

DCP 37 MARDI URBAN RELEASE AREA PRECINCT 16

This plan shall be known as:

MARDI URBAN RELEASE AREA PRECINCT 16

DEVELOPMENT CONTROL PLAN NO 37

OBJECTIVES

This Development Control Plan aims to achieve the following:

- a Provide a gateway to Wyong Shire, which will enhance the Shire's image.
- b Preserve and enhance the existing rural setting by maintaining the vegetated ridgelines and significant stands of vegetation.
- c Promote the establishment of a high quality living environment through the use of innovative design standards, timely provision of facilities and services.
- d Provide a safe and efficient system of roads and pathways for vehicular, pedestrian and cycle movement.
- e Provide a safe residential environment with respect to bushfires, flood hazard, utilities and noise.
- f Allow for the orderly completion of quarry activities in the area and rehabilitation of the quarry site to a standard suitable for residential subdivision.

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.

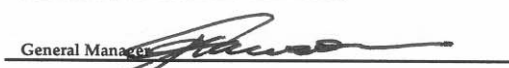
Adopted as per council resolution number:	Dated _
Effective: 20 August 1992 Amended:	
Certified in accordance with the Environmental Planning and Assessment Act 1979 and Regulations	General Manager 
	Date: _____

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1 CITATION AND APPLICATION

Citation

This Plan may be cited as "Wyang Development Control Plan No. 37 - Mardi" herein referred to as the "Plan".

Application

This Plan applies to land shown edged heavy black on the plan marked "Wyang Development Control Plan No. 37 - Mardi".

Relationship to instruments

The Plan should be read in conjunction with Wyong Local Environmental Plan 1991 (Amendment No. 12).

2 AIMS AND OBJECTIVES

The Plan aims to facilitate development for primarily residential purposes.

3 MAJOR ROADS

To provide vehicular access to and from the proposed residential neighbourhoods. To ensure that access roads and key external intersections are capable of absorbing traffic caused by precinct development. To provide a major road hierarchy which enables safe, reliable and cost effective access between the various residential neighbourhoods, schools, open space, shopping and community facilities.

3.1 Development in Precinct 16 should contribute or be totally responsible for:

- * Johnson Road/ Pacific Highway roundabout
- * Tonkiss Street/Cobbs Road interchange
- * Johnson Road extension

3.2 Road design and construction will comply with standards established by the Australian Model Code for

Residential Development and Council's Landscape Policy.

3.3 The main access will be via an extension of Tonkiss Street north of Cobbs Road to Johnson Road generally as shown on the attached map.

The precise location of the road may be varied to accommodate development proposals but the location of external intersections, general road standard and number of access points will remain fixed.

The main road will be constructed and landscaped by the individual landowners whose land it passes through.

3.4 Access to the main road between Tonkiss Street and Johnson Road will generally be controlled where access to residential lots is not permitted unless approved by Council's Engineering Department. The main distributor road from Tonkiss Street to Johnson Road will be designed to accommodate a public bus route.

3.5 There will be no vehicular access to McPherson Road.

- 3.6 To encourage development of major roads and intersections which contribute to a positive visual image for the area. The distributor roads will be landscaped in keeping with the native forest setting of the precinct. The main distributor road from Tonkiss Street to Johnson Road will be a 'Category 3' project under Council's Landscape Policy.

4 LOCAL ROADS

To provide a safe, efficient and aesthetically pleasing road pattern which has pedestrian and cycle priority.

- 4.1 To provide a safe, efficient and cost effective system of residential streets.

Road design and construction will comply with standards established by Council's Subdivision Policy or where exceptions are proposed they will comply with the Australian Model Code for Residential Development subject to approval by Council's Engineering staff.

- 4.2 To provide opportunities to utilise innovative residential street systems which integrate pedestrian and cycle networks and utilities with safe aesthetic vehicular access.

Design and layout of proposed roads and associated traffic management measures within residential precincts should reflect the amenity objectives outlined in the Joint Venture for More Affordable Housing Program.

Access road pavements may be reduced to a minimum of 3.5 metres provided such roads meet the objectives above.

Where road widths are reduced to 5 metres or less provision shall be made for street parking as an integral component of the landscaping and the part of road just within the point of access of such change will be treated with alternative pavement material.

Alternative road pavement materials may be accepted subject to testing to establish comparable or better durability and suitable integration into the residential environment.

Each service cul-de-sac is to be treated with appropriately designed and landscaped threshold treatments.

5 SUBDIVISION

To encourage orderly and timely subdivision of appropriate areas to meet the residential demands of the community.

- 5.1 To encourage a range and mix of allotment size and dwelling types to meet market demands.

Subdivision design and development standards are to meet requirements as outlined in Council's Subdivision Policy or where exceptions are proposed, subject to approval by Council's Engineering staff, they will comply with the Australian model Code for Residential Development.

- 5.2 To promote a high level of quality in the provision of services, utilities, house design, subdivision layout and landscaping consistent with the Joint Venture for More Affordable Housing.

Council may require a geotechnical report to accompany subdivision and/or development applications for any unstable areas including drainage lines, gullies and slopes of around or exceeding 20%.

- 5.3 To encourage development densities which contribute overall to attainment of the targeted dwelling yield.

Subdivisions creating allotment with a width at the building line less than 15 metres, an area less than 540 square metres or battleaxe or corner lots less than 650 square metres in area and 20 metres wide are required to comply with the following:

- * Each proposed allotment has an area of 232 square metres or more.
- * The development makes adequate provisions with respect to the privacy of each proposed dwelling and existing surrounding dwellings.
- * The development makes adequate provision with respect to access to natural light for each proposed dwelling and existing surrounding dwellings.
- * The floor space ratio of each proposed dwelling house will not exceed 0.5:1.
- * A building, envelope and floor space limitation is notated on the title to the lot.
- * Each proposed allotment has a 3.5 metre wide vehicular access from a public road.
- * The development potential of the lot does not exceed the proposed density.

The maximum number of dwellings to be provided on a site is to be calculated according to Council's Residential Densities Code accepting for dual occupancies and medium densities where in the following maximum number of dwellings or lots to be erected is to be calculated:

Site area per dwelling type (square metres)

1 bedroom (0.52 ET) 260m²

2 bedroom (0.73 ET) 367m²

3 bedroom (1.00 ET) 529m²

- 5.4 To promote quality medium density and dual occupancy development where appropriate.

A minimum landscape area per dwelling of at least 45% of the site area requirement for each dwelling with proportions of 2:1 is to be provided with direct access to the dwelling.

Landscaping or landscape area - means an area within a site devoid of buildings, includes areas occupied by swimming pools and open air recreational facilities, but does not include driveways, parking spaces or drying yards.

A private courtyard with proportions of 2:1 is to be provided with direct access to the dwelling and 45m² in area.

Special design problems exist when residential development is proposed in the following situation where:

- * The development's site coverage is greater than 50%.
- * the lot is less than 18 metres wide at the proposed building line
- * the building will be higher than 7 metres

To assist in Council's determination of an application in these situations, a proposal must be prepared by a qualified and registered architect with experience in the medium density house field.

Lots 7 and 8 DP 715317 and Lot 9 Part 3 DP 3368 will require fill to the 1:100 year flood level, where it is currently below this level, prior to granting of consent for subdivision.

6 COMMUNITY SERVICES

To provide necessary community facilities at an early stage of development.

- 6.1 To ensure adequate land is available for the proposed community cottage. The land identified on Map 2 for a community cottage will be required to be transferred to Council as a condition of any development or subdivision approval with appropriate credit for it accruing to the landowner. Its precise location is subject to negotiation.

The provision of the community cottage (whether by way of land, building or contributions in kind) will be according to the following guidelines: Total land area 2,000m². Total centre floor area 200m².

- 6.2 To ensure that the cottage is constructed early in the development period.

Developers are to be encouraged to provide the above community facility as work in kind rather than making contributions towards its development.

- 6.3 To encourage the provision of services to the region, which are required to meet the wider, needs of the expanding community.

The developers of the proposed Westfields Shopping Centre will be encourage to provide a range of community services to meet some of the social as well as commercial needs of the expanding community.

7 OPEN SPACE

To ensure that the local outdoor recreational needs of the community are provided on suitably distributed and developed land.

- 7.1 To provide opportunities for a range of recreation and leisure activities that respond to community needs.

Local open space is to be provided at a minimum rate of 3.3 hectares per 1,000 population consisting of:

- * 1.25ha of semi natural/family open space
- * 1.88ha of developed parks
- * 0.17ha of cycleways

and developed to a standard consistent with its category.

Where developers cannot meet the open space land requirements by dedication or transfer, they will be required to make a monetary contribution in lieu thereof.

Because of its high landscape importance as the gateway to the Shire, the area zoned 7(a) Conservation on Lots 6, 7 and 8 DP 715317 will be required to be transferred to Council for semi natural/family open space contributions or purchased by Council.

The area zoned 7(a) Conservation or Unhealthy Building Land identified on the attached Map 2 may be used as outlined above for semi natural/family open space contributions for development within Precinct 16.

Two neighbourhood parks are to be provided at locations generally shown on Map 2. Each park is to contain a minimum of 6,000m². Playground equipment is to be provided either in kind or through contributions at a standard deemed suitable by Council.

For 7(a) and 7(g) land contributed or acquired by Council as Open Space, developers will be required to contribute to embellishment costs to

provide facilities appropriate to their type of use as determined by Council. A contribution will be required for embellishment of 7(a) and/or 7(g) land to create large developed park(s) in addition to the neighbourhood parks identified above.

- 7.2 To ensure adequate provision and distribution of areas of open space.

Land identified on Map 2 will be provided for local open space. Variations in the location and configuration of open space as the result of subdivision design are acceptable provided that the overall area of parkland is not reduced.

Areas dedicated for noise buffer drainage or utility purposes shall not be accepted as contributing to the open space requirements of a subdivision except where it forms part of an overall open space network and its use for developed parks, cycleways, playing fields etc can be demonstrated.

- 7.3 To integrate open space areas where possible with major drainage works, pedestrian/cycle networks, ridgelines, flood prone land and other land not suitable for subdivision.

- 7.4 To encourage integration of open space and public/private site landscaping.

Landscaping programmes should seek to integrate private residential landscaping with the streetscape and nearby bushland.

- 7.5 To encourage the retention of significant vegetation stands within open space.

No trees shall be removed from areas provided for local open space

except for the provision of facilities and in accordance with a permit under the Tree Preservation Order.

Street tree establishment shall be required as a condition of any development or subdivision approval.

8 PEDESTRIAN/CYCLEWAYS

To provide a safe pedestrian and cycle system, which provides access to residential areas, open space, schools, adjacent industries, recreation areas, shops and public transport.

- 8.1 To co-ordinate the provision of pedestrian and cycle systems progressively as development proceeds.

All submissions shall be designed to incorporate an appropriate pedestrian/cycleway system consistent with the overall access pattern shown on Map 1.

Cycleways shall be constructed in accordance with principles outlined in the Department of Planning Circular No F2 and Wyong Open Space Plan.

- 8.2 To tie cycleways and pedestrian access into Shire-wide cycleway system.

Individual developers will be responsible for construction of those sections of overall access routes, which lie on their land. This will be considered intensive use open space for the purpose of Section 94 contributions. The exception to this is the cycleway along Gavenlock Road which will be built with Council funds.

9 SERVICING

To provide services for residential neighbourhoods in a timely fashion on a "user pays basis".

- 9.1 To co-ordinate the integration of water, drainage sewerage, electricity, telephone and other utility services with residential development.

Major trunk drainage is to be provided in accordance with Council's requirements.

It is the developer's responsibility to negotiate agreements where necessary with adjoining landowners to facilitate the provision of sewerage infrastructure and drainage.

Drainage for residential developments adjacent to the private school will require negotiated agreement between the developer and the school.

It is the developer's responsibility to negotiate with adjoining landowners for the transfer to Council of land required for any major trunk drainage easement.

- 9.2 To encourage the integration of utility systems into common corridors and trenches.

Developers must negotiate with relevant authorities for the reticulation of services in common trenching wherever possible.

- 9.3 To ensure appropriate land is available for the requirement of utility services.

Areas indicated on Map 2 will be retained for use as utility corridors in consultation with the relevant service authority.

- 9.4 To minimise the impact of utilities on residential amenity.

Electricity reticulation will be underground.

High voltage transmission lines will have landscaping programs compiled by a Category 3 Landscape Architect wherever they pass through, or are adjacent to residential subdivision.

No residences will be constructed within 30 metres of any High Voltage powerlines or easement.

- 9.5 To ensure cost recovery of capital investment in the provision of utilities and headworks before development proceeds.

Development within the precinct shall not proceed until the necessary services are available to the satisfaction of Council.

10 FLOODPLAINS AND WETLANDS

To ensure that urban development does not burden the floodplain and detract from its function.

- 10.1 To ensure that floodplain areas of importance to flood storage are retained.

Development will not be undertaken within land proposed to be zoned 7(g) unless it can be shown that such development will not be detrimental to the functions of the floodplain for:

- a Flood mitigation,
- b Sediment and nutrient retention,
- c Aesthetic amenity,
- d Conservation value, and
- e Noise buffer.

All development activity must comply with Council's Flood Prone Land Development Policy and where designated the Development Control Plan for Wetlands.

Subdivision or development approval for any development on Section 4 Lot 4 DP 3368 will be subject to a hydrologic study documenting the full impact of fill on that site and means needed to ameliorate such impacts. This does not imply Council approval for the fill which is on site.

- 10.2 To ensure that floodplains continue to function as sediment and nutrient traps are part of Council's total catchment management programme.

Suitable sediment and nutrient retention basins will be established within drainage systems and the zoned residential area. Suitable soil conservation measures must be provided in consultation with Council's Environmental Officer.

Stormwater drainage will be collected from development areas and discharged in such a manner that will not cause scour and siltation, rubbish or adverse flooding impacts on properties downstream of development.

Council will require a contribution towards appropriate flood mitigation works and improvements to the Mardi Creek system as outlined in the Section 94 Contributions Plan.

11 HERITAGE/ARCHAEOLOGICAL

To ensure that urban development does not destroy sites of archaeological significance.

- 11.1 To ensure that archaeological sites either registered or otherwise are retained.

All development activity must comply with Council's Aboriginal Heritage Policy.

12 NOISE AMELIORATION

- 12.1 To ensure that residential development adjoining Cobbs Road, the existing High Schools, the Sydney-Newcastle Freeway, quarry and Gavenlock Road is separated, sited and designed in a manner which minimises adverse noise effects.

The goal for traffic noise related to new residences is a daytime maximum L10 (18 hr) noise level of 60dB(A) and a night time Leq of 55dB(A) when measured 1 metre from the building façade. Goals for background noise level generally are to be in keeping with AS1005.2 zone R3 namely a daytime goal of 50dB(A) and a night time goal of 40dB(A).

The area shown on Map 2 as "noise control required" as amended by appropriate control structures along Cobbs Road and the Newcastle Freeway will be dedicated to Council as a condition of any development or subdivision approval.

A noise study must accompany development or subdivision applications adjacent to Gavenlock Road. Appropriate measures will then be required to achieve noise goals set out above. Any noise control areas needed will be dedicated to Council as a condition of any approval.

Construction of appropriate noise amelioration structures will be required within the noise buffer areas as a condition of any development or subdivision approval and prior to the dedication of such land to Council. Subject to specific noise studies at developer's expense to determine appropriate structures, works etc. and their impact.

Noise buffers required for ongoing operations of quarries will cease to exist as quarry activity is completed and rehabilitation measures taken.

No residences will be allowed between the boundary of the noise affected area (as shown on Map 2) and the Freeway.

- 12.2 To ensure that residential development is suitably designed to abate unacceptable noise levels within the building.

All noise control structures will be constructed so as to avoid continuous barriers of uniform construction.

All noise control structures are designated Category 3 developments for the purpose of Council's Landscape Policy.

All properties within the noise affected areas shown on Map 2 will be so identified via the 149 certificate. Council will consider the removal of such notations where it can be proven that suitable noise attenuation techniques and design will reduce the affect of noise to an acceptable level and such techniques are a condition of any development.

Residential development of Lot 8 DP 715317 and Lot 9 Part 3 DP 3368 will require a noise study to establish the extent of the noise affected area emanating from Gavenlock Road and the Tuggerah Industrial area.

13 RIDGELINES

To ensure that key ridgelines are retained in a natural state to maintain the visual amenity and conservation values of the area.

- 13.1 To ensure the retention of native vegetation on ridgelines.

The area zoned 7(a) Conservation under the Local Environmental Plan will be required to be transferred to Council as outlined in Section 7 for semi natural/family open space components.

Development rooflines will remain below vegetation on dominant ridgelines when viewed from outside the precinct and should be so constructed and use materials which are unobtrusive.

Appropriate firebreaks will be constructed adjacent to the designated ridgeline buffer and other land zoned 7(a) where appropriate to ensure the safety of adjacent development and prevent undesirable fires in the buffer area. These will form part of the residential development.

14 VEGETATION

To ensure that natural features are retained or enhanced as part of any development.

- 14.1 To promote landscape treatments which assist in establishing a natural identity for local neighbourhoods.

Development will incorporate the existing landscape and natural features in any design.

Existing vegetation, particularly along ridgelines and drainage lines will be preserved and enriched where possible to preserve natural amenity.

Street plantings will, wherever possible, utilise species endemic to the area.

Acacia prominens and its habitat will be retained where it occurs naturally in the study area.

15 INDICATIVE STAGING

- 15.1 Provision of services and development of the plan area will generally proceed in three stages as shown on Map 3.

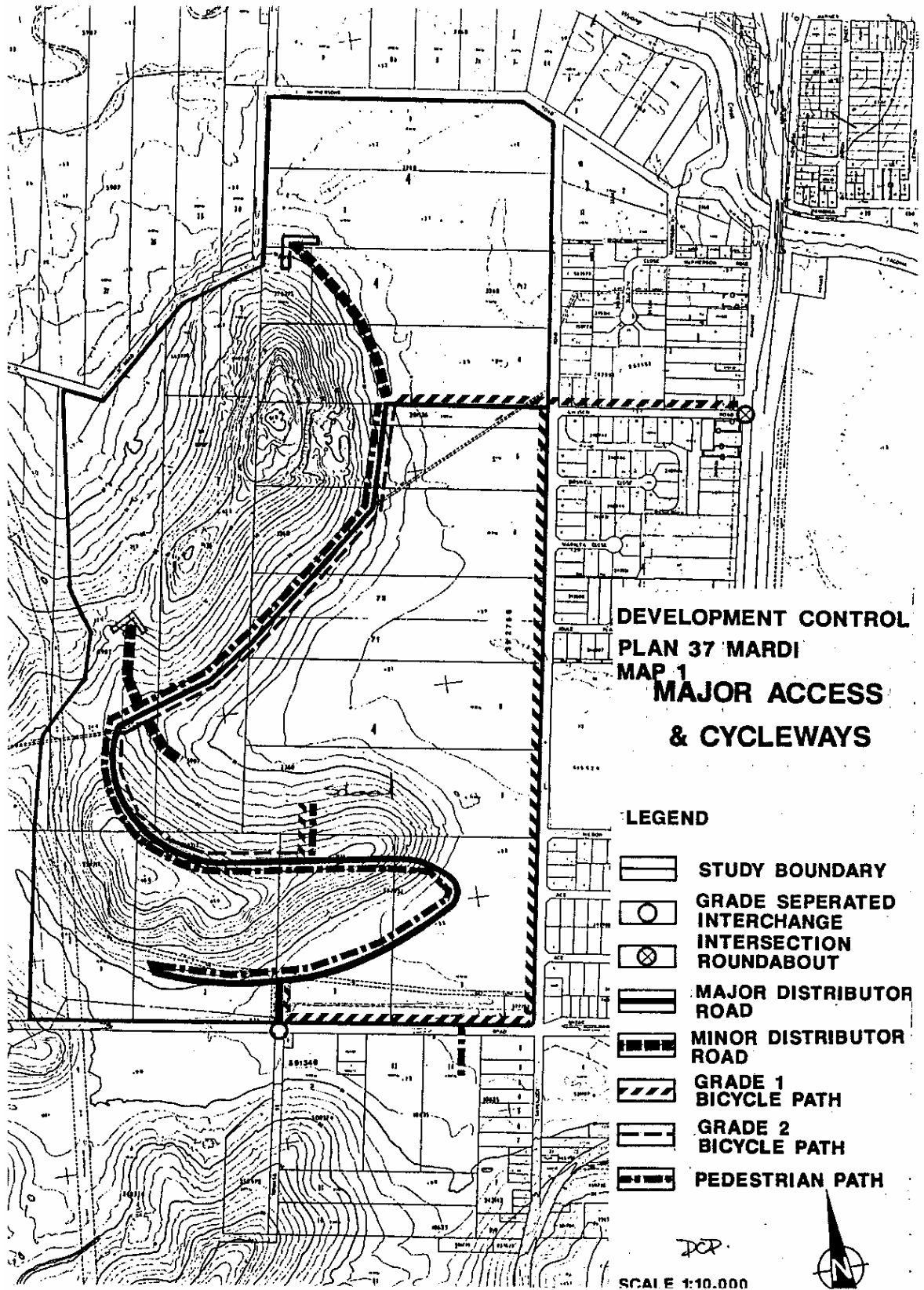
- 15.2 Development of Stage 2 is subject to quarry operations being advanced to the point where noise arising from operations will not impact on residential development.

- 15.3 Development of Stage 3 is subject to completion of quarry operations and satisfactory rehabilitation of the quarry site.

16 SECTION 94 CONTRIBUTIONS

- 16.1 Payment towards the improvement or provision of facilities and services will be required as identified in the Mardi Urban Release Area Local Environmental Study and the Section 94 Contributions Plan for Mardi.

MAP 1: MAJOR ACCESS AND CYCLEWAYS



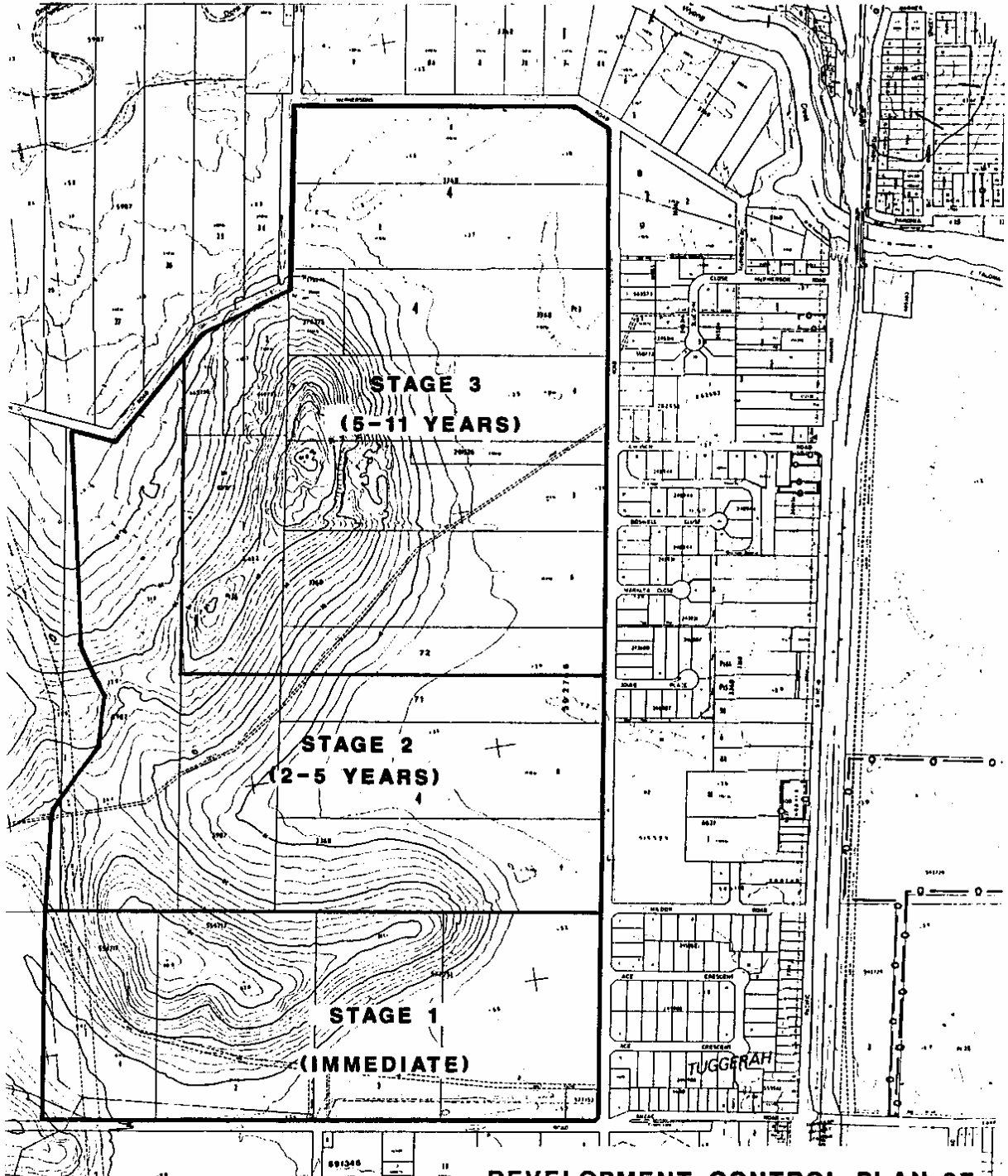
Mardi Urban Release Area Precinct 16 - Development Control Plan No 37

MAP 2: SITE PLAN



Mardi Urban Release Area Precinct 16 - Development Control Plan No 37

MAP 3: INDICATIVE STAGING



DEVELOPMENT CONTROL PLAN 37

MARDI MAP 3

INDICATIVE STAGING

SCALE 1:10,000

NOTE: THE PROPOSED DEVELOPMENT STAGING IS INDICATIVE ONLY AND DEPENDS ON MARKETS AND THE OPERATING LIFE OF QUARRIES

