

Department of Planning and Environment

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Draft Kariong Development Control Plan

PP-2021-7303: 300 Woy Woy Road, Kariong

November 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Part 1 Preliminary

1.1 Introduction

1.1.1 Name of the Plan

This plan is known as the Kariong Development Control Plan [YYYY] (DCP) and supplements the *Central Coast Development Control Plan 2022* (CCDCP 2022) for future development requiring consent in Kariong on land identified in part 1.4 of this Plan.

1.1.2 Relevant Planning Authority

The relevant planning authority is the Planning Secretary of the NSW Department of Planning and Environment.

1.1.3 Adoption and commencement

The DCP will commence on [DD MM YYYY], being the date that a public notice of its approval by the Secretary was placed in the NSW Planning Portal

1.1.4 Purpose of the Plan

The purpose of this plan is to achieve an efficient and environmentally sensitive development outcome within the Woy Woy Road site, that will contribute to the growth and character of Kariong. This DCP is intended to guide future subdivision and development of the land and responds to site-specific constraints and opportunities.

This DCP provides supplementary development provisions to expand upon those controls within the *Central Coast Development Control Plan 2022*.

1.1.5 Where does the Plan apply?

This DCP applies to the land shown in Figure 1, to the southeast of Woy Woy Road in Kariong.



Woy Woy Road, Kariong



- Planning Proposal Boundary
- R2 - Residential*
- C2 - Environmental Conservation*
- C3 - Environmental Management*
- Cadastre © NSW Spatial Services

* Proposed zoning

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Figure 1: Subject land

1.1.6 Application of the Plan

Prior to granting consent for development, Council will be satisfied that the proposed development satisfies the relevant provisions of the EP&A Act, *Environmental Planning and Assessment Regulation 2000* (EP&A Reg), the Planning Systems SEPP, any relevant environmental planning instrument, and relevant provisions of this DCP.

Development proposals are required to meet the objectives and requirements of relevant controls contained in this DCP, unless alternative solutions are proposed that will provide an equivalent or better response to meeting the objectives of this DCP. Other matters will also be taken into consideration, including those matters listed under Section 4.15 of the EP&A Act. Any proposed variation must be in writing and sufficiently justified by the applicant with supporting documents or

1.2 Objectives of this Plan

The objectives of this Plan are to:

- Ensure subdivision of the land occurs in an orderly manner.
- Promote capacity for a range of lot sizes and housing typologies that respond to the constraints of the site in a community title scheme.
- To promote development that uses, conserves, and enhances the community's resources so that ecological processes are maintained and the quality of life for both present and future generations is enhanced.

1.3 Relationship to other planning instruments and policies

This plan must be read in conjunction with the applicable legislation, State Environmental Planning Policies and Chapters of the *Central Coast Development Control Plan 2022* and other related policy documents produced by the Central Coast Council, including but not limited to:

- *Central Coast Local Environmental Plan 2022*
- *Central Coast Development Control Plan 2022*:
 - Chapter 2.1 – Dwelling Houses Secondary Dwellings and Ancillary Development
 - Chapter 2.2 – Dual Occupancy and Multi Dwelling Housing
 - Chapter 2.4 – Subdivision
 - Chapter 2.13 Transport and Parking

- Chapter 2.16 – Home Based Employment
- Chapter 2.17 – Character and Scenic Quality
- Chapter 3.1 – Floodplain Management and Water Cycle Management
- Chapter 3.5 – Tree and Vegetation Management
- Central Coast Council related documents:
 - Scenic Quality and Character Statements
 - Civil Works Specifications
 - Flora and Fauna Guidelines
- Under Part 4 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) any new Development Application will be subject to biodiversity assessment requirements in accordance with the *Biodiversity Conservation Act 2016* (BC Act).

In the event of any inconsistency of the provisions between this Plan and any Chapters of the CCDCP 2022, this plan prevails.

1.4 Variations to DCP Controls

Variation of any control in this plan may be acceptable where an application demonstrates its conformity with the objectives that are specified by this plan, or where design excellence has been satisfactorily demonstrated. Any variation to the controls must be supported by a written statement demonstrating how the objectives of each relevant chapter of the DCP are fully satisfied.

Where, in the opinion of the assessment and determining authority, an application satisfies the objectives set out in this plan or a design review panel reviews and supports a development, the authority may grant consent to the application notwithstanding that one or more of the controls are not complied with.

2. Place and Character

2.1 Character Statement

Future development within the subject land will be in the form of a low-density residential subdivision with a variety of housing options, separated from adjoining conservation lands by an electricity easement and perimeter road. Native vegetation will provide screening from Woy Woy Road. Lots along the northern boundary will have generous rear setbacks to reduce impacts on the large residential lots to the north of the land. The subdivision will feature a mix of lot sizes in excess of 550m² containing deep soil planting areas, consistent with the existing low-density character of Kariong.

2.2 Site Access

OBJECTIVES:

- To provide safe and convenient access to the land for both vehicles and pedestrians.
- To allow for emergency egress in the event of a bushfire.
- To encourage the use of public transport, cycling and walking.
- To preserve the opportunity for a future road connection to land to the north of the site.

REQUIREMENTS:

1. Primary road access to the land is to be via a priority-controlled intersection on Woy Woy Road immediately north of the electricity easement that traverses the subject site.
2. All future lots are to gain access from a new internal road i.e., lots shall not have direct vehicular access to Woy Woy Road.
3. A pedestrian pathway and emergency vehicular egress is to be provided from the new internal road to Woy Woy Road in the north-west part of the site.
4. A road corridor is to be preserved between the new internal road and the northern boundary to allow for a future vehicular connection to the adjoining land to the north.
5. Indicative sections are to be provided for all street typologies indicating, pedestrian footpath widths, planting, and parking requirements.

6. Design and construction should be in accordance with Council's Civil Works Specifications.

2.3 Visual Amenity

OBJECTIVES:

- To ensure future development of the land does not detract from the visual amenity of the surrounding area, including for motorists travelling along Woy Woy Road.
- To provide a high level of visual amenity to future residents of the subject land.

REQUIREMENTS:

1. Rear property boundaries/fences are to be set back a minimum of 10 metres from the property boundary parallel to Woy Woy Road to retain a vegetated buffer between the existing road and residential lots. Additionally, lots backing onto Woy Woy Road are to be a minimum of 40 metres in depth to provide for adequate rear setbacks.
2. Consistent boundary fencing adjacent to Woy Woy Road is to be constructed in conjunction with the subdivision, is to be at least 1800 mm high, and constructed of timber or non-reflective materials. Likewise, consistent boundary fencing along the northern boundary is to be constructed in conjunction with the subdivision.
3. Lots adjoining existing large-lot residential properties to the north are to be a minimum of 50 metres in depth to protect the amenity of those properties and accommodate Asset Protection Zone requirements. Similarly, lots adjoining existing large-lot residential are to have a minimum rear setback of 10 metres inclusive of a 5 metre deep soil planting zone to protect the amenity of the existing dwellings.
4. A Landscape Plan is to be developed for the site by a qualified landscape architect and is to include:
 - a. Supplementary planting within the vegetated buffer to Woy Woy Road;
 - b. Appropriate planting within public/community association land (including Asset Protection Areas and Water Sensitive Urban Design features);
 - c. Footpath design that provides for retention of existing native trees and the planting of street trees in accordance with Council policy and Council's Design and Construction Specifications;
 - d. Provision of all street planting is to have minimum containers pot of 100L;
 - e. Sufficient area/space to support trees to grow to maturity;

- f. Remnant native trees retained as street trees and diverse local native tree species are to be prioritised for street planting over non-native tree species where appropriate including for public open space;
 - g. Inclusion of a diverse range of flora species for both street and suburban plantings to increase species disease resilience; and
 - h. Species selection and location of street trees.
5. Buildings on the land are to be not higher than 8.5 metres.

2.4 Bushfire

OBJECTIVES:

- To ensure future development appropriately responds to and mitigates against bushfire risk.
- Ensure appropriate operational access and egress for emergency service personnel and residents is available.

REQUIREMENTS:

1. Development will be consistent with *Planning for Bushfire Protection 2019*.
2. Asset Protection Zones (APZs):
 - a. The indicative location and widths of APZs will be provided generally in accordance with the Strategic Bushfire Study prepared in accordance with *Planning for Bushfire Protection 2019* with all necessary approvals.
 - b. Are to be accommodated within perimeter roads, the electricity easement to the south of the proposed residential land, and where necessary, within the rear and/or side setback of private lots.
 - c. Must be located wholly outside of E2 Environmental Conservation zoned land.
 - d. May be used for open space and recreation subject to appropriate fuel management.
 - e. Will be maintained in accordance with the guidelines in *Planning for Bushfire Protection 2019*.
3. All boundary fencing within land with a BAL rating of 29 or higher must be constructed of non-combustible materials.
4. Emergency vehicular egress is to be provided from the new internal road to Woy Woy Road in the north-west part of the site.

5. Temporary APZ's, identified through a Section 88B instrument, will be provided where development is proposed on lots next to undeveloped land that presents a bushfire hazard. Wilton Growth Area Development Control Plan 2021 NSW Department of Planning, Industry and Environment | 25 Once the adjacent stage of development is undertaken, the temporary APZ will no longer be required and will cease to exist.

2.5 Aboriginal Heritage

OBJECTIVES:

- Manage Aboriginal cultural heritage values to ensure enduring conservation outcomes.
- To ensure future development does not impact on sites of Aboriginal cultural heritage significance.
- Retain, protect, and enhance sites of Aboriginal cultural heritage significance.

REQUIREMENTS:

1. Proposed development shall avoid recorded Aboriginal heritage sites, with a 20-metre buffer to be applied to items in the vicinity of the development area. High visibility barrier fencing is to be installed prior to works commencing and remain in place until works are completed to prevent access and inadvertent harm to sites.
2. Development within or adjacent to land that contains a known Aboriginal cultural heritage site will consider and comply with the requirements of the *National Parks and Wildlife Act, 1974* (NPW Act).
3. Development will identify any areas of Aboriginal cultural heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that will be retained and protected (and identify the management protocols for these).
4. A small park is to be created in the north of the site incorporating a small sandstone outcrop with Aboriginal engravings. The park should be designed in consultation with a qualified Aboriginal heritage consultant and members of the local Aboriginal community and include appropriate landscape elements to provide protection to the engravings.
5. Within the proposed development area, archaeologically sensitive sandstone sheets are to be inspected after vegetation removal. If Aboriginal engravings, grooves, or other site type is identified during this process, then mitigation and management measures are to be identified and implemented in consultation with Aboriginal stakeholders.

2.6 Environmental Conservation

OBJECTIVES:

- To maintain or improve biodiversity values within the southern part of the subject land zoned C2 Environmental Conservation.
- To ensure the loss of biodiversity values in the northern part of the subject land is appropriately offset.
- Seek to avoid and minimise impacts on native flora and fauna while recognising the urban development potential of the northern part of the subject.
- Retain, protect, and enhance ecological corridors and increase the connections between habitats.
- To minimise impacts on native fauna during subdivision works.

REQUIREMENTS:

1. Appropriate fencing is to be constructed along the boundary between the C2 Conservation zone and land zoned C3 Environmental Management or R2 Low Density Residential. At a minimum, construction fencing or marking tape should be installed prior to land clearing within development area.
2. The developer's obligations under the NSW Biodiversity Offset Scheme are to be determined using the Biodiversity Assessment Methodology, with offsets to be secured using one or a combination of the following strategies:
 - a. Establishment and in-perpetuity conservation of a biodiversity stewardship site (or sites) and the retirement of credits
 - b. Securing required Plant Community and Species credits through the open market administered by the Biodiversity Conservation Trust
 - c. Payment into the Biodiversity Conservation Fund.
3. Land clearing within the development area shall be carried out in accordance with an approved Pre-Clearance Survey and Tree Felling Procedure.
4. Development is to be sited, designed, and managed to avoid or mitigate potential adverse impacts on natural areas and habitat.
5. Development adjoining E2 Environmental Conservation zoned land should avoid or mitigate detrimental impacts to the native vegetation and ecological values of subdivision design and bulk earthworks is to consider the need to minimise weed dispersion and eradication.

3. Subdivision of land

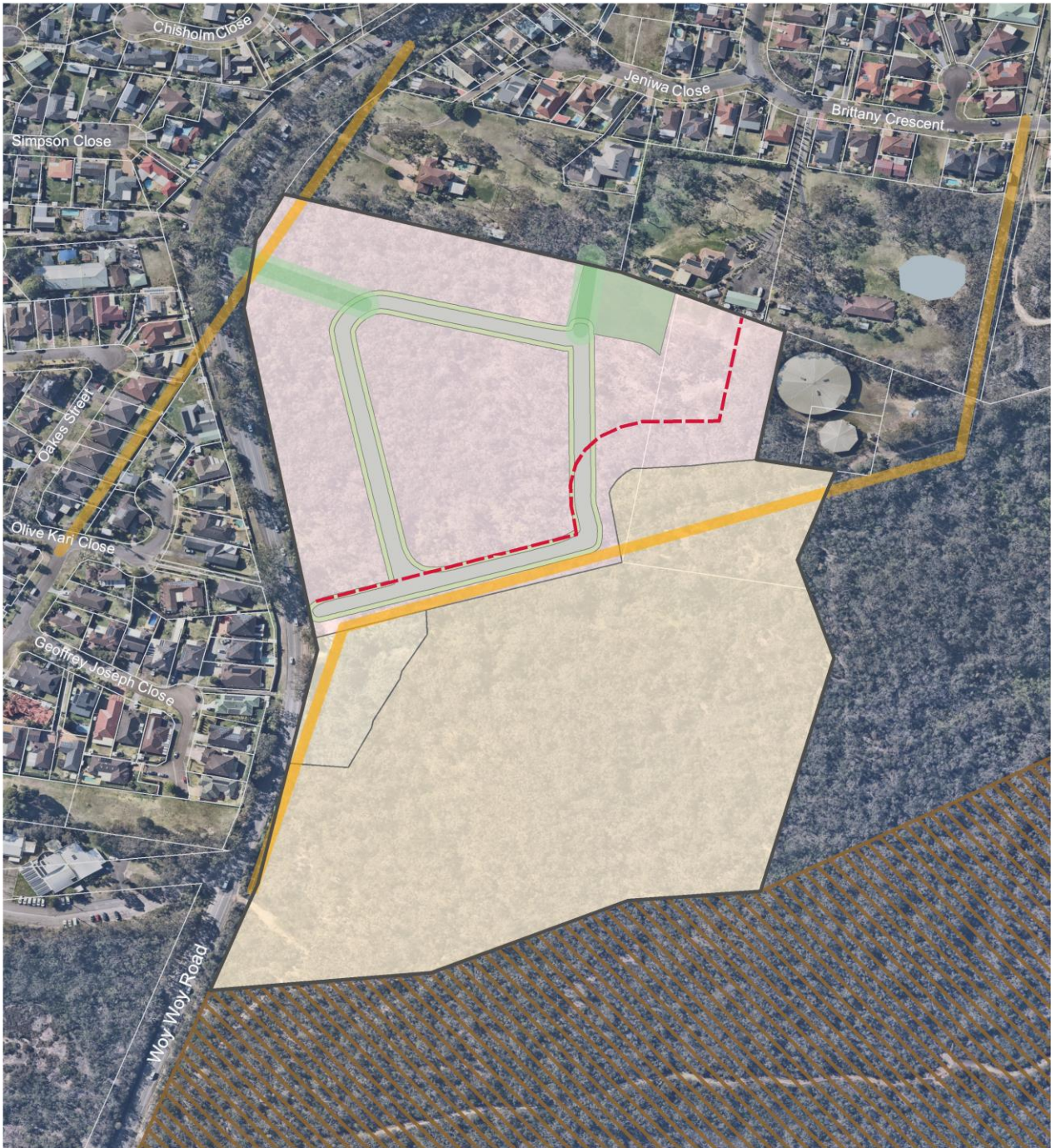
3.1 Subdivision

OBJECTIVES:

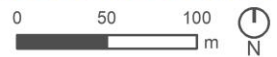
- To facilitate subdivision for a range of dwelling types in a community title scheme.
- To ensure that subdivision of the land occurs in an orderly and logical manner.
- To ensure that development and road design responds to the topography of the land.
- To ensure appropriate access and egress for emergency services and evacuating occupants in the event of a bushfire.
- To ensure the subdivision of the subject land has regard to the environmental constraints of the land and the objectives outlined in this Plan.
- Provide a range of lot sizes to suit a variety of dwelling and household types.
- Ensure the lot layout plan reflects the site's opportunities and constraints.
- To ensure that there is provision for existing and future tree canopy cover both in the public domain and on private land.
- To provide a safe and inclusive neighbourhood.

REQUIREMENTS:

1. Subdivision design is to be generally in accordance with Figure 2 Indicative Structure Plan.
2. Subdivision will be designed to respond to the natural topography of the site wherever possible to minimise the extent of cut and fill (e.g. for steep land houses will need to be of a 'split level' design or an appropriate alternative solution).
3. Subdivision will be designed to respond to the site constraints and hazards.
4. Residential development will not exceed the dwelling cap contained within the *Central Coast Local Environmental Plan 2022*.
5. Subdivision layout will demonstrate how a 40% tree canopy coverage will be achieved.
6. Existing mature trees will be retained where possible and be considered in the subdivision design.



Woy Woy Road, Kariong: Indicative Structure Plan



- | | |
|--------------------------------------|--|
| Planning Proposal Boundary | Electricity Easement* |
| Kariong Sacred Land Aboriginal Place | Access Way* |
| R2 - Residential Zone* | Asset Protection Zone* |
| C2 - Environmental Conservation* | Cadastre © NSW Spatial Services |
| C3 - Environmental Management* | Waterbody |
| Road* | Open Space |
| Road Buffer* | National Parks and Wildlife Service Estate |
| Pocket Park* | |

* Asterisk indicates layer as indicative. For visualisation purposes only.

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Figure 2: Indicative Structure Plan