

CHAPTER 5.30 JILLIBY – HUE HUE ROAD

5.30.1 INTRODUCTION

A number of physical elements combine to make the land to which this Chapter applies of high landscape and environmental significance as well as being visually important. The protection of these elements and the physical sensitivity of the land create certain constraints on development in the area.

5.30.1.1 Objective of this Chapter

The objective of this Chapter is to provide for attractive rural residential development in a high quality rural environment through the protection of natural features.

5.30.1.2 Land to which this Chapter Applies

This Chapter applies to land zoned E2 – Environmental Conservation, E3 – Environmental Management and/or R5 – Large Lot Residential under Central Coast Local Environmental Plan (LEP) 2018 as indicated in Figure 1.

5.30.1.3 Relationship to other Chapters and Policies

This Chapter should be read in conjunction with other relevant Chapters of this Development Control Plan and other Policy Documents of Council, including but not limited to:

- Chapter 2.1 – Dwelling Houses, Secondary Dwellings and Ancillary Development
- Chapter 3.1 – Floodplain Management
- Chapter 3.5 – Tree and Vegetation Management
- Chapter 2.4 - Subdivision
- Council's Civil Works Specification

5.30.2 IMPLEMENTATION

In its determination of applications for the development of land to which this Chapter applies Council will require or take into consideration the following matters:

5.30.2.1 Erosion

The soils within the area have generally high susceptibility to erosion. Slopes in excess of 20% generally have a high risk of erosion and landslip if disturbed.

OBJECTIVE

To address the possibility of erosion and landslip caused by tree removal and new development

REQUIREMENTS

- a Buildings and structures shall not be erected on land with slopes of 20% or more.
- b Applications for development on land with slopes in excess of 10% should be accompanied by a geotechnical report to identify the stability of the land.

- c Existing vegetation is to be retained on slopes and ridgelines, and cleared areas are to be revegetated.

5.30.2.2 Drainage Corridors and Flooding

The two drainage corridors running through the area drain into an extensive area of wetlands to the east. The 1% Annual Exceedance Probability (AEP) flood associated with this wetland extends into the eastern part of the area. A high water table affects land in and adjacent to this flood area and drainage corridors.

OBJECTIVE

To ensure that existing development lots have flood-free dwelling sites and accesses

REQUIREMENT

Any development on the floodplain is to be conducted in accordance with the requirements of Chapter 3.1 Floodplain Management

5.30.2.3 M1 Pacific Motorway

OBJECTIVE

To provide adequate noise and visual protection from the M1 Pacific Motorway through appropriate setbacks and/or requirements on dwelling design

REQUIREMENTS

- a The E3 zoned land along the boundary of the M1 Pacific Motorway may be accepted by Council as dedicated land at the time of subdivision.
- b At the time of subdivision lots created within 300 metres of the M1 Pacific Motorway would have preferred building envelopes nominated by an acoustical engineer so that each site achieves compliance with the *NSW Road Noise Policy* produced by the Office of Environment, Climate Change and Water, or any superseding documentation.
- c Clearing within 300 metres of the M1 Pacific Motorway boundary shall be limited to bush fire hazard reduction only under the control of the New South Wales Rural Fire Service (NSW RFS).
- d Subdivision of properties adjacent to the M1 Pacific Motorway Buffer zone shall be designed so that dwelling sites are available outside the noise affect area of the M1 Pacific Motorway. Where dwellings must be located within the noise affected area, they shall be designed to meet relevant noise standards as set by the State Pollution Control Commission.

5.30.2.4 Hue Hue Road

Hue Hue Road is classified by the Roads and Traffic Authority as 'Main Road No. 217'.

OBJECTIVES

- Eliminate traffic conflicts potentially caused by direct traffic access to Hue Hue Road
- Maintain the visual amenity of the rural environment

REQUIREMENT

Direct access to Hue Hue Road is prohibited for any lot having frontage to Hue Hue Road. The submission of a satisfactory 88B Instrument, creating a restriction as to user prohibiting direct access to Hue Hue Road,

shall be required prior to the release of the Subdivision Certificate for any new lots being created which would have frontage to Hue Hue Road.

5.30.2.5 Road Layout

OBJECTIVE

To provide a general road pattern to serve the rural residential development on the R5 zoned land having regard for slope, drainage and the restriction on direct access to Hue Hue Road

REQUIREMENT

Subdivision of land is to be generally in accordance with the road layout shown in Figure 1 and is to have regard for slope, drainage, existing vegetation and the restriction on direct access to Hue Hue Road.

5.30.2.6 Long Term Management of Land

Those lands within the area that are of high visual significance or conservation value have generally been included in the E2 and E3 zone. The importance of the land in this zone varies considerably. Development proposals must satisfy Council that the environmental values of land within Zone E3 will be managed for conservation in the long term. Appropriate mechanisms to consider for satisfying Council include:

- a dedication to Council;
- b rezoning to E2;
- c Planning Agreement;
- d property vegetation plan;
- e conservation agreement; or
- f title restriction.

OBJECTIVE

To identify lands of conservation value that Council may accept as dedicated land under the bonus provisions of Clause 4.1C of Central Coast LEP 2018.

REQUIREMENTS

- a Land zoned E3, and which contains drainage lines or is subject to flooding, or is adjacent to the M1 Pacific Motorway, or is of environmental/visual significance may be dedicated to Council. The E3 zoned land may be dedicated when subdivision occurs.
- b For existing dwelling houses located on E3 zoned land, Council will consider proposals for ancillary development, such as pools, tennis courts etc. on the merits of each case. Such proposals require development consent from Council.

5.30.2.6 Bush Fire Protection

The area generally has a high fire hazard potential, particularly forest and woodland with slopes greater than 5% and where access is poor.

OBJECTIVES

- To manage the threat of bushfire in and around this locality

- To provide appropriate fire protection measures including the fire trails and periodic fire hazard reduction

REQUIREMENTS

- a A series of fire trails have been identified on Figure 1. These will be constructed by the developer at the time of subdivision. The fire trails have generally been located on E2 zoned land and E3 zoned land. Specific details of these fire trails should be discussed with Council and the NSW RFS.
- b Fire trails shall be constructed around the perimeter of the R5 zoned rural/residential areas. Fire breaks of at least 15 metres in width shall be provided around dwelling sites.
- c Compliance with requirements of Planning for Bushfire Protection 2006 and any superseding. Documentation.
- d Long term management and ownership of land containing fire trails is to be considered in the development proposal.

5.30.2.7 Major Ridgelines

OBJECTIVE

To protect the environment, landscape and scenic quality of the area by restricting development and the destruction of vegetation on major ridgelines and steep slopes

REQUIREMENTS

- a Proposals for buildings and structures will not be supported within 50 metres of major ridgelines or prominent brows.
- b The destruction of trees within these areas is not supported. However, bushfire hazard reduction is permitted with the approval of the NSW RFS.

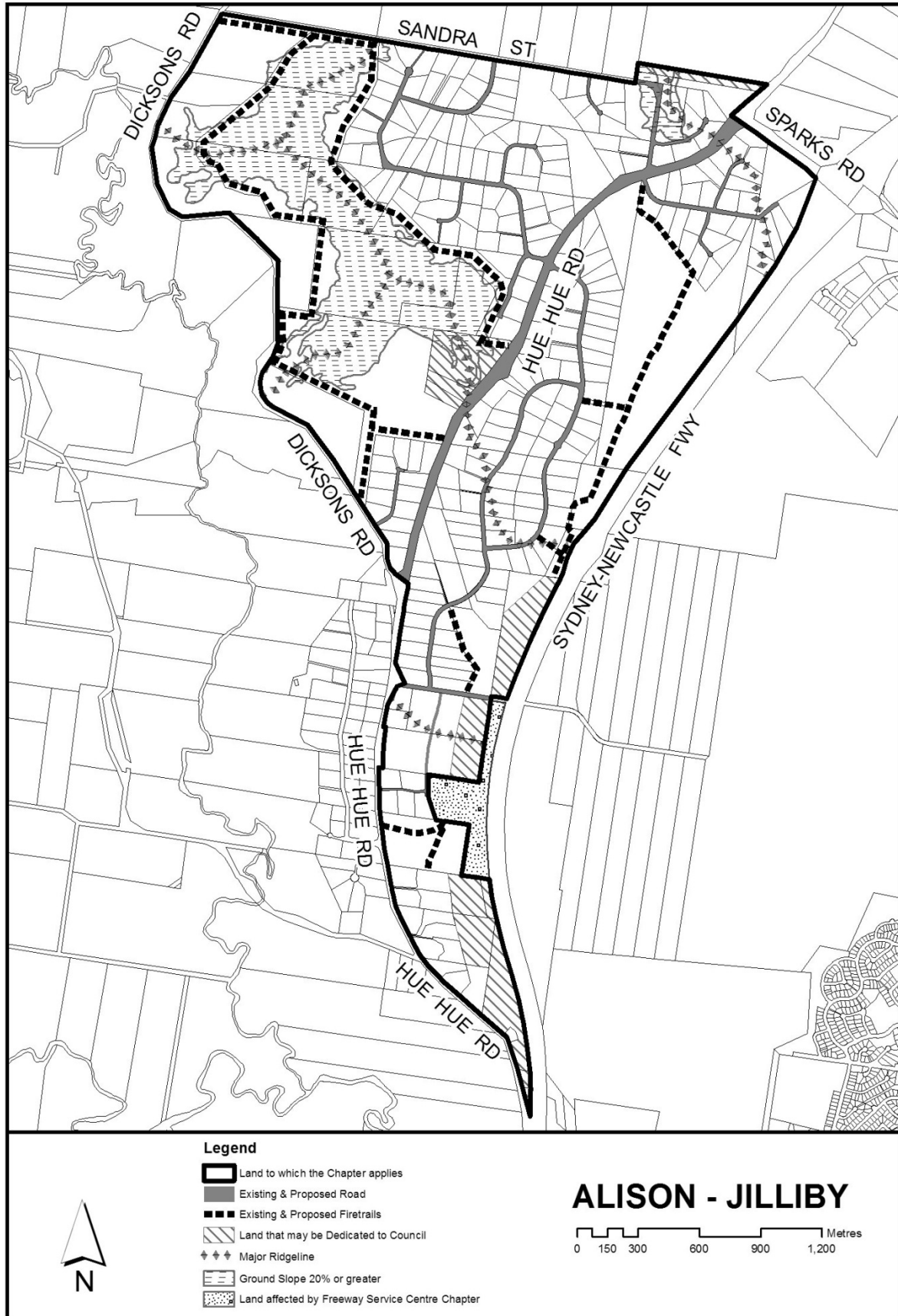


Figure 1 Map of land to which this Chapter applies showing development constraints