

**DEVELOPMENT
CONTROL
PLAN
NO. 8**



LISAROW

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LISAROW

1 LISAROW

1.1 History of Development Control Plan Area

The Sydney Regional Outline Plan released in 1968 identified potential residential areas on the Central Coast. In 1977, the Gosford/Wyong Structure Plan proposed major urbanisation within Narara Valley.

Most of the land within the Lisarow Development Control Plan area was rezoned to residential under Local Environmental Plan No 59 on 4 June 1982. Council adopted a DCP for the area on 22 January 1982. This DCP will remain in force until the adoption of DCP 8 on 18/12/92.

1.2 Name of Development Control Plan

The Development Control Plan (DCP) is called Development Control Plan No 8 (Lisarow). The DCP consists of this document and accompanying map marked Development Control Plan No 8 (Lisarow) sheet 1.

1.3 Abbreviations within Development Control Plan

“DCP” means Development Control Plan No 8 (Lisarow) the document.

“DCP Map” means the map marked Development Control Plan No 8 (Lisarow) sheet 1, a copy of which may be obtained from Council.

“LEP” means the deemed Environmental Planning Instrument, the Gosford Planning Scheme Ordinance, as amended by subsequent Local Environmental Plans.

“EPA Act” means the Environmental Planning and Assessment Act, 1979, as amended.

“CP” means a Contributions Plans No 8A Drainage, 8B Roadworks and Traffic Management and 8C Community and Recreation Facilities (Lisarow) the documents, prepared under the EPA Act.

“CP Map” means the maps marked Contributions Plans No 8A Drainage, 8B Roadworks and Traffic Management and 8C Community and Recreation Facilities (Lisarow) Council sheets numbered 2 – 4, a copy of which may be obtained from Council.

1.4 Land to which Development Control Plan applies

The DCP applies to land to which Gosford Planning Scheme Ordinance (as subsequently amended) applies, as outlined by a bold black line on the adopted DCP map.

1.5 Relationship to Environmental Planning Instruments and other Plans

The DCP is made under, and generally conforms to the provisions of the deemed Environmental Planning Instrument, the Gosford Planning Scheme Ordinance (as subsequently amended) which contains the legal planning controls for the development of the area to which this DCP applies.

Where there is an inconsistency between the DCP and any environmental planning instrument applying to the same land, the provisions of the environmental planning instrument shall prevail.

Where there is an inconsistency between the DCP and any other development control plan in force, the provisions of the later development control plan shall prevail.

The DCP is to be read in conjunction with the following:

- Lisarow Social Plan 1992
- Contributions Plans 8A, 8B and 8C.

1.6 Purpose of Development Control Plan

The DCP provides more detailed provisions than contained in the local environmental plans.

The purpose of this DCP is to give detailed guidance to people wishing to develop within the Lisarow Development Control Plan area, to indicate Council policies with respect to development and to form a basis for negotiation should a departure from the provisions of this DCP be requested.

The DCP presents land use and access constraints for development of the area. It does not show individual allotments. This enables greater flexibility in detailed site design for a resultant better urban environment.

As the DCP has existed for a number of years, some Section 94 contributions have already been used by Council to provide new facilities and services and upgrading of existing facilities and services, to cater for the additional demand generated by the new development and population.

1.7 Operation of Development Control Plan

The DCP has been prepared in accordance with Section 72 of the Environmental Planning and Assessment Act, 1979, and accompanying regulations, as amended.

The DCP came into force on 28 December 1992 in accordance with clause 24(2) of the Environmental Planning and Assessment, Regulation 1980, as amended.

The DCP may only be varied in a manner provided for in the Environmental Planning and Assessment Regulation, 1980, as amended.

1.8 Application of Development Control Plan

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

Compliance with the provisions of the DCP does not necessarily imply that Council will consent to any application. Council must also take into consideration, those other matters listed under section 90(1) of the Environmental Planning and Assessment Act, 1979, as amended, and, in the case of subdivision, also Section 333 of the Local Government Act, 1919 (as amended).

In special circumstances, Council may consent to an application which departs from the provisions of the DCP.

1.9 Review Process for Development Control Plan

The DCP will be reviewed when considered appropriate having regard to the rate of subsequent development of the area since the last review and the degree of development potential outstanding.

For practical reasons, areas are generally considered to be fully developed in respect of the subdivisional potential, when approximately 90 - 95% of the potential residential lots are registered and existing.

2 OBJECTIVES OF DEVELOPMENT CONTROL PLAN

- 2.1 Encourage orderly development of urban land in the most economical and unconstrained manner.
- 2.2 Enhance the residential amenity as a living environment, having regard to the local environmental and life styles of people.
- 2.3 Provide for the accommodation of adequate community and recreation facilities and services.
- 2.4 Encourage maximum desirable utilisation of the land for residential purposes in close proximity to community, recreation and transport facilities.
- 2.5 Encourage multi-unit type development to take advantage of developable land, the natural setting and reducing the land cost component of housing.
- 2.6 Integrate areas with the existing suburban and rural settlement patterns.
- 2.7 Facilitate the flow of through traffic along arterial and sub-arterial routes with minimum disruption to residential areas.
- 2.8 Protect and preserve any attractive or significant features of the environment, eg retain prominently located trees.

- 2.9 Facilitate the flow of stormwater along drainage lines and retarding basin areas.
- 2.10 Minimise any likely adverse effects of development.
- 2.11 Provide a system of pedestrian footpaths integrated with areas of open space, playgrounds and passive recreational uses.
- 2.12 To ensure that development takes account of the existing physical constraints of the land;
- 2.13 To promote development in harmony, rather than in conflict, with the environment.

3 ENVIRONMENTAL PROTECTION

3.1 Geotechnical Investigation

There are some steep areas of land which Council has identified on the DCP map as requiring geotechnical investigation before development may proceed. These areas may require particular works or particular forms of building construction.

Applicants may be required to submit a report from a qualified Geotechnical Engineer. The report should outline the measures necessary to ensure the safe development of the land without adverse impact on the development, the site or on land in the vicinity.

Where consent is granted for development of land identified as subject to geotechnical constraints, Council may impose conditions relating to the recommendations of the Geotechnical Engineer.

3.2 Areas Requiring Fill

Some areas may require fill before development can proceed. For these areas, Council will impose conditions of development consent regarding the type of fill and compaction of soil required. No other flood liable areas may be filled.

3.3 Soil Conservation

Development is to comply with Council's Code of Practice of Erosion and Sedimentation Control which came into force on 1/9/92. Enquiries regarding the Code should be made through Council's Environment Program.

3.4 Tree Preservation

In determining a development application, Council is required to consider -

- the effect of that development on the landscape or scenic quality of the locality; and
- whether any trees or other vegetation on the land should be preserved.

Existing trees should be preserved wherever possible. The siting and layout of a development at the initial concept stage should consider the location of trees with a view to their preservation.

All applications for development (other than for the use of an existing building) should indicate the location of existing vegetation and should note the measures to be taken to protect existing vegetation against damage and destruction during construction.

The changing of ground level around existing trees should be avoided wherever possible. If it is not feasible to maintain existing ground levels, any changes in ground levels around trees should be supplemented by retaining walls to hold back cut and fill areas from the natural surface level around trees. In the case of filling around a tree trunk, extreme care should be taken to retain the flow of air and water to the root system.

3.5 Cultural Heritage

There may be land which contains archaeological relics. Applicants are advised to ensure that they do not contravene the National Parks and Wildlife Service Act.

In particular -

- anyone who discovers an aboriginal relic must report it to the Director of the National Parks and Wildlife Service;
- no one is permitted to destroy, deface or damage an aboriginal site or relic without the Directors consent. This applies to all tenures of land including freehold property and crown land;
- research work into sites involving disturbing, excavating or collecting relics requires a permit from the Director.

4 ROADS

4.1 Road Hierarchy

A functional road hierarchy has been determined for the area. This consists of-

- 4.1.1 Arterial Road - Pacific Highway. This road caters for through traffic and would have no direct access for dwelling-houses from the release area development. Intersections with local roads would be controlled by means of traffic signals, roundabouts or channelisation.
- 4.1.2 Collector Roads - Newling Street, part of Fagans Road, part of Chamberlain Road and Taylors Road and the proposed unnamed extension from Taylors Road to the intersection of the Ridgeway and Bishendens Road. These roads are to provide access to the release area. These roads would carry traffic with an origin or destination within the urban release area.

4.1.3 Local Roads - These roads consist of a hierarchy of widths according to their function and traffic flows. All roads are to be fully constructed. Certain roads, identified as “proposed roads” are generally fixed because of property boundaries, ownership patterns, limited access points or physical constraints, while other internal roads may be varied to make best use of the local topography and vegetation (for more details refer to Council’s Subdivision Policy).

4.2 Construction

Minor cul-de-sacs are to have “rolled” type kerbs; with a maximum longitudinal grade of 16% and a maximum of 15 lots fronting them (including corner lots). Footpaths are to be provided along the length of one side of all roads constructed by the developer, whether or not these are delineated on the DCP.

To improve street landscaping, the developers are to provide street tree planting in consultation with Council’s Recreation Program. The emphasis being to provide a landscaped harmony within each street, and a variety between different streets.

4.3 Amendments to Proposed Roads

The arterial roads and the collector road system is fixed by the DCP. In general, Council will only permit very minor changes of these roads arising from the detailed design of these roads.

In some instances, the local road pattern that has been delineated on the DCP since adoption of the plan in 1982, has been deleted. These areas have not been developed in accordance with the residential zone and the DCP, and in most cases suffer from the problems of fragmentation of ownership. Fragmented ownership can preclude one property from being developed if it is land locked, ie it requires adjoining properties to develop first to provide road access to the existing road system. Where the proposed road pattern was seen to be purely of a local nature and, therefore, its location was not critical to the road hierarchy of the DCP amongst other considerations, it was removed. The road access and design of any proposed residential development of sites so affected, will consider on their merits.

The subdivisional roads shown on the DCP map have been designed to cater principally for the subdivision of land to create allotments for the erection of detached dwelling-houses as it is expected that dwelling-houses will be the predominant type of development. However, the LEP allows for a variety of allotment sizes in the residential zone. Accordingly, Council recognises that there may be need for changes to the proposed road pattern.

To approve a change in the location of the roads proposed by this DCP, Council would need to be satisfied that -

- the roads provide for a safe movement system (eg proximity of intersections);
- intersections are safely designed (eg adequate sight distance);

- other property owners are not unduly disadvantaged by the change (eg existing substantial buildings on other land are avoided);
- road planning does not cut off options for future development of adjoining rural land; and
- drainage paths are adequately maintained.

For changes to the proposed system which Council considers minor, Council will write to affected property owners and consider any comments of those persons before determining the application.

For changes to the proposed road system which Council considers major, Council may seek to amend this DCP by making a subsequent DCP before determining the application.

Applicants who wish to change the proposed road system should discuss the matter with Town Planners in Council's Development Program at an early stage before lodging a formal development application.

5 SUBDIVISION

5.1 Introduction

The detailed design of lot and road layouts to take into consideration the privacy, aspect, sun lighting and orientation of future dwellings on proposed allotments.

5.2 Rural Type and Size Allotments

At its meeting held 29 May 1984, the Council resolved to adopt as a matter of policy, in respect of residential zoned land, that subdivision approval not be granted to rural type and size allotments except for:

- 5.2.1 exclusion of an existing dwelling site from the remainder of the land parcel;
- 5.2.2 staging of a residential subdivision (with an overall plan of subdivision being submitted for approval at the same time);
- 5.2.3 minor boundary adjustments.

Any approval will require the necessary contributions to be paid, services made available and road/drainage works to be carried out to a residential standard of development.

5.3 Services

- Underground electricity and telephone is generally required.
- Trafficable fire fighting access trails being formed around residential areas to a minimum of four (4) metres wide and with lockable gates provided at points of entry.

- Satisfactory arrangements are to be made for the provision of water and sewer services and payment of water and sewer contributions under the Water Supply Authorities Act.

6 RESTRICTED DEVELOPMENT/Steep Land - area

6.1 Introduction

One area of land in Fagans Road is affected by this designation. The owner/applicant has shown through a development application lodged with Council, that the land does not have the attributes normally associated with land zoned Residential 2(a).

The aim of this land use designation is to provide for a low density residential development in consideration of the inherent difficulties associated with developing land with slopes in excess of 20%.

A report will be forwarded to Council shortly, recommending that a Draft Local Environmental Plan be prepared for the affected land. In the meantime, the future land uses of these lands will be treated under the guidelines set out in this DCP.

The following clauses outline the development that Council will consider for these areas under the DCP:

COLUMN I	COLUMN II	COLUMN III	COLUMN IV	COLUMN V
Lane Use Designation	Purposes for which buildings or works may be erected or carried out or used <u>without</u> the consent of the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>subject to</u> such conditions as may be imposed by the responsible authority.	Purposes for which buildings or works may be erected or carried out or used <u>only with</u> the consent of the responsible authority.	Purposes for which buildings or works <u>may not</u> be erected or carried out or used.
Restricted Development - Steep Land	Home occupations	Dwelling Houses	Any purpose other than those included in Column II, III or V.	Airline terminals; boarding houses; building supplies outlet; bulk stores; car parking stations; car repair stations; caravan parks; clubs; commercial premises; furniture and building material showrooms; gas holders;

				generating works; helipads; heliports; hotels; industries; institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; parking (other than in association with a purpose not included in this Column); places of assembly; reception establishments; recreation facilities; refreshment rooms; residential buildings (other than units of not more than two storeys for aged persons); roadside stalls; sawmills; service stations; shops; stock and sale yards; timber yards; transport terminals; warehouses.
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6.3 Definitions

See Gosford Planning Scheme Ordinance.

6.4 Subdivision

The minimum lot area that may be created upon subdivision is 1850 square metres and the minimum lot width at the building line is 30 metres.

7 NON-RESIDENTIAL DEVELOPMENT IN THE RESIDENTIAL ZONE

7.1 General

The 2(a) Residential zone permits a range of non-residential uses which, depending on their scale, location and design, may be compatible with residential uses. Development consent is required for all non-residential purposes.

Depending on the scale of the non-residential development, Council may require the submission of additional information to demonstrate that the development will not adversely affect the existing or future amenity of the area. Such information may include noise studies, advice on traffic generating potential, etc.

In considering an application for non-residential development, Council will generally -

- advise adjoining property owners and others who may be affected by the development; or
- in addition, erect a notice on the land and advertise the application in the local newspaper; or
- allow the public 21 days to comment on the proposal;
- consider any comments made by the public on the proposal before determining the application.

An additional fee may be required to cover the cost of advertising.

7.2 Churches, Schools and Private Child Care Centres

These uses will all be considered in terms of the merit of the application.

Council will be particularly concerned that these types of development -

- do not create a noise nuisance;
- are located on roads appropriate to the expected volume of traffic generated by the development;
- provide adequate carparking;
- provide adequate access for disabled persons.

Adopted 9/9/81