

DCP No.
87

Bateau Bay South Urban Release Area Development Control Plan

Date of commencement:

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OBJECTIVES

This Plan aims to facilitate development for residential purposes in accordance with the provisions of Wyong Local Environmental Plan 1991 (Amendment No 110) in a manner that will:

- Provide a high quality residential environment accessible to open space and other community facilities;
- Provide attractive streetscapes which re-inforce the function of a street, enhance the amenity of dwellings and provide maximum opportunity for landscaping;
- Provide a safe and efficient system of roads and pathways for vehicular, pedestrian and cycle movements; and
- Provide for the protection and enhancement of the local environment and habitat for threatened wildlife.

This Development Control Plan (DCP) may be amended from time to time by Council. Proposed amendments are required to be advertised and exhibited in draft form and any submissions received must be considered by Council before the amended plan is adopted. People using this DCP should ensure that they have the current copy of the plan, including any amendments. If in doubt, please check with Council's Customer Service Centre.

Adopted as per council resolution Dated:	
Effective:	
Certified in accordance with the Environmental Planning and Assessment Act 1979 and Regulations	General Manager:
	Dated:

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1.0 Citation and Application

- a This document and accompanying plans shall be cited as “Wyong Development Control Plan No 87 - Bateau Bay South Urban Release Area” (herein called “THE PLAN”).
- b This plan is a Development Control Plan prepared and adopted pursuant to Section 72 of the Environmental Planning and Assessment Act 1979. It is a policy document for the general guidance of Council in the exercise of its duties and functions under the Act.
- c The Plan applies to all land to which Wyong Local Environmental Plan 1991 (Amendment No 110) applies and is shown edged heavy black on the plan marked “Bateau Bay South” in Appendix 1.
- d The Plan should be read in conjunction with Wyong Local Environmental Plan 1991, Wyong DCP No 66 - Subdivision, the Australian Model Code for Residential Development (AMCORD) (1990), AUSTROADS - Guide to Traffic Engineering Practice Part 14 - Bicycles, the Southern Lakes District Development Contribution and Servicing Plans and Council’s Engineering Requirements for Development (DCP 67). This Plan, unless otherwise specified, adopts the objectives and certain performance criteria of AMCORD.
- e This Plan takes precedence over other Council Codes and Policies unless otherwise specified and amends DCP 46 - Tumby Valley as it relates to this site.

2.0 Applications for Development

- a Development consent is obtained by lodging a development application for approval by Council in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
- b Applicants are encouraged to discuss proposals with Council prior to lodging an application for subdivision/development.
- c Each application shall be considered on its merits. Council may vary its requirements depending on the circumstances of individual applications. Sympathetic consideration will be given to subdivision plans of innovative design and which are consistent with the objectives and performance criteria of AMCORD.
- d Each application should be accompanied by documentation as set out in Section 2 of Council’s DCP No 66 - Subdivision and any additional information as required by this plan.

3.0 Use of Qualified Personnel

- a Approaches to subdivision design over recent years have emphasised engineering, surveying and lot yield efficiency. While these factors are important, the primary objective in planning a new residential area is the creation of a design that is safe, functional and creates a range of innovative design opportunities that are stimulating to both the observer and resident. Fundamental to this is the concept of variety, notably in the design of streetscapes, subdivision patterns, open spaces and activity areas.
- b To this end developers are encouraged to employ the services of urban designers who have a demonstrated capacity to create innovative and attractive residential subdivisions. Developers are also reminded that it is a requirement of Council to employ a Council approved Landscape Architect to prepare a landscape design report and associated streetscape plans which must accompany any subdivision application.
- c There has been a tendency for applicants to employ the landscape architect once the subdivision plan has been formulated. This practice is unsatisfactory. As a consequence, applicants are advised that it is Council’s requirement that the landscape architect be employed prior to the formulation of any subdivision plan to ensure that landscaping considerations,

particularly those related to the streetscape, are adequately incorporated into the subdivision design.

4.0 Developer Contributions

- a Section 94 of the Environmental Planning and Assessment Act 1979 provides that where development increases the need or the demand for services or facilities in an area, Council may require developers to contribute to the costs associated with the provision of such services. Contributions may be in the form of a monetary contribution or in some circumstances may be carried out as "works in kind".
- b Wyong Council's Southern Lakes Districts Contributions Plan provides details of the contributions which apply towards Community Facilities, Open Space, Drainage and Roads. The Contributions Plan sets out the basis for contributions sought and has been prepared in accordance with Section 94 of the Environmental Planning and Assessment Act 1979. The Contributions Plan makes provision for monetary contributions, works in kind etc and should be read in conjunction with this Plan.
- c It should be noted, however, that due to the previous dedication of land by the owners of the subject site, **no** contributions towards "Open Space - Land" will be required with any consent for subdivision of land within this plan. However, all other items under the Contributions Plan (including "Open Space - Works") will be applicable.
- d Wyong Council's Development Servicing Plan No 2 for the Southern Lakes District provides details regarding water supply and sewer servicing contributions and should also be read in conjunction with this Plan.

5.0 Site Planning Principals/ Subdivision Design

- a It is the intention of this DCP to provide for residential development, predominantly comprised of single dwelling houses on individual allotments, in accordance with:
 - the aims and objectives of the 2(a) Residential Zone as identified in Clause 10 of Wyong LEP 1991; and
 - the aims and objectives as identified at the front of this Plan.
- b To this end, the following requirements have been formulated in order to achieve these aims and objectives:
 - All allotments with frontage to an access street or place shall have a minimum area of 500 square metres, with a minimum width at the building line of 15 metres (in accordance with Council's DCP 66 - Subdivision). This is to ensure that sufficient area is provided to enable the construction of a dwelling house with associated services, vehicle access, parking and private open space, without the need for excessive terracing and with maximum retention of significant vegetation.
 - All allotments fronting the collector road abutting the southern boundary of the site shall have a minimum area of 600m² and a minimum width at the building line of 18 metres.
 - Any "battle-axe" allotments shall comply with the requirements of section 4.1.4 of DCP 66 - Subdivision.
 - Except where there are significant constraints, lots shall be orientated to facilitate siting of dwellings to take advantage of solar access by ensuring the:
 - long axes of lots are within the range N20°E, or E20°N to E20°S; and

- dimensions of lots are adequate to protect solar access on site, taking into account likely dwelling size and the relationship of each lot to the street (Figure 1).

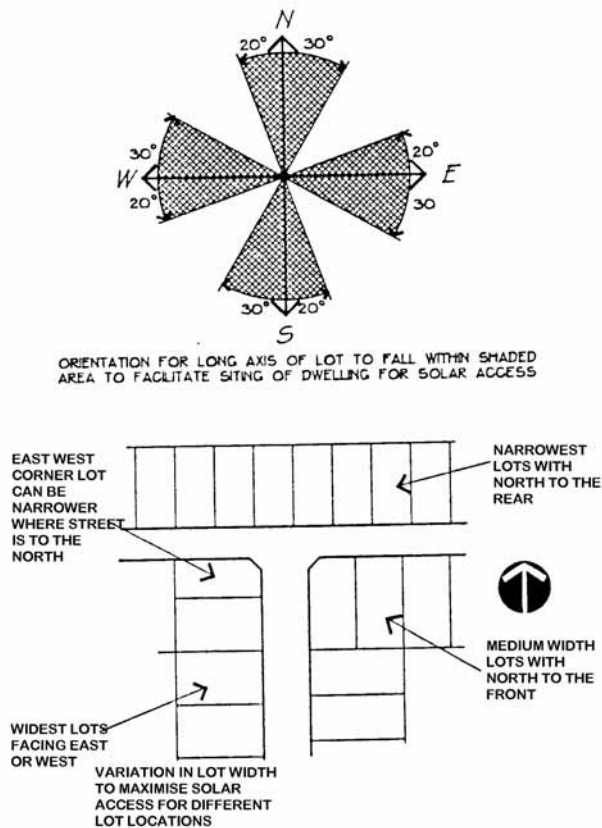


Figure 1 Lot Orientation

- Notwithstanding any other provisions of this plan, residential development shall front onto roadways adjacent to drainage reserves and open space (ie the softball fields to the west and 7(a) Conservation Zone to the east), in accordance with Figure 2 and the Development Concept in Appendix 2.
- In this regard, access streets or places shall generally separate residential development from these areas in order to:
 - discourage “edge effects” (such as the dumping of rubbish, vegetation removal etc);
 - improve aesthetics and amenity;
 - provide access for maintenance; and
 - minimise the risk from bushfire (see Section 13.0). This shall occur by way of a perimeter road as indicated in the Development Concept.

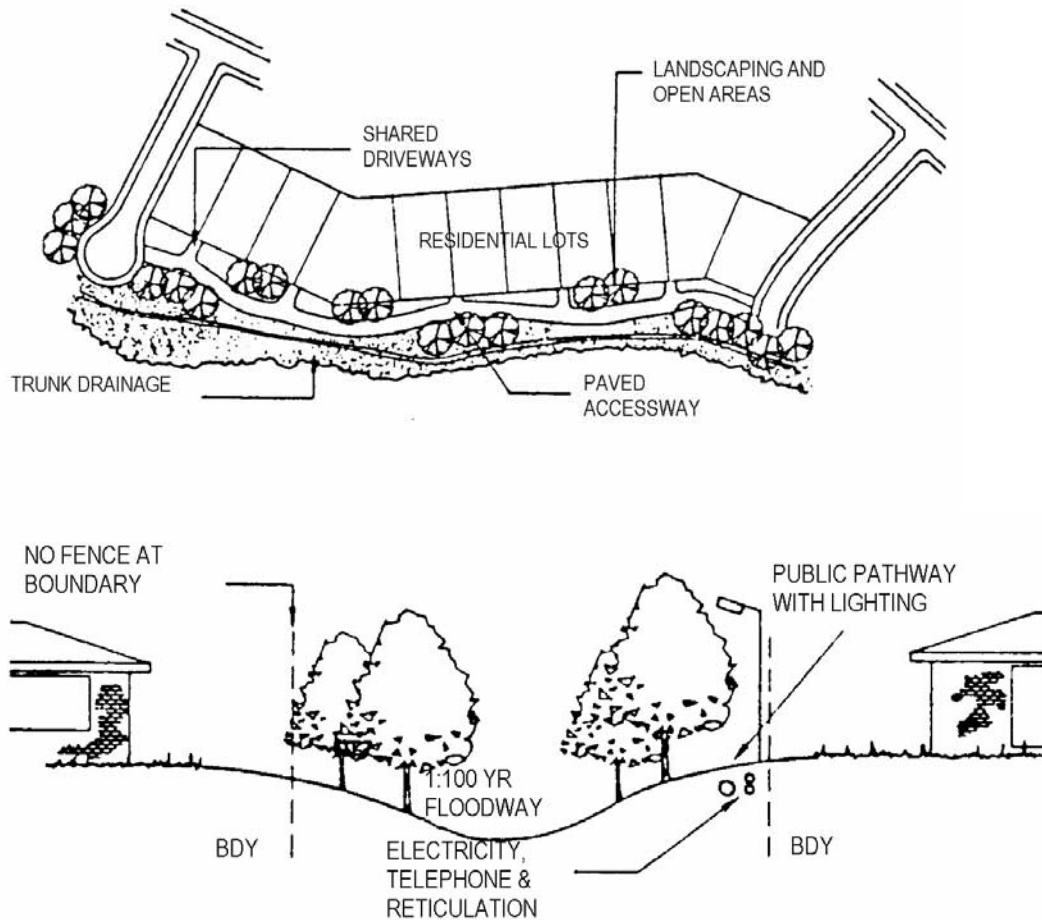


Figure 2 Treatment in Vicinity of Trunk Drainage and Channels

- The subdivision design shall seek to maximise the retention of significant vegetation on individual allotments outside of building envelopes and those areas required for driveways and connections to services. The design and location of services and footpaths within road reserves should also have regard for the retention of significant vegetation. To this end, a Vegetation Management Plan (VMP), prepared by a qualified arborist (or equivalent) shall be submitted with any development application for subdivision, detailing all existing trees on the site (including species, height, girth and condition) and providing recommendations on the significance of the tree, its potential for retention and proposed means of protection.
- All dwellings shall be setback a minimum of 6.0 metres from front property boundaries, whilst garages (or carports, etc) shall be setback a minimum of 5.5 metres. Variations to these setbacks may be considered for the purpose of retaining existing vegetation and where it can be demonstrated that the quality of the streetscape is not compromised.
- No fencing will be permitted within the front setback to dwellings, except where provided for noise amelioration adjacent to sporting fields.
- Prospective developers are encouraged to design and construct the subdivision of the land affected by this plan in one stage. However, should this not be feasible, Council's preferred staging is as follows:
 - Stage 1 - Lot 3 DP 718939
 - Stage 2 - Lot 2 DP 718939
 - Stage 3 - Lot 1 DP 718939

- Any staging proposal should have regard to the provision of temporary stormwater detention measures, located sympathetically in relation to existing vegetation on the site.
- Any staging proposal should be accompanied by a concept plan for the remaining land, indicating that development of this area can be undertaken in an orderly manner, in accordance with the requirements of this plan.
- Temporary direct access to The Entrance Road will not be permitted. In this regard, construction of the roundabout on The Entrance Road and the relevant section of the unmade Crown Reserve Road providing access to the subject land (see Section 6.0) will be required with **Stage 1** of the subdivision. Credits will be available for these works in accordance with the provisions of Southern Lakes Contributions Plan No 2.
- Cut and fill, or benching of sites, shall be in accordance with section 3.3 of Council's DCP 66 - subdivision, with details of height and materials (if known) to be provided with the application for subdivision.

6.0 Road Hierarchy, Access and Layout

- a The Plan identifies a conceptual road layout (see Appendix 2).
- b Subject to the provisions of the PLAN, applicants should have regard to the provisions of Elements B6 (Road Network) and B7 (Road Design) of AMCORD (Edition 1) 1990.
- c The Crown Reserve road abutting the southern boundary of Lot 3 DP 718939 is to provide all access to the subject land via a single lane roundabout on The Entrance Road (at the southern end of Coleridge Road). This road forms part of the collector/distributor road through to Bellevue Road to the south (see DCP 46) and is ultimately to become a bus route requiring a total reserve width of 24 metres ie 5.5 metres/12 metres/ 6.5 metres (see Section 7.0 for bus servicing requirements)
- d The section of this road fronting the subject land is to be constructed with kerb and gutter on the northern side, one parking lane and two traffic lanes. A 2.0 metre wide strip of land along the southern boundary of Lot 3 will need to be dedicated for road purposes. A similar dedication will be required for land to the south. Credits will **not** be available for the dedication of this land.
- e All roads, other than the collector road for which specific criteria is set in Clauses 6.3 and 6.4, shall satisfy the objectives and performance criteria set in Elements B6 and B7 of AMCORD.
- f Development proposals shall include documentation to demonstrate how the development:
 - Establishes a road hierarchy which distinguishes between access places, access streets and the collector road in a manner legible to road users and consistent with the indicative maximum traffic volumes shown in Table 1.
 - By design, achieves typical traffic speeds not exceeding the maximum street speeds specified in Table 1.
 - Represents an integrated approach to road and streetscape design by also addressing the objective and performance criteria of element B5 of AMCORD, subject to the provisions of Section 9.0 of this plan.
- g Where development proposals are designed in full compliance with all standards specified in Table 1, the requirements of Clause 6.5 shall be deemed to be satisfied.
- h A temporary turning head shall be provided at the western end of the collector road as part of Stage 1 of the subdivision of the subject land which shall be removed upon construction of the remaining section of this road through to Bellevue Road. Such a facility shall provide for access to the existing softball fields to the west.
- i Subject to Section 5.12 of this Plan, conceptual details of the required single lane roundabout at the intersection of The Entrance Road and the Crown Reserve Road shall be submitted with the development application for the subdivision (or first stage of).

STREET TYPE	ACCESS PLACE		ACCESS STREET	COLLECTOR ROAD / BUS ROUTE
	Development one side only	Development both sides		
Indicative Maximum Traffic Volume (vpd)	0-100	0-150	150-1000	
Maximum Street Speed (kph)	20	20	40	50
Verge Width (m) each side	1.0 & 4.5	4.5 & 4.5	4.5 & 4.5	6.5 north side (for cycleway) 5.5 south side
Carriageway Width (m)	3.5	5.0	5.5	12.0
Total Street Reserve Width	9.0-11.0*	14.0	14.5	24
Parking Provision Within Street Reserve	0.75 hardstand spaces per lot	In carriageway	In carriageway	In carriageway
Kerbing	Rolled	Rolled	Rolled	Upright
Paved Footpath Provision	1.2m wide (one side)	1.2m wide (one side)	1.2m wide (one side)	1.2m (south side)
Cycleway Provision	N/A	N/A	N/A	As shown on the plan
Longitudinal Gradient	0.5-16%	0.5-16%	0.5-14%	0.5-14%

Table 1 Design requirements for Residential Streets

7.0 Bus Routes

- a It is intended that the subdivision gain access to existing bus services on The Entrance Road and to the future bus route along the collector road abutting the southern boundary of the site. This road will function as the primary bus route between Tumbi Road and The Entrance Road.
- b Applicants are required to consult with the relevant bus company to identify suitable bus stop locations within this subdivision prior to the submission of any development application. Copies of correspondence between the applicant and the relevant bus company shall be provided in support of any development application.
- c The subdivision design shall facilitate pedestrian movements to bus stop locations.

8.0 Cycleway and Footpath System

- a Cycleway systems shall be provided generally in the locations shown on the Plan and shall consist of a rigid pavement of 2.5 metres width.

- b Subject to Clause 8.1 the design of the shared pedestrian/cycleway shall be in accordance with AUSTROADS - Guide to Traffic Engineering Practice Part 14 - Bicycles.
- c Public pedestrian accessways should be provided to connect the residential area to nearby recreational areas, and bus stop locations. Pedestrian crossings should co-incide with slow points designed to limit the travel speed of vehicles.
- d Concrete footpaths shall be provided in accordance with Table 1 of this plan.
- e Alternative treatment of footpaths (eg paving) to complement the streetscape is encouraged.

9.0 Streetscape

- a Streetscape concerns the character, appearance and landscaping of the street in residential areas and the siting of buildings in relation to them. The character and appearance of the streetscape is important in determining the value and image of properties and contributes significantly to the identity and amenity of an area.
- b Elements of the streetscape can be grouped into the following components:
 - Paving design;
 - Verge width;
 - Landscaping and fencing;
 - Street furniture; and
 - Building form, siting and appearance.
- c Subject to Section 6.5, the streetscape is to be considered as an entity embodying the performance criteria for ELEMENT B5 and related elements in AMCORD.
- d A streetscape plan is to be prepared as part of a Category 3 Landscape Design Report which must be submitted with each development application for subdivision (see Figure 3). The streetscape plan shall show:
 - The street reserve together with typical cross sections;
 - Location and detailing of carriageway pavement, parking bays, bus stops, kerbs, footpath, cycle paths and speed control devices;
 - Location and species of proposed street trees and other landscaping features;
 - Any relevant details in relation to fencing (if known);
 - Any relevant details for the design and location of street furniture - lighting, seats, bus stops, street signs, etc.
- e Applicants are required to consult with Council to ascertain preferred design standards for street furniture prior to the lodgement of a subdivision application.

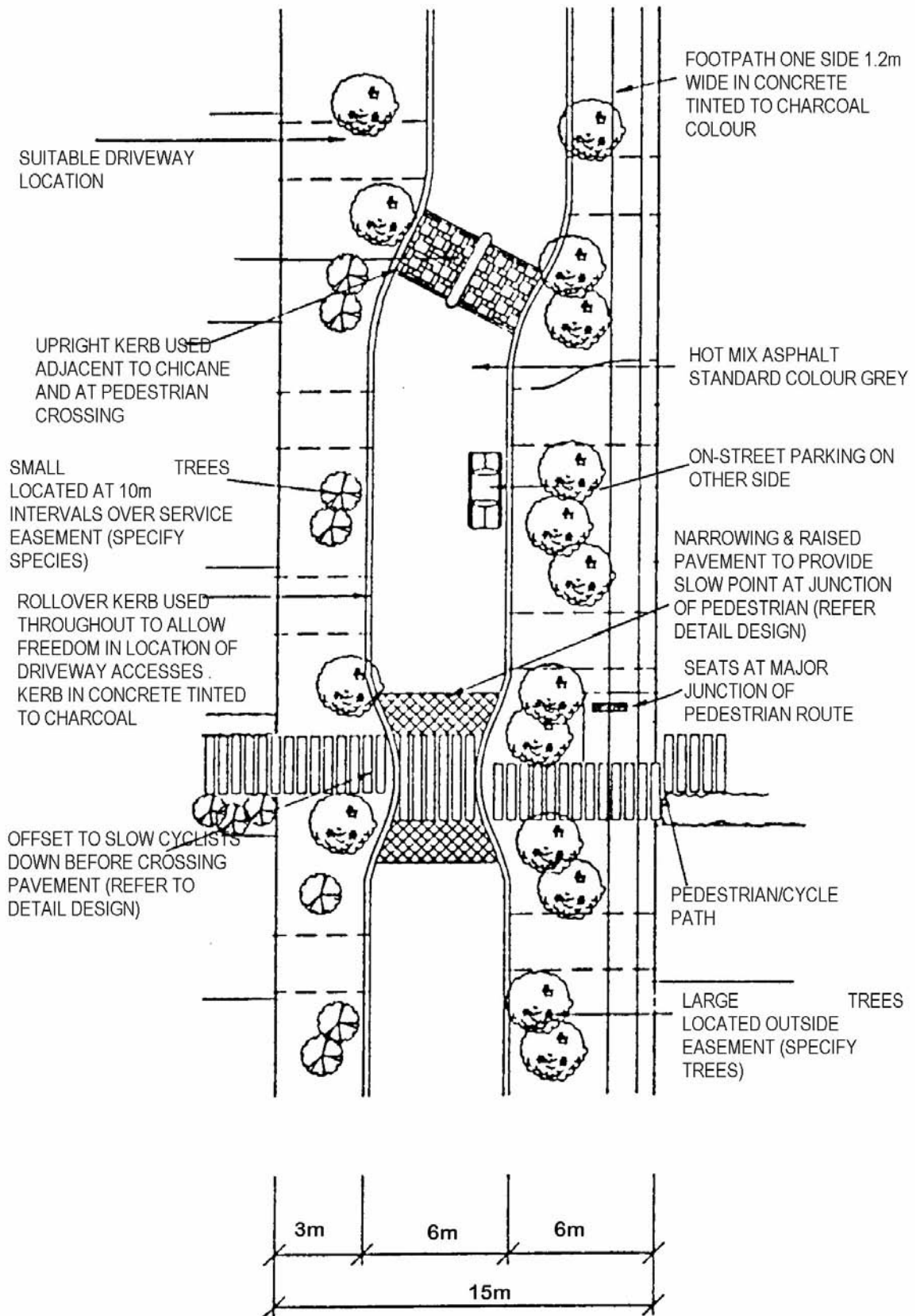


Figure 3 Street Plan Example

10.0 Open Space and Landscaping

- a As noted previously, **no** additional open space land is required to be provided as part of the subdivision of this land due to the previous dedication of the 7(a) zoned land to the east and north of this site.
- b Street tree planting is the strongest component of landscaping within the streetscape. Street tree planting offers early amenity. It is a requirement of this Plan that street tree planting be provided as part of the subdivision process, before houses are constructed on the allotments.
- c Street tree planting schemes shall:
 - Incorporate species that attain a minimum height of 8 metres at maturity; and
 - Require an acceptable level of maintenance once established.
- d *Eucalyptus robusta* is the preferred street tree species, although other species endemic to the local area may also be used (eg *Melaleuca quinquenervia*, *Banksia integrifolia* and *Eucalyptus paniculata*).
- e As per the provisions of Section 10.3 of this Plan, a Category 3 Landscape Design Report, prepared in accordance with the requirements of Council's Landscape Policy, shall be submitted with any development application for the subdivision of the land. Such a report shall address, amongst other mandatory matters, street tree planting as detailed above.
- f Revegetation and dedication of the adjacent 7(a) Conservation zoned land (as identified in Appendix 1) shall be undertaken as part of the subdivision works in accordance with the requirements of the legal agreement between the Council and the owner(s) of the subject land. These works shall generally consist of habitat embellishment and planting within the required drainage channel (see Section 12). **No** credit for these works or the dedication of this land is available under Southern Lakes Contributions Plan No 2.

11.0 Traffic Noise Amelioration

- a A noise study prepared by an appropriately qualified acoustic consultant was submitted as part of the rezoning process. The noise study identified appropriate measures to satisfactorily ameliorate traffic noise from The Entrance Road in accordance with the noise goals outlined in the Environment Protection Authority's Guidelines (ie 60dB(A) L₁₀ 18 hr at one metre from dwelling facade based on traffic estimates in the year 2011).
- b To meet the above requirement for single storey dwellings, an acoustic barrier of a height between 1.5 and 2.5 metres above finished ground levels shall be provided in the location identified on the development concept in Appendix 2. In this regard, fencing shall be limited to a maximum height of 2.0 metres, with mounding to make up any difference where required. Maximum gradients of mounding is not to exceed 1:4 with all works to be contained wholly within the 2(a) Residential zone.
- c The acoustic fence shall:
 - be constructed of an impervious material and be decoratively treated to Council's satisfaction;
 - be of a sympathetic colour complementary to adjacent vegetation and sympathetic with future residential development; and
 - require minimal maintenance once established. As a general rule, structures shall have a design life in excess of 20 years and avoid finishes that require painting.Details of the fence, mounding and associated landscaping shall be submitted with any development application for subdivision of the land.
- d A Section 88B Instrument is to be placed on those lots opposite (or adjacent) to the acoustic barrier, restricting dwellings on these lots to single storey construction only. Should two storey

dwellings be proposed on these lots, further acoustic information shall be submitted with the respective development application indicating the measures required for the dwelling to comply with the above noise goal (eg, laminated glass, orientation of openings, etc).

- e All works shall be located wholly within the 2(a) zone.
- f Noise generated by sporting activities on adjacent fields (to the north and west) is expected to be above the adopted criteria. However, the provision of acoustic barriers to similar heights as indicated in Section 11.1 is not considered to be appropriate adjacent to these sporting fields for aesthetic reasons. Therefore, future dwellings on allotments opposite or adjacent to these fields should be designed to minimise noise intrusion to habitable areas.
- g Details of appropriate measures, prepared by a suitably qualified acoustic consultant, are to be provided with any development application for subdivision of the land.

12.0 Drainage

- a The subject site is located at the head of Tumbi Umbi Creek and immediately downstream of a major culvert crossing beneath The Entrance Road.
- b As such, a detailed flooding and drainage study was lodged with the rezoning application which demonstrated that a 24 metre wide open channel located adjacent to the northern boundary of the site in the 7(a) zone (see Development Concept in Appendix 2) can satisfactorily transport the 1% AEP flows without any impact on the 2(a) zoned residential area.
- c This channel will be designed using a “soft” engineering approach to ensure the provision of an effective drainage channel, capable of supporting habitat vegetation and maintaining biological diversity. The channel is to be lined with native vegetation sods from the existing surface of areas within the drainage channel or the 2(a) zone. The design and construction method of the channel is to be developed in conjunction with advice from a soil scientist and botanist to ensure survival of the heathland vegetation. Details of the design and construction method are to be submitted with any development application for subdivision of the land. Several low flow drainage channels are to be located within the larger channel to accommodate normal flows, which will ensure that vegetation within the channel is not too frequently inundated.
- d Construction of these drainage works and subsequent revegetation and dedication to Council of this area shall occur at the time of subdivision in accordance with Section 10.5 and the requirements of the legal agreement between Council and the owner(s) of the subject land.

13.0 Bushfire Mitigation

- a The main bushfire danger to which the site is exposed is limited to the bushland within the 7(a) Conservation zone immediately to the north, north-east and east of the residentially zoned land. (The low-lying scrubland to the west and south-west is sufficiently removed from the site such that it poses no significant risk.)
- b To protect future dwellings within the residential area, the following measures are to be provided within the design of the subdivision:
 - a fire protection zone/fire trail generally fringing the residential area such that the residential and conservation zones are separated by a roadway.

This requirement will be satisfied by the provision of a perimeter road as indicated on the “Development Concept” in Appendix 2. Such a road also minimises the likely “edge effects” caused by residential development abutting the conservation zone, as highlighted in Section 5.5.
 - The provision of a fence adjacent to the 7(a) zone to the east of the site to deflect radiated heat.

14.0 Miscellaneous

- a All new services required for the residential development of the land shall be provided underground.

- b A preliminary geotechnical assessment of the site was undertaken during the rezoning process. This assessment concluded that residential development of the site could be undertaken subject to the application of sound investigation, design and construction engineering practice. However, given the existing surface and sub-surface conditions, it was recommended that a further report be required at the subdivision works stage. Given that geotechnical constraints may have an impact on vegetation retention (ie by way of necessary earthworks), it is appropriate that such a report be provided with the development application(s) for subdivision of the land.

