39. Hilltop Estate

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39.1 ADMINISTRATION

39.1.1 Citation

This Chapter may be cited as Wagga Wagga Development Control Plan 2005 Chapter 39 Hilltop Estate.

39.1.2 Land to which this plan applies

This chapter applies to all land within the Hilltop neighbourhood, within the suburb of Bourkelands identified as “Subject Land” on Figure 1. The land is bounded by Bourkelands Estate to the north, the ridgeline to the east, Springvale to the south and Holbrook Road to the west.

39.1.3 Relationship to Other Planning Documents

This plan supports the objectives and recommendations of Council’s existing policies, in particular:

Wagga Wagga Local Environmental Plan 1985.

This plan is to be implemented in conjunction with Council’s existing policy documents.

39.1.4 Objectives

- To support the Masterplan finalisation objectives and subdivision design principles listed in the adopted Hilltop Neighbourhood Design Guideline

- To provide scope for a variety of residential styles whilst maintaining environmental amenity of the area.

- To allow for sufficient guidance to ensure that the design of new development relates to the characteristics and potential of the particular site.

- To ensure that the scale and appearance of new development is compatible with the character of surrounding neighbourhoods;

- To ensure that the new development recognises the environmental constraints covering the site and embraces best practice techniques to ensure that harm to the environment is mitigated and in some respects further reduced; and

- To protect and enhance the environmental and visual features of the hilltop/ridge and to ensure that development does not negatively impact on these features.

- To set reasonable environmental controls for solar access, privacy, noise, vehicle access and landscaping.
• To provide an accessible neighbourhood centre that caters for community activities and convenience shopping.

• To create a road layout and subdivision which makes it easy for people and cars the move through and within.

39.1.5 Operation of the Chapter

This plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act 1979 and consists of a written document, a Neighbourhood Design Guideline, and an amendment to the sub zones under the Wagga Wagga Development Control Plan 2005.

39.1.6 Application of the Chapter

The plan consists of 3 components:

1. The introduction of development guidelines for the Hilltop neighbourhood;
2. The introduction of a Neighbourhood Design Guideline to assist in guiding the development of the land; and
3. An amendment to Wagga Wagga Development Control Plan 2005 to introduce sub zones over the subject land.

Development of land to which this Chapter applies shall be generally in accordance with the provisions of this plan. Where Council is of the opinion that strict compliance with a specified numerical control or boundary requirement is unreasonable or unnecessary, it may permit a variation provided the aims and objectives of this Chapter are complied with. It is the applicant’s responsibility to present sufficient evidence justifying the variation.

39.1.7 Application of the Neighbourhood Design Guideline

This Chapter should be read in conjunction with the adopted Hilltop Residential Masterplan May 2004, prepared by Resolve Planning. The Hilltop Residential Masterplan is now referred to as the Hilltop Neighbourhood Design Guideline (and is available from Council). To the extent that there is any discrepancy between the Hilltop Neighbourhood Design Guideline and the Chapter, the provisions of this Chapter will prevail.

The Neighbourhood Design Guideline has been prepared to provide parameters in which the orderly progression of subdivision can take place. The Neighbourhood Design Guideline also provides a degree of predictability in the development of the land for the benefit of existing and future residents and other affected parties. It is, therefore, a requirement of this Chapter that the design and construction of any subdivision be generally in accordance with the adopted Neighbourhood Design Guideline. Any necessary variation will be assessed on its merits.
Each stage of subdivision is subject to development approval and will be individually assessed based on information that is relevant to the specific site. Further investigation into site specific details may necessitate variation from the Neighbourhood Design Guideline. The Neighbourhood Design Guideline provides no guarantee of consent for any stage or part of the development.

Information required to be submitted with each Development Application to allow Council to properly assess an application is outlined in the following sections.

**39.2 DEVELOPMENT CONTROLS**

The following controls apply to the development of land contained within this plan.

**39.2.1 Lot size and Density**

**Objective**

- To create a residential development which is sustainable in terms of the environmental and urban capability of the area.

- To provide for a variety of housing types to supply a range of markets and lifestyle needs.

- To recognise that lot yields per residential hectare in the elevated areas will be lower due to topographical constraints.

- To encourage dwelling densities that reflect the existing surrounding developments.

**Performance Criteria**

- Dwelling densities shall be in accordance with the following:
  - Residential 2(a) General (Urban Living Area) - 10 dwellings per residential hectare.

- To achieve the above mentioned dwelling densities within the Residential 2(a) dwelling entitlements may be transferred between stages of the subdivision providing that those stages are held within the one ownership. With each Development Application for subdivision, the developer shall provide the following information:
  - Number of dwelling entitlements available in the overall development site;
  - Number of dwelling entitlements utilised in previous stages;
  - Number of dwelling entitlements in proposed stage of subdivision; and
- Remaining dwelling entitlements available.

- All proposed duplex sites or multi unit sites shall be nominated upon submission of the Development Application.

- Minimum Lot sizes of 375 m² are permitted in a residential zone where building envelopes and privacy provisions are incorporated in subdivision plans. Default minimum lot size of 600 m² applies where the design criteria is not met.

### 39.2.2 Building Envelopes and Building Design

**Objectives**

- To site and design buildings to meet community expectations in regard to privacy, solar access, views and residential character.

- To enhance the general appearance and character of the streetscape.

- To protect the visual amenity of the natural ridgelines.

- To create dwellings that use minimal energy, are economical to run and are comfortable.

**Performance Criteria**

- Dwelling and outbuildings shall be designed and sited so they do not significantly detract from other properties in terms of privacy, solar access and views. A statement should be included with any development application stating how these criteria are achieved.

- Maximum allowable height within Hilltop neighbourhood is two storeys. Dwellings in excess of two storeys will be considered only where the scale and bulk of the building is compatible with the surrounding residential character.

- All residential lots under 1000 m² shall be designed in accordance with Chapter 31, section 31.2.2 of this DCP.

### 39.2.3 Road and Street Design

**Objectives**

- To provide sufficient width of carriageway and verge to allow streets to perform their designated functions within the street network.

- To allow all users of the street, including motorists, pedestrians and cyclists, to proceed safely and without inconvenience and delay.

- To provide a network of streets which is easily legible for all.
• To control the maximum length of time travelled in a low speed environment.

• To establish a street and pedestrian network which provides convenient linkages to activity centres and areas

**Performance Criteria**

• Road layout shall be generally in accordance with Figure 1.

• All roads shall be constructed in accordance with Council’s Engineering Guidelines for Subdivisions and Developments at full cost to the developer.

### 39.2.4 Vehicular Access and Parking

**Objectives**

• To provide appropriate levels of vehicular access, safety and convenience for motorists in residential areas, whilst maintaining amenity and protection from the impact of traffic on other street users.

**Performance Criteria**

• Parking and access shall be constructed in accordance with Council’s Engineering Guidelines for Subdivisions and Developments.

### 39.2.5 Pedestrian Access

**Objectives**

• To provide appropriate levels of access, safety and convenience for pedestrians and cyclists in residential areas, while ensuring acceptable levels of amenity and protection from the impact of traffic.

• To provide a safe, convenient and legible network of all weather paths for pedestrian and cyclist movement.

**Performance Criteria**

• Footpaths shall be constructed to Council’s controls at full cost to the developer. The footpaths shall be constructed prior to the release of the survey plan for the next stage of subdivision. The footpath to be built as identified within Figure 1.

### 39.2.6 Open Space

**Objectives**

• To provide open space to meet a variety of recreational needs for the community
• To provide buffers and relief from built form

Performance Criteria

• Open space provided is to be located and linked in accordance with Figure 1, by the developer.

• Embellishment of open space areas, by the developer, is to be generally in accordance with the Landscape report Hilltop Estate and plans May 2004 prepared for Esler and Associates by Alexandra Dalglish Landscape Architect (which is available from Council).

• Open space located along the ridgeline is required to be planted out by the developer in accordance with Rural Land Capability Class IV, which requires 200 plants per hectare. Planting shall occur in accordance with Chapter 29 of this DCP.

39.2.7 Stormwater

Objectives

• To detain and discharge water in a manner that will not impact on adjoining catchments

• To handle and dispose stormwater in a manner that ensures public safety.

• To reduce the inconvenience caused by stormwater and the its potential to cause damage to property.

• To improve the quality of stormwater leaving the site.

Performance Criteria

• Stormwater drainage shall be provided throughout the development in accordance with Council’s Engineering Guidelines for Subdivisions and Developments at full cost to the developer.

39.2.8 Services and Amenities

Objectives

• To cater for the efficient provision of public utility networks and other services including water supply, sewerage, electricity, telecommunications and gas.

Performance Criteria

Electricity
• The developer shall be responsible for the cost and provision of mains electricity supply to all lots in the subdivision to the satisfaction of Council and the relevant service provider.

**Telecommunications**

• The developer shall be responsible for the cost and provision of telephone connections for all allotments to the satisfaction of the relevant service provider.

**Water Supply**

• The developer shall be responsible for the cost and provision of reticulated water supply to all allotments in accordance with the requirements of the relevant service authority. The developer shall be responsible for meeting the cost of internal water reticulation mains and extension of existing mains where necessary.

• 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 Riverina Water County Council will be required prior to the approval of any building envelope or floor level above the 240 metre contour.

**Sewer**

• The developer shall be responsible for the cost and provision of reticulated mains sewer supply to allotments to the satisfaction of Council.

### 39.2.9 Tree Cover

**Objectives**

• To conserve existing native vegetation and establish new native vegetation in order to reduce the potential for dryland salinity, groundwater recharge and soil erosion, and to maintain and enhance biodiversity.

• To include the provision of street trees within Hilltop

**Performance Criteria**

• Tree and shrub planting within the ridgeline open space area occurs with each stage of subdivision.

• *Residential Zone* – It is recommended that landowners within the residential zone be educated and encouraged to achieve tree cover to a minimum of 10% (ie. 1 tree and 1 shrub per 100 square metres.
• Street trees are provided generally in accordance with the Landscape report Hilltop Estate and plans May 2004 prepared for Esler and Associates by Alexandra Dalglish Landscape Architect.

39.2.10 Bushfire Management

Objectives
• To ensure the development complies with current bushfire legislation and regulations/standards

Performance Criteria
• A fire trail is provided in accordance with Figure 1.
• The fire trail is a minimum of 6 metres wide (4 metre wide trail and 1 metre cleared area each side of the trail).
• The reserve will be constructed in accordance with the design criteria set out in 4.3.2 of the “Planning for Bushfire Protection” 2001 document and will be maintained in accordance with those provisions required for an “inner protection area” out of the same document.
• Open space areas provide fire access for vehicles

39.3 OTHER MATTERS FOR CONSIDERATION

39.3.1 Information to be submitted with Development Application

Development Application Checklist
• Council has prepared a Development Application Checklist for Subdivision that outlines information required for the application to be fully assessed. The information required within this checklist is in addition to any information required under this Chapter. Development Application Checklists are available from Council upon request.

Flora and Fauna
• For each stage of subdivision, details of whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats in accordance with the requirements of Section 5A of the Environmental Planning and Assessment Act 1979 shall be submitted with the required Development Application.

A Statement of Environmental Effects
• For each stage of subdivision, a statement of environmental effects shall be submitted with the required Development Application.