

CHAPTER 5.1 BENSVILLE

5.1.1 WHERE THIS CHAPTER APPLIES

This chapter applies to land as outlined by a bold black line on the accompanying map.

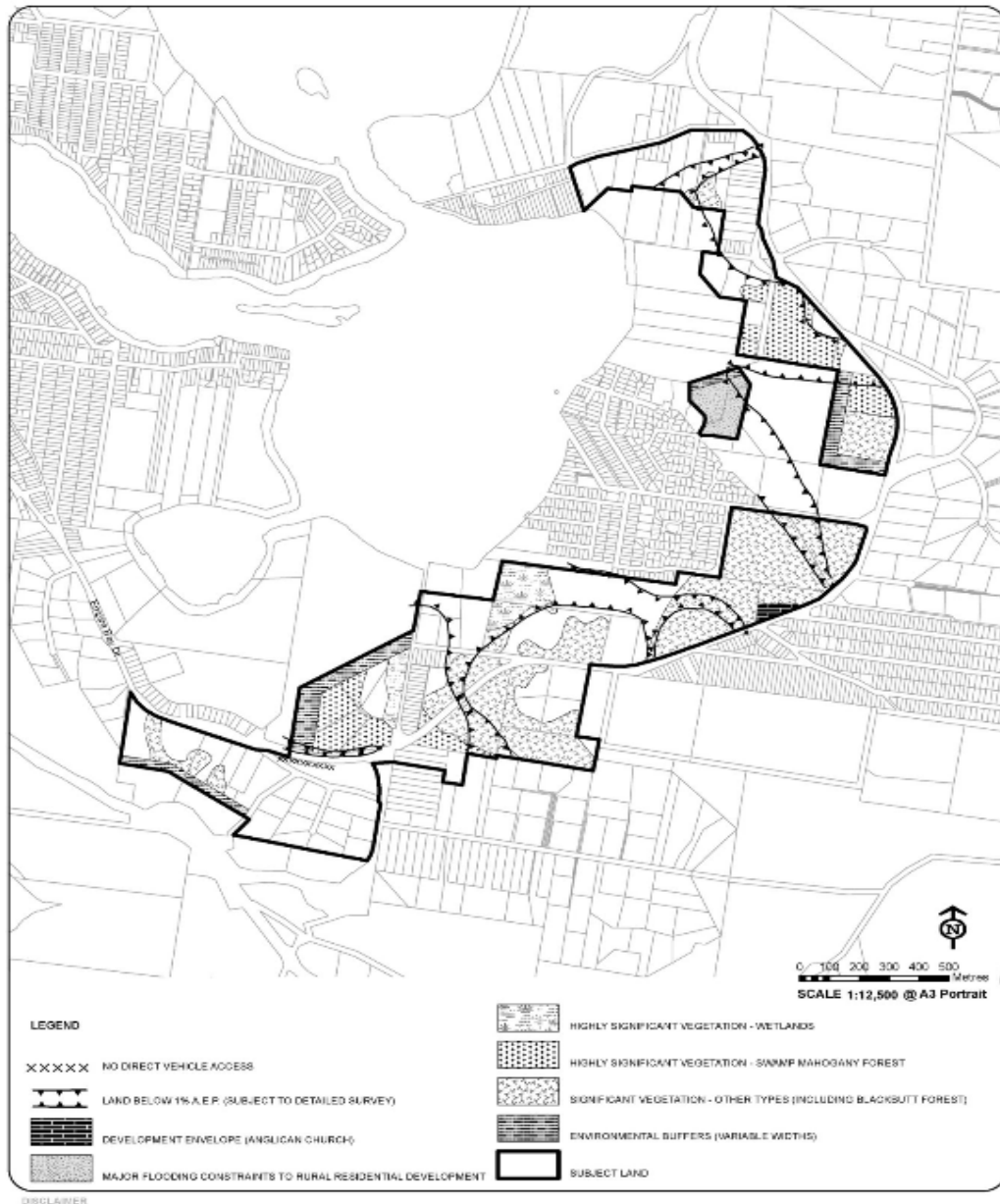


Figure 1 – Land to which this chapter applies

5.1.2 OBJECTIVES

The objectives of this chapter are:

- To enable development to proceed in a manner that is sensitive to the environmental characteristics of the area.
- To maintain scenic quality and amenity.

- To facilitate traffic management.
- To restrict development in flood liable areas.
- To make further site specific provisions for the development of certain land affected by enabling provisions.

5.1.3 REQUIREMENTS

5.1.3.1 Development to be sensitive to the environmental characteristics of the area

The Bensville area is one of the most significant areas of the Central Coast for the presence of threatened species. The land is located between wetlands of state significance and Cockle Bay Nature Reserve and the vegetated ridgelines of Bouddi National Park. Significant swamp mahogany and blackbutt forest occur within the area. Wildlife movements are known to occur throughout the area, between foreshore areas and Bouddi National Park, and between the northern and southern vegetated areas along the lowlands. As such, development needs to be sympathetic to the surrounding environment and maintain habitat opportunities.

- a All stages of development, including site preparation, subdivision and building works shall incorporate soil conservation measures to minimise soil erosion and siltation during and upon completion of any such works or development. Measures to be employed are to be in accordance with Council's Civil Works Specification.
- b Highly significant vegetation - Wetlands. For those areas specifically delineated on the map as being Wetlands, there is to be no disturbance to vegetation. Disturbance includes clearing, building works, excavations, filling, dumping of rubbish (including grass clippings), landscaping, underscrubbing, mowing, grazing of animals, alterations to groundwater characteristics through drainage works and the like.
- c Highly significant vegetation - Swamp Mahogany Forest. For those areas specifically delineated on the map as being Swamp Mahogany Forest, disturbance to vegetation is to be minimised. Disturbance includes clearing, building works, excavations, filling, dumping of rubbish (including grass clippings), landscaping, underscrubbing, mowing, grazing of animals, alterations to groundwater characteristics through drainage works and the like. Delineation of building areas and curtilage, together with the identification of specific trees to be removed are to accompany any development or subdivision application.
- d Significant vegetation - Other Types (predominately Blackbutt forest). Building works are to be sited so as to minimise the removal of mature trees. Delineation of building areas and curtilage, together with the identification of specific trees to be removed are to accompany any development or subdivision application.
- e All areas that are naturally vegetated areas are considered to be important wildlife habitat and are to be generally retained to facilitate the movement of wildlife (as per points b, c and d above).
- f It is noted that the E3 Environmental Management zone allows a number of uses that could result in a substantial removal of vegetation. These types of uses are generally considered to be incompatible with the retention of vegetation and would be discouraged from being developed within areas identified as significant vegetation.

- g Developments that may generate a high nutrient output (such as animal boarding or training establishments) will be required to demonstrate to Council that adequate nutrient control devices are incorporated into the proposal, so that there will be no increase in nutrients leaving the site.
- h Where on-site effluent disposal systems are proposed, it must be demonstrated to Council that the soils and groundwater characteristics are appropriate for on-site disposal, and that effluent shall not impact upon significant wetland areas.
- i In order to minimise any potential for nutrients to enter adjoining public reserves, an environmental buffer is to be located between any dwelling house, outbuilding, or other structure and land to be zoned Public Recreation. This buffer is to be retained in its current condition, to enable regrowth of native vegetation. No clearing, grazing, underscrubbing, mowing, landscaping, excavations, filling, alteration to groundwater characteristics by drainage works, effluent disposal, dumping of rubbish (including grass clippings), etc are to be undertaken in this buffer area.

5.1.3.2 To maintain scenic quality and amenity

The Bensville area currently enjoys a rural amenity, with discrete pockets of residential development. It also forms an important non-urban break between the urban areas of Empire Bay and Kincumber and is the "gateway" to the Killcare Peninsula. Council is desirous of maintaining the existing scenic quality and amenity whilst allowing development to occur in accordance with the provisions of the zones. Unregulated development along Empire Bay Drive has potentially detract from this amenity, and care and consideration needs to be given to the type of development, design and siting consideration and restrictions on advertising material.

- a A thirty (30) metre setback policy shall apply for all buildings (including rural residential dwellings) fronting Empire Bay Drive. Architectural design and building scale for uses other than conventional rural residential development shall be designed to be compatible with the rural character of the area.
- b The architectural design and building scale for uses other than conventional rural residential development, shall be designed to be compatible with the rural character of the area. Signage is also to be sympathetic to this character and not visually obtrusive. Where appropriate, development is to enhance the visual qualities of the area through dense screen landscaping.
- c Existing mature vegetation along Empire Bay Drive is recognised as being visually, as well as environmentally significant and is also to be retained for its scenic quality.
- d Development is to have due regard to the Chapters on Scenic Quality and Character.

5.1.3.3 To facilitate traffic management

Empire Bay Drive is a main arterial road, linking the Woy Woy Peninsula to southern coastal areas. This road has a high speed environment and carries a significant proportion of through traffic. Developments should be designed to mitigate any adverse effect on the safety and functioning of Empire Bay Drive.

- a For all areas, direct vehicular access to Empire Bay Drive is prohibited where a suitable alternative exists.
- b Where no alternative access is available, rural residential subdivision is to be designed so as to minimise the number of allotments having direct frontage to Empire Bay Drive.

- c Council may require specialist traffic studies to support development applications where the type of development proposed may result in significant traffic generation, and/or where road conditions/sightlines and the like warrant further specialist studies.

5.1.3.4 To restrict development in flood liable areas

Some areas within Bensville are inundated by the 1% Annual Exceedance Probability Flood (AEP) Event. Flood liability is generally due to a combination of inundation by Brisbane Water and local runoff and the floodplain is characterised by broad shallow flows that eventually flow into wetland areas. It is important to maintain the groundwater regime entering these wetland areas and to ensure the long term viability of the swamp mahogany forests. Higher in the catchment, flooding is more localised and confined to channels. Due to the large size of the catchment (750 hectares) and topographical features, some areas at the base of hillslopes are also affected by sheet flows. In general terms as a requirement of Council's Flood Management Policy, increased development within flood liable areas is not appropriate, unless no other alternative exists and the development will not result in any impact on either flooding or environmental quality both up and downstream. The general location of the 1% AEP floodplain as shown on the attached map is only accurate at each cross section as identified in the Bensville Trunk Drainage Study. Between the cross sections the extent of flooding is indicative and should be verified by field survey at the subdivision or development applications stage.

- a Subdivision for rural residential purposes and permitted developments are to ensure that sufficient flood free land is available for the erection of a dwelling and ancillary activities. Dwelling pads and access roads are to be delineated on the plan of subdivision lodged at the Development Application stage.
- b All dwellings are to have 0.5 metre freeboard above the 1% AEP level and are to have flood free access.
- c Council may require the submission of detailed Flood Studies where land below the 1% AEP is permitted to be developed. It should be noted that Council's Chapter on Buildings in Flood Liable Areas expresses that the cumulative effect of filling or development within flood fringe areas must not increase flood levels by more than 0.01 metre. Development is to be restricted to the fringe of the flood plain.
- d Any drainage works and/or filling works proposed below the 1%AEP are to ensure that groundwater flows are maintained both upstream and downstream to ensure the long-term survival of significant vegetation.
- e The extent of the 1% AEP floodplain and 0.5 metre freeboard line are both to be verified at the subdivision or development application stage by field survey.