

**DEVELOPMENT
CONTROL
PLAN
NO. 122**



CUT AND FILL RESTRICTIONS

DEVELOPMENT CONTROL PLAN NO. 122

Cut and Fill Restrictions

1 Name of Plan

This plan is called Development Control Plan No. 122 - Cut and Fill Restrictions. This plan applies to all residential development within the City of Gosford.

2 Local Environmental Plan

This plan generally conforms to the provisions of the Gosford Planning Scheme Ordinance and Interim Development Order No 122 and any subsequent amending Local Environmental Plan.

3 Purpose of Plan

The purpose of this plan is to provide more detailed guidelines for the development of the land having regard to the amount of cut and fill permitted on domestic forms of construction.

4 Operation of Plan

This plan has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979, and accompanying Regulation. This plan will come into effect upon notification pursuant to clause 20(4) of the Environmental Planning and Assessment Regulation, 1994, being 16 December 1999.

5 Application of Plan

Where a development application is lodged which relates to land to which this plan applies, Council shall take the provisions of this plan into consideration in determining that application.

Compliance with the provisions of this plan does not necessarily imply that Council will consent to any application. Council must also take into consideration those matters listed under Section 79C of the Environmental Planning and Assessment Act, 1979.

The development standards outlined in this document are guidelines assumed to meet the objectives of an element. Where in the opinion of Council, an application satisfies the objectives set out in this plan Council may grant consent to the application notwithstanding that one or more of the development standards are not complied with.

6 Objectives of the Development Control Plan

The objectives of this Development Control Plan are as follows:

- a To restrict and control excessive earth works in order to preserve as much as practicable the existing topography and amenity of the neighbourhood affected by the proposed development.

- b To ensure that the building design is appropriate for site conditions with consideration given to the stability and privacy of the adjoining properties.
- c To minimise the effect of disturbance on any land and ensure that dangerous excavations are avoided, or where necessary, are properly retained.
- d Restrict the siltation of waterways and erosion of land disturbed by the development.
- e Rehabilitate the site within a reasonable time frame upon completion of the development
- f To minimise the removal and disposal of resultant spoil from the site.
- g To preserve the limited resource of quality topsoil within the city.
- h To ensure adequate provision is made for drainage in relation to cut and fill practices.

7 Specific Requirements of the Development Control Plan

7.1 Cut and Fill Design

7.1.1 Adequate erosion control measures must be designed and installed in accordance with Council's Code of Practice - Erosion and Sedimentation Control.

7.1.2 A detailed siltation control plan indicating the method for the temporary and permanent retention of cut and filled areas must accompany the development application.

7.1.3 Cut and fill batters should not exceed a slope of 1:2 to the natural ground level unless the foundation strata of the area permits otherwise and Council is satisfied with the site stability. All batters are to be provided with both short term and long term stabilisation to prevent soil erosion.

7.1.4 Stormwater or surface water runoff shall not be redirected or concentrated onto adjoining properties so as to cause a nuisance and adequate drainage is to be provided to divert water away from batters.

7.1.5 Prior to the commencement of any bulk earthworks (cut and/or fill) topsoil must be removed from the proposed disturbed area and stockpiled for dressing the disturbed area upon completion of bulk works.

7.1.6 Where filling greater than 500mm is required for a proposed development a detailed landscape plan indicating methods for disposing of both surface water and stormwater runoff must be submitted to Council with the development application.

7.1.7 For residential dwellings (ie especially those incorporating slab on ground construction) the depth of excavation shall not exceed one (1) metre and the depth of fill shall not exceed one (1) metre so that the degree of both cutting and filling is minimised.

7.1.8 Excavations in excess of one (1) metre within the confines of the building may be permitted, to allow for basements, garages, etc. providing the excavations are adequately retained and drained, in accordance with engineering details.

7.2 Geotechnical Requirements

Within areas liable to landslip Council requires an approved geotechnical and structural engineers report relating to the proposed structure. Council will assess the suitability of any cut or fill within these areas dependent upon the recommendation contained in these reports.

7.3 Excavations

7.3.1 All requests for variation to the policy to be in writing setting out the reasons for requesting the variation and be supported by the abovementioned documents. Variations may be allowed if it can be shown that the excavation or filling of the site is in harmony with the natural environment and will not adversely affect the adjoining properties and still achieve the stated objectives.

7.3.2 Where Council approves of an excavation over one (1) metre in height, protection of the excavation shall be provided by constructing a retaining wall designed and certified by a practising structural engineer. The retaining wall must be adequately drained and backfilled with free draining material.

7.3.3 Where Council approves of an excavation that is in excess of one (1) metre in height, the excavation shall be protected in accordance with the requirements of the Work Cover Authority.

7.3.4 Where a property is burdened by stormwater or water and sewerage mains then Council will generally preclude any excavation or filling within that easement.

7.4 Alternate Construction

Alternatives to slab on ground construction are to be encouraged where it is obvious that due to the gradient and characteristics of the site, major excavation or filling as a result of raft slab construction, would be inappropriate.

Example of alternative construction include the following:

- Bearer and joist construction
- Deepened edge beam
- Split level design
- In-fill slabs

7.5 Vegetation

Where any land has been disturbed it shall be rehabilitated within twenty-eight (28) days

upon completion of the project. In the interim, siltation control measures must remain in place and be maintained.

Minute No 232/1999 – 7 December 1999