 - Colonial Heritage	<p>This section primarily relates to items of European Heritage and how development is appropriately managed within conservation precincts and on items that have heritage value.</p> <p>There are no items of European heritage value located or listed on the site.</p> <p>The Warragamba Supply Scheme and Warragamba Emergency Scheme, located west of the subject site, is identified as an Item of State Heritage under Clause 5 of WLEP 2011 and Section 170 of the Heritage Act.</p> <p>Council has considered the impact of the proposed development relative to clause 5.10 of WLEP 2011 and with reference to Warragamba Supply Scheme Conservation Management Plan.</p>
Part 6 – Heritage (Specific Locations)	Not applicable.
Part 7 – Aboriginal Heritage	<p>The site did not contain a registered Aboriginal Heritage site. However, during the site inspection survey one new Aboriginal site was identified. The new site has been assigned the name MC-OS-01 which consists of 4 Aboriginal artefacts. The site is located on the western side of Megarrity's Creek, south of the unnamed tributary. It is situated at the top of the creak of slope before it descends into Megarritys Creek, the site is located wholly within the E2 zoned land.</p> <p>Council's Heritage Advisor has made a recommendation that the registered site requires no action to manage by Council.</p> <p>Conditions are recommended to mitigate risks to aboriginal heritage should any items be found unexpectedly during construction.</p>

Part 8 - Flooding	This section is not relevant to this assessment as the land where the lots for residential development are proposed are above the flood level.
Part 9 - Environmental Protection	The site is identified on the Natural Resources – Biodiversity Map but is not identified as Natural Resources – Water Map as sensitive land. See previous comments relating to the Biodiversity Assessment Report.
Part 10 - Tree Removal	Vegetation proposed to be removed is proposed in accordance with the plans and reports for approval.
Part 11 - Landscaping	A Landscape Concept Plan has been provided in accordance with Council's requirements. A standard condition is recommended to ensure that all landscaping works within the drainage and public road reserves is completed prior to the release of a subdivision certificate.
Part 12 - Signage	No signage proposed.

Volume 3 - Subdivision of Land	
Part 2 - General Requirements for all Development	
Relevant Provision	Comment
1.2 Objectives	The proposal is consistent with the objectives of this volume.
Part 2 - General Requirements for all Development	
2.1 Traffic and Transport	
Objectives	
1. To ensure that new allotments created by the subdivision of land are provided with adequate public roads.	The proposal is considered satisfactory in this regard subject to conditions.
2. To ensure that the subdivision of land is only undertaken in locations where the road network is able to provide or be made capable of providing adequate servicing.	The proposal is considered satisfactory in this regard subject to conditions.
3. To ensure new roads are safe and efficient.	The proposal is considered satisfactory in this regard subject to conditions.
4. To ensure access points for rural subdivisions are located at safe locations within the road network.	Not a rural subdivision.
5. To ensure pedestrian and cycle paths are provided where required to maximise the uptake of healthy and sustainable transport options.	Conditions recommended for perimeter shared paths and paths through to be dedicated to Council.

<p>6. To ensure splay corners are dedicated at intersections so that intersections can be maintained to maximise sight distances and to maximise flexibility to upgrade intersections in the long term.</p>	<p>Noted</p>
<p>Controls</p> <p>1. All new public roads must comply with Council's design specifications including kerb and guttering, drainage pedestrian paths and street lighting.</p> <p>2. All access handles must comply with the following minimum widths:</p> <p>(a) In the case of an access handle servicing one allotment the access handle must wholly be part of the allotment it is serving.</p> <p>(b) In the case of an access handle servicing more than one allotment the access handle must be part of each of the allotments it is serving with reciprocal rights of carriageway provided.</p> <p>3. Road infrastructure enhancement shall be provided to existing roads in accordance with the DCP table.</p> <p>6. All intersections and new vehicular access points to public and/or private roads must have the relevant safe intersection sight distance for the relevant speed environment.</p> <p>7. New street lighting must use only LED type lights.</p> <p>8. Access handles servicing more than 1 allotment in a rural, residential or environmental zone must be provided with a streetlight within a reasonable proximity (to be determined by Council and imposed as a condition of development consent) to the point where the access handle connects to the public road. Where existing street lighting in the vicinity of the site is deemed to be adequate by Council this condition does not apply.</p>	<p>The construction of the new road shall be conditioned to comply with kerb and guttering, drainage pedestrian paths and street lighting</p> <p>There is are 3 battle axe allotments proposed with access handles that are 5m wide as per the DCP. Complies.</p> <p>Not applicable.</p> <p>Council's Development Engineer has reviewed the proposal and confirmed the proposed road design complies with the DCP requirements. Conditions of consent will ensure the delivery of the new roads and paths as per Council's standards.</p> <p>Satisfactory subject to conditions.</p> <p>Satisfactory subject to conditions.</p> <p>Satisfactory subject to conditions.</p>

9. Splay corners shall be provided for newly created corner lots with the following sizes: 4m by 4m.	Satisfactory subject to conditions.
<p>2.2 Wastewater</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure wastewater generated by development can be managed without harm to the natural environment or human health. 2. To encourage sustainability in wastewater disposal by preventing the use of pump out systems which require significant energy inputs for the transport of waste. 3. To ensure development within the Sydney Drinking Water Catchment has a neutral or beneficial effect on water quality. 	<p>Satisfactory subject to conditions.</p> <p>Not applicable - Reticulated sewerage available.</p> <p>Satisfactory subject to conditions.</p>
<p>Controls</p> <ol style="list-style-type: none"> 1. All lots created must have access to one or more of the following: <ol style="list-style-type: none"> a. A reticulated sewage scheme operated by the relevant statutory sewage authority; or b. A private reticulated sewage scheme operated by person licensed under relevant legislation; or c. Sufficient land with the correct physical and chemical characteristics to allow for the wastewater to be treated and disposed of within the boundaries of the lot. 2. A “pump out” system is not a satisfactory method of wastewater disposal for the purposes of Control 1. 3. Any subdivision that is carried out on unsewered land (i.e. carried out under control 1(c) above) must meet the requirements of Council’s “On-site Sewage Management System and Grey Water re-use Policy”. 	<p>Satisfactory - Reticulated sewerage and water infrastructure is available to the land.</p> <p>Not applicable - see above.</p> <p>Not applicable - see above</p>
<p>2.3 Stormwater</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To ensure stormwater is appropriately managed to prevent environmental 	Satisfactory subject to conditions.

<p>harm and to reduce the risk of damage to property and human life.</p> <p>2. To ensure stormwater is appropriately managed to minimise long term flooding impacts on and from developments.</p> <p>3. To ensure that development within the Sydney drinking water catchment has a neutral or beneficial effect on water quality.</p>	<p>Satisfactory subject to conditions.</p> <p>The subject site is not located within the Sydney drinking water catchment.</p>
<p>Controls</p> <p>1. Development involving the subdivision of land must demonstrate that stormwater management arrangements will allow for drainage to be directed to either a natural water body or a constructed stormwater management system without causing significant environmental harm or risks to human health and safety.</p> <p>2. Medium and Large subdivisions must include provision of integrated stormwater management systems to achieve Water Sensitive Urban Design outcomes. These shall be detailed in an assessment report (a Water Cycle Management Study or Similar) to be submitted with the development application which must include modelling of both water quantity and quality and must also include a short and long-term maintenance management plan.</p>	<p>Satisfactory subject to conditions.</p> <p>A stormwater management strategy has been prepared having regard to the objectives expressed and will prevent environmental harm and reduce the risk of damage to property and human life by:</p> <ul style="list-style-type: none"> - minimising long-term flooding impacts - have a beneficial effect on water quality in the Sydney Drinking Water Catchment, subject to the implementation and maintenance of appropriate water quality control measures both during and after construction works. <p>The stormwater management system proposed achieves Controls 1 and 2 in regard to its integration with the natural system, relevant risk profile compliance and employment of Water Sensitive Urban Design technology.</p>
2.4 Lot Size and Shape	
Objectives	1. Satisfactory
<p>Controls</p> <p>1. Other zones</p> <p>2. Lots in residential zones shall have the following minimum dimensions:</p>	<p>There are no minimum lot width requirements for industrial lots.</p> <p>There are 15 lots that do not strictly comply with the minimum requirements of the DCP. It should be noted that Lots 30 & 32 are battleaxe blocks and the</p>

Area	Min. Lot Width	Min. Lot Width (Crn Allotment)	Minimum Lot Depth	
Between 650m ² & 1500m ² (exclusive)	15m	20m	25m	width of their access handle does not comply with the 15m minimum lot width requirement.
1500m ² or Greater	20m	30m	30m	Despite variation to the DCP, the applicant, in accordance with clause 5, has prepared a building footprint plan demonstrating all the residential lots are of supporting dwelling with a footprint of 150m ² as well as any required asset protection zone. In this regard, no objection is raised to the variation.
<p>3. These controls do not apply to subdivision that places each dwelling on its own allotment in the following cases:</p> <p>a. The subdivision of a dual occupancy or medium density development that is existing and lawful; or</p> <p>b. The subdivision of a proposed dual occupancy or medium density development that complies with all other relevant controls in Wollondilly Development Control Plan, 2015.</p> <p>4. These controls do not apply to land to be dedicated to Council for roads, environmental reserves or for public open space.</p> <p>5. Lots that are irregularly shaped because of their location in the road network and/or because of constraints of the site may proceed in spite of a non-compliance with controls 1 and 2 if the consent authority is satisfied that the lots, when developed, will be capable of supporting:</p> <ul style="list-style-type: none"> • a dwelling with a footprint of at least 150m² ; and • Any required asset protection zone wholly within the proposed lot boundaries • If the subdivision occurs on unsewered land that the site can adequately accommodate any effluent disposal area that is required; <p>and the resulting character of that development would be consistent with the character of the area.</p> <p>Council may require the submission of specialist studies to justify development carried out under this control.</p>				Not applicable, no dwellings proposed as part of this application.
				Noted.
				Compliant.

6. For the purposes of calculating minimum lot size for land within an R1, R2 or R3 zone, the area of the battle-axe handle is not included in the calculation of the area of a lot which it services.	Compliant
<p>2.5 Landscape Character Objectives</p> <p>1. To ensure subdivisions are designed in a way that maintains or enhances the landscape character of the surrounding area.</p>	The application is supported by a landscape plan for future street tree planting.
<p>Controls</p> <p>1. The subdivision of land in environmental and rural zones must demonstrate, to the satisfaction of the consent authority that the location of all building envelopes and access driveways will not result in degradation of the landscape character of the surrounding area.</p> <p>2. The subdivision of land in residential zones must ensure that there are no two access handles along the same property boundary.</p> <p>3. Access handles to lots in residential zones (excluding R5 Large Lot Residential zones) must be provided with landscaping between the edge of the driveway pavement and the property boundary. The minimum width of such landscaping shall be 1m at all points. Formal landscaping is not required for those parts of access handles where driveways connect the access handle to vehicle parking or manoeuvring areas.</p> <p>4. Landscaping required by control 2.5(3) shall be provided with:</p> <ul style="list-style-type: none"> a. An automatic watering system; and b. A mix of ground covers and shrubs that are appropriate for the width of the handle; and c. A mulched or rocked garden bed with permanent edging. <p>5. Landscaping for access handles shall not obscure the buildings at the rear of the handle.</p> <p>6. The subdivision of land that proposes the opening of a new public road must include embellishment of the new road verges in accordance with Council's Street Tree Risk Plan.</p>	<p>Not applicable – R2 zone.</p> <p>Noted. Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>A Street Tree Landscaping Plan has been provided.</p>

<p>2.6 Corner Allotments</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To plan corner allotments at the subdivision stage to ensure safe vehicular access and maximum amenity for the streetscape. 	<p>Satisfactory subject to conditions.</p>
<p>Controls</p> <ol style="list-style-type: none"> 1. Corner allotments in residential zones shall be provided with a building envelope to identify the primary and secondary setbacks. 2. Corner allotments in residential zones shall nominate a vehicular access point to allow the safety of the access point to be assessed with reference to any nearby intersection. 3. These controls do not apply to proposed corner allotments on which a dwelling is already constructed. 	<p>Satisfactory subject to conditions.</p> <p>Satisfactory subject to conditions.</p> <p>Not applicable - no dwellings.</p>
<p>2.7 Building Envelopes</p> <p>Objectives</p> <ol style="list-style-type: none"> 1. To identify the constraints on rural and environmental land at the subdivision stage. 2. To ensure integrated housing lots are provided with adequate covenants for a future zero lot line. 	<p>Not applicable – R2 zone.</p> <p>Not applicable – R2 zone</p>
<p>Controls</p> <ol style="list-style-type: none"> 1. Each lot created by subdivision of land within rural and environmental zones shall be provided within a building envelope that includes all developable land and excludes the following land: <ol style="list-style-type: none"> a. Land that is moderate or higher risk of geotechnical instability; and b. Land that is within a setback identified in Volume 4 of this DCP; and c. Land that is within 40 metres of the top of bank of a watercourse; and d. Land that contains significant native vegetation; and e. Land that has been identified as being subject to the 1% AEP flood extent; and 	<p>Controls 1 and 2 not applicable – R2 zone.</p>

<p>f. Land that is required for an asset protection zone under a Bushfire Safety Authority; and</p> <p>g. Land that is subject to a transmission line or other utility service easement; and</p> <p>h. Land that is visually prominent or located upon a ridgeline and upon which the construction of a dwelling would degrade the landscape character of the area.</p> <p>2. Town Centre Residential Lots and residential small lots may be created where a building envelope allows for one boundary as a zero lot line boundary. If such a boundary is to be created then satisfactory easements must be provided on the adjoining lot for eave overhang, drainage, maintenance and any other relevant matter. The subject easement must be registered as a restriction on the title of the burdened lot prior to the issue of any Subdivision Certificate for the land.</p>	
<p>2.8 Environmental Protection</p> <p>Objectives</p> <p>1. To ensure significant native vegetation and other environmental assets are not lost in the provision of asset protection zones.</p>	<p>Noted.</p>
<p>Controls</p> <p>1. The subdivision of land that comprises significant stands of native vegetation must provide for asset protection zones for all future development outside of that vegetation. The allotment size and layout must facilitate this provision.</p> <p>2. The layout of any proposed subdivision must be designed to limit or avoid any adverse impacts on watercourses and vegetation and prevent future development occurring on steep and constrained lands.</p>	<p>The impacts on native vegetation have been discussed in detail previously with regard to flora and fauna.</p> <p>Not applicable.</p>
<p>2.9 Non-Residential Development</p> <p>Objectives</p>	

<p>1. To ensure that the subdivision of land is carried out with due regard to other forms of existing non-residential development in the locality.</p>	<p>Not applicable</p>
<p>Controls</p> <p>1. When the subdivision of land is proposed in an area where an existing nearby non-residential use may impact on future residents, the consent authority must be satisfied that the new development would not restrict the ability of the existing development to meet amenity requirements in relation to issues such as noise, odour and the like in accordance with the principles established in the case of <i>Inghams Enterprises vs Kira Holdings</i>.</p>	<p>Noise impacts will be experienced during the construction of the subdivision however these can be managed through the imposition of relevant conditions.</p> <p>The Federal Government recently commenced construction of the Western Sydney Airport at Badgerys Creek. The impact of potential noise impact contours was fully investigated during the rezoning and it was determined that ANEF contours did not encroach on the subject site.</p>