

PART D

Section 12 Specific Uses and Developments

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About Section 12

Section 12 contains controls that apply to site specific uses and particular developments throughout the Wagga Wagga local government area.

12.1 Gregadoo Waste Facility

This section applies to land within 700m of the perimeter of the Gregadoo Waste Facility. The facility is the primary waste disposal centre in the local government area of Wagga Wagga. The facility operates seven days a week, and can be required to operate outside normal hours (up to 24 hours a day).

These controls are intended to ensure that land uses and developments near the facility are designed and sited to minimise potential impacts arising from its operations. This includes, dust, odour, noise and litter.

Objectives

- O1 Provide for the ongoing operation of the Gregadoo Waste Facility.
- O2 Ensure the suitability of uses in close proximity to the waste facility.

Controls

- C1 Any development within 700m of the Gregadoo Waste Facility is to demonstrate that the proposal will not adversely impact on the longer term operation of the waste facility.
- C2 Incorporate design measures to avoid any likely adverse impacts from the waste facility on adjoining properties.

12.2 Development on land zoned for public recreation (RE1)

This section applies to developments proposed on land zoned for public recreation.

Objectives

- O1 Protect and enhance areas of public recreation.
- O2 Ensure proposals adequately address potential impacts on public recreation areas including existing and likely future needs of the community.

Controls

- C1 Applications for development in public reserves and parks are to demonstrate that there is a need for the proposed use or facility.
- C2 Developments are to consider the need for public recreation areas to serve the immediately adjoining area, taking into consideration any changing demographics of the area.
- C3 Design to complement the public recreation area and adjoining land uses.
- C4 All works to be consistent with any Plan of Management or public recreation strategy.

Explanatory Note(s):

Part A requirements that apply to all Development Applications.

Complying with this DCP

The controls in the DCP support the Guiding Principles and Section Objectives. A Development Application should aim to satisfy the Guiding Principles, and the Objectives of the relevant sections. Equal emphasis must be given to both "numeric" and non-numeric controls relevant to a particular development. Where a proposed development has an unacceptable impact on neighbours or the surrounding environment compliance with controls will not necessarily guarantee approval of an application.

Where a variation is sought to controls, the application must document the reasons and extent of the variation, and how the variation meets the Guiding Principles and Section Objectives for the consideration of the Council.

12.3 Specialised Retail Premises

Specialised retail premises, formerly known as 'bulky goods premises', are defined under the Wagga Wagga Local Environmental Plan 2010, and include premises that either require a large area for handling, display or storage or require direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire. Specialised retail premises do not include premises used for the sale of foodstuffs or clothing unless their sale is ancillary to those goods being sold, hired or displayed.

Planning Circular PS 18-008 (issued 31 August 2018) provides the following examples of the types of goods that fall within the definition of 'specialised retail premises':

- animal supplies including equestrian and pet goods;
- automotive parts and accessories;
- camping, outdoor and recreation goods;
- electric light fittings;
- floor, wall and window coverings;
- furniture, bedding, furnishings, fabric and manchester and homewares;
- household appliances and fittings;
- household electrical goods and home entertainment goods;
- party supplies;
- swimming pools and spas;
- office equipment and supplies;
- baby and children's goods, children's play equipment and accessories;
- barbeques, fireplaces and gas appliances;
- sporting, cycling, leisure, fitness goods and accessories;

Objectives

- O1 Ensure that the floor space of Specialised Retail Premises is substantially used for the sale of larger items.
- O2 Ensure safe and efficient access, site planning and layout.

Controls

- C1 Specialised Retail Premises are not to sell "everyday needs" such as clothing, small household items or fresh food or produce.
- C2 A coordinated sign and access strategy is required for sites that propose multiple tenancies. The strategy is to make provision for a centralised sign containing details of the businesses located on the site, directional signs for the safe and efficient operation of the site, and details of the size and location of individual tenancy signs.
- C3 Sites with multiple tenancies are to provide safe access routes for pedestrians, responding to likely or anticipated desire lines, avoiding conflict with vehicular movement.

Explanatory Note(s):

12.4 Health Consulting Rooms and Medical Centres

The controls of this section apply to health consulting rooms and medical centres proposed in residential zones.

Health Consulting Rooms operate from residential premises, and are permissible in the R1 and R3 Zone. The LEP limits Health Consulting Rooms to three health care professionals practising in a partnership.

Medical Centres are a more intensive use than health consulting rooms, and provide a range of health services to out-patients. Medical centres are permissible in the R3 Zone, but are better suited to the E1, E2 and E3 zones.

Proliferation of *Health Consulting Rooms*, particularly on the fringe of the city centre, has led to competition for use of existing houses, and loss of amenity from parking, access and poor landscaping outcomes. To avoid further loss of amenity, health consulting rooms are preferred on corner sites, and sites with rear lane access.

Health Consulting Rooms and *Medical Centres* in residential locations are to maintain the residential character. To minimise amenity impacts, particularly from parking requirements, *Health Consulting Rooms* that provide for more than two health care professionals are subject to additional controls.

Objectives

- O1 For preference health consulting rooms should be located on corner sites and sites with rear lane access.
- O2 Retain the predominantly residential character of sites used for *Health Consulting Rooms* and *Medical Centres* in residential locations.
- O3 Discourage larger *Health Consulting Rooms* and *Medical Centres* on sites that cannot support required parking or access.

Controls

- C1 Locate health consulting rooms on corner sites and sites with rear lane access.
- C2 Comply with site cover and landscaped requirements as they apply to residential development.
- C3 *Health Consulting Rooms* are to occupy existing premises without the need for significant alterations or additions, especially where more than two health care professionals are proposed to practise from the premises.
- C4 Alterations and additions are not to compromise the residential character of the existing building or streetscape.
- C5 For sites fronting rear lanes, retain fencing along part of the rear boundary, or use a combination of landscaping, different paving materials or other devices in a 0.5m setback area to retain delineation of the rear boundary line. Use landscaping, fencing or a change of surface materials to delineate the rear boundary. A setback of 0.5m may be required.

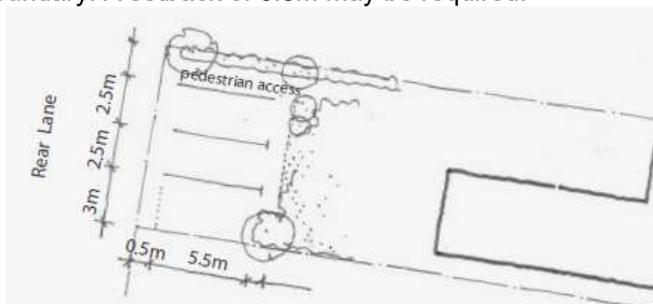


Figure 12.4.1 Delineating the rear boundary

Explanatory Note(s):

Applications for *Health Consulting Rooms* and *Medical Centres* are to include a landscape plan.

- C6 For sites where access from the street to the rear of the property is proposed, a 300mm landscaped setback is required to the side boundary.
- C7 The front setback area is to be landscaped and at least 60 percent of the setback is to include trees, shrubs and groundcovers. Parking in the front setback is not supported.
- C8 Premises are not to operate before 7am or after 6pm Mondays to Saturdays. No trading is to occur on Sundays or public holidays.

Explanatory Note(s):

12.5 Sex Services Premises and Restricted Premises

The controls of this section apply to *Sex Services Premises* (brothels) and *Restricted Premises*.

Sex Services Premises and Restricted Premises require sensitivity to minimise disturbance to surrounding land uses, and avoid detrimental amenity impacts on the locality.

Objectives

- O1 Ensure *Sex Services Premises* and *Restricted Premises* are suitably located, and discrete in presentation.
- O2 Ensure *Sex Services Premises* and *Restricted Premises* are located at a reasonable distance from other sensitive land uses.
- O3 Avoid adverse impacts on surrounding land uses and the amenity of the locality in which they are located.

Controls

- C1 *Restricted Premises* are to be at first floor level where proposed to be located in the E2 zone.
- C2 The entrance to a *Sex Services Premises* is to be discrete and unobtrusive, with no more than one business identification sign that does not have any sexually explicit images, language or objects.
- C3 The entrance to any *Restricted Premises* is to be at least 400m from the entrance to any child care centre, community facility, educational establishment, hospital or place of public worship.
- C4 The entrance of any *Sex Services Premises* is to be at least 150m from the entrance to a dwelling on residential zoned land, 200m from the entrance to any childcare centre, community facility, educational establishment, hospital or place of public worship.
- C5 *Sex Services Premises* are to include an internal reception/waiting area of appropriate size to discourage loitering outside the premises.
- C6 *Sex Services Premises* are required to comply with any relevant safety and environmental hazards.

12.6 Late Night Trading

The main aims of this section are to assist in the management of the impacts of late night trading premises on the sites and neighbourhoods in which they are located, and in particular, protect the amenity of residential properties by promoting ongoing good management of late night trading premises by ensuring that where appropriate approvals are subject to ongoing trial periods.

The controls of this section apply to applications for new and existing premises that:

- a. Seek approval for trading hours between 10pm and 7am the following day;
- b. Currently trade between 10pm and 7am the following day, and seek refurbishment, additions or extensions that will result in an intensification of an existing use;
- c. Seek an extension or renewal of trial trading hours as prescribed in the controls and conditions of development consent; or
- d. Seek approval for outdoor trading beyond 8pm.

Late trading hours will only be considered appropriate in circumstances where ongoing commitment to good management is evident through a series of successful trial periods.

For the purposes of this section, late night trading premises are categorised into the following types:

- a. a hotel within the meaning of the *Liquor Act 2007* that is not designated as a general bar licence;
- b. a hotel within the meaning of the *Liquor Act 2007* that has capacity of more than 120 patrons and is designated as a general bar licence;
- c. an on-licence within the meaning of the *Liquor Act 2007* where the primary business or activity carried out on the premises that of a night-club with the capacity of more than 120 patrons;
- d. a club within the meaning of the *Liquor Act 2007*;
- e. a premise that has capacity of more than 120 patrons where the primary purpose is the sale or supply of liquor for consumption on the premises; or
- f. premises that are used as a karaoke venue where the owner or occupier sells or supplies liquor for consumption on the premises;
- g. a hotel within the meaning of the *Liquor Act 2007* that has a capacity of 120 patrons or less and is designated as a general bar licence;
- h. premises that have a capacity of 120 patrons or less where the primary purpose is the sale or supply of liquor for consumption on the premises;
- i. an on-licence within the meaning of the *Liquor Act 2007*;
- j. any premises where the owner or occupier sells or supplies liquor for consumption on the premises;
- k. any other commercial premises which in the opinion of the Council may impact on the amenity and safety of a neighbourhood resulting from its operation at night.

Note: 'k' above may include such premises as restaurants 'BYO' premises, cafes, theatres, karaoke venues, convenience stores, takeaway food shops and the like.

Note: Outdoor seating is included in patron capacity calculations.

Note: Late night trading premises do not include sex industry premises.

Explanatory Note(s):

Objectives

- O1 Identify appropriate locations and trading hours for late night trading premises;
- O2 ensure that late night trading premises will have minimal adverse impacts on the amenity of residential or other sensitive land uses;
- O3 ensure that a commitment is made by operators of late night trading premises to good management through the implementation of robust plans of management;
- O4 encourage late night trading premises that contribute to vibrancy and vitality, as appropriate for Wagga Wagga;
- O5 ensure that new late night trading premises do not reduce the diversity of retail services in an area;
- O6 provide the possibility of extensions of trading hours for premises where they have demonstrated good management during trial periods;
- O7 encourage premises with extended trading hours that are of a type that do not operate exclusively during late night hours and may be patronised both day and night;
- O8 ensure that appropriate hours are permitted for outdoor trading;
- O9 ensure a consistent approach to the assessment of applications for premises seeking night trading hours.

Controls

Plan of Management:

- C1 Plans of Management are to accompany development applications for new and existing Late Night Trading premises (as defined above) that:
 - a. seek approval for trading hours between 10pm and 7am the following day;
 - b. currently trade between 10pm and 7am the following day, and seek refurbishment, additions or extensions that will result in an intensification of an existing use;
 - c. seek an extension or renewal of trial trading hours as prescribed in the section; or
 - d. seek approval for outdoor trading beyond 8pm.

Explanatory Note(s):

It may be necessary to limit extended trading hours for a set trial period and this will be enforced via a condition of consent (Trial period may be required between 1 and 5 years in duration dependent on proposed nature of use). At the end of the trial period a modification application (under S4.55 of the EP&A Act) will be required to remove or amend the condition that limits the extended trading hours. If an application is not made to remove any such restriction the trading hours will revert back to standard trading hours.

12.7 Tourist and Visitor Accommodation

The purpose of this section is to provide specific requirements for Tourist and Visitor Accommodation development. Other requirements that must be addressed are contained in Part A and Part B sections of this DCP.

Tourist and Visitor accommodation includes the following:

- i. Backpackers accommodation
- ii. Bed and breakfast accommodation
- iii. Farm stay accommodation
- iv. Hotel or motel accommodation
- v. Serviced apartments

Objectives

- O1 To promote tourism within Wagga Wagga Local Government Area, and to facilitate growth in the local tourism economy;
- O2 To ensure that tourism and visitor accommodation is established with consideration of the surrounding environment, landscape and land uses, and to mitigate potential land use conflict.
- O3 Tourist Accommodation is designed, constructed and operated on the basis of sustainable practices, including building materials, energy efficiency, and self sufficient water supply and waste disposal.

Tourist and Visitor Accommodation

Controls

- C1 Buildings within tourist and visitor accommodation development (including ancillary facilities such as restaurants, conference, recreation, educational facilities or other similar development) must be designed, positioned, and set back from property boundaries in a manner that is consistent with other development in the locality, in order to maintain the character and visual amenity of the area.
- C2 Integrate access, landscaping and services in the site layout, avoiding underutilised spaces.
- C3 Provide a street address and front elevation that is consistent with the predominant scale, rhythm and form of the street.
- C4 Tourist and Visitor accommodation on corner lots are to ensure an acceptable address on both frontages. Continue materials around the corner to the secondary frontage so that the building “turns the corner”.
- C5 Use articulation to avoid excessively long blank walls.

Backpackers Accommodation

Controls

- C6 The layout of backpacker accommodation should be designed and constructed to respect the amenity of immediately adjoining land uses, particularly that of residential accommodation.
- C7 The maximum number of persons accommodated in guest bedroom, or in a dormitory, is to be determined on the basis of 5m² per person.
- C8 Bedrooms providing shared or dormitory style accommodation must accommodate no more than 10 guests.

Explanatory Note(s):

Parking requirements are contained in Section 2 of the DCP

- C9 Shared bedrooms or dormitory style accommodation must provide lockable secure storage facilities with a minimum capacity of 0.6m² per person to allow guests to individually store baggage and travel items within their sleeping room.
- C10 Communal recreation areas must be provided within the premises at a minimum rate of 2m² per person.
- C11 Communal recreation areas should be provided internal to the building, however, where areas are to be provided outdoors they may only account for up to a maximum of 20% of the minimum area required.
- C12 Development overshadowing adjoining properties should permit a minimum of 3 hours un-interrupted solar access within the living areas of the affected property.
- C13 The external appearance of the building should be designed to complement or improve on the streetscape.
- C14 The design and use of building colour, bulk, materials of construction and angle and height of roof line are to be in harmony with the surrounding built and natural environment.
- C15 No person shall be permitted to reside on the land for a period longer than 30 days or for a period exceeding 3 months in any continuous 12 month period, excluding Residential accommodation or staff accommodation provided on site.
- C16 Backpackers accommodation is to be located within 400m of public transport and within easy access to facilities and services.
- C17 Developments are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating:
- i. The main entry point at the front of the site, away from side boundary areas near adjoining properties;
 - ii. Communal areas away from the main living area or bedroom windows of any adjacent buildings;
 - iii. Screen fencing, plantings and acoustic barriers in appropriate locations; and
 - iv. Double glazed windows or glass blocks where noise transmission could affect neighbouring properties.

Explanatory Note(s):

Bed and Breakfast Accommodation

Controls

- C18 There is a limit of one bed and breakfast per allotment.
- C19 Guest bedrooms are to be serviced by an ensuite for toilet and shower purposes or a shared facility be provided for guests use only.
- C20 The conversion of a dwelling house to a bed and breakfast establishment will require a change of classification under the Building Code of Australia (BCA) from Class 1a to 1b.
- C21 Bed and breakfast accommodation must be for short-term, temporary visitors only and not for long-term, permanent accommodation. Maximum period of stay is restricted to 14 days in any 28 day period.

Farm Stay Accommodation

Controls

- C22 Farm stay accommodation must be well designed and sympathetic to their setting and should have an outward appearance of a single dwelling.

- C23 The total number of buildings or manufactured homes being used as farm stay accommodation shall not exceed:
- (i) 1 building or manufactured home used for the purposes of farm stay accommodation per 5ha, or
 - (ii) 6 buildings and manufactured homes used for the purposes of farm stay accommodation on the landholding.
- Whichever the lesser.
- C24 Guest bedrooms are to be serviced by an ensuite for toilet and shower purposes or a shared facility be provided for guests use only.
- C25 Farm stay accommodation is to be separate from the main dwelling house.
- C26 Farm stay accommodation is to be designed so as to be complementary and supplementary to the predominant use of the land for primary production and is to be designed at low-key scale that is complementary to a rural landscape.
- C27 Farm stay accommodation is to be sited so as to not compromise any existing or future primary production activities on both the allotment on which it is located and any adjoining land.
- C28 Farm Stay accommodation must be for short-term, temporary visitors only and not for long-term, permanent accommodation. Maximum period of stay is restricted to 14 days in any 28 day period.

Explanatory Note(s):

Hotel and Motel Accommodation

Controls

- C29 The design consideration of proposed buildings is to maintain the level of privacy enjoyed by adjoining properties.
- C30 The outlook to public and communal spaces should be maximised whilst maintaining internal privacy within the site.
- C31 The design is to avoid dark and non-visible areas, provide clear, safe access points and provide suitable open spaces to cater for recreational uses. Appropriate lighting for the location is to be installed and there is to be clear definition between public and private spaces.
- C32 Long building lines are to be stepped, appropriately broken with patios, change in materials, windows or appropriate landscaping.
- C33 Occupants within the proposed development and on adjoining sites are to enjoy optimum extent of winter sun and summer shade.
- C34 Development overshadowing adjoining properties should permit a minimum of 3 hours un-interrupted solar access within the living areas of the affected property.
- C35 Buildings must be oriented and designed to minimise potential impacts on the surrounding residential amenity.
- C36 Landscaping must ensure that landscape design builds on the natural features of the location to result in greater aesthetic quality and amenity for both occupants and the community.
- C37 The design and use of building colour, bulk, materials of construction and angle and height of roof line are to be in harmony with the surrounding built and natural environment.
- C38 No person shall be permitted to reside on the land, other than within Residential Accommodation, for any continuous period exceeding 3 months in any 12 month period.

Serviced Apartments

Controls

- C39 The same density, site coverage, floor space ratios, and landscaping requirements as residential flat development shall be applied to serviced apartments.
- C40 The design consideration of proposed buildings is to maintain the level of privacy enjoyed by adjoining properties.
- C41 The outlook to public and communal spaces should be maximised whilst maintaining internal privacy within the site.
- C42 The design is to avoid dark and non-visible areas, provide clear, safe access points and provide suitable open spaces to cater for recreational uses. Appropriate lighting for the location is to be installed and there is to be clear definition between public and private spaces.
- C43 Long building lines are to be stepped, appropriately broken with patios, change in materials, windows or appropriate landscaping.
- C44 Occupants within the proposed development on adjoining sites are to enjoy the optimum extent of winter sun and summer shade.
- C45 Development overshadowing adjoining properties should permit a minimum of 2 hours un-interrupted solar access within the living area of the affected property.
- C46 Each lower floor serviced apartment is to have a minimum 25m² of private open space with direct connection to indoor living areas.
- C47 No person shall be permitted to reside on the land, other than within Residential accommodation, for a period exceeding 3 months in any continuous 12 month period.

12.8 Wagga Wagga Riverside Master Plan

The purpose of this section is to support the objectives of the Riverside Wagga Wagga – Strategic Master Plan 2010 (City of Wagga Wagga, Land and Property Management Authority, KIAH Infranet, Ian Lawrence, Hill PDA, David Lock & Associates and Aurecon).

Riverside Wagga Wagga is a visionary project that will reinforce the relationship between the iconic Murrumbidgee River and the city of Wagga Wagga by bringing an array of recreational, cultural, commercial and residential development underpinned by sustainable principles to fully showcase its potential and enhance the quality of living for its citizens and visitors alike.

The Master Plan precinct interfaces with three distinct areas. To the south is the Civic Centre which includes the Council premises, the Civic Theatre, the Visitor Information Centre, Wollundry Lagoon and the Old Gas Works site (currently a car park facility). At the centre is the Church precinct with its numerous churches and institutional buildings. To the north is the interface of commercial, industrial and residential buildings between Fitzmaurice Street and Cadell Place. Each of these areas have distinct issues relating to their interfaces with the river.

The area of the Master Plan extends from Wiradjuri Reserve in the north through Wilks Park down to Thompson Street in the south. Three distinct precincts have been identified within the Master Plan area: Wiradjuri and Wilks comprising the northern and more natural areas, Hampden Terraces defining the northern gateway and the Bend which includes high profile areas such as the Civic Precinct and Wagga Beach. The Master Plan project boundaries are shown below.

This section is to be read in conjunction with Riverside Wagga Wagga – Strategic Master Plan and relevant State Environmental Planning Policies and guides.

Explanatory Note(s):

Riverside Precinct



Figure 12.10.1 Riverside Precinct

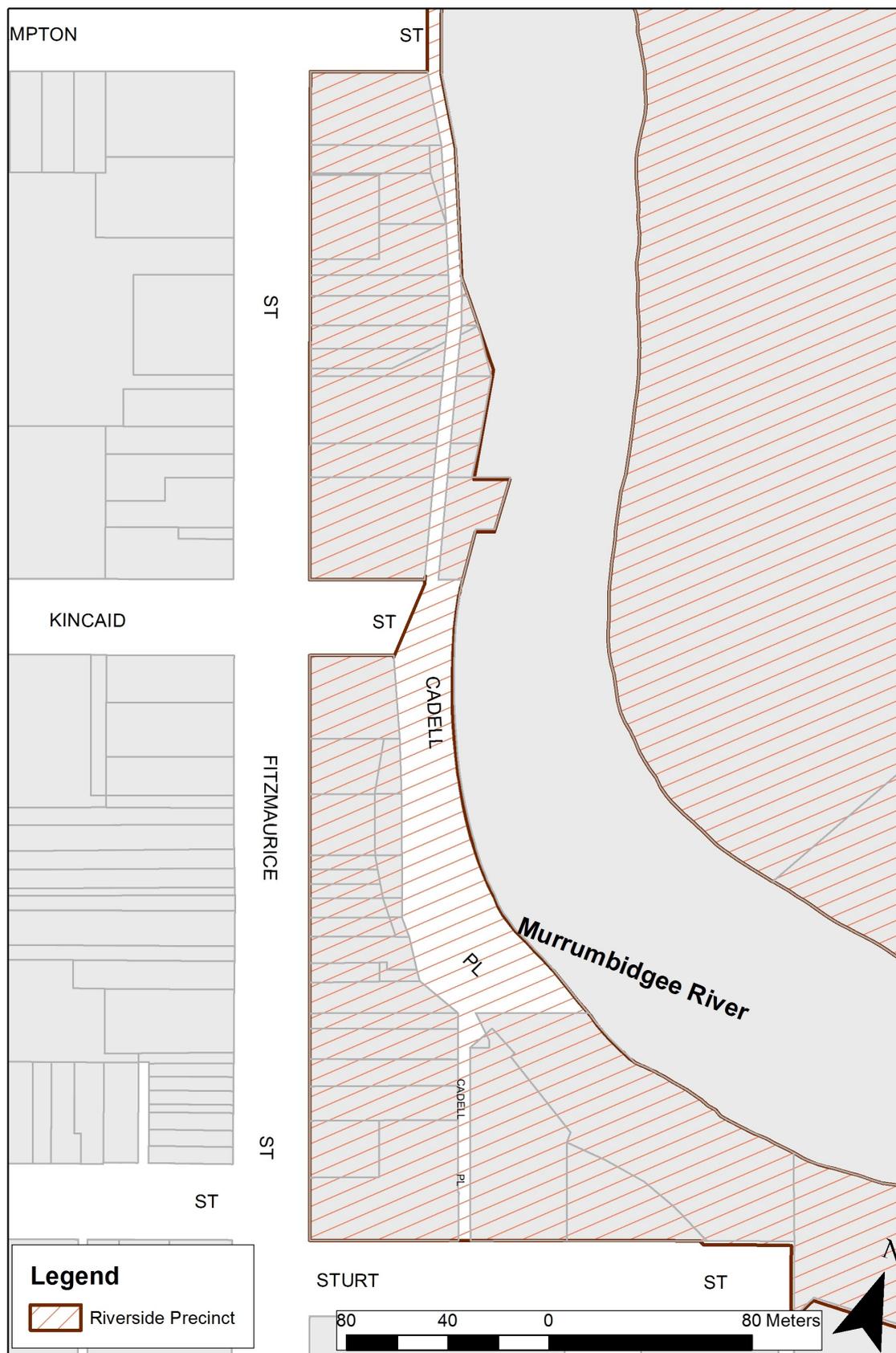


Figure 12.10.2 Cadell Place

Objectives

O1 Provide for the implementation of the [Riverside Wagga Wagga Strategic Master Plan](#)

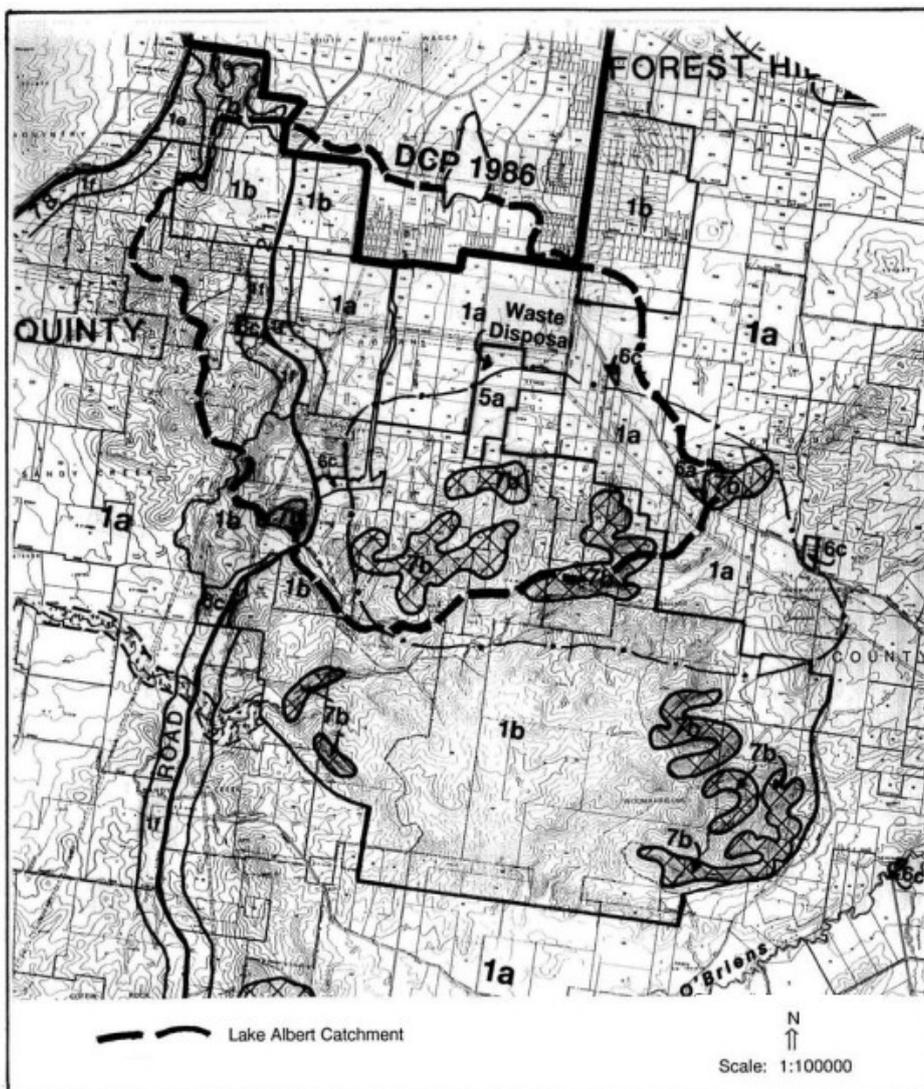
Explanatory Note(s):

Control

C1 Any development within the Riverside Wagga Wagga – Strategic Master Plan project boundaries shall demonstrate consistency with the objectives, strategies and design principles of the Riverside Wagga Wagga – Strategic Master Plan.

12.9 Lake Albert Catchment

The controls in this section apply to development in the Lake Albert Catchment as identified below:



Objectives

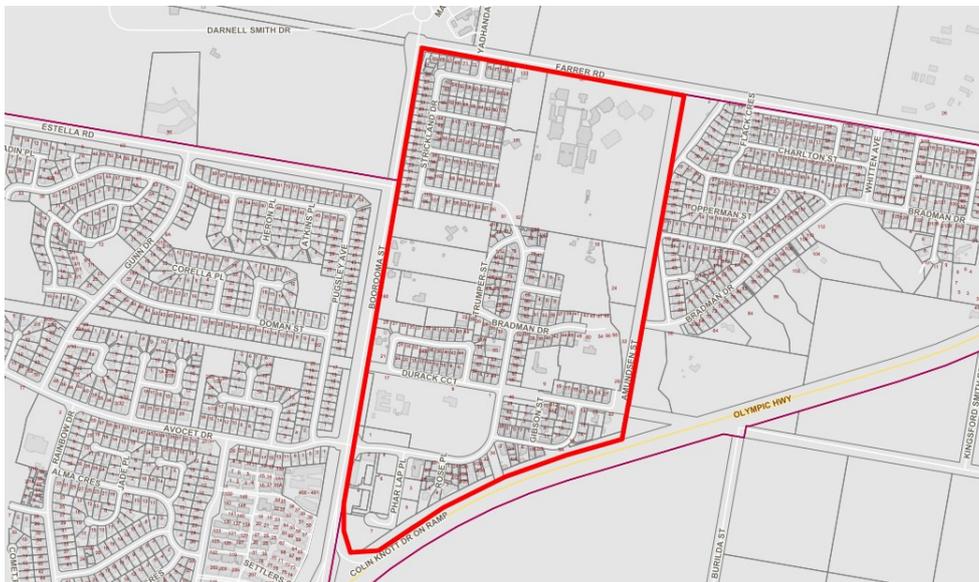
O1 To ensure land within the Lake Albert Catchment is managed in a manner that improves water quality in Lake Albert.

Controls

- C1 A Land and Water Management Plan shall be developed for any new lots created within the Lake Albert Catchment and registered on the 88B Instrument on the land. The Land and Water Management Plan shall be consistent with any Guidelines produced from time-to-time by Council for such documents.
- C2 A minimum 70% groundcover is to be maintained on sites during works.
- C3 All disturbed areas are to be stabilised, with vegetation, as soon as possible after earthworks are completed.
- C4 A permanent stable vegetative zone along drainage lines shall be identified and incorporated into plans.
- C5 Lots in the R5 zone are to be connected to reticulated sewer.

12.10 Boorooma (West)

The controls in this section apply to Development Applications for the subdivision of land in the west of Boorooma as identified below:



Objectives

- O1 To ensure development in the west of Boorooma occurs in an orderly manner, providing road and service linkages between developments.

Controls

- C1 Subdivision of land to which the section applies shall be generally consistent with the Boorooma Subdivision Neighbourhood Plan below in Figure 12.12.1.

12.11 Forest Hill (West)

The controls in this section apply to the subdivision of land in the west of Forest Hill as identified below:



Objectives

- O1 To ensure development in the west of Forest Hill occurs in an orderly manner.

Controls

- C1 Subdivision of land to which the section applies shall be generally consistent with the Forest Hill Master Plan in Figure 12.13.1.
- C2 Subdivisions shall include pedestrian linkages and open space in accordance with Figure 12.13.1.
- C3 Pedestrian/cycle networks shall be integrated into the existing Forest Hill pedestrian/cycle networks.
- C4 Street tree plantings and buffer strip along the railway reserve and Elizabeth Avenue shall be provided.

Controls

- C1 No private vehicular access shall be permitted directly to Plumpton Road. Existing vehicular access points along Plumpton Road shall be physically eliminated prior to the release of the survey plan for the relevant stage of subdivision.
- C2 Reticulated water supply is restricted to below the 240 metre AHD contour. Garden taps can be positioned below the 245 metre AHD contour. Individual approval from the water supply authority will be required prior to the approval of any building envelope or floor level above the 240 metre contour.

12.14 Tolland Renewal Project

The controls in this section apply to Development Applications for the development of land in Tolland as identified below:



Objectives

- O1 To ensure development in the Tolland Renewal Project precinct is consistent with the Tolland Concept Masterplan.
- O2 To ensure development does not jeopardise the implementation of the Tolland Concept Masterplan.

Controls

- C1 Development within the Tolland Renewal Project precinct shall be consistent with the Tolland Concept Masterplan (as adopted by Council).
- C2 Where there is an inconsistency between this Section and Section 9 of the WWDCP 2010 in relation to development within the Tolland Renewal Project precinct, this section shall prevail to the extent of the inconsistency.