

Wyong Shire Council ORDINARY MEETING

ENCLOSURES

Wednesday, 8 December, 2010





WYONG SHIRE COUNCIL ENCLOSURES TO THE ORDINARY MEETING

TO BE HELD IN THE COUNCIL CHAMBER, WYONG CIVIC CENTRE, HELY STREET, WYONG ON WEDNESDAY, 8 DECEMBER 2010, COMMENCING AT 5:00:00 PM

INDEX PLANNING REPORTS DA 711/2009 - Residential Flat Development at 44-46 Minnesota 3.1 Road, Hamlyn Terrace DA 771/2010 - Proposed Hospital (Rehabilitation Facility) 3.2 **Dooralong Road, Dooralong Proposed Adoption of Council Policy and Proposed Public** 3.3 Exhibition of DCP 2005: Chapter 97 - Water Sensitive Urban Design. Attachment 2: Draft Policy - WSUD Nov 20107 3.6 **Development Control Plan 2005 draft Chapter 113 - Flood Prone** Land Development 5.8 Results of Trial Winter Lifequard Service Attachment 1 - Photographs of Beach Attendance Attachment 1: **GENERAL MANAGER'S REPORT Internal Audit Plan** 6.1 Attachment 1: Audit Plan 2011 - 201277



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Plan of Proposed Change of Use (A3 size and Colour)

Wyong Shire Council Policy on the Application of Water Sensitive Urban Design for Projects Undertaken by or on Behalf of Council

POLICY No.		Date
Written By	Environment and	
Updated	Natural Resources	
Operational		
Authority Signature – General Manager		
Authority Signature Mayor & one Councillors		
(If Required)		
	•••••	
	•••••	
Adopted by Council Resolution (If applicable)		
Reviewed Date		
Amended Date		
Approved by		

A. POLICY SUMMARY

A.1. The purpose of this policy is to establish a framework for the implementation of Water Sensitive Urban Design (WSUD) for projects undertaken by, or on behalf of Council (referred to as "activities", defined by Part V of the Environmental Planning and Assessment Act, 1979).

B. POLICY BACKGROUND

Preamble

- **B.1.** Drainage infrastructure has historically been designed and implemented using 'hard' engineered solutions, which have emphasised the efficient conveyance of stormwater drainage from the land to the lowest point in the landscape via the most direct path available. These solutions focus on the quantity of stormwater removal, rather than water quality and quantity objectives.
- **B.2.** Wyong Shire includes numerous freshwater wetlands and estuarine lakes. Several of Wyong's wetlands are protected by the State Environmental Planning Policy (SEPP) 14 Coastal Wetlands, however, urban development in Wyong Shire is having a measurable adverse impact on the health of the region's wetlands, lakes and other aquatic ecosystems.
- **B.3.** To reduce the potential impacts of ongoing urban growth, Wyong Shire Council has adopted a Water Sensitive Urban Design (WSUD) Chapter within Development Control Plan 2005 (Chapter 97 WSUD), which is a matter for consideration in the design and assessment of Development Applications (DAs) for new land subdivisions and subsequent developments, including associated stormwater infrastructure.
- **B.4.** WSUD seeks to minimise changes to the natural water cycle and protect the health of aquatic ecosystems through appropriate planning and design within the urban catchment, achieved by design elements which address both water quality and quantity issues.
- **B.5.** The stormwater infrastructure constructed by or on behalf of Council may comprise new works, or can involve maintenance and repair works which are categorised as a "renewal", "retrofit", "upgrade", or a combination of the above. These works are defined within this Policy as Council's current practice is a hybrid between conventional 'hard' solutions and the use of some WSUD elements. These works are often not subject to the Development Application process, but do require environmental assessment under Part V of the Environmental Planning and Assessment Act, 1979, before they can proceed.
- **B.6.** This policy provides a clear procedure for the implementation of the WSUD approach for projects undertaken by or on behalf of Council.

Policy Objectives

- **B.7.** The aims and objectives of this Policy are to provide direction on the provision of stormwater quality management, incorporating Water Sensitive Urban Design (WSUD), by:
 - i. Treating urban stormwater to meet water quality objectives for reuse and/or discharge to receiving waters. Stormwater treatment measures emphasise:
 - Use of vegetation and soils for filtering and biological treatment purposes
 - Integration of stormwater treatment into the landscape
 - Development of a treatment train approach that collectively addresses a range of stormwater pollutants
 - ii. Preserving the natural hydrological regime of catchments, through detention, retention, and re-use, rather than rapid conveyance and discharge of stormwater.
 - iii. Protection of natural terrestrial and aquatic ecosystems, in order to preserve water-related environmental, recreational and cultural values
 - iv. Integration of stormwater management in the urban landscape and open space network to maximise its visual and recreational amenity.
 - v. Reducing potable water demand through:
 - Rainwater and/or stormwater harvesting and reuse
 - Water efficient appliances
 - Water efficient landscaping
 - Wastewater treatment and reuse
 - vi. Adopting the principles of natural channel design in the urban landscape where feasible.

C. DEFINITIONS

- **C.1. Activity:** means works which require approval in accordance with Part V of the Environmental Planning and Assessment Act, 1979.
- **C.2. DCP** means a Development Control Plan prepared and adopted in accordance with s.74C of the Environmental Planning and Assessment Act, 1979.
- **C.3. ESD** means Ecologically Sustainable Development: meeting the needs of current and future generations through integration of environment protection, social advancement and economic prosperity or meeting the need of the present without compromising the ability of future generations to meet their own needs.
- **C.4.** Natural Channel Design: aims to maximise the benefits that our waterways can provide to the human and wildlife inhabitants of our urban areas. Natural Channel Design

provides the required hydraulic conveyance of a drainage channel and floodway without damaging the original channel, and by maximising its potential environmental values.

- **C.5. Renew**: this term relates to capital work on existing drainage assets and includes replacement, rehabilitation, refurbishment and like terms to deliver the original level of service it delivers an extended life to an asset.
- **C.6. Retrofit:** this term relates to capital work on existing drainage assets and includes modification by adding newly developed parts or devices that were not available or in common usage when the original work was done. Retrofit is a form of "upgrade" in that it provides a higher level of service.
- **C.7. Upgrade:** this term relates to capital work on existing drainage assets and includes renewal to deliver an enhanced level of service / amenity, i.e., a higher standard and extended life to an asset.
- **C.8. WSUD:** Water Sensitive Urban Design is the integration of various stormwater management practices with the aim of minimising impacts on the natural water cycle. It focuses on the interactions between the urban built form (including urban landscapes) and the urban water cycle (drinking water, wastewater, stormwater and groundwater) and it has consideration for design, construction and maintenance.
- **C.9. WSUD elements:** are stormwater treatment measures that may be a combination of vegetated systems and traditional stormwater drainage.

D. LEGISLATIVE AND GOVERNANCE MATTERS

Related Legislation

D.1. The following Legislation has been referred to in the preparation of this policy document:

a.Local Government Act 1993.

b. Environmental Planning and Assessment Act, 1979. c.Wyong Local Environmental Plan 1991.

E. POLICY STATEMENTS

Application of WSUD Principles to Council Projects

- E.1. The provisions of DCP 2005: Chapter 97 WSUD apply to the design of proposals for new development and subdivisions lodged via development applications under Part IV of the Environmental Planning and Assessment Act, 1979. These are generally "greenfield", or previously undeveloped subdivision and development sites.
- **E.2.** Council is obligated through the Local Government Act 1993, to apply Environmentally Sustainable Development principles, for example the Precautionary Principle, to works it undertakes. This obligation is reinforced through Council's Charter, the adopted Shire

Strategic Vision, Sustainability Principles, CMA Catchment Action Plan and Estuary Management Plan objectives.

- **E.3.** All drainage works and components (activities under Part V of the Environmental Planning and Assessment Act, 1979) undertaken by Council, including new works, renewals, retrofits and upgrades, shall be guided by the design principles within the WSUD DCP and this Policy, as far as is practically achievable for the relevant site of the works, and having regard for the budget available for the works.
- **E.4.** All Council projects shall include design and management provisions for the efficient ongoing maintenance of the asset in accordance with WSUD and sustainability principles.
- **E.5.** Council will not necessarily apply WSUD in full to renewal work in older developed areas. However, it will apply WSUD principles, as far as is practicable in those older areas, within resulting cost and spatial considerations, to minimise any adverse impacts on the natural environment.
- **E.6.** The adoption of WSUD into Council's design practice is to be accompanied by the implementation of current best practice in erosion protection and sedimentation control including the integration of natural channel design principles into stormwater management to better integrate with the open space network. This greatly reduces sediment load to the receiving environment, provides enhanced habitat and improved visual amenity.

F. SUPPORTING GUIDELINES

- **F.1.** Refer to "WSUD Guideline No. 10 Council Activities", available via Councils Intranet, and at Councils website <u>www.wyong.nsw.gov.au</u>.
- F.2. To view DCP 2005: Chapter 97 WSUD, refer to Councils website <u>www.wyong.nsw.gov.au</u>. The site also contains a WSUD Fact Sheet which summaries the objectives and contents of DCP 2005: Chapter 97 - WSUD.

ATTACHMENTS

Nil.



Wyong Water Sensitive Urban Design (WSUD) Development Control Plan

Date of commencement:

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DCP Chapter 97

DCP No. 97

Wyong Water Sensitive Urban Design Development Control Plan

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 shall 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 INTRODUCTION

1.1 Preamble

- a Wyong Shire includes numerous freshwater wetlands and estuarine lakes. Several of Wyong Shire's wetlands are protected by the State Environmental Planning Policy (SEPP) 14 Coastal Wetlands, however urban development in Wyong Shire is having a measurable adverse impact on the health of the region's wetlands, lakes and other aquatic ecosystems. To reduce the potential impacts of ongoing urban growth, Wyong Shire Council has adopted this Water Sensitive Urban Design (WSUD) Development Control Plan (DCP).
- b This DCP Chapter requires that all new urban development in Wyong Shire is to be undertaken according to "Water Sensitive" design principles. The WSUD approach aims to minimise changes to the natural water cycle and protect the health of aquatic ecosystems through appropriate planning and design within the urban landscape.
- c The objectives and outcomes of this DCP Chapter seek to address the Sustainability Guiding Principles which underpin Wyong Shire Council's Management Plan. By applying these principles and developing effective processes to decision making and actions across the community, Wyong Shire can achieve outcomes that are more oriented towards long term sustainability, including the development of its lands and in its own operations.
- d Water Sensitive Urban Design Solutions for Catchments above Wetlands published by Hunter & Central Coast Regional Environmental Management Strategy, May 2007, provides a broad basis for the management of stormwater runoff within Wyong Shire. The aim of which is to minimise the impact of development on freshwater wetlands by managing stormwater within catchments through applying the principles of Water Sensitive Urban Design (WSUD) and Integrated Water Cycle Management (IWCM).
- e Development of stormwater management strategies within Porters Creek catchment has resulted in the creation of a regional stormwater harvesting scheme which is referred to as the Porters Creek IWCM Scheme (The Scheme) see Figure 1. The aim of The Scheme is to minimise the impact of urban development on Porters Creek wetland and this is achieved by addressing both water quality and quantity issues. The objectives and performance targets within this DCP Chapter build upon the work and strategies developed for Porters Creek catchment.
 - The release of Climate Change implications data by leading scientific organisations worldwide is resulting in a reassessment of our projections for rainfall and our understanding of sea level fluctuations on lands within Wyong Shire. In summary the projections include an increase in extreme storms, temperature, evaporation and sea level and a change in rainfall patterns. Further, most changes are likely to be apparent in the next 50 years which is less than the design life of most WSUD elements. WSUD elements should therefore be designed with flexibility to take into account future potential impacts of Climate Change.
 - The objectives and performance targets within this DCP Chapter are based on the knowledge of the documented and/or potential impacts on receiving environments from urban development. There are certain areas within Wyong Shire LGA, notably Chain Valley Bay, Crangan Bay, Freemans and Wallarah North, which also contain sensitive environments. The impacts of urban development on these environments have not been fully assessed to date. While at present these areas need to meet the provisions stated within this DCP Chapter it is possible that performance targets for these areas may be altered to better reflect the sensitivity of these environments in the future. In this instance a DA pre-lodgement meeting should be arranged with Council to discuss the requirements.

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DCP Chapter 97

1.2 Aims and Objectives

The aims and objectives of this DCP Chapter are to provide direction on the provision of stormwater management infrastructure, incorporating Water Sensitive Urban Design (WSUD) by:

- i. Treating urban stormwater to meet water quality objectives for reuse and/or discharge to receiving waters. Stormwater treatment measures emphasise:
 - Use of vegetation and soils for filtering and biological treatment purposes.
 - Integration of stormwater treatment into the landscape.
 - Development of a treatment train approach that collectively addresses a range of stormwater pollutants.
- ii. Managing increased stormwater runoff frequency, flow and volumes from urban development. This approach ensures that the natural wetting and drying cycles of Wyong Shire's natural wetlands are preserved resulting in protection of sensitive aquatic environments.
- iii. Preserving the natural hydrological regime of catchments, through detention and retention, rather than rapid conveyance and discharge of stormwater.
- iv. Managing the manner of flow delivery of stormwater from the urban landscape into waterways, creeks and downstream environments in order to reduce stream bank erosion and waterway degradation.
- v. Integrating stormwater management in the urban landscape and open space to maximise the visual, cultural and recreational amenity.
- vi. Reducing potable water demand through:
 - Rainwater and/or stormwater harvesting and reuse
 - Water efficient appliances
 - Water efficient landscaping
 - Wastewater treatment and reuse

1.3 Ap

Application of this Plan

- a The plan applies to all development in the Wyong Shire to which Wyong Local Environmental Plan 1991 applies.
- b This plan is a Development Control Plan (DCP) prepared and adopted pursuant to Section 74C of the Environmental Planning and Assessment Act 1979 (the Act) and relevant clauses of the Environmental Planning and Assessment Regulation 2000. It is a document for the guidance of developers and for Council in the exercise of its duties and functions under the Act. This DCP Chapter is to be read in conjunction with all Chapters in Wyong Shire Council DCP 2005.
- c This plan also applies to exempt and complying developments, as prior approval is required for stormwater drainage systems and works under s.68 of the Local Government Act, 1993, before exempt developments can proceed and prior to the issue of any Complying Development Certificate. Applicants should refer to the provisions and explanatory notes within State Environmental Planning Policy (Exempt and Complying Development Codes, 2008) for information relating to requirements for prior approvals under related legalisation.
- d This DCP Chapter is to be read in conjunction with Council's WSUD Technical Guidelines:

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- WSUD DCP Chapter 97 DA Checklist
- WSUD Technical Guideline No 1 Hydrologic Objectives
- WSUD Technical Guideline No 2 Site Assessment Guide
- WSUD Technical Guideline No 3 Device Selection Guide
- WSUD Technical Guideline No 4 Concept Design Tools
- WSUD Technical Guideline No 5 Vegetation Selection Guide
- WSUD Technical Guideline No 6 Deemed to Comply Provisions
- WSUD Technical Guideline No 7 Construction Certificate Guide
- WSUD Technical Guideline No 8 Design, Inspection and Maintenance Check sheets
- WSUD Technical Guideline No 9 WSUD Standard Drawings
- e For development within Porters Creek catchment this DCP Chapter will need to be read in conjunction with;
 - i. DCP 2005 Warnervale Town Centre Zone.
 - ii. Wyong DCP 2005 Chapter 88 Wyong Employment.
 - Where there is any inconsistency between the provisions of this DCP Chapter and any other DCP Chapter, policy or guideline, this DCP Chapter shall apply with regard to that inconsistency.

1.4 Specialist Advice

a When not utilising the Deemed to Comply Provisions for single lot and dual occupancy development, applicants and developers are required to employ the services of appropriately qualified and experienced practitioners for the development of Stormwater Management Plans, incorporating WSUD principles and strategies.

1.5 Development to which this Plan Applies

- This DCP Chapter applies to the following types and extents of development:
 - Residential Development
 - All new residential development, including dwelling houses, dual occupancy and residential flat building developments.
 - Additions to residential development, including dwelling houses, dual occupancy and residential flat building developments where the increase in the roofed and /or impervious area is equal to or greater than 150m².
 - ii. Commercial and Industrial Development
 - All new commercial and industrial development.
 - Additions to commercial development, where the increase in the roofed and /or impervious area is equal to or greater than 150m².
 - iii. Subdivision
 - All subdivisions where additional lots are created and involve the construction of stormwater infrastructure, roads, carriageways or access ways.
 - Some strata subdivisions, subdivision of existing dual occupancies and boundary adjustments may be exempt subject to Development Assessment Staff agreement.

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- iv. Car parks
 - All car parks, where not used or considered in conjunction with another development referred to elsewhere in this Plan.
- v. Special Use Development
 - All new tourist accommodation development.
 - All new community, educational, health and recreational development including child care centres, community facilities, education establishments, entertainment facilities, hospitals, places of worship, recreation areas and recreation facilities.
 - Additions to special use development where the increase in the impervious area is equal to or greater than 150m².

1.6 Development to which this Plan does not apply

The plan does not apply to the following forms of development:

i. Rural Development: The construction of dwelling houses or attached dual occupancies on rural land.

1.7 Definitions

Accessway or Carriageway means any passage or pavement (structural or non structural) within private property or traversing from a road into private property for the passage of vehicles, persons or animals.

Allotment or Lot means an area of topographical space shown on an approved plan of subdivision and on which it maybe intended to construct a building(s).

Average Recurrence Interval (ARI) is the average period between occurrences of a storm event of specific intensity and duration and it is implicit that the periods between exceedances are random.

Communal Open Space is usable open space at ground level for recreation and relaxation of the residents of a residential flat development and which is under the control of an owner's corporation.

Council Wyong Shire Council

CDC Complying Development Certificate

DA Development Application

Dwelling means a room or number of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate domicile.

Dual Occupancy building means a building consisting of 2 dwellings on one allotment of land.

Easement means a right to use or travel over a specified strip of land belonging to another. For example easements for drainage and WSUD elements, electricity easements, or right of way.

Ecologically Sustainable Development (ESD) or Sustainable Management means meeting the needs of current and future generations through integration of environment protection, social advancement and economic prosperity or meeting the need of the present without compromising the ability of future generations to meet their own needs.

Freshwater wetland is an area that supports a diversity of flora and fauna in a wet or ephemeral environment that can be in the form of an open body of water or a groundwater

system. The freshwater wetland classification also includes sensitive vegetation communities which are susceptible to changes in catchment hydrology.

Integrated Water Cycle Management (IWCM) is a report and/or plan that describes the processes and elements required to simulate the urban water cycle in all aspects of water resources management, including groundwater, wastewater, stormwater and potable water.

IWCM Strategy is the term used to describe an area that has a regional scheme in place to manage stormwater which addresses WSUD and IWCM principles. An example of this is Porters Creek IWCM Scheme which is a regional stormwater harvesting scheme that seeks to preserve the natural hydrologic cycle of Porters Creek wetland. Refer to Figure 1 for locations.

Impermeable or impervious surface a surface finish which prevents the infiltration/penetration of water. e.g. concrete or asphalt or paved driveways, courtyards, paved areas, roads etc.

Gross Pollutant Traps (GPT) are devices that reduce quantities of litter, debris and coarse sediments from discharging to receiving waterways or downstream treatment devices. As a guide gross pollutants can be defined as litter and vegetation larger than 5mm and sediment particles larger than 0.125mm.

Groundwater is the water beneath the natural surface, often between saturated soil and rock.

Permeable or pervious surface a surface finish which permits or facilitates the infiltration/penetration of water e.g. grass areas, landscaping, swimming pools, porous paving. etc.

Stormwater Management Plan is a report and/or plan that describe the control, collection, conveyance, treatment and subsequent discharge of stormwater generated from a proposed development/activity impacts on the quantity and quality of stormwater generated on an area and/or how a proposed development/activity impacts on flood levels/velocities on neighbouring properties.

Strata Subdivision is the division of land in which at least one boundary between lots in the subdivision is defined by a plane that is not vertical. This boundary may be a horizontal plane or any plane lying between a horizontal plane and an inclined plane which is less than vertical. This includes lots wholly or partially inside buildings, external lots that may be wholly or partially covered or external open space lots.

Subdivision of land means the division of land into two or more lots, portions or parts that after division would obviously be adapted for separate occupation, use or disposition.

Tuggerah Lakes is the collective term used to describe the three water bodies known as; Lake Munmorah, Budgewoi Lake and Tuggerah Lake.

Residential flat building means a building that comprises or includes:

- 3 or more storeys (not including levels below ground level provided for car parking or storage, or both, that protrude less than 1.2 metres above ground level), and

- 4 or more self-contained dwellings (whether or not the building includes uses for other purposes, such as shops), but does not include a Class 1a building or a Class 1b building under the Building Code of Australia.

Road means any way or street open to the public for the passage of vehicles, persons or animals, including community title roads.

Waterway is a term used to describe rivers, streams, creeks, lakes, natural channels and ephemeral stream and water bodies excluding wetlands. Waterways carry flowing water or surface water permanently or intermittently in the course of a year.

Water Sensitive Urban Design (WSUD) is the integration of various stormwater management practices with the aim to minimise impacts on the natural water cycle. It focuses on the

interactions between the urban built form (including urban landscapes) and the urban water cycle (drinking water, wastewater, stormwater and groundwater) and it has consideration for design, construction and maintenance.

WSUD elements are stormwater treatment measures that maybe a combination of vegetated systems and traditional stormwater drainage.