

Amendment history

Version Number	Date Adopted by Council	Commencement Date	Amendment Type
1	15/11/2011	15/06/2012	New
2	27/09/2016	24/10/2016	Amended

Savings provisions

Any development application lodged but not determined prior to this section coming into effect will be determined taking into consideration the provisions of this section.

Land to which this section applies

This section applies to all land to which Newcastle Local Environmental Plan 2012 applies and to land outside of the Port of Newcastle lease area to which State Environmental Planning Policy (Three Ports) 2013 applies.

Development (type/s) to which this section applies

This section applies to all development consisting:

- earthworks
- excavation
- work resulting in disturbance of soil.

Related sections

The following sections of this DCP **may** also apply to development to which this section applies:

- all of section 3.0 where development consists of construction or building works
- 4.01 Flood Management
- 4.03 Mine Subsidence
- 5.02 Land Contamination
- 5.06 Archaeological Management
- 7.02 Landscaping, Open Space and Visual Amenity
- 7.08 Waste Management.

Applicable environmental planning instruments

The provisions of the Newcastle Local Environmental Plan 2012 also applies to development applications to which this section applies.

In the event of any inconsistency between this section and the above environmental planning instrument, the environmental planning instrument will prevail to the extent of the inconsistency.

Note 1: Additional environmental planning instruments may also apply in addition to those listed above.

Note 2: Section 74E (3) of the *Environmental Planning and Assessment Act 1979* enables an environmental planning instrument to exclude or modify the application of this DCP in whole or part.

Associated technical manual/s

- *Managing Urban Stormwater: Soils and Construction – Volume 1, 4th Edition ‘The Blue Book’, 2004, Landcom NSW*
- *Planning for Erosion and Sediment Control on Single Residential Allotment – 1st Edition, 2004, Landcom NSW*
- *Hip Pocket Handbook 1st Edition 2004, Landcom NSW*

Additional information

- *Planning for Erosion and Sediment Control on Single Residential Allotments, 4th Edition 2006, Landcom NSW.*

Definitions

A word or expression used in this development control plan has the same meaning as it has in Newcastle Local Environmental Plan 2012, unless it is otherwise defined in this development control plan.

Other words and expressions referred to within this section are defined within Part 9.00 - Glossary, of this plan, and include:

- **VENM** - virgin excavated natural material is natural material, such as clay, gravel, sand, soil or rock fines that:
 - has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities
 - does not contain any sulfidic ores or soils or any other waste.

Aims of this section

1. To prevent export of sediments from the site during construction.
2. To prevent litter, sediment, nutrients and oils from entering waterways.
3. To minimise potential for landslip on sloping sites.

5.01.01 Erosion prevention

Objectives

1. Protect the environment against soil erosion and loss of soil from construction sites.
2. Prevent the loss of soil from the site through implementation of erosion and sediment control measures when undertaking construction and earthworks activities.
3. Reduce maintenance costs on existing stormwater infrastructure.
4. Meet legislative requirements of the *Protection of the Environment Operations Act 1979*.

Controls

General controls applying to all development where site disturbance is less than 250m²

1. Vehicle admittance onto the site is restricted during wet or muddy conditions, unless on a formed access road.

General controls applying to all development where site disturbance is between 250m² and 2,500m² and involving construction, demolition or earth works

2. An erosion and sediment control plan is to comply with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').
3. Extent of clearing/disturbance is limited to locations of site works, and as much existing natural vegetation is to be retained as much as possible.
4. Topsoil stockpiles are stored as low mounds, not compacted and are sown with a temporary grass cover if left longer than 4 weeks. Easily wind-borne material such as sand and cement dust are covered.
5. Temporary fencing is placed around trees to prevent soil compaction and root damage.
6. Site clearing is staged to allow recycling of site material for re-use in the landscaping of the development. For example surface rock or gravel may be re-used.

General controls applying to all development where site disturbance is greater than 2,500m² and involving construction, demolition or earth works

7. An erosion and sediment control plan complies with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').

5.01.02 Sediment control

Objectives

1. Prevent the degradation of drainage systems, waterways and aquatic environments from deposition of soil and foreign material from construction sites.
2. Prevent flood damage for individual properties caused by sediment reducing the flow capacity of the stormwater drainage system.
3. Meet legislative requirements of the *Protection of the Environment Operations Act 1979*

Controls

General controls applying to all development where site disturbance is less than 250m²

1. Temporary fencing is installed along the boundary adjoining roadways to prevent vehicles by-passing the designated driveway access.
2. Coverage of stockpiles to prevent loss by wind erosion, unless the material is too coarse to be wind blown (eg. coarse sand).

General controls applying to all development where site disturbance is between 250m² and 2,500m² and involving construction, demolition or earthworks

3. An erosion and sediment control plan should comply with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').
4. Where there is native grassland on-site and not in conflict with the proposed development, it is retained as a preferred groundcover to assist with stormwater run-off interception and absorption.
5. Where there are areas of significant and useful site vegetation, including native grass cover, these areas are fenced off and protected during construction. Use of these areas for construction access, storage of construction material and dumping waste material is prevented.

General controls applying to all development where site disturbance is greater than 2,500m² and involving construction, demolition or earthworks

6. An erosion and sediment control plan complies with 'Managing Urban Stormwater: Soils and Construction' (the 'Blue Book').

5.01.03 Cut and fill

Objectives

1. Encourage site responsive development and protect the amenity of adjoining land.
2. Avoid excessive earthworks and minimise changes to the natural landform.
3. Encourage site layout and building design that is appropriate to the site conditions, including the use of split level, pier foundations or suspended floor house design.
4. Avoid inappropriate fill being introduced to sites.
5. Ensure adequate provision for drainage in relation to cut and fill practices.

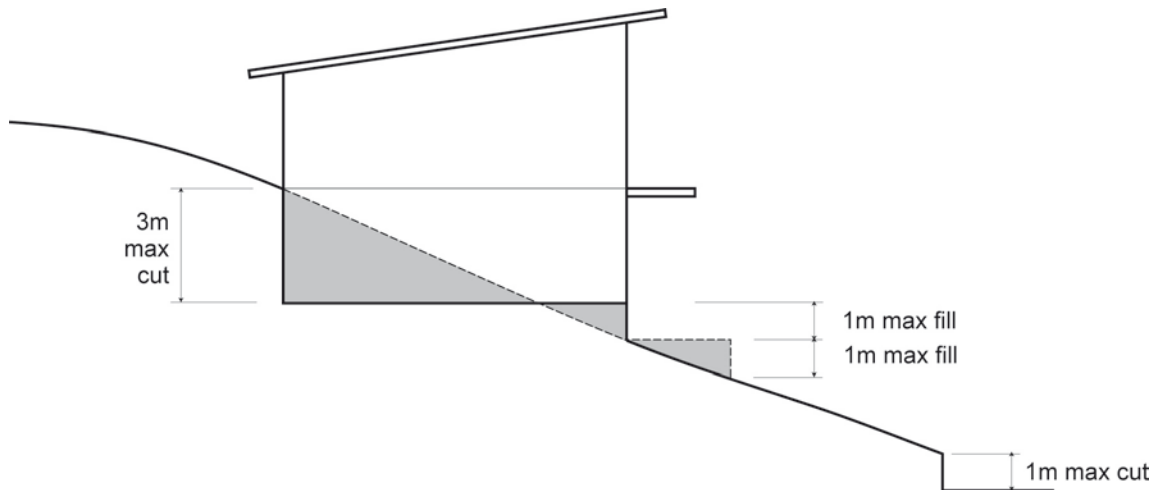
Controls

Controls applying to all development to which this section applies

1. A site plan prepared by a registered surveyor is submitted demonstrating the existing levels of the property and proposed levels of the landfill.
2. Development minimises the amount of cut and fill required by:
 - (a) maximum cut of 3m within the building envelope
 - (b) maximum fill within building envelope of 1m
 - (c) maximum cut external to building envelope of 1m
 - (d) maximum fill external of building envelope of 1m

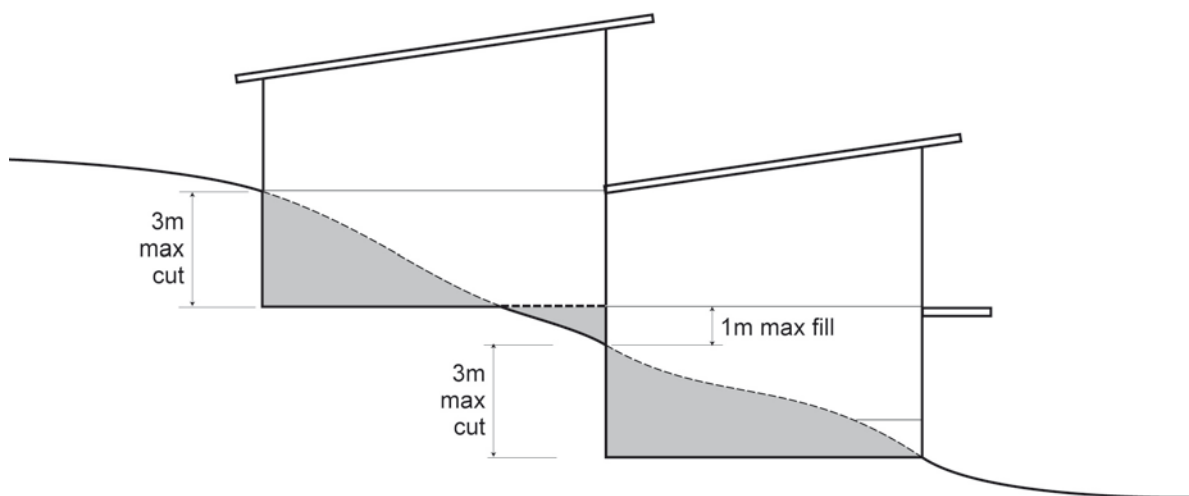
- (e) variation to (a), (b), (c) or (d) above will require justification, design and certification by a Structural Engineer.

Figure 1 – Maximum cut and fill



3. No cut or fill is to take place within easements.
4. If landfill is to be used it is preferred that it is virgin excavated natural material (VENM). If landfill contains material other than VENM, a licence may be required from the Office of Environment and Heritage.
5. Stormwater or surface water runoff is not to be redirected or concentrated onto adjoining properties so as to cause a nuisance.
6. Buildings are designed to relate to the existing topography with minimal excavation or fill and with the height of foundations kept to a minimum. (Refer **Figure 2**).

Figure 2 – Minimise cut and fill by stepping building



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