

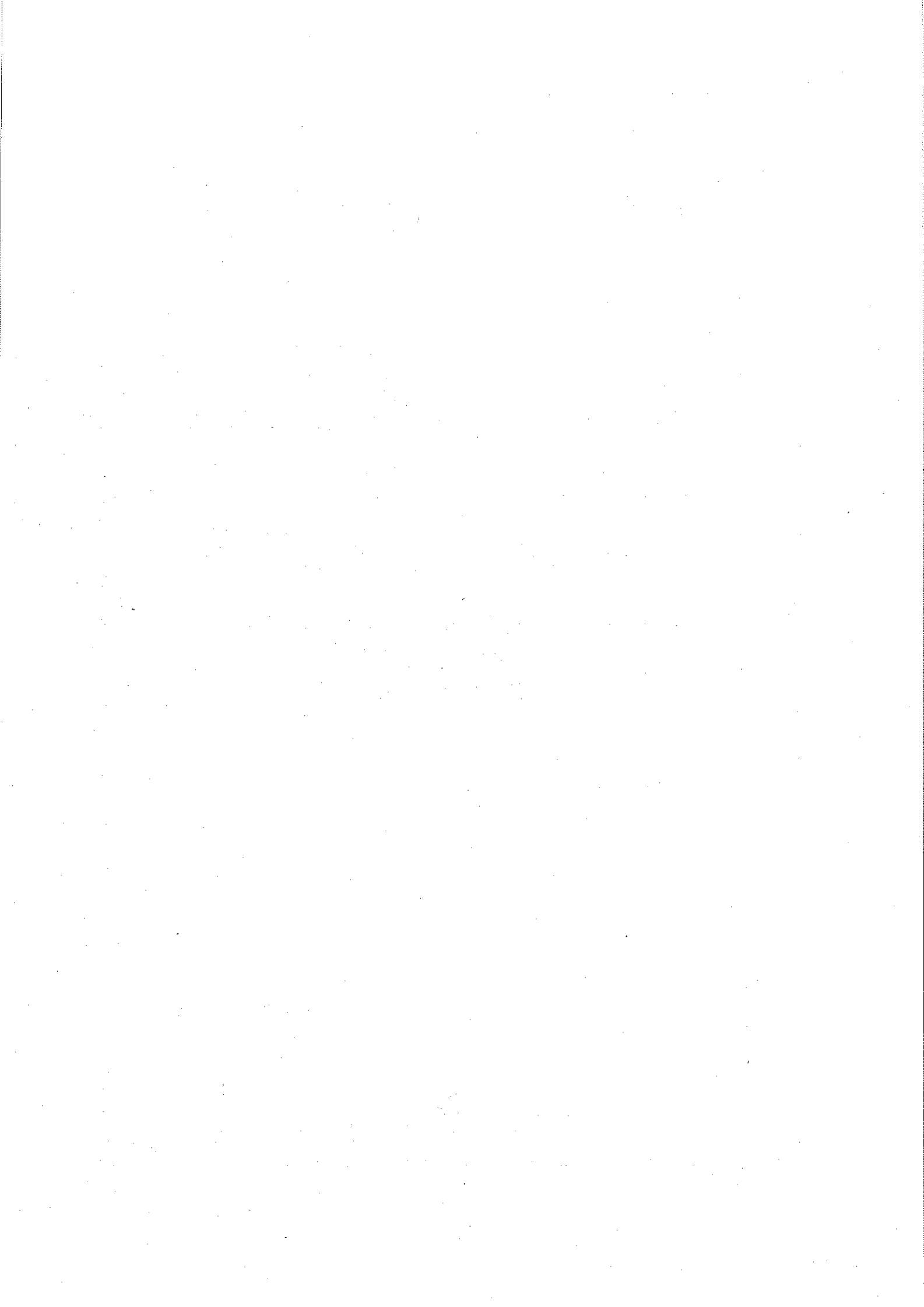
SHIRE OF WINGECARRIBEE

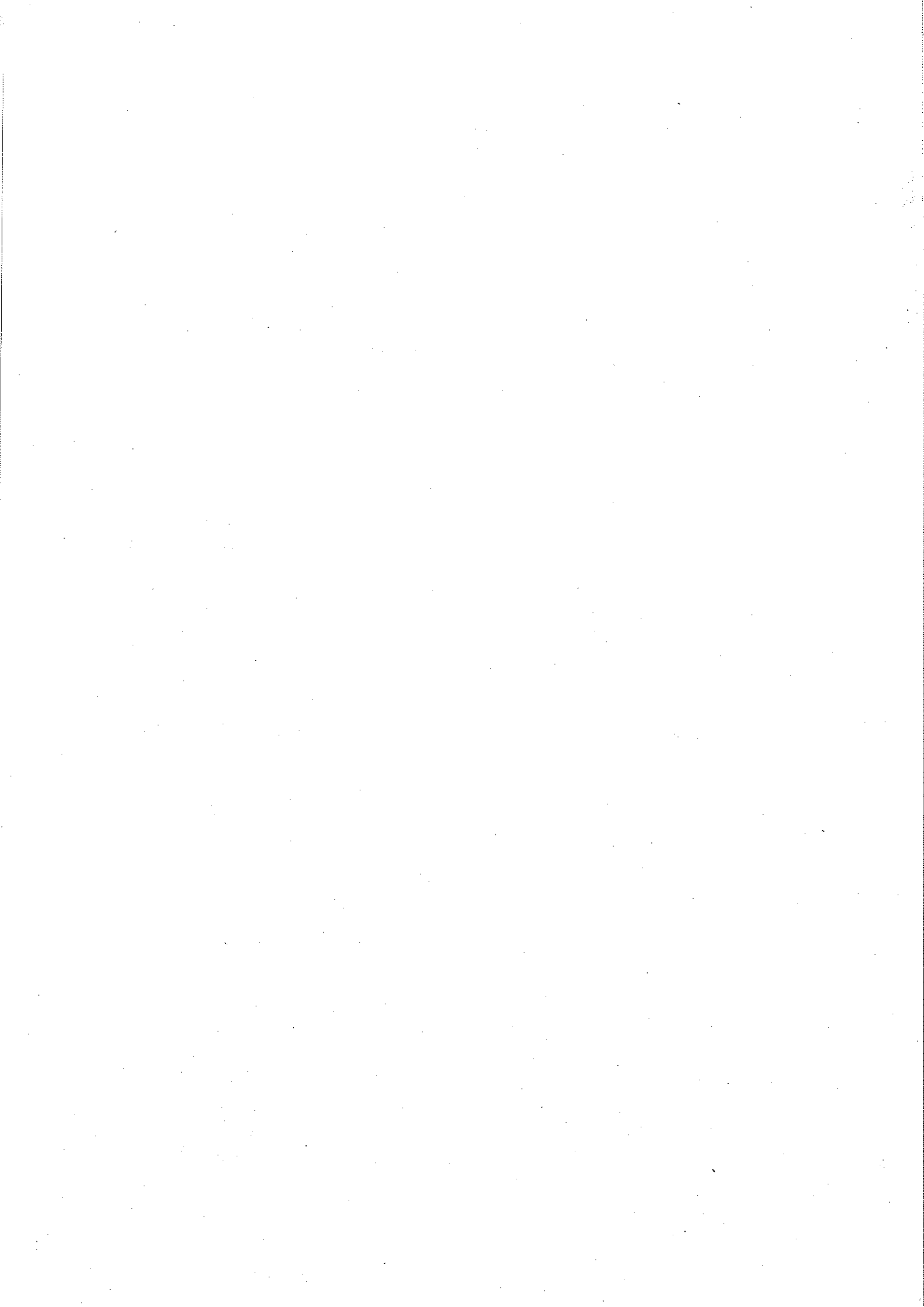
DEVELOPMENT CONTROL PLAN NO. 38

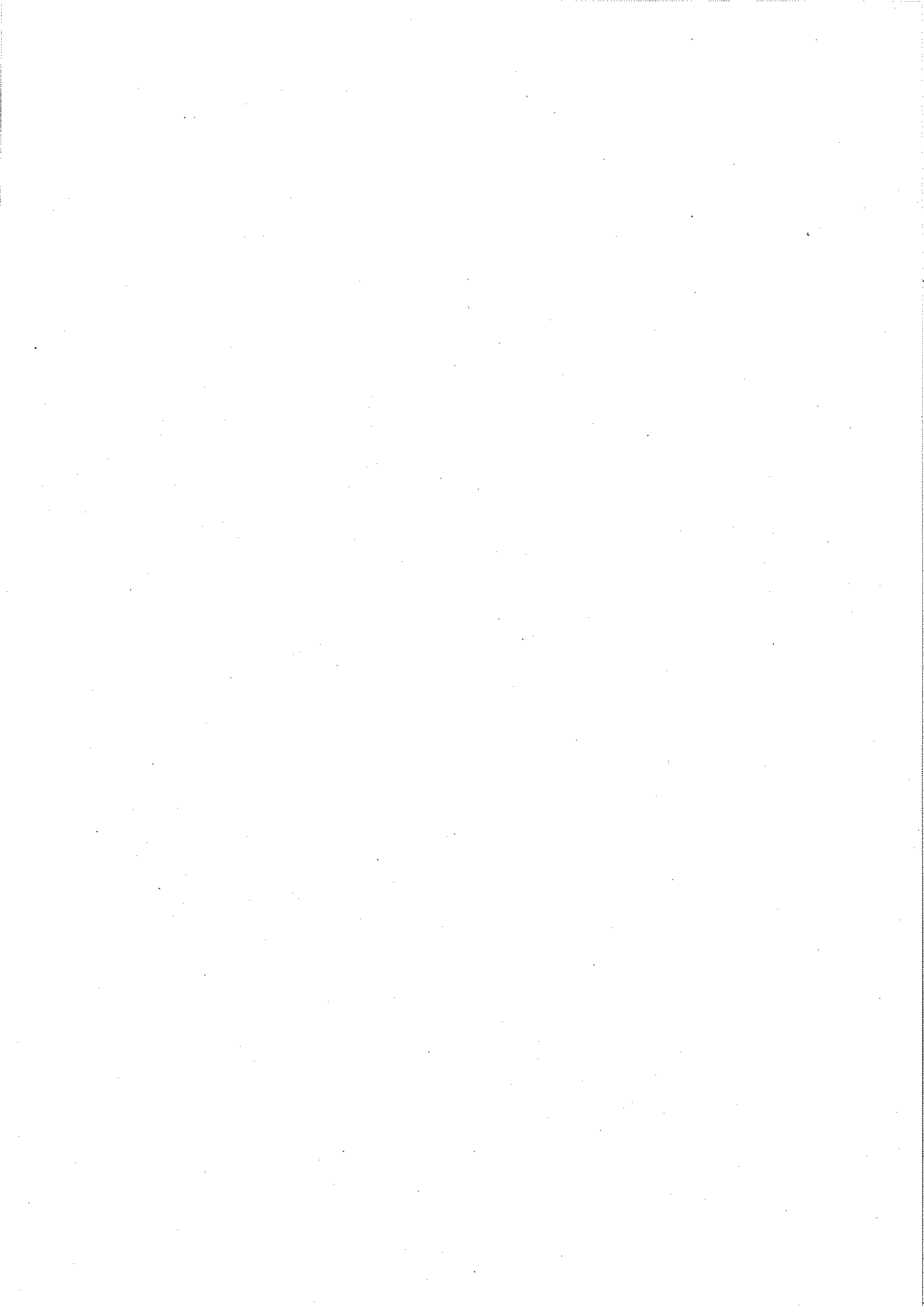
RESIDENTIAL DEVELOPMENT AT YEAN COTTAGE AND ENVIRONS ANGLEWOOD ESTATE BURRADOO

**Adopted by Council on 28 October 1998
Effective from 11 November 1998**

\$5.70







WINGECARRIBEE DEVELOPMENT CONTROL PLAN NO. 38

RESIDENTIAL DEVELOPMENT AT YEAN COTTAGE AND ENVIRONS, ANGLEWOOD ESTATE, BURRADOO

1. Citation

This plan shall be cited as 'Development Control Plan No. 38 Residential Development at Yean Cottage and Environs, Anglewood Estate, Burradoo'.

2. Land To Which Plan Applies

This development control plan applies to Lot 15 DP 794215 and Lot 1 DP 505050 Burradoo Road and Yean Street, Burradoo as shown on Map 1.

3. Purpose Of The Plan

The purpose of the plan is to set out Council's requirements for residential development on the subject land.

4. Associated Planning Instruments

This development control plan shall be read in conjunction with the following environmental planning instruments:

- Wingecarribee Local Environmental Plan (LEP) 1989 (ie The Town Plan) specifically clauses 27-30 and clause 58 (as per draft local environmental plan CP 228/96).
- Illawarra Regional Environmental Plan No.1.
- State Environmental Planning Policies (please see Appendix 1).

5. Aims and Objectives

The aim of this plan is to ensure that future residential development on the subject land is consistent with:

- the maintenance and enhancement of the site's heritage significance; and
- the landscape and architectural character of the neighbourhood;

Any development proposal relating to the subject land shall recognise the following objectives. ie Development shall:

- be compatible with the heritage significance of the site and ensure conservation of significant heritage items and landscape elements / associations through the implementation of the Conservation Policy and Strategy as per the Draft Conservation Plan for Yean Cottage, Anglewood Estate, Burradoo, NSW; and



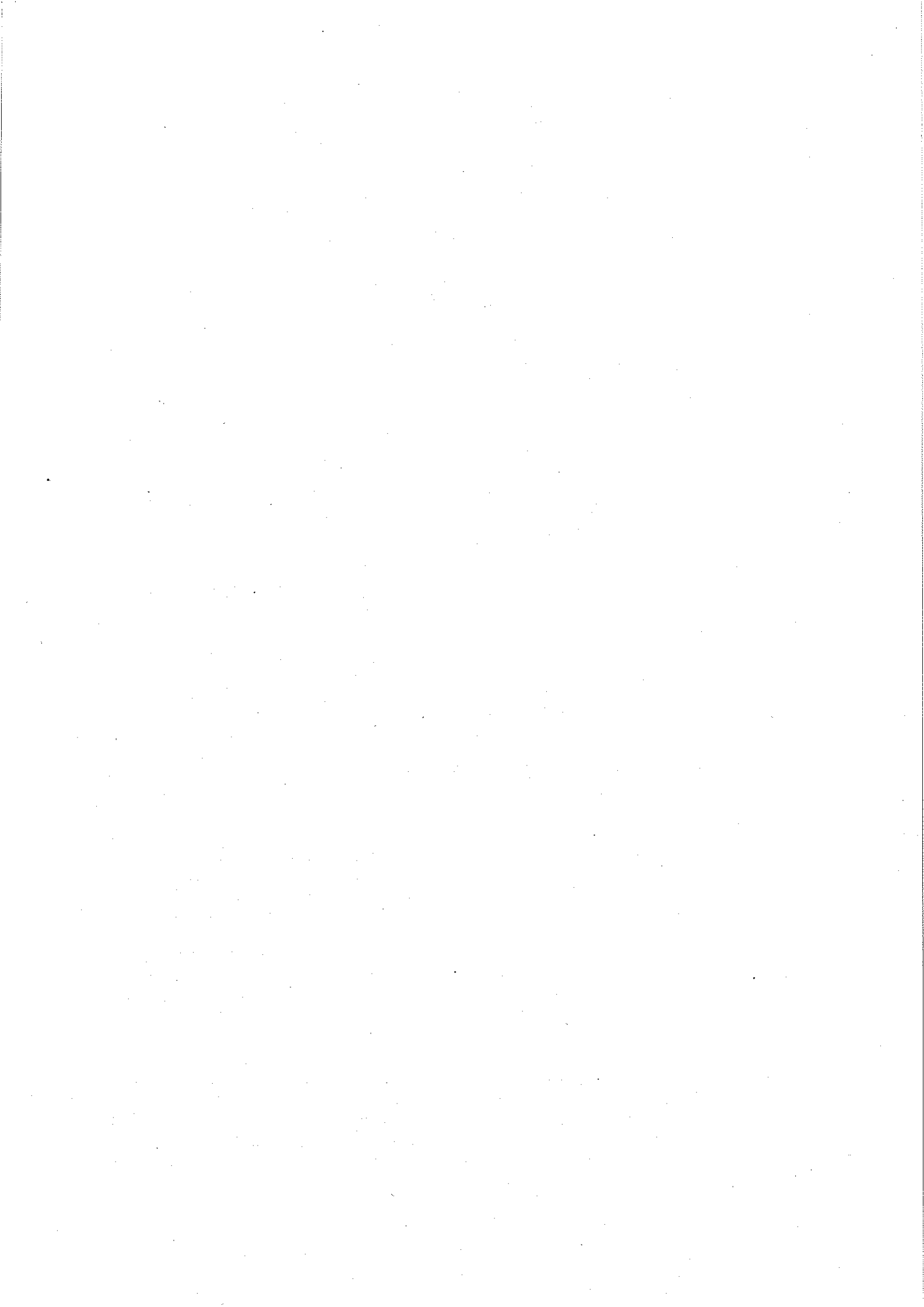
Strategy as per the Draft Conservation Plan for Yean Cottage, Anglewood Estate, Burradoo, NSW; and

- be of a scale and size compatible with the surrounding area thus minimising any adverse impact upon the visual character of the neighbourhood; and
- be integrated within the existing landscape to ensure that the existing attributes of the site remain dominant; and
- maintain the streetscape setting of the immediate neighbourhood which is integral to the character of the locality; and
- minimise the intrusion upon the aural or visual privacy of surrounding and nearby residents.

6. Specific Provisions

A. Subdivision

1. Subdivision to create separate residential allotments is prohibited on land shown as the "Anglewood Conservation Area" on Map 1 excepting the Gatekeeper's Lodge.
2. Council may consent to the subdivision of land to which this plan applies, for the purposes of the creation of a new dwelling house thereon (except for that part of the land which is marked as "Anglewood Conservation Area" on Map 1), and provided only that:
 - it is satisfied that adequate provision has been made for the conservation of Yean Cottage and curtilage by means of the implementation of the Conservation Policy and Strategy as per the Draft Conservation Plan for Yean Cottage, Anglewood Estate, Burradoo, NSW;
 - no allotment created by the subdivision has an area less than 2000m² subject to Clause 6(B) in the case of cluster housing;
 - it is satisfied that adequate provision has been made for the conservation of all existing vegetation as shown in "Figure 4 Preliminary Survey of Major Planting Areas" in the report prepared by Geoffrey Britton dated July 1995 entitled "Anglewood, Burradoo, Landscape Assessment, Final Report", held in the offices of the Council. Council may consider an application involving the relocation of significant vegetation, as per the Britton report, in order to accommodate new development and vehicular access, but only on the condition that such relocation is considered by Council to be of a minor nature, and not to adversely affect the landscape significance of the land to which this plan applies; and
 - it is satisfied that adequate provision has been made for vehicular access to all newly created allotments via the existing access driveways to Yean Cottage from Yean Street and Burradoo Road as marked "Existing Access" on Map 1, and/or via one new access point along each of the western and southern frontages to Burradoo Road and Yean Street respectively, BUT only on the basis that sight distance and safety



considerations can be addressed to the satisfaction of Council and the Roads and Traffic Authority.

- (a) Existing driveways to Yean Cottage from Burradoo Road and Yean Street may be able to be used for access to newly created allotments and dwellings on the land, but only such that the heritage significance of the driveways in relation to the "Anglewood Conservation Area" is not significantly affected.
- (b) The existing driveway access to Yean Cottage from Burradoo Road and Yean Street may be resurfaced with new materials that do not have an adverse impact on the heritage significance of the driveways in relation to the "Anglewood Conservation Area". Existing stone and brick gutters shall be maintained excepting for internal driveway / accessway vehicular crossings.
- (c) No other direct vehicular access to either Burradoo Road or Yean Street shall be permitted from any new allotment.

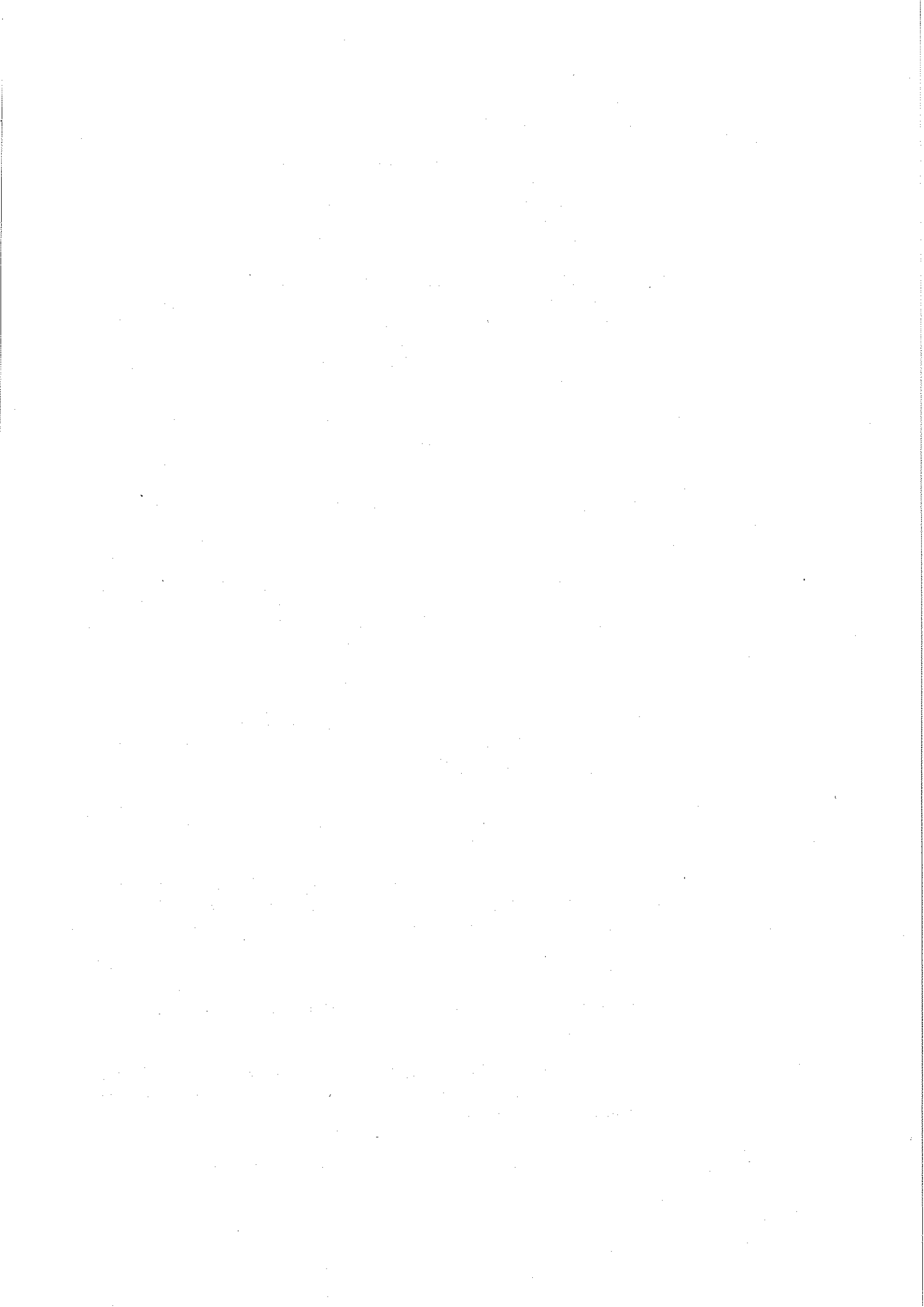
B. Cluster Housing

1. Definition

For the purposes of this plan "cluster housing" means residential development of two or more dwelling houses grouped together around access courts or landscaped open space on a single parcel of land and as similarly defined in clause 18 of Wingecarribee Local Environmental Plan 1989.

2. Controls

- (a) Council shall not consent to the development of cluster housing on the land to which this plan applies, excepting for that part of the land which is marked as "Cluster Housing Precinct" on Map 1.
- (b) Council shall not grant consent to any more than twenty (20) cluster houses (dwellings) in the area marked as "Cluster Housing Precinct" on Map 1.
- (c) Council may grant consent for cluster housing on that part of the land marked as "Cluster Housing Precinct" on Map 1 only if it is satisfied that adequate provision has been made for:
 - the conservation of Yean Cottage and curtilage by means of the implementation of the Conservation Policy and Strategy as per the Draft Conservation Plan for Yean Cottage, Anglewood Estate, Burradoo, NSW;
 - a height limit of one (1) storey in respect of all new cluster dwellings (noting that the roof space of such new cluster dwellings can be utilised as habitable rooms);



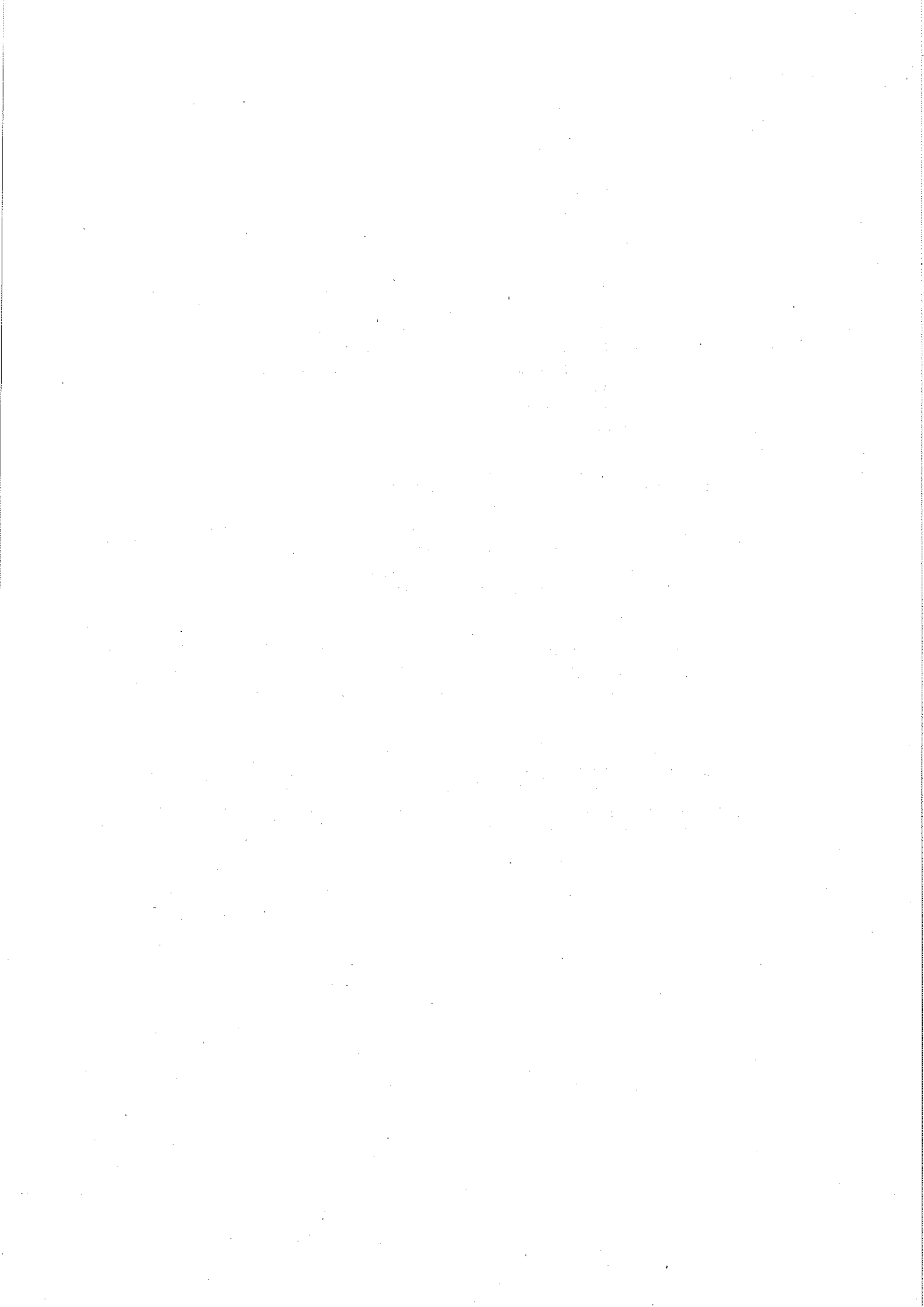
- effective landscape screening (with 'super advanced' vegetation) to adjoining property boundaries beyond the area marked as "Cluster Housing Precinct" on Map 1;
- vehicular access to the cluster houses provided in accordance with the principles set down in clause 6(2) above; and
- the conservation of all existing vegetation as shown in "Figure 4 Preliminary Survey of Major Planting Areas" in the report prepared by Geoffrey Britton dated July 1995 entitled "Anglewood, Burradoo, Landscape Assessment, Final Report", held in the offices of the Council. Council may consider an application involving the relocation of significant vegetation in order to accommodate new development and vehicular access, but only on the condition that such relocation is considered by Council to be of a minor nature, and not to adversely affect the landscape significance of the land to which this plan applies.

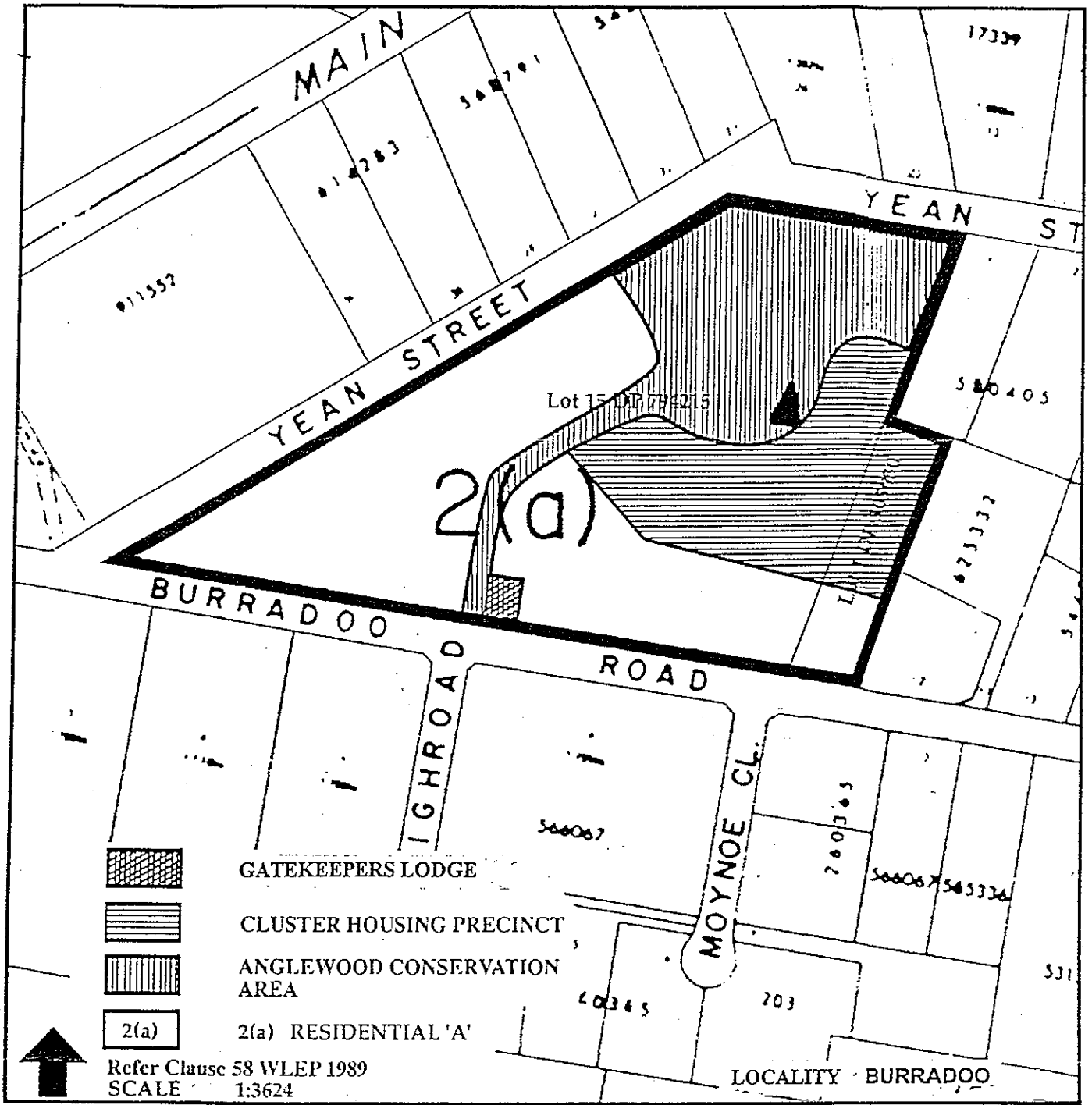
C. Anglewood Conservation Area / Yean Cottage

2. Council may consider an application under clause 30 of Wingecarribee Local Environmental Plan 1989 for the utilisation of existing buildings located within the "Anglewood Conservation Area" on Map 1 for the purposes of residential dwellings (including residential flats).

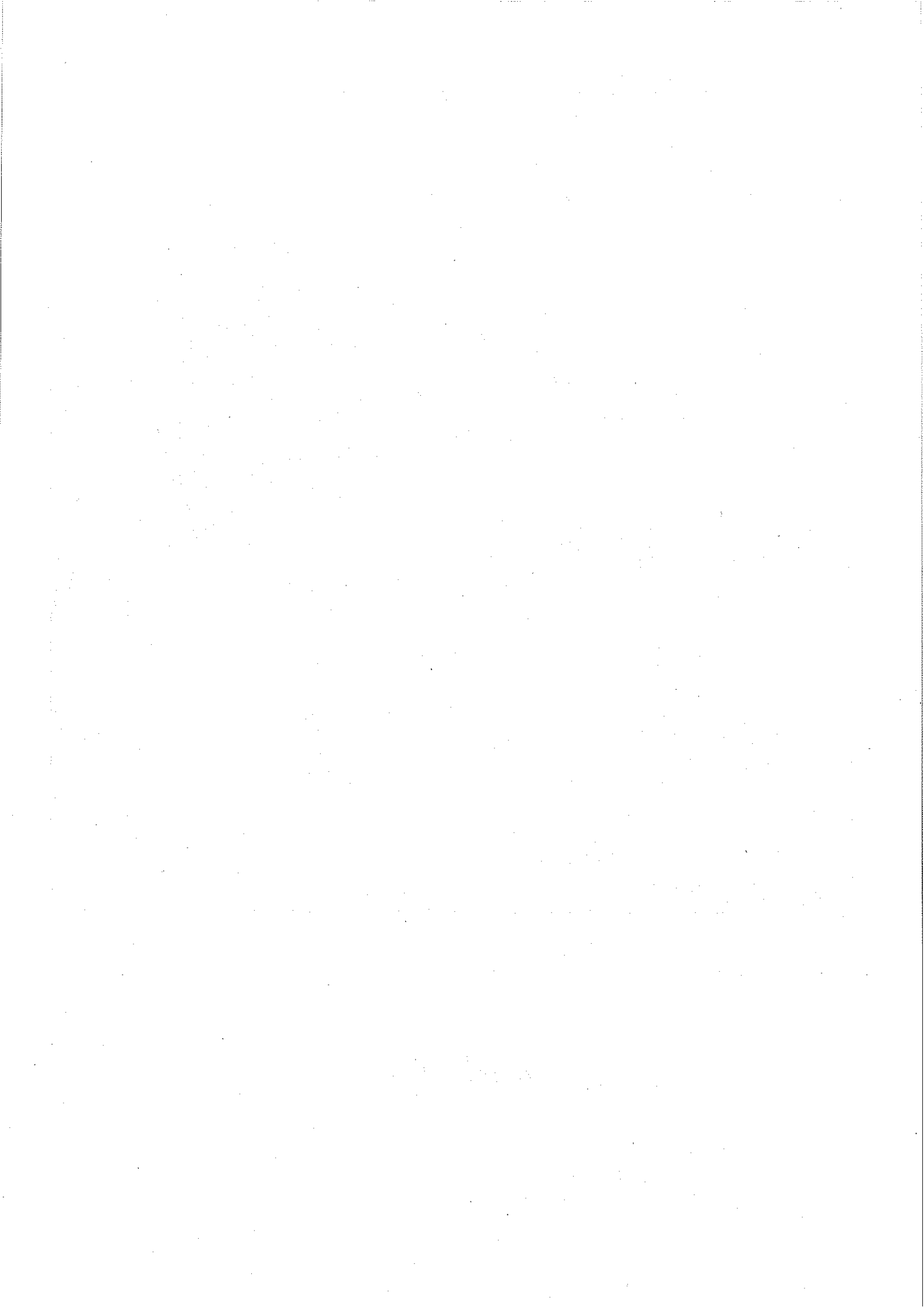
Any proposal for changes to the future of the existing buildings in the Anglewood Conservation Area shall be consistent with, and include, the implementation of controls set out in the Conservation Strategy as per the Draft Conservation Plan for Yean Cottage, Anglewood Estate, Burradoo, NSW.

It should be noted that the Minister of Urban Affairs and Planning has made a permanent conservation order (which was gazetted on 16 May 1997) in respect of Yean Cottage, Anglewood Estate, Burradoo, and as such is subject to the provisions of clause 117 of the Heritage Act 1977.



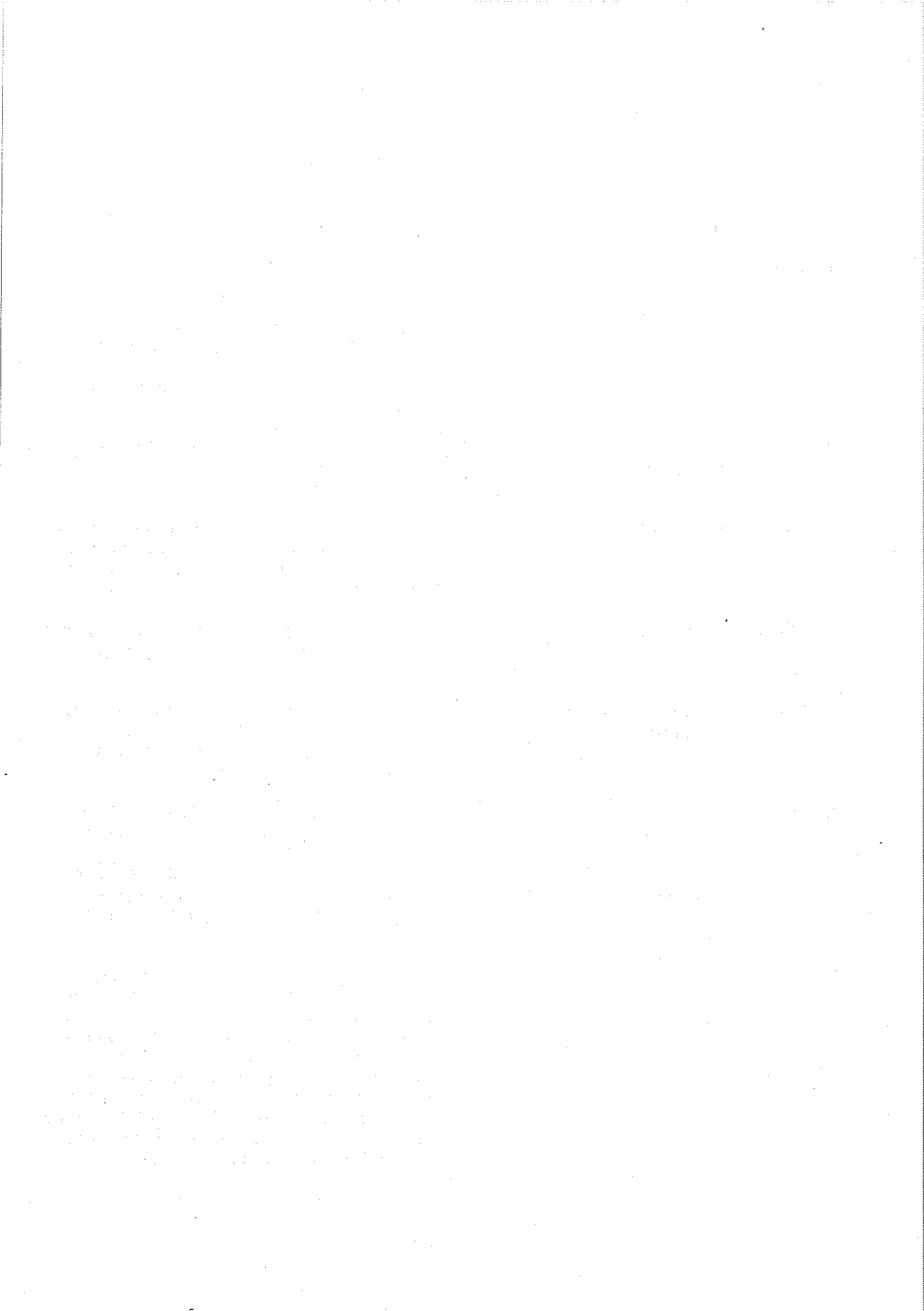


MAP 1



SCHEDULE OF RELEVANT
STATE ENVIRONMENTAL PLANNING POLICIES

SEPP No 1	"Development Standards" Government Gazette 17/10/80	This policy enables departures from minimum development standards in certain circumstances.
SEPP No 4 (Incorporating Amendment Nos 1-7)	"Development Without Consent" Government Gazette 22/11/85	This policy is designed to permit development of minor environmental planning significance without the need for development consent.
SEPP No 5	"Housing for Older People or People with a Disability" Government Gazette 2/1/98	This policy permits housing for older people or people with a disability wherever houses, flats, hospitals and special uses are permitted in urban areas or adjoining urban areas, except for some environmentally sensitive areas.
SEPP No 6	"Number of Storeys in a Building" Government Gazette 10/12/82	A policy for determining the height of a building where height is controlled by reference to the number of storeys.
SEPP No 8	"Surplus Public Land" Government Gazette 8/4/83	The policy seeks to promote and co-ordinate the orderly and economic use of public land which has become surplus to the public's purpose for which it has been or is proposed to be used.
SEPP No 9	"Group Homes" Government Gazette 7/10/83	This policy is designed to control the development of group homes on all land where dwellings are allowed.
SEPP No 11	"Traffic Generating Developments"	Provides that applications for development listed in Schedules 1 and 2 of the Policy shall be referred to the Traffic Authority for its views prior to determination.
SEPP No 16	"Tertiary Institutions" Government Gazette 20/12/85	Permits any kind of tertiary institution on land zoned for a specific kind of tertiary institution.
SEPP No 21	"Caravan Parks" Government Gazette 24/4/92 Amendment No 1 - Government Gazette 6/1/95	The aim of this Policy is to promote the orderly and economic use and development of caravan parks that will be used either for short term or long term residency, or a combination of both. The Policy also aims to ensure the property management of caravan parks, the provision of necessary facilities required by residents of parks, and the environmental protection of parks and land in the vicinity. To achieve these aims, development consent will be required in these situations: development of new caravan parks, the use of sites for long term residence in existing parks where that use is not already lawful, and subdivision of land for lease purposes.



SEPP No 22 "Shops & Commercial Premises"
(Incorporating Amendment No 1)

The policy permits, with the development consent of Council, the following changes of use within a business zone:

- (a) conversion of a commercial premises to another commercial premises or to a shop;
- (b) conversion of a shop to another shop or a commercial premises;

where the new use is prohibited under another environmental planning instrument, and provided that the Council is satisfied that the change of use will have only a minor environmental effect.

SEPP No 27 "Prison Sites"

This policy aims to facilitate the erection and use of buildings for the purposes of prisons.

SEPP No 30 "Cattle Feedlots"

The aim of this policy is to require development consent for cattle feedlots having a capacity greater than 400 head of cattle so as to achieve consistency in planning controls in respect of that development.

SEPP No 32 "Urban Consolidation"
(Redevelopment of Urban Land)

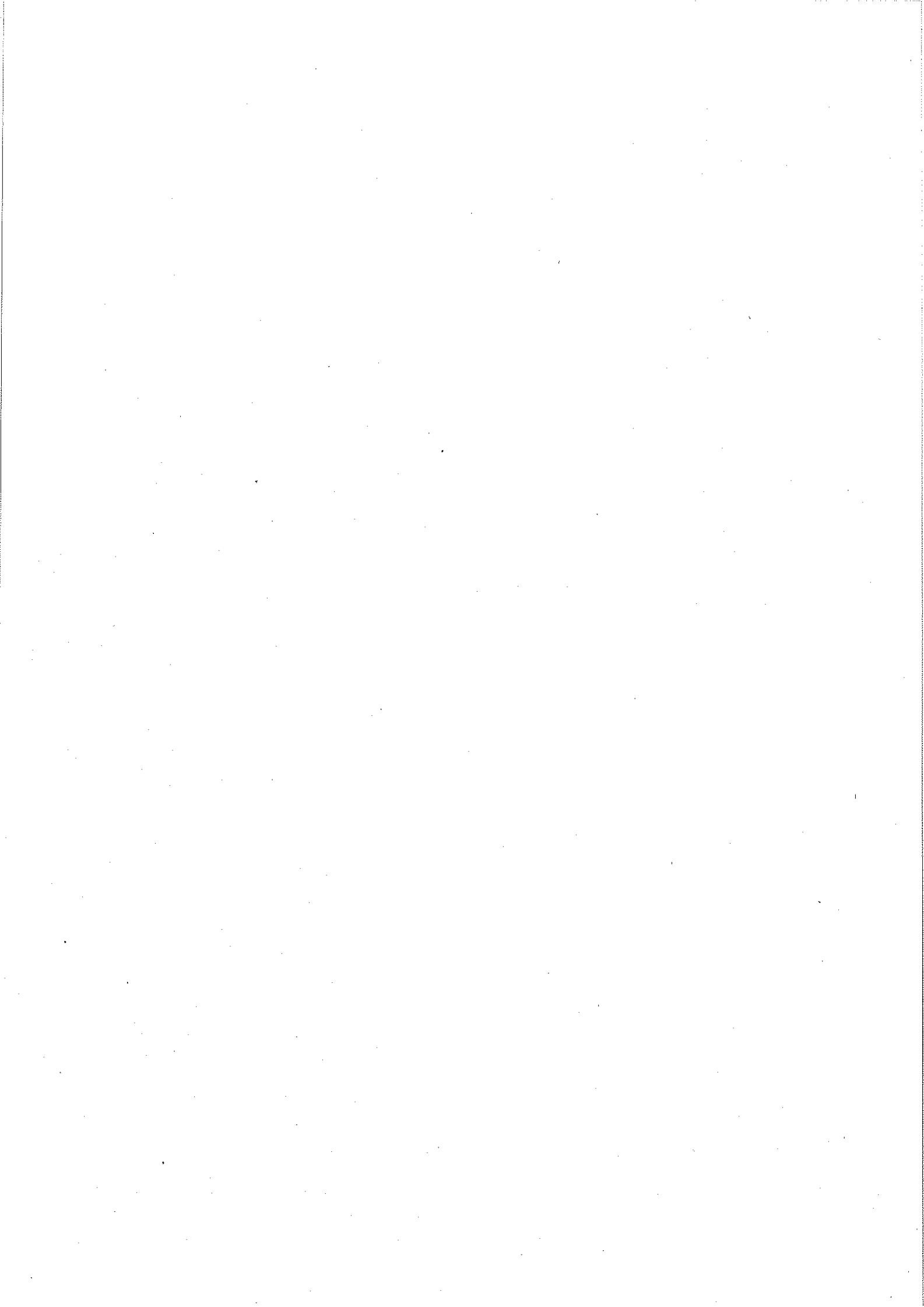
This policy aims:

- (a) to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development; and
- (b) to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:
 - i) the location of housing in areas where there are existing public infrastructure, transport and community facilities; and
 - ii) increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities; and
 - iii) the reduction in the rate at which land is released for development on the fringe of existing urban areas.

SEPP No 33 "Hazardous & Offensive Development"

This policy aims:

- (a) to amend the definitions of hazardous and



offensive industries where used in environmental planning instruments; and

- (b) to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy; and
- (c) to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account; and
- (d) to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact; and
- (e) to require the advertising of applications to carry out any such development.

SEPP No 34 "Major Employment-Generating Industrial Development"

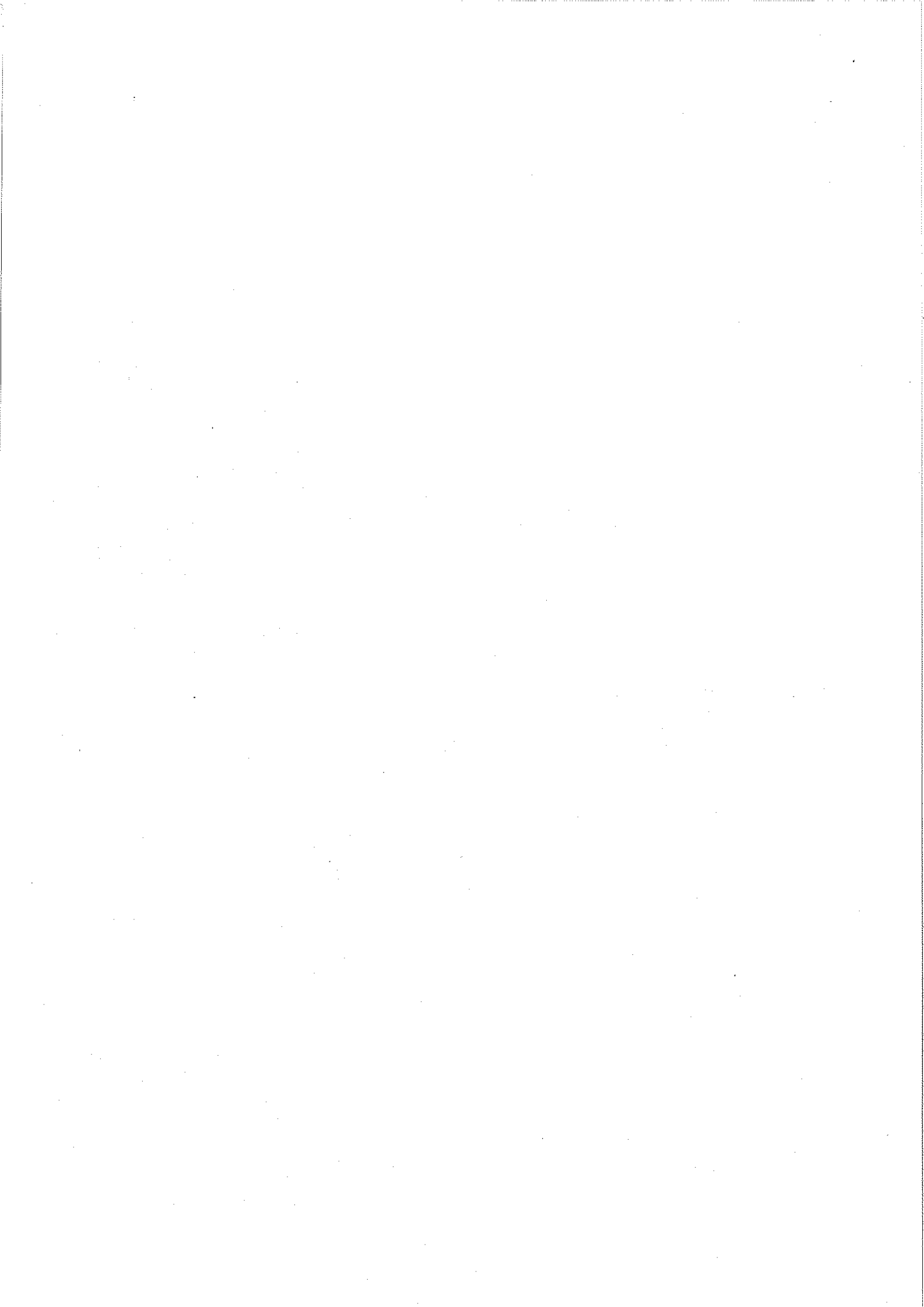
This policy aims:

- (a) to promote and co-ordinate the orderly and economic use and development of land and the economic welfare of the State; and
- (b) to facilitate certain types of major employment-generating industrial development of State significance; and
- (c) to facilitate the carrying out of labour intensive rural industrial development of State significance; and
- (d) to achieve appropriate planning controls in respect of such development; and
- (e) to provide for public participation and involvement in the assessment of applications for consent to carry out such development.

SEPP No 36 "Manufactured Home Estates"

This policy aims:

- (a) to define where Manufactured Home



Estates (MHEs) may be permitted and establish criteria for the granting of development consent to these estates; and

- (b) to enable with development consent the subdivision of MHEs, provided such subdivision complies with the provisions of the Local Government (Manufactured Home Estates) Regulation 1993.

MHEs are permitted with the consent of Council in those zones prescribed under Wingecarribee LEP 1989 that permit caravan parks. There are a number of exceptions to this criterion as specified in clause 6 of the Policy.

Under the provisions of Wingecarribee LEP 1989 caravan parks are permitted with the consent of Council in zones 1(a), 2(c), 6(a), 6(b) and 6(c). The policy further specifies various matters which must be considered by Council when determining a development application for the purposes of a manufactured home estate.

SEPP No 37 "Continued Mines & Extractive Industries"

This policy applies to those mines or extractive industries which lawfully commenced without development consent before planning controls came into force and which cannot operate in future without obtaining development consent.

SEPP No 44 "Koala Habitat Protection" Effective from 13/02/95

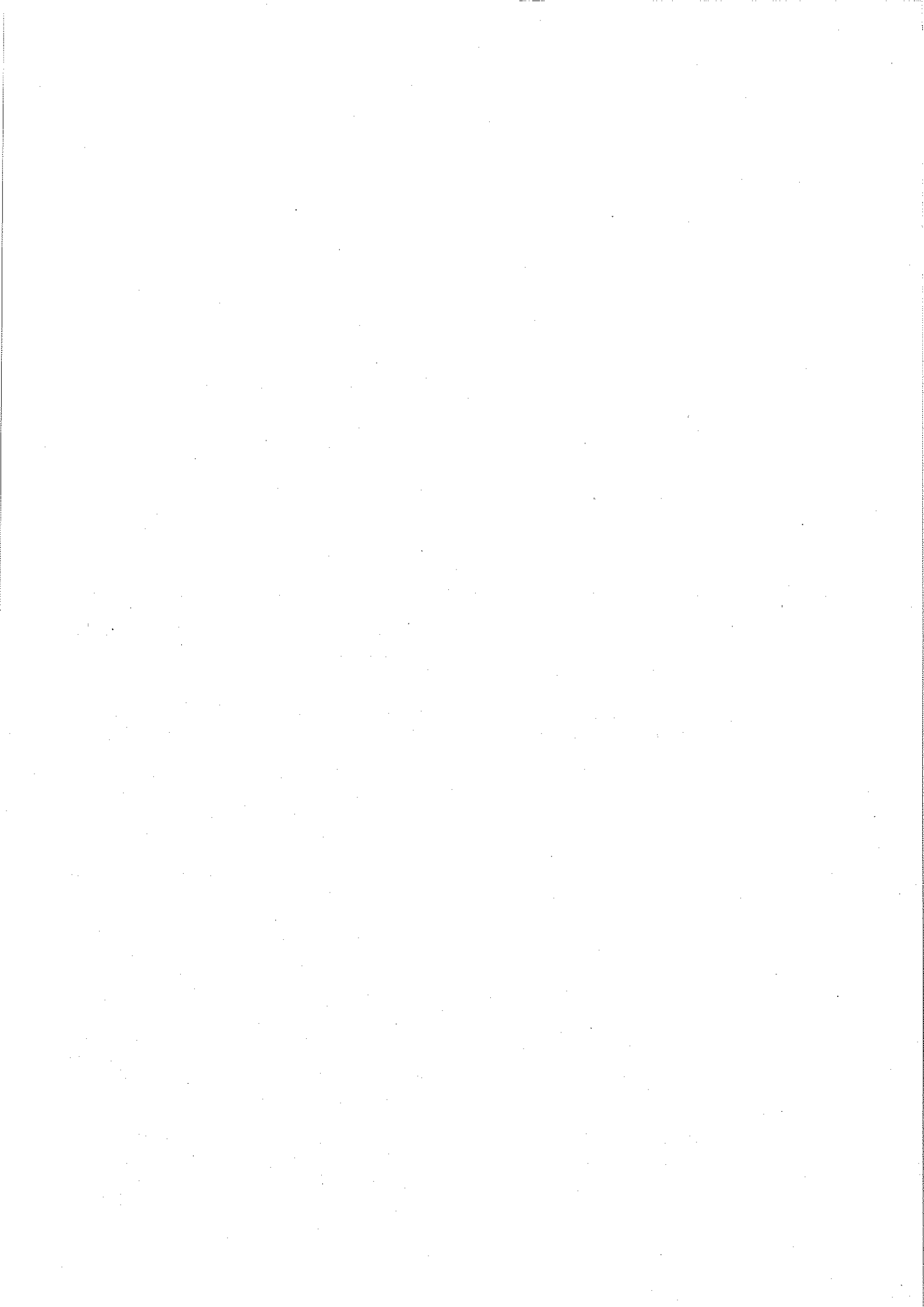
This policy seeks to encourage the conservation of Koala Habitats & potential Habitats by::

- i) requiring the preparation of plans of management before development consent can be granted to areas of core koala habitat; and
- ii) by encouraging the identification of areas of core koala habitat; and
- iii) by encouraging the inclusion of areas of core koala habitat in environment protection zones.

This plan affects all land within Wingecarribee Shire (except land dedicated or reserved under the National Parks & Wildlife Act 1974, or land dedicated under the Forestry Act 1916 as a State Forest or flora reserve).

SEPP No 45 "Permissibility of Mining"

The aim of this policy is to remove the effect of certain provisions, that may be contained in environmental planning instruments, that may restrict the determination of applications for



consent to carry out development for the purposes of mining.

SEPP No 46 (as amended) "Protection & Management of Native Vegetation"

This policy aims to regulate clearing of native vegetation in the environmental, social and economic interests of the State. In specified Council areas (Schedule 1) the Policy applies to all non-residential land not excluded by virtue of Clause 3. Consent for clearing of native vegetation over any area greater than two hectares must be issued by the Director-General of the Department of Land and Water Conservation, except for specified clearing activities listed under Schedule 3.

SEPP No 48 "Major Putrescible Landfill Sites"

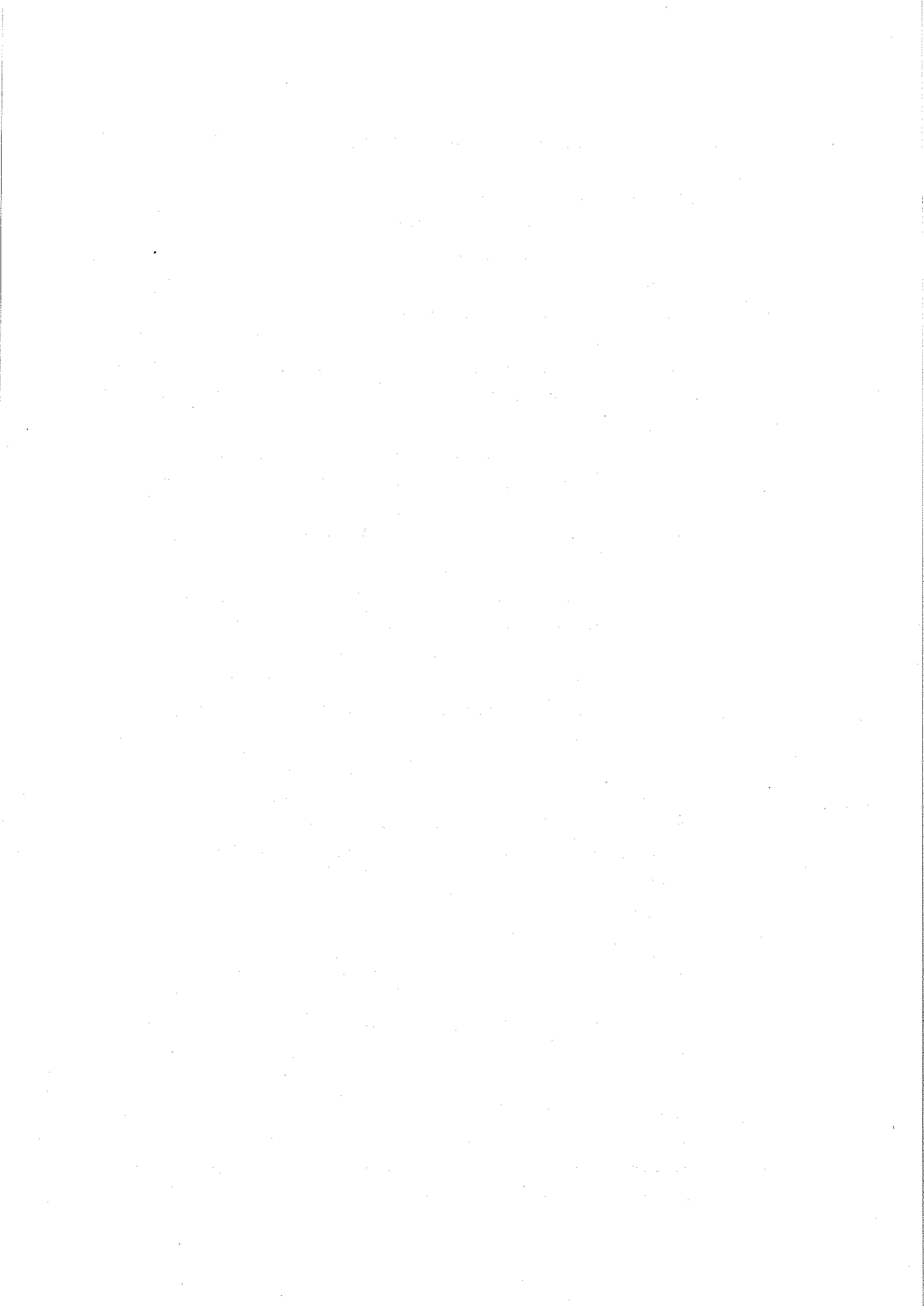
The aims of this policy are

- (a) to provide for the assessment and determination of proposals for major putrescible landfill sites:
 - (i) in a way that will ensure a consistency of approach; and
 - (ii) so as to ensure that the significance of the proposals to the State is taken into account; and
- (b) to ensure that the use of landfill sites as a means of waste disposal is weighed against other waste management and waste disposal alternatives.



29 Certain activities require development consent under amended EP&A Act 1979.

- (1) This clause applies to development consisting of:
 - (a) a prescribed activity proposed to be carried out within the area of a council or
 - (b) the subdivision of land within the area of a council.
including development proposed to be carried out in connection with an existing use, but not including development referred to in subclause (2).
- (2) This clause does not apply to development of the kind referred to in subclause (1) that consists of:
 - (a) any activity that immediately before the appointed day was specified in item 6 of Part A of the Table to section 68 of the unamended LG Act 1993 (relating to the use and occupation of uncompleted buildings) or
 - (b) any prescribed activity (other than an activity referred to in paragraph (a)) that immediately before the appointed day was exempted, excluded or suspended from the requirement for approval under the unamended LG Act 1993:
 - (i) by the *Local Government (Approvals) Regulation 1993* as in force immediately before the appointed day or
 - (ii) by a local approvals policy in force under the unamended LG Act 1993 (being a local approvals policy that is still in force at the time the development application for development consent is made) or
 - (iii) by or under the provisions of any Act including the provisions of an environmental planning instrument of a kind referred to in section 28 of the unamended EP&A Act 1979 or
 - (c) any subdivision of land that immediately before the appointed day was exempted from the requirements for approval under the repealed LG Act 1919 by or under the provisions of that or any other Act including the provisions of an environmental instrument of a kind referred to in section 28 of the unamended EP&A Act 1979 or
 - (d) any development
 - (i) carried out by the Crown or
 - (ii) carried out by any person prescribed by the regulations under the amended EP&A Act 1979 for the purposes of section 115M of that Act (as referred to in section 115H (a) of that Act) in relation to Crown building work.
being development that constitutes an activity within the meaning of Part 5 of that Act or
 - (e) any prohibited development or
 - (f) any development for which development consent was required immediately before the appointed day by an environmental planning instrument or that is required by any new provision of an environmental planning instrument made before or on the appointed day



or in the case of environmental planning instrument that was in the course of preparation before the appointed day but not made before or on the appointed day made after the appointed day and before 1 October 1998 or

- (g) any activity within the meaning of Part 5 of the Act:
- (i) in respect of which an application for approval to a determining authority within the meaning of that Part has been made but not finally determined immediately before the appointed day or
 - (ii) which was approved by a determining authority within the meaning of that Part before the appointed day and that commences pursuant to that approval not later than 3 years after the appointed day.
- (3) Development to which this clause applies may not be carried out except with development consent.
- (4) Development consent may not be granted in relation to development for a prescribed activity that involves the erection of a building unless the requirements of Division 4 of Part 1 of Chapter 7 of the unamended LG Act 1993 have been complied with.
- (5) The requirements relating to the notification of proposed development under the amended EP&A Act 1979(including any requirements applied by clause 32(1)) do not apply to a development application for development for which the requirements referred to in subclause (4) are required to be complied with.
- (6) Subclauses (4) and (5) apply only if a local approvals policy (being a local approvals policy with respect to the notification of applications for approvals) is in force under the unamended LG Act 1993 at the time the development application for development consent is made.
- (7) This clause has effect despite the existing provisions of any environmental planning instrument made before the appointed day but is subject to any new provisions of an environmental planning instrument made before, on or after the appointed day.
- (8) The consent authority for the purposes of development to which this clause applies is the council unless by or under the Act some other person is the consent authority for the purposes of that development.
- (9) Despite Part 9 of the unamended EP&A Regulation 1994 the fee for an application to carry out development of the kind to which this clause applies being the erection of a building within the meaning of the unamended LG Act 1993 is the fee determined in accordance with an order under clause 33.
- (10) In this clause:
existing provision means a provision made before the appointed day.
new provision means a provision made on or after the appointed day.
- (11) This clause ceases to have effect on 1 July 2000.

