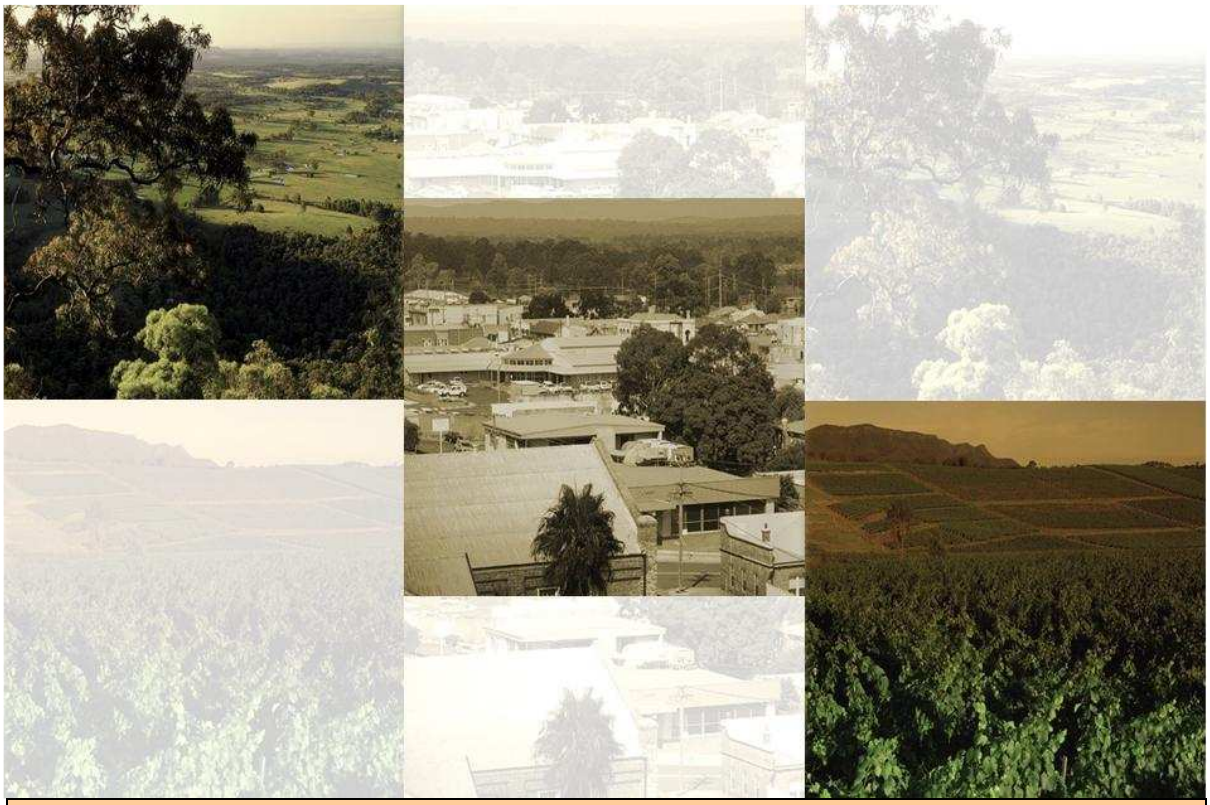
CESSNOCK

DEVELOPMENT CONTROL PLAN

PART E
SPECIFIC AREAS



E.5: GINGERS LANE WESTON

Amendment History

Version No.	Nature of Amendment	Date in Force
1	Initial adoption by Council on 17 November 1999 (DCP 45)	6 December 1999
2	Consequential Amendments to site-specific DCP's arising from the Cessnock DCP 2006	1 December 2006
3	Incorporation into Part E: Specific Areas	30 March 2007
4	Consequential amendments as a result of Cessnock Local Environmental Plan	23 December 2011

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PART E: SPECIFIC AREAS

E.5

E.5 GIINGERS LANE WESTON

5.1 INTRODUCTION

The primary objective of the Chapter is to ensure that development carried out within the Gingers Lane Large Lot Residential area (Figure 1), is of a standard and format that will encourage the long term survival of an area, which contains habitat for threatened species and vegetation communities which have been identified by the Department of Environment, Climate Change and Water (DECC&W) as having regional conservation significance. Development shall also be in keeping with the intention of the R5: Large Lot Residential zone pursuant to Cessnock Local Environmental Plan (CLEP).

In order to achieve these objectives, the site has been divided into distinct conservation and development precincts.

Further measures including restrictions on the ownership of animals, separation fences and restrictions on the removal of vegetation are proposed to encourage the co-existence of the built and natural environments.

Ecological consultants have identified 6 primary plant communities on the land. The local area has been found to support at least 1 threatened fauna species, the Squirrel Glider *(Petaurus norfolcensis),* and is likely to provide habitat for at least 3 other threatened species including the: Yellow-Bellied Sheathtail Bat *(Saccolaimus flaviventris);* Greater Broad Nosed Bat *(Scoteanax rueppellii);* and Common Bent-wing Bat *(Miniopterus schreibersi).*

The remnant bushland contained on this site is potential 'koala habitat' according to State Environmental Planning Policy (SEPP) 44 - Koala Habitat Protection, however, assessment of the bushland pursuant to the provisions of the SEPP have confirmed that the bushland is not core koala habitat.

A total of 12 mammal species, 3 frog species, 1 reptile species and 42 species of bird, were identified during field surveys with the possibility of many more being present. The lower part of the land along Swamp Creek is well utilised by large macropod species such as the Swamp Wallaby, Red-Necked Wallaby and the Common Wombat.

The site is important from a bio-diversity viewpoint, representing a scarce vegetation / fauna resource in an otherwise developed locality. It represents a significant link in the movement of fauna, particularly along a north-south axis and through Swamp Creek.

For these reasons the DECC&W have indicated that the examples of vegetation / habitat recorded at this site are of regional conservation significance and shall be appropriately conserved.

The long-term survival of the identified natural communities can be assisted by such ameliorative measures as detailed in this plan.

Additional measures included in this plan, seek to minimise land use conflict between the subdivision of the land into large lot residential allotments and a neighbouring poultry business to the north of Gingers Lane.

5.1.1 Application

This Chapter applies to land formerly known as Lot 11, DP 628593, Gingers Lane, Lot 12, DP 628593, Keirs Street and Lot 287, DP 755231, Church Street, Weston (see Figure 1), now known as Grey Gum Close, Bluebell Close and Silverstream Lane.

5.1.2 Purpose

This Chapter adds detail to those planning provisions contained in the CLEP. The Chapter provides guidelines for those wishing to develop the land for the purposes of large residential lots.

5.1.3 Objectives

- To designate appropriate areas for development and conservation; and
- to protect areas of squirrel glider habitat and regionally significant vegetation; and
- to assist in the survival of threatened species and other native fauna on the site; and
- to enhance the habitat of threatened species and promote biodiversity; and
- to enable the movement of native fauna within conservation areas of the site; and
- to protect the water quality of receiving streams and to reduce land degradation; and
- to reduce the potential for land use conflict between the development arising as a result of the subdivision of the land and a neighbouring poultry establishment.

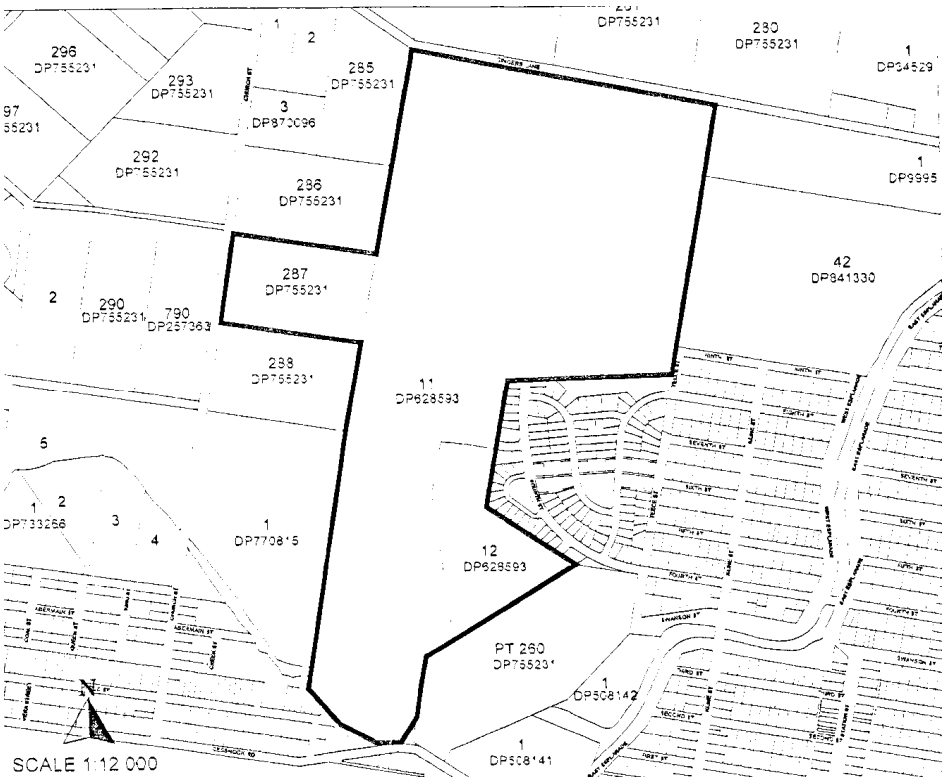


FIGURE 1: LOCALITY PLAN

5.2 DEVELOPMENT GUIDELINES

5.2.1 Principle Layout Plan

A Development Principles Plan is illustrated as per Figure 2, which is subject to detailed site survey to accommodate all hollow-bearing and significant mature trees.

The Development Principles Plan is divided into two precincts:

A Conservation Precinct, containing areas of important vegetation and habitat in which development, clearing and the like are restricted; and

B Development Precinct, indicating appropriate development precincts where fauna habitat issues are not as critical, though building envelopes will be required within certain allotments neighbouring the 'A' precinct where important habitat, needs to be given particular protection.

Any development proposed within the estate shall have regard for these two precincts.

5.2.2 Conservation and Development Precincts

Results of Flora and Fauna Assessment

A Flora and Fauna Assessment of the site was conducted with the following results.

The assessment identified 6 primary plant communities at the site. These are:

1. Spotted Gum-Ironbark Open Forest;
2. Grey Box-Ironbark Open Forest;
3. Rough Barked Apple Open Forest;
4. Grey Gum-Forest Red Gum Open Forest:
5. Swamp Sheoak Open Forest; and
6. Heathland.

One threatened fauna species, the Squirrel Glider, has been identified in the locality. The assessment also considers it likely that the following additional threatened fauna species, could be present on the site, due to their association within the identified habitat:

- Yellow-Bellied Sheathtail Bat;
- Greater Broad Nosed Bat; and
- Common Bent Wing Bat.

A total of 12 mammal species, 3 frog species, I reptile species and 42 species of bird were identified during field surveys with the possibility of many more being present.

The site is well utilised by large macropod species such as the Swamp Wallaby, Red-Necked Wallaby and the Common wombat.

Importance of Swamp Creek

Swamp Creek traverses the southern portion of the site and adjoining lands. It provides important habitat for resident wombats, aboreal and terrestrial mammals and provides access linkages between the site and surrounding lands.

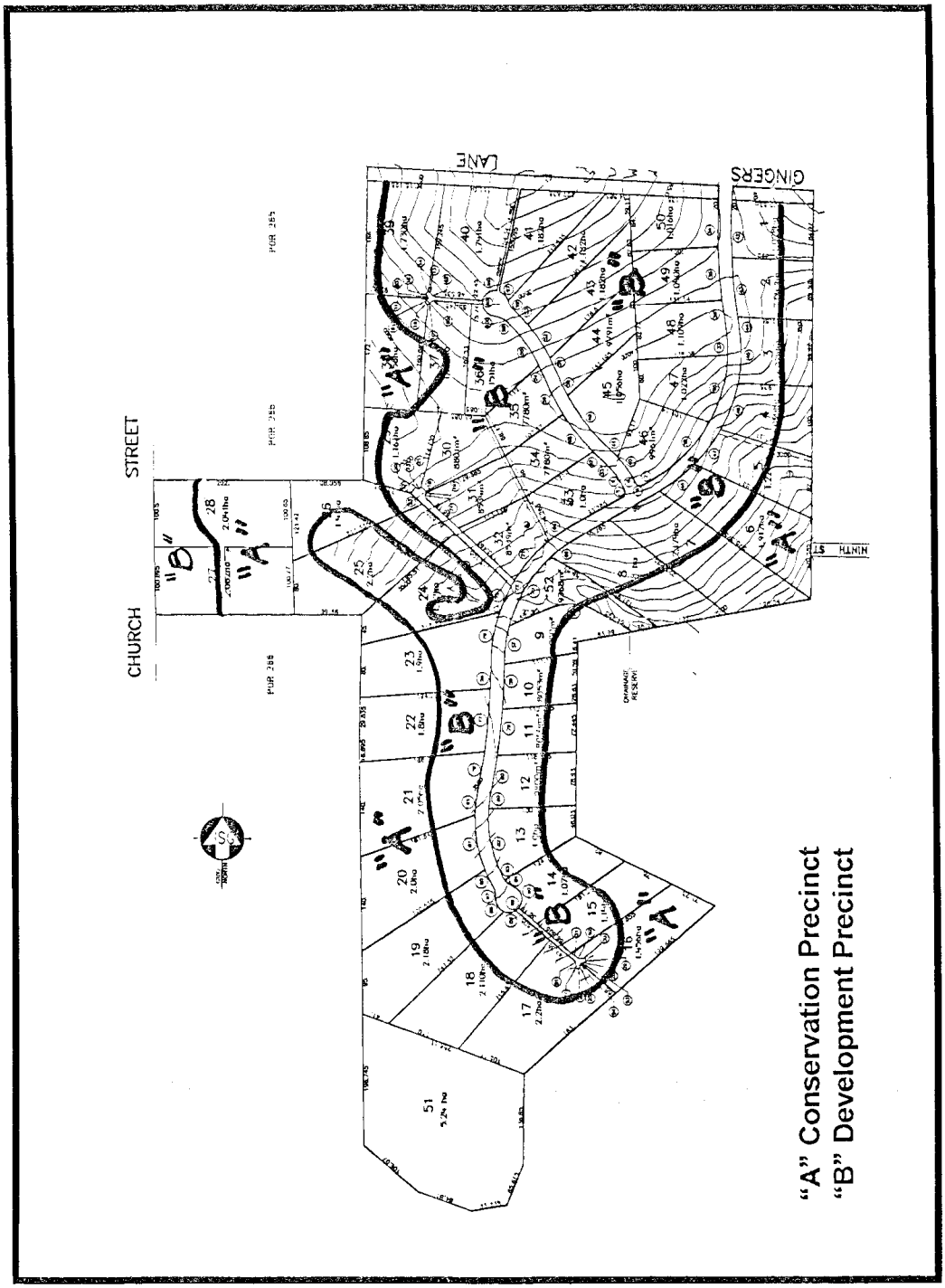


FIGURE 2: DEVELOPMENT PRINCIPLES PLAN

The southern portion of the land contains important riparian habitat, potential archaeological reserves and is unsuitable for building due to flooding constraints. It is also an integral corridor link in the movement of fauna throughout the site and through to the adjacent Peace Park / Chinaman's Hollow.

5.2.2.1 Conservation Precinct - 'A' Areas (see Figure 2)

Objectives

- To protect key areas within the site, that provide natural habitat for threatened species through the imposition of controls on development and associated activity; and
- to retain appropriate areas of regionally significant vegetation; and
- to protect and enhance biodiversity; and
- to facilitate the movement of native fauna through site flora corridors; and
- to significantly restrict the movement of domestic animals into conservation areas through requirements for construction of specified fencing.

Requirements

- 'A' Conservation Precinct boundaries have been finalised after the survey of all site hollow-bearing trees and significant mature trees. All hollow-bearing trees and significant mature trees have been located within the 'A' Conservation Precinct.
- No development shall be permitted in the area of conservation significance designated as 'A' Conservation Precinct, including building construction, parking of vehicles or earthworks, with such restrictions reflected in the Section 88B Instrument appurtenant to the land.
- Significant mature and hollow-bearing trees shall not be lopped or removed from any part of the site. Other clearing will only be permitted in 'A' Conservation Precinct Areas in exceptional circumstances. The lopping or removal or destruction of native vegetation or removal of fallen timber is not permitted in 'A' Conservation Precinct Areas without the prior written approval of Cessnock City Council, with such restrictions reflected in the Section 88B Instrument appurtenant to the land.
- See fencing requirements in Section 5.2.8.

5.2.2.2 Development Precinct - 'B' Areas

Development Precinct 'B' Areas have been identified as those areas less likely to have an impact on the natural environment and biodiversity characteristics of the site (see Figure 2). All forms of permissible development (other than specified fencing) are to be confined to the 'B' precinct.

Objectives

- To reduce development associated impact on the threatened species habitat and biodiversity characteristics of the site through designation of appropriate areas for development; and

- to encourage the protection of areas of squirrel glider habitat and regionally significant vegetation; and

- to significantly restrict the movement of domestic animals into conservation areas through requirements for construction of specified fencing.

Requirements

- Development is restricted to the designated 'B' Development Precinct.

- No clearing of trees to a height greater than 3.0 metres or having a diameter of greater than 300mm may be carried out on any lot in areas designated as 'B', with the exception of approved development envelopes (see Section 5.2.3), without first obtaining the written approval of Cessnock City Council, with such restrictions reflected in the Section 88B Instrument appurtenant to the land.

- See fencing requirements in Section 5.2.8.

5.2.3 Development Envelopes

Objective

- To reduce development associated impact on regionally significant vegetation, threatened species habitat and the biodiversity characteristics of the site through designation of appropriate development envelopes.

Requirements

- Development envelopes have been created for Lots 1-.3, 17-26, 29, 38-39 and 48-50, DP 1039150. The development envelopes are reflected in the Section 88B Instrument appurtenant to the land.

- Development envelopes have been situated to avoid any large trees, mature trees, trees with habitat value and areas of good shrub cover.

- Development envelopes have been suitably located as agreed between the developer and the Council.

- Development envelopes within proposed lots 1-3 and 48-50 have been located to ensure maximum separation distance with the poultry establishment located on Lot 280, DP 755231, 72 Gingers Lane, Sawyers Gully.

- In general, the development envelopes are:

  — located to have minimal impact on flora and fauna;
  — well drained;
  — outside of natural drainage lines;
  — an acceptable bushfire risk;
  — a low erosion hazard;
  — on a natural slope not exceeding 15% except for those areas which show extreme erosion risk where acceptable grades will be reduced;
  — respectful of the view of residents of adjoining allotments;
  — capable of adequate solar access; and
  — designed to minimise excessive exposure to wind.

5.2.4 Road Design

Objectives

- To require public road facilities of an appropriate standard; and
- to encourage pedestrian and vehicular safety.

Requirements

The subdivision plan incorporated a road layout that complied with the development principles plan and had regard to the following principles.

- Road standards that reflect expected traffic volumes and covered matters of road standards and drainage and erosion control measures relating to roadworks.
- A logical road hierarchy that provides direct individual property access from the lowest order of road possible.
- Minimised the overall length and straight alignment of access roads.
- With roads located to avoid constraints and retain rural landscape features including rock outcrops, vegetation and drainage lines.
- With roads located along contours to reduce the amount of required cut and fill.
- Permitted flood-free access to each lot.
- Permitted pedestrian, equestrian and cycle access, having minimal conflict with vehicles.

5.2.5 Setbacks

Objective

- To ensure a level of privacy appropriate to a large lot residential zone.

Requirements

- The minimum setback of dwelling houses from roads shall be 12 metres unless otherwise required by agreed development envelopes. Development shall be sited to minimise the removal of native vegetation other than in areas where agreed clearing is necessary to minimise the threat from bushfire. Development shall also be sited to maximise the privacy enjoyed by adjoining and adjacent residents.
- Unless otherwise required by agreed development envelopes, the minimum setback of dwelling houses from side boundaries shall be determined on a merits basis taking into account site constraints and development on neighbouring land. Development shall be sited to minimise the removal of native vegetation other than in areas where agreed clearing is necessary to minimise the threat from bushfire. Development shall also be sited to maximise the privacy enjoyed by adjoining and adjacent residents.

5.2.6 Vegetation Clearing

Objectives

- To afford protection to areas of squirrel glider habitat and regionally significant vegetation; and
- to assist in the survival of the squirrel glider and other native animals on the site; and
- to protect and enhance biodiversity; and
- to maintain the rural amenity of the area; and
- to protect the water quality of receiving streams and to reduce land degradation; and
- to actively foster the principle of 'no net loss of vegetation'.

Requirements

- Significant mature and hollow-bearing trees shall not be lopped or removed from any part of the site. Other clearing will only be permitted in 'A' Conservation Precinct Areas in exceptional circumstances. The lopping or removal or destruction of native vegetation or removal of fallen timber is not permitted in 'A' Conservation Precinct Areas without the prior written approval of Hunter – Central Rivers 'Catchment Management Authority', with such restrictions reflected in the Section 88B Instrument appurtenant to the land.
- No clearing of trees with a height greater than 3.0 metres or having a diameter of greater than 300mm may be carried out on any lot in areas designated as 'B' (with the exception of approved development envelopes) without first obtaining the written approval of Hunter – Central Rivers 'Catchment Management Authority', with such restrictions reflected in the Section 88B Instrument appurtenant to the land.
- Where the Hunter – Central Rivers 'Catchment Management Authority gives consent to the removal of tree / shrub vegetation, it may require the re-establishment of equivalent amounts of native vegetation within acceptable positions on a property as determined on merit. Species can be selected from those contained within Appendix 1. The Hunter – Central Rivers 'Catchment Management Authority may require the continued maintenance of this vegetation (eg. through permit conditions), and where significant amounts of native vegetation are concerned, through instruments attached to the title of the property. A refundable bond may also be required over a specified time frame.
- Should an area be considered a fire hazard, consultation will be required with Council's Development Services Department in conjunction with the Local Rural Fire Service, prior to any remedial works being undertaken. Unless specifically approved by the Council, clearing for the purposes of bushfire risk mitigation purposes shall be limited to the 'B' Development Precinct components of the site.

5.2.7 Domestic Animals

One consequence of urbanisation becoming apparent on native fauna is the impact of domestic animals - particularly cats and dogs. In order to achieve the objectives of this chapter it will be necessary to impose restrictions on the keeping of domestic animals.

Objective

- To assist in the survival of the threatened squirrel glider and other native animals on the site by imposing restrictions on the keeping of domestic animals, including stock.

Requirements

Dogs

The number of dogs to be brought onto or allowed to stay on any lot shall be a maximum of 2 of any sex (whether desexed or not), provided that any litter of puppies born to the dogs permitted to remain on a lot shall remain until they are weened from their mother. Such restrictions are reflected in the Section 88B Instrument appurtenant to the land.

Council encourages land owners to prohibit the entry of dogs into the 'A' Conservation Precinct Areas, so as to allow for the uninterrupted movement and survival of native animals.

Cats

Cats by nature are efficient hunters and are possibly the single greatest threat to native fauna, particularly nesting birds and smaller marsupials like the Squirrel Glider.

No cats shall be brought onto or allowed to remain on any lot at any time. This restriction is reflected in the Section 88B Instrument appurtenant to the land.

5.2.8 Fencing Requirements

Objectives

- To enable accurate distinction between the 'A' Conservation Precinct and 'B' Development Precinct components of the site; and
- to assist in the survival of the threatened squirrel glider species and other native animals on the site; and
- to protect and enhance biodiversity; and
- to promote the movement of native fauna within the 'A' Conservation Precinct; and
- to require a continuous fence to be erected and maintained on an agreed line of survey between the 'A' Conservation Precinct and the 'B' Development Precinct.

Requirements

- Fencing between areas delineated as 'A' Conservation Precinct and 'B' Development Precinct shall be standard, consisting of a 4 strand plain wire rural fence with suitably sized mesh securely attached and which extends under the surface of the ground. Such fencing requirement details are illustrated in Figure 3. Property owner access is permitted into 'A' Conservation Precinct areas via a gate with attached mesh (as illustrated in Figure 3) to prevent entry of domestic animals.

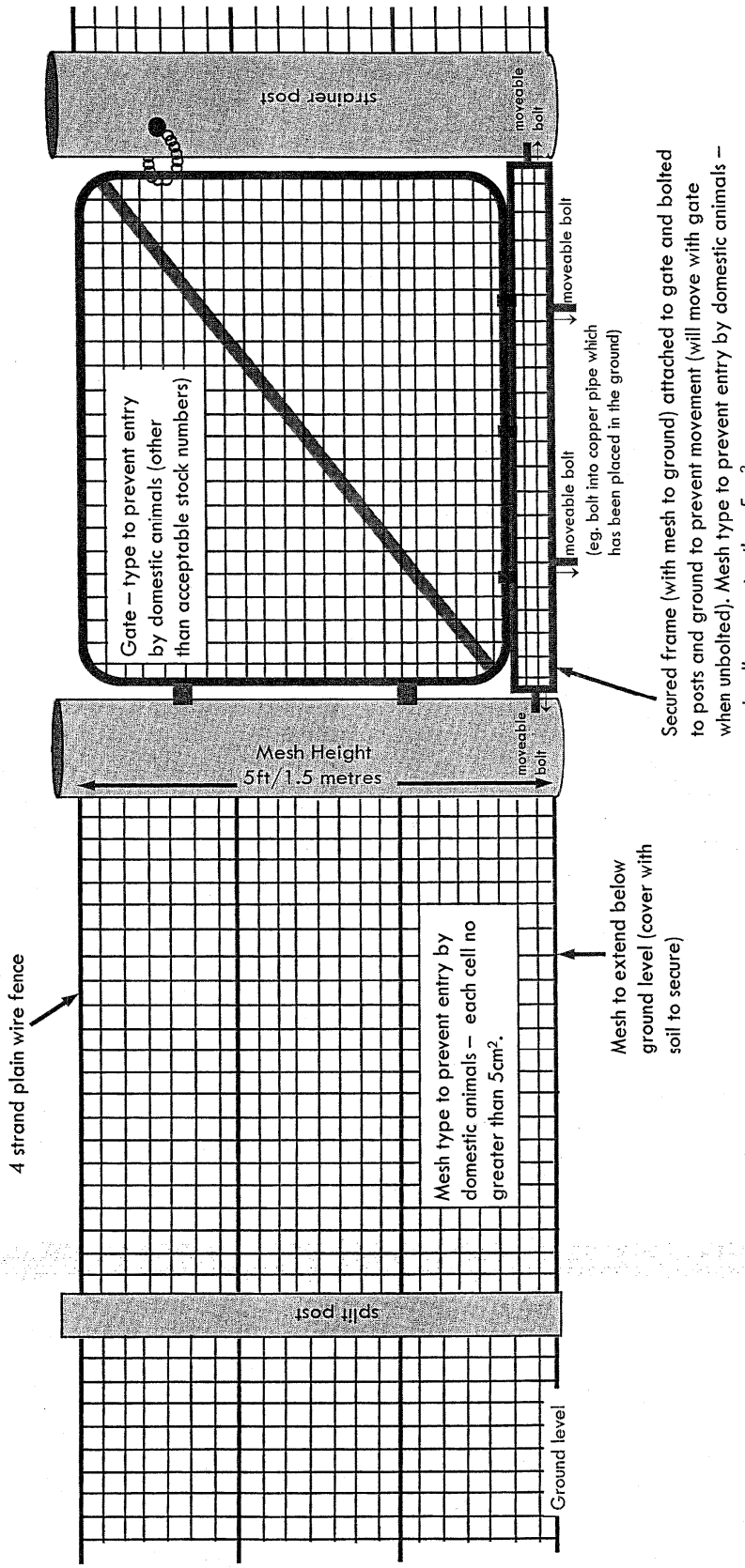


FIGURE 3: FENCING REQUIREMENTS BETWEEN 'A' CONSERVATION PRECINCT AND 'B' DEVELOPMENT PRECINCT.

- 'Fauna friendly' fencing is to occur between neighbouring allotments having common area 'A' Conservation Precinct boundaries to ensure that the movement of native fauna is not restricted through the Conservation Precinct. The required fencing is to consist of a 3 (only) strand plain wire fence, the wire height selected to ensure movement by native animals is not impeded. Such fencing construction requirements are reflected in the Section 88B Instrument appurtenant to the land.

- 'Fauna friendly' fencing (as above) shall be constructed along the common boundary of Lot 51, with Lots 17, 18 and 19 at no cost to the Council.

- Barbed wire is not permissible in any fencing in any part of this site, with such restriction reflected in the Section 88B Instrument appurtenant to the land.

5.2.9 Landscaping

Objectives

- To enhance the habitat of threatened species and the biodiversity of the site; and

- to reduce the potential for landuse conflict between the development of the land for the purposes of large lot residential allotments and a neighbouring poultry establishment.

Requirements

- Appropriate landscaping works are to be undertaken within the public reserve along the Gingers Lane frontage to reduce the potential for landuse conflict between dwelling houses on the site and the poultry establishment located on Lot 280, DP 755231, No. 72 Gingers Lane, Sawyers Gully. Landscaping within the public reserve is to be of a type that will positively benefit the identified native fauna on the site. Appendix 1 includes a list of plant species which have been identified as suitable in the locality and of benefit to native fauna. Species are to be selected from this list.

- *Landowners are encouraged to plant species known to be of value to the squirrel glider (eg. Acacia parvipinnula (Silver Stemmed Wattle) and Eucalyptus punctata (Grey Gum)).*

- *Landowners are also encouraged to erect suitably sized nest boxes and bat boxes in 'A' Conservation Precinct Areas. Appendix 2 contains useful details on how to construct these boxes.*

5.2.10 Bushfire Hazard

Objective

- To minimise the risk to property from bushfire.

Requirements

- The area in general has been identified as being bushfire prone land. Applicants shall undertake an assessment of the bushfire hazard with regard to *Planning for Bush Fire Protection 2006*, and submit a report to Council for its review and determination.

5.2.11 Neighbouring Poultry Establishment

Objective

- To minimise land use conflict between the establishment of dwelling houses on the site and a neighbouring poultry establishment.

Requirements

- See Section 5.2.3 Development Envelopes and Section 5.2.9 Landscaping.

5.2.12 Aboriginal Archaeology

Objective

- To recognise and conserve aboriginal archaeology.

Requirements

- Should any material suspected of being of Aboriginal origin be discovered during development of the site, the DECC&W and Local Aboriginal Land Council/s are to be notified in writing, so that appropriate management measures can be determined.

5.2.13 Utility Services

Objective

- To ensure that adequate utility services are made available to the subdivision of the land.

5.2.13.1 Water Supply

Requirements

- A reticulated water supply shall be provided to all lots and shall have a minimum storage capacity and pressure to cater for domestic, non-domestic and fire-fighting needs.

- Hunter Water Corporation shall be consulted regarding water supply requirements.

- Water supply pipes are to be located to minimise the clearance of and disturbance to native vegetation. The location of water supply pipes is to be determined in consultation with the Council prior to site works being undertaken for this purpose.

- The use of rainwater tanks is encouraged. The use of such tanks assists with detention of stormwater and provides a valuable source of water for use on gardens and other landscaped areas. Where roof water is to be used for human consumption, it will be necessary to install an appropriate 'first flush' system.

5.2.13.2 Sewer

Requirements

- A reticulated sewerage service shall be provided to all lots.

- Hunter Water Corporation shall be consulted regarding sewer supply requirements.

- Sewer pipes are to be located to minimise the clearance of and disturbance to native vegetation. The location of sewer pipes is to be determined in consultation with the Council prior to site works being undertaken for this purpose.

5.2.13.3 Electricity Supply

Requirements

- Energy Australia shall be consulted regarding electricity supply requirements.

- Electricity supply is to be located with minimal clearance of and disturbance to native vegetation. The location of electricity lines is to be determined in consultation with the Council prior to site works being undertaken for this purpose.

5.2.13.4 Telecommunications

Requirements

- Telecommunication companies shall be consulted regarding their requirements.

- Telecommunications are to be located with minimal clearance of and disturbance to native vegetation. The location of telecommunications is to be determined in consultation with the Council prior to site works being undertaken for this purpose.

5.2.14 Soil Erosion and Sediment Control

Objective

- To provide mechanisms for protection of the environment through minimisation of erosion and sedimentation; and

- to protect the water quality of receiving streams and to reduce land degradation.

Requirements

- The control of erosion and prevention of silt discharge into drainage systems and waterways shall be carried out in accordance with Council's 'Engineering Requirements for Developments' and Landcom's 'Soils and Construction Manual' April 2004. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

APPENDIX 1: SUGGESTED TREE / SHRUB SPECIES FOR PLANTING

Trees

Scientific Name	***Common Name***
Allocasuarina littoralis	Black Sheoak
Angophora floribunda	Rough-barked Apple*
Brachychiton populneus	Kurrajong
Casuarina glauca	Swamp Sheoak
Corymbia maculata	Spotted Gum
Eucalyptus agglomerata	Blue-leaved Stringybark
Eucalyptus canaliculata	Large-fruited Grey Gum
Eucalyptus crebra	Narrow-leaved Ironbark
Eucalyptus fibrosa	Red Ironbark
Eucalyptus moluccana	Grey Box
Eucalyptus punctata	Grey Gum*
Eucalyptus tereticornis	Forest Red Gum
Melaleuca styphelioides	Prickly-leaved Paperbark

Shrubs

Scientific Name	***Common Name***
Acacia deanei	Green Wattle
Acacia falcata	Falcate Wattle
Acacia Iongifolia	Sydney Golden Wattle
Acacia parvipinnula	Silver-stemmed Wattle*
Callistemon ilnearis	Narrow-leaved Paperbark
Correa reflexa	Native Fuchsia
Grevillea sp.	Grevillea

Shrubs

Scientific Name	***Common Name***
Hakea sericea	Silky Hakea
Leptospermum juniperinum	Prickly Teatree
Leptospermum trinervium	Paperbark Teatree
Melaleuca nodosa	Ball Honeymyrtle
Persoonia levis	Broad-leaved Geebung
Persoonia linearis	Narrow-leaved Geebung

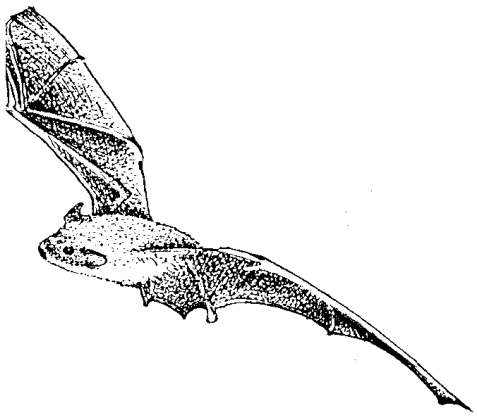
* Particularly useful habitat and food source species for the Squirrel Glider, Sugar Glider and Common Ringtail Possum.

APPENDIX 2:

NESTBOX DESIGN GUIDELINES

Why are Nestboxes Needed?

and development and clearing has resulted
n a serious loss of habitat for hollow dwell-
ng wildlife such as possums and gliders,
irds and bats. Although nestboxes cannot
eplace the millions of tree hollows that have
een lost, they are extremely beneficial for
vildlife in areas of human habitation.



The Benefits of Nestboxes

Installing and maintaining nestboxes gives native wildlife a chance to breed that they otherwise wouldn't have.

Nestboxes attract wildlife such as rosellas, squirrel gliders and insectivorous bats into your area.

Further Information

The nestboxes featuring in this brochure have been adopted from Pastorelli, J(ed)(1990) Urban Wildlife of New South Wales, Angus & Robertson and Grant, J. (1997) The Nestbox Book, Gould League.

For further nestbox designs refer to *The Nestbox Book* published by Gould League.

Fauna illustrations by John Single, 1999.

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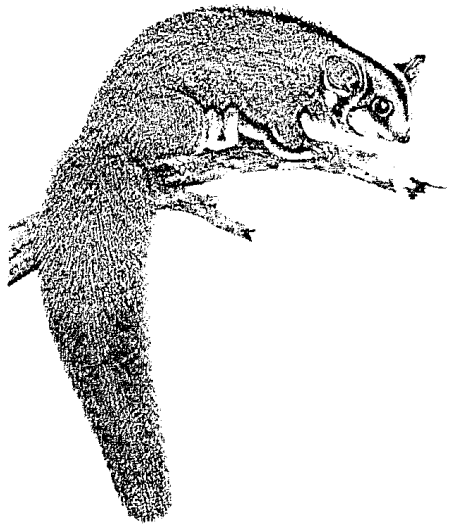
CESSNOCK CITY COUNCIL

SQUIRREL GLIDER & BAT NESTBOX DESIGNS



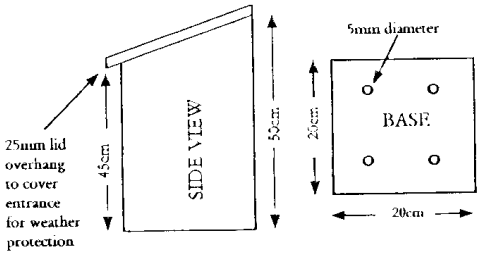
Cessnock City Council
Strategic Services Department

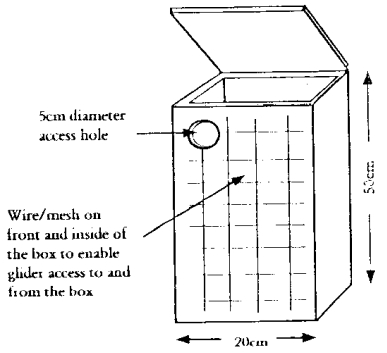
May 1999

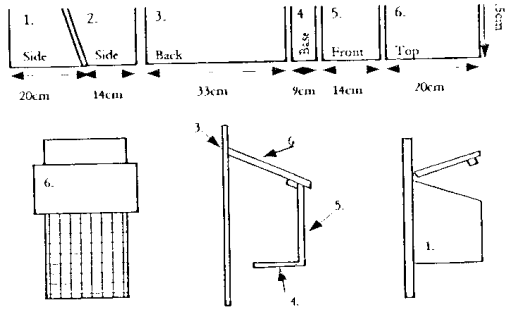
SQUIRREL GLIDER NESTBOX

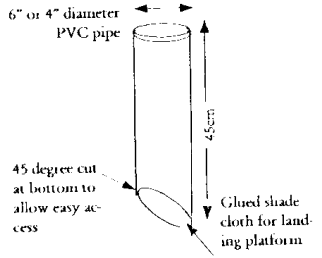
Boxes should be made from timber of 16-25mm in thickness. This provides good insulation. Metal boxes may cause animals to overheat or become too cold according to weather conditions. A 20mm deep layer of wood shavings should cover the floor of the box.

Boxes should be placed 4-8m off the ground.









Box Types:
1. Timber approximately 30mm thick to ensure a 15-10mm entrance gap is left underneath the base of the box. Boxes should be rough sawn on all surfaces so bats can land on the box. Boxes can be fitted together with waterproof glue, screws or nails. The lid should be hinged to allow the box to be cleaned.
2. 6" or 4" PVC pipe with screw top lid. Shade cloth should be glued (with waterproof glue) inside for a landing platform and grip.

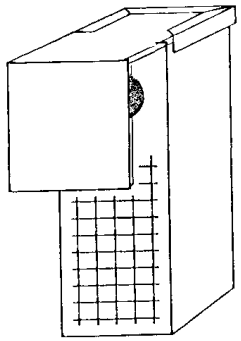
Boxes should be placed at least 4m up a smooth barked tree with a clear flight path.

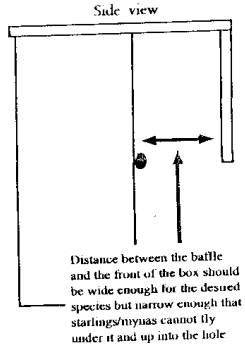
INSECTIVOROUS BAT NESTBOXES

MYNA & STARLING PROOF NESTBOXES

This design has been suggested by experts and trials have indicated that it is successful. This design is based on the concept that starlings and mynas like to see a hollow and fly directly into it, but native birds, like rosellas, are used to climbing to get access to natural tree hollows.

The design shown below is for rosellas, however it may be adapted to most nestboxes for birds and mammals.





General Tips

Boxes should be wind and rain proof with drainage holes drilled in the base. They should be positioned away from prevailing winds and be shaded during the hottest parts of the day.

Boxes ***must be checked periodically*** to remove feral birds and bees as well as for general maintenance purposes.

DO NOT use treated timber, paint the box or leave any sharp objects protruding from the box.